

ITEM NO. 10

FILE NO: 17/146400
RM8 REF NO: PSC2015-01630

**PLANNING PROPOSAL TO AMEND THE LAND CLASSIFICATION FROM
COMMUNITY TO OPERATIONAL AT 9B DIEMARS ROAD, SALAMANDER BAY**

REPORT OF: MICHAEL MCINTOSH - GROUP MANAGER DEVELOPMENT
SERVICES
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to reclassify Lot 644 DP 658258, 9B Diemars Road, Salamander Bay from community to operational land under the *Local Government Act 1993 (NSW) (c25)*; and
 - 2) Exercise its delegations under the *Environmental Planning and Assessment Act 1979 (NSW) (s59)* to submit the planning proposal to the Minister requesting that the plan be made.
-

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

196	<p>Councillor John Nell Councillor Sally Dover</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt the planning proposal (ATTACHMENT 1) to reclassify Lot 644 DP 658258, 9B Diemars Road, Salamander Bay from community to operational land under the <i>Local Government Act 1993 (NSW) (c25)</i>; and2) Exercise its delegations under the <i>Environmental Planning and Assessment Act 1979 (NSW) (s59)</i> to submit the planning proposal to the Minister requesting that the plan be made.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, John Nell and Steve Tucker.

Those against the Motion: Cr Peter Kafer.

BACKGROUND

The purpose of this report is to advise Council that only two submissions from State Government Agencies were received during the public exhibition of the Planning Proposal – 9B Diemars Road, Salamander Bay (the proposal) (**ATTACHMENT 1**). This report recommends that the proposal be adopted as publically exhibited, which then allows it to be forwarded it to the NSW Government to be made.

At its meeting on 27 September 2016, Council resolved to prepare the proposal and seek a gateway determination from the Department of Planning & Environment. A gateway determination was received on 22 November 2016. Government agency consultation and public exhibition was subsequently undertaken.

The proposal was exhibited for 14 days, from 16 February 2017 to 3 March 2017. In accordance with *Local Government Act 1993* (NSW) (c29), a public hearing was held on 28 June 2017 in respect of the proposal. The outcomes of consultation are provided in the later part of this report. The proposal is summarised below:

Site:	9B Diemars Road, Salamander Bay.
Legal Details:	Lot 644 DP 658258.
Proponent:	Port Stephens Council - Property Services Section.
Area of land:	3,684m ²
Current classification:	Community.
Proposed classification:	Operational.
Purpose:	To enable sale of land to adjoining property owner/s.

The proposal seeks to reclassify 9B Diemars Road, Salamander Bay (the site) from 'community' to 'operational' land in order to facilitate its sale to an adjoining landowner. The proposal does not seek to amend the zoning. The proposed future use of the site for oyster farming operations is permissible in the IN4 – Working Waterfront zone and would be subject to a separate development application.

The site is zoned IN4 – Working waterfront and is approximately 3,684m². The site has direct water access to the west and is landlocked by privately owned land to the north, south and east, which is used for oyster farming operations, oyster processing and a retail facility. The site does not have legal street access.

The land originally formed part of the former Naval Base lands, purchased by Council in the 1956/1957. The site was zoned 6(a) Public Recreation under the *Port Stephens Local Environmental Plan 1987 (NSW) (LEP 1987)* and was classified as 'community land'. Under the *Port Stephens Local Environmental Plan 2000 (NSW) (LEP 2000)*, the site was zoned 4(a) General Industrial. Adjoining land was reclassified in 1997 under Amendment No 112 to the LEP 1987 from 'community' to 'operational' land and sold. This had the effect of land locking the site.

The key considerations for any future development proposal include consideration of visual amenity and foreshore stability.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications as a result of the proposed recommendation.

The cost of processing the proposal will be covered by Rezoning Fees, in accordance with Council's Fees & Charges. The proposal is categorised as a Category B Planning Proposal. Fees are detailed below:

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	21,052.50	Category B - Proposal: (a) Stage 1 (\$5,302.50) – Paid (18 May 2018); (b) Stage 2 (\$10,500) - Paid (March 2017); (c) Stage 3 (\$5,250) - Required prior to gazettal.

LEGAL, POLICY AND RISK IMPLICATIONS

The proposal has been processed in accordance with the plan making procedures in the *Environmental Planning and Assessment Act 1979 (NSW)* the *Local Government Act 1993 (NSW)* and the Department of Planning and Environment's Practice Note PN16-001 (5 Oct 2016) - Classification and reclassification of public land through a local environmental plan.

The proposal is consistent with relevant s117 Directions, as detailed in the planning proposal at **(ATTACHMENT 1)**.

Environmental Planning and Assessment Act 1979

The proposal is being progressed in accordance with the Environmental Planning and Assessment Act 1979 (NSW) (Part 3).

Local Government Act 1993

Reclassification of the site from 'community' to 'operational' land under the *Local Government Act 1993* will allow Council to sell the land. The proposed reclassification is to be the subject of a public hearing pursuant to the *Local Government Act 1993 (NSW) (c29)*.

State Environmental Planning Policies

There are no existing or draft State Environmental Planning Policies (SEPPs) that prohibit or restrict the proposal. An assessment of relevant SEPPs against the proposal is provided in **(ATTACHMENT 1)**.

Department of Planning & Environment Practice Note PN16-001 (5 Oct 2016) – Classification and reclassification of public land through a local environmental plan

The purpose of the *Department of Planning & Environment Practice Note PN016-001 (5 October 2016) – Classification and reclassification of public land through a local environmental plan* is to provide guidance on how to classify and reclassify public land through a local environmental plan. The proposal is consistent with the Practice Note. The practice note contains a checklist of information that Council must provide in a proposal that seeks to reclassify council owned land. The relevant information can be found in the planning proposal at **(ATTACHMENT 1)**.

Port Stephens Local Environmental Plan 2013

The objectives of the planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013 (NSW)*:

Amend Part 2 Land classified, or reclassified as operational land – interests changed, Schedule 4 Classification and reclassification of public land to include the subject site as follows:

Locality	Description	Any trusts etc discharged
9B Diemars Road, Salamander Bay	Lot 644 DP 658258,	Nil

Foreshore Management Plan 2009

The Foreshore Management Plan was adopted by Council on 28 April 2009. No specific management options are identified for this site. The Strategy provides a

framework that can be used to protect and enhance the environmental, recreational, aesthetic, economic and cultural values of the Port Stephens foreshore. It provides key considerations for development on the foreshore, such as visual amenity and foreshore stability.

While the Foreshore Management Plan seeks to ensure that foreshore land remains in Council ownership for public use, the landlocked nature of this site limits opportunities for community use. A significant amount of publicly accessible foreshore land is located within 100m from the site.

Open Space Analysis Review 2005

Council has acquired community land via a range of means that have not always resulted in a medium to long term net gain for the community. In the past there has been a lack of coordination and control mechanisms governing the acquisition of community land. This has resulted in Council receiving community land with little community recreation, environmental, social or cultural value.

The proposal is an outcome of the Open Space Consolidation Review undertaken in 2006 and 2007. The site was identified as being suitable for disposal to adjoining land holders as its landlocked nature provides limited opportunities for community use. Further information is provided in the proposal (**ATTACHMENT 1**).

The proposed reclassification will allow the site to be sold by Council. An adjoining landholder has expressed interest in purchasing the site for oyster farming operations, consistent with the IN4 zoning.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council becomes liable for the infringement of adjoining land uses onto this community land.	Low	Adopt the recommendation to reclassify the site so that it can be sold to adjoining land holders.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are limited social and economic implications arising from this planning proposal. Council will gain an economic benefit from the disposal of the land by generating non-rate income from the sale of the property. Council will save a nominal amount of money in maintenance cost, which includes a biannual inspection and the regular removal of illegally dumped rubbish. Public access to the foreshore will be maintained through an existing alternative location within 100m of the site.

A small disturbed example of Swamp Oak Floodplain Forest, which is listed as an endangered ecological community under the *Threatened Species Conservation Act* 1995, was recorded on site. The vegetation is considered to be of low to moderate quality due to the absence of a native understorey and ground layer.

Council's Vegetation Management Officer conducted a site inspection on 1 July 2016 to identify whether the Swamp Oak Forest was being utilised by koalas. The outcome of the inspection concluded that koalas are utilising the Forest Red Gum (*Eucalyptus tereticornis*) on site.

On review of Council's Biodiversity connectivity corridors, the vegetation present on site has been identified as part of a landscape habitat and local stepping stone wildlife corridor and a landscape link for Koalas.

The proposal to reclassify the land will be unlikely to impact on these threatened species and endangered ecological communities. Any future development should be restricted to cleared grassland areas of the site and will need to address the potential environmental impacts.

A review by Council of the Department of Primary Industry Estuarine vegetation mapping identified seagrass (*Zostera*) adjacent to the site. Any future development proposals would need to consider any potential impacts on this sensitive community, such as a decrease in water quality from runoff and sedimentation.

CONSULTATION

The proposal has been prepared by the Strategic Planning Unit, in consultation with Property Services Section.

Internal

Council's Natural Resources team provided comments on the ecological assessment and Foreshore Plan of Management.

External

Government Agency

In accordance with the Gateway determination, consultation was undertaken with the following government agencies:

Department of Primary Industries – Fisheries (DPI)

DPI advised that Priority Oyster Aquaculture Areas are present in the estuarine waters in proximity to the site and protecting the water quality is crucial to the long term future of the industry. The most critical issue for consideration of development in this area is any proposed on-site treatment and/or disposal system.

Comment

Should future development of the site propose on-site effluent treatment, approval from Council to operate will be required. The assessment would be undertaken in accordance with Council's On-site Sewerage Development Assessment Framework and be subjected to regular inspections to ensure that it is being maintained in a satisfactory condition.

Rural Fire Service (RFS)

The RFS do not object to the proposal given that any future development on the land would be for industrial or commercial purposes and not be for a dwelling or temporary accommodation. Any future development application for the site shall be accompanied by a Bush Fire Assessment Report outlining how the proposal complies with Planning for Bush Fire Protection 2006.

Comment

Dwellings and tourist and visitor accommodation is not permitted in the IN4 Working Waterfront Zone.

Community

Public exhibition

In accordance with the Gateway determination, the proposal was exhibited for a period of 14 days, from 16 February 2017 to 3 March 2017. No submissions were received during the exhibition period.

Public hearing

In accordance with *Local Government Act 1993* (s29) (NSW) a public hearing was held after the exhibition period, on 28 June 2017 in respect of the planning proposal.

Four members of the public attended the public hearing. No matters were raised at the public hearing that affect the outcome of the reclassification and all attendees support the proposal. As required by *Local Government Act 1993* (s47G) (NSW) the public hearing was facilitated by an independent consultant, who prepared a report pertaining to the public hearing (**ATTACHMENT 2**). The report provides details of matters raised.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Planning Proposal - 9B Diemars Road, Salamander Bay. (Provided under separate cover)
- 2) Report of Public Hearing.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



REPORT OF PUBLIC HEARING

Planning proposal to amend Port Stephens Local
Environmental Plan 2013

Reclassification of Lot 644 DP658258
9B Diemars Road, Salamander Bay

Prepared for: Port Stephens Council
Prepared by: Pulver Cooper and Blackley

July 2017

ITEM 10 - ATTACHMENT 2 REPORT OF PUBLIC HEARING.

Report of Public Hearing
Reclassification of Council Land
9B Diemars Road, Salamander Bay

**Document Control****Document Information**

Document	Report of the Public Hearing
Prepared For	Port Stephens Council
Our Reference	17/03
Your Reference	n/a
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Revision	Details	Prepared	Reviewed	Date
A	Final Issue	AR	MD	6/07/2017
B				
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Report of Public Hearing
Reclassification of Council Land
9B Diemars Road, Salamander Bay



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Report of Public Hearing
Reclassification of Council Land
9B Diemars Road, Salamander Bay



1 Introduction

Pulver Cooper & Blackley Pty Ltd (PCB) have been engaged by Port Stephens Council to undertake a Public Hearing under Section 57 of the *Environmental Planning and Assessment Act 1977* as required by Section 29 of the *Local Government Act 1993* for a planning proposal to reclassify land from community land to operational land under *Port Stephens Local Environmental Plan (LEP) 2013*.

This report provides details of the Public Hearing which was held in the Waratah Room at the Tomaree Library & Community Centre, Salamander Bay on Wednesday 28th June 2017 for the reclassification of land at Lot 644 DP658258 at 9B Diemars Road, Salamander Bay.

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2 The Planning Proposal

The Planning Proposal seeks to amend the Port Stephens LEP to reclassify the public land parcel, being Lot 644 DP658258 at 9B Diemars Road, Salamander Bay, from community land to operational land. This reclassification has been proposed to facilitate the sale of the land potentially to adjoining landowners.

The site is approximately 3,684m² in area. No legal street access is provided to the site and it is currently landlocked by privately owned land to the north, south and east with direct water access to the west. The site is zoned IN4 – Working Waterfront and is currently being used for the storage of oyster racks by adjoining landowners/oyster farmers.

An aerial photograph of the subject land is shown in Figure 1.



Figure 1: Aerial Photograph of Subject Land (Source: <https://maps.six.nsw.gov.au/>)

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The information below has been sourced from the exhibited planning proposal:

The planning proposal is an outcome of the Open Space Consolidation Review undertaken in 2006 and 2007.

The Open Space Consolidation Review took a consistent LGA wide approach to directing Council's open space resources. This Review identified that a number of sites were surplus to Council's open space requirements based on a set of selection criteria which reflected Council's open space standards of provision. Council's 2010 draft Open Space Strategy has refined these criteria, and the sites would not be identified as suitable for open space under the draft Open Space Strategy. From an operational perspective, the review of land classifications also resulted in a number of sites being recommended for reclassification to operational land to facilitate improved management regimes.

The site was identified in the Open Space Analysis Review (May 2005) as being suitable for disposal to adjoining land holders as its landlocked nature provides limited opportunities for community use. The proposed reclassification will allow the site to be sold by Council. An adjoining landholder has expressed interest in purchasing the site for oyster farming operations, consistent with the IN4 zoning.

The intended outcome as stated in the planning proposal to amend Port Stephens LEP 2013 is to allow Council to explore the sale of the parcel once it is reclassified as operational land.

Without legal access, it is likely that the site will be sold to adjoining property owners, who have sufficient access to their land via Diemars Road.

A Gateway Determination was issued by NSW Department of Planning and Environment on 22nd November 2016, supporting the proceeding of the planning proposal subject to conditions.

As per the Gateway Determination, the planning proposal was exhibited for a 14 day period from 16th February 2017 to 3rd March 2017. There were no submissions received during the exhibition period.

Notice of the Public Hearing was given in the Stephens Examiner on 1st June 2017 and 15th June 2017 and was also advertised on Council's website in accordance with the Environmental Planning & Assessment Act and Regulations. A copy of the notice of the public hearing is included with this report as **Appendix A**.

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3 The Public Hearing

The public hearing was held in the Waratah Room at the Tomaree Library and Community Centre Salamander Bay on 28th June 2017 at 6.00pm.

The public hearing was chaired by Mr Mark Daniels, Planning Manager at PCB, who was commissioned to conduct the hearing independently of Council and to make recommendations to Council in relation to the reclassification of land specified in the Planning Proposal.

Pursuant to section 47G of the *Local Government Act 1993*, Mr Mark Daniels declares that he:

- (a) is not a Councillor or employee of Port Stephens Council; and
- (b) has not been a Councillor or employee of Port Stephens Council at any time during the 5 years before the date of his appointment as chair for the public hearing.

Section 47G of the Act requires the person presiding to report on the result of the hearing.

The hearing was attended by Port Stephens Council staff – Mrs Sarah Connell, Strategic Planner and Mr Sean Fox Land Acquisition and Development Manager also attended as an observer. Other attendees included Ashlee Ryan (PCB) and local residents Kathy Klinger, Robert Diemar, Brian Diemar and Guy Holbert.

The hearing commenced at 6:00pm with introductions, an explanation of process and an overview presentation of the planning proposal by Mrs Sarah Connell.

3.1 Issues Raised at the Public Hearing

There were no registered speakers. Rather general discussion was had between the attendees. Below is a summary of matters raised and discussed during the hearing.

- *History of the site as naval land and leases supplied from the Naval Base for returnees. The land shouldn't be valued until any historical documentation regarding the naval leases has been reviewed. More recent survey and creation of new allotments has resulted in no access being available to the site.*
- *Site is not used by tourists or the community, therefore has no value as community land.*
- *Reiteration that the parcel is landlocked by allotments off Diemars Road and also oyster leases in the water*
- *Concern was raised regarding potential environmental damage as a result of future development within this area generally, not specifically the subject lands.*

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The chairman noted that the purpose of the Public Hearing was in relation to the reclassification of the land to operational land, and not concerning other nearby lands or issues about development proposals in Port Stephens or speculation in the community regarding other land or sites.

- *Adjoining land owners in Diemars Road expressed their interest in purchasing part of the property which adjoin the parcels they currently own after and if the reclassification is implemented. It was requested that the property be subdivided into two portions and offered for sale to the two adjoining owners.*
- *Port Stephens Council staff discussed that if reclassification occurs, then a future development application would be required to subdivide the land for an possible sale to neighbours. This Development Application and subdivision may be able to be facilitated by Council. Any new parcels if purchased by the adjoining landowners could then potentially be consolidated into their existing parcels. Council advised that the money from the sale of the subject land is to go back into funds for maintaining Council assets.*

Following discussions the Chair and Council staff reiterated that the public hearing is for the planning proposal to reclassify the subject land only. Matters relating to the land sale/ownership or possible future use would be considered after any reclassification has occurred.

All discussions and attendees were supportive of the planning proposal to reclassify the land.

The Public Hearing concluded at 6.40 pm.

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4 Conclusion

The public hearing was conducted to satisfy the procedural requirements of the *Environmental Planning and Assessment Act 1979* and the *Local Government Act 1993*. No actions arise in response to the public hearing.

It is considered appropriate that the land reclassification as described in the Planning Proposal referred to throughout this report proceed under the terms of the *Local Government Act 1993*, and that the land be reclassified as operational land. Discussions held during the public hearing were supportive of the reclassification of the subject community land to operational land and no written submissions have been received.

Council's strategic reasons for the proposed reclassification of Lot 644 DP658258 at 9B Diemars Road Salamander Bay are supported. It is recommended that Council officer's report the proposal and findings of the public hearing to a Council meeting and proceed with drafting the legal instrument.

The matters raised regarding the future sale of the land and any arrangements for subdivision and/or consolidation with adjoining parcels may be considered and discussed with Council and the relevant landowners after any reclassification has occurred.

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Appendix A

Document
Notice of the Public Hearing

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ITEM 10 - ATTACHMENT 2 REPORT OF PUBLIC HEARING.

NOTICE OF PUBLIC HEARING
9B DIEMARS ROAD, SALAMANDER BAY

Port Stephens Council provides notification of a public hearing to be held for the proposed public land reclassification of Lot 644 DP 658258, 9B Diemars Road, Salamander Bay from community to operational land as defined under the Local Government Act 1993. The current IN4 - Working Waterfront zoning of the site will be retained.

This matter was placed on public exhibition from 16 February to 3 March, 2017. This hearing is open to the public and provides a further opportunity to speak to the issues raised in submissions during the public exhibition period.

The public hearing is on from **6pm to 7pm on Wednesday 28 June, 2017** in the Waratah Room at Tomaree Library and Community Centre, 7 Community Close, Salamander Bay.

To express your interest to speak at the hearing, please request a Speaker Application Form from Strategic Planning on 4948 0462 or via email at sarah.connell@portstephens.nsw.gov.au and return prior to **5pm, 16 June 2017**.

For more information, contact Council's Strategic Planning Team on 4980 0462 during business hours.

ITEM NO. 11

**FILE NO: 17/146423
RM8 REF NO: PSC2014-02010**

**PLANNING PROPOSAL TO AMEND THE ZONING AND MINIMUM LOT SIZE AT
251 ADELAIDE STREET, RAYMOND TERRACE**

REPORT OF: MICHAEL MCINTOSH - GROUP MANAGER DEVELOPMENT
SERVICES
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal under the *Environmental Planning and Assessment Act 1979* (NSW) (s55) to amend the *Port Stephens Local Environmental Plan 2013* for land at 251 Adelaide Street, Raymond Terrace to:
 - a) Rezone part Lot 231, DP 593512 from RU2 Rural Landscape to R2 Low Density Residential;
 - b) Reduce the minimum lot size for part Lot 231, DP 593512 for land proposed to be zoned R2 Low Density Residential from 20ha to 500m²;
 - c) Apply a height of building limit for part Lot 231, DP 593512 for land proposed to be zoned R2 Low Density Residential of 9m.
 - 2) Forward the planning proposal to the NSW Department of Planning and Environment for a gateway determination.
-

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

197	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council</p> <ol style="list-style-type: none">1) Adopt the planning proposal under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) (s55) to amend the <i>Port Stephens Local Environmental Plan 2013</i> for land at 251 Adelaide Street, Raymond Terrace to:<ol style="list-style-type: none">a) Rezone part Lot 231, DP 593512 from RU2 Rural Landscape to R2 Low Density Residential;b) Reduce the minimum lot size for part Lot 231, DP 593512 for land proposed to be zoned R2 Low Density Residential from 20ha to 500m²;c) Apply a height of building limit for part Lot 231, DP 593512 for land proposed to be zoned R2 Low Density Residential of 9m.2) Forward the planning proposal to the NSW Department of Planning
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	and Environment for a gateway determination.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, John Nell and Steve Tucker.

Those against the Motion: Cr Peter Kafer.

BACKGROUND

The purpose of this report is to advise Council of a request to rezone five hectares at 251 Adelaide Street, Raymond Terrace (the site) from RU2 Rural Landscape to R2 Low Density Residential for the purposes of residential development.

A summary of the planning proposal (**ATTACHMENT 1**) is provided is below:

Proponent:	De Witt Consulting (on behalf of Phoenix Builders)
Site:	251 Adelaide Street, Raymond Terrace Part of Lot 231, DP 593512
Site Area:	Five hectares
Existing Zoning:	RU2 Rural Landscape
Recommended Zoning:	R2 Low Density Residential
Existing Minimum Lot Size:	20 hectares
Proposed Minimum Lot Size:	500m ²

The site is located on the south eastern edge of Raymond Terrace and has frontage to Adelaide Street. Adjoining land to the north and south is zoned R2 Low Density Residential and RE1 Public Recreation. Hunter Water Corporation wastewater infrastructure is located to the south and west of the site.

The site contains native vegetation and pine forest plantation. An easement exists over the site for the purpose of an Asset Protection Zone, which provides bushfire protection to the residence located to the north at 204 Meredith Crescent. A powerline easement is also located immediately south of the proposed rezoning site.

Additional information to support the planning proposal and confirm site suitability for potential residential development will be required by the proponent following a conditional gateway determination. Key issues likely to be further investigated and updated for public exhibition of the planning proposal include: bushfire, servicing infrastructure (provision of water and sewer), odour and noise modelling, further flora and fauna investigation for the purposes of entering into a bio-banking agreement, Aboriginal cultural heritage and flooding.

The proposal will assist Council in achieving further infill housing in Raymond Terrace as outlined by the Raymond Terrace and Heatherbrae Strategy. It is therefore considered that the planning proposal has sufficient merit to proceed to gateway panel on the basis that the additional investigations will be undertaken post-gateway.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications if Council resolves to proceed with the planning proposal.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes		Future development in the form of subdivision will be subject to local infrastructure contributions in accordance with the Port Stephens Local Infrastructure Contributions Plan 2007.
External Grants	No		
Other	Yes	10,500	The proposal was categorised as Category B under Council's Fees and Charges Schedule. The Stage 1 fee of \$10,500 was paid on 27 th May 2014.

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning and Assessment Act 1979 (NSW)

Under the *Environmental Planning & Assessment Act 1979 (Part 3) (NSW)*, only the Minister or Council can initiate a local environmental plan. If Council resolves to proceed with the recommendation and adopt the planning proposal, it will be forwarded to the NSW Department of Planning and Environment for a gateway determination. This will include a request for the delegation of plan making functions.

Regional Planning

The Hunter Regional Plan 2036 projects a population increase of 18,550 persons for the Port Stephens LGA. Raymond Terrace has been identified as a strategic centre with priorities, such as, as the main service centre. The outcomes of this planning proposal are consistent with these priorities.

Local Planning

The planning proposal is consistent with the Port Stephens Planning Strategy (PSPS) and the Raymond Terrace Heatherbrae Strategy.

The PSPS identifies Raymond Terrace as a regional centre. Mixed use development in the regional centre, including housing, is strongly encouraged. The planning proposal will contribute to the increase of residential housing development within Raymond Terrace. The proposal will assist Council in achieving further infill housing in Raymond Terrace as outlined by the Raymond Terrace and Heatherbrae Strategy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that potential residential development within the area will impact on access to Hunter Water Corporation infrastructure located immediately adjacent to the proposal area.	Medium	Consultation will take place with the Hunter Water Corporation if a gateway determination is received.	Yes
There is a risk that potential residential development within the proposal area will be impacted by the odour and noise generated by the Hunter Water Corporation Wastewater Pumping Station located adjacent to the proposal area.	Medium	Odour and noise modelling will be undertaken if a gateway determination is received. The results of this study will be included in further consultation with Hunter Water Corporation as the infrastructure owner.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The planning proposal will have positive economic and social implications through the provision of an estimated 60 residential lots in close proximity to existing services, roadways, public transport as well as cycleway and pedestrian access to Raymond Terrace. Residential development in the proximity of the Raymond Terrace town centre will contribute to the utilisation of local services and support local business.

Residential development will result in the loss of vegetation and the edge effects on the identified riparian buffer. Vegetation within the proposal area has been identified as swamp sclerophyll forest of predominantly poor condition. The vegetation within the proposal area may be further mapped and classified by the proponent post gateway determination in order to offset the vegetation loss through bio-banking. It is anticipated that the impacts of development on the retained riparian buffer will be mitigated through appropriate subdivision design at development application stage.

CONSULTATION

Internal consultation has been undertaken by the Strategy and Environment Section. The objective of this consultation was to review the planning proposal submitted by the proponent prior to preparing a proposal for Council's consideration.

Internal

Natural Resources found the Flora and Fauna Offsets Assessment prepared by the proponent to be consistent with the Port Stephens Council Comprehensive Koala Plan of Management Rezoning Performance Criteria. Clarification of the quality of the swamp sclerophyll vegetation within the proposal area may be sought post gateway determination in order to inform the details of the potential offsetting strategy.

Facilities and Services reviewed the Traffic Impact Study submitted by the proponent and advised that the proposal is not expected to generate traffic beyond the capacity of the existing road network. Facilities and Services also reviewed the Flood Assessment submitted by the proponent and considered the proposal to have no significant impact on the potential flooding of surrounding areas or the flood distribution through Windeyers Creek. The local drainage issues that are within the proposal area may be addressed post Gateway Determination. Consultation with the NSW Office of Environment and Heritage will be undertaken on this matter due to inconsistency with Section 117 Ministerial Direction 4.3.

External

Consultation with Government Agencies will be undertaken in accordance with the gateway determination. It is suggested that consultation with the following agencies will take place: Hunter Water Corporation; NSW Rural Fire Service; NSW Office of Environment and Heritage; NSW Rural Fire Service; and Ausgrid.

Community

The proposal will be publically exhibited in accordance with the Gateway determination. Due to the size of the proposal, an exhibition period of 28 days is recommended to allow the community with enough time to provide input.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Planning proposal - 251 Adelaide Street Raymond Terrace. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 12

**FILE NO: 17/146425
RM8 REF NO: PSC2014-02874**

**PLANNING PROPOSAL TO AMEND THE ZONING AND MINIMUM LOT SIZE AT
5A & 5B FERODALE ROAD AND 9 WAROPARA ROAD, MEDOWIE.**

REPORT OF: MICHAEL MCINTOSH - GROUP MANAGER DEVELOPMENT
SERVICES

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal under the *Environmental Planning and Assessment Act 1979 (NSW) (s55)* to amend the *Port Stephens Local Environmental Plan 2013* for land at 5A & 5B Ferodale Road and 9 Waropara Road, Medowie to:
 - a) Rezone Lots 1 and 2, DP 1711455 (5A & 5B Ferodale Road, Medowie) from RU2 Rural Landscape to R5 Large Lot Residential;
 - b) Reduce the minimum lot size for Lot 110, DP 1082077 (9 Waropara Road, Medowie) and Lots 1 & 2, DP 1711455 (5A & 5B Ferodale Road, Medowie) from 20ha and 1ha to 8,000sqm.
 - 2) Forward the planning proposal to the NSW Department of Planning and Environment for a gateway determination;
 - 3) Request an authorisation to exercise delegation of plan making functions for the planning proposal.
-

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

198	<p>Mayor Bruce MacKenzie Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt the planning proposal under the <i>Environmental Planning and Assessment Act 1979 (NSW) (s55)</i> to amend the <i>Port Stephens Local Environmental Plan 2013</i> for land at 5A & 5B Ferodale Road and 9 Waropara Road, Medowie to:<ol style="list-style-type: none">a) Rezone Lots 1 and 2, DP 1711455 (5A & 5B Ferodale Road, Medowie) from RU2 Rural Landscape to R5 Large Lot Residential;b) Reduce the minimum lot size for Lot 110, DP 1082077 (9 Waropara Road, Medowie) and Lots 1 & 2, DP 1711455 (5A & 5B Ferodale Road, Medowie) from 20ha and 1ha to 8,000sqm.2) Forward the planning proposal to the NSW Department of Planning and Environment for a gateway determination;3) Request an authorisation to exercise delegation of plan making functions for the planning proposal.
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MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, John Nell and Steve Tucker.

Those against the Motion: Cr Peter Kafer.

BACKGROUND

The purpose of this report is to advise Council of a request to amend the zoning and minimum lot size at 5A & 5B Ferodale Road and 9 Waropara Road, Medowie (the site) in accordance with the planning proposal (the proposal) (**ATTACHMENT 1**). The proposal seeks to facilitate subdivision of the site to create an addition four lots.

A summary of the proposal is provided below:

Proponent:	Le Mottee Group Pty Limited (on behalf of landowners).
Site:	Lot 110, DP 1082077 - 9 Waropara Road; Lot 1, DP 1711455 - 5B Ferodale Road; and Lot 2, DP 1711455 - 5A Ferodale Road.
Current Zoning:	Lots 1 and 2 DP 1711455 – RU2 Rural Landscape; Lot 110, DP 1082077 – No change.
Proposed Zoning:	Lots 1 and 2 DP 1711455 – R5 Large Lot Residential.
Current Minimum Lot Size:	Lot 1 and 2 DP 1711455 - 20ha; and Lot 110, DP 1082077 - 1ha.
Proposed Minimum Lot Size:	8,000m ² .

The site is located on the corner of Waropara Road and Ferodale Road. This could be considered to be on the fringe of the existing Medowie rural-residential area. The site is within walking distance of the town centre, public transport and local schools.

The site is identified by the Medowie Planning Strategy (the strategy) as a small precinct suited for rural residential development with a minimum lot size of 8000m² and a recommended rural residential zoning. As the proposal seeks to amend the LEP, it is consistent with the vision, objectives and principles of the strategy.

It is therefore considered that the proposal has sufficient merit to proceed to the gateway panel. Post-gateway will result in consultation with state government agencies and the community through a public exhibition period.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications if Council resolves to proceed with the proposal.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		Future development in the form of subdivision will be subject to local infrastructure contributions in accordance with the Port Stephens Local Infrastructure Contributions Plan 2007.
External Grants	No		
Other	No	10,500	The proposal was categorised as Category B under Council's Fees and Charges Schedule. The Stage 1 fee of \$10,500 was paid.

LEGAL, POLICY AND RISK IMPLICATIONSEnvironmental Planning and Assessment Act 1979 (NSW)

Under the *Environmental Planning & Assessment Act 1979 (Part 3) (NSW)*, only the Minister or Council can initiate a local environmental plan. If Council resolves to proceed with the recommendation and adopt the planning proposal, it will be forwarded to the NSW Department of Planning and Environment for a gateway determination. This will include a request for the delegation of plan making functions.

Regional Planning

The Hunter Regional Plan 2036 projects a population increase of 18,550 persons for the Port Stephens LGA. The proposal will assist in providing housing for that population increase by enabling subdivision for residential accommodation.

Local Planning

The proposal is consistent with the Port Stephens Planning Strategy (PSPS) and the Medowie Planning Strategy (the Strategy). The PSPS identifies Medowie as a town centre. This identification is provided further guidance by the Strategy.

The site is identified in the Strategy as a small 'Precinct R' rural residential with an 8,000 m² minimum lot size. The proposal is consistent with this identification.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the process for amending the local environmental plan is not followed.	Low	Review the progress of the proposal against the legislative framework and outline that progress within a future report back to council on the exhibition period.	Yes
There is a risk that the community does not feel that they have enough time to make an informed comment.	Low	The proposal recommends that the matter is placed on public exhibition for a minimum period of 28 days following public exhibition.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Implications

The proposal will have positive economic and social implications through the provision of an estimated six rural residential lots in proximity to existing services, roadways, public transport and pedestrian access to the Medowie Town Centre.

Residential development will result in the loss of vegetation. However, the size of the lots will enable for the retention of vegetation that could not be achieved on smaller lots. This retention will assist in reducing the potential impact on species. Targeted surveys will be undertaken post-gateway to address ecological impacts.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section.

Internal

The proposal has been subject to internal referral with environmental and drainage issues to be addressed post-gateway and prior to public exhibition stage.

Amending the minimum lot size of the site is not expected to result in any adverse environmental impacts.

Preliminary service advice addressing waste management has been sort from Hunter Water Corporation with indications that some upgrade works may be required to connect the site to water and sewer infrastructure.

Water quality modelling demonstrating neutral or beneficial effect on water quality will be required to be undertaken post-Gateway Determination.

External

Formal consultation requirements will be set by a gateway determination. It is also recommended that the proposal be referred to the NSW Rural Fire Service in relation to bushfire, Commonwealth Department of Defence in relation to aircraft noise and the Office of Environment & Heritage in relation to vegetation.

If the proposal proceeds past gateway determination, it is recommended that the proposal be placed on public exhibition for a minimum of 28 days and that adjoining landowners will be notified in writing.

OPTIONS

- 1) Accept the recommendations and forward the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination and request Council has delegation on the plan.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Planning Proposal - 5A and 5B Ferodale Road and 9 Waropara Road Medowie.
(Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 13

FILE NO: 17/146428
RM8 REF NO: PSC2016-02354

PLANNING PROPOSAL 74 SOUTH STREET MEDOWIE

REPORT OF: MICHAEL MCINTOSH - GROUP MANAGER DEVELOPMENT
SERVICES
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions and petition received during the public exhibition of the planning proposal for 74 South Street, Medowie (Lot 712 DP 1077195) and summarised in **(ATTACHMENT 1)**.
- 2) Not proceed with the planning proposal as publicly exhibited **(ATTACHMENT 2)** based on submissions received in relation to the potential for 'multi-dwelling housing' in the R2 Low Density Residential Zone under the *Port Stephens Local Environmental Plan 2013* (c4.1B).
- 3) Proceed with a revised planning proposal that removes the potential for 'multi-dwelling housing' by seeking:
 - a. No zone change (retain the R5 Large Lot Residential Zone);
 - b. No height of building limit change (no maximum building height);
 - c. Amending the minimum lot size from 2,000m² to 900m².

This revised planning proposal would require a revised gateway determination to be sought from the NSW Department of Planning and Environment which, if provided, would require the planning proposal to be placed on public exhibition.

ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION

199	<p>Councillor Chris Doohan Councillor Geoff Dingle</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submissions and petition received during the public exhibition of the planning proposal for 74 South Street, Medowie (Lot 712 DP 1077195) and summarised in (ATTACHMENT 1).2) Not proceed with the planning proposal as publicly exhibited (ATTACHMENT 2) based on submissions received in relation to the potential for 'multi-dwelling housing' in the R2 Low Density Residential Zone under the <i>Port Stephens Local Environmental Plan</i>
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MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

	2013 (c4.1B).
3)	Refund the planning proposal fees paid by the applicant.

In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, John Nell and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to advise Council of submissions and petition received in response to the planning proposal principally for 74 South Street Medowie and to recommend that Council resolve not to proceed with the planning proposal as exhibited.

On 5 August 2016, Council received a planning proposal requesting amendment to zoning and lot size provisions in the Port Stephens Local Environmental Plan 2013 (the LEP) for 74 South Street, Medowie (the site) to enable further subdivision for residential purposes.

At its meeting 13 December 2016, Council resolved to prepare a planning proposal to rezone the site from R5 Large Lot Residential to R2 Low Density Residential; amend minimum lot size provisions from 2,000m² to 900m²; and amend building height provisions to 9m. The objective of the proposal is to facilitate low density residential development consistent with existing adjoining development to the east.

A further administrative component was included in the proposal to amend the lot size map from 2,000m² to 900m² for adjoining land to the east (being 66, 68, 70 and 72 South Street) that is already zoned R2 Low Density Residential and developed with single dwellings on lots of 900m².

The Council resolution included submitting the proposal to the NSW Department of Planning and Environment (the Department) for a gateway determination, including a request for plan-making functions to be delegated to Council.

The Department granted a gateway determination and the proposal was placed on public exhibition for an extended period of 28 days from 8 June to 6 July 2017.

57 Submissions were received during the exhibition objecting to the proposal. A petition with 232 signatures was also received. The main issues are summarised as:

1. Process and format of the proposal and exhibition material;
2. Impact on large lot residential amenity and streetscape character;

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

3. Additional development made permissible by the proposal; and
4. Precedent and certainty of land use planning controls.

Further detail on the submissions received is provided under the consultation section of the report and at **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

The proponent has paid the applicable planning proposal fees in accordance with Council's Fees and Charges Schedule 2016-2017.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes		Category B Planning Proposal: Stage 1 - Lodgement (up to Gateway) \$5,250 Stage 2 - Post Gateway (exhibition) \$10,500

LEGAL, POLICY AND RISK IMPLICATIONS

A proponent (eg developer, landowner) has the ability to formally request that Council prepare a planning proposal.

Council is the relevant planning authority for the preparation of the planning proposal under the *Environmental Planning and Assessment Act 1979 (NSW)*.

The gateway determination issued by the Department includes the delegation of plan-making functions to Council. It makes direct reference to use of the R2 Low Density Residential Zone.

If Council resolves to proceed with a revised planning proposal, utilising the existing R5 Large Lot Residential Zone, it will be necessary to seek a revised gateway determination from the Department and potential re-notification and re-exhibition.

Regional Planning

The proposal is considered consistent with the Hunter Regional Plan goal to create greater housing choice and jobs, including for new housing to be focused in established areas through infill development.

Local Planning

The site is not identified for any change in land use planning provisions by the Medowie Planning Strategy adopted by Council in December 2016. Proposals for infill sites are able to be considered on their merits.

Port Stephens Local Environmental Plan 2013

The exhibited proposed zone of R2 Low Density Residential is appropriate for the proposed 900m² minimum lot size and is consistent with the zoning of adjoining land to the east.

Submissions received initiated further review of potential development under the proposal as exhibited and identified that the use of the proposed R2 Low Density Residential Zone would permit 'multi-dwelling housing' under the LEP (c4.1B). This provides the potential for development inconsistent with the proposal objective 'to permit a two lot subdivision in order to facilitate low density residential development at 74 South Street'. It also increases the potential issues raised in submissions concerning impact on existing large lot residential amenity, streetscape character and type and density of potential development. Lots to the east of the subject site are zoned R2 where 'multi-dwelling housing' is permitted.

An alternative approach of proceeding with a proposal to achieve Council's initial recommendation of December 2016 is to maintain the use of the R5 Large Lot Residential Zone with a minimum lot size of 900m². This would remove the potential of 'multi-dwelling housing' as defined under the LEP. However, it would still allow for a dual occupancy on each subsequent potential lot (an objection raised in submissions). Use of the R5 Large Lot Residential Zone is however, inconsistent with the proposed minimum lot size of 900m² (typically R5 affords a minimum lot size of no less than 2000m²).

A revised gateway determination from the Department would be required and potentially re-notification and re-exhibition should Council wish to pursue the R5 Large Lot Zone and a 900m² minimum lot size.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that proceeding with the proposal as exhibited will result in 'multi-dwelling housing' permitted under the exhibited R2 Low Density Residential Zone and clause 4.1B of the LEP.	High	Do not proceed with the proposal as exhibited.	
There is a risk that using the alternative R5 Large Lot Residential Zone will require a revised gateway determination and potential re-notification and re-exhibition. Using the R5 Large Lot Residential Zone is also inconsistent with a proposed 900m2 minimum lot size.	High	Do not proceed with the proposal as exhibited. If Council does resolve to proceed with a proposal – retain the existing R5 Large Lot Residential Zone and proposed 900m2 minimum lot size and seek a revised gateway determination from the Department including potential re-notification and re-exhibition.	

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposal seeks to provide additional housing in a location where services exist and is in keeping with the lots sizes to the east and lot widths opposite. There may be social implications related to the volume of objections received.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section.

Internal

The planning proposal has been subject to internal referrals. Drainage options are available for a potential two lot subdivision that could result from the proposal. The may be potential for additional on-street parking.

External

The planning proposal was placed on exhibition for an extended period of 28 days, from 8 June to 6 July 2017. Owners of adjoining land and land subject to the planning proposal were notified of the proposal and exhibition.

Public notice was placed in the Port Stephens Examiner and on Council's website and the proposal and supporting information was made available for viewing on Council's website and at Council's Administration Building at Raymond Terrace. A copy was also placed at the Medowie Community Centre.

57 submissions were received objecting to the proposal.

A petition with 232 signatures objecting to the proposal was also received.

The main issues are summarised as:

1. Process and format of the proposal and exhibition material.

The legislative and gateway process for considering a planning proposal has been followed. This includes the lodgment of the proposal by the proponent; initial report to council; gateway determination from the Department; notification and public exhibition; and post-exhibition report to Council (this report).

Submissions object to the proposed subdivision and additional development of the land. These effects follow a planning proposal and related amendment of a local environmental plan.

If a proposal proceeds for the site and amendment is made to the LEP a development application will be required for the development made permissible. The format of the planning proposal and exhibition was correctly set to explain the objective and intended outcomes of the proposal and the required exhibition material was included.

2. Impact on large lot residential amenity and streetscape character.

Submissions object to the potential impact on large lot residential amenity and streetscape character.

The proposal seeks to facilitate a development outcome consistent with existing development to the east of 74 South Street. However, submissions highlight that the proposal may facilitate additional development that is inconsistent with other existing surrounding development and land use planning controls (R5 large Lot Residential Zone and 2,000m² minimum lot size) and that this may have negative impacts on large lot amenity, streetscape and character.

Objections are made based on potential decrease in surrounding property values however are not substantiated.

3. Additional development made permissible by the proposal.

Submissions object to the potential additional intended development that may result from the proposal, including further subdivision and dual-occupancies. These concerns/objections may be further exacerbated by the potential for 'multi-dwelling housing' permitted within the R2 Low Density Residential Zone and LEP c4.1B of the proposal as exhibited (and not recommended to proceed).

4. Precedent and certainty of land use planning controls.

The proposal has the potential to create a precedent for other similar proposals to be lodged with Council for consideration under the provisions of the Act. This can create some uncertainty, highlighted in submissions, regarding land use set by existing planning controls. This concern is increased in instances where land is not identified for investigation in a land use strategy adopted by Council.

The proposal has the potential to remove the certainty provided by existing land use planning controls (R5 Large Lot Residential and 2000m² minimum lot size) that serve the broader public interest.

Further detail on the submissions received is provided at **(ATTACHMENT 1)**.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Submission Summary Table.
- 2) Planning Proposal Exhibited Version. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 13 - ATTACHMENT 1 SUBMISSION SUMMARY TABLE.

SUBMISSION SUMMARY AND PLANNING RESPONSE

Submission	Summary of Submission	Response
1.	<p>a. Express my disappointment at the format of the above Notice of Public Exhibition. The observation is that the format chosen can critically influence misinterpretation.</p> <p>b. There is an apparent inept ability of ' Council staff to confuse the issue leading to potential misunderstanding.</p> <p>c. The opening paragraph positions the planning proposal as "mainly affecting No 74". It then goes on to treat the proposal in contradiction by at para' four noting that there is a further "minor" component – in effect stating that the initial description in para' one of it being a main contention is downgraded to that of an additional {NB} further minor component suggesting that No74 is minor as well.</p> <p>d. In its pre Gateway report for Councillors consideration, planning staff noted under it's risk analysis category "Low" that Council should proceed on the whole assumption that it be treated as "part of a 'housekeeping' amendment to the LEP".</p> <p>e. It then asserts, as a proposed treatment, to suggest that Council "resolve to prepare the planning proposal and forward to NSW DoPE for a Gateway Determination" with the added comment if Council considered it to be part of a housekeeping amendment it would need to note that it "could be delayed by other more complex amendments".</p> <p>f. Council it seems, through evident clumsy attempts by planning staff, are exposed to the concept that this proposal is a minor administrative issue. It is a blatant misuse of opportunity to hide behind a minor administrative error on a lot size plan within an existing LEP whilst attempting to slip through the major contention of a spot rezone as urban infill.</p> <p>g. It also seems to suggest the potential for further future subdivision with residents questioning the interpretation of the final line 5 para' three to mean further subdivision from a two lot creation into a potential strata or dual occupancy of those lots! Does it? Perhaps yet another typo and a position</p>	<p>a. Noted.</p> <p>b. Noted. The notice was intended to advise the objective of the planning proposal.</p> <p>c. 66,68,70,72 South Street are included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum area of 900m2. It is not intended to downgrade the proposal in relation to 74 South Street.</p> <p>d. - f. The proposal is being considered separately to the LEP housekeeping amendment.</p> <p>g. The intent of the proposal is to facilitate creation of one additional allotment. Any future development would be subject to development consent.</p> <p>h. Noted.</p>

ITEM 13 - ATTACHMENT 1 SUBMISSION SUMMARY TABLE.

Submission	Summary of Submission	Response
	<p>of the word 'future'??</p> <p>h. The use of words like 'will' instead of e.g. 'would' and other misplaced affirmations of foregone conclusion are similarly inappropriate and unfortunate.</p>	
2.	<p>a. If the above proposal was to go ahead the proposed two lots could soon turn into four if duplexes were built on the sites. This would have significant detrimental effect on the value of our property and our quality of life.</p> <p>b. The area where we live is very quiet and peaceful with minimum noise from neighbouring properties. This would most likely change significantly with additional properties opposite due to the rezoning.</p> <p>c. There is a problem with the movement of extra vehicles from the additional proposed properties. South Street now carries a high flow of traffic in peak times with 50% driving significantly above the speed limit and it has no facility in this area to park cars on the side of the road. Eg: due to lack of adequate parking on the street and small property size, the community title property opposite ours (72) has recently had four vehicles at the property with two parked on the driveway and two parked on the verge blocking people walking along the street. There is currently three vehicles with one parked on the verge. This can also occur at the proposed rezoning of No.74 making the street look congested like any other residential street in the area in lieu of low density acreage allotments.</p> <p>d. We have no objection to the rezoning of the lots 66,68,70,72 as these were built on prior to our purchase of our current address.</p>	<p>a. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>b. There may be potential for additional noise from additional dwellings however mainly depends on who occupies the dwellings.</p> <p>c. There may be potential for additional on-street parking. Any future development would have to meet parking requirements for dwellings in the Port Stephens Development Control Plan. The potential for amenity impacts raised in submissions is included in the Council report.</p> <p>d. Noted. 66,68,70,72 South Street are included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum area of 900m2.</p>

ITEM 13 - ATTACHMENT 1 SUBMISSION SUMMARY TABLE.

Submission	Summary of Submission	Response
3.	<ul style="list-style-type: none"> a. Disappointed that PSC continuously approve the downsizing of land within the Medowie area. b. PSC give me no confidence in its decision making when considering these rezoning applications. c. I was also disappointed to see PSC try to hide another anomaly, the rezoning of Nos. 66.68 70 72 by including it in No74 rezoning. d. I have already heard from two real estate agents are expecting up to four townhouses are planned. e. Firstly Pacific Dunes Hillside Stage 2, rezoned. Lot 109 & 111 South Street, now No72 South Street, & one can only assume that the owners of No.82 are observing the outcome of this request. f. We also object to see that No. 74 are said to be comparable with Nos. 66, 68, 70 & 72. No. 74 has Zone5 at the rear, west side & properties on other side of road. 	<ul style="list-style-type: none"> a. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. The proposal is to be considered by the Council following a period of public exhibition. b. Noted. Please also refer to response a. above. c. 66,68,70,72 South Street are included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum area of 900m2. d. If Council resolves to proceed with a revised the planning proposal the landowner could potentially apply for a dual occupancy on each resulting allotment (subject to gaining separate development application approval). e. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. f. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east.
4.	<ul style="list-style-type: none"> a. The environmental impact study that was carried out to support the application DOES NOT reflect the housing that is situated around this property as the photograph used was old and DOES NOT show the development that has occurred since the photograph was taken. I believe that the application should be REJECTED and asked to resubmit the application displaying the current development/housing in the area via the use of a current (2017) aerial photograph. This photo was used to deceive the council into showing limited development to support their application. 	<ul style="list-style-type: none"> a. The photograph used in the proponent's submitted proposal is outdated. b. 74 South Street is not part of the community title arrangements for Pacific Dunes and any future development would not be subject to the relevant community title provisions. Future development would not have direct access to the community park; however it is in close proximity to it. c. The exhibited proposal states there is minor community benefit by the intended provision of one additional lot for the provision of housing.

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 13 - ATTACHMENT 1 SUBMISSION SUMMARY TABLE.

Submission	Summary of Submission	Response
	<p>b. The adjoining properties situated at 66 to 72 South St are different to that of the proposed sub division at 74 South St as these blocks are under a community title whereas 76 will be a Torrens title. Also, the lots at 66 to 72 South St all have rear access to the community park. 76 South St will not have rear access to the community park as it has a property adjoining the rear boundary.</p> <p>c. This application is not in the interest of the community, rather it is in the interest of the owner as they are trying to sub divide the property and thereby return a higher profit.</p> <p>d. If the subdivision is approved it will allow the owner to build multiple properties (townhouse, duplex style) which will create further issues such as parking, noise and reduced property values within this area. Once again, the developer will gain a larger profit with no interest in the local community who have lived in this area for numerous years.</p>	<p>d. The proposal is not recommended to proceed as exhibited. This includes because of the potential for 'multi-dwelling housing' as defined in the LEP and permitted within the R2 Low Density Residential Zone.</p> <p>If Council resolves to proceed with a revised the planning proposal the landowner could potentially apply for a dual occupancy on each resulting allotment (subject to gaining separate development application approval).</p>
5.	<p>a. Cannot believe that the council would even consider rezoning. It is bad enough that the council made an error with the rezoning of the golf course sites and believe it is totally inappropriate to approve the rezoning proposal. What is even more disturbing is that a council member is involved in other subdivision applications in the street.</p> <p>b. It is quite clear that the divide in the council is the reason for such poor decisions. If one group wants something, the other will vote the other way. It is about time that the council united and works together for the community and looks at each case on its merits and make decisions that the rate payers are voting for.</p>	<p>a. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>b. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>
6.	<p>a. The rate payers in the street are overwhelmingly saying NO to the submission, yet the council are not listening. I do not understand why, when we already have 130 half-acre blocks in the area and this rezoning application is not in keeping with the area.</p> <p>b. Please listen to the people and support the request of many and not a money grab by the minority. There are many other</p>	<p>a. The objection is acknowledged .The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>b. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. However, planning proposals for individual sites are able to be considered on</p>

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	areas in Medowie where new estates will be coming online with smaller blocks sizes, let's not change the look and feel of South St. A precedent such as this will have major impacts on our local community and that is not acceptable.	their merits.
7.	<p>a. The proposal does not fit with the area.</p> <p>b. The gross over exaggeration of the benefits and contribution that this subdivision (4 town houses likely) will make to the community and NSW.</p> <p>c. The fact that this has been allowed to be put through as a "Gateway" proposal.</p> <p>d. It was bad enough that the council allowed the 4 small community title blocks (66 to 72 South St) to be approved but I figured that because they backed onto the park this may have had something to do with it. 74 is Torrens title like the other 130 odd blocks in our estate and is bordered on 3 sides by blocks in keeping with the entire estate, surely that has to count for something.</p> <p>e. The dangerous precedent this would set. No 82 has sat vacant for 12 years and I have no doubts that if 74 gets approval then this would open the door for the same development there. Owners that try this don't care for the community and have no wish to be part of it and the lifestyle we all bought into. That's fine, sell the block and someone that does want to be part of the lifestyle will, just don't try and change the feel of the whole area just for a buck.</p> <p>f. If this rezoning is allowed then townhouses will be soon to follow which will devalue all the surrounding properties including mine.</p> <p>g. No one I have spoken to thinks this in any way benefits that community, only the individual block owner. I assume the council will vote against this and keep those best interests intact.</p>	<p>a. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east.</p> <p>b. The exhibited proposal states there is minor community benefit by the intended provision of one additional lot for the provision of housing.</p> <p>c. The process for considering a planning proposal and seeking a gateway determination has been followed.</p> <p>d. 66,68,70,72 South Street are included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum area of 900m2. Future development would not have direct access to the park; however it is in close proximity to it.</p> <p>e. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>f. The planning proposal is not recommended to proceed as exhibited. This includes because of the potential for 'multi-dwelling housing' as defined in the LEP and permitted within the R2 Low Density Residential Zone.</p> <p>g. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>

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8.	<ul style="list-style-type: none"> a. It is disappointing to learn that Port Stephens Council is now considering changing the streetscape of South St, which is arguably the best street in Medowie. b. This is not the area for units and if approved will set a precedent that any R5 vacant land anywhere within Port Stephens Council can be rezoned. c. I feel that this development will financially affect the value of our property and will bring higher density living, more noise , more people and more traffic to what is now a quiet and peaceful lifestyle for our family. 	<ul style="list-style-type: none"> a. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made. b. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. c. The objections to potential decrease to surrounding property values are noted. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.
9.	<ul style="list-style-type: none"> a. The lots comprising of 66 to 72 South St form part of the Pacific Dunes community title and are subject to covenants to protect the estate and surrounding properties by ensuring the houses comply with the community building requirements. As lot 74 South St is a Torrens title there is no such building control (except for the DA application). This will enable the owner to potentially build duplexes or other high density type buildings in search of higher financial returns. b. If this application is approved it will set the precedence for the area and allow numerous other properties to sub-divide their land into smaller lots. c. This application is not in the best interest of the local area. There are other estates being approved which will have smaller lots available. How will this rezoning lower housing affordability? This application is only for the owner to achieve a higher profit. d. The local real estate agents have advised that they have been contacted by the owner with the view of building 	<ul style="list-style-type: none"> a. Noted. If Council resolves to revise the planning proposal the landowner could potentially apply for a dual occupancy on resulting allotments (subject to gaining separate development application approval). b. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. c. The exhibited proposal states there is minor community benefit by the intended provision of one additional lot for the provision of housing. d. Noted. Please also refer to response c. above.

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	multiple dwellings on the site. This application is not about the welfare of the local community, rather than for the biggest financial return.	
10.	<p>a. If the rezoning of 74 South Street, Medowie is approved this will mean that any R5 land within the Port Stephens Council area can be rezoned. Naturally this in turn will affect ALL the residents already living on R5 zoned land.</p> <p>b. South Street is a street of manicured lawns, gardens and trees and most important open spaces – many residents have settled there for those reasons and families have settled there to give their children the experience of 'open' living.</p> <p>c. R5 zoning is very clear in regard to subdivision, yet Port Stephens Council sees fit to change the rules to suit themselves to what they want – not only on this rezoning but on many other decisions that the Council makes in regard to the use of land in the Port Stephens Council Area.</p> <p>d. Why should 74 South Street be subdivided and start a precedence for the future!!!</p> <p>e. This proposal for the rezoning of 74 South Street gives no thought for the resident's wishes (which is what we have come to expect from this Council) or for the lifestyle they have chosen.</p>	<p>a. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. Planning proposals for individual sites are able to be considered on their merits.</p> <p>b. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential effect on large lot amenity, streetscape and character.</p> <p>c. Noted. Please also refer to response a. above).</p> <p>d. The potential for precedent is identified in the Council report.</p> <p>e. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>
11.	<p>a. I do not support the rezoning of lot 74 from R5 to R2 minimum lot size 900 sq. metres.</p> <p>b. This is a spot rezoning that sets a precedent for further applications in South St and adjoining rural residential streets.</p> <p>c. This rezoning will impact on the amenity and value of adjoining properties.</p> <p>d. Lot 74 is not an extension of adjoining R2 zoned properties it is part of designated designed estate R5 zoned and formally approved by PS Council.</p> <p>e. R2 zoning could allow for legitimate duplex applications with more than two dwellings allowed on lot 74.</p> <p>f. Existing home owners adjoining lot 74 purchased their</p>	<p>a. The objection is acknowledged.</p> <p>b. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>c. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot</p>

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	<p>properties on the understanding that lot 74 was a R5 noting PSC was the consent authority for rezoning and estate approval.</p> <p>g. Changes to mapping of lots 66, 68, 70 and 72 South Street in our LEP should be completed through Councils application process and not through a private application for a single lot rezoning.</p>	<p>Residential and 2,000m2 minimum lot size) and that this may have some potential effect on large lot amenity, streetscape and character. The objections to potential decrease in surrounding property values are noted.</p> <p>d. Noted. Please refer also to response c. above.</p> <p>e. If Council resolves to revise the planning proposal the landowner could potentially apply for a dual occupancy on resulting allotments (subject to gaining separate development application approval).</p> <p>f. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>g. The planning proposal principally relates to 74 South Street. 66,68,70,72 South Street are included as an administrative component.</p>
12.	<p>a. I object to the planning proposal for 74 South St, Medowie. Furthermore I am outraged that the proposal has progressed to this stage.</p> <p>b. R5 is very clear about disallowing subdivision, something my wife and I adhered to when buying our block yet they have given initial approval for 74 South St to do exactly that.</p> <p>c. This application could only be considered as opportune in the extreme for the landowner with no thought or consideration for the surrounding residents. It will also set a precedent for other vacant R5 land to be rezoned especially on South St.</p> <p>d. I ask that you reconsider this application with a thorough investigation of all the factors.</p> <p>e. Speak to the residents, listen to their concerns, inspect the site. It will become abundantly clear that this application should NOT go ahead!</p>	<p>a. The objection is acknowledged.</p> <p>b. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>c. The exhibited proposal states there is minor community benefit by the intended provision of one additional lot for the provision of housing. The potential for precedent is identified in the Council report.</p> <p>d. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>e. Noted. Please also refer to response (refer also to response d. above).</p>

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13.	<p>a. In 2010, we purchased our home at 65 South Street Medowie. The most appealing factor in us purchasing this house were the large blocks and the open plan living with all houses taking pride in their properties to create a beautiful street in Medowie. We were not interested in living where there were smaller subdivisions whatsoever. To open our front door and look out to a beautiful big house was what was on our radar when purchasing our home, knowing that 74 South Street was zoned R5 and would eventually be developed.</p> <p>b. 74 South Street is currently zoned at R5 (min 2000m2) as is majority of South Street. Why on earth would Port Stephens Council think it is a good idea to change this streets outlook and rezone properties to R2 (min 900m2)?</p> <p>c. In particular 66-72 South Street are currently zoned R5 again min 2000m2 lots, but have actually been developed at 900m2 lots! A serious error on behalf of Port Stephens Council. There are plenty of new subdivisions currently being developed in Medowie with smaller blocks. Let's keep the smaller blocks to those areas.</p> <p>d. Port Stephens Council are proposing that 74 South Street be rezoned similar to 66-72 South Street. There is no resemblance in these properties whatsoever. 66-72 South Street are under a Community title for one and they also back onto parkland not another property as does 74 South Street.</p>	<p>a. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential effect on large lot amenity, streetscape and character.</p> <p>b. Noted. Please also refer to response a. above.</p> <p>c. 66,68,70,72 South Street are included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum area of 900m2.</p> <p>d. Noted. 74 South Street is not part of the community title arrangements for Pacific Dunes.</p>
14.	<p>a. I strongly believe the development will dramatically decrease the value of all properties in south St if this gets approval. I did not purchase our property at 42 South St for its value to dramatically decline in such a short period. If this was to happen we will seek legal advice in attempt to be compensated financially for our loss.</p> <p>b. Possible application of two dual occupancies or as Torrens title villas in strata, this existing lot at 74 south St becomes 4 or more dwellings which is an abuse of the original purpose.</p> <p>c. My wife and myself and 2 kids moved here for open space living, R5 min 2000m2 blocks.</p>	<p>a. The objections to potential decrease in surrounding property values are noted.</p> <p>b. Under the planning proposal the landowner could potentially apply for a dual occupancy on resulting allotments (subject to gaining separate development application approval). The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding</p>

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	<p>d. Why would anyone living in our beautiful St want an eyesore like this in our St (would you like it in yours)</p> <p>e. The PSC zoning R5 is very clear about not allowing subdivision, if approved will set a precedent that any R5 vacant land in PSC can be re zoned this could be devastating to the community.</p> <p>f. Reduce privacy to adjoining neighbours.</p> <p>g. This application could only be considered opportune in the extreme and totally lacking full knowledge of the required prerequisites for PSC to even consider approval.</p> <p>h. The proponent states it's in the best interests of the local community (yeah right pull the other one).</p> <p>i. The streetscape should never be changed. It is one of if not the most prestige streets in Medowie. It is definitely not the place for a block of units (once again would you like it in your street)</p>	<p>development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>c. Noted. Please also refer to response b. above.</p> <p>d. Noted. Please also refer to response b. above.</p> <p>e. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>f. There may be potential for additional noise from additional dwellings. The potential for amenity impacts raised in submissions is included in the Council report.</p> <p>g. The exhibited proposal states there is minor community benefit by the intended provision of one additional lot for the provision of housing.</p> <p>h. Noted. Please also refer to response g. above also to g. above.</p> <p>i. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential effect on large lot amenity, streetscape and character.</p>

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15.	<p>a. As a resident that has lived in Medowie for over 30 years, my parents bought our family up on an acre block, we too decided to buy our half acre block to enjoy the quieter rural-like lifestyle.</p> <p>b. I could not imagine how disappointed I would be if one of our neighbours or across the road endeavoured to destroy the beautiful surroundings that we expect to enjoy by putting 4 dwellings on one block!!</p> <p>c. Please don't allow this to happen now it will open the gates for anyone to do whatever they want with their blocks, when honest, hard-working Medowie families have paid good money for a lovely semi-rural block. To allow this would be to destroy dreams and happiness to that many Medowie families have for their children.</p>	<p>a. Noted.</p> <p>b. The planning proposal is not recommended to proceed as exhibited. This includes because of the potential for 'multi-dwelling housing' as defined in the LEP and permitted within the R2 Low Density Residential Zone. If Council resolves to proceed with a revised the planning proposal the landowner could potentially apply for a dual occupancy on each resulting allotment (subject to gaining separate development application approval).</p> <p>c. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>
16.	<p>a. All older properties in both Sylvan Ave and South St are large single dwellings on large blocks of approx. 2,000 m2 designated R5 blocks. Subdivision of an R5 block will result in two or more houses on small blocks which is not in keeping with the standard of other housing in the streets.</p> <p>b. The attraction of living in the older areas of South St or Sylvan Ave is the large open areas between houses with room to move and an uncrowded, private and relaxed country life style as opposed to medium density housing in the newer streets surrounding the Dunes Golf club areas etc.</p> <p>c. if the proposed subdivision is to proceed this will set a precedent for other subdivisions of the older R5 blocks resulting in devaluation of land values in our area which I assume the council will compensate residents for?</p> <p>d. This is as stupid a proposal as the subdivision of the block at 111 South St which I still cannot fathom.</p>	<p>a. The planning proposal is not recommended to proceed as exhibited. This includes because of the potential for 'multi-dwelling housing' as defined in the LEP and permitted within the R2 Low Density Residential Zone. If Council resolves to proceed with a revised the planning proposal the landowner could potentially apply for a dual occupancy on each resulting allotment (subject to gaining separate development application approval).</p> <p>The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential effect on large lot amenity, streetscape and character.</p> <p>b. Noted. Please also refer to response a. above.</p> <p>c. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer,</p>

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		landowner) has the ability to formally request that Council prepare a planning proposal. d. Noted.
17.	<p>a. I object to just how this application has managed to proceed as far as it has. Clearly this land has been zoned R5 since the development of the area began.</p> <p>b. why have the planning department supported this application to this stage? Just how has this application been justified to proceed to this level for Council consideration? Perchance the Planning Personnel assessing this application is inexperienced and has, perhaps, been influenced by the applicant, what then of the Planning Development Services Manager – surely there must be a due process of consideration and justification for applications such as this prior to going to Council for approval?</p> <p>c. There appears to be no real justification to re-zone this block from R5 to R2 apart from what appears to be an opportunistic money grab.</p> <p>d. I'm not suggesting that all blocks must be larger in size but as mentioned above there are many smaller blocks available without the need to change the zone of 74 South St to enable the block to be divided into smaller lots. Especially when South Street is by and large zoned R5.</p> <p>e. The Planning Department and Council need to understand and appreciate the uniqueness of Medowie. People value space and will fight to retain the lifestyle they have chosen.</p> <p>f. If 74 South Street was the last block of land available in Medowie then I would understand the need to consider changing the Zone. However, this is clearly not the case. This application should be refused outright. Thus retaining the streetscape of South Street, excepting the earlier 'oversight' by PSC's approval of rezoning Nos. 66-72 South Street. Perhaps when this sneaked thru, Medowie residents weren't quite so vigilant!</p> <p>g. Please do not allow this oversight to happen again. - it is NOT in the best interests of South Street, or Medowie as a</p>	<p>a. The objection is acknowledged. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>b. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; public exhibition; and post-exhibition report to Council.</p> <p>c. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east.</p> <p>d. Noted. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. However, planning proposals for individual sites are able to be considered on their merits.</p> <p>e. Noted. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>f. Noted. 66,68,70,72 South Street are included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum</p>

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	whole, to open the door to willy nilly subdivision of land clearly earmarked as R5 when there is sufficient alternatives available.	area of 900m2. The proposal has been on public exhibition. g. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.
18.	<p>a. The main reason of purchasing in the area was that my wife and I were shown the future subdivision plans. Tom Ford who was the Director of the Fairways Golf and Country Club at the time was quite definite with his opinions that the Golf Estate was to keep a rural feel in Medowie in which was the main reason for paying the extra dollars on this land to the neighbouring areas. Fairways Port Stephens Golf and Country Club Missions were as follows: -</p> <p><i>Our mission in life is not merely to sell land. We could have made more money by dividing this land into small lots to make an ordinary subdivision. What we are doing at Medowie is creating a lifestyle based on freedom.. freedom to stretch your legs and move around a decent size block.. freedom to access with no traffic snarles... freedom to smell the air (and the roses). Residents jammed in a city crush will visit us and envy the people who have chosen to make their homes here"</i> (Tom Ford, Paula Ford, Robert Paul)</p> <p>b. In previous years new developers have brought out the Pacific Dunes Estate with different zoning in which I have no control over but knowing the older sections vision and why we brought here I feel it would not be fair to us or any other resident in these sections to have new owners coming in trying to change the size of the blocks to our neighbouring properties. Rezoning of the land would set a precedent to everyone here and the whole issue of subdivision and loss of the original mission statement to the area would be changed with development applications being submitted to PSC for subdividing of more properties in the future.</p>	<p>a. Noted.</p> <p>b. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential effect on large lot amenity, streetscape and character.</p> <p>The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>c. The objection is acknowledged. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>

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	c. Again I enforce I am an original purchaser of land to this division and do not want to be forced out of our forever home due to subdividing of these 2000m2 minimum square blocks.	
19.	<p>a. I was under the impression that when I moved to South Street 4 years ago that the area was zoned R5 and was attracted to buy into the area with the open living area of the large 2000sq m blocks.</p> <p>b. I believe this application for dual occupancies at 74 South St, should have been declined on initial application by council, it shows a decided amount of ineptitude and regard for all other residents.</p> <p>c. The Port Stephens Councils zoning R5 is very clear about not allowing subdivision, yet the council have given initial approval for 74 South St to do exactly that against their one zoning.</p> <p>d. The streetscape in South St, at the moment is very attractive and has been remarked upon as one of the most attractive streets in Medowie. The residents have invested a great deal of time and money on landscaping, gardening and maintenance to further enhance the Street. Any dual occupancy in this street setting would be more than obvious and visually overbearing, inappropriate and detract from appeal of property value.</p> <p>e. Therefore, we ask that Port Stephens Council refuse this Planning Application.</p>	<p>a. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>b. Noted.</p> <p>c. Noted. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; public exhibition; and post-exhibition report to Council (this report).</p> <p>d. Noted (please also refer to response a. above).</p> <p>e. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>
20.	<p>a. The Planning Proposal Site adjoins our land. Our land is zoned R5 LARGE RESIDENTIAL, as is the Proponents land, and, in compliance with the Section 88b instrument governing the R5 Zoned lands, we only have one (1) residence erected on our land.</p> <p>b. Should this Proposal be successful, we will have a minimum of two (2) residences along our rear fence. This would CLEARLY severely affect our PRIVACY.</p>	<p>a. It is understood that Clause 1.9A <i>Suspension of covenants, agreements and instruments</i> of the LEP applies.</p> <p>b. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this</p>

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	<p>c. The land encompassing this block, were all sold as, and intended to be, SMALL ACREAGE in keeping with the RURAL landscape of the Medowie area.</p> <p>d. The land encompassing this block, were all sold as, and intended to be, SMALL ACREAGE in keeping with the RURAL landscape of the Medowie area. The Pacific Dunes and Sylvan Ridge Estates, when designed, offered various sized blocks to attract all potential residents. Whether buyers wanted a small 500m2 up to 2000m2 block of land, it was generously catered for by the then developers. If the Golfing Estate wasn't your scene, you only had to step into the Sylvan Ridge Estate where small acreage blocks were offered for sale to buyers who wanted that RURAL style of living. That's why we purchased the large block.</p> <p>e. if the Planning Proposal is successful, this would more than likely, see multiple residences erected on the two (2) blocks. This would in turn, DECREASE THE VALUE OF OUR PROPERTY, by making it less attractive to potential buyers. This is also the views of two (2) independent Medowie Real Estate agents. Our Property WILL be severely DEVALUED.</p> <p>f. At no time were we, or any of the other residents/neighbours for that matter, affected by this Proposal, ever informed of the subdivision Proposal. The whole exercise of the subdivision has been carried out in TOTAL SECRECY. Not even the owners, Mr and Mrs Threadgate, advised any of their neighbours of their plans to subdivide.</p> <p>g. The initial Planning Proposal was commenced, by the Proponents, Monteath and Powys, in July 2016. The land owners, Threadgates, informed us in September, 2016, they intended to 'owner build' a similar style house to those already in South Street. AGAIN, in December, 2016 the owners informed another neighbour, 'they were thinking of subdividing the land'. Mind you, this conversation took place after the 13th December, 2016 when, infact, the Proposal had already been before Port Stephens Council and APPROVED. THANKS VERY MUCH, PSC, FOR THE</p>	<p>may have some potential effect on large lot amenity, streetscape and character. Future development would be subject to gaining separate development consent.</p> <p>c. Noted. Please also refer to response b. above.</p> <p>d. Noted.</p> <p>e. If Council resolves to revise the planning proposal the landowner could potentially apply for a dual occupancy on resulting allotments (subject to gaining separate development application approval). The objections to potential decrease in surrounding property values are noted.</p> <p>f. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; public exhibition; and post-exhibition report to Council.</p> <p>g. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>

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	NOTIFICATION. YOU APPEAR TO HAVE A CARE FACTOR OF ZERO FOR THE RESIDENTS OF PORT STEPHENS.	
21.	<p>a. as a resident for most of the past thirty eight years (with just a short period away) I would like to ask a simple question; what the hell do you think you are doing? Like many others, the reason we moved to Medowie was to get away from the rat-race of Suburbia. The reason that the people who came here chose to build on acreage (whether it is 2, 1, or ½) is because we wanted to experience the feeling of peace and freedom.</p> <p>b. For you to even consider rezoning this block so that four town houses can be built on it, is an absolute insult to the people of the area, and even below your already low standards.</p> <p>c. Our advice to you, and the money grubbing owner, is to go build your town houses somewhere that is appropriate, and stop trying to destroy the hard earned life-style of the people in this area. We do not, and will not accept this project going ahead. I am quite happy to discuss this with your representatives at any time.</p>	<p>a. to b. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential effect on large lot amenity, streetscape and character.</p> <p>c. The planning proposal is not recommended to proceed as exhibited. This includes because of the potential for 'multi-dwelling housing' as defined in the LEP and permitted within the R2 Low Density Residential Zone. If Council resolves to proceed with a revised the planning proposal the landowner could potentially apply for a dual occupancy on each resulting allotment (subject to gaining separate development application approval). The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>
22.	<p>a. We are lodging a strong objection to 74 South Street Medowie being rezoned to low density residential development as we believe this would have a detrimental effect on the area.</p> <p>b. Existing residents have chosen to buy and build on large blocks with the knowledge neighbouring blocks would be the same with consistent restrictions. Changing these blocks would impact existing residents, especially privacy issues, as this opens up to double storey buildings and being permitted to build closer to boundaries.</p> <p>c. We urge Council to reconsider permitting 2000 sq metre blocks to be reduced.</p>	<p>a. The objection is acknowledged.</p> <p>b. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential effect on large lot amenity, streetscape and character.</p> <p>c. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>

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23.	<ul style="list-style-type: none"> a. Council zoning regulations regarding R5 are very clear - No subdivision's b. One of my reasons for moving to Medowie was to be able to purchase a decent block of land have a vegetable garden and a few fruit trees. Be far enough from my neighbours for them not to be a worry. Knowing that the town and country ruling on R5 would ensure my privacy and that this ruling was written in stone. c. Rezoning taken to its logical conclusion would see HIGHRISE overlooking Pacific Dunes Golf Course. d. I have it on good authority that houses in South St. numbers 66 to 72 [currently zoned R5] are still awaiting rezoning approval. A slight administrative error you might say. e. I sincerely hope that there was no financial inducement with this DA application. 	<ul style="list-style-type: none"> a. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. b. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential effect on large lot amenity, streetscape and character. c. Noted. Future development is subject to gaining development consent. d. 66,68,70,72 South Street are included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum area of 900m2. e. No. The proponent has paid planning proposal fees set in Council's Fees and Charges Schedule.
24.	<ul style="list-style-type: none"> a. The 2000sqm blocks in South Street were intended and sold to purchasers to provide small scale acreage in conformity with rural atmosphere of the Medowie community. The majority of properties in the street have been developed as such and the streetscape has already been established. b. To change the zoning of this area, specifically for 74 South Street, will not only set a precedent to all other landholders in the PSC area, but will be detrimental to all adjoining neighbours and is not in the best interests of the immediate local area. c. This specific area is certainly not an area for high density applications and PSC should adhere to the current R5 zonings of South Street. Changing the zoning now could lead to up to 4 town house dwellings being built on one 2000sqm block of land which would be completely unbecoming given the actual residences in the area are of a rural nature with open space topography. The existing 	<ul style="list-style-type: none"> a. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character. b. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. c. Noted. Please refer also response a. above.

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	residences would lose their current aesthetic appeal. d. We empathetically urge PSC to consider the ramifications and impact on the local residents and deny the application.	d. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.
25.	<p>a. We purchased our land in 2006 and were one of the first dozen or so houses to be built with in the Pacific Dunes Estate.</p> <p>b. We purchased due to its location and the fact it would be beside the large blocks on South Street. In our opinion at the time this would help protect our property values as the existing houses were large and very appealing.</p> <p>c. Currently there are strong rumours that the current owner of 74 is going to build town houses on the site once the rezoning is finalised. This definitely goes against the character of the street as all other properties have one house on each block. The risk of this cannot be allowed to happen as it could devalue the rest of the properties in the area.</p> <p>d. From the information we have read, it looks like Council have not rezoned the properties at 66,68,70 and 72 South St when they should been as part of the Pacific Dunes Estate. If this needs to be done it should be as a separate issue. No 74 is not part of the estate and should not be rezoned as part of the Council fixing a possible previous error.</p> <p>e. We are also of the opinion that the blocks at 66 to 72 South St were developed to a minimum block size because they back directly onto Angophora Park. They therefore have no houses behind them and do not impact on anyone's privacy.</p> <p>f. The proposed maximum building height for 74 is to be raised to 9m, and if double townhouses, or even multiple single level houses are built, this will greatly impact on the privacy of neighbouring houses.</p> <p>g. There is no need for this block of land to be rezoned when there are currently plenty of smaller blocks of land with the Pacific Dunes Estate and The Bower Estate. To imply this one subdivision will add greater housing choice and greater employment to the region is preposterous.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. The planning proposal is not recommended to proceed as exhibited. This includes because of the potential for 'multi-dwelling housing' as defined in the LEP and permitted within the R2 Low Density Residential Zone. If Council resolves to proceed with a revised the planning proposal the landowner could potentially apply for a dual occupancy on each resulting allotment (subject to gaining separate development application approval).</p> <p>d. Noted. 66,68,70,72 South Street are included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum area of 900m2.</p> <p>e. Noted. Please also refer to response d. above.</p> <p>f. If Council resolves to revise the planning proposal the landowner could potentially apply for a dual occupancy on resulting allotments (subject to gaining separate development application approval and assessment of building height).</p> <p>g. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. However, planning proposals for individual sites are able to be considered on their merits.</p>

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	<ul style="list-style-type: none"> h. There is no good reason to develop these small lots on South St. Surely this is just a money grabbing exercise by the current owner. i. It would be very disappointing if 74 South St was to be subdivided. Please take our objections seriously and do what is right for the existing neighbouring residents. 	<ul style="list-style-type: none"> h. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. The exhibited proposal states there is minor community benefit by the intended provision of one additional lot for the provision of housing. i. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.
26.	<ul style="list-style-type: none"> a. I am opposed to the subdivision of half acre blocks (74 South Street) in Pinehurst Way & South Street. b. The size of the blocks was the attraction for us to move here just over a decade ago. Please do not change the ambiance, lifestyle & privacy that comes with them. c. Subdivision may open up the opportunity for others to do the same. d. In the adjoining Pacific Dunes Golf complex there are many smaller blocks available. e. If you drive South St you can see the amount of time & money effort put in by the owners giving great pride. f. There seems an obvious pursuit of financial gain in this application. g. Please consider residents over developers. 	<ul style="list-style-type: none"> a. Noted. b. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential effect on large lot amenity, streetscape and character. c. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. d. Noted. e. Noted. f. Noted. g. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.

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27.	<p>a. After recently moving up from Sydney we purchased our block of land for the purpose of having more space and less traffic around our home.</p> <p>b. If you approve them to subdivide the block, these blocks of land will not fit the appearance of this area and the experience of having our children grow up with 'open' living will diminish.</p> <p>c. The area we live in is classified as rural residential. If the developers don't want to put a decent home on this block, they need to sell it. Subdividing land belongs in suburbia, NOT HERE!</p> <p>d. If you approve subdividing 74 South Street now, what's next? Before we know it blocks will be divided up into 450m2 blocks, this shows not only the developers are money hungry, but also Port Stephens Council are too.</p> <p>e. As a rate payer of this council, I look forward to hearing that you have refused their application of subdividing 74 South Street.</p>	<p>a. Noted.</p> <p>b. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential effect on large lot amenity, streetscape and character.</p> <p>c. Noted. Please also refer to response b. above.</p> <p>d. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>e. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>
28.	<p>a. As long term residents of South Street we purchased our R5 land and built here to enjoy the open space. We don't want to be too close to neighbouring properties and want the quiet, peaceful and private lifestyle that R5 affords.</p> <p>b. It is our belief that if the rezoning of 74 South Street goes ahead then it sets a precedent to allow other R5 land to be rezoned. Obviously, we are strongly opposed to this.</p> <p>c. Do not destroy the beautiful streetscape of South St, the big R5 blocks, lovely houses, well maintained yards, and open space are what makes it the best street in Medowie.</p> <p>d. There is no place in South Street for high density living, units are not appropriate here. Don't allow us to be built out.</p> <p>e. We implore you to refuse this application in the interests of South Street residents and all R5 landholders.</p>	<p>a. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential effect on large lot amenity, streetscape and character.</p> <p>b. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>c. To d. Noted. Please also refer to response a. above.</p>

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		d. The objection is acknowledged. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.
29.	<p>a. I moved to the area surrounding South Street due to the open space living that R5 offers.</p> <p>b. I chose to purchase a house in Medowie and in particular the South Street area due to the R5 zoning. R5 does not allow for subdivision and this was one of the attractions to purchasing a house, I was under the believe that I was future proving my retirement ensuring where I purchase would not become over crowded by subdivision, however this is exactly what Port Stephens is planning on doing. If approved this will set a precedent that any R5 vacant land anywhere within PSC can be rezoned.</p> <p>c. South Street and the surrounds are all open space, with large blocks and to allow for a subdivision in the middle of the area is ludicrous and will take away from the nature beauty and existing street scape of the area.</p> <p>d. I strongly object and will stand together with the residents of South Street to fight this proposal. We are home owners, unlike the potential residents of 74 South Street if this subdivision is allowed. This is just another example from PSC on poor decision making based on short term profits instead of protecting the interests of the PSC residents.</p> <p>e. There are numerous areas in other areas of Medowie that allows for high density living, let this developer build his subdivision elsewhere.</p> <p>f. PSC does not have the authority to rezone any area without community consultation, and the residents of this area object to this proposal and will continue to fight to protect the R5 zoning of South Street and the surrounds.</p>	<p>a. Noted.</p> <p>b. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. The potential for precedent is identified in the Council report.</p> <p>c. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential effect on large lot amenity, streetscape and character.</p> <p>d. Noted.</p> <p>e. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. However, planning proposals for individual sites are able to be considered on their merits.</p> <p>f. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; public exhibition; and post-exhibition report to Council.</p> <p>The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>

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30.	<p>a. I have viewed the plans and I know the site well. I wish to object strongly to the approval of the subdivision in this location.</p> <p>b. We built our forever home in 2015 reading and accepting council requirements and estate covenants. As South Street has a nice open plan feel with homes set back and not crammed on top of each other giving space and privacy that R5 zoning allows.</p> <p>c. Infilling would ruin the character the street has adopted and even though east to the application (66,68,70,72 south st) have already been built onto smaller blocks. These blocks are part of Pacific Dunes Golf Resort and as such had to be built to Strict design and size requirements with continued upkeep requirement making these lots fit well within our Street.</p> <p>d. Our main fears being if the subdivision is approved there is no stopping the building of townhouses on these lots which will cause the values and appearance of the homes nearby, mine included to drop in value and street appeal. These blocks will not be put under the same scrutiny as (66, 68, 70, 72 south street) they will be free from our R5 council requirements and estate covenants to build a possible 4 separate dwelling where only one family home should be.</p> <p>e. Id like to know how you expected all the other homes and owners on south street to have built to these conditions and then to have this last one try to change it around so they can line their pockets and leave the estate open to others now wanting to sell their back yards and move away as what's the point of living in R5 zoning that is really no longer R5.</p> <p>f. Port Stephens Council approval of this development will open the gates to more anger and development applications that will ruin not only South Street but Medowie as we know it.</p>	<p>a. Noted. Objections to the proposal are highlighted in the report to Council.</p> <p>b. Noted.</p> <p>c. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential effect on large lot amenity, streetscape and character.</p> <p>d. The planning proposal is not recommended to proceed as exhibited. This includes because of the potential for 'multi-dwelling housing' as defined in the LEP and permitted within the R2 Low Density Residential Zone. If Council resolves to proceed with a revised the planning proposal the landowner could potentially apply for a dual occupancy on each resulting allotment (subject to gaining separate development application approval).</p> <p>e. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>f. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>

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31.	<p>a. We moved here as the blocks were large about 2000m2. We don't want the blocks to be approx. 900m2 and then being able to build dual occupancy. This will allow 4 houses where there should only be one.</p> <p>b. We believe this would adversely affect the current streetscape and if approved this development would look out of place.</p>	<p>a. Noted. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>b. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>
32.	<p>a. I am not even told that 74 South St was going to be subdivided. Surely it is common courtesy to let neighbours know what is going on next to them, or do you think I am a mushroom? I can assure you I am not!</p> <p>b. Moved here over 12yrs ago so we could have open space living in our retirement, to which we have been accustomed. Now I see this council want to try and deny us that opportunity to continue our life in retirement, in the lifestyle we have chosen.</p> <p>c. This is an area zoned by council to allow residents to enjoy open area living. Just because the owner of the only vacant block of land left in this street opposite my home, wants to subdivide, is just outrageous..</p> <p>d. Pacific Dunes recently declined the owner of 51 South St to build a duplex on his property and the investor was forced to sell. It did not even get to council for approval/rejection. Why do council think they can make such an absurd decision to allow 74 South St to be rezoned. This is madness!!</p> <p>e. The whole area has been zoned by council for larger homes on half acre blocks. 74 South St is zoned for a single residence on a half acre block and was in the same land release as my home and has the same building conditions. These conditions should remain unchanged, and the only</p>	<p>a. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; public exhibition; and post-exhibition report to Council.</p> <p>b. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>c. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>d. Noted.</p> <p>e. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South</p>

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	<p>thing council should look at for this site is an application to build a single residence!! Nothing else!!</p> <p>f. To think that council have supported this owner in the first two stages of the approval process makes me sick.</p> <p>g. There are hundreds of blocks of vacant land around Medowie that is available for people to build on and are the same size as what this subdivided land will be if you approve this application.</p> <p>h. Council have already made a mistake by allowing the four homes east of 74 South St to be built before relevant processes were in place. Now you want to hide your mistake by including them in this application. Take them out and deal with them separately.</p> <p>i. No one with any sense of community pride would even contemplate changing the streetscape of South St by supporting this stupid idea.</p> <p>j. Already some of my friends are feeling stress because they can see this will bring in higher density living, more noise, more cars and more people, next to where they have lived in peace and quiet for over 10yrs.</p>	<p>Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>f. Noted. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; public exhibition; and post-exhibition report to Council (this report).</p> <p>g. The potential for precedent is identified in the Council report. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. However, planning proposals for individual sites are able to be considered on their merits.</p> <p>h. 66,68,70,72 South Street are included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum area of 900m2.</p> <p>i. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>j. The objection is acknowledged.</p>

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33.	<p>a. I object in the strongest possible terms to this proposal. The Office of Minister for Planning, the Hon. Anthony Roberts MP, has advised I make a thorough and comprehensive submission and what follows is exactly that – a legitimate claim that this planning proposal presents as a grossly overstated and inaccurately positioned document without equal in my experience of professional practice in property matters over 50yrs. More the pity that this time around I am personally affected.</p> <p>b. It is an insult to the established rural residential neighbourhood in which we live and has aroused deep anger that has and will continue to alienate PSC and the Medowie community if not rectified and us more particularly, if direct action to dismiss it is not taken. We have been duped in the intent of our adjoining owner in this process but also it is proving to be the most disruptive and deplored alienation residents' expectations of Council both in the wider Medowie and Pacific Dunes community.</p> <p>c. It is in direct conflict to past and recent expressions of dislike on spot rezoning matters by planning staff and yet in this whole process we are expected to accept this amateur attempt at a spot rezoning dressed up as misplaced urban infill.</p> <p>d. Is this the now revealed reason for an obligatory staff submission for council consideration and then having it adjudicated on via the Gateway process. The result, in a turnaround of just 5 weeks over a Xmas leave period, rather than the 3 months timeframe indicated to Council, reflecting a time wasting signal and minimal delegated application to it by Planning NSW.</p> <p>e. To seek to endorse the process as an opportunity correct a minor administrative mapping error and now acknowledged that this could be very simply and adequately dealt with as such and not linked in as a motive for consideration and support. To do so is completely naïve. This submission is made in good faith and seeks the sensible rejection that</p>	<p>a. The objection is acknowledged. A copy of the full submission has been forwarded to all Councillors.</p> <p>b. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>c. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>d. The timeframe provided within the proposal is indicative. The time taken to issue the gateway determination is a matter for the NSW Department of Planning and Environment.</p> <p>e. The main subject of the proposal is 74 South Street. 66,68,70,72 South Street was included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum area of 900m2. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>f. Noted. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. Council has an obligation to consider a proposal lodged and accompanied by the relevant fee set by its Fees and Charges Schedule.</p> <p>g. The petition is acknowledged in the Council report.</p> <p>h. to i. The additional information provided with the submission is acknowledged and has been read. The submission has been distributed to each Councillor.</p>

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	<p>could have been dealt with so efficiently and effective if the since discredited DCP had not facilitated its defective acceptance now some 12 months age, at a time, I might add, of our known absence.</p> <p>f. On three occasions, accompanied by my wife, I was advised by council planning staff that there would never be subdivision of the rural residential zoning. These assurances were made at the time of pre-contract exchange on our land purchase, at the time of the DA for our substantial residence and particularly again at the time of the revised LEP for Pacific Dunes and reclassification to the R5 large lots zoning in 2013</p> <p>g. Please in full knowledge of the well in excess of 200 petitioners and known numerous objections turn this opportunistic, speculative and time wasting proposal on its head and cull out of Councils far more important agenda.</p> <p>h. Annexure A</p> <ul style="list-style-type: none"> - CV; - why he bought in the area; - conversations with the current owner of 74 South Street; - the discovery of the December Council approval and correspondence over the matter and concerns of spot zoning; - Discovery of the Gateway determination <p>i. In Annexure B</p> <ul style="list-style-type: none"> - Correspondence to GM re: Gateway Determination; - PSC Informe and the Community - The Proposal Version 2 Exhibition – a number of issues are raised and highlighted with the planning proposal. 	

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34.	<p>a. We bought where we lived because we recognised the rural residential value that South St offered. It was the only, then available, building site having what were the prime requirements of space and the certainty of a buffer that the then also vacant No74 vacant lot gave. This and the given by council before we exchanged contracts against any chance of subdivision, the covenant and the shield that 74 gave against the known higher density to come with the smaller lots to the east of 74 was the security we needed supported by the clearly large scale rural residential amenity already established.</p> <p>b. We have constructed our large main residence and later added extensions. We have had our dreams for our retirement lifestyle ruined by this application as well as expensive cost of indefinite cancellation of an overseas trip. Proponents delay in paying exhibition fee until the last minute leaving us tied up until surety of date was available.</p> <p>c. The whole process of in this application reaching this stage has been shrouded deceptively. The assisted purchase we gave to the current owner followed by the stealth statements on their intentions, cutting lots into two – suggested as a possibility yet to be taken to Council but in fact already approved to go forward to the Gateway Process. Adjoining owners consistently told, as were we, That their intention was to adhere to a large residence in accordance with the covenant. The flawed development control plan enabled the proposal to go through a council approval without reference to adjoining neighbours. The whole process underwritten on a platform of overstatement and distortion relating to the process and potential outcomes in support of State Government policy and easily interpreted as being progressed as a 'minor administrative matter'. Easy for the survey firm to put up an overkill presentation and claim an opportunity to correct an administrative error. But what of us and our great neighbours who are faced with the same potential suffering and damage to their chosen lifestyle.</p>	<p>a. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>b. Noted. The timeframe provided in the planning proposal was intended at the time.</p> <p>c. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; public exhibition; and post-exhibition report to Council. 66,68,70,72 South Street was included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum area of 900m2.</p> <p>d. to f. The objection is acknowledged. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>

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	<p>d. Recall the often dominant discussion then that future development and the growth of our PS community must preserve the rural residential character of areas like where we now live – Medowie. That is why we particularly chose the half-acre lifestyle of South Stand have a lifestyle that offered space and outlook in our retirement.</p> <p>e. I accompanied my husband on 3 occasions when council officers told us that this land could never be rezoned or cut up into smaller lots. It's a recent and quite upstart attempt and the result of a since discredited DCP.</p> <p>f. Reject for: it is totally anti-community in spirit; devaluing of all the rural lifestyle lots of 2000m2 and larger offer in space and lifestyle; and totally destructive of the choices made by us and our hundreds of neighbours who see this as totally unjust and unrepresentative of what PSC stands for.</p>	
35.	<p>a. I am not anti-development but I would like to see Council devote its talents to better long term planning of residential projects rather than be fiddling around with isolated blocks that divide the community. It is certainly happening around here. I have never seen such community discontent about this apparent speculative attempt to cut up a 2000m2 block just to make money. It certainly has lit a fuse that will be long in the memory of residents if it is allowed. Surely not!</p> <p>b. What about the residents, like me, that enjoy where they live and enjoy the surety of lifestyle when they bought being able to be continued. I pity the neighbours that will be affected. It's outrageously unfair.</p> <p>c. Don't allow it and don't waste time and money in dealing with such a piddling issue. Get involved in the macro stuff and put the worth of the Medowie Plan into action.</p>	<p>a. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. However, planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>b. The objection is acknowledged. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>c. Noted. Please also refer to response b. above.</p>

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36.	<ul style="list-style-type: none"> a. Does Council realise what a storm has developed over this issue? b. There is anger, real anger, that a speculator thinks that they can come in to an area pick a vacant block and try on a slice up of land that street after street is rural residential. c. I heard that it is the last block that was designed before the start of the community title area commenced off South St in earlier days. I have been and had a look and can't believe that Council says in its report that it is an extension of the smaller lots. It's not and to say it is a lie! d. It is deliberately destroying the rural residential amenity in the street. Why? And for what? e. Do it once and more will follow. We love where we live and Medowie doesn't need this or want it. f. The Bower estate allows smaller lots and that is where it is applicable. This just destroys lifestyle. 	<ul style="list-style-type: none"> a. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made. b. The exhibited proposal states there is minor community benefit by the intended provision of one additional lot for the provision of housing. c. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. d. It is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character. e. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. f. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. However, planning proposals for individual sites are able to be considered on their merits.
37.	<ul style="list-style-type: none"> a. We live just one block away from this fiasco and we are the most recent residents in South Street having recently bought our home after a long search and a move. b. We bought here because of the great feel in being able to have space and a high quality lifestyle without feeling the cramped in nature of suburbia. c. How is it that somebody can come along to an area and seek to destroy our amenity and environment by chopping up our lifestyle by reports that are overkill in support of what is 	<ul style="list-style-type: none"> a. Noted. b. Noted. c. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. d. The potential for precedent is identified in the Council report. e. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be

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	<p>nothing more than outright speculation.</p> <p>d. If approved, what is to stop further subdivision.</p> <p>e. We are also just one block removed for the other only vacant land of similar size located at No82 and from what we hear the owners are just waiting in the wings ready to pounce on any No 74 approval as a precedent.</p> <p>f. Mayor Mackenzie and Councillors please do not do this to us by allowing it to happen. Everybody in this neck of the woods is up in arms about it and sense that Council is letting this community down by time by even considering it and allowing it to be on exhibition.</p> <p>g. Having read the attached reports thoroughly we can only see deliberate and misleading attempt at justifying rampant speculation.</p> <p>h. This land was not bought for its as zoned lifestyle and living value. It was bought to deliberately destroy through unwanted subdivision in speculation and false claim of infill through what we understand is called spot rezoning and totally frowned on by Government.</p> <p>i. Wake up! Reject it!</p>	<p>considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>f. The objection is acknowledged. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>g. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>h. A gateway determination was issued for the proposal by the NSW Department of Planning and Environment.</p> <p>i. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>
38.	<p>a. This proposal is ridiculous. Why is it even being considered? I have to think what could happen to Medowie and our rural residential village style atmosphere if this was allowed to go through. Wake up Council. This is worth preserving as it is.</p> <p>b. The community doesn't want it. Why choke up one of two remain blocks of land that are a half acre in size by slicing it in two and putting smaller houses with smaller setbacks cramped up on each other.</p> <p>c. There is plenty of choice in the immediate area with the Bower Estate up Medowie Rd due for a complement of smaller lot sizes that match this and can't believe the great choice in the Community Title area of the golf course estate at Pacific Dunes as an immediate option.</p> <p>d. I bet if this goes through the next thing will be that every vacant rural residential block will be doing the same thing.</p>	<p>a. The objection is acknowledged. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>b. The planning proposal has been exhibited and submissions received.</p> <p>c. Noted.</p> <p>d. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>e. Noted.</p> <p>f. The proposal is to be considered by the Council following a</p>

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	<p>e. Result – Rural residential lifestyle broken forever. Friends I know in the South St area can't believe that their council, and mine as well, can be doing this. It really is beyond being stupid. We like Medowie as it is and the best place for a quarter acre block is down where there are plenty available at the Bower and on Pacific Dunes itself. Not needed Council.</p> <p>f. It really is a ridiculous idea, driven by the dollar and greed.</p>	<p>period of public exhibition including consideration of submissions made.</p>
39.	<p>a. I read in the paper the proposal as above. I couldn't believe it as it looked like a high density subdivision of a block of land in Medowie was about to happen and was there more to come?</p> <p>b. I don't live in the same area so I went and had a look. I asked questions of a couple walking down South St near the proposed area and they were up in arms. After speaking with them I can understand why.</p> <p>c. How is it that PSC can even entertain a carve up of this land just to create smaller lots at the expense of the Rural Residential area that is so dominant and pleasurable in that location. It doesn't matter where you go around town or down at the shops everybody seems to know about and they hate it.</p> <p>d. Why do Council waste time and my money bogged down on this sort of proposal? It is wrong and clearly driven by speculation.</p> <p>e. At first I thought it was just a development application but no it's a fully-fledged rezoning. That's because, I imagine, that it was never meant to be other than Rural Residential and that's how it should stay.</p> <p>f. Hands off PSC. This is destroying our community and the way we live. The reason why we came here in the first place. Shame on you if this is allowed to go through. Surely not. Me thinks there is a need to throw out the current Councillors if this is how the Mayor or and others look on our community.</p> <p>g. If I were in the same vicinity, I would be kicking up one hell of a stink at this rotten attack on the attractiveness of the area. I can understand if I had purchased there and I can</p>	<p>a. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east.</p> <p>b. Noted.</p> <p>c. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>d. Please refer to response c. above.</p> <p>e. Please refer to response c. above.</p> <p>f. The objection is acknowledged in the Council report.</p> <p>g. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>

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	remember the advertising a sale of the land a few years back, I would be upset to the max. Council don't be so silly as to approve it because it will back fire on you.	
40.	<p>a. I am a long term resident of Medowie and I am appalled at this latest attempt to allow a speculative land grab by subdividing a rural residential block in Pacific Dunes.</p> <p>b. Whats next? Council seems hell bent on allowing destruction of the rural atmosphere so precious to retain.</p> <p>c. If this is allowed to proceed it will lead to many more similar applications by creating a precedent whenever a speculator spots a vacant block. Don't allow urban creep in my neighbourhood.</p> <p>d. I look to present Councillors and those standing for council at the upcoming election to stand up for community rights and not allow this destruction of semi-rural lifestyle.</p> <p>e. Medowie does not need to become like Newcastle or the outskirts of Sydney and major cities.</p>	<p>a. The objection is acknowledged.</p> <p>b. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. However, planning proposals for individual sites are able to be considered on their merits.</p> <p>c. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>d. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>e. Noted.</p>
41.	<p>a. Any spot rezoning claiming urban infill is always questionable. Here, it is a dangerous threat leading to the destruction of the rural residential lifestyle of the area where it is proposed.</p> <p>b. Council will recall that the Medowie Strategy took a long time to develop after considerable and committed community input.</p> <p>c. We believe that if this proposal was allowed to proceed a range of similar spot zoning applications claiming urban infill will follow. We know that Council has expressed in the past at both councillor and planning staff level an intense dislike in the nature of spot rezoning as is proposed here and one has to ask why has it even reached this stage.</p> <p>d. This location is not urban but clearly defined as half acre 2000sqm large lot rural R5 residential zoning.</p> <p>e. Our members are united in opposing this proposal and resolved to ensure that our objection is heard.</p>	<p>a. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>b. Noted. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. However, planning proposals for individual sites are able to be considered on their merits.</p> <p>c. The potential for precedent is identified in the Council report. Please also refer to response b. above.</p>

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	<p>f. All the evidence points to an upstart attempt at outright speculation with nil regard to the protection of neighbourhood rights and completely false claims of benefit when in fact it believes the complete opposite – detriment and loss in a potentially harmful fracture of the rural residential lifestyle sought by residents and the value loss in their considerable investments.</p>	<p>d. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east.</p> <p>e. The objection is acknowledged in the Council report. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>f. The exhibited proposal states there is minor community benefit by the intended provision of one additional lot for the provision of housing. The limited wider benefit is acknowledged.</p>
42.	<p>a. I strongly object to the proposal</p> <p>b. Reasons for opposing proposal is</p> <ul style="list-style-type: none"> - Loss of privacy – whatever housing development is carried out on this subdivision (especially double storey), the minimum setback from neighbouring boundaries will be abolished. These premises will then be looking directly into my backyard and more importantly, my residence. I am acquainted with a number of Real Estate Agents within Medowie and I have been informed that should the proponents application be successful, a further application will be forthcoming by the owner to erect townhouses on both blocks of land. Should this be the case, my privacy will be clearly affected. The application states that the sub-division of 74 South St is in keeping with adjacent blocks to the east. This is clearly a false statement as the blocks to the east of 74 South St are still zoned R5 large residential and not R2. - Decreases value of my property – advice from Medowie Real Estate agents, that if multiple development on the proposed site is carried out, it will severely affect the value of my property. If the proposal is successful, an application for townhouses will be forthcoming. Who would want to buy a house on a 2000m2 block with town 	<p>a. The objection is acknowledged.</p> <p>b. The planning proposal is not recommended to proceed as exhibited. This includes because of the potential for 'multi-dwelling housing' as defined in the LEP and permitted within the R2 Low Density Residential Zone. If Council resolves to proceed with a revised the planning proposal the landowner could potentially apply for a dual occupancy on each resulting allotment (subject to gaining separate development application approval). It is acknowledged the proposal creates potential for additional neighbours. The concern based on potential decrease in surrounding property values is noted. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>c. Noted.</p>

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	<p>houses built right on your back fence.</p> <ul style="list-style-type: none"> - Proposal is not consistent with surrounding residential blocks. You the PSC are relying on those blocks (66,68,70,72 South St) being rezoned R2 to bolster the proponents application of a sub-division of 74 South St from 2000m2 to min 900m2. These blocks should not be allowed to be incorporated with the proponents application they should be dealt with separately on their own merits. Why is there no mention of the developed blocks directly to the south and west, why don't we get a mention and moreover, how the proposal will affect us. c. We moved to get away from the crowded suburbs with houses virtually perched on top of each other and traffic queues which took its toll on our patience. d. Just like ourselves, people bought the blocks for what R5 residential blocks were planned for – to build large single residential homes. e. No one wanted to go back to living in what you, the council call low density housing estates. f. It is absolutely mind boggling how the application for 74 South St has anything to do with rezoning of 72,70,68,66 South St. These blocks come under the Pacific Dunes Estate as Community Title. 74 South St is Torrens Title. Why now has PSC included an additional administrative amendment to the minimum lot size map in respect to these four blocks. This appears to be another stuff-up by PSC staff who are now trying to cover their tracks. The 4 blocks also back onto Angophora Park, owned by the Pacific Dunes Community Association. They do not impact nor intrude on anyone's privacy. The park itself is open only to owners/residents of Pacific Dunes Estate. It is not a public park. 	<ul style="list-style-type: none"> d. Noted. e. Noted. f. 66,68,70,72 South Street are included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum area of 900m2. g. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; public exhibition; and post-exhibition report to Council (this report). h. The exhibited proposal states there is minor community benefit by the intended provision of one additional lot for the provision of housing. The limited wider benefit is acknowledged. i. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.

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	<p>g. The proposal has been shrouded in secrecy and out and out deceit from the very beginning. When an adjoining neighbour advises in Sept 2016 he is going to own and build a ranch style home similar to the surrounding houses, when in actual fact, had already put the wheels in motion in July 2016 for a subdivision of his land. I call that pure deceit.</p> <p>h. The proposal as far as I am concerned is purely for profit. I don't believe the owners will ever take up residence on either block if the application is successful.</p> <p>i. There is nothing minor about this – it is second application in the same street (no 111 and 74 South St). I am aware of another two land owners waiting for the results of both those proposals.</p>	
43.	<p>a. The whole area is half acre blocks and if you start to help developers rezone and subdivide these half acre blocks then it will just open the floodgates and you will help all developers to make a quick dollar at all of our residents expense.</p> <p>b. We will lose the value in our homes and you will not care less as you will be just getting more rates.</p> <p>c. There are a lot of blocks of land being developed in Medowie, so I just can't work out why it is so important to do 74 South St when it is only one of a couple left all across South, Sylvan, Osprey etc.</p> <p>d. We came to live in Sylvan Ave because we liked the extra room it gave us compared to where we lived before in all of our neighbours pockets. I want to be able to bring our kids up with plenty of trees and green grass.</p> <p>e. If you councillors start to wreck our lifestyle, just remember we have to vote in September and none of you will be getting my vote. To even think you want to help a developer and yes I have been told he is a developer to subdivide a spare block in South St, then you are no better than he is.</p> <p>f. I had a quick look at the application at the council office and I just can't work out why you make all these different references to the Medowie Strategy, Lower Hunter Planning, the Greater Newcastle City and a whole lot of other stuff that</p>	<p>a. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>b. The objections to potential decrease in surrounding property values are noted.</p> <p>c. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. However, planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>d. Noted.</p> <p>e. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>

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	<p>has nothing to do with what you want to do in South St.</p> <p>g. This whole area is built out so why subdivide one block in the middle of it all. Seems to me you have all gone cuckoo, or do you get paid to do this stuff.</p> <p>h. It is well known around town that is council just do anything they want to and it doesn't matter who complains, they just don't listen.</p> <p>i. From what I have heard about this application, a lot of people are unhappy about it and will tell the council exactly that. I fully support them all what they are doing to stop this going any further. Wake up PSC, reject the application and go somewhere else to wreck peoples lifestyle.</p>	<p>f. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. However, planning proposals for individual sites are able to be considered on their merits.</p> <p>g. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>h. to i. The objections are acknowledged in the Council report. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>
44.	<p>a. I am writing to object to the proposal to subdivide 74 South Street Medowie.</p> <p>b. My husband and I bought and built in this part of Medowie in order to live in an area with large blocks, and the atmosphere of large open spaces, plenty of green space and trees. We enjoy walking around the area, or riding bikes with our children, with the openness of the spaced homes.</p> <p>c. To rezone blocks in the area is taking this aspect away, without any consideration to the existing residents, who bought here for a reason.</p> <p>d. I am very concerned, that if this subdivision is approved, it will be setting a precedent, that other blocks in the area, including my own neighbours, would also be able to subdivide, resulting in a far more build up area.</p> <p>e. Surely if people want small blocks of land, there are plenty of other options, rather than permanently taking away the large more rural blocks, that so many of us truly appreciate and enjoy.</p>	<p>a. The objections are acknowledged in the Council report.</p> <p>b. Noted. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east.</p> <p>c. Noted (please also refer to response b. above).</p> <p>d. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>e. Noted. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. However, planning proposals for individual sites are able to be considered on their merits.</p>

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45.	a. My family and i moved from Sydney to Medowie only to find that the council here is about to make the same mistakes as other councils have made in the past. Why have you not rejected this stupid proposal.I thought that it was going to be different here, but it is just the same. It is going to be a big mistake if you allow this to happen here. It not only detracts from the ambience of the area it also devalues the area having town houses in an area that has nice large blocks with beautiful homes .I cannot believe that council is even contemplating allowing this submission to even get to where it has. I would like to show my disapproval in this matter.	a. Noted. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character. The objection is acknowledged in the Council report. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.
46.	a. I feel that if the proposal is accepted it will significantly affect the structure of area as home's are predominantly 2000m2 blocks. b. I do not feel that this is fair on existing home owners as I am sure that at this time of purchase of their respective properties this was not considered to be an option. c. I believe that this will set an undesirable precedent for the majority of the home owners of South St and surrounding streets and significantly detract from the value of existing homes and the area in general. d. I implore you to listen to the residents in the area and do what I can only describe as passing the 60 minutes test.	a. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east. b. Noted. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. c. Noted. The potential for precedent is identified in the Council report. d. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.
47.	a. I am writing to you to oppose another spot rezoning in Medowie, 74 South Street. I believe that this would be yet another mistake made by PS Council at the expense of the Medowie rate payers. b. A development strategy between PS Council and Medowie residents was produced many years ago and as part of this strategy it was agreed that larger blocks of land would be retained so that Medowie could retain its semi-rural outlook. Does this not mean anything anymore?	a. The objection is acknowledged. b. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. However, planning proposals for individual sites are able to be considered on their merits.

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	<p>c. Rezoning 74 South will destroy the amenity of our estate.</p> <p>d. It will set a precedent that any vacant R5 land anywhere within Port Stephens can be and more than likely will be rezoned without any consideration of those rate payers that have purchased in R5 areas.</p> <p>e. It will certainly reduce privacy of the adjoining landowners</p> <p>f. The character of the area generally involves large dwellings located centrally on lots with generous front & side setbacks</p> <p>g. There is nothing unique about this land which would suggest it should be developed in any way that is inconsistent with the large lot zoning.</p> <p>h. 17th January, Ken Jordan stood in my kitchen and said that "Port Stephens Council will NOT do and Does NOT do spot rezoning". Well maybe councillors need to rethink before they make such incorrect statements because Port Stephens council HAS done spot rezoning in Medowie. They have rezoned, 1c Sylvan Ave, 111 South Street and now after reading between the lines of the planning proposal of 74 South Street PS Council have already made their mind up to do yet another spot rezoning.</p> <p>i. It is embarrassing to read Wayne Wallis GM for Port Stephens Council pathetic piece in the examiner released on the 20th April 2017. This was titled "An award for council is an award for the community. In this article Wayne Wallis says, "We are focused on one thing and we are always asking ourselves one question - how does this effect Port Stephens and its people?". What a load of rubbish for those that attend council meetings it is clear residents are not heard and PS Council does not consider the rate payers when it comes to rezoning for development.</p> <p>j. Council seems to encourage, support and protect the proponents that want to subdivide or rezone but they do nothing to protect the many residents in Medowie that have purchased R5 lots in the Sylvan Ridge Estate.</p> <p>k. Stop spot rezoning in Medowie and refuse the application to rezone 74 South Street.</p>	<p>c. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>d. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>e. If the planning proposal proceeds it will create the potential for additional neighbours.</p> <p>f. Noted. Please also refer to response c. above.</p> <p>g. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east.</p> <p>h. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>i. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; public exhibition; and post-exhibition report to Council.</p> <p>j. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>k. The objection is acknowledged.</p>

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48.	<p>a. We built into Sylvan Ridge Estate believing that we were going to live in a prestigious rural estate that R5 large lot zoning has to offer – the rural feel open space living we were promised when we brought our land. Why even zone an area if it can be spot rezoned at any time PS Council likes?</p> <p>b. This spot rezoning has no benefits to PS Council, the community or the economy.</p> <p>c. It will detract from the amenity of the estate.</p> <p>d. It will set a precedence for other people with area viable on their block for easy money at the expense of their neighbours such as devaluing surrounding houses.</p> <p>e. Council has again shown lack of due diligence with this proposal as they have with others over the years such as the Pacific Dunes Estate rezoning.</p> <p>f. The proposal for 74 South St is full of misleading, false statements and photos, saying it will add greater housing choice to the community what a joke! There's an abundance of land up for sale in Medowie (multiple estates). Stating it will create more jobs... are you serious? I thought PS Council staff are meant to be trained and intelligent staff but adding such a stupid statement in this proposal truly shows how inadequate PSC planning staff are. Using house numbers 66 to 72 South St is not a minor administrative matter it is another major error, a fault, inaccuracy of the inadequate PS planning staff and council should NOT be trying to fix their stuff ups by allowing 74 South St to be rezoned. Spot rezoning is supposedly frowned upon in PSC even Cr Ken Jordan stood in my Kitchen on the evening of the 17th January 2017 in front of myself, my partner, my step son and his own wife and said "PSC will not and does not do spot rezoning" yet on the 18th Dec 2016 at a council meeting Ken Jordan stood up and voted for 74 South St to be spot rezoned. This shows the rate payers that the community cannot trust Councillors and council staff at all.</p>	<p>a. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>b. The exhibited proposal states there is minor community benefit by the intended provision of one additional lot for the provision of housing.</p> <p>c. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>d. The potential for precedent is identified in the Council report. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>e. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; public exhibition; and post-exhibition report to Council.</p> <p>f. The exhibited proposal states there is minor community benefit by the intended provision of one additional lot for the provision of housing. 66,68,70,72 South Street are included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum area of 900m2. The proposal is to be considered by the Council following a</p>

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	<p>g. PSC needs to communicate and interact with their rate payers more. There is absolutely zero communication with rate payers, which tells me that PSC doesn't care about the community and their care factor is zero and they will use rate payers money at their will.</p> <p>h. The proposal for 74 South Street goes completely against the Medowie strategy and should not be approved for rezoning.</p>	<p>period of public exhibition including consideration of submissions made.</p> <p>If Council resolves to revise the planning proposal the landowner could potentially apply for a dual occupancy on resulting allotments (subject to gaining separate development application approval).</p> <p>g. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; public exhibition and post-exhibition report to Council.</p> <p>h. The objection is acknowledged. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>
49.	<p>a. We purchased the large lot to enjoy open plan living utilising a large single dwelling. The aesthetics and the street scape of South street would be tarnished and could possible affect the overall property values if the street scape changed to allow multiple dwellings on the larger block.</p> <p>b. The council should reconsider the decision to allow this to happen. We hope PSC will take into consideration the effect this will have on the residence currently living on South St near this proposed rezoning.</p>	<p>a. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>b. The objection is acknowledged. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>
50.	<p>a. We currently live in Taree but are considering a move to Medowie to be closer to family. We object to your planned proposal to allow 74 South Street to be rezoned and subdivided.</p> <p>b. To date we have heard nothing but negative comment about Port Stephens Council supporting a developer to help rezone and subdivide his property.</p>	<p>a. The objection is acknowledged.</p> <p>b. Noted. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; public exhibition; and post-exhibition report to Council (this report).</p>

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	<p>c. During our working lives we have worked closely with various councils regarding development proposals and subdivisions. We have never heard or seen such a proposal by any council try to change existing zonings within an almost completed estate. These individual blocks from our experience have always been owned by people who intend to build there at a later stage than the rest of the developments and in all instances to our knowledge this is what has happened.</p> <p>d. It appears in this case a speculative developer is testing Port Stephens Council to see if they will relent on the strict guide lines surrounding R5 zoning and with the usual 88B notation of one residence and garage per property.</p> <p>e. On reading the Planning Proposal by Port Stephens Council, there does not seem to be a lot of merit in proceeding with this proposal. There are regular references to wording such as "increase development", "increase housing stock", "minimum lot sizes", "create jobs", "no conflict with surrounding development", "infill" and so the list of claims goes on. All of the claims made above seem to be contrary to what is actually fact. Especially when you look at a google earth view of the area, you cannot but wonder where all of the statements above have come from. There does not appear to be any property development within an area of over 400 lots around this proposal other than the adjacent Pacific Dunes Estate that would be similar to what is proposed. However as the Pacific Dunes Estate is Community Title and the rest of the community is Torrens Title we struggle to work out why council would support such a proposal to rezone and sub-divide 74 South Street.</p> <p>f. South Street has got to be the premier street in Medowie and why would Port Stephens Council want to destroy that? We would have thought council would be very proud to show visitors what a wonderful lifestyle some of their residents enjoy in their LGA. Every time we drive up South Street, we can see how proud the residents must be with manicured lawns and gardens, lengthy setbacks etc., but yet Port</p>	<p>c. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal.</p> <p>d. The exhibited proposal states there is minor community benefit by the intended provision of one additional lot for the provision of housing.</p> <p>e. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east.</p> <p>f. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>g. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>h. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east.</p> <p>i. The objection is acknowledged in the Council report. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>

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	<p>Stephens Council you are supporting a developer to completely destroy everything that people have worked for.</p> <p>g. Referring back to the wording at the end of the Planning Proposal we think says it all "no social economic benefits". We refer to the old saying "if it ain't broke don't fix it", so why ever would Port Stephens Council put up such a dubious proposal when they themselves say there is no benefit.</p> <p>h. Port Stephens Council clearly by your statements in your Planning Proposal you realise deep down this developer should be told to go elsewhere because of total lack of substance and it does not fit with the amenity of the area.</p> <p>i. Do the right thing by the residents of the surrounding estates and REJECT this proposal! If this does not happen we will have to rethink our intended move which we definitely do not want to do.</p>	
51.	<p>a. I am troubled to hear of this proposal for rezoning of 74 South St to allow a possible subdivision. Prior to purchasing my block of land I conducted my investigation into this area and was really drawn to this specific location due to the following reasons: large blocks (2000m); beautifully kept open space properties and homes; majority Owner occupied; like-minded proud home owners; friendly community; no smaller properties or sub divisions (as in the Dunes); the area is a kid friendly area and my two children can safely attend the local park or go bike riding/walking.</p> <p>b. I totally object to the rezoning of 74 South St for the following reasons:</p> <ul style="list-style-type: none"> • It will set the precedence for others to subdivide in our neighbourhood including the few remaining vacant blocks (including one across from my home - 82 South St) • It will have the effect of de-valuing my property • It will open up the area to a greater rental clientele • It will increase traffic in the area which already has increased substantially since the joining of South St • It could affect the ability of my children to safely play in the area with a possibility of 'lower end' rentals being leased 	<p>a. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m² minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>b. The objection is acknowledged in the Council report. The potential for precedent is identified in the Council report. The objections to potential decrease in surrounding property values are noted. There may be potential for additional on-street parking. Any future development would have to meet parking requirements for dwellings in the Port Stephens Development Control Plan. The objection is acknowledged. The proposal is to be considered by the Council following a period of public</p>

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	<p>to less than savoury tenants</p> <ul style="list-style-type: none"> The whole 'street appeal' of one of the best streets in Medowie will be dramatically changed for the worst and instead of driving up the grand road to my house at the top of the hill and enjoying looking at all the large and well-kept homes in their sprawling yards, I could be looking at 'shoe-boxed units crammed onto the corner/side/back of someone's block - it is not the reason I set my family up here and a place I wanted them to call home! 	<p>exhibition including consideration of submissions made.</p>
52.	<p>a. I have lived here in Medowie for many years, and have enjoyed the style of living this area affords me.</p> <p>b. Seems to me council wants to take it away from us by letting property owners rezone land that should not be even considered. The land in question here being 74 South Street that is amongst beautiful homes and obviously owned by proud owners. All of us on these half acre blocks zoned R5 by council should never be changed to anything else.</p> <p>c. I think it is selfish for vacant landowners to want to make a quick cash grab at the expense to those of us who have lived here for a long time. It is also a bad look for council to want to help these absentee owners to wreck permanent residents way of life.</p> <p>d. Some of the stories are awful as is the case with The Bower estate. Look too at the tiny blocks around the Pacific Dunes Golf Club.</p> <p>e. If council support this application and approves 74 South Street to be rezoned then why should we support any of them in the next election in September</p> <p>f. Councils planning department have made doubtful decisions when evaluating the applications and councillors have done the same when asked to vote for or against.</p> <p>g. There are only two zonings in South Street and they are Torrens Title R5 and Community Title R2. We do not want another zone to completely wreck the look of the street unless council are unconcerned what it ends up looking like.</p>	<p>a. Noted.</p> <p>b. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>c. The exhibited proposal states there is minor community benefit by the intended provision of one additional lot for the provision of housing.</p> <p>d. Noted.</p> <p>e. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>f. Noted. Please also refer to response e. above.</p> <p>g. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east.</p>

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	<p>h. I cannot understand why council wants to change the zoning on one block of land in amongst hundreds of blocks of land with the same zoning which are all built out except this one. There are hundreds of vacant blocks in the planning at Pacific Dunes and The Bower estates which more than cover the four small blocks that will become available if council go ahead with their approval.</p> <p>i. Reading the minutes of the meeting on 13th December 2016 I notice it was a split vote and the mayor voted in support of it. Hats off to those councillors who voted against, but we still have the problem of the rezoning in South Street maybe going ahead.</p> <p>j. There were a fair few repetitive comments made by the applicant in his proposal. If this is not normal then my guess is the person who wrote this application was not sure whether he could put up enough good points for council to approve his request.</p>	<p>h. Future land use planning for urban release areas is guided by the Medowie Planning Strategy. The site is not identified for urban release by the Strategy. However, planning proposals for individual sites are able to be considered on their merits.</p> <p>i. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p> <p>j. Noted.</p>
53.	<p>a. The proposal is factually incorrect and misleading in material aspects. The re-zoning would not be consistent with the zoning of the adjustment smaller blocks to the east. Those blocks back directly onto a children's playground. No 74 backs onto another developed R5 property.</p> <p>b. We acquired our R5 property in South St after noting that all the then vacant land in the street was also zoned R5. Higher density development will change the character of the street and adversely affect property values.</p> <p>c. The proposed rezoning is clearly to provide a financial benefit to the owner of 74 South St to the detriment of the existing property owners in the street. It would be a an act of bad faith to the ratepayers of South St.</p>	<p>a. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east and it does not have direct rear access to the local park however is in close proximity to it.</p> <p>b. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>c. The exhibited proposal states there is minor community benefit by the intended provision of one additional lot for the provision of housing.</p>

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54.	<p>a. I object to the rezoning of 74 South Street Medowie.</p> <p>b. I moved to Medowie to enjoy the rural atmosphere and treescape. Having lived here for 14 years I have seen nothing but the destruction of both. With the extension of South Street and Golf Course all the treescape in that area has been destroyed. Seven new houses were built in the South Street extension and not one tree left standing, what's wrong with these people as I am sure it was the trees and open space that attracted them here in the first place, and they are all 2000m2 blocks.</p> <p>c. So to rezone the blocks in this area to R2 would mean every tree on that block would have to go to allow for the building of 2,3 and 4 dwellings. NO THANKS, IF YOU DON'T LIKE THE IDEA OF RURAL LIVING GO LIVE IN THE CITY!!!!.</p> <p>d. If this proposal gets the green light you will all have to look for new employment at the next election.</p>	<p>a. The objections are acknowledged in the Council report.</p> <p>b. Noted. It can be difficult to retain large trees on allotments of 2,000m2.</p> <p>c. Noted.</p> <p>d. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>
55.	<p>a. Moved to the area because of the open space living, the climate, country feel, accessibility to community infrastructure, relatively flat land parcel, R5 zoned with minimum lot size of 2000m2. Never did we envisage having to challenge PSC over this out of place PP so that we could continue to enjoy the amenity in which we had invested.</p> <p>b. This PP to date has been nothing but a sad reflection on PSC ability at all levels to upset an entire community.</p> <p>c. PSC staff have accepted a seriously flawed application by the proponent that stated the information contained within was neither 'false nor misleading' therefore, it should have been rejected by PSC planners before it was presented to PSC councillors for initial approval to progress to Gateway. This has created great angst between all parties involved. Responsibility should reside with the PSC planner for failing to do due diligence on initial receipt of the PP.</p> <p>d. Summary of objections and issues with the Monteath & Powys Proposal incl.:</p> <ul style="list-style-type: none"> - Locality map is not current; - Reference that site is surrounded by undeveloped 	<p>a. Noted. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character.</p> <p>b. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; public exhibition; and post-exhibition report to Council (this report).</p> <p>c. Please refer to response b. above.</p> <p>d. Noted.</p> <p>e. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal</p>

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	<p>residential lots when the site is surrounded by fully developed R5 residential blocks except 7 smaller blocks to the east that are community title;</p> <ul style="list-style-type: none"> - Discrepancies in the minimum lot size that is appropriate for the area; - Links with the Medowie Strategy; - Terminology is false and misleading; - That it is in the best interests of the local area – it is not; - 'Need for the planning proposal – does not fit within any of PSC planning needs. PSC do not do spot rezoning (statement made by a current councillor); - Consistencies with surrounding development; - Relevance to local/ state strategic plans ie: Lower Hunter Regional Strategy, The draft Hunter Regional Plan, Plan for Growing Hunter City, Medowie Strategy; - One house lot will not provide future growth or injection of money into the local economy or provision of employment opportunities. <p>e. Procedures within PSC need to change if current processes allow this sort of PP to proceed. I believe the original proponent should bear all costs to meet the requirements of state planning and PSC approval standards. I do not believe PSC should accept every PP, they should only review and recommend for rejection (sent back to proponent to resubmit until it meets approval standards) or approval recommendations to councillors). They should not have rewrite PP's at all. Make the proponents lift their game, not PSC do it for them. Summary of objections and issues with the PSC Planning Proposal incl.:</p> <ul style="list-style-type: none"> - Misleading statements and terminology around surrounded residential development lot sizing and what is seen as 'spot rezoning'; - Inconsistent statements in relation to consistent character of the immediate area and the streetscape character; - Further administrative component 66,68,70,72 South St, all reference needs to be addressed separately; 	<p>by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; and post-exhibition report to Council. The proponent has paid fees and charges for consideration of a proposal in accordance with council's Fees and Charges Schedule.</p> <p>f. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; and post-exhibition report to Council.</p> <p>g. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.</p>

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	<ul style="list-style-type: none"> - Concerns about applying minimum lot size provisions in the immediate area and building heights; - There is no community benefit at all. The only outcome will be to polarise the community against PSC staff and Councillors; - Inconsistencies with s117 directions - Project timeline – it appears this PP is being rushed through council. Due to previous form, I do not feel that due diligence can be completed by PSC planners in such a short timeframe. I believe PSC planners should be given the time to address all issues raised in submissions and petitions and not be driven by an end date that ultimately may affect their decisions. Agenda by other forces?? One can only speculate!! f. Notification of Public Exhibition - GM has already received my critique of the this document. g. More Objections to various other documentation: <ul style="list-style-type: none"> - The PP is the result of a wrong decision by PSC when assessing the original application, and by just one casting vote!! - This proposal would , if approved, detract significantly from the amenity of all residents in the estate. ie: Larger homes on large blocks (R5) not to mention the downward effect this PP would have on property values in the neighbourhood. - This land was never intended to be anything other than an R5 development – a single residence and associated garage. Changing the zone for someone to make what appears to be financial gain, is to the expense of all residents amenity and at the same time thumbing their nose at the Medowie Strategy. - In the notification to adjoining residents and in the public exhibition notice state 'future one into two lot subdivision' would indicate there could be a future application to create up to 4x450m2 lots from this current PP. - It will destroy the existing amenity of the last R5 block in 	

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Submission	Summary of Submission	Response
	<p>South St that adjoins the Pacific Dunes Community Title of small 900m2 lots. This las remaining end block of Torrens Title R5 land was never meant to end up as a worst case scenario 'ghetto' through the creation of up to 4 separate lots and 4 duplexes built there on.</p> <ul style="list-style-type: none"> - An application at 51 South St (also R5) was refused by PD for the building of a duplex. Law is set on precedent, and this is just another example of contested out of place rezoning. - In the PP Exhibition notice to residents dated 2nd June, it states this 'will amend' suggesting the decision to rezone has already been made by PSC, and we the residents have not been given any opportunity to comment as is required by Gateway. - This PP will adversely affect all adjoining neighbours through changes to setbacks, sightlines and reduced building distances from adjoining boundaries. - This PP is creating stress to some residents. - The cards seem deliberately stacked against any person who challenges PSC on any decision they make, by the evidence collected to date on these matters. On face value, democracy seems to have deserted PSC to date in relation to their decisions on the PP for 74 South St. I am sure if any of PSC staff or councillors were living in South St, I would be prepared to wager that this PP would never have seen the light of day. It is appearing before PSC for approval, because none of them live here and do not have to suffer the consequences if such an atrocious planning decision is approved. - How can PSC guarantee that we the residents of the estates, will get a fair assessment of the proposal regardless of what honesty and integrity some PSC planning staff may have. Unfortunately, they may be tainted or directed by the decisions of others who may be driven by a different agenda. 	

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 13 - ATTACHMENT 1 SUBMISSION SUMMARY TABLE.

Submission	Summary of Submission	Response
	<ul style="list-style-type: none"> - The only successful action you, PSC, have produced to date on this PP, has been to galvanise the entire community against you and the PP! 	
56.	<ul style="list-style-type: none"> a. I am upset at council failing in it's job to follow zoning and disregarding COMMUNITY EXPECTATIONS over and over again. b. This estate was planned for large houses on large lots with MINIMUM 2000m2 blocks. We DON'T WANT small lots, units, tiny houses, congestion, increased traffic, little blocks. c. We purchased in the estate for the lifestyle opportunity it offered and residents deserve the protections as stated in zoning R5 Large Lot Residential d. South Street is an arterial road which is VERY BUSY and NOT DESIGNED for small lots, hence the x5 speed humps on this road, in place due to the large volume of traffic it feeds into the estate. e. All of our large homes will suffer a loss of value if PSC makes decisions to allow the carving up of our R5 Large Lot Estate into smaller lots...just like the unjust situation unfolding at 111 South Street. f. PSC should not be using a Gateway proposal to assist developers in subdividing this block. g. It's JUST AS POOR as the 7 months of trauma being served up to neighbours of 111 South Street. h. The Sylvan Ridge Community has had enough of spot rezoning! When will PSC listen to community and respect our R5 Large Lot MINIMUM 2000m2 zoning? Allowing x4 houses on blocks 66, 68, 70 and 72 to be built with no regard for lot lines/zoning is embarrassing!!! It IS NOT "urban infill" to continue to this MISTAKE!!!! i. YOUR MISTAKE to rezone 111 South Street which was an R5 Zoned block WITHIN SYLVAN RIDGE ESTATE into R2 is SHOCKING!!! j. There really is a disturbing amount of MISTAKES and ANNOMOLIES made by PSC leaving COMMUNITIES SHATTERED by such poor (mis)management. 	<ul style="list-style-type: none"> a. Planning proposals for individual sites are able to be considered on their merits. A proponent (e.g. developer, landowner) has the ability to formally request that Council prepare a planning proposal. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made. b. The proposal seeks to facilitate a development outcome consistent with existing development east of 74 South Street. However it is included in the Council report that submissions highlight the proposal facilitates additional development inconsistent with other surrounding development and land use planning controls (R5 Large Lot Residential and 2,000m2 minimum lot size) and that this may have some potential for effect on large lot amenity, streetscape and character. c. Noted. d. Concern based on potential decrease in surrounding property values are noted however are not substantiated. e. The objections to potential decrease in surrounding property values are noted. f. The process for considering a planning proposal has been followed. This includes lodgment of the planning proposal by the proponent; initial report to Council; gateway determination from the Department of Planning and Environment; public exhibition; and post-exhibition report to Council (this report). g. Noted. h. 66,68,70,72 South Street are included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum area of 900m2. i. Noted.

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 13 - ATTACHMENT 1 SUBMISSION SUMMARY TABLE.

Submission	Summary of Submission	Response
	k. Please, PSC listen to community...the residents of Sylvan Ridge a Estate want our R5 zoning respected and in doing so, we will feel respected. Subdividing blocks in R5 zoned estates is not ok! Stop doing it. Fix your mistakes. Protect residents R5 zones...do not divide community. Please.	j. Noted. k. The objections are acknowledged. The proposal is to be considered by the Council following a period of public exhibition including consideration of submissions made.
57.	<p>a. Reasons for Opposing Proposal:-</p> <ul style="list-style-type: none"> - Potential loss of privacy for existing residents - Not consistent with surrounding residential blocks. <p>b. We purchased for the amenities that came with R5 zoned blocks and having ample space for our house and allowances for space to do things not possible in high density situations.</p> <p>c. The proposed development is not in keeping with the character of the area and has the potential to invade the privacy and noise levels of current residents.</p> <p>d. House backing onto the new proposal will be effectively stripped of their privacy</p> <p>e. The proposed sub-division of 74 South Street is not in keeping with the adjacent blocks to the West which are Zoned R5 large residential and NOT R2.</p> <p>f. Blocks 72-70-68-66 South Street are part Pacific Dunes Estate as Community Title and not Torrens Title and not subject to the standards associated with the community title.</p>	<p>a. The objection is acknowledged.</p> <p>b. Noted.</p> <p>c. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east.</p> <p>d. The planning proposal may create the potential for additional neighbours (subject to future development consent).</p> <p>e. 74 South Street has land zoned R5 Large Lot Residential adjoining to the south, west and north. Alternatively 74 South Street adjoins land zoned R2 Low Density with dwellings on lots of 900m2 to the east.</p> <p>f. Noted. 66,68,70,72 South Street are included as an administrative component. They were originally included in Clause 54A of LEP 2000 as Hillside Lots with a minimum area of 900m2.</p>
58.	<p>A petition against the proposed subdivision of 74 South St, Meadowie was lodged by community members at the Raymond Terrace Council Chambers on the 5th July 2017. The petition contains 232 signatures. It was asked that the petition be presented at the Council meeting when the proposal is to be considered. The petition is to gain support in reversing an earlier decision by rejecting approval for 74 South Street [currently vacant land] to be rezoned by a spot rezoning from Residential R5 to Residential R2 zoning, claiming it is urban infill. Believe that if this subdivision goes ahead it will:</p> <p>a. Detract from the amenity of the Estate in cancelling out the last of the lots reflecting the lifestyle, choice of location and</p>	The receipt of the petition objecting to the proposal is acknowledged and is referred to within the report to Council.

ITEM 13 - ATTACHMENT 1 SUBMISSION SUMMARY TABLE.

Submission	Summary of Submission	Response
	<p>land title entitlement made by existing residents.</p> <p>b. Enact, as a result of a decision made on just one casting vote, an application considered opportune in the extreme and lacking full knowledge of all available prerequisites</p> <p>c. Flout the current and long established Residential R5 zoning intent of the whole of <i>The Ridge</i> Stage 1 development of Pacific Dunes estate – the very essence of the launch positioning of the whole future residential area to be established.</p> <p>d. Destroy the existing amenity of this remaining end allotment being the completion buffer to the existing, and housing developed, adjacent very small cluster of Community Title 900m2 lots.</p> <p>e. Extinguish the Residential R5 covenants that state that the lots must have only one residence erected thereon and be a minimum of 2000m2 and disallowing subdivision</p> <p>f. Set a precedent for <u>other</u> Residential R5 vacant land to be rezoned, and without the knowledge of adjoining neighbours.</p> <p>g. Endorse the current discriminatory LEP DCP rule that discriminates against affected neighbours who do not have to be notified if an adjoining development is proposed until a Council decision has already been made; as was the undemocratic case in this proposal</p> <p>h. Reduce privacy of adjoining neighbours, as height limit is increased to 9m as an outcome</p> <p>i. Downgrade sightlines of immediate neighbours as well as opposite and adjacent residents as a result of reduced setbacks to boundaries and front building alignments</p> <p>j. Attempt to implement a spot rezoning by claiming grossly over-exaggerated justification on grounds of a significant contribution to the NSW economy on economic multiplier and employment policy grounds as well as greater housing choice – a ludicrous claim!</p>	

ITEM 13 - ATTACHMENT 1 SUBMISSION SUMMARY TABLE.

Submission	Summary of Submission	Response
	<p>k. Allow PSC to use this proposal as a means to correct a very serious oversight regarding houses No 66 to 72 South St [currently zoned Residential R5] to be endorsed as R2 900m2 allotments – even though homes have been built contrary to the existing zoning notation.</p> <p>l. Allow PSC to attempt to use the flawed positioning that these lesser-sized lots bear greater relevance as an influence in the spot rezoning than the entire Residential R5 lots in <i>The Ridge</i> torrens title first stage of Pacific Dunes Estate.</p> <p>m. Argue that these incorrectly noted lots be used as a justification although they are in Community Title and display unique attributes as to access and sight lines over park, garden and recreation space etc. etc. as a comparable in support of change. They are not.</p> <p>n. Claim that his change is a minor administrative matter when it clearly isn't.</p> <p>o. Argue that this simply Urban Infill which is an abuse of term and application. It is a deliberate and out of place Spot Rezoning.</p> <p>p. Have approved a Spot Rezoning claiming urban infill using out of date and deceptive photographic evidence which is totally unprofessional.</p>	

ITEM NO. 14

**FILE NO: 17/146434
RM8 REF NO: PSC2016-03408**

PORT STEPHENS DISABILITY INCLUSION ACTION PLAN

REPORT OF: MICHAEL MCINTOSH - GROUP MANAGER DEVELOPMENT
SERVICES
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Draft Port Stephens Disability Inclusion Action Plan (DIAP) **(ATTACHMENT 2)** for public exhibition for a period of 28 days;
- 2) Following public exhibition, report the matter back to Council with intention to:
 - a) Rescind the Disability Action Plan (DAP) (2014-2018) Rescind the Disability Policy.
 - b) Consider the submissions received during the exhibition period.
 - c) Adopt the Disability Inclusion Action Plan (DIAP).

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

200	<p>Councillor John Nell Councillor Sally Dover</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the Draft Port Stephens Disability Inclusion Action Plan (DIAP) (ATTACHMENT 2) for public exhibition for a period of 28 days;2) Following public exhibition, report the matter back to Council with intention to:<ol style="list-style-type: none">a) Rescind the Disability Action Plan (DAP) (2014-2018) Rescind the Disability Policy.b) Consider the submissions received during the exhibition period.c) Adopt the Disability Inclusion Action Plan (DIAP).
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BACKGROUND

The purpose of this report is to seek Council endorsement of the Draft Port Stephens Disability Inclusion Action Plan (DIAP) in order for it to be placed on public exhibition for a period of 28 days.

The DIAP is required following adoption of the *Disability Inclusion Act 2014*. This Act requires councils to have developed a DIAP by 30 June 2017.

The Disability Inclusion Action Plan (DIAP) (**ATTACHMENT 2**) outlines Council's commitment to support the right of choice for people with a disability and to live their lives with access to opportunities and to enjoy the benefits of living and working in our society as all residents do.

Development of the Port Stephens Disability Inclusion Action Plan gives Council an opportunity to focus on enriching Council's commitment to creating a place that is more inclusive, accessible, and provides opportunities for all abilities and backgrounds.

The changes to the *Disability Inclusion Act 2014* presented Council with a number of options. Council could prepare a standalone DIAP, integrate their DIAP directly into their Integrated Planning & Reporting (IP&R) framework or, if they had an existing Disability Action Plan (DAP), adapt it to meet the regulatory requirements.

Council decided to prepare a standalone DIAP on the basis of the following:

- Difficulty in adapting the existing DAP to fit within DIAP guidelines; and
- Significant change in scope of the DIAP in terms of legislative changes, disability reform and new governance requirements. For example:
 - a) DIAPS are required to address the four key focus areas; and
 - b) DIAPS are required to align with the IP&R framework.

The draft DIAP and the actions within it have been prepared in accordance with the NSW Disability Inclusion Action Planning Guidelines. These guidelines informed the structure of the DIAP and the key focus areas, being:

- Attitudes and behaviours;
- Liveable communities;
- Employment; and
- Systems and processes.

Disability Action Plan (DAP) (2014-2018)

In preparing the DIAP, an audit of the existing DAP was undertaken (**ATTACHMENT 1**), which identified:

- 14 of 55 actions have been completed;
- 14 of 55 actions are uncompleted; and
- 27 of 55 actions are ongoing.

Where relevant, those uncompleted actions and ongoing actions have been incorporated into the revised DIAP.

Policy

The DIAP is a requirement of the *Disability Inclusion Act 2014* and is therefore a direct legislative requirement. As the Act essentially provides a policy position and the DIAP explains and demonstrates implementation of this, a separate and additional policy is no longer required. Therefore it will be recommended to revoke the Disability Policy once an endorsed DIAP is in place.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
People with Disabilities.	Make future provision for people with disabilities, their families and carers.

FINANCIAL/RESOURCE IMPLICATIONS

DIAP actions have been consulted on internally and will be absorbed and prioritised within Councils existing plans and programs such as, the Strategic Asset Management Plan, Capital Works Program, Forward Works Plan and Section 94 Contributions Plan.

The NSW Government has advised NSW Councils that no additional funding, specific to the implementation of actions within DIAP's, will be available.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The Plan has been prepared using existing budget. Following public exhibition, further project planning will be undertaken for action implementation.
Reserve Funds	Yes		
Section 94	Yes		It is likely that for many actions a nexus could be established between development and the needs of future populations that will establish eligibility for Section 94 funds to be used.
External Grants	Yes		As grants become available and pending successful grant application, e.g. NSW Government Community Builders Partnership Fund.
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The DIAP is a direct requirement of legislative changes post adoption of the *Disability Inclusion Act 2014*. This new legislation requires all NSW Councils to prepare and send their DIAP to the Disability Council by 31 June 2017 for endorsement. Council is required to provide annual reporting to Family and Community Services (FACS) on implementation outcomes of the DIAP.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Non-compliance with legislation if a DIAP is not adopted.	Medium	Endorsing the draft DIAP for exhibition to progress adoption.	Yes
There is a risk that adequate funding will not be prioritised to ensure implementation of actions within the Plan.	Medium	Internal working groups will be established to ensure ongoing governance and accountability to deliver actions within the Plan as they were consulted on.	Yes
There is a risk that Council processes do not adequately capture the need to include social impacts, such as disability inclusion and access within decision making processes.	Medium		Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The DIAP prioritises the needs of people who experience a disability, which ensures a society that is inclusive and accessible for people of all abilities and backgrounds. These improvements to social inclusion and accessibility recognise the rights of people with a disability to fully participate in society; the same as those without a disability.

This DIAP is critical to achieving a path of positive change and creating a more inclusive society. In addition, creating a society that is inclusive and accessible for all abilities and backgrounds ensures the needs of other vulnerable proportions of the population are captured, such as very young children and ageing populations.

Consequently, becoming a more socially inclusive, accessible and liveable environment meets the needs of the broader population both present and future. This additionally demonstrates Councils commitment to meet its obligations under Section 8 (The Councils Charter) of the *Local Government Act 1993*.

CONSULTATION

If endorsed the draft DIAP will be placed on public exhibition to allow further external consultation to take place.

Internal and external consultation was commenced in November 2016 to inform the development of the draft DIAP.

Internal

Consultation was undertaken with a wide range of internal stakeholders who will have involvement in implementing the Plan. This involved a working group with relevant officers, including ongoing input in to development of functions mapping, actions within the Plan and review of the final draft Plan.

Functions mapping identified further opportunities within the services, infrastructure and other assets, including intellectual assets currently provided by Council. These further opportunities then identified gaps, potential outcomes and actions that was consistent with community consultation feedback.

External

Section 12 of the *Disability Inclusion Act 2014* mandates community consultation to inform actions within the DIAP. Strategic Planning undertook community consultation with people with a disability, their families and carers from November to January 2017.

Surveys could be accessed through Councils website using Engagement HQ and Councils Facebook page. They were distributed via email to every school in the LGA, who then placed information about the survey and links to it in their school community newsletters and Facebook pages. Paper copies were provided to libraries for distribution to school groups and other disability support groups, pamphlets were circulated to doctors' surgeries, community centres and support centres.

Survey responses achieved a great result of 71 completed surveys including a significant number from young people and led to the development of the draft DIAP. Once endorsed the draft DIAP will go on public exhibition for 28 days. The final DIAP will be reported back to Council following this exhibition period, before it is sent to the State Government for endorsement.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Disability Action Plan Implementation Audit.
- 2) Draft Port Stephens Disability Inclusion Action Plan. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

DISABILITY ACTION PLAN 2014 - 2018 IMPLEMENTATION AUDIT

Objective 1: Accessible Facilities and Services								
1	Equitable consideration is given to universal access in the built environment	Ensure relevant development applications continue to be assessed by a disability access appraiser	Continue to make comment on development applications for any building/facility with a public use component to ensure compliance with respect to disability and seniors living	Relevant development applications assessed against relevant disability requirements	Referrals are sent workload	Social Planning	Ongoing	All relevant DA's (except residential and under 6 lot subdivisions) are assessed for disability compliance and recommendations. It is proposed to amend DCP to strengthen disability access requirements.
2		Ensure Council's tree pruning is maintained along footpaths	Tree maintenance is carried out to increase accessibility of footpaths	Trees are pruned to allow access to footpaths	Unreported incidence	Public Domain and Services Section Public	Ongoing	Residents contact Council. CRM is raised and work is completed as reported. E.g Glenelg Street Raymond Terrace - Roundabout scooter report & motor scooter garden trim adjacent to Senior Citizens Hall Raymond Terrace. Tree pruning as per CRM process
3		Ongoing appraisal of civil infrastructure to improve access	Appraisal of seating benches and other street furniture, signs, footpaths, litter, bins, access to shops and buildings, bus stops and shelters	Advice given to Council departments of upgrades and maintenance as required	Available funds and capital works program dictates the extent of infrastructure improvements yearly. Internal reporting processes that identify link to Disability Action Plan outcomes	Assets	Completed	Corlette Headland design only - \$64,000 compliant shared path design including ramps and signage; shared path behavioural signage, \$22,000, path usage signage Victoria Parade, Nelson Bay - \$330,000 compliant paths, pedestrian crossing, ramps, all with associated tactile indicators Shoal Bay Road, Shoal Bay - \$583,000 compliant paths, traffic light crossing, with associated tactile indicators Irrawang Street, Raymond Terrace \$90,000 compliant paths, pedestrian crossing, ramps, all with associated tactile indicators. Raymond Terrace seat audit completed 2010. Seating exceeds National standards.
4		Appraise Council owned facilities and buildings to identify works to provide compliant access	Investigate the development of a program to identify what remedial action needs to take place for each facility to become accessible	Program or process developed	Mechanisms for reporting have been identified as gap. These processes are currently being reviewed.	Property Services - Norm Barnes	Uncompleted	No program developed to date. Facilities appraised as required and works completed e.g old RT Library ramp New Library RFS building improvements Senior Citizens Hall PS Council Admin Building upgrades PS Holiday Parks cabins and parking The Hub Raymond Terrace etc
5		Continue to upgrade play spaces	Continue to explore equipment for people with disabilities when upgrading play spaces	Play spaces upgraded and equipment considered	Reporting	Community and Recreation - Brendan Callender	Ongoing	Longworth Park playground Little Beach

ITEM 14 - ATTACHMENT 1 DISABILITY ACTION PLAN IMPLEMENTATION AUDIT.

6		Consideration of disability compliance when planning Council's new works, major refurbishment of buildings and facilities	Sections across Council to investigate the planning stages and inclusion of Community Planner consultation to optimise building functionality	Council department flowcharts include consultation with Social Planning Team Number of works undertaken with consultation of Social Planning Team	Not all sections Suggest Social Planning attend DAP Promapp process for Disability inclusion in Capital Works and infrastructure plan reviews		Ongoing	New Library Holiday Park cabins and amenities Block All bus stops Kerb Ramps Senior Citizens The Hub Old Library Little Beach Ngioka Centre upgrades
7		Ensure any Council's bus stops constructed after 2002 be upgraded for disabilities (under the Disability Public Transport DSAPT)	Ensure Council complies with the dates for compliance with Commonwealth Standards	90% of Port Stephens bus stops and infrastructure is accessible and compliant with the Standards (DSAPT)	Funding from Transport NSW http://www.ignsw.org.au/files/imce-uploads/127/gail-lebransky.pdf	Civil Assets - Graham Orr, Paul Woods	Completed	The Summerhouse, Caswell Cres, Taniilba Bay - \$20,000 compliant bus stop, path and ramps connecting structure to road Soldiers Point Road, Salamander Bay \$102,000 compliant paths, pedestrian crossing, ramps, bus stop, all with associated indicators 14 sites at Anna Bay \$23,951 access ramps, constructed of compliant paths and bus stop pads, tactile indicators, bus signage Shoal Bay Road, Shoal Bay \$7,000 bus stop, compliant pedestrian crossing, pathways and ramps Staged compliance of bus stops (boarding points) completed by Council 55% complying by 31 December 2012 90% complying by 2017 100% of that infrastructure complying by 2022
8		Audit of outdoor pavement dining areas and "A" frame footpath advertisements	Investigate areas to be bordered by tactile indicators and check the placement location of "A" frame advertisements on footpaths	Report of outdoor eating areas completed	Compliance and frequency	Environmental Health Officers	Completed	Audits have been completed by EHO at CBD eateries regarding signage, chairs and table positions.
9		Encourage the community to report physical access issues and improvement opportunities directly to Community Planner (Social Planning Team)	Report access issues to responsible officer for action and register information and prioritise into Council's Forward Works Program	Issues recorded on CRM and action by integrating into existing Forward Works Programs Promotion of works are captured in 'Your Port' Newsletters, enews/MyLink and Council notices in Newspaper	Funding and risk category. PAMP review as per OPS plan 2015-2016 Require PAMP funding.	Asset Services	Ongoing	Reports are taken and CRM's raised for work. FWP no longer utilised. All disability footpath works were removed from Forward Works Program Disability category to footpaths to ensure repairs as programmed. Now SAMP? Ask John
10		Make recommendations to renew Council's internal and external publications (e.g. newsletters, CD's, letters, website)	Liaise with internal communication coordinator to simplify the accessible section of the style guide as per Vision Australia recommendations	Recommendations considered and renewal of publications	No consultation when reviewing style guide and comments offered regarding current website and Grants Program review	Communications	Ongoing	Style Guide has been updated to reflect Vision Australia Legibility Guidelines. Council is now (WCAG) Web Content Accessibility Guidelines 2.0. compliant.
11	Minimise barriers for people with a disability	Ensure customer service includes TTY and contact numbers are made available for internal services	Investigate promotion of TTY service and interpreter availability for Council customers	Promotion of TTY and interpreter services within Council		Customer Service	Completed	TTY (teletypewriter) training is provided to Council's customer service section. This is provided by (ATIS) Automated Telephone Interpreting Service on an as needs basis.

ITEM 14 - ATTACHMENT 1 DISABILITY ACTION PLAN IMPLEMENTATION AUDIT.

12		Provide a "one stop shop" on Council's disability webpage and Council's community directory for people with a disability	Investigate setting up and promoting a Council resource library of information and advice for people with disabilities	Council resource investigated and developed		Communications	Completed	Commenced partnership with freewheeler website to list accessible venues and activities in Port Stephens http://www.freewheeler.com.au/html/index.html Council's website has gone through an accessibility review and content compies with Web Content Accessibility Guidelines (WCAG20). Review against these guidelines is undertaken annually.
13		Community consultation to be held in accessible spaces	Review Council's existing consultation process to ensure universal accessibility	Use of accessible spaces are utilised for Council community consultation	Availability of accessible venues.	Community Development and Engagement (CD&E)	Uncompleted	CD&E at next review of the Community Engagement Framework will include a formal agreement that wherever practicable will hold community engagement activities in accessible places.
14		Investigate use of smaller bins for people with disabilities or frail age and promotion of community care organisations who assist with rubbish bin services	Investigate and list local community services on Council's website who assist with rubbish bin services to people with a disability	Investigation commenced and list located on Council website		Community Services	Ongoing	This is in reference to the Blue Dot Service, wheel in wheel out bin collection service for people with a disability living at home. In 2016 there were a total of 53 households receiving the service. This is an increase of 23% (43) from 2015.
15		Encourage and promote the participation of people with disabilities in political life, such as polling day	Ensure, where possible at Local Council Elections, braille or large print ballot papers, telephone voting faciilites, physically accessible polling stations and polling booths; provision of information relating to the voting process and candidates for standing for election accessible formats; disability awarness by election staff on polling day and when answering enquiries	Increased provision of accessible services and facilities for Council Elections		General Managers Office	Completed	The NSW Electoral Commission run Council elections. The NSW Electoral Commission have protocols in place to identify and manage matters such as braille, large print ballots and provide assistance to people for voting. Port Stephens Council distribute brochures to residents prior to voting advising of voting locations that have 'disabled access', 'disabled access with assistance', 'disabled parking' and 'off street parking'.
16		Ensure the needs of people with disabilities are considered in the future planning of Port Stephens	Investigate funding for a new Pedestrian Access Mobility Plan (PAMP)	Liase and investigate funding opportunities with other Council departments	If found funding applications submitted	Prioritising implementation. Funding was received from NRMA, however funding is insufficient to conduct a review of the PAMP for the entire LGA.	Assets	Ongoing
17	Advise recommendations in the Tourism Strategy		Recommend in the Tourism Strategy actions to include improvements to access for people with a disability	Recommendations accepted		Economic Development	Uncompleted	Some work was done with ED regarding tourism Not sure of Status?
18	Investigate and design centralised accessible parking in Raymond Terrace		Optimise functionality of parking spaces to allocate and promote parking provision for people with a disability	Increase accessible parking spaces in Port Stephens and provide input into Raymond Terrace Growth Strategy		Facilities and Services	Completed	6 year plan by Social Planning 'The Hub' Now completed Accessible central compliant Parking for cars, community buses and taxis Seating and covered areas and CCTV coverage Funding was obtained vis the Safer streets funding Attorney Generals dept
Objective 2: Advocacy								

ITEM 14 - ATTACHMENT 1 DISABILITY ACTION PLAN IMPLEMENTATION AUDIT.

19	Advocate and lobby for improvements for people with a Disability in Port Stephens	Ensure timely response to issues impacting on social justice and access	Respond to state and federal government public consultation opportunities to ensure people with a disability are represented	A timely response is given to inform and influence state/federal government		Strategic Planning	Ongoing	Independent Access Audits implemented into SCP 2007 DAP adopted DOH resident advocacy Referrals to Access Point and health services for residents
20	Lack of adaptable and affordable housing for people with a disability in the Port Stephens area	Advocate and collect data to assist an inform government and non-government agencies about housing issues	Collect data and carry out consultations to assist in advocating for appropriate supported accommodation options for people with a disability	Data collected and consultation completed to advocate to housing agencies and government bodies		Strategic Planning	Uncompleted	An Affordable Housing Strategy will be developed in response to availability of affordable housing in the Port Stephens LGA
21	Promote opportunities in business access	Open up new markets for local business which will attract new consumers	Plan and promote a local missed business guide for business owners and operators	Local Missed business guide completed		Strategic Planning	Uncompleted	Lifestyle days conducted at Council for planners and all sections bi annually. Newcastle University students - Occupational Therapy assisted with equipment fitting, tasks for their study assessment project. Fingal, Halifax and Shoal Bay Holiday parks accessible cabins now compliant. Little Beach water wheelchair and beach wheel chair and Fingal Bay beach wheelchair located at both Holiday parks. Employment and Education Interagency is engaging with the Real Futures Foundation and Uni4U as pathways to employment for people with a disability.
22	Improved access to local transport for people with a disability	Further liaise with local transport providers to improve access to public transport in the Port Stephens area and to identify high needs areas	Provide comment on transport plans and support initiatives that improve the availability and bus routes in identified high needs areas	Comments and support initiatives that improve the availability and bus routes in Port Stephens		Strategic Planning and Facilities and Services	Ongoing	Staged compliance of bus stops (boarding points) completed by Council 55% complying by 31 Dec 2012 90% complying by 2017 100% of that infrastructure complying by 2022
Objective 3: Employment and Training								
23		Keep Council staff informed and aware of relevant issues regarding people with a disability	Communicate relevant disability information through existing internal channels such as staff intranet "MY PORT" and "SNAPSHOT" internal staff newsletter and emails	Relevant information being communicated to staff		Strategic Planning	Completed	Emails sent to all sections as required regarding legislative updates e.g. Website and building surveyors from all Councils Disability information disseminated via MyLink as received
24			Conduct access awareness Lifestyle education days with staff			Strategic Planning		Lifestyle days conducted bi-annually for staff

ITEM 14 - ATTACHMENT 1 DISABILITY ACTION PLAN IMPLEMENTATION AUDIT.

25	Maintain awareness, education and training of disability issues in disability policy and legislation		Create staff awareness through senior management publicising commitments to the implementation of the DAP	Staff are aware and implement DAP		Strategic Planning	Uncompleted	Senior Staff? ELT approved admin building upgrades for disability
26		Ensure staff are aware and commit to the DAP and its action plan	Regular information about the development and action plan of the DAP at staff and management meetings	Briefings at staff and management meetings conducted to educate staff on the implementation of the DAP and delivery of accessible services and information	Information not known	Strategic Planning	Uncompleted	Not sure can't comment?
27			Continue to provide an employee induction brochure to be included in induction package for new staff	Induction brochure developed and being distributed to new and existing staff		Strategic Planning	Ongoing	
28		Ensure Council staff are aware of their rights and obligations under the Disability Discrimination Act	Ensure Council managers recognise and request more staff training in regards to disability legislation and best disability practice	Staff training conducted		Strategic Planning	Ongoing	Induction brochure provided to new staff Council has an Equity and Diversity Committee Coordinators and Managers undertake Equity and Diversity training.
29	Ensure all Council policies and plans consider the needs of people with a disability		Review Council's Disability Action Plan	Disability Action Plan complete and current		Strategic Planning	Completed	DAP will be rescinded once DIAP is endorsed
30			Council's Disability Action Plan incorporates further consultation with community, service providers and staff	Disability Action Plan includes further consultation.		Strategic Planning	Uncompleted	DAP will be rescinded once DIAP is endorsed
31		Ensure Council has a current Disability Action Plan and a Disability Access and Inclusion Policy	Review Council's Disability Policy	Council's Disabled Access and Inclusion Policy current.		Strategic Planning	Uncompleted	Disability Policy will be rescinded once DIAP is endorsed
32		Ensure Council's internal policies and plans are kept up to date with respect to disabilities	Input into the review of the Workplace Equity and Diversity Plan and any other HR policies up to date with disability legislation			Strategic Planning	Completed	Council has an Equity and Diversity Committee Reviewed Grants Program for disability and supplied feedback Disability Policy and Plan up to date
33		All plans and strategies to consider access and inclusion as an integral part of their development	Provide access and inclusion information and consultation strategies for Council plans and strategies	Ensure Council plans and strategies to reference DAP		Strategic Planning	Ongoing	Council plans reviewed by Council access appraiser for comment
34		Council managers to include consultation with people with disabilities in review processes and service	Include and consider people with disabilities when reviewing services and processes	Consider people with disabilities in community consultation review processes		Community Development and Engagement (CD&E)	Ongoing	Council's Residents Panel was disbanded in 2014 with the establishment of Council's Community Engagement Framework.

ITEM 14 - ATTACHMENT 1 DISABILITY ACTION PLAN IMPLEMENTATION AUDIT.

35	Ensure equitable access of employment within Port Stephens Council	Where relevant, ensure staff with a disability are supported with workplace adjustment and workstation plan	Ensure suitable workspaces and workplace adjustments are implemented as appropriate	Staff with a disability are supported		Organisational Development	Ongoing	Workplace adjustmets are completed as requested
36			Assist managers to develop appropriate support plans for staff with a disability when required				Ongoing	Staff with disabilities (if they identify) are supported by Council Council workforce strategy includes staff with disabilities Specific equipment supplied to identifying staff as requested
37		Provide employment opportunities for people with disabilities by including disability employment services in Council's tender process for temporary staff	Forwarding tenders, contracts and EOI process to Disability Services	Explored and achieved	Organisational Development	Ongoing	Tenders are forwarded to disability services Employment opportunities are provided for all	
38		Commitment to 10% of employment being people with a disability	Develop and implement strategies to enable 10% of employment being people who identify as a person with a disability	Strategies development to get 10% of employment being people who identify as a person with a disability	Organisational Development	Uncompleted	In the 2016 Employee Engagement Survey, 10 people identified themselves as having a disability. This represents 2% of the workforce.	
39		Ongoing investigation of possible volunteer roles with Council	Identified volunteer roles to be discussed with volunteer co-ordinators	Volunteer job descriptions are finalised by Volunteer Co-ordinator	Community Services	Ongoing	Discussion with OD frequently Volunteers can choose various community 355 Committees as suitable to their needs and interests	
Objective 4: Information and Awarness								
40	Continue to maintain a disabilities framework to articulate community needs and aspirations	Coordinate Port Stephens Council disability framework	Convene a disability community forum	Annual forum held Information gained utilised in Review of Action Plan and other relevant plans		Community Development and Engagement (CD&E)	Uncompleted	Council Disability Framework adpoted by Council Disbilty services included in Council Interagency meetings
41			Direct access to qualified access officer regarding access issues in the community	Direct access to qualified access officers is offered		Strategic Planning	Ongoing	Community has access to Access Officer and calls are received regularly from residents, visitors and service Providers
42			Conduct access awareness Lifestyle education days with staff	Completion of Lifestyle awareness day biannually		Strategic Planning	Completed	Disability information is available through Councils Community Directory on Council website and via the MyLink information sharing emails
43	Recognition of the achievements of people with disability as valued and respected members of our community	Recognise International Day of People with Disabilities	Provide support and recognise through partnerships, the annual International Day of People with Disabilities	Recognition and support give to the International Day of People with Disabilities		Community Development and Engagement (CD&E)	Completed	International Day of Disabilities recognized and partnered by Council with PS Sailability annually Art exhibition in Library Art Space
44	Create awarness of accessibility in the Port Stephens area		Verify accessible facilities on the National Toilet Map website and add accessible website links relating to Port Stephens to Council website	Accessible links attached to Council's websites			Uncompleted	National Toilet Map has not been updated due to resources

ITEM 14 - ATTACHMENT 1 DISABILITY ACTION PLAN IMPLEMENTATION AUDIT.

45		Update information on existing disability facilities in the Port Stephens area which people can readily access	Provide and maintain information on accessible accommodation on FreeWheeler website (Council's website (Council's website link)	Information on accessible accommodation available on website		Facilities and Services and Communications	Uncompleted	New Website does not include FreeWheeler website partnership link as new website Holiday parks on website?
46		Promote recent upgrades, works, initiatives and projects that improve access to Council services	Ensure projects, works and upgrades that improve access to services are captured in 'Your Port' Newsletters, enews, MyLink and council notices in paper	Appropriate development of media opportunities to promote Port Stephens as an accessible area		Facilities and Services Communications	Ongoing	New projects editorials in local newspaper
47		Create awareness and communication of the MLAK (Master Locksmiths Access Key)	Promotion of MLAK through media and Council notices in paper	MLAK promoted		Strategic Planning and Communications	Ongoing	MLAK information available on Council website and pamphlets available from Council admin building and Visitors Centre. Currently 82 families have MLAK. In 2016 12 MLAK were provided to families.
48		Continue to upgrade and use Council's Community Directory	Provide information on community services on Council's website	Council's Community Directory is current and accessible		Community Development and Engagement (CD&E)	Ongoing	CD&E and proposing a review of Council's Community Directory
49		Promote the availability of the beach wheelchair at Little Beach and accessible fishing spots in Port Stephens	Provide information to the community on the availability of the beach wheelchair at Little Beach and accessible fishing spots	Promotion of information about accessible fishing spots and beach wheelchair		Facilities and Services	Completed	Council website Holiday Parks website FreeWheeler website Examiner articles
50		Promote accessible disability services	Include online disability services in the community directory that includes social services, dining and restaurant facilities	Investigation complete and implementation commenced		Strategic Planning	Ongoing	Partnership with FreeWheeler website
51		Provide advice to community to ensure compliance for people with disabilities for community events and activities	Provide advice to Events Co-Ordinator to include access to all activities and events	Advice provided		Community Development and Engagement (CD&E)	Ongoing	Council Event applications and community events Development Applications assessed by Access appraiser
52	Promote and brand Council's as best practice regarding disabilities	Increase awareness of Council's activities, improvements and compliance in the disability field	Facilitate the release of a range of targeted media articles highlighting Council's practices in the area of disabilities	Events and initiatives to be promoted to the public via the media and Council's webpage		Strategic Planning	Uncompleted	Unsure
53		Develop and promote a scooter safety kit to residents in Port Stephens	Develop a safety package which includes fluoro vests, flags, information booklet for motor scooter use	Safety packs are distributed to residents		Strategic Planning	Completed	Motor Scooter safety packs provided to community. Motor scooter safety pamphlets available in Council foyer Link was on old website
54	Promote the safe and healthy living for people with disabilities	Advocate for sports organisations to encourage related activities for people with disabilities	Provide information to assist clubs to be more inclusive of people with disabilities	Information given to sporting clubs and accessible sports promoted		Community Development and Engagement (CD&E)	Completed	Assist with promotion of Disability sports via disability organisations and information dissemination to community

ITEM 14 - ATTACHMENT 1 DISABILITY ACTION PLAN IMPLEMENTATION AUDIT.

55	Enusre promotion and awareness of disabilty issues in collaboration with service providers	Ensure information sharing and networking for disability service providers	Disability service providers meet regularly to information share, network and improve coordination services and programs	Support communication across the sector by attending networks or interagency with service providers and sharing information through MyLink		Community Development and Engagement (CD&E)	Ongoing	Assist with promotion of Disability sports via disability organisations and information dissemination to community PSC interagency meetings held quarterly. Multiple emails forwarded to MYLINK for dissemination of information and updates to Disbility services located in Port Stephens.
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ITEM NO. 15**FILE NO: 17/146437
RM8 REF NO: PSC2016-00601****NAMING OF RESERVE AT CORLETTE - GANYA-BA RESERVE**

REPORT OF: PETER MOELLER - ACTING PROPERTY SERVICES SECTION
MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Make application to the Geographical Names Board of NSW to approve the name 'Ganya-ba Reserve' at Corlette;
 - 2) Place the application on public exhibition for a period of 28 days if the Geographical Names Board agrees to the name and, should no submissions be received, progress the application without a further report to Council.
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**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

201	Councillor John Nell Councillor Sally Dover It was resolved that Council: <ol style="list-style-type: none">1) Make application to the Geographical Names Board of NSW to approve the name 'Ganya-ba Reserve' at Corlette;2) Place the application on public exhibition for a period of 28 days if the Geographical Names Board agrees to the name and, should no submissions be received, progress the application without a further report to Council.
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BACKGROUND

The purpose of this report is to recommend Council apply to the Geographical Names Board of NSW (GNB) to formally adopt the name 'Ganya-ba Reserve' for a public reserve dedicated to Council by the developer. The Reserve includes the whole of Lot 2 DP1026536, Lot 2852 DP194081 and Lot 3132 DP1201622 as shown edged red on the attached locality map (**ATTACHMENT 1**).

Application has been made previously to GNB proposing to name this reserve 'Corlette Hill Reserve' as adopted by Council at its meeting dated 26 April 2016 (Min. No. 097) (**ATTACHMENT 2**). This name was rejected by GNB due to similarly named

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

reserves within the vicinity, such as Corlette Foreshore Reserve & Corlette Point Reserve.

The name 'Ganya-ba' is of Gathang language meaning 'the place of camping or home' and has been accepted by the Worimi Local Aboriginal Land Council (LALC) Board at its meeting held 22 June 2017.

If the GNB agrees to this proposed name it will be locally advertised with a submission period of 28 days. Should no submissions be received objecting to the name, the Gazette will then be published to complete the official naming process.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Engagement.	Engage our community in conversations and provide timely & accurate information.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications to Council in submitting the application to the GNB to name reserves.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The application will be prepared in accordance with Council's Naming and Renaming of Reserves Policy. Once approved, GNB will prepare and advertise the Gazette Notice as required by the *Geographical Names Board Act 1996*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the GNB will reject the proposed name.	Low	Overcome objection and, if required, reapply to the GNB.	Yes
There is a risk that if	Low	Gazette all reserve names.	Yes

reserves are left unidentified this may cause identification difficulties for not only the general public but also authorities such as Emergency Services.			
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

No adverse social, economic or environmental implications are expected.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Property Services Section. The objective of the internal consultation was to gauge the support of the use of an aboriginal name due to the roads surrounding the reserve being aboriginal. The objective of external consultation was to involve the Worimi LALC in the naming process and provide an opportunity to name the reserve. The inclusion of external groups in the naming proposal assists in reducing the chance of submissions objecting to the proposed name.

Internal

- 1) Property Officer.
- 2) Land Acquisition & Development Manager.
- 3) GIS Technical Officer.
- 4) Community & Recreation Coordinator.

External

- 1) Worimi Local Aboriginal Land Council – CEO & Language Expert.
- 2) Worimi Local Aboriginal Land Council Board.
- 3) Geographical Names Board.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

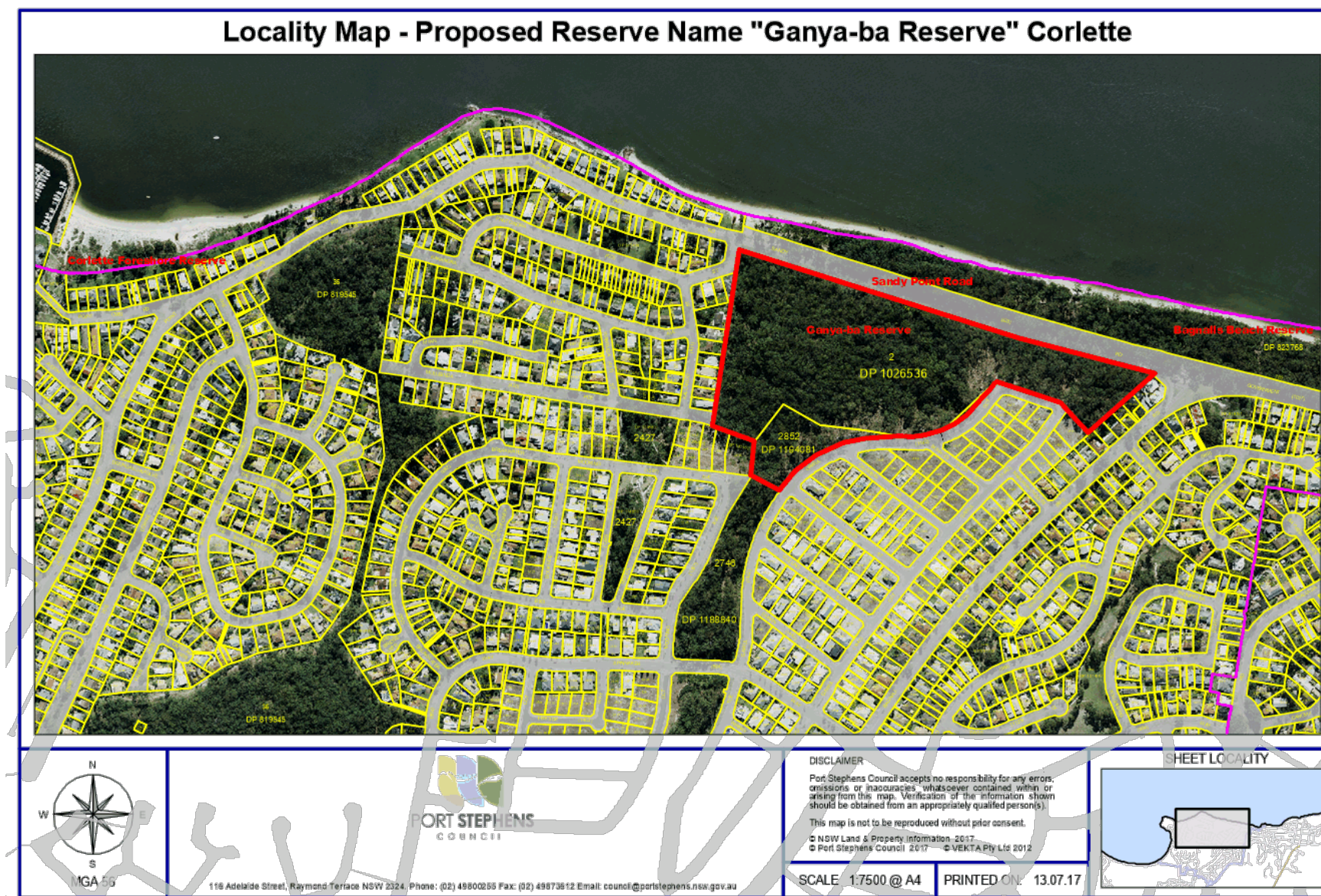
- 1) Location Map.
- 2) Minutes 16 April 2016.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



MINUTES ORDINARY COUNCIL - 26 APRIL 2016**ITEM NO. 5****FILE NO: 16/277377
RM8 REF NO: PSC2016-00601****NAMING OF RESERVES AT CORLETTE - COVE RESERVE, MOORING
RESERVE & CORLETTE HILL RESERVE****REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Make application to the Geographical Names Board (GNB) of NSW to approve the names of three separate Council Public Reserves at Corlette:
 - i) Cove Reserve
 - ii) Mooring Reserve; and
 - iii) Corlette Hill Reserve
- 2) Place the application on public exhibition for a period of 28 days if the Geographical Names Board agrees to the names and, should no submissions be received, progress the application without a further report to Council.

**ORDINARY COUNCIL MEETING - 26 APRIL 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Sally Dover That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 26 APRIL 2016
MOTION**

097	Councillor Chris Doohan Councillor Ken Jordan It was resolved that Council: <ol style="list-style-type: none">1) Make application to the Geographical Names Board (GNB) of NSW to approve the names of three separate Council Public Reserves at Corlette:<ol style="list-style-type: none">i) Cove Reserveii) Mooring Reserve; andiii) Corlette Hill Reserve2) Place the application on public exhibition for a period of 28 days if the Geographical Names Board agrees to the names and, should no
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MINUTES ORDINARY COUNCIL - 26 APRIL 2016

	submissions be received, progress the application without a further report to Council.
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BACKGROUND

The purpose of this report is to recommend Council apply to the Geographical Names Board of NSW (GNB) to formally adopt the names 'Cove Reserve', 'Mooring Reserve' and 'Corlette Hill Reserve' for three reserves located at Corlette.

These three reserves were dedicated to Council by Urban Growth (Landcom) upon registration of various subdivision plans - Cove Reserve - Lot 2427 DP1148801; Mooring Reserve - Lot 2746 DP1188840; Corlette Hill Reserve - Lot 2 DP1026536, Lot 2852 DP1194081 and Lot 3132 DP1201622.

Since these reserves were dedicated, Council's GIS Mapping has identified these reserve names shown edged blue, red and white on **(ATTACHMENT 1)**. Making application to the GNB to adopt and gazette these already identified names will formalise the proposed reserve names.

Two reserve names have been chosen using the name of the roads which provide access to them as this is a common approach to naming reserves. Cove Reserve (edged white) is accessed via Reveal Cove, and Mooring Reserve (edged blue) is accessed via Mooring Avenue. The name Corlette Hill Reserve (edged red) is due to the reserve being on the hill above Corlette. GNB staff have advised Council's Property Officer these names should be acceptable to the Board.

If the GNB agrees to the proposed names they will be locally advertised with a submission period of 28 days. Should no submissions be received objecting to the names, the Gazette will then be published to complete the official naming process.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
The Port Stephens community is informed and involved in decisions that affect them.	Engage our community in conversations and provide timely & accurate information.

MINUTES ORDINARY COUNCIL - 26 APRIL 2016**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications to Council involved in submitting the application to the GNB to name reserves.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The application will be prepared in accordance with Council's Naming and Renaming of Reserves Policy. Once approved, GNB will prepare and advertise the Gazette Notice as required by the *Geographical Names Board Act 1996*. Additionally, the Council Plans of Management require Council to 'ensure the sustainable management of assets which meet community needs'.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the GNB will reject the proposed names.	Low	Overcome objection and, if required, reapply to the GNB.	Yes
There is a risk that if reserves are left unidentified this may cause identification difficulties for not only the general public but also authorities such as Emergency Services.	Low	Gazette all reserve names.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

No adverse social, economic or environmental implications are expected.

MERGER PROPOSAL IMPLICATIONS

There are no implications for a merger with the naming of these reserves.

MINUTES ORDINARY COUNCIL - 26 APRIL 2016

CONSULTATION

Internal

- 1) Property Officer.
- 2) Land Acquisition & Development Manager.
- 3) GIS Technical Officer.
- 4) Community & Recreation Coordinator.

External

- 1) Geographical Names Board.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

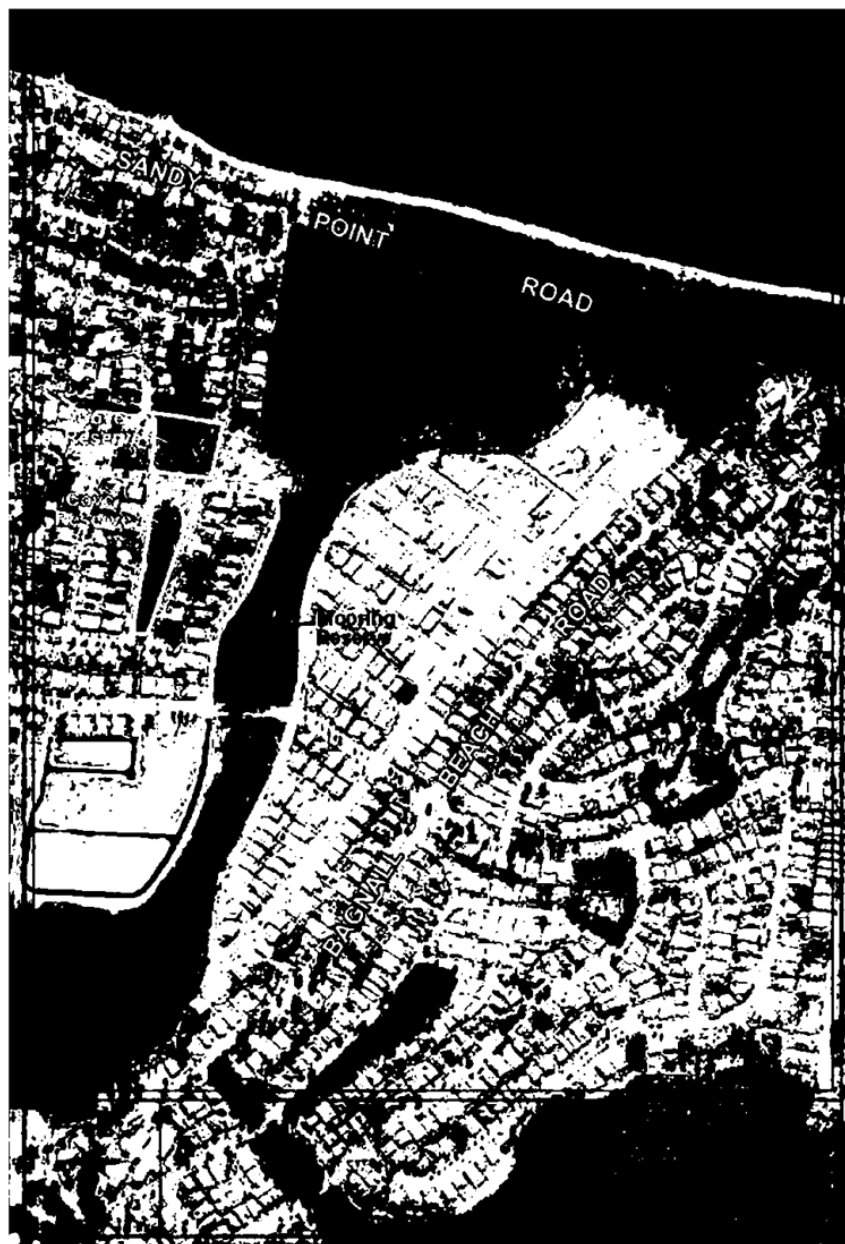
- 1) Aerial Photo - Three Reserves Corlette.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



ITEM NO. 16

**FILE NO: 17/146441
RM8 REF NO: PSC2017-01681**

NAMING OF RESERVE RAYMOND TERRACE – OLD DAIRY RESERVE

REPORT OF: PETER MOELLER - ACTING PROPERTY SERVICES SECTION
MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Make application to the Geographical Names Board of NSW to approve the name Old Dairy Reserve;
 - 2) Place the application on public exhibition for a period of 28 days if the Geographical Names Board agrees to the name, should no submissions be received, progress the application without a further report to Council.
-

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

202	<p>Mayor Bruce MacKenzie Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Make application to the Geographical Names Board of NSW to approve the name Old Dairy Reserve;2) Place the application on public exhibition for a period of 28 days if the Geographical Names Board agrees to the name, should no submissions be received, progress the application without a further report to Council.
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BACKGROUND

The purpose of this report is to recommend Council apply to the Geographical Names Board of NSW (GNB) to formally adopt the name 'Old Dairy Reserve' at Raymond Terrace. It includes the whole of Lot 100 DP1231351 as shown hatched blue on the attached locality map (**ATTACHMENT 1**).

The reserve was dedicated to Council as a public reserve by the developer and is shown outlined in red on the registered Deposited Plan (**ATTACHMENT 2**). The name has been proposed by the developer due to the land in this area formerly used for dairy farming.

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

If GNB agree to the proposed name it will be advertised in the local newspaper with a submission period of 28 days. Should no submissions be received objecting to the name, the Gazette notification will be prepared and published by GNB to complete the formal naming process.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Recreation and Leisure.	Maintain and develop recreational facilities for residents and visitors.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications to Council in submitting the application to GNB to name the reserve. The developer is responsible for sign placement and costs.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no apparent legal, policy or risk implications from the recommendations.

The application will be prepared in accordance with Council's Naming and Renaming of Reserves Policy. Once approved, GNB will prepare and advertise the Gazette Notice as required by the *Geographical Names Board Act 1996*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the GNB will reject the proposed name.	Low	Overcome objection and, if required, reapply to the GNB.	Yes
There is a risk that if reserves are left unidentified this may cause identification	Low	Gazette all reserve names.	Yes

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

difficulties for not only the general public but also authorities such as Emergency Services.			
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

No adverse social, economic or environmental implications are expected.

CONSULTATION

Consultation with key stakeholders has been undertaken to determine that the name is appropriate to the area and in principle support has been received from GNB staff to progress the matter to the Board for final approval if accepted. The developer is aware all costs associated with the sign are to be borne by them.

Internal

- Community & Recreation Asset Officer.
- Spatial Services Coordinator.
- Land Acquisition & Development Manager.
- Property Services Manager.
- Property Officer.

External

- Statutory Officer, Geographical Names Board Spatial Services|Department of Finance, Services & Innovation
- Project Director – McCloy Group.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Locality Map.
- 2) Deposited Plan No 1231351.

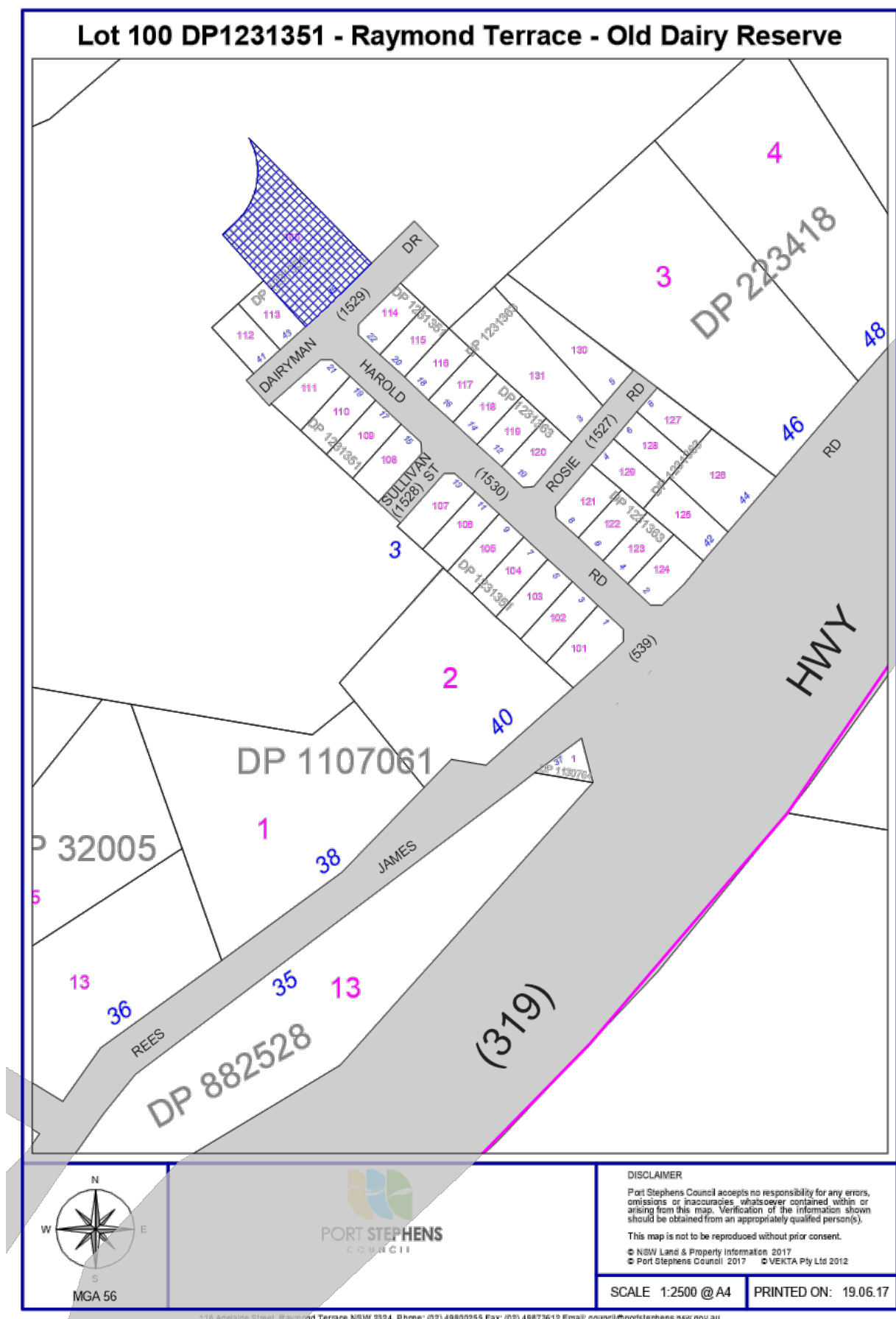
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 16 - ATTACHMENT 1 LOCALITY MAP.



ITEM 16 - ATTACHMENT 2 DEPOSITED PLAN NO 1231351.



ITEM NO. 17**FILE NO: 17/146442
RM8 REF NO: PSC2014-01484****PORT STEPHENS KOALA SANCTUARY - REQUEST FOR FUNDING**

REPORT OF: PETER MOELLER - ACTING PROPERTY SERVICES SECTION
MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Allocate \$100,000 from the Property Reserve to advance the planning and approval processes for the Port Stephens Koala Sanctuary.
-

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

203	Councillor Geoff Dingle Councillor Chris Doohan It was resolved that Council allocate \$100,000 from the Property Reserve to advance the planning and approval processes for the Port Stephens Koala Sanctuary.
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BACKGROUND

The purpose of this report is to recommend to Council that \$100,000 of funding be made available to complete the development application process required for the facility, including all associated investigations and reports.

On 9 May 2017 Council endorsed the business case to construct and operate a koala hospital and tourism facility at Treescape. The business case included financial modelling for the construction of the facility and included an allocation of \$100,000 for the planning and approval processes. The utilisation of this budget allocation to undertake the required planning work cannot commence until two grant fund applications have been determined.

In order to advance the project and minimise the total project timeframe it is recommended that the proposed funding be made available from the Property Reserve. The funding will be used to engage the various specialists and consultants required to prepare and submit the development application and supporting technical information.

Once the project funding model is confirmed and the funds made available, the money borrowed from the Property Reserve will be returned in full.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Economic Development.	Provide processes and services that deliver benefit to tourism in Port Stephens. Provide Economic Development services to local business.

FINANCIAL/RESOURCE IMPLICATIONS

\$100,000 will be temporarily allocated from the Property Reserve to the project management budget for the koala hospital and tourism facility. Once the funding strategy for the project is confirmed after the grant fund applications are determined the borrowed money will be returned in full, meaning no permanent reduction in the reserve funds.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes		Temporarily borrowed from the Property Reserve and repaid from the funding model once determined.
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no known legal or policy implications from the recommended action. There is no risk in the borrowed funds being returned to the reserve as the business case previously endorsed by Council confirms that the project will be fully funded. The model will be fully determined once the two grant fund applications that were made have been determined.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that should the approval not be granted for the \$100,000 to progress the DA it could substantially increase timeframes to deliver the end project impacting on future revenue.	High	Adopt the recommendation.	Yes
There is a risk that not progressing the DA will inhibit Port Stephens Koalas from accessing their support funding programs.	High	Adopt the recommendation.	Yes
There is a risk that not progressing the DA will impact on Lease negotiations with the Crown as before formal negotiations can commence a DA for the facility must be lodged.	High	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are significant benefits in many regards associated with the operation of the proposed koala facility. By advancing the planning process for the facility the total project timeframe can be compressed, ultimately bringing the opening of the facility and all associated benefits forward.

CONSULTATION

Consultation with key stakeholders has been undertaken with regards to project management and resourcing requirements, and financial considerations.

Internal

- The project management team was consulted with regards to the options to advance the planning process.
- The Group Manager Corporate Services was consulted with regards to support for the recommended action.

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

- The Finance Section Manager was consulted with regards to budget allocations and feasibility of the recommended action.

External

- Council's external project planning consultant was engaged to formulate planning timeframes and work programs.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 18**FILE NO: 17/146444
RM8 REF NO: PSC2012-00846****ASSIGNMENT OF LEASE - 29 STURGEON STREET RAYMOND TERRACE NSW**

REPORT OF: PETER MOELLER - ACTING PROPERTY SERVICES SECTION
MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorise the Mayor and the General Manager to sign and affix the Seal of the Council to the Lease Assignment documentation for Council owned land located at 29 Sturgeon Street Raymond Terrace.
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**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

204	Mayor Bruce MacKenzie Councillor Steve Tucker It was resolved that Council authorise the Mayor and the General Manager to sign and affix the Seal of the Council to the Lease Assignment documentation for Council owned land located at 29 Sturgeon Street Raymond Terrace.
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BACKGROUND

The purpose of this report is to advise Council that The Uniting Church in Australia Property Trust NSW (current Lessee) requests Councils consent to an assignment of lease to Lifeline Direct Limited.

Council currently receives \$55,763 annual rent plus GST and recoverable outgoings. Lifeline Newcastle and Hunter has managed the premises since 1 April 2012 with the current option lease expiring on 31 March 2019.

Lifeline Newcastle and Hunter has resolved to move its operations from being part of The Uniting Church across to Lifeline Direct Limited and will commence operating under this name from 1 July 2017 with the same experienced team continuing to manage the operations from these premises. Apart from the change in the name of the lease holder, there are no other operational changes.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has a sustainable and diversified economy.	Provide processes and services that deliver benefit to tourism in Port Stephens. Provide Economic Development services to local business.

FINANCIAL/RESOURCE IMPLICATIONS

Execution of the assignment by Council will formalise the terms of the existing lease and transfer all obligations under the lease to the new Lessee thereby protecting Councils financial position.

The current Lessee is responsible for all costs associated with the assignment of this lease.

\$55,763 income from rent will be received by Council. The Lease is subject to annual CPI increases.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Income rental received, subject to annual CPI increase.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

In accordance with the provisions of the Conveyancing Act, property dealings including leases (and assignment of leases) in excess of three years total duration, including the option period, are to be registered upon the title of the land to which they apply. Accordingly, if the lease is to be registered the common seal must be affixed upon signing under Clause 400, Local Government (General Regulation) 2005.

The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that should a formalised lease dealing (assignment) not be entered into with the new Lessee then Council's income stream would not be protected.	High	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil

CONSULTATION

Consultation with key stakeholders has been undertaken to determine the conditions of the lease in regards to assignment and to ensure correct process has been followed for the recommendation of the reassignment.

Internal

- Property Officer
- Investment and Asset Manager
- Property Services Section Manager

External

Nil

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Locality Map - 29 Sturgeon St, Raymond Terrace NSW.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM 18 - ATTACHMENT 1 LOCALITY MAP - 29 STURGEON ST, RAYMOND TERRACE NSW.

LOCALITY MAP – 29 STURGEON STREET, RAYMOND TERRACE NSW



ITEM NO. 19**FILE NO: 17/146446
RM8 REF NO: PSC2017-01225****ACQUISITION OF LAND IN NEWLINE ROAD****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Accept the transfer of the land from Australian Securities and Investments Commission as offered for nil consideration.
- 2) Authorise the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents, if the matter is successfully concluded.

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

205	Mayor Bruce MacKenzie Councillor John Nell It was resolved that Council: <ol style="list-style-type: none">1) Accept the transfer of the land from Australian Securities and Investments Commission as offered for nil consideration.2) Authorise the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents, if the matter is successfully concluded.
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BACKGROUND

The purpose of this report is to propose the acquisition of a narrow parcel of land adjacent to the road reserve in Newline Road, Raymond Terrace. The land is owned by a deregistered company (Irrawang Pty Ltd ACN 000 164 321) and the Australian Securities and Investments Commission (ASIC) will not pay the rates and have requested Council accept transfer of the land at nil consideration.

The land is described as Lot 8000 in DP 1130926 with an area of approximately 4,970 square metres (**ATTACHMENT 1**). It is located approximately 120 metres north of the intersection with Beaton Avenue and is dissected by Pennington Drain to the North and adjoins Newline Road to the West. Hunter Water Corporation own all land to the North, East and South of the subject land.

It appears the Registrar General prepared the Deposited Plan when converting some Old System Title land to Torrens Title. Subsequently it was valued by the NSW Valuer General and hence became rateable.

The acquisition of land must be by Council resolution and cannot be delegated under S.377(1)(h) of the *Local Government Act 1993*.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

While ASIC will transfer the land to Council at nil consideration, Council will be required to pay lodgement and agents fees in the order of \$185 to \$320. Council is not permitted to make the land exempt from rating while it is privately owned and resources will continue to be consumed levying and potentially writing off rates as unrecoverable into the future. ASIC appear unlikely to seek reinstatement of the de-registered company to deal with the land.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if Council does not accept transfer of the land, rates will continue to accrue and if offered for sale for unpaid rates a purchaser	Medium	Accept transfer of land so that land may be made exempt from rating and the land effectively incorporated into the road reserve.	Yes

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

might not be found due to the features and constraints of the land.			
ASIC require Council to indemnify it against any losses arising out of the transfer.	Low	The lawyers for the former director of the de-registered company have advised Council in writing that they have no objection to Council acquiring the land.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council may be required to provide ongoing maintenance to the land should any be required.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Financial Services Section.

Internal

Property Services, Drainage Engineer and Assets Engineer all advise that Council has no use for the land.

External

Cunningham and Adam Lawyers, who represents the deregistered company, were unaware of the existence of the parcel of land until it was rated for the first time this year and his client is not liable for the rates.

Hunter Water Corporation owns the adjoining land and have formally advised that it will not accept transfer of the land.

ASIC have advised that the land vests in ASIC and it is the only party legally able to deal with the property. ASIC said that given the rating situation it is in the public interest for the land to be transferred to Council rather than for it to remain in the name of the corporate regulator.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Lot 8000, DP 1130926.

COUNCILLORS ROOM

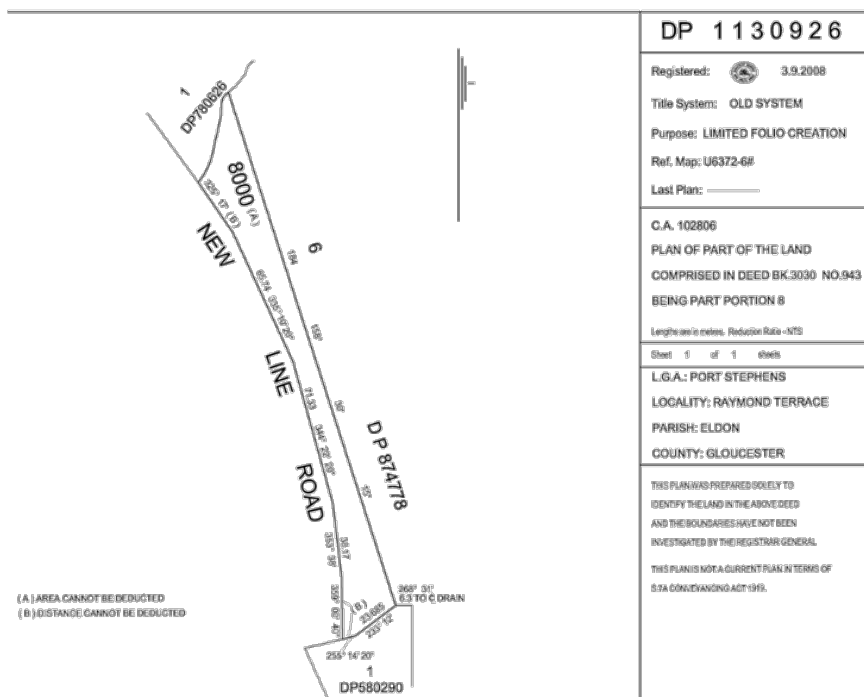
Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 19 - ATTACHMENT 1 LOT 8000, DP 1130926.



DP 1130926

Registered: 3.9.2008

Title System: OLD SYSTEM

Purpose: LIMITED FOLIO CREATION

Ref. Map: U6372-6#

Last Plan: _____

C.A. 102806

PLAN OF PART OF THE LAND

COMPRISED IN DEED BK.3030 NO.943

BEING PART PORTION 8

Lengths are in metres, Reduction Ratio = NTS

Sheet 1 of 1 sheets

L.G.A.: PORT STEPHENS

LOCALITY: RAYMOND TERRACE

PARISH: ELDON

COUNTY: GLOUCESTER

THIS PLAN WAS PREPARED SOLELY TO

IDENTIFY THE LAND IN THE ABOVE DEED

AND THE BOUNDARIES HAVE NOT BEEN

INVESTIGATED BY THE REGISTRAR GENERAL

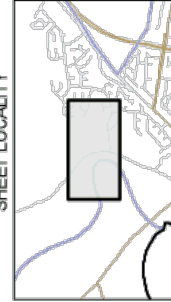
THIS PLAN IS NOT A CURRENT PLAN IN TERMS OF

S.1A CONVEYANCING ACT 1981.

Lot 8000 DP 1130926 Newline Road Raymond Terrace



SHEET LOCALITY



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MGA56

ITEM NO. 20

**FILE NO: 17/146448
RM8 REF NO: PSC2006-0985**

SERVICE REVIEW - NGIOKA CENTRE

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the submissions made to the service review for the Ngioka Centre **(TABLED DOCUMENT 1)**.
 - 2) Endorse the free supply of endemic native plants to Council's 355c Committees from the Ngioka Centre under the management of the Public Domain and Services Section (Parks Team) in partnership with Council volunteers.
 - 3) Endorse the continued delivery of disability services at the Ngioka Centre through a suitably qualified and registered provider.
 - 4) Undertake community consultation on the future of the Ngioka Centre through a Plan of Management for the community land being 12 Dixon Drive Nelson Bay (lot 2 DP 1086708).
-

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

206	<p>Councillor John Nell Councillor Sally Dover</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Note the submissions made to the service review for the Ngioka Centre (TABLED DOCUMENT 1).2) Endorse the free supply of endemic native plants to Council's 355c Committees from the Ngioka Centre under the management of the Public Domain and Services Section (Parks Team) in partnership with Council volunteers.3) Endorse the continued delivery of disability services at the Ngioka Centre through a suitably qualified and registered provider.4) Undertake community consultation on the future of the Ngioka Centre through a Plan of Management for the community land being 12 Dixon Drive Nelson Bay (lot 2 DP 1086708).
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BACKGROUND

The purpose of this report is to recommend changes to the service delivery model for the Ngioka Centre following from its service review and subsequent submissions from the community and Councillors.

The 2015 Ngioka Centre service review proposed two recommendations which included:

1. Continue to operate the business and implement measures to increase revenue generation and reduce the ratepayer subsidy.
2. Seek other organisations to operate the Centre.

The recommendation to continue to operate the Ngioka Centre was endorsed by Council in 2015. It was adopted on the condition that the service would be reviewed again in 2017 to permit an opportunity to implement operational changes.

Since that time, a number of income generating opportunities and cost control measures were investigated and trialled. With respect to revenue, the trials undertaken did not result in increased revenue. On the other hand, although cost control measures were put in place, changes to the NDIS funding model and compliance associated costs have negated the measures and led to increased operating costs.

In the process of the 2017 service review for the Ngioka Centre and subsequent discussions with Councillors and submissions made by the community, four recommendations have been identified:

1. Note the submissions made to the service review for the Ngioka Centre.
2. Endorse the free supply of endemic native plants to Council's 355c Committees from the Ngioka Centre under management of the Public Domain and Services Section (Parks Team) in partnership with Council volunteers.
3. Endorse the continued delivery of disability services at the Ngioka Centre through a suitably qualified and registered provider.
4. Undertake community consultation on the future of the Ngioka Centre through a Plan of Management for the community land being 12 Dixon Drive Nelson Bay (lot 2 DP 1086708).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
People with Disabilities.	Make future provision for people with disabilities, their families and carers.

FINANCIAL/RESOURCE IMPLICATIONS

In 2015-2016 the ratepayer subsidy increased from \$86,303 (2014-2015) to \$103,714 (2015-2016). The 2016-17 budget has resulted in a ratepayer subsidy that has increased to \$109,600.

The increase in ratepayer subsidy is consistent with the Ngioka Centre's historical financial performance. For example, the Ngioka Centre incurred an operational loss over a period of five years averaging \$120,513 peaking at \$152,801 in 2011-2012.

The Ngioka Centre team has an EFT of 2.0 as well as a team of two regular and some ten casual volunteers. Adopting the recommendations will result in the EFT positions being made redundant should no redeployment options be available within the organisation. This would result in a one off cost payment for staff entitlements of approximately \$189,000.

Volunteers will be provided with opportunities to continue volunteering at the Ngioka Centre to assist the Parks Team in the propagation of native plants and in partnership with any licenced disability provider who operates from the facility. Negotiations with the existing tenant at the Ngioka Centre include the potential for existing staff and volunteers to be engaged by that organisation.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	109, 600	Financial loss (i.e. ratepayer subsidy) for 2016/17 for the Ngioka Centre. Adopting the recommendations will enable this ratepayer subsidy to be redirected to the Public Domain and Services Section for use in increasing services levels.
Reserve Funds	No		
Section 94	No		
External Grants	Yes	24,000	NSW Department of Health Continuity of Support Program funding shall be relinquished to the funding body.
Other - revenue	Yes	25,000	Potential annual income from rent of the facility to a NDIS registered service provider.

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal impediments to adopting the recommendations however the following matter must be considered:

The Ngioka Centre team has an EFT of 2.0. This is made up of two permanent staff members. Conditions of the Port Stephens Council Enterprise Agreement Clause 29 will come into effect. This clause establishes Council's duty to notify affected staff and relevant Unions regarding an intention to introduce changes to programs, sets out duties to the parties, establishes procedures to be followed and conditions relating to staff redeployment or redundancies. Redundancies could incur costs of up to 34 weeks ordinary pay for each employee displaced.

There are no policy implications in adopting the recommendations. Identified risks are outlined in the table below:

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that deferring or rejecting the recommendations may result in Council continuing to operate the service under a model that is not resilient to the legislative and industry changes that have and continue to occur under the NDIS resulting in a higher cost service, reduced customer satisfaction and a greater call on general revenue subsidisation.	Medium	Adopt the recommendations in the knowledge that there will be an increase in service levels for the provision of endemic native plants to 355c Committees as well as the expansion of disability services provided to more clients through a registered provider.	Yes

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that adopting the recommendations may result in reputation damage with perceptions that Council is backing out of an important disability service.	Low	Communication with the remaining five (5) clients and their families will be undertaken to ensure all stakeholders are fully informed. Provision of factual information on the reduced involvement of local government and the subsequent increased involvement of non-government organisations in the disability services sector under NDIS will allay the concerns of most people.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations will result in the continuation of endemic native plant propagation and supply to Council's 355c Committees from the Ngioka Centre. The ecological benefit of this approach is the protection of the biological integrity of plants used in bush regeneration.

Socially, the Centre volunteers will still be involved in the propagation of plants in partnership with the Parks Team. Clients of the Ngioka Centre will have options under NDIS to enter into service package agreements with other NDIS service providers including whichever provider enters into tenancy agreements for the facility.

The local economy will be marginally improved by way of the use of the facility by an NDIS service provider which may involve the expansion of services and employment in this area.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section. The objective of the consultation has been to ensure staff and volunteers have been involved with and aware of the recommendations to change the service model and the data behind this recommendation.

Internal

A Two Way Conversation was held with Councillors on 20 June 2017. The result of this was the review of the initial service review recommendations and new recommendations taking into account the demand for endemic native plants for 355c Committees and the further community consultation on the future long term use of the Ngioka Centre under a Plan of Management for the community land.

Ngioka Centre staff have been engaged in numerous face to face meetings since February 2017. Adopting the recommendations will result in staff being formally advised of the outcome pursuant to Clause 29 of the Port Stephens Council Enterprise Agreement.

The Ngioka Centre Advisory Panel 355c committee and centre volunteers were advised of the original recommendations in writing and in person at meetings during May 2017. The Panel and volunteers have subsequently been advised of the change to the model being recommended in this report.

The Consultative Committee on 17 May 2017 received and noted the recommendations of the service review and its implications to employees. The recommendations made in this report do not change the implications to employees.

The Executive Leadership Team has endorsed the recommendations of the service review and has subsequently endorsed the changes to the initial recommendations that have been made in this report.

External

Some 14 written submissions were made to Council and one community meeting was held by members of 355c Committees regarding the initial service review recommendations. The feedback of these submissions and meeting has been taken into account and the result of which is the recommendations of this report. A letter was sent to the authors of the 14 submissions advising of the changes to the service review.

NSW Ageing Disability and Home Care (ADHC) have advised that funding for the Ngioka Centre has ceased.

The existing tenant of the facility is an NDIS registered provider and has been made aware of the recommendations. The tenant has indicated interest to enter into a tenancy agreement for the facility to ensure continuation of delivery of disability services from the site.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

- 1) Redacted copy of submissions received.

ITEM NO. 21**FILE NO: 17/146449
RM8 REF NO: PSC2005-3334****LEASE OF GROUNDS OF 45, 47 AND 47A TANILBA AVENUE TANILBA BAY
(PART LOT 270 DP753194, LOT 238 DP753194, PART LOT 342 DP704442) TO
CALVARY RETIREMENT COMMUNITIES HUNTER-MANNING LIMITED ACN
102625212****REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER
GROUP: FACILITIES & SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Enter into a Crown Trust Lease for 45, 47 and 47A Tanilba Avenue Tanilba Bay (respectively Part Lot 270 DP753194, Lot 238 DP753194 and Part Lot 342 DP704442) with Calvary Retirement Communities Hunter-Manning Limited A.C.N. 102626212.
 - 2) Authorise the Mayor and General Manager to sign and affix the seal of Council to the Lease documentation and any other associated legal documentation for the Crown Trust R89931 property located at 45, 47 and 47A Tanilba Avenue Tanilba Bay (respectively Part Lot 270 DP753194, Lot 238 DP753194 and Part Lot 342 DP704442) for the periods of five lots of five years consecutive leases.
-

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

207	Mayor Bruce MacKenzie Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Enter into a Crown Trust Lease for 45, 47 and 47A Tanilba Avenue Tanilba Bay (respectively Part Lot 270 DP753194, Lot 238 DP753194 and Part Lot 342 DP704442) with Calvary Retirement Communities Hunter-Manning Limited A.C.N. 102626212.2) Authorise the Mayor and General Manager to sign and affix the seal of Council to the Lease documentation and any other associated legal documentation for the Crown Trust R89931 property located at 45, 47 and 47A Tanilba Avenue Tanilba Bay (respectively Part Lot 270 DP753194, Lot 238 DP753194 and Part Lot 342 DP704442) for the periods of five lots of five years consecutive leases.
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BACKGROUND

The purpose of this report is to recommend the leasing of the grounds at 45, 47 and 47A Tanilba Avenue Tanilba Bay (respectively Part Lot 270 DP753194, Lot 238 DP753194 and Part Lot 342 DP704442) to Calvary Retirement Communities Hunter-Manning Limited A.C.N. 102626212 (**ATTACHMENT 1**).

The site is Crown Reserve under trust management by Tanilba Bay Senior Citizens Centre (R89931) Reserve Trust Incorporated Gazetted 3 November 1990 the affairs of which are managed by Port Stephens Council. The three lots include ten self-care unit complexes with 30 individual residential units that form part of the Tanilba Shores Aged Care Facility.

The units are the property of the Roman Catholic Diocese of Maitland Newcastle as per the contract of sale of the aged care business and ground improvements by Council in 1997 (Minute Number 1167, 22 July 1997). Lot 238 DP753194 contains three units and Lot 342 DP704442 contains six units and these lots are currently under ground lease to the Roman Catholic Diocese of Maitland Newcastle until June 2017. The Diocese has requested that this lease be transferred to Calvary Retirement Communities Hunter-Manning Limited A.C.N. 102626212. The current lease is on a holding over clause until this new lease is finalised.

In order to complete the lease process with Calvary Retirement Communities Hunter-Manning Limited A.C.N. 102626212 the one unit that is located on Part Lot 270 DP753194 shall be added to the lease to complete the complement of units for the ongoing nature of the facility.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Ageing Population.	Identify and plan for the future needs of an ageing population.

FINANCIAL/RESOURCE IMPLICATIONS

The rent model is based on the Community Leasing and Tenancy Policy with 40% deductions from a market valuation for the community service nature of the business being continued on the site. The rent will be allocated to the Port Stephens Council Crown Reserve Cluster Plan.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

Other	Yes	20,400	Rental income to be allocated to the Port Stephens Council Crown Reserve Cluster Plan.
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LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal impediments for adopting the recommendation. The lease is based on a standard Crown Lands lease template. The lease has been prepared by Local Government Legal in full consultation with Department of Industry - Lands.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that legal liability for the site and tenants may return to Council should a lease not be entered into resulting in Council becoming the manager of a retirement complex.	Low	Adopt the recommendations.	Yes
There is a risk that the current lessee may withdraw from the current holding over period of the current lease without a new lease being in place with Calvary Retirement Communities Hunter-Manning Limited A.C.N. 102626212 resulting in there being no legal tenancy arrangement in place for the current tenants.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations will ensure that the current and future tenants of the retirement complex will enjoy uninterrupted tenure in the purpose built units.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section.

The objectives of the consultation have been to clarify terms and conditions for the lease and to determine a pragmatic solution to leasing the land under the Crown Lands leasing requirements without the need to undertake a subdivision to excise the Tanilba Bay Senior Citizens Hall from the land parcels.

The consultation for this lease has occurred over five years. The reason for the lengthy consultation has been due to the location of the existing buildings over property boundaries, the excision of the Tanilba Bay Senior Citizens Hall building from the leased land parcels, the building ownership issues relating to the sale of the business and buildings in 1997 and the physical constraints of the site to undertake a full subdivision to formalise a lease that could be registered on title.

Internal

- Property Services Section – lease negotiations, lease preparation.
- Legal Services Manager – coordination of lease finalisation with Local Government Legal.
- Capital Works Section – preparation of plans to identify the land and part lots for the lease.
- Organisation Development Section – recovery of records relating to the negotiations and business papers of the original lease.
- Following the recommendations being adopted by Council, the lease documents will be finalised by the Legal Services Manager.

External

- Calvary Retirement Communities Hunter-Manning Limited A.C.N. 102626212 – lease negotiations.
- Tanilba Bay Senior Citizens Association – site meetings and negotiations regarding the boundary to excise the Centre from the retirement complex lease.
- Local Government Legal – advice and preparation of lease documents.
- Department of Industry – Lands – advice on Crown Lands Act requirements for leases.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Aerial view of Calvary Retirement Communities leased area at Tanilba Bay showing exclusion of Tanilba Bay Senior Citizens Centre.

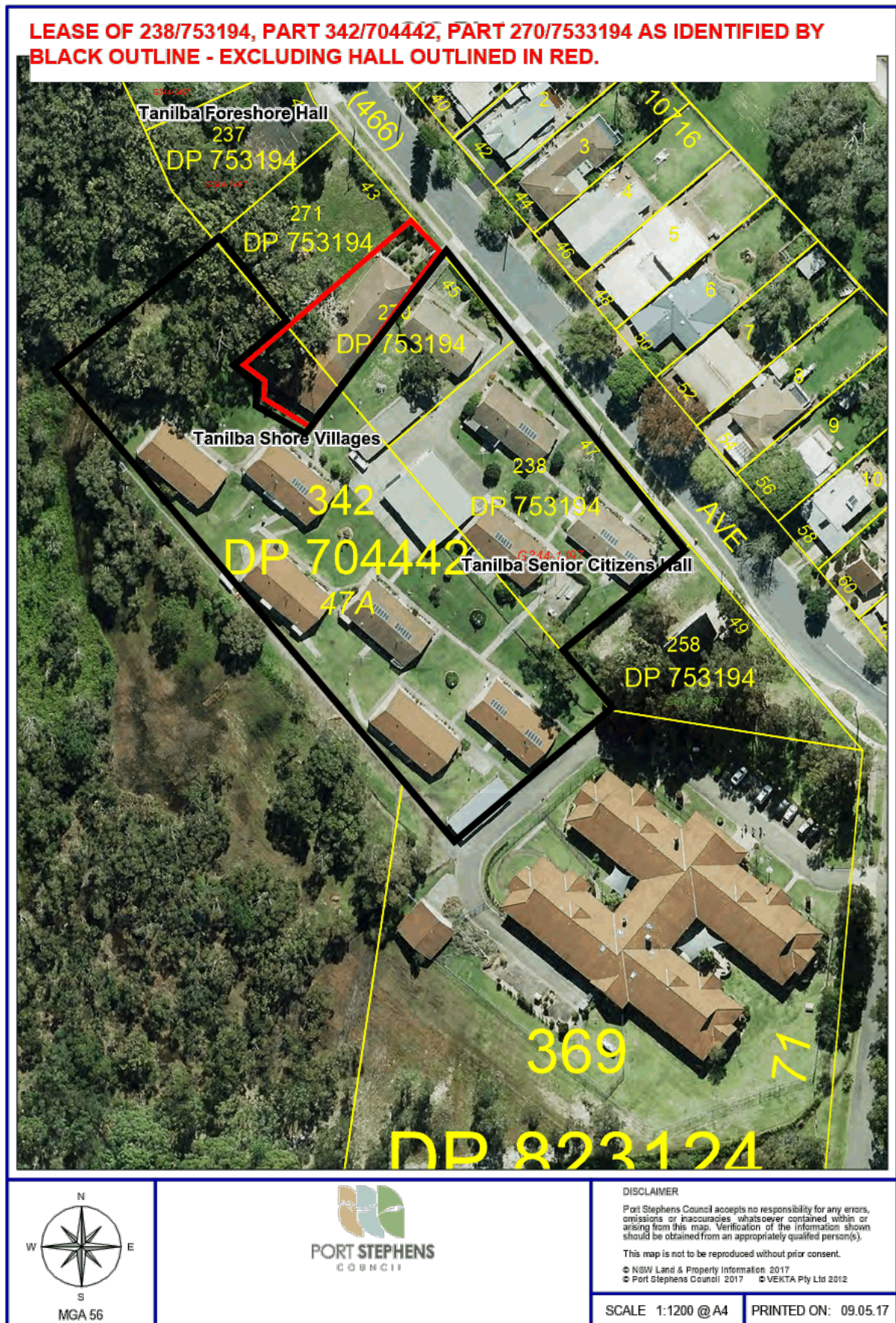
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 21 - ATTACHMENT 1 AERIAL VIEW OF CALVARY RETIREMENT COMMUNITIES LEASED AREA AT TANILBA BAY SHOWING EXCLUSION OF TANILBA BAY SENIOR CITIZENS CENTRE.



ITEM NO. 22**FILE NO: 17/146451
RM8 REF NO: PSC2015-03114****END OF TERM REPORT 2012-2017****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the Port Stephens Council End of Term Report 2012-2017.
-

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

208	Councillor Sally Dover Councillor Ken Jordan It was resolved that Council note the Port Stephens Council End of Term Report 2012-2017.
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BACKGROUND

The purpose of this report is to table the Port Stephens Council End of Term Report 2012-2017 as required by Section 406 Guidelines and Essential Element 1.10 of the *Local Government Act 1993*. This legislation requires that a report for the period of the Council's term be tabled at the last meeting of the Council term, which in the ordinary circumstances would be the second July meeting in the fourth year of the Council term. In 2016 at the Council's meeting of 26 July an End of Term Report for the period 2012-2016 was tabled. However as Council was the subject of a proposed merger the term of Council was not concluded in September 2016; and subsequently as also required by legislation, the End of Term Report 2012-2016 was appended to the Annual Report for 2015-2016 and adopted by Council.

Council elections having been called for 9 September 2017; Office of Local Government Circular 17-12 of 14 June 2017 noted that councils involved in these elections were required to produce an End of Term Report. The End of Term Report 2012-2017 fulfils that requirement and is an updated version of the report tabled in July 2016.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Reputation.	Strengthen Council's brand and reputation.

FINANCIAL/RESOURCE IMPLICATIONS

The End of Term Report 2012-2017 is in the form of a 'state of the shire' snapshot of progress against the Community Strategic Plan. Financial information contained in the report refers to the audited financial statements for 2015-2016, that is, it does not include information for financial year 2016-2017.

The Report was prepared by Corporate Strategy & Planning using existing public records such as annual reports, quarterly and six-monthly reports; and information publicly available from the internet.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Essential Element 1.10 of the *Local Government Act 1993* requires that this Report be compiled and presented at the final meeting of the Council before an election; and the Integrated Planning & Reporting Manual indicates that the 'state of the shire' format is the recommended format. The Report is required to measure the progress towards achieving the goals set out in the Community Strategic Plan, including the contribution of Council towards those goals.

The legislation intends the End of Term Report to be a guide for the incoming councillors to see what has been achieved and what is still to be done towards achieving the community's goals. The Report is also intended as a report to the community on progress. The Report is required to be attached as an appendix to the Annual Report (Section 428).

Although this is an updated version of the Report produced in 2016, it is the third of its kind completed by Council and as such continues the baseline Report 2008-2012.

The Report shows data about Port Stephens LGA under the headings of the Community Strategic Plan, and shows in blue boxes the Council's contribution to the goals; and in red boxes the contribution of other State agencies. At the beginning of each chapter there is a 'traffic light' table indicating visually progress against the indicators in the Community Strategic Plan.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the End of Term Report 2012-2017 contains errors of fact regarding non-Council information.	Low	Data obtained from public websites was cross-checked where possible.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The End of Term Report 2012-2017 is organised in alignment with the Community Strategic Plan which was developed in accordance with the sustainability pillars as required by Section 402(3)(a) of the *Local Government Act 1993*. The Report provides empirical data on progress against the goals of the Community Strategic Plan.

CONSULTATION

As this is an empirical data report it was compiled in consultation with Section and Group Managers across Council.

OPTIONS

- 1) Accept the recommendation.
- 2) Amend the recommendation.
- 3) Reject the recommendation.

ATTACHMENTS

- 1) End of Term Report 2012-2017. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 23

**FILE NO: 17/146453
RM8 REF NO: PSC2017-03945**

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Mayor and Ward Funds to the following:-
 - a. Mayoral Funds – Tomaree Youth Community Action Inc \$2,000 – donation towards ongoing operational costs of running this community group.
 - b. Mayoral Funds – Tilligerry RSL Sub Branch \$2,900 – donation towards purchase of new PA system.
 - c. Mayoral Funds – Hinton Public School – donation towards ongoing operational costs.
 - d. Mayoral Funds – Raymond Terrace Mens Shed \$500 – donation towards ongoing operational costs associated with running this community service.
 - e. Mayoral Funds – Tilligerry Mens Shed \$500 – donation towards ongoing operational costs associated with running this community service.
 - f. Mayoral Funds – Anna Bay Public School \$1,000 – donation towards ongoing operational costs.
 - g. Mayoral Funds – Karuah River Mens Shed \$2,000 – donation towards ongoing operational costs of running this community service.
 - h. Mayoral Funds – Port Stephens Suicide Prevention \$4,000 – donation towards ongoing support of community workshops.
 - i. Mayoral Funds – Lions Club of Tilligerry Peninsula Inc. \$2,000 – donation towards annual fishing competition and purchase of seating and tables for Peace Park Playground.
 - j. Mayoral Funds – Rotary Club of Raymond Terrace \$1,000 – donation towards installation of a shower in the Salvation Army Church.
 - k. Mayoral Funds – Westpac Rescue Helicopter \$2,000 – donation towards ongoing operational costs of running this community service.
 - l. Mayoral Funds – Medowie Assembly of God Inc. \$3,000 – donation towards ongoing operational costs associated with the Foodway program.
 - m. East Ward Funds – Cr Dover – Nelson Bay Town Management \$880 – donation towards 2017 Blue Water Country Music Festival event costs.
 - n. East Ward Funds – Rapid Response Cr Nell – Nelson Bay & District Business Association \$500 – donation towards 2017 Blue Water Country Music Festival event costs.
 - o. West Ward Funds – Rapid Response Cr Jordan – Seaham Netball Club \$500 – donation towards purchase of equipment.

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

- p. West Ward Funds – Rapid Response Cr Jordan – Karuah Bluegrass Music Festival \$500 – donation towards 2017 event costs.
- q. West Ward Funds – Rapid Response Cr Jordan – Seaham Park Committee \$500 – donation towards 2017 Carols event costs.
- r. Central Ward Funds – Rapid Response Cr Doohan – Tilligerry RSL Women's Auxilliary \$500 – donation towards purchase of portable pergola.
- s. Central Ward Funds – Cr Tucker – Port Stephens Family History \$800 – donation towards purchase of new computer.
- t. Central Ward Funds – Cr Doohan – South Tomaree Community Association Inc. \$5,000 – donation towards recreational park concept drawings, graffiti remove equipment and paint equipment for park benches at Anna Bay.
- u. Central Ward Funds – Cr Doohan – Medowie Skate Park \$5,000 – donation towards maintenance costs.

ORDINARY COUNCIL MEETING - 1 AUGUST 2017 MOTION

209	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the respective Mayor and Ward Funds to the following:</p> <ul style="list-style-type: none">a. Mayoral Funds – Tomaree Youth Community Action Inc \$2,000 – donation towards ongoing operational costs of running this community group.b. Mayoral Funds – Tilligerry RSL Sub Branch \$2,900 – donation towards purchase of new PA system.c. Mayoral Funds – Hinton Public School \$1,000 – donation towards ongoing operational costs.d. Mayoral Funds – Raymond Terrace Mens Shed \$500 – donation towards ongoing operational costs associated with running this community service.e. Mayoral Funds – Tilligerry Mens Shed \$500 – donation towards ongoing operational costs associated with running this community service.f. Mayoral Funds – Anna Bay Public School \$1,000 – donation towards ongoing operational costs.g. Mayoral Funds – Karuah River Mens Shed \$2,000 – donation towards ongoing operational costs of running this community service.h. Mayoral Funds – Port Stephens Suicide Prevention \$4,000 – donation towards ongoing support of community workshops.i. Mayoral Funds – Lions Club of Tilligerry Peninsula Inc. \$2,000 – donation towards annual fishing competition and purchase of seating
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MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

	and tables for Peace Park Playground.
j.	Mayoral Funds – Rotary Club of Raymond Terrace \$1,000 – donation towards installation of a shower in the Salvation Army Church.
k.	Mayoral Funds – Westpac Rescue Helicopter \$2,000 – donation towards ongoing operational costs of running this community service.
l.	Mayoral Funds – Medowie Assembly of God Inc. \$3,000 – donation towards ongoing operational costs associated with the Foodway program.
m.	East Ward Funds – Cr Dover – Nelson Bay Town Management \$880 – donation towards 2017 Blue Water Country Music Festival event costs.
n.	East Ward Funds – Rapid Response Cr Nell – Nelson Bay & District Business Association \$500 – donation towards 2017 Blue Water Country Music Festival event costs.
o.	West Ward Funds – Rapid Response Cr Jordan – Seaham Netball Club \$500 – donation towards purchase of equipment.
p.	West Ward Funds – Rapid Response Cr Jordan – Karuah Bluegrass Music Festival \$500 – donation towards 2017 event costs.
q.	West Ward Funds – Rapid Response Cr Jordan – Seaham Park Committee \$500 – donation towards 2017 Carols event costs.
r.	Central Ward Funds – Rapid Response Cr Doohan – Tilligerry RSL Women's Auxilliary \$500 – donation towards purchase of portable pergola.
s.	Central Ward Funds – Cr Tucker – Port Stephens Family History \$800 – donation towards purchase of new computer.
t.	Central Ward Funds – Cr Doohan – South Tomaree Community Association Inc. \$5,000 – donation towards recreational park concept drawings, graffiti remove equipment and paint equipment for park benches at Anna Bay.
u.	Central Ward Funds – Cr Doohan – Medowie Skate Park \$5,000 – donation towards maintenance costs.

BACKGROUND

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by Councillors as deserving of public funding. The Financial Assistance Policy gives Councillors a wide discretion either to grant or to refuse any requests.

Council's Financial Assistance Policy provides the community and Councillors with a number of options when seeking financial assistance from Council. Those options being:

1. Mayoral Funds
2. Rapid Response

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

3. Community Financial Assistance Grants – (bi-annually)
4. Community Capacity Building

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the *Local Government Act 1993*. This would mean that the financial assistance would need to be included in the Operational Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

The requests for financial assistance are shown below:-

WEST WARD – Councillors Jordan, Kafer & Le Mottee

Seaham Netball Club	Donation towards purchase of equipment	\$500
Seaham Park Committee	Donation towards 2017 Carols event costs.	\$500
Karuah Bluegrass Music Festival.	Donation towards 2017 event costs.	\$500

CENTRAL WARD – Councillors Dingle, Doohan & Tucker

Tilligerry RSL Women's Auxilliary	Donation towards purchase of portable pergola.	\$500
Port Stephens Family History	Donation towards purchase of new computer.	\$800
South Tomaree Community Association Inc.	Donation towards recreational park concept drawings, graffiti remove equipment and paint equipment for park benches at Anna Bay.	\$5,000
Medowie Skate Park	Donation towards maintenance costs.	\$5,000

EAST WARD – Councillors Dover, Morello & Nell

Nelson Bay Town Management	Donation towards 2017 Blue Water Country Festival event costs.	\$880
Nelson Bay & District Business Association	Donation towards 2017 Blue Water Country Music Festival event costs.	\$500

MAYORAL FUNDS – Mayor MacKenzie

Tomaree Youth Community Action Inc.	Donation towards ongoing operational costs of running this community service.	\$2,000
Tilligerry RSL Sub Branch	Donation towards purchase of new PA system.	\$2,900
Hinton Public School	Donation towards ongoing operational	\$1,000

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

	costs.	
Raymond Terrace Mens Shed	Donation towards ongoing operational costs associated with running this community service.	\$500
Tilligerry Mens Shed	Donation towards ongoing operational costs associated with running this community service.	\$500
Anna Bay Public School	Donation towards ongoing operational costs.	\$1,000
Karuah River Mens Shed	Donation towards ongoing operational costs of this community service.	\$2,000
Port Stephens Suicide Prevention	Donation towards ongoing support of community workshops.	\$4,000
Lions Club of Tilligerry Peninsula Inc.	Donation towards annual fishing competition and purchase of seating and tables for Peace Park Playground.	\$2,000
Rotary Club of Raymond Terrace	Donation towards installation of a shower in the Salvation Army Church.	\$1,000
Westpac Rescue Helicopter	Donation towards ongoing operational costs of running this community service.	\$2,000
Medowie Assembly of God Inc.	Donation towards ongoing operational costs associated with the Foodway program.	\$3,000

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

To qualify for assistance under Section 356(1) of the *Local Government Act 1993*, the purpose must assist the Council in the exercise of its functions. Functions under the Act include the provision of community, culture, health, sport and recreation services and facilities.

The policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function, which it, the Council, would otherwise undertake;
- b) the funding will directly benefit the community of Port Stephens;
- c) applicants do not act for private gain.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may set a precedent when allocating funds to the community and an expectation those funds will always be available.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the General Manager's Office.

Consultation has been taken with the key stakeholders to ensure budget requirements are met and approved.

OPTIONS

- 1) Accept the recommendation.
- 2) Vary the dollar amount before granting each or any request.
- 3) Decline to fund all the requests.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 24**FILE NO: 17/146531
RM8 REF NO: PSC2017-00015****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 1 August 2017.

No:	Report Title	Page:
1	CASH AND INVESTMENTS HELD AT 30 JUNE 2017	373
2	IMPLEMENTATION OF THE PORT STEPHENS AGEING STRATEGY	377
3	PETITION: DEVELOP A SAFE ROAD NETWORK FOR THE SWAN BAY COMMUNITY	393
4	PETITION: CONTINUE EXISTING FOOTPATH FROM CORNER OF FARM AND BOULDER BAY ROAD AND MEET WITH EXISTING FOOTPATH ON MARINE DRIVE	396

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

210	Councillor Chris Doohan Councillor Ken Jordan
	It was resolved that Council:
	1) Receives and notes the Information Papers listed below being presented to Council on 1 August 2017.

No:	Report Title	
1	CASH AND INVESTMENTS HELD AT 30 JUNE 2017	373
2	IMPLEMENTATION OF THE PORT STEPHENS AGEING STRATEGY	377
3	PETITION: DEVELOP A SAFE ROAD NETWORK FOR THE SWAN BAY COMMUNITY	393

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

	4	PETITION: CONTINUE EXISTING FOOTPATH FROM CORNER OF FARM AND BOULDER BAY ROAD AND MEET WITH EXISTING FOOTPATH ON MARINE DRIVE	396
	2)	That a letter be forwarded to Fingal Haven advising of the proposed footpath works.	

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 17/146456
RM8 REF NO: PSC2006-6531**

CASH AND INVESTMENTS HELD AT 30 JUNE 2017

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 30 June 2017.

ATTACHMENTS

- 1) Cash and Investments held at 30 June 2017.
- 2) Monthly cash and investments balance May 2017 to 30 June 2017.
- 3) Monthly Australian Term Deposit Index June 2016 to June 2017.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

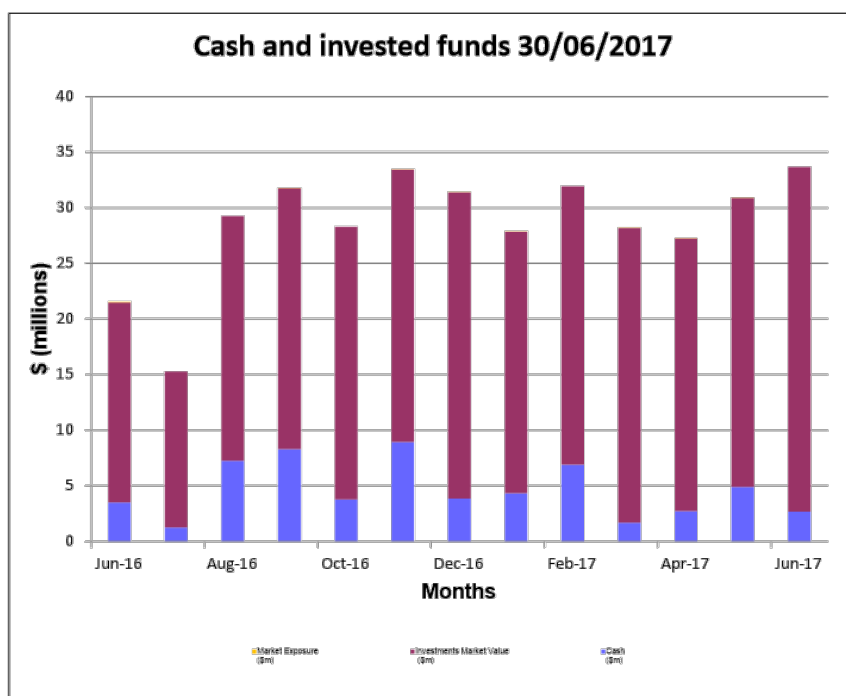
Nil.

CASH AND INVESTMENTS HELD AS AT 30 JUNE 2017

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
POLICE CREDIT UNION LTD (SA)	FARQUHARSON	NR	TD	2.85%	182	12-Jul-17	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.56%	127	12-Jul-17	2,000,000	2,000,000
BANANA COAST CREDIT UNION	CURVE	NR	TD	2.60%	126	12-Jul-17	1,000,000	1,000,000
BANKWEST	BANKWEST	AA-	TD	2.55%	60	1-Aug-17	3,000,000	3,000,000
SUNCORP	SUNCORP	A+	TD	2.65%	182	9-Aug-17	2,000,000	2,000,000
SUNCORP	SUNCORP	A+	TD	2.65%	182	23-Aug-17	1,500,000	1,500,000
AMP BANK	CURVE	A+	TD	2.75%	184	8-Sep-17	2,000,000	2,000,000
MAITLAND MUTUAL	RIM	NR	TD	2.80%	196	20-Sep-17	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.58%	196	4-Oct-17	2,000,000	2,000,000
HUNTER UNITED EMPLOYEES CU	RIM	NR	TD	2.80%	189	11-Oct-17	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.60%	210	18-Oct-17	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.60%	209	18-Oct-17	1,000,000	1,000,000
BANK OF SYDNEY	RIM	NR	TD	2.80%	181	1-Nov-17	1,250,000	1,250,000
RURAL BANK	LAMINAR	A-	TD	2.65%	190	15-Nov-17	1,250,000	1,250,000
AMP BANK	FARQUHARSON	A+	TD	2.60%	189	22-Nov-17	2,000,000	2,000,000
BANK AUSTRALIA LTD	FIIG	BBB+	TD	2.81%	188	13-Dec-17	1,500,000	1,500,000
ING BANK AUSTRALIA	ING	A-	TD	2.61%	230	24-Jan-18	2,000,000	2,000,000
ING BANK AUSTRALIA	CURVE	A-	TD	2.61%	242	6-Feb-18	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.55%	270	6-Mar-18	750,000	750,000
DEFENCE BANK	LAMINAR	BBB+	TD	2.77%	376	30-May-18	1,000,000	1,000,000
BANANA COAST CREDIT UNION	CURVE	NR	TD	2.85%	369	13-Jun-18	750,000	750,000
INVESTMENTS TOTAL (\$)							31,000,000	31,000,000
CASH AT BANK (\$)							2,685,061	2,685,061
TOTAL CASH AND INVESTMENTS (\$)							33,685,061	33,685,061
CASH AT BANK INTEREST RATE				1.90%				
BBSW FOR PREVIOUS 3 MONTHS				1.79%				
AVG. INVESTMENT RATE OF RETURN				2.66%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								

**ITEM 1 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE
MAY 2017 TO 30 JUNE 2017.**
CASH AND INVESTMENTS BALANCE

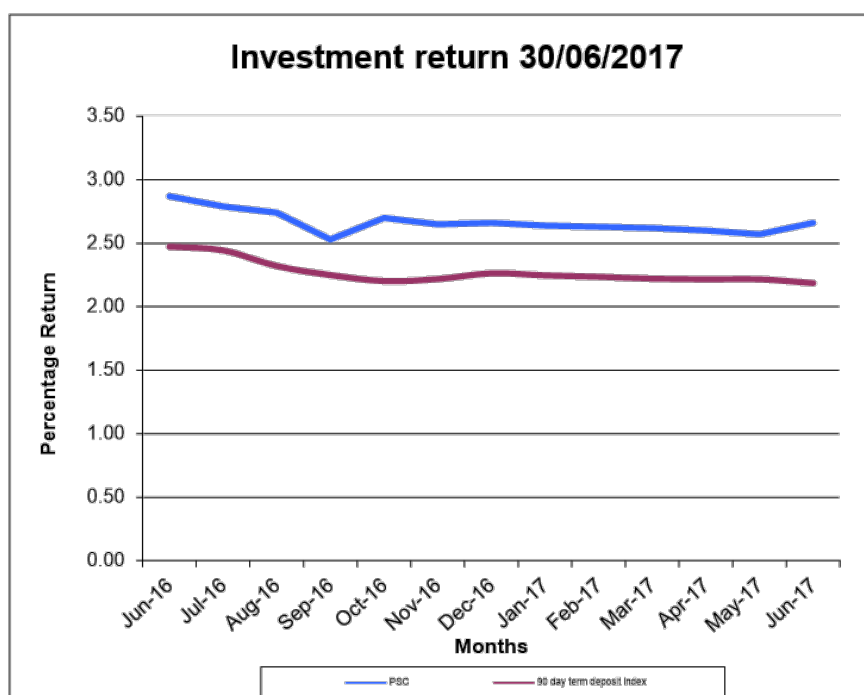
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Jun-16	3.526	17.990	0.028	21.544
Jul-16	1.277	13.998	0.020	15.294
Aug-16	7.269	21.998	0.020	29.287
Sep-16	8.289	23.498	0.020	31.807
Oct-16	3.786	24.503	0.015	28.304
Nov-16	8.940	24.506	0.012	33.458
Dec-16	3.875	27.507	0.010	31.393
Jan-17	4.346	23.507	0.010	27.864
Feb-17	6.916	25.011	0.007	31.934
Mar-17	1.689	26.512	0.005	28.206
Apr-17	2.747	24.513	0.005	27.265
May-17	4.894	26.014	0.003	30.912
Jun-17	2.685	31.000	-	33.685



*market exposure is the difference between the face value of an investment and its current market value.

**ITEM 1 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX
JUNE 2016 TO JUNE 2017.**
AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

Date	90 day term deposit index	PSC
Jun-16	2.4727	2.87
Jul-16	2.4442	2.79
Aug-16	2.3210	2.74
Sep-16	2.2495	2.53
Oct-16	2.2025	2.70
Nov-16	2.2183	2.65
Dec-16	2.2637	2.66
Jan-17	2.2474	2.64
Feb-17	2.2357	2.63
Mar-17	2.2214	2.62
Apr-17	2.2163	2.60
May-17	2.2168	2.57
Jun-17	2.1860	2.66



ITEM NO. 2

**FILE NO: 17/146457
RM8 REF NO: PSC2016-03411**

IMPLEMENTATION OF THE PORT STEPHENS AGEING STRATEGY

REPORT OF: MICHAEL MCINTOSH - GROUP MANAGER DEVELOPMENT
SERVICES
GROUP: DEVELOPMENT SERVICES

BACKGROUND

The purpose of this report is to update Council on the progress of the Port Stephens Ageing Strategy (the Strategy). This update takes place over one year on from its adoption by Council on 14 April 2016.

The Strategy was produced following the production of Federal and State government plans, such as the NSW Aging Strategy that identified an ageing population as a key planning issue across all levels of government. Demographic data sourced from REMPlan (ABS data) pertaining to the Port Stephens Local Government Area (LGA) clearly identified an ageing population as a key priority for Port Stephens.

In response to this, Council is committed to the ongoing implementation of the Ageing Strategy through Operational Plan item 2.1.1.1 – Implement Council's Ageing Strategy. The Strategy provides direction for a whole of Council approach to deliver key priorities that support positive ageing outcomes.

Development of the Strategy resulted in 25 actions within five themes of:

- Ongoing analysis and planning;
- Housing, neighbourhood and land use planning;
- Transport and accessibility;
- Health and community services; and
- Inclusion and participation.

The Strategic Planning Unit is responsible for coordinating the implementation of the Strategy. As part of this, when the Strategy was adopted, Strategic Planning committed to provide annual updates on the implementation of the actions.

Since adoption, Strategic Planning have undertaken an audit (**ATTACHMENT 1**) of the Strategies actions which identified:

- 8 of 23 actions are underway or completed;
- 9 of 23 actions are uncompleted; and
- 6 of 23 actions are ongoing.

A key completed action that enables ongoing planning for the ageing demographic is the mapping of densities of ageing populations and vulnerable communities **(ATTACHMENT 2)**. These maps are a tool to inform prioritised delivery of actions within the Ageing Strategy; and other plans and strategies Council wide, such as the Forward Works Program, Emergency Management Plan and land-use planning.

ATTACHMENTS

- 1) Implementation Audit of Strategy Actions.
- 2) Vulnerable Communities Mapping.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 IMPLEMENTATION AUDIT OF STRATEGY ACTIONS.

TABLE 1: KEY THEMES, GOALS AND PROPOSED ACTION PLAN

Key Themes	Goals	Council Actions and Deliverables	Measure	Gaps, challenges	Stakeholder	Responsibility	Timeframe	Comments
1. Ongoing analysis and planning	Provide ongoing analysis to enable effective and ongoing planning for the ageing demographic	1. Develop the Port Stephens Demographic and Wellbeing Report including population, dwelling and housing forecasts.	• Deliver the Port Stephens Demographic and Wellbeing Report including population, dwelling and housing forecasts.	• Nil	• Service provider	• Strategic Planning	1 – 2 years Completed	<p>This report is in draft form. The report provides detailed information on population and demographic change up to 2036 for each of Councils eight planning catchments.</p> <p>This previously unknown data on the characteristics of each planning district catchment enables and informs better strategic and land use planning decisions and planning processes.</p> <p>While Council has an awareness of population growth at the broader LGA level, changes within each of Port Stephens' planning catchments (community types) have to date been unknown. Potential implications of unknown change can lead to planning decisions that may not adequately respond to a range of community needs including:</p> <ul style="list-style-type: none"> Identifying appropriate urban growth areas. Providing adequate services and supporting infrastructure Providing for the needs of the demographic within each area. Identifying the need for and influencing change.
		2. Map densities of ageing populations and desirable destinations, e.g. health services and retail.	• Maps that provide visually clear data that can be used to inform and prioritise Council's Delivery Plan actions.	<ul style="list-style-type: none"> Obtaining data GIS resources 	• Strategic Planning	• GIS Services	2 – 4 years Completed	<p>This mapping has been developed as vulnerable communities mapping. Vulnerable Communities mapping is tool to identify areas with higher densities of vulnerable people. For the purposes of this mapping, vulnerable communities are considered to be the ageing population (>55yrs, Need for Assistance (disability) and children 0-4)). These maps are a tool to inform prioritized delivery of actions within Councils plans and strategies and land use planning decision making.</p>
2. Housing, neighbourhood and land use planning	Development that ensures diverse community demographics and that enables older people to live in appropriate, well designed and located accommodation of their choice.	3. Investigate and identify options to increase supply of diverse housing types that is affordable housing.	<ul style="list-style-type: none"> Formalised agreement with affordable housing provider (Pacific Link) and identified options to deliver affordable housing. Maintain ongoing lease for Tanilba Bay aged care facility. 	<ul style="list-style-type: none"> Council support Lack of financial incentive for developers to develop affordable housing Balancing developer interests with community needs to increase the supply of affordable housing in the LGA. Lack of awareness and understanding of benefits of affordable housing 	<ul style="list-style-type: none"> Property Services affordable housing providers (Pacific Link) 	• Strategic Planning	2 – 4 years Uncompleted	<p>Dependant on developing a Port Stephens Affordable Housing Plan. Port Stephens has been identified as having an undersupply of Affordable Housing, particularly 2 and 3 bedroom dwellings.</p>
		4. Develop a project plan to guide and strengthen Council's provision of affordable housing options within the LGA.	• Endorsed affordable housing strategy that contributes to increasing the supply of housing appropriate for ageing populations, i.e. dwellings that are affordable, adaptable and located in the	• Resources	• Property Services	• Strategic Planning	2 – 4 years Uncompleted	<p>An Affordable Housing Plan is programmed within Strategic Planning's work plan for development in the second half of 2017, pending competing priorities.</p>

ITEM 2 - ATTACHMENT 1 IMPLEMENTATION AUDIT OF STRATEGY ACTIONS.

Key Themes	Goals	Council Actions and Deliverables	Measure	Gaps, challenges	Stakeholder	Responsibility	Timeframe	Comments
			Raymond Terrace centre.					
		5. Work with the State government to ensure housing targets (growth, types, density and location) are consistent with subregional plans and relevant to the LGA.	<ul style="list-style-type: none"> As per Port Stephens Demographic and Wellbeing Report including population, dwelling and housing forecasts. 	<ul style="list-style-type: none"> Inconsistency between top down dwelling forecasts and actual LGA targets 	<ul style="list-style-type: none"> Department of Planning and Environment 	<ul style="list-style-type: none"> Strategic Planning 	1 – 2 years Ongoing	Undertaken as required.
		6. Housing and aged care facilities support and incorporate flexible building design (location, size, type, style).	<ul style="list-style-type: none"> Planning controls to ensure development is: <ul style="list-style-type: none"> - close to city centres as possible; - within proximity to services needed by older people; - housing provides for choice and stage of life. 	<ul style="list-style-type: none"> Current legislation and policy Planning controls 		<ul style="list-style-type: none"> Strategic Planning 	5 – 10 years Uncompleted	Strategic Planning will commence investigation of potential DCP Chapter that can achieve incorporation of more flexible building design, such as integration of Liveable Housing Design Guidelines criteria to meet the needs of an Ageing Population and achieve outcomes within the draft Disability Inclusion Action Plan. The Liveable Housing Design Guideline is considered a 'best practice' example for both ageing populations and accessibility for people with a disability.
	Provide services and access to improved social inclusion located near town centres.	7. Reinforce Nelson Bay and Raymond Terrace as the primary health and service provider for ageing populations in the Port Stephens LGA.	<ul style="list-style-type: none"> TBA, dependant on available NSW Health Data 	<ul style="list-style-type: none"> Accessibility for outer communities Obtaining NSW Health data 	<ul style="list-style-type: none"> Nelson Bay polyclinic HealthOne clinic Raymond Terrace 	<ul style="list-style-type: none"> Strategic Planning Property Services section 	2 – 4 years Uncompleted	Pending time to investigate Public Health Information Development Unit (PHIDU) data, which will inform direction of discussions with health agencies. Work will commence on mechanisms to advocate for health services relevant to Ageing Populations within the Port Stephens LGA in due course. Knowledge of this data will be useful in informing reviews of both the Ageing Strategy and Disability Inclusion Action Plan's.
		8. Identify gaps in dwelling development and dwelling type to meet the needs of ageing populations.	<ul style="list-style-type: none"> Complies with high quality open space and urban design principles. Demonstrates flexible building design 	<ul style="list-style-type: none"> Port Stephens LEP Planning controls 	<ul style="list-style-type: none"> Economic Development 	<ul style="list-style-type: none"> Assets Strategic Planning 	1 – 2 years Uncompleted	Dependant on Affordable Housing Plan. Port Stephens has been identified as having an undersupply of Affordable Housing, particularly 2 and 3 bedroom dwellings.
3. Transport and accessibility	A connected network of public transport, pedestrian and cycle ways that provide access to desirable locations and increase social connectivity and opportunities.	9. Prioritise actions within Council's Pathway's Plan to improve safety, connectivity and accessibility to meet the needs of the ageing population.	<ul style="list-style-type: none"> Implementation of Council's Pathway Plan demonstrates: <ul style="list-style-type: none"> - Better footpath connectivity between trip generation and destination for the ageing population, e.g. between higher densities of older people and the Raymond Terrace Health One Clinic; - Footpath and cycle way pavements are maintained in accordance with State wide Best Practice guidelines. 	<ul style="list-style-type: none"> Will require consultation between Assets and Strategic Planning Funding 	<ul style="list-style-type: none"> Strategic Planning Social Planning 	<ul style="list-style-type: none"> Assets 	1 – 2 years Underway	Assets can provide some data however relevant officer is on extended leave at the moment and can provide in about 5 weeks. Strategic Planning and Facilities and Assets are investigating ways to better align reporting processes as per existing financial processes (generally around August/under)
		10. Review and gain endorsement of the Pedestrian Access and Mobility Plan (PAMP) in accordance with legislative requirements.	<ul style="list-style-type: none"> Implementation of the PAMP that demonstrates: <ul style="list-style-type: none"> - Pavements that are free of obstacles, uneven surfaces; - Kerb ramps; - Wider paths to improve safety and access for mobility scooters. 	<ul style="list-style-type: none"> Completion of dwelling and services mapping Funding 	<ul style="list-style-type: none"> Strategic Planning 	<ul style="list-style-type: none"> Assets 	1 – 2 years Underway	Council is currently seeking request for tender from suitably qualified consultants to review and update Port Stephens Pedestrian Access and Mobility Plan. Strategic Planning have provided input and will maintain ongoing liaison with Assets in development and to assist in informing a prioritised implementation approach, i.e. Vulnerable Communities mapping tool.

ITEM 2 - ATTACHMENT 1 IMPLEMENTATION AUDIT OF STRATEGY ACTIONS.

Key Themes	Goals	Council Actions and Deliverables	Measure	Gaps, challenges	Stakeholder	Responsibility	Timeframe	Comments
		11. Advocate for improved current community transport services in the Port Stephens Local Government Area.	<ul style="list-style-type: none"> Improved public transport services for ageing populations: <ul style="list-style-type: none"> Frequency; Access to service information. Bus routes and time tables are clearly displayed on easy to read signage at bus stops. 	<ul style="list-style-type: none"> Assessing current service provisions against community needs Coordinating with external providers – Social Planning to attend Joint Transport Operators Meetings 	<ul style="list-style-type: none"> Strategic Planning Lower Hunter Transport Guide 	<ul style="list-style-type: none"> Port Stephens Coaches Assets Busways Hunter Valley Buses 	5 – 10 years Ongoing	Strategic Planning will coordinate a meeting and ongoing collaboration between Strategic Planning, Assets and public transport providers operating in the LGA to increase usability of public transport services. This includes implementation of: <ul style="list-style-type: none"> Improved timetabling and map signage Coordinating more connected access to bus stops, such as appropriately placed kerb ramps
4. Health and community services	Establish effective partnerships with health care providers, mobile health services, community and recreational activities and, where a need exists, identify and advocate for new ones.	12. Identify and promote existing community programs and services targeted to ageing populations.	<ul style="list-style-type: none"> Up to date Community Directory displayed on Council website. Maintain assisted bin collection services (Blue Dot Service). 	Resources	<ul style="list-style-type: none"> Strategic Planning Port Stephens Interagency 	<ul style="list-style-type: none"> Community Services Waste Services Community Development and Engagement 	Ongoing	<ul style="list-style-type: none"> Community Directory is reviewed on an ongoing basis. The Blue Dot Service (wheel in wheel out bin collection) was provided to 53 households in 2016. This was an increase of 23% (43) from 2015.
		13. Identify and advocate for improved health care programs and services.	<ul style="list-style-type: none"> Increase in appropriate external programs and services for ageing populations, including culturally appropriate programs and services. 	Funding	<ul style="list-style-type: none"> Murrook Cultural Centre Worimi Local Aboriginal Land Council Karuah Local Aboriginal Land Council Port Stephens East Health Advisory Committee Port Stephens West Health Advisory Committee 	<ul style="list-style-type: none"> Strategic Planning Community Services Aboriginal Strategic Committee 	2 – 4 years Uncompleted	Not commenced as yet. (see Action 7)
		14. Advocate for maximising existing health care providers, and identify needs for additional health care providers and services required by the aged demographic.	<ul style="list-style-type: none"> Develop partnerships with relevant state agencies Advocate for culturally sensitive health care 	Gap analysis in existing service provision and actual need. Refer and advocate for gaps to relevant State agencies.	<ul style="list-style-type: none"> Relevant State agencies Community Services Murrook Cultural Centre Worimi Local Aboriginal Land Council Karuah Local Aboriginal Land Council 	Strategic Planning	Ongoing	Not commenced as yet.
		15. Prepare draft Port Stephens Council Disability Inclusion Action Plan.	<ul style="list-style-type: none"> Endorsed Port Stephens Council Disability Inclusion Action Plan. 	Resources	<ul style="list-style-type: none"> NSW Department of Family and Community Services 	Social Planning	1 – 2 years Underway	Port Stephens draft Disability Inclusion Action Plan has been developed and is due to be presented to Council at 9 May 2017 meeting.
5. Inclusion and participation	Support continued and increased opportunities for engaging ageing populations in participation in decision-making processes with Council plans and services.	16. Maintaining workforce participation of older workers.	<ul style="list-style-type: none"> Maintain Older Employee Workforce strategy. Increased participation of older Council staff. Endorse community learning framework and the continuation of the Education and Employment Interagency. 	<ul style="list-style-type: none"> Funding Resources Ongoing Council recognition and planning for retention of older workers (retraining and flexible work arrangements) 	<ul style="list-style-type: none"> Chambers of Commerce TAFE providers State training providers 	<ul style="list-style-type: none"> Organisational Development Economic Development 	5 – 10 years Ongoing	<p>Councils Workforce Strategy recognises that we have 5 generations working at Council and we provide policies and flexibilities that accommodate all of these generations. Older staff are encouraged to continue in the workforce for as long as they would like through the provision of flexible working arrangements and leave provisions that allow them to balance work and life generally. Council also has a transition to retirement policy in place.</p> <p>Like most organisations, we are getting older. We have a low proportion of young employees under the age of 25 (about 6%) compared with the proportion of older workers aged 55 and above (25%). 23% of the workforce is aged between 35 and 44 and a further 27% of the workforce is aged between 45 and 54. Our average worker age is 45 years of age, slightly lower than local government averages.</p> <p>This means just over 50% of our permanent staff will reach traditional retirement ages over the next</p>

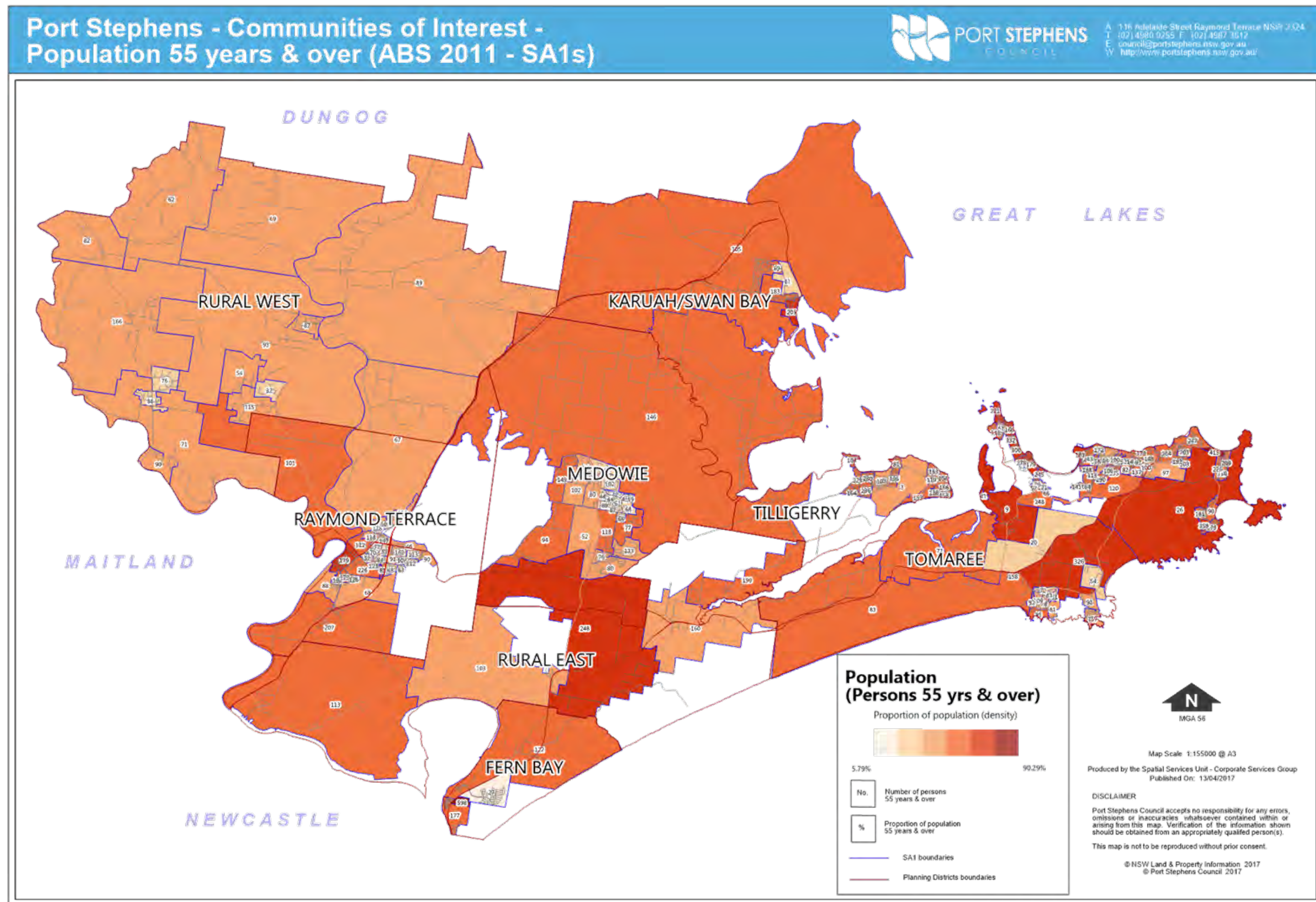
ITEM 2 - ATTACHMENT 1 IMPLEMENTATION AUDIT OF STRATEGY ACTIONS.

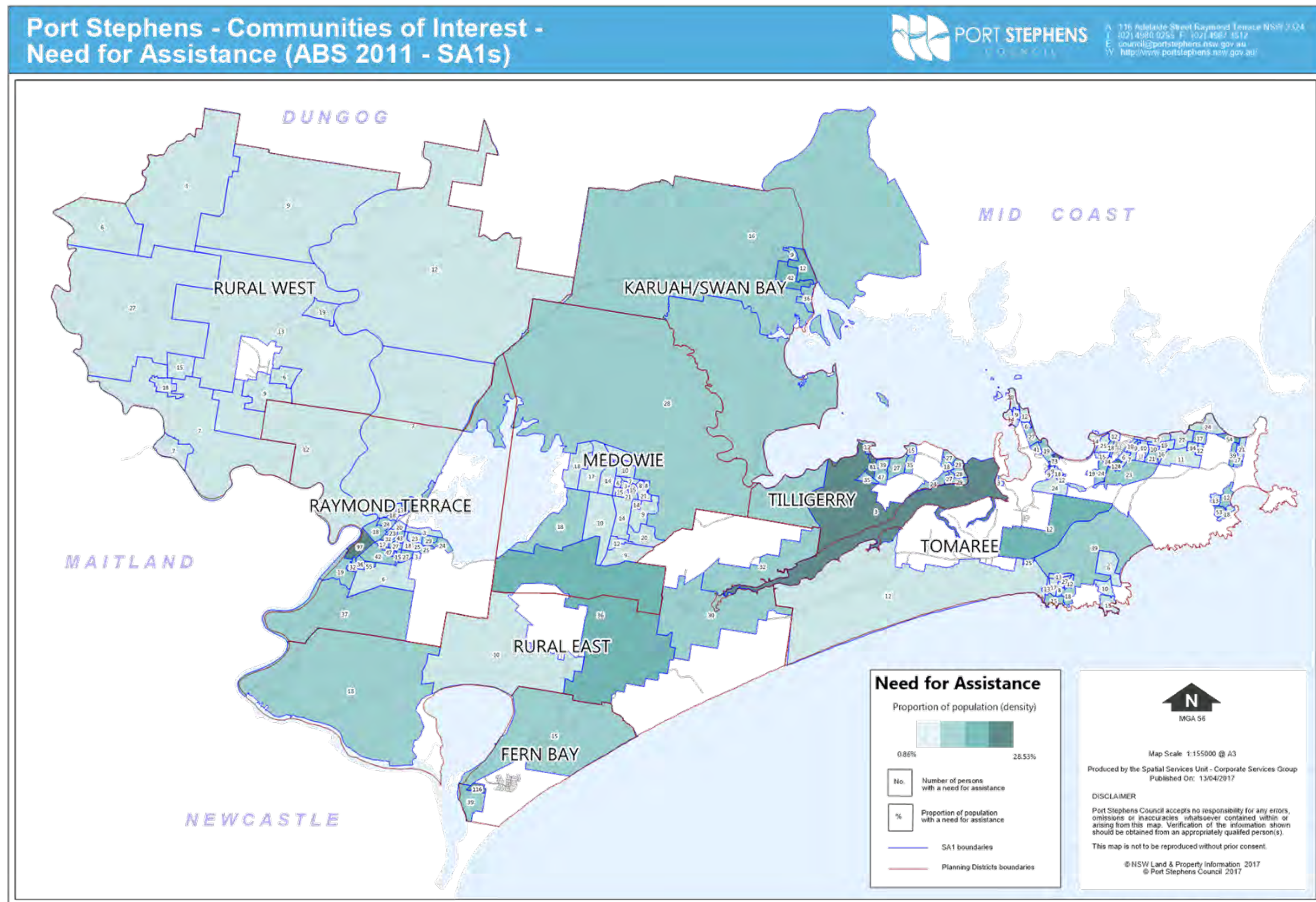
Key Themes	Goals	Council Actions and Deliverables	Measure	Gaps, challenges	Stakeholder	Responsibility	Timeframe	Comments
								10-15 years. Interestingly in local government terms in NSW we're doing well as we are in the lower percentiles in most categories[1]. Our youngest employee 17 is and our oldest is 79 which means we have 5 generations working for us – Veterans, Boomers, Generation X, Generation Y and Generation Z.
		17. Investigate lifelong learning opportunities for ageing populations.	<ul style="list-style-type: none"> Identify new and innovative ways for ageing populations ongoing workforce participation: <ul style="list-style-type: none"> Maintain or increase volunteering opportunities. Maintain or increase mobile library services such as training opportunities. 	<ul style="list-style-type: none"> Funding Resources 	<ul style="list-style-type: none"> Education and Employment Interagency (EEI) Strategic Planning 	<ul style="list-style-type: none"> Community Development and Engagement Community Services 	2 – 4 years Uncompleted	Not commenced.
		18. Support participation of ageing communities in decision making processes.	<ul style="list-style-type: none"> Community Engagement Framework considers and includes ageing populations. 	<ul style="list-style-type: none"> Opportunities for ageing populations to access information and provide feedback during planning processes. 	<ul style="list-style-type: none"> Strategic Planning 	<ul style="list-style-type: none"> Community Development and Engagement 	1 – 2 years Completed	Community Engagement and Communications Plan template now includes check box to prompt consideration of older people when undertaking consultations.
	Support continued and increased opportunities for engaging ageing populations in desired social activities, including facilities and infrastructure that integrate and meet the needs of older people.	19. Maintain and promote social activities, including opportunities for intergenerational activities where younger people in the community can integrate with the older generation.	<ul style="list-style-type: none"> Develop intergenerational activities and services, such as volunteering opportunities, learning opportunities. Investigate opportunity for small scale fully integrated Child Care in Councils Tanilba Bay Aged Care facility Enable intergenerational activities through existing Council funded services <ul style="list-style-type: none"> Port Stephens libraries Men's Shed Cultural projects funded that are intergenerational and inclusive of the ageing population. 	<ul style="list-style-type: none"> Navigating relevant legislation and policy involved with integrating land uses and services Funding 	<ul style="list-style-type: none"> Relevant state agencies 	<ul style="list-style-type: none"> Strategic Planning Community Development and Engagement Community Services 	2 – 4 years Ongoing	<p>Council supports continued opportunities of seniors programs by providing community space, including halls and outdoor spaces at subsidised rates and providing grant funding. Many of the projects Council supports through the Cultural Grants Program target the participation of seniors such as;</p> <ul style="list-style-type: none"> Port Stephens Art Prize Tilligerry Art Prize Port Stephens Choral Ensemble (choir) Seaside Singers (choir) Port Stephens Literature Awards <p>Mallabula Hall provides space for groups such as Probus who run programs such as Lifeball; a slow netball game for seniors which encourages ongoing physical exercise and social interactions.</p> <p>The Raymond Terrace Mens Shed are investigating potential Cultural Grant funding to undertake Lantern Making workshops, which will be promoted through schools and advertised through the community.</p> <p>The Raymond Terrace Arts and Crafts Incorporated currently support and encourage intergenerational activities with some of the students that attend the ALESCO school.</p> <p>A gap has been identified for intergenerational activities that include male youths; post success of these initiatives Strategic Planning and CD&E will investigate expanding on partnerships and broader use of Mens Sheds for intergenerational learning and activities.</p> <p>Strategic Planning are in discussions with CD&E re: developing a relationship and projects between the Men's Shed and other organisations, such as the ALESCO school at Raymond Terrace and the Raymond Terrace Arts and Crafts incorporated.</p>

ITEM 2 - ATTACHMENT 1 IMPLEMENTATION AUDIT OF STRATEGY ACTIONS.

Key Themes	Goals	Council Actions and Deliverables	Measure	Gaps, challenges	Stakeholder	Responsibility	Timeframe	Comments
		20. Undertake an audit of existing community and recreational facilities and identify usage and potential to expand services to meet growing need.	<ul style="list-style-type: none"> Increased patronage <ul style="list-style-type: none"> Senior citizens (Nelson Bay, Raymond Terrace and Tanilba Bay) Maintain and increase Council library services when a need is indicated, for example: <ul style="list-style-type: none"> Provision of large print books Talking books Audio Read Navigators 	<ul style="list-style-type: none"> Funding Resources 	<ul style="list-style-type: none"> Strategic Planning 	<ul style="list-style-type: none"> Assets Community Services 	2 – 4 years Uncompleted.	Uncompleted
		21. Review the condition of existing facilities and infrastructure to meet the needs and functionality for aged populations	<ul style="list-style-type: none"> Adopt the Liveability Assessment Tool (see reference list). Council's Strategic Asset Management Plan (SAMP) to include a demographic analysis. 	<ul style="list-style-type: none"> Conduct condition reports of existing infrastructure, i.e. <ul style="list-style-type: none"> removal of rough surfaces remove trip hazards Ensure CPTED compliance (lighting, surfaces) 	<ul style="list-style-type: none"> Strategic Planning Civil Assets 	<ul style="list-style-type: none"> Assets 	2 – 4 years Uncompleted	The SAMP has recently undergone review, however as yet is not linked to the Ageing Strategy. This action has been duplicated within the Port Stephens Disability Inclusion Action Plan (DIAP) to better meet the needs for people with a disability. Discussions have been held with Assets to link the SAMP and the Forward Works Plan to both the Ageing Strategy and the DIAP.
		22. Include ageing populations within the Port Stephens Crime Prevention Plan, Community Safety Plan and related audits.	<ul style="list-style-type: none"> Port Stephens Crime Prevention Plan considers ageing populations. 	<ul style="list-style-type: none"> Identify and map locations where the elderly perceive safety concerns <ul style="list-style-type: none"> Refer to CPTED treatments 	<ul style="list-style-type: none"> Strategic Planning Geographic Information Services NSW Police 	<ul style="list-style-type: none"> Social Planning 	2 – 4 years Completed	The Crime Prevention Plan identifies the top three crimes throughout the Port Stephens Local Government Area and develops actions to target those crimes in consultation with NSW Police. The actions indirectly assist in reducing crime on the most vulnerable communities (i.e. ageing).
		23. Audit provision of seating and shade facilities along walking routes, cycle paths and parks popular with ageing populations.	<ul style="list-style-type: none"> Customer satisfaction survey reflects increased use and satisfaction with footpaths and cycle ways. 	<ul style="list-style-type: none"> Funding to identify pedestrian and cycle/wheelchair linkage improvements that support a more user friendly active transport system with better connectivity to land uses: <ul style="list-style-type: none"> appropriate seating and shade along routes public toilets that are clean and well maintained 	<ul style="list-style-type: none"> Strategic Planning 	<ul style="list-style-type: none"> Assets 	2 – 4 years Underway	This action will be a consideration in development and prioritisation of the Pedestrian Access and Mobility Plan and review of the Pathways Plan.

Note: Timeframes are consistent with the Integrated Planning and Reporting:





ITEM NO. 3

**FILE NO: 17/146459
RM8 REF NO: PSC2015-03017**

PETITION: DEVELOP A SAFE ROAD NETWORK FOR THE SWAN BAY COMMUNITY

REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES

BACKGROUND

The purpose of this report is to advise Councillors that a petition containing 218 signatures has been received by the General Manager on behalf of the Swan Bay Community calling on Council to make our roads safe (**see ATTACHMENT 1**).

During the 2017-2018 financial year in accordance with the Strategic Asset Management Plan 2017-2027, Council will commence road widening of the first kilometre of Swan Bay Road. Additionally, with the recent announcement of a \$6 Million loan Council will be securing, \$500,000 of this loan is be directed towards the commencement of sealing the unsealed section of Swan Bay Road. This will include road realignment, clearzone widening and service relocations to suit sealed road design standards. There are also additional road rehabilitation projects along Swan Bay Road and other roads within the Swan Bay area in both the Works Plan 2017-2027 and the Works Plan Plus 2017-2027.

Swan Bay Road is a collector road for the community of Swan Bay. In March 2016 a traffic count was undertaken at the northern end of Swan Bay Road near Tarean Road adjacent to the Pacific Highway. This count yielded an average of 578 vehicles per day, with a majority of these being return journeys due this road being the only road into the Swan Bay area.

In the past five years there has been two injury crashes reported along Swan Bay Road according to accident statistics provided by Transport for NSW Centre for Road Safety. This data is primarily based off NSW Police crash data and does not include any unreported, non-injury towaway incidents.

ATTACHMENTS

- 1) Petition for upgrade of Swan Bay Road.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Petition for Action - November, 2016

We the Citizens and Rate Payers of Swan Bay call upon Port Stephens Council to develop a Safe Road Strategy to ensure that all residents have as a priority a basic safe road network; this is one of the core responsibility that goes to the purpose of Local Government as a community service provider from its origin when formed.

Port Stephens Council over the years during the time accidents were reported, have failed to consider the Swan Bay Citizens and Rate Payers concerns. Port Stephens Council has failed in their duty of care to rectify the unsafe condition on Swan Bay Roads, in particular one of the area's black spots, the blind corner of Swan Bay and Davis Roads with a 100 km speed sign and the tree growing within the formation of the road one km west of this corner. There are currently five families that transport their children five days per week & twice daily through this intersection and past the tree on the road, to catch the School Bus at Moffats Rd corner or take them directly to school. We are demanding immediate and positive action to rectify our concerns. The residents of Swan Bay are not asking for concrete kerb & gutters, concrete footpaths, bike ways, walking tracks, sealed boat ramp car parks & lane ways, ext. that other ratepayers enjoy, just a safe road to drive our children on.

Date	Print Name	Signature	Comments
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ITEM NO. 4

**FILE NO: 17/146461
RM8 REF NO: PSC2015-03017**

PETITION: CONTINUE EXISTING FOOTPATH FROM CORNER OF FARM AND BOULDER BAY ROAD AND MEET WITH EXISTING FOOTPATH ON MARINE DRIVE

REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES

BACKGROUND

The purpose of this report is to inform Council that a petition containing 100 signatures has been received from the residents of the Fingal Bay Retirement Village. The signatories of the petition are requesting Council to continue the footpath from the corner of Farm and Boulder Bay Road to meet the existing footpath on Marine Drive **(ATTACHMENT 1)**.

The proposed footpath link was planned to be completed in the 2016/2017 financial year. It should be noted that the project was rescheduled when new projects and additional grants were introduced into the Capital Works Program. This footpath link as proposed by the petition is programmed to be completed in the 2017/2018 financial year.

In addition to the footpath works, the large sloping concrete area along Market Street will be relevelled to improve the pedestrian safety and a ramp built to access the road level.

ATTACHMENTS

- 1) Fingal Haven Retirement Village Petition.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

**PETITION TO PORT STEPHENS COUNCIL FROM THE RESIDENTS OF
FINGAL HAVEN RETIREMENT VILLAGE – JUNE 2017**

SAFETY: Petition asking for the existing footpath to please continue from the corner of Farm and Boulder Bay Road and meet with existing footpath on Marine Drive.

RATIONAL: Uneven grassy slope impossible to negotiate. Frail residents who need to use walking frames and other ambulatory aids have no choice but to walk on the road. This is the third petition with prior petitions in 2012 and 2015 being submitted to Council but to no avail. Does a serious or fatal accident need to occur before Council take action and provide a proper footpath on our side of the road?

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 17/146462

RM8 REF NO: PSC2017-00019

REVIEW FEES AND CHARGES FOR HALLS AND COMMUNITY CENTRES

COUNCILLOR: GEOFF DINGLE

THAT COUNCIL:

- 1) Reviews fees and charges for halls and community centres to simplify the current descriptions and reduce categories to two only. Combine not for profit and registered charities and the second category for commercial and or for profit organisations.
-

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

	<p>Councillor Geoff Dingle Councillor Peter Kafer</p> <p>That Council reviews fees and charges for halls and community centres to simplify the current descriptions and reduce categories to two only. Combine not for profit and registered charities and the second category for commercial and or for profit organisations.</p>
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The motion on being put was lost.

**BACKGROUND REPORT OF: STEVEN BERNASCONI – COMMUNITY SERVICES
SECTION MANAGER**

BACKGROUND

Fees and charges for 2017-2018 have been adopted by Council. The fees and charges for halls and community centres are informed by a consultative process, with 355c committees, which occurs between November and January each year.

The current three tiered structure includes:

- For profit users.
- Community groups - not for profit but whose purpose was to benefit its members.

- Registered charities - not for profit but whose purpose was to benefit the wider community.

Having a more simplified approach to fees and charges for halls and community centres is warranted, as there are many types of fees with a number of variations across all halls. Having less variation improves clarity for people wishing to book a hall as well as the volunteer committee that manages the hall.

A review of the halls and community centre fees will be undertaken in November 2017 with a view to simplifying the categories to a two tiered structure. This review will involve all hall 355c committees individually and through the Halls Forums. Subject to this review any new fees and changes will commence in the financial year 2018-2019.

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 2****FILE NO: 17/146463****RM8 REF NO: PSC2017-00019****BMX TRACK PROJECT AT SALT ASH****COUNCILLOR: MAYOR BRUCE MACKENZIE**

THAT COUNCIL:

- 1) That the funded BMX track project at the Salt Ash Sportsground Complex be moved and constructed on Council's land adjacent to the Salt Ash Hall on Michael Drive, Salt Ash.
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**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

211	Mayor Bruce MacKenzie Councillor Chris Doohan It was resolved that the funded BMX track project at the Salt Ash Sportsground Complex be moved and constructed on Council's land adjacent to the Salt Ash Hall on Michael Drive, Salt Ash.
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BACKGROUND REPORT OF: JOHN MARETICH – ASSET MANAGER**BACKGROUND**

The Salt Ash BMX track was allocated monies at the Council meeting 12 August 2014 and 11 November 2014 and resolved to build the BMX track through the Council meeting 27 October 2015.

Following usual project management practices, the detailed design phase of the project has highlighted that some of the safer by design principles may not be met if the BMX track is built at the proposed Salt Ash Sportsground Complex location. Building the BMX track at another location such as on the parcel of land adjacent to the Salt Ash Hall on Michael Drive, would satisfy the safer by design principles.

Standard project management and construction practices will be undertaken in the building of the proposed BMX track.

ATTACHMENTS

Nil.

CONFIDENTIAL ITEMS

In accordance with Section 10A, of the *Local Government Act 1993*, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

ORDINARY COUNCIL MEETING – 1 AUGUST 2017 MOTION

212	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council move into confidential session.
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The following Council officers were present for the Confidential Session:

Communications Section Manager
Acting Property Services Section Manager
Acting Strategy and Environment Section Manager
Assets Section Manager
Public Relations and Marketing Coordinator
Public Relations and Marketing Officer

CONFIDENTIAL

ITEM NO. 1

**FILE NO: 17/146464
RM8 REF NO: PSC2017-01868**

**SALE OF PART OF PROPOSED LOT 7 IN COUNCIL'S COMMERCIAL
SUBDIVISION AT 155 SALAMANDER WAY, SALAMANDER BAY.**

REPORT OF: PETER MOELLER - ACTING PROPERTY SERVICES SECTION
MANAGER
GROUP: CORPORATE SERVICES

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

213	<p>Mayor Bruce MacKenzie Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Sell part of Proposed Lot 7, 155 Salamander Way, Salamander Bay to the purchaser identified in this report, and enter into a conditional Contract of Sale on the terms and conditions specified in this report.2) Authorise the Mayor and the General Manager to sign and affix the Seal of Council to all relevant documentation required to re-subdivide Proposed Lot 7, exchange contracts and finalise the sale.
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CONFIDENTIAL

ITEM NO. 2

**FILE NO: 17/146468
RM8 REF NO: PSC2016-03581**

SALE OF PART OF 795 MEDOWIE ROAD, MEDOWIE

**REPORT OF: PETER MOELLER - ACTING PROPERTY SERVICES SECTION
MANAGER**

GROUP: CORPORATE SERVICES

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

214	<p>Mayor Bruce MacKenzie Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1. Resolves to sell part of 795 Medowie Road Medowie for not less than \$450/sqm, subject to all other confidential terms and conditions disclosed in this report;2. Authorises the Mayor and the General Manager to affix the Council Seal and sign all documents necessary to exchange contracts, subdivided the land and settle the sale.
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MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ORDINARY COUNCIL MEETING – 1 AUGUST 2017
MOTION

215	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 7.41pm.