

**ITEM NO. 3**

**FILE NO: 17/36987  
RM8 REF NO: PSC2015-00060**

**POLICY REVIEW: HERITAGE POLICY (ADMINISTRATIVE AMENDMENT)**

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Heritage Policy shown at **(ATTACHMENT 1)**.
  - 2) Place the revised Heritage Policy on public exhibition for a period of 28 days and should no submissions be received, adopt the Policy without a further report to Council.
  - 3) Revoke the Heritage Policy and Heritage Signs and Trails Guidelines both dated 24 March 2015, Minute No. 056 **(ATTACHMENT 2 & ATTACHMENT 3)**, should no submissions be received.
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**ORDINARY COUNCIL MEETING - 11 APRIL 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Peter Kafer Councillor Ken Jordan</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 11 APRIL 2017  
MOTION**

<b>086</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorse the revised Heritage Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the revised Heritage Policy on public exhibition for a period of 28 days and should no submissions be received, adopt the Policy without a further report to Council.</li><li>3) Revoke the Heritage Policy and Heritage Signs and Trails Guidelines both dated 24 March 2015, Minute No. 056 <b>(ATTACHMENT 2 &amp; ATTACHMENT 3)</b>, should no submissions be received.</li></ol>
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**BACKGROUND**

The purpose of this report is to seek Council endorsement of the revised Heritage Policy (**ATTACHMENT 1**) and amend the Heritage Signs and Trails Guidelines to be a reference document to the Policy as opposed to being incorporated formally as part of the Policy.

The Council Heritage Policy (**ATTACHMENT 2**) was first adopted by Council in 2015. The policy aims to provide an overarching commitment to recognise, protect and promote tangible and intangible, Indigenous and non-Indigenous heritage that would support more specific strategies that Port Stephens Council would use to guide heritage management.

Council has the primary responsibility for managing local heritage in NSW. The 'Recommendations for Local Council Heritage Management' (Office of Environment and Heritage and the Heritage Council of NSW 2011) provides a framework for proactive local government heritage management and states a heritage policy should be adopted by local councils. By adopting a heritage policy it becomes the primary non-statutory strategic management document for heritage management in Port Stephens. It will also assist Council in applying for external funds such as those under the NSW Heritage Grants programs.

The current policy works in conjunction with the Heritage Signs and Trails Guidelines to further detail how it can be achieved, and has been successful. As a result, while the policy is due for review, the amendments proposed are minor in nature and aimed at assisting in its effective and consistent use.

The Heritage Signs and Trails Guidelines (**ATTACHMENT 3**) were first adopted by Council in 2015. The original intent of the Heritage Signs and Trails Guidelines to be a public document remains the same, however the review highlighted that the guidelines need to have the capacity to be updated when and as required. As such, it is recommended the guidelines be considered an operational matter for Council outside of the Heritage Policy itself.

**COMMUNITY STRATEGIC PLAN**

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



**FINANCIAL/RESOURCE IMPLICATIONS**

Costs associated with the implementation of the Heritage Policy are covered in the existing budget and will be subject to standard organisation budget review procedures and approvals.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Within Council's operational budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no foreseen legal or policy implications as a result of the proposed recommendation.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council does not have an up-to-date policy approach to heritage matters.	Medium	Adopt the updated policy.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no social, economic and environmental implications for Council in adopting the updated policy. Overall, the policy recognises the cultural identity that heritage brings to Port Stephens.

**CONSULTATION**

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



### Internal

- The Strategic Planning Team has been consulted, including Council's Heritage Advisor to seek endorsement.
- Community Development and Engagement was consulted prior to Council consideration.

### External

Following Council resolution, the policy will be placed on public exhibition in the Port Stephens Examiner and on Council's website.

In accordance with local government legislation the revised Heritage policy will go on public exhibition for 28 days.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Revised Heritage Policy.
- 2) Current Heritage Policy - 24 March 2015 Min. 056.
- 3) Current Heritage Signs and Trails Guidelines.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.



## Policy



**FILE NO:** PSC2015-00060

**TITLE:** HERITAGE POLICY

**POLICY OWNER:** STRATEGY AND ENVIRONMENT SECTION MANAGER

### **PURPOSE:**

The purpose of this policy is to state Port Stephens Council's commitment to ensuring systems are in place to assist in the recognition, protection and promotion of Indigenous and non-Indigenous heritage in the Port Stephens Local Government Area (LGA).

### **CONTEXT/BACKGROUND:**

Heritage is a key element of Australia's identity. It reflects our Indigenous and non-Indigenous spirit and ingenuity through our cultural, built and unique, living landscapes. Heritage is a legacy from our past, informing present and future operations.

The Port Stephens LGA encompasses a rich Indigenous and non-Indigenous history. It is the land of the Worimi people with the area being first noted by Europeans in May 1770. Considerable Indigenous and non-Indigenous land and marine history has been documented in the region, ranging from a vibrant fishing industry, trade and establishment of towns, villages and agricultural activity.

Port Stephens Council supports opportunities to retain local history in a way that positively influences social connections and place making in communities and also recognises the positive economic benefit gained from cultural heritage tourism.

### **SCOPE:**

The Policy is a commitment to:

- 1) Assist in the conservation, protection and interpretation of local and state heritage;
- 2) Recognise and respect heritage, both Indigenous and non-Indigenous;
- 3) Celebrate places, buildings, landscapes and stories of our local communities that provide a link to our nation's heritage;
- 4) Develop partnerships and provide initiatives that enable practical actions to protect and manage heritage places;
- 5) Establish consistent methods of managing heritage matters between Council and the community that are in line with local, State and Federal legislation; and
- 6) Consult with relevant Indigenous and non-Indigenous communities.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Issue Date: 24/03/2015

Printed: xx/xx/xxxx

Review Date:

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## Policy



This policy applies to land and infrastructure owned by Council or where Council has been appointed trust manager of Crown reserves. It also recognises Council's role in supporting the preservation of significant heritage, including those privately owned, through Council's Local Environmental Plan.

### DEFINITIONS:

An outline of the key definitions of terms included in the policy.

Heritage                                      Places, buildings, landscapes and stories related to the history of our community.

### POLICY STATEMENT:

Port Stephens Council supports heritage activities in the Port Stephens LGA. This includes the environmental heritage of Port Stephens, conserving heritage items and heritage conservation areas (including associated fabric, settings and views), archaeological sites and Aboriginal objects and Aboriginal places of heritage significance.

### POLICY RESPONSIBILITIES:

- 1) Executive Leadership Team: Leadership and strategic direction
- 2) Senior Leadership Team: Leadership through ensuring staff understanding of and compliance with provisions outlined in this policy and associated documentation
- 3) Strategy & Environment Section Manager: Policy implementation & process owner
- 4) Development Assessment & Compliance Section Manager: Planning compliance
- 5) Civils Assets Manager: Compliance of works on Council owned land
- 6) Heritage Advisor: Provide professional advice to Council
- 7) 355 Heritage Advisory Committee: Provide community to Council

### RELATED DOCUMENTS:

- 1) Port Stephens Heritage Signs and Trails Guidelines 2015
- 2) Local Environmental Plan 2013
- 3) Development Control Plan 2013
- 4) Port Stephens Cultural Plan 2015-2018
- 5) Draft Port Stephens Council Heritage Strategy
- 6) *Aboriginal and Torres Strait Islander (Heritage Protection) Act 1984* (Cth)
- 7) *Environmental Planning and Assessment Act 1979* (NSW)
- 8) *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- 9) *Local Government Act 1993* (NSW)
- 10) *National Parks and Wildlife Act 1974* (NSW)
- 11) *Heritage Act 1977* (NSW)

## Policy

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## Policy



- 12) *Crown Lands Act 1989*  
 13) *Australia ICOMOS Burra Charter 1999*

**CONTROLLED DOCUMENT INFORMATION:**

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<b>RM8 container No</b>	PSC2015-00060	<b>RM8 record No</b>	
<b>Audience</b>	General		
<b>Process owner</b>	Strategy and Environment Section		
<b>Author</b>	Strategy and Environment Section Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	XX
<b>Adoption date</b>	24 March 2015		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	24/03/2015	Strategy and Environment Section Manager	N/A	056

## Policy

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Policy



2.0	xx	Strategy and Environment Section Manager	<p>Transfer to new corporate policy template.</p> <p>The policy purpose is a transfer of the objectives from Version 1.0.</p> <p>The policy scope is a transfer of the principles and part of the policy statement from Version 1.0.</p> <p>The policy responsibilities is a transfer of the implementation responsibility from Version 1.0.</p> <p>The policy responsibilities has been amended to include ELT, SLT and Development Assessment &amp; Compliance Section Manager.</p> <p>The related documents section is a transfer of the relevant legislative provisions from Version 1.0. The related documents has been amended to include the Port Stephens Heritage Signs and Trails Guidelines 2015, Local Environmental Plan 2013, Draft Port Stephens Council Heritage Strategy, Development Control Plan 2013, Port Stephens Cultural Plan 2015-2018 and Crown Lands Act 1989</p>	xx
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Policy

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# *Port Stephens*

## C·O·U·N·C·I·L

### **POLICY**

Adopted: 24/3/2015

Minute No: "[CLICK HERE, INSERT MINUTE NO.]"

**FILE NO:** PSC2015-00060

**TITLE:** HERITAGE POLICY

**RESPONSIBLE OFFICER:** TIM CROSDALE - STRATEGY AND ENVIRONMENT  
SECTION MANAGER

### **BACKGROUND**

Heritage is a key element of Australia's identity. It reflects our Indigenous and non-Indigenous spirit and ingenuity through our cultural, built and unique, living landscapes. Heritage is a legacy from our past, informing present and future operations.

The Port Stephens local government area encompasses a rich Indigenous and European history. It is the land of the Worimi people with the area being first noted by Europeans in May 1770. Considerable Indigenous and non-Indigenous land and marine history has been documented in the region, ranging from a vibrant fishing industry, trade and establishment of towns, villages and agricultural activity.

Port Stephens Council is committed to ensuring systems are in place to assist in the recognition, protection and promotion this valuable heritage, much of which is maintained by community organisations, volunteers and property owners.

### **OBJECTIVE**

To assist in the recognition, protection and promotion of Indigenous and European heritage in the Port Stephens area.

### **PRINCIPLES**

- 1) Assist in the conservation, protection and interpretation of local heritage;
- 2) Recognise and respect heritage, both Indigenous and non-indigenous;
- 3) Celebrate places, buildings, landscapes and stories of our local communities that provide a link to our nation's heritage;
- 4) Develop partnerships and provide initiatives that enable practical actions to protect and manage heritage places;



**ITEM 3 - ATTACHMENT 2      CURRENT HERITAGE POLICY - 24 MARCH 2015  
MIN. 056.**

- 5) Establish consistent methods of managing heritage matters between Council and the community that are in line with local, State and Federal legislation; and
- 6) Consult with relevant Indigenous and non-indigenous communities.

**POLICY STATEMENT**

- 1) This policy provides a statement of commitment that supports heritage activities in the Port Stephens region. This includes the environmental heritage of Port Stephens, conserving heritage items and heritage conservation areas (including associated fabric, settings and views), archaeological sites and Aboriginal objects and Aboriginal places of heritage significance.
- 2) This Policy applies to land and infrastructure owned by Council or where Council has been appointed trust manager of Crown reserves. It also recognises Council's role in supporting the preservation of significant heritage, including those privately owned, through Council's Local Environmental Plan.

**RELATED POLICIES**

Local Environmental Plan 2013  
Development Control Plan 2013  
Port Stephens Cultural Plan 2015-2018  
Draft Port Stephens Council Heritage Strategy 2014-2017  
Draft Heritage Signs and Trails Guidelines 2015

**SUSTAINABILITY IMPLICATIONS****SOCIAL IMPLICATIONS**

Opportunities to retain local history in a way that positively influences social connections and place making in communities.

**ECONOMIC IMPLICATIONS**

Positive implications in the economic benefit gained from cultural heritage tourism.

**ENVIRONMENTAL IMPLICATIONS**

Both the physical and built environment is valued and maintained for the future.

**RELEVANT LEGISLATIVE PROVISIONS**

- 1) Aboriginal and Torres Strait Islander (Heritage Protection) Act 1984 (Common.)
- 2) Environmental Planning and Assessment Act 1979 (NSW)
- 3) Environment Protection and Biodiversity Conservation Act 1999 (Common.)
- 4) Local Government Act 1993 (NSW)
- 5) National Parks and Wildlife Act 1974 (NSW)
- 6) Heritage Act 1977 (NSW)



**ITEM 3 - ATTACHMENT 2      CURRENT HERITAGE POLICY - 24 MARCH 2015  
MIN. 056.**

- 7)    Australia ICOMOS Burra Charter 1999

**IMPLEMENTATION RESPONSIBILITY**

- 1)    The Strategy and Environment Section Manager is responsible for the implementation of this Policy.
- 2)    Council's 355c Heritage Advisory Committee provides advice to Council on heritage matters.
- 3)    Civil Assets Section is responsible for approval of works on Council owned land.

**PROCESS OWNER**

Strategy and Environment Section Manager

**REVIEW DATE**

Biennial review from date of adoption.



**ITEM 3 - ATTACHMENT 3      CURRENT HERITAGE SIGNS AND TRAILS GUIDELINES.**



**HERITAGE SIGNS AND TRAILS GUIDELINES**

**FOR THE APPROVAL AND INSTALLATION OF HERITAGE SIGNS AND TRAILS IN  
PORT STEPHENS**

**1. PURPOSE OF THESE GUIDELINES**

To provide a simple, consistent, safe and durable signage system, Port Stephens Council has developed design templates for heritage signs. This includes a heritage logo, which identifies the sign as a Port Stephens heritage sign.

These guidelines are to assist members of the community apply for, and if approved, install signage. These guidelines should be read in conjunction with the Port Stephens Heritage Policy.

All signs approved by Council will be produced using standardised templates and installed by Council. They become the property of Council, maintained by Council. Should a sign become deteriorated beyond repair, it will be removed. A replacement may be funded by Council, although original applicants will be encouraged to finance a replacement.

Approved signs will be listed on Council's heritage sign register on Council's website and may be part of authorised heritage trails.

Groups or individuals may apply to create heritage signs and trails.

There are three types of signs – markers, panels and information boards. All signs accepted by Council will be produced using Council templates and installed by Council.

The information may pertain to sites that are listed on local (Council's LEP) and state registers such as the State Heritage Inventory (SHI), the State Heritage register or National Trust of Australia NSW listings. It may also include information about people or groups who significantly contributed the history of the region.

The installation of a Port Stephens heritage sign has not legislative standing. Signs become the property of Council.

Applications for heritage signs and trails must be supported by Council's heritage advisor or another heritage specialist such as a local historical society or local Aboriginal land council, to ensure their historical significance.

**PORT STEPHENS COUNCIL**

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Raymond Terrace NSW 2324

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Raymond Terrace NSW 2324

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Email: [council@portstephens.nsw.gov.au](mailto:council@portstephens.nsw.gov.au)

[www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



**ITEM 3 - ATTACHMENT 3 CURRENT HERITAGE SIGNS AND TRAILS GUIDELINES.****2. TYPES OF SIGNS**

Heritage signs in the Port Stephens consist of:

- markers;
- panels;
- information boards.

All signs are made of etched anodized aluminium (black on silver), can be easily replaced if damaged and will be listed on a register maintained by Port Stephens Council on its website.

**2.1 Markers**

A heritage marker consists of:

- The Port Stephens heritage logo;
- A unique identifying number;
- Up to 50 words of text or 20 words of text and one image;
- A link to Council's heritage page on its website;
- Space for acknowledgment of grant or sponsor;
- Size - approximately 150mm w by 200mm h with post or wall mount; and
- *Indicative cost to be inserted once a suitable supplier is selected.*

A marker may mark a specific event, activity or an individual or a group of people associated with one building or site. A marker may also commemorate the wider historical associations of a building or site.

When a marker is used in association with a heritage trail, it should be installed on the left side of the trail's direction of travel.

It can be mounted on a wall or a building, a post or low retaining wall.

**2.2 Panels**

A heritage panel consists of:

- The Port Stephens heritage logo;
- A unique identifying number;
- Up to 500 -600 words of text and 6-8 images
- A link to Council's heritage page on its website;
- Space for acknowledgment of grant or sponsor;
- Size - approximately 800mm w by 600mm h with two posts; and
- *Indicative cost to be inserted once a suitable supplier is selected.*

It can provide information about important buildings, sites or places that are listed on local (Council's LEP) and State registers such as the State Heritage Inventory (SHI), the State Heritage register or National Trust of Australia NSW



**ITEM 3 - ATTACHMENT 3 CURRENT HERITAGE SIGNS AND TRAILS GUIDELINES.**

listings. It may also include information about people or groups who significantly contributed to the history of the region. It may include a timeline of activities.

It is not seen as an exhaustive information source but provide a brief outline.

It can be mounted on a wall or a building, a post or low retaining wall.

When attached to a building, the panel should be seen from the street. It will be fixed so that building fabric is not damaged, and that Panels may be easily attached and removed. Roof signs and projecting wall signs above awning level are not permissible.

**2.3 Information boards**

A heritage information board is usually installed in a rest area or park shelter.

It consists of:

- The Port Stephens heritage logo;
- A unique identifying number;
- A. *Etched anodized aluminium (black on silver)*
  - 10 images and a paragraph about each plus introductory text
  - A link to Council's heritage page on its website;
  - Space for acknowledgment of grant or sponsor;
  - Size – 1200mm w by 1200mm h with two posts; and
  - *Indicative cost to be inserted once a suitable supplier is selected.*
- B. *Full colour polycure*
  - 10 -12 images and a paragraph about each plus introductory text
  - A link to Council's heritage page on its website;
  - Space for acknowledgment of grant or sponsor;
  - Size – 2400mm w by 1200mm h with two posts; and
  - *Indicative cost to be inserted once a suitable supplier is selected.*

**3. HERITAGE TRAIL**

A heritage trail is a route linking significant points of interest of the area's heritage. Some trails incorporate markers or signs to provide additional information.

The objectives of a heritage trail are:

- Increase general awareness of the local heritage;
- Promote the area's history to residents and visitors; and
- Provide educational opportunities.



**ITEM 3 - ATTACHMENT 3 CURRENT HERITAGE SIGNS AND TRAILS GUIDELINES.**

A heritage trail could be explored as a guided tour or in a self-guided form. It could be promoted as a pamphlet, online and by other digital devices.

It is recommended that a trail should be no longer than 5 km and include no more than 10 points of interest (markers or signs).

Heritage signs can be used along a heritage trail.

Applicants are encouraged to produce a brochure and digital information to support the trail. This should include a locality map, details of the organisation responsible for producing the walk (and their contacts), date of publication etc.

**4. FUNDING**

All signs and trails (their production and installation) are to be fully funded by the applicant by private funds, a grant, donation or sponsorship. Indicative costs are listed above and applicants are encouraged to contact Council's Community and Recreation Liaison Officer or the current Fees and Charges Schedule for the actual cost at the time of application.

Commercial sponsorships are permissible.

Signs funded by grant or sponsorship funds will have space for a logo and text "Supported by...". Size of this text and logo is determined by the design of the sign.

**5. APPROVAL PROCESS FOR SELECTION OF SIGNS AND TRAILS**

Council's approval is required for the content and installation of any sign or trail.

Approval of heritage signs and trails will be made by an assessment process. Applications can be made at any time of the year.

An application form is attached. The application process is:

**5.1 Contact Port Stephens Council's Community and Recreation Liaison Officer –** through Customer Service on 4980 0255 to initially discuss your project.

**5.2 Complete application form that includes the following:**

- Name and details of site and a map if available;
- Indicate whether it is Marker, Panel, Board or Trail;
- Text Information and photo (if applicable) to be used;
- Photo to be 100% finished print size at 300dpi, jpg file format.

**5.3 Attach supporting documentation:**

- Supporting letter with historical content approval from Council's heritage advisor or another heritage specialist (e.g. a local historical society);
- Details of the benefits to community;
- Historical content and photographs to include references to original material and authors;



**ITEM 3 - ATTACHMENT 3      CURRENT HERITAGE SIGNS AND TRAILS GUIDELINES.**

- Copyright permission (if applicable for any text or images);
- Written approval from site owner for installation of signs and trails – in the case of Council owned land, contact Council's Park & Waterways Asset Co-ordinator;
- Evidence that the proposal is fully funded.

This process is competitive and Council will not consider an incomplete application.

Council will not fund the installation of additional walkways or upgrade of existing paths for a proposed trail.

Applications will be considered by Council's Heritage Advisory Committee and Council's Heritage Advisor.

Application forms are available on Council's website at [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)

Once a sign has been approved, it will be produced and installed by Council's contractor.

Signs become the property of Council. Council will maintain the signs.

**6. EXISTING SIGNS**

Council is aware that a number of heritage signs already exist in the region. It is anticipated that these signs will be replaced over time to bring them in line with Council's heritage signs system. These will be considered on a case by case basis. Community members are encouraged to apply to have them converted to Council's heritage signs system.

Any heritage sign that have not been approved by Council may be removed by decision of the General Manager.

**7. RELATED POLICIES AND GUIDELINES**

- Draft Port Stephens Heritage Policy;
- Specification Guidelines for Proposed Work on Council Owned Land;
- Port Stephens Advertising Signs in Road Reserves Policy;
- Draft Port Stephens Heritage Strategy 2014- 2017.

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**Contact**

Port Stephens Council

Tel 4980 0255

[council@portstephens.nsw.gov.au](mailto:council@portstephens.nsw.gov.au)

**Review Date**

April 2017



**ITEM 3 - ATTACHMENT 3      CURRENT HERITAGE SIGNS AND TRAILS  
GUIDELINES.**

**References**

- *Guidelines for Heritage Trails*, Heritage Information Series, NSW Heritage Office, 1995
- *Local Government Heritage Guidelines*, NSW Heritage Office, 2002



**ITEM NO. 4****FILE NO: 17/67212  
RM8 REF NO: PSC2017-03945****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the Mayoral Funds to the following:-
    - a. Mayoral Funds – Karuah & District Golf Club - \$2,500 – Donation towards the repair of toilet facilities following storm damage.
    - b. Mayoral Funds – Salamander Childcare Centre - \$1,600 – Donation towards transition to school initiatives.
- 

**ORDINARY COUNCIL MEETING - 11 APRIL 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Steve Tucker Councillor Ken Jordan</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 11 APRIL 2017  
MOTION**

<b>087</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council: <ol style="list-style-type: none"><li>1) Approves provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the Mayoral Funds to the following:-<ol style="list-style-type: none"><li>a. Mayoral Funds – Karuah &amp; District Golf Club - \$2,500 – Donation towards the repair of toilet facilities following storm damage.</li><li>b. Mayoral Funds – Salamander Childcare Centre - \$1,600 – Donation towards transition to school initiatives.</li></ol></li></ol>
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**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
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:-

**MAYORAL FUNDS – Mayor MacKenzie**

Karuah & District Golf Club	Donation towards the repair of toilet facilities following storm damage.	\$2,500
Salamander Childcare Centre	Donation towards transition to school initiatives.	\$1,600

**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.



**MINUTES ORDINARY COUNCIL - 11 APRIL 2017**

Source of Funds	Yes/No	Funding (\$)	Comment
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 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. 5****FILE NO: 17/68240  
RM8 REF NO: PSC2017-00366****2017 NATIONAL CONGRESS & BUSINESS EXPO - TASMANIA 22-24 MAY 2017****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the attendance of Cr Paul Le Mottee and Cr Chris Doohan at the 2017 National Congress & Business Expo to be held in Tasmania from 22 to 25 May 2017.
- 2) Allow a 'one off' increase of the conference allowance under the Policy for Cr Paul Le Mottee and Cr Chris Doohan to attend the conference.

**ORDINARY COUNCIL MEETING - 11 APRIL 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  That Council: <ol style="list-style-type: none"><li>1) Endorse the attendance of Cr Paul Le Mottee, Cr John Morello and Cr Chris Doohan at the 2017 National Congress &amp; Business Expo to be held in Tasmania from 22 to 25 May 2017.</li><li>2) Allow a 'one off' increase of the conference allowance under the Policy for Cr Paul Le Mottee, Cr John Morello and Cr Chris Doohan to attend the conference.</li></ol>
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**ORDINARY COUNCIL MEETING - 11 APRIL 2017  
MOTION**

<b>088</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council: <ol style="list-style-type: none"><li>1) Endorse the attendance of Cr Paul Le Mottee, Cr John Morello and Cr Chris Doohan at the 2017 National Congress &amp; Business Expo to be held in Tasmania from 22 to 25 May 2017.</li><li>2) Allow a 'one off' increase of the conference allowance under the Policy for Cr Paul Le Mottee, Cr John Morello and Cr Chris Doohan</li></ol>
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## MINUTES ORDINARY COUNCIL - 11 APRIL 2017

to attend the conference.

### BACKGROUND

The purpose of this report is to inform Council of the 2017 National Congress & Business Expo to be held in Tasmania from 22 to 24 May 2017.

The conference program is shown at **(ATTACHMENT 1)**.

The conference is open to all Councillors.

As Councillors are aware of the Payment of Expenses and Provision of Facilities to Councillors Policy requires that a resolution of Council be sought for all travel outside of the Hunter Region.

### 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

The costs associated with registration, travel and accommodation will be covered from within the existing budget, subject to any individual Councillor not exceeding the conference budget limits in the Policy.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to Councillors Policy requires Council to approve all Councillor conference attendances outside of the Hunter Region. Councillors' conference costs are limited to \$5,000 per year under the Policy



**MINUTES ORDINARY COUNCIL - 11 APRIL 2017**

excluding costs associated with attendance at the Local Government NSW annual conference.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Port Stephens Council will not be represented on matters at the conference.	Low	That the recommendation be adopted.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Ensuring the local government area is well represented in all matters at the conference will benefit the Port Stephens Community. Information received will be distributed to the appropriate members of the community and relevant Council staff.

**CONSULTATION**

Nil.

**OPTIONS**

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

**ATTACHMENTS**

- 1) 2017 National Congress & Business Expo Program.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



ITEM 5 - ATTACHMENT 1  
PROGRAM.

2017 NATIONAL CONGRESS & BUSINESS EXPO



LG Professionals Australia  
**2017  
NATIONAL CONGRESS &  
BUSINESS EXPO**  
22-24 May 2017 | Hobart, TASMANIA

**A fresh perspective on leadership for the  
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**ITEM 5 - ATTACHMENT 1 2017 NATIONAL CONGRESS & BUSINESS EXPO PROGRAM.**



LG Professionals Australia will hold the Australasian Management Finals in conjunction with the National Congress. The carefully curated program will combine two of local government's most anticipated annual events in the one city, providing a fresh perspective on leadership, both within and beyond the local government sector.

Join us on Monday 22 May, 2017

### **Inaugural ANZ Chief Officers' & General Managers' Forum**

Exclusively for CEOs and GMs of councils, this session is designed to expand your networks, deliver presenters with insight on national and international local government issues and create a forum for frank, productive discussion. Join your peers - details below.

### **Diversity Co-Design Workshop: Hosted by 50 | 50 by 2030 Foundation**

Local government continues to suffer from a significant diversity imbalance. And yet it remains a critical touchpoint for all Australians. Strong community engagement is underpinned by diverse and representative leadership. This co-design workshop is your chance to contribute to strategies that will help build inclusive teams with enhanced capacities.

9.00 - 4.30	<b>Study Tour - Community resilience, Kingborough Council, TAS</b>
9.30-12.00	<b>Inaugural Australia and New Zealand Chief Officers' &amp; General Managers' Forum</b> <b>Chair:</b> Incoming National President, Ricki Bruhn <b>Presenters:</b> Jonathan Carr-West, Local Government Information Unit, UK, SOLGM representative, NZ (invited), Professor John Martin <b>Topics:</b> Rate-capping - policy, position and implications; Mayors and CEOs/GMs - share your stories; Deliberative democracy and trust building; inaugural State of the Sector Report; climate change-related opportunities for local government <i>Please note - this session is for local government CEOs and GMs only</i>
1.00 - 4.00	<b>Diversity Co-Design Workshop - presented by the 50/50 by 2030 Foundation</b> What's working, what's not and how can local government improve? <b>Facilitators:</b> Virginia Haussegger AM, Professor Mark Evans, Director, IGPA, University of Canberra. <i>Open to all local government professionals - senior executives and emerging leaders particularly encouraged to attend</i>
2.00 - 6.00	<b>Congress registration desk opens</b>
6.00 - 8.00	<b>Welcome Reception - 2017 Australasian Management Challenge Team Finalists introductions</b>



**ITEM 5 - ATTACHMENT 1 2017 NATIONAL CONGRESS & BUSINESS EXPO PROGRAM.**


7:00 - 8:30	<b>International Breakfast</b>
8:30 - 5:00	<b>Australasian Management Challenge Finals</b> at the Old Woolstore
9:00 - 9:30	<b>Opening session</b>
9:30 - 10:30	<b>Opening keynote - Lt General David Morrison, AO</b> 2016 Australian of the year, and former Chief of Army, David has pushed to change the culture of the armed forces and improve diversity in the wider community
10:30 - 11:00	<b>Morning tea</b>
11:00 - 11:30	<b>Keynote - State of the Sector Report - launch</b> Presented by LG Professionals Australia and joint-author and preferred population experts partner .id. The Report will provide local government specific data, trends and analysis. Q&A session to follow
11.30 - 1.00	<b>Masterclass - Smart Cities Readiness, facilitated by Adam Beck, Smart Cities Council</b> This masterclass is designed to assist councils in building a vision and plan for implementing Smart Cities strategies
11.30 - 1.00	<b>Workshop - Engaging your community; digital strategies and tools with Our Say</b>
1.00 - 2.00	<b>Lunch</b>
2.00 - 2.30	<b>Support your State - Australasian Management Challenge activity</b>
2.30 - 3.30	<b>Break Out One - Workforce &amp; Research</b> A discovery session to inform LG Professionals Australia's national program on workforce and research development
2.30 - 3.30	<b>Break Out Two - International Collaboration for Strengthening Local Governance and Rural Development</b>
3.30 - 4.00	<b>Afternoon tea</b>
4.00 - 5.00	<b>Keynote - Holly Ransom - CEO of Emergent</b> An emerging leader at the core of economic and social change - a must for all innovative leaders, young and seasoned



**ITEM 5 - ATTACHMENT 1 2017 NATIONAL CONGRESS & BUSINESS EXPO PROGRAM.**


7.00 – 8.30	<b>Emerging Leaders Breakfast</b>
9.00 – 9.45	<b>Keynote- Jonathan Carr-West, Local Government Information Unit (LGIU), UK</b> Leadership in a Post-Truth World - the UK Perspective
9.45 – 10.30	<b>City Deals Workshop</b> Presentations by a representative from the Prime Minister & Cabinet Department (invited), Jonathan Carr-West, LGIU, UK and councils will provide case studies
10.30 - 11:00	<b>Morning tea</b>
11.00 - 12.30	<b>Break Out One - Workshop - When Tragedy Strikes, Are you Prepared for an Emergency Response?</b> Facilitated by the Public Relations Institute of Australia (PRIA), this session will be a role-play scenario, providing delegates with practical insight on how best to deal with an emergency in the community
11.00 - 12.30	<b>Break Out Two - Key Risk Indicators Workshop: Your Sector's Perspective</b> Presented by Principal Partner, JLT
12.30 - 1.30	<b>Lunch</b>
1.30 - 2.30	<b>Break Out One - Innovation</b> <b>Presentations:</b> Working with the Australian Department of Innovation (invited); and, The City of Salisbury, winner of the 2016 National Federation Awards
2.30 - 3.30	<b>Break Out Two - Place-based Services</b> <b>Presentations:</b> Department of Social Services (invited); and, winners of the 2016 National Federation Awards (invited)
3.30 – 4.00	<b>Afternoon tea</b>
4.00 – 5.00	<b>Keynote - Andrew Locke, World Class Mountaineer</b> Andrew Locke has climbed all 14 of the world's 8000 metre mountains, and led over 100 exploratory, research and remote area teams to every continent on earth. A remarkable and inspiring story for all leaders
6.45 -7.30	<b>President's Reception</b> <i>by invitation only</i>
7.30 – 11.30	<b>Cocktail Reception &amp; Gala Dinner</b> Presidential handover, Federation Award winners announced, 2017 Australasian Management Challenge winners announced



**ITEM NO. 6****FILE NO: 17/68257  
RM8 REF NO: PSC2005-1826****2017 NATIONAL GENERAL ASSEMBLY - CANBERRA 18-21 JUNE 2017****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the attendance of Mayor Bruce MacKenzie at the 2017 National General Assembly to be held in Canberra from 18-21 June 2017.
  - 2) Allow a 'one off' increase of the conference allowance under the Policy for Mayor Bruce MacKenzie to attend the conference.
- 

**ORDINARY COUNCIL MEETING - 11 APRIL 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Geoff Dingle Councillor Steve Tucker</b>  That Council: <ol style="list-style-type: none"><li>1) Endorse the attendance of Mayor Bruce MacKenzie and Cr Peter Kafer at the 2017 National General Assembly to be held in Canberra from 18-21 June 2017.</li><li>2) Allow a 'one off' increase of the conference allowance under the Policy for Mayor Bruce MacKenzie to attend the conference.</li></ol>
--	--

**ORDINARY COUNCIL MEETING - 11 APRIL 2017  
MOTION**

<b>089</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council: <ol style="list-style-type: none"><li>1) Endorse the attendance of Mayor Bruce MacKenzie and Cr Peter Kafer at the 2017 National General Assembly to be held in Canberra from 18-21 June 2017.</li><li>2) Allow a 'one off' increase of the conference allowance under the Policy for Mayor Bruce MacKenzie to attend the conference.</li></ol>
------------	--



**BACKGROUND**

The purpose of this report is to inform Council of the 2017 National General Assembly to be held in Canberra from 18-21 June 2017.

The conference program is shown at **(ATTACHMENT 1)**.

As Councillors are aware the Payment of Expenses and Provision of Facilities to Councillors Policy requires that a resolution of Council be sought for all travel outside of the Hunter Region.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
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**

The costs associated with registration, travel and accommodation will be covered from within the existing budget, subject to any individual Councillors/Mayor not exceeding the conference budget limits in the Policy.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The Payment of Expenses and Provision of Facilities to Councillors/Mayor Policy requires Council to approve all Councillor conference attendances outside of the Hunter Region. Councillors' conference costs are limited to \$5,000 per year under the Policy excluding costs associated with attendance at the LG NSW annual conference.



<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Port Stephens Council will not be represented on matters at the conference.	Low	That the recommendation be adopted.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Ensuring the local government area is well represented in all matters at the conference will benefit the Port Stephens Community. Information received will be distributed to the appropriate members of the community and relevant Council staff.

**CONSULTATION**

Nil.

**OPTIONS**

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

**ATTACHMENTS**

- 1) 2017 National General Assembly Program.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



## Program & Registration

## National General Assembly of Local Government 2017

NATIONAL CONVENTION  
CENTRE • CANBERRA



## Building Tomorrow's Communities

Australia's councils will play a critical role in shaping tomorrow's communities, both in our cities and towns and in regional Australia. Making our cities smarter, more efficient, more resilient and stronger is just one part of the role that local government will play.

Grab the opportunity to attend the National General Assembly to:

- Influence the national agenda
- Engage with federal politicians
- Shape policy and priorities
- Represent your council and community
- Have your say.

Join your metro, regional and rural council colleagues to help shape tomorrow's communities at the 2017 National General Assembly.



AUSTRALIAN LOCAL  
GOVERNMENT ASSOCIATION

Register online  
[www.alga.asn.au](http://www.alga.asn.au)





## PRESIDENT'S WELCOME

Tomorrow's communities will be shaped by the ambition and drive of their people, and by the investments our governments make in their people, the infrastructure they rely on, and the places they live and work.

The theme of this year's National General Assembly (NGA) '*Building Tomorrow's Communities*' goes to the heart of the role of local government in modern Australia. Key presentations will address how councils, often working in partnership with other levels of government, or the private and not-for-profit sectors, are shaping the future and responding appropriately to the challenges that lie ahead.

Achieving great outcomes for every one of our communities requires decision-makers at all levels of government to listen and engage, to be clear in our objectives, to be agile, and to harness the ever-increasing range of data, knowledge and technology to ensure that their communities are best placed to innovate and seize the opportunities of tomorrow.

In the Australian context, governments at all levels must focus on creating an environment in which people and businesses can innovate and prosper, both in cities and the regions. Government service delivery needs to be targeted and responsive to the wide range of needs in communities, and appropriate infrastructure must be provided to drive increased productivity as well as social equality.

Increasingly, Local Governments are striving, wherever possible, to assist communities to be productive, innovative and entrepreneurial, to help build resilience, create jobs and increase overall prosperity at the local level.

The Australian Government has shown that it understands and appreciates that Local Government's strength lies in its capacity to identify and respond to local needs which are often diverse, complex and changing rapidly in response to evolving domestic and global pressures.

And as our focus on economic development grows, they can see that Local Government not only plays a significant role in the local and regional economy but increasingly in the national economy. I encourage you to explore this and other themes by attending the NGA, and by working with myself and the ALGA Board as we explore opportunities to strengthen the contribution that Local Government makes to creating the future.

The NGA offers an ideal opportunity to elevate local government issues to the Federal level. In recent years, Local Government, by developing partnerships with the Commonwealth, has successfully delivered over 55,000 road and community infrastructure projects. These projects have improved safety, productivity and community participation around the nation.

I have invited the Prime Minister, the Leader of the Opposition and the Leader of the Australian Greens to address the NGA so that you may hear directly from them about their vision for Australia and its local governments. The Minister for Local Government and Territories and the Assistant Minister for Cities and Digital Transformation have confirmed their participation at the NGA.

The NGA is also your opportunity to make sure that your council's view is reflected in the national priorities identified for Local Government.

The ALGA Board recently issued a call for motions for the NGA and these will set out the framework for debate. I would encourage you and your council to think through ideas or initiatives you would like to see debated at the NGA and to submit these as motions for the Assembly.

I invite you to be part of this important event, to network with your colleagues, to hear from our national leaders and to shape national policy, by registering for the National General Assembly to be held in Canberra from 18-21 June 2017.



Mayor David O'Loughlin  
ALGA PRESIDENT

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NATIONAL CONVENTION CENTRE • CANBERRA

**18-21 JUNE 2017**

# National General Assembly of Local Government 2017

## PROVISIONAL PROGRAM

### SUNDAY 18 JUNE

5:00 pm Welcome Reception

### MONDAY 19 JUNE

9:00 am Opening Ceremony

9:10 am ALGA President's Opening

9:20 am **The Hon Malcolm Turnbull MP,**  
Prime Minister (invited)

9:50 am KEYNOTE SPEAKER  
**Laura Tingle**

10:30 am MORNING TEA

11:00 am **3D City Infrastructure  
Modelling**  
**Mayor Mark Jamieson,**  
Sunshine Coast Council

11:20 am PANEL SESSION  
**Building Tomorrow's  
Communities**

12:30 pm LUNCH

1:30 pm PANEL SESSION  
**Governing into the future**

3:00 pm AFTERNOON TEA

3:30 pm Debate on Motions

4:30 pm **The Hon Bill Shorten MP,**  
Leader of the Opposition  
(invited)

5:00 pm Close

7:00 pm DINNER

### TUESDAY 20 JUNE

9:00 am **Senator the Hon Fiona Nash,**  
Minister for Local Government  
and Territories

9:30 am PANEL SESSION  
**Building Liveable  
Communities**

10:30 am MORNING TEA

11:00 am **The Hon Angus Taylor MP,**  
Assistant Minister for Cities  
and Digital Transformation

11:30 am Debate on Motions

12:30 pm LUNCH

1:30 pm PANEL SESSION  
**Empowering Indigenous  
Communities**

3:00 pm AFTERNOON TEA

3:30 pm Debate on Motions

4:30 pm The Australian Greens,  
**Senator Richard Di Natale**  
(invited)

5:00 pm Close

7:00 pm OFFICIAL DINNER  
Parliament House

### WEDNESDAY 20 JUNE

9:00 am PANEL SESSION  
**City Deals**

10:00 am Delegate Workshop

10:30 am MORNING TEA

11:00 am National Policy Initiatives

11:30 am PANEL SESSION  
**Harnessing tomorrow's  
technology**

12:30 pm Delegate Workshop

1:00 pm ALGA President's Close

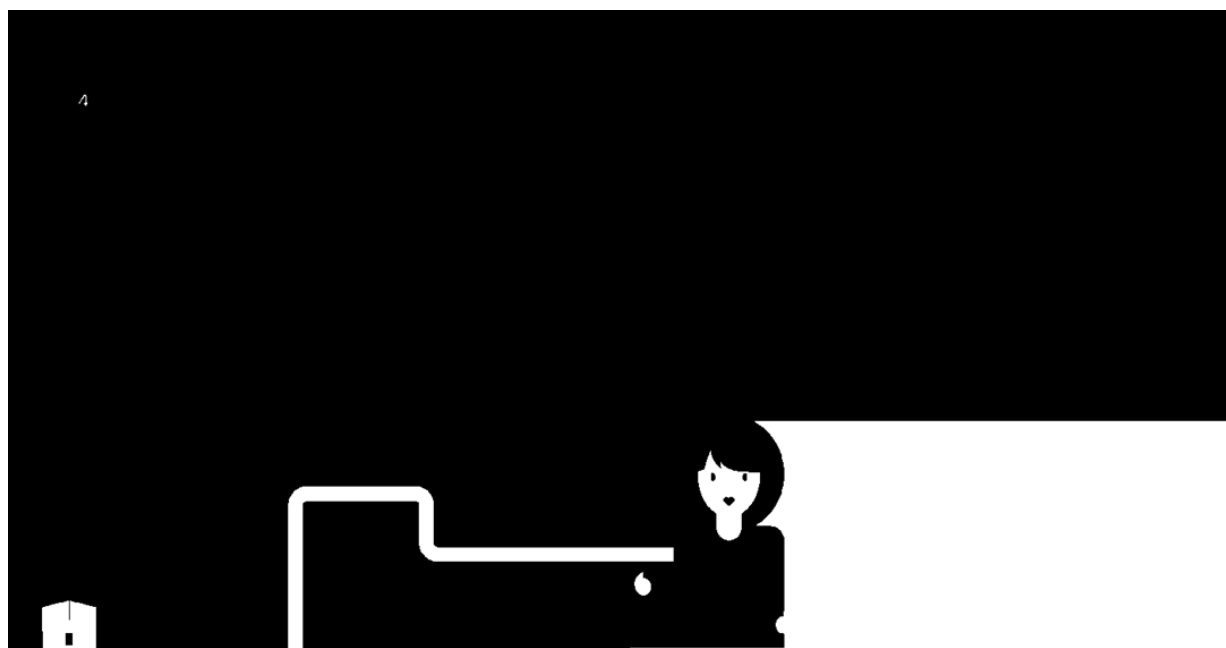
## SPONSORS

**McArthur**  
Best People Fit

 **Australian Government**  
Department of Infrastructure  
and Regional Development

 **JLT**





# **RCDF 2017 Preliminary Program**

## **SUNDAY 18 JUNE**

9.30am	ALGA President's Welcome
9.40am	KEYNOTE ADDRESS
10.30am	GOVERNMENT ADDRESS <b>Senator the Hon Fiona Nash,</b> Minister for Regional Development (invited)
11.00am	MORNING TEA
11.30am	<b>Intelligent Communities</b> <b>Brian Lee-Archer,</b> Director, SAP Institute for Digital Government
11.45am	PANEL SESSION <b>The National Perspective</b>
12.30pm	LUNCH
1.30pm	Regional Industry Case Study
2.00pm	WORKSHOP <b>The Regional Perspective</b>
3.00pm	AFTERNOON TEA
3.30pm	Opposition Address
4.00pm	ALGA President's Close

# **Pillars of Growth**

The 2017 Regional Forum is a vital opportunity for mayors, councillors and other key decision-makers from metropolitan, regional, rural and remote councils to gather together in the National Capital, to share their knowledge and experience in building substantive local and regional capacity.

The past year has continued to see major global and domestic challenges impacting Australia's economy and social fabric. The need to lift Australia's productivity levels remains high on the agenda of both industry and governments. But what does this mean for Australia's geographically diverse regions? This year's Forum will revisit the question of boosting productivity and discuss the changing face of industry, investment in technology, and employment growth.

This year's Forum will provide delegates with an opportunity to hear from the Minister for Regional Development on current policy and program initiatives and a select number of case studies on inspiring regional development projects. Facilitated roundtables will also allow delegates to discuss regional challenges impacting agri-tourism, telecommunications, training and education, infrastructure and resource management.

The Forum will see the launch of the 2017-18 *State of the Regions* Report that will build on previous years' research and deliver the latest economic data and insights into the productivity capacities of regions throughout Australia when examined through a multi industry-sectoral lens. The *State of the Regions* Summary Report is made available specifically for the delegates attending the Forum and is included in the registration cost.



**ITEM NO. 7****FILE NO: 17/69498  
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 11 April 2017.

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	2017 LOCAL GOVERNMENT NSW TOURISM CONFERENCE	143

**ORDINARY COUNCIL MEETING - 11 APRIL 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Paul Le Mottee Councillor Steve Tucker</b>  That the recommendation be adopted.
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<b>090</b>	<b>Councillor Ken Jordan Councillor John Nell</b>  It was resolved that Council move out of Committee of the Whole.
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**ORDINARY COUNCIL MEETING - 11 APRIL 2017  
MOTION**

<b>091</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 11 April 2017.  ----- <b>No:      Report Title</b>
------------	--



<b>MINUTES ORDINARY COUNCIL - 11 APRIL 2017</b>
---

	1	2017 LOCAL GOVERNMENT NSW TOURISM CONFERENCE
--	---	---



# INFORMATION PAPERS



**ITEM NO. 1**

**FILE NO: 17/67073  
RM8 REF NO: PSC2015-03309**

**2017 LOCAL GOVERNMENT NSW TOURISM CONFERENCE**

REPORT OF: SALLY DOVER - COUNCILLOR  
GROUP: GENERAL MANAGER'S OFFICE

**BACKGROUND**

The purpose of this report is to inform Council about the 2017 Local Government NSW Tourism Conference which took place in Taree from 12-14 March 2017.

First, I express my thanks for the opportunity to attend this very interesting conference on behalf of Port Stephens Council.

As usual it was a great opportunity to meet Councillors and employees from other Councils in NSW. The title was 'Tourism is everyone's business' and guest speakers included John Turner, Administrator of Mid-Coast Council, Cr Keith Rhoades, President of LGNSW, the Hon. Adam Marshall, Minister for Tourism and Major Events (former Mayor of Gunnedah), David Sheldon Chair, Australian Regional Tourism Network and the Hon. Ray Williams, Minister for Multiculturalism and Disability Services and Donna Rygate, Chief Executive, Local Government NSW – an excellent line up.

One of the highlights for me was the endorsement of 'inclusive tourism' a new term which highlights the need for local government areas to recognise the value of the disability market. A White paper has been prepared on accessible tourism which seeks to improve tourism/recreational opportunities for people with a disability, their families and carers. A Disability Inclusion Action Plan is required from all NSW Councils by July 2017.

'Live, Work and Play: NSW the State of Inclusion Conference' is to be held at the International Conference Centre, Sydney on 17 and 18 May 2017. Port Stephens Council endorsed their Pathway Plan and Disability Action Plan 2016 so this 'inclusive tourism' can be an extension of the work which has already been undertaken.

The second highlight was the site visit to Saltwater National Park conducted by Biripi Elder Russell Saunders and his son Jeremy. These two wonderful Aboriginal Elders shared their knowledge of the area with us explaining the local plants and their use and the cultural significance of the rocks, trees and beach areas. They completed their talk by picking up gum leaves and playing a song – it was wonderful.



## **MINUTES ORDINARY COUNCIL - 11 APRIL 2017**

Accommodation was provided by at least 15 small Taree motels which were built back in the 1950s, and although they were a little old fashioned proved the point that we here in Port Stephens don't necessarily need a conference centre to accommodate 400 people because we, too, have many excellent hotels and motels which can partner and share the income from a large conference. An excellent bus service was provided to pick up and return delegates for the day sessions and then again at night. It was very well organised.

Thank you once again for the opportunity to attend this tourism conference.

### **ATTACHMENTS**

Nil.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.



# NOTICES OF MOTION



**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 17/73539**

**RM8 REF NO: PSC2010-04979**

**REZONING - 111 SOUTH STREET AND 1C SYLVAN AVENUE, MEDOWIE**

**COUNCILLOR:** GEOFF DINGLE  
PETER KAHER

---

**THAT COUNCIL:**

- 1) Commence the process of rezoning 111 South Street (Lot 14 DP 1079392) and 1C Sylvan Avenue (Lot 11 DP 1105086) from the current zoning R2 to R5. This provides consistencies with surrounding zoning and prevents subdivision into smaller lots creating traffic parking hazards and have a significant impact on the amenity and streetscape of the surrounding area.

---

Cr Paul Le Mottee and Cr Ken Jordan declared a conflict of interest in this item. Due to a lack of a quorum this item was not considered by Council.

**BACKGROUND REPORT OF: DAVID ROWLAND – STRATEGY AND ENVIRONMENT SECTION MANAGER**

**BACKGROUND**

Site Context

The subject land 111 South Street (Lot 14 DP 1079392) and 1C Sylvan Avenue (Lot 11 DP 1105086) is located on the north side of the intersection of South Street and Sylvan Avenue. Under the Port Stephens Local Environmental Plan 2013 the current zoning is R2 Low Density Residential with a minimum lot size of 450m<sup>2</sup>. The attached maps show the site context (**ATTACHMENTS 1, 2 and 3**).

The current minimum lot size of 450m<sup>2</sup> for the subject land was not intended. Its application occurred during the transition from the former Port Stephens Local Environmental Plan 2000 to the Port Stephens Local Environmental Plan 2013 (published on 23 December 2013 and commenced 22 February 2014). The minimum lot size was intended to be a minimum 700m<sup>2</sup> to be consistent with previous resolutions of Council (outlined below).

History

Under Port Stephens Local Environmental Plan 2000 the subject land was zoned 1(c5) Rural Small Holdings with a minimum lot size of 2,000m<sup>2</sup>.



In August 2010 Council received a planning proposal to facilitate additional development at Pacific Dunes Estate. The initial planning proposal did not include the subject land.

8 February 2011 Council resolved to defer consideration of the proposal in order to facilitate additional consultation with residents.

February 2012 the proponent lodged a revised planning proposal for the Pacific Dunes Estate. The revised planning proposal added the subject land.

24 April 2012 Council resolved to prepare a planning proposal including to amend the zoning of the subject land to 2(a) Residential and 720m<sup>2</sup> (or 700m<sup>2</sup> for NSW Standard Instrument LEP purposes).

The planning proposal was placed on public exhibition from 21 February to 7 March 2013 including the subject land. Council records indicate that notification letters were sent to adjoining landowners on 20 February 2013. Eleven submissions were received from the community.

13 August 2013 Council resolved to proceed with the planning proposal, post-exhibition, including the subject land with a zoning of 2(a) Residential and a minimum lot size of 700m<sup>2</sup>.

The current minimum lot size of 450m<sup>2</sup> was not intended and occurred with the transition from the former Port Stephens Local Environmental Plan 2000 to the Port Stephens Local Environmental Plan 2013.

It is intended to address the lot size as a part of the forthcoming 'housekeeping' amendment to the Port Stephens Local Environmental Plan 2013 to apply a minimum lot size of 700m<sup>2</sup> consistent with previous resolutions of Council. This process is estimated to take 12 to 18 months.

#### Notice of Motion

Amending the zoning of the subject land to R5 Large Lot Residential and applying a minimum lot size of 2,000m<sup>2</sup> will require a resolution to prepare a separate planning proposal for the subject land (only) and setting out a revised land use planning assessment for the proposed changes to land use planning controls. This process may take approximately 12 months from a Council resolution.

#### **ATTACHMENTS**

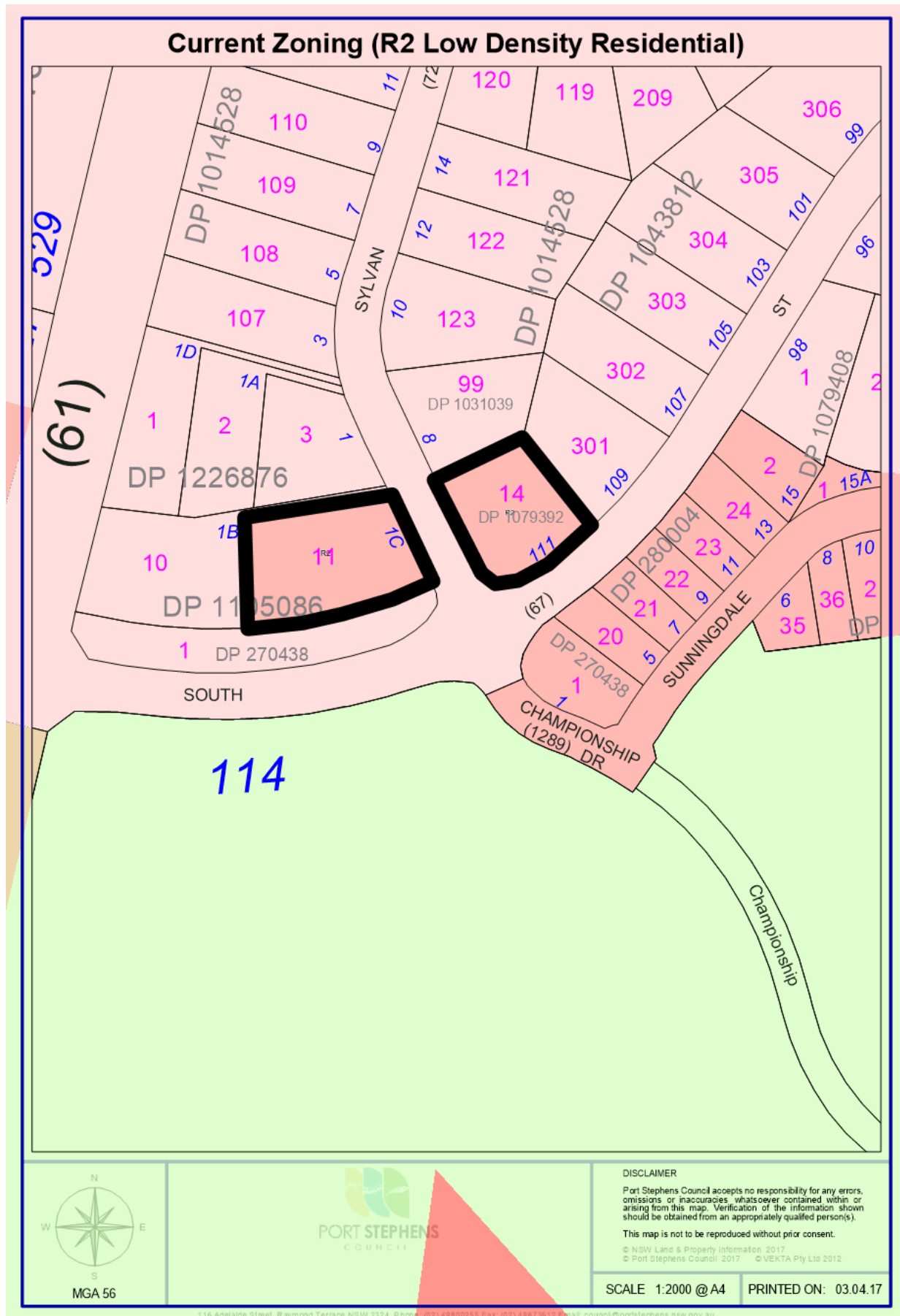
- 1) Subject Land.
- 2) Current Zoning.
- 3) Current Minimum Lot Size.





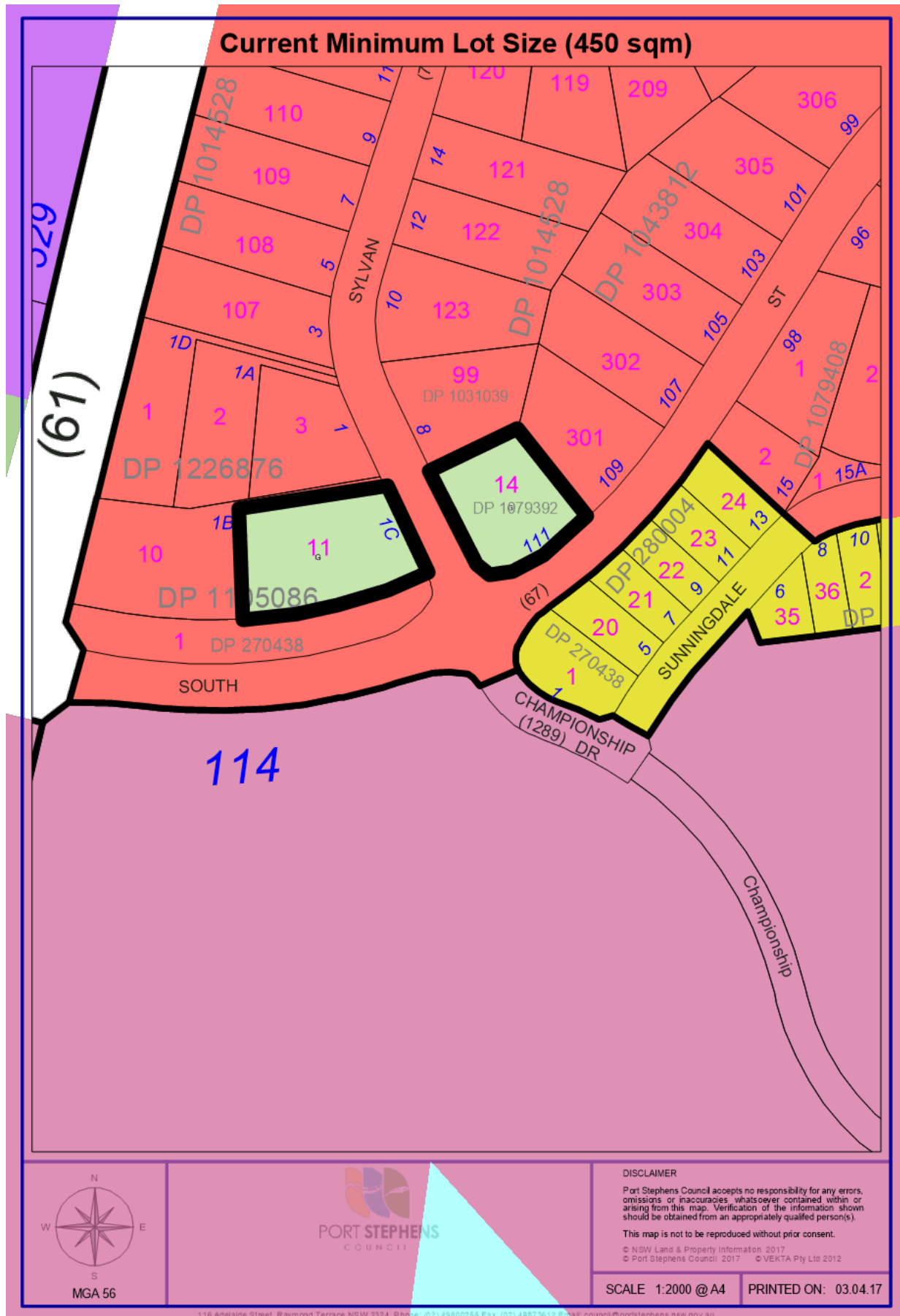


ITEM 1 - ATTACHMENT 2 CURRENT ZONING.





ITEM 1 - ATTACHMENT 3 CURRENT MINIMUM LOT SIZE.





# RESCISSION MOTIONS



**NOTICE OF RESCISSION**

**ITEM NO. 1**

**FILE NO: 17/71108**

**RM8 REF NO: 16-2016-862-1**

**DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE  
SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH  
STREET, MEDOWIE (LOT 14 DP 1079392)**

**COUNCILLOR:** MAYOR BRUCE MACKENZIE  
JOHN NELL  
JOHN MORELLO

---

**THAT COUNCIL:**

Rescind its decision of Minute No. 060 of 28 March 2017 on Item No. 1, Development Application No. 16-2016-862-1 for a Torrens title subdivision of one into two lots, and new shed at 111 South Street, Medowie (Lot 14 DP 1079392).

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Cr Paul Le Mottee and Cr Ken Jordan declared a conflict of interest in this item. Due to a lack of a quorum this item was not considered by Council.

**ATTACHMENTS**

- 1) Ordinary Council Minutes from 28 March 2017 for Item No. 1 - Development Application No. 16-2016-862-1 for Torrens Title Subdivision of One into Two Lots, and new Shed at 111 South Street, Medowie (Lot 14 DP 1079392).



## MINUTES ORDINARY COUNCIL - 11 APRIL 2017

**ITEM 1 - ATTACHMENT 1      ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).**

### MINUTES ORDINARY COUNCIL - 28 MARCH 2017

ITEM NO. 1

FILE NO: 17/10311  
RM8 REF NO: 16-2016-862-1

**DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392)**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

#### RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application (DA) No.16-2016-862-1 for Torrens title subdivision of one into two lots, and new shed at No.111 South Street, Medowie (Lot 14 DP 1079392), subject to the conditions contained in **(ATTACHMENT 2)**.
- 2) Approve the request for a refund of DA fees totalling \$735.

#### ORDINARY COUNCIL MEETING - 28 MARCH 2017 MOTION

059	<b>Mayor Bruce MacKenzie</b> <b>Councillor John Nell</b>  It was resolved that Council move into Committee of the Whole.
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Councillor Ken Jordan left the meeting at 06:32pm.  
Councillor Paul Le Mottee left the meeting at 06:32pm.  
Councillor Peter Kafer left the meeting at 06:32pm.  
Councillor Peter Kafer returned to the meeting at 06:33pm.

#### COMMITTEE OF THE WHOLE RECOMMENDATION

	<b>Mayor Bruce MacKenzie</b> <b>Councillor John Nell</b>  That Council: <ol style="list-style-type: none"><li>1) Acknowledge the petition received;</li><li>2) Approve Development Application (DA) No.16-2016-862-1 for Torrens title subdivision of one into two lots, and new shed at No.111 South Street, Medowie (Lot 14 DP 1079392), subject to the conditions contained in <b>(ATTACHMENT 2)</b>; and</li><li>3) Approve the request for a refund of DA fees totalling \$735.</li></ol>
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**MINUTES ORDINARY COUNCIL - 11 APRIL 2017**

**ITEM 1 - ATTACHMENT 1      ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).**

**MINUTES ORDINARY COUNCIL - 28 MARCH 2017****ORDINARY COUNCIL MEETING - 28 MARCH 2017  
AMENDMENT**

	<b>Councillor John Nell</b>  That the item be deferred to allow for further information and legal advice.
--	---

The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 28 MARCH 2017  
AMENDMENT**

	<b>Councillor Chris Doohan</b> <b>Councillor John Nell</b>  That the item be deferred to the next Council meeting to allow for further information and seek legal advice.
--	--

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

Those for the Motion: Cr John Nell.

Those against the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Peter Kafer and Steve Tucker.

The amendment on being put was lost.

**ORDINARY COUNCIL MEETING - 28 MARCH 2017  
MOTION**

	<b>Councillor Chris Doohan</b> <b>Councillor Steve Tucker</b>  That Council refuse development application no. 16-2016-862-1 for Torrens title subdivision of one into two lots, and new shed at 111 South Street, Medowie (Lot 14 DP 1079392).
--	--

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

Those for the Motion: Crs Geoff Dingle, Chris Doohan, Peter Kafer, John Nell and Steve Tucker.



**ITEM 1 - ATTACHMENT 1      ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).****MINUTES ORDINARY COUNCIL - 28 MARCH 2017**

Those against the Motion: Mayor Bruce MacKenzie.

The motion on being put was carried.

Councillor Paul Le Mottee left the meeting at 07:41pm, in Open Council.

Councillor Ken Jordan left the meeting at 07:42pm, in Open Council.

Councillor Ken Jordan returned to the meeting at 07:42pm, in Open Council.

**ORDINARY COUNCIL MEETING - 28 MARCH 2017  
MOTION**

<b>060</b>	<b>Councillor Chris Doohan Councillor John Nell</b>  It was resolved that Council refuse development application no. 16-2016-862-1 for Torrens title subdivision of one into two lots, and new shed at 111 South Street, Medowie (Lot 14 DP 1079392).
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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: Crs Geoff Dingle, Chris Doohan, Peter Kafer, John Nell and Steve Tucker.

Those against the Motion: Mayor Bruce MacKenzie.

The motion on being put was carried.

**BACKGROUND**

The purpose of this report is to present Development Application (DA) No.16-2016-862-1 to Council for determination. The DA proposes a one (1) into two (2) lot Torrens title subdivision and new shed at 111 South Street, Medowie (Lot 14 DP 1079392). A locality plan is provided at (**ATTACHMENT 1**).

The application has been called to Council by Councillor Jordan. A copy of the call up form has been included as (**ATTACHMENT 3**).

A two way conversation/briefing was held with Councillors on 21 February 2017.

**Development Proposal**

The application proposes a one into two lot Torrens title subdivision and a shed. The proposed subdivision will create the following allotments:



**ITEM 1 - ATTACHMENT 1      ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).**

**MINUTES ORDINARY COUNCIL - 28 MARCH 2017**

- Lot 1 with an area of 1,561m<sup>2</sup> which will contain the existing dwelling onsite. Access to this lot is currently provided directly from South Street; and
- Lot 2 with an area of 700m<sup>2</sup> and will be suitable for supporting a future dwelling. Access to this lot will be available from Sylvan Avenue.

The proposed shed will be located to the west of the existing dwelling, along the Sylvan Avenue frontage. Landscaping has been provided to screen the shed from the street.

Site Details

The subject site is located at Lot 14 DP 1079392 and is known as 111 South Street. It is zoned R2 Low Density Residential and is a corner lot located on the intersection of South Street and Sylvan Street. The site is 2,262m<sup>2</sup> in size and comprises a single storey dwelling located along the South Street frontage.

The site slope towards the south and an existing driveway provides access to the existing dwelling from South Street.

Surrounding developments comprise predominantly detached single dwellings (of both one and two stories in height). The land to the south of the subject land is zoned R2, with a minimum lot size of 600m<sup>2</sup>. The land to the north is zoned R5 Large Lot Residential with a minimum lot size of 2,000m<sup>2</sup>.

A recent approval (DA 16-2015-682-1) for three dual occupancies (six single storey dwellings) across three lots was approved on 1, 1A, and 1D Sylvan Avenue. This is situated to the west of the subject site, directly across the road from the property at 8 Sylvan Avenue. This land is zoned R5, with a minimum lot size of 2,000m<sup>2</sup>.

Site History

The subject site was previously zoned as 1C (Rural Small Holdings) under Port Stephens Local Environmental Plan 2000, with an accompanying minimum lot size of 2,000m<sup>2</sup>.

A planning proposal was submitted to Council in February 2012 on behalf of Pacific Dunes Estate, which included the subject site. The intent of the rezoning was to facilitate higher densities in Pacific Dunes Estate, by rezoning land 2(a) Residential and lowering the applicable minimum lot size. Council endorsed the proposal with a minimum lot size of 700m<sup>2</sup>. Council resolved to prepare the planning proposal on 24 April 2012 and resolved to proceed with the planning proposal post-exhibition on 13 August 2013. Both resolutions were unanimous.

At some time between the exhibition period and gazettal an administrative error resulted in the minimum lot size being reduced to 450m<sup>2</sup>. The error was not realised until after gazettal of the planning proposal which occurred concurrently with the Port Stephens Local Environmental Plan 2013 (LEP 2013). To date this error has not



**ITEM 1 - ATTACHMENT 1      ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).****MINUTES ORDINARY COUNCIL - 28 MARCH 2017**

been rectified and the current minimum lot size for the site remains at 450m<sup>2</sup>. There are plans however to rectify the matter as part of the forthcoming housekeeping LEP.

**Assessment Outcomes**

The proposed shed is considered ancillary to the existing dwelling and is therefore considered permissible with consent in the R2 Low Density Residential zone. An assessment of the shed has determined that it complies with the relevant development standards and Port Stephens Development Control Plan 2014 requirements.

The application includes a one into two lot Torrens title subdivision that requires consent under Clause 3.6 of LEP2013. The proposed development is considered to be compliant with Clause 4.1 – Minimum Subdivision Lot Sizes of LEP2013 and Chapter C1 – Subdivision of Port Stephens of the Development Control Plan (DCP2014) with a lot size of above 450m<sup>2</sup>. In addition, it is noted that the proposal complies with the 700m<sup>2</sup> minimum lot size intended for the land and as endorsed by Council. A detailed assessment of the proposal against the provisions of s.79C *Environmental Planning and Assessment Act 1979* (EP&A Act) is provided at (ATTACHMENT 4).

The development addresses the objectives of the zone by providing the opportunity for additional residential development to cater for the housing needs of the community. The proposal will not have any significant impacts on the amenity of adjoining properties.

**Request for Refund of DA Fees**

It is acknowledged that the original proposal incorporated a lot of less than 700m<sup>2</sup> (624m<sup>2</sup>). The applicant had been given preliminary verbal advice that the proposal they were intending to lodge complied with the minimum lot size requirements of the PSLEP 2013. Although this lot was compliant with the requirements of the PSLEP 2013, following consultation, in the interest of the community the applicant amended their original plan to increase this lot size to 700m<sup>2</sup>. This change came at cost to the applicant. Given the change was required largely as a result of an administrative error by Council staff, the applicant has requested a refund of DA fees which total \$735 as compensation for the additional monetary, design and time costs they have been subject to. It is recommended that Councillors consider this refund.

**COMMUNITY STRATEGIC PLAN**

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



**ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).**

**MINUTES ORDINARY COUNCIL - 28 MARCH 2017**

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no known financial implications resulting from the recommendation of this report.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The existing budget can accommodate a fee refund if Councillors wish to support this request.
Reserve Funds	No		
Section 94	Yes		Refer to conditions of consent.
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The development application is consistent with *Port Stephens Local Environmental Plan 2013* (LEP2013) and *Port Stephens Development Control Plan 2014* (DCP2014). Further details are provided in the Planners Assessment Report contained in **(ATTACHMENT 4)**.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused, it may be challenged at the Land and Environment Court.	High	Approve the application as recommended.	Yes
There is a risk that if the application is refused, available development opportunities for residential subdivision may not be realised.	Low	Approve the application as recommended.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The development will result in positive economic, social and environmental outcomes. The proposed development represents a one into two lot Torrens title subdivision and will result in an additional residential lot to service the needs of the community.



**ITEM 1 - ATTACHMENT 1      ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).**

**MINUTES ORDINARY COUNCIL - 28 MARCH 2017**

The proposed subdivision will reinforce the residential character in the locality and will act as a transition between the R2 zone in the south and the R5 zoned land in the north. There are no anticipated adverse impacts on the built environment as a result of the proposed development.

The proposed additional lot has adequate site access for vehicles and is of a size which can easily accommodate a future dwelling. It should be acknowledged that any future dwelling design will be subject to a separate assessment.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Development Assessment and Compliance Section during the development application process.

The objective of the consultation was to inform the relevant parties of the development application and obtain their feedback on the proposal to ensure all potential concerns have been investigated.

Internal

The application was reviewed by a range of Councils internal specialists. The application was referred to Councils Engineering Section, Building Surveyor, and Section 94 Officer for comment. The application was supported unconditionally by Council's Engineering Section, general conditions of consent were provided by Council's Building Surveyor, and the proposal attracted Section 94 contributions for which a condition is proposed.

A two way conversation/briefing was held with Councillors on 21 February 2017.

External

In accordance with the requirements of the Port Stephens Development Control Plan 2013, the application was not notified or advertised. However, following interest from surrounding property owners, consultation was undertaken and as a result eight (8) submissions were received.

A meeting was also held with concerned residents.



**ITEM 1 - ATTACHMENT 1      ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).****MINUTES ORDINARY COUNCIL - 28 MARCH 2017**

The issues identified in the submissions have been addressed below:

<b>Issue Raised</b>	<b>Comment</b>
Parking and Road Networking	A referral was sent to Council's Traffic Engineer to assess the traffic impacts of the proposed subdivision with consideration to submissions. It was concluded there is sufficient frontage to Sylvan Avenue from the proposed lot so as to allow safe access to each proposed lot, with acceptable minimum sight distances in accordance with Austroads requirements. It was noted that Sylvan Avenue is too narrow to support on-street parking, however the lot is sufficiently sized so as to allow for on-site parking of vehicles. Further consideration of car parking will be required during the assessment of any future development on the proposed vacant lot. No new vehicular access is required to the shed.
Zoning and Minimum Lot Sizes	The proposed development exceeds the current minimum lot size of 450m <sup>2</sup> . In addition, the proposal meets the intended minimum lot size of 700m <sup>2</sup> as endorsed by Council. The proposal does not increase lot yield above the densities envisaged in the planning proposal and is in keeping with the objectives of the zone.
Covenants/restrictions on title	A number of submissions stated that the subject site cannot be subdivided as the result of a restriction on the title. However there is no restriction registered over the lot and the subdivision of this site is not burdened.
Notification	In accordance with Chapter A.12 of the Port Stephens Development Control Plan 2014, the application was not initially notified or advertised. However given the level of interest from surrounding land owners, direct consultation was undertaken to identify concerns.
Privacy	Proposed Lot 2 (700m <sup>2</sup> ) is deemed to have sufficient space to facilitate future residential development without creating any substantial privacy or amenity issues. The subject land is located downslope from adjoining properties to the north and east, and it is noted that these properties feature garages, driveways and park areas adjacent to the development site. Consideration of privacy impacts from specific development is required to be undertaken during the assessment of any future proposal. There are no anticipated privacy impacts from the subject development.



**ITEM 1 - ATTACHMENT 1      ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).****MINUTES ORDINARY COUNCIL - 28 MARCH 2017**

Increase demand for services	It is considered that the additional allotment, included in the proposal, will not impact significantly on the services in the area. The site is located in a residential area with adequate access to sewer, water, electricity, stormwater and road infrastructure.
Existing streetscape/character	<p>The submissions described the subdivision as out of character from the rest of the Sylvan Ridge Estate. However, the intent of the Pacific Dunes planning proposal was to facilitate smaller residential lots. It is noted that the proposal respects the intended minimum lot size of 700m<sup>2</sup> and the resulting lots will act as a transition between the R2 and R5 zonings.</p> <p>It is considered that the proposed subdivision will not detrimentally impact on the streetscape of character of the area.</p>
Stormwater	The subject site naturally slopes downwards towards Sylvan Avenue and any surface water runoff will naturally fall to this direction.

**CONCLUSION**

The proposed development is considered to suitably address the requirements of the Port Stephens Local Environmental Plan 2013 and Port Stephens Development Control Plan 2014. Mitigation measures proposed in the application, in addition to the proposed conditions of consent, are anticipated to adequately address any potential impacts of the development.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Locality Plan.
- 2) Notice of Determination.
- 3) Call Up Form.
- 4) Planner's Assessment Report.

**COUNCILLORS ROOM**

- 1) Development plans.



**MINUTES ORDINARY COUNCIL - 11 APRIL 2017**

**ITEM 1 - ATTACHMENT 1      ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).**

**MINUTES ORDINARY COUNCIL - 28 MARCH 2017**

**TABLED DOCUMENTS**

Nil.

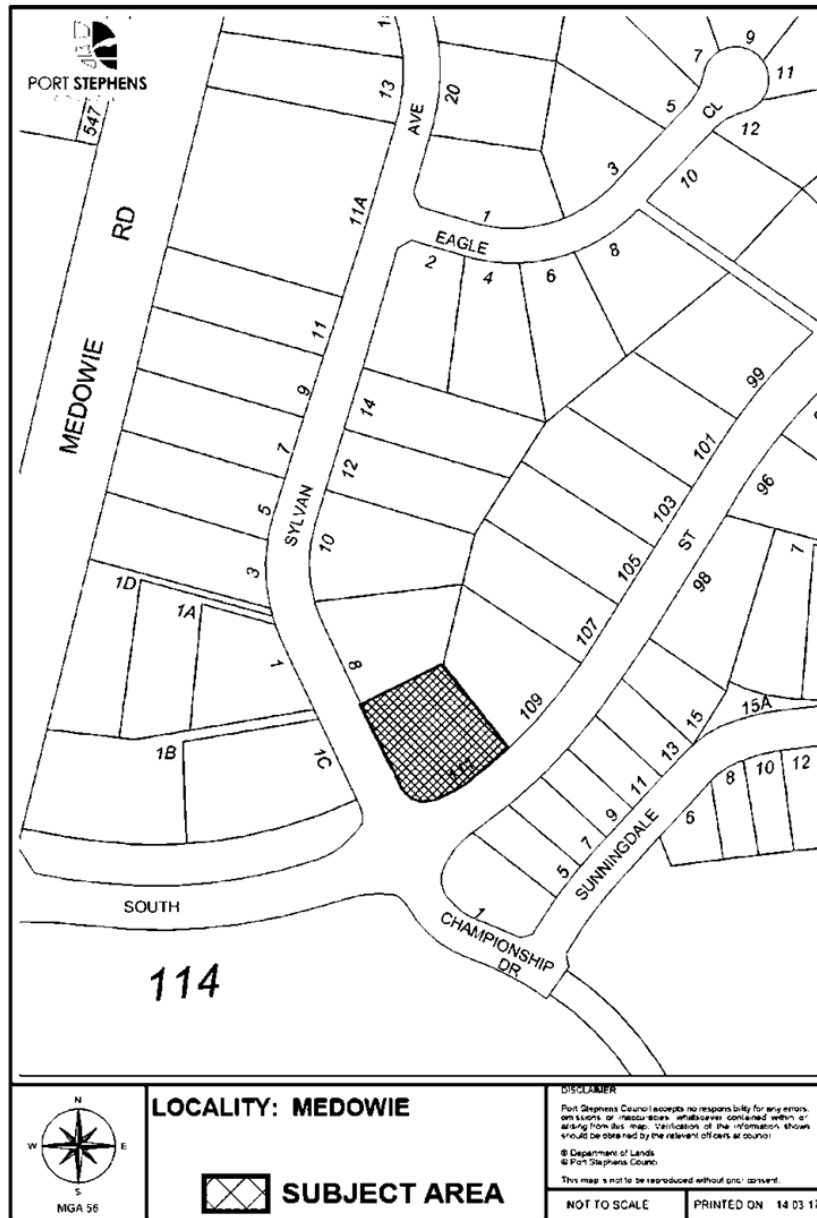


## MINUTES ORDINARY COUNCIL - 11 APRIL 2017

ITEM 1 - ATTACHMENT 1      ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).

## MINUTES ORDINARY COUNCIL - 28 MARCH 2017

ITEM 1 - ATTACHMENT 1      LOCALITY PLAN.





ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).

MINUTES ORDINARY COUNCIL - 28 MARCH 2017

ITEM 1 - ATTACHMENT 2 NOTICE OF DETERMINATION.



Development consent is granted to development application 16-2016-862-1 subject to the conditions in Schedule 1.

Notice is hereby made under Section 81 of the Environmental Planning and Assessment Act 1979 (the Act) of a Development Consent issued under Section 80 of the Act, for the development described below. The consent should be read in conjunction with the conditions contained in Schedule 1 and the notes contained in Schedule 2. Details of approvals under Section 78A(3) of the Act are contained in Schedule 3.

**Determination Outcome:** Approval, subject to conditions

**APPLICATION DETAILS**

**Application No:** 16-2016-862-1

**Property Address:** LOT: 14 DP: 1079392  
111 South Street MEDOWIE

**Description of Development:** Torrens Title Subdivision of One into Two Lots and Shed

**Date of determination:** 28 March 2017

**Date from which the consent operates:** 28 March 2017

**Date on which the consent shall lapse:** 29 March 2022  
(unless physical commencement has occurred)

MR H C JONES  
Cadet Town Planner  
Port Stephens Council

Aide de Street: (PO Box 42) Raymond Terrace NSW 2324  
DX 21406 Raymond Terrace • Phone 4980 0255  
Email ccouncil@portstephens.nsw.gov.au

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**ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).****MINUTES ORDINARY COUNCIL - 28 MARCH 2017****ITEM 1 - ATTACHMENT 2 NOTICE OF DETERMINATION.****PORT STEPHENS**  
COUNCIL**Notice of Determination**

Under section 30, 80A, 90(1) and 91(1) of the Environmental Planning and Assessment Act 1979 (NSW).

**SCHEDULE 1****REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

**CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT**

1. The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in red by Council on the approved plans:

Plan/Doc. Title	Plan Ref. No	Sheet	Date	Drawn By
Proposed Subdivision Contour & Detailed Overlay	6307 PS-V3	1 of 2	7/2/2017	LeMottee Group
Proposed Subdivision	6307 PS-V3	2 of 2	7/2/2017	LeMottee Group
Shed Location Plan	SLP_001	1 of 1	7/2/2017	MM
Shed Detail	30825	1 of 1	26/8/2016	Shed Boss

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

2. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.

**CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION**

3. Prior to the commencement of works on the shed, erosion and sediment control measures shall be put in place immediately down contour of any disturbed ground, and maintained post completion until the site is fully stabilised, to prevent the movement of soil by wind, water or vehicles onto any adjoining property, drainage

Aide aide Street (PO Box 42) Raymond Terrace NSW 2324  
 DX 21406 Raymond Terrace • Phone 4980 0255  
 Email council@portstephens.nsw.gov.au

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**ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).**

**MINUTES ORDINARY COUNCIL - 28 MARCH 2017**

**ITEM 1 - ATTACHMENT 2 NOTICE OF DETERMINATION.**



**PORT STEPHENS**  
COUNCIL

**Notice of Determination**  
Under section 30, 80A, 80(1) and 81(1) of the Environmental Planning and Assessment Act 1979 (NSW).

line, easement, natural watercourse, reserve or road surface, in accordance with *Managing Urban Stormwater – Soils and Construction, Volume 1* (Landcom, 2004).

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

4. A monetary contribution is to be paid to Council for the provision of 1 additional lot, pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979*, Section 94 of the *Environmental Planning and Assessment Act 1979*, and Councils Section 94 Contribution Plan towards the provision of the following public facilities:

Facility	Per lot/dwelling	Total
Civic Administration	\$1,154.00	\$1,154.00
Public Open Space, Parks & Reserves	\$2,529.00	\$2,529.00
Sports and Leisure Facilities	\$6,828.00	\$6,828.00
Cultural and Community Facilities	\$2,435.00	\$2,435.00
Road Works	\$1,607.00	\$1,607.00
Fire & Emergency Services	\$224.00	\$224.00
Medowie Traffic	\$2,516.00	\$2,516.00
<b>Total</b>		<b>\$17,293.00</b>

Payment of the above amount shall apply to Development Applications as follows:

- a) **Subdivision and building work - prior to the issue of the Subdivision Certificate.**

Note: The amount of contribution payable under this condition has been calculated at the time of determination and in accordance with the Port Stephens Section 94 contributions plan. The contribution amount is valid for twelve months from the consent date. Should payment take place after twelve months the contribution shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

**CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES**

6. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
7. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:
- Monday to Friday, 7:00am to 6:00pm;
  - Saturday, 7:00am to 5:00pm
  - no construction work to take place on Sunday or Public Holidays.

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Email council@portstephens.nsw.gov.au

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ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).

MINUTES ORDINARY COUNCIL - 28 MARCH 2017

ITEM 1 - ATTACHMENT 2 NOTICE OF DETERMINATION.



PORT STEPHENS  
COUNCIL

## Notice of Determination

Under section 30, 80A, 90(1) and 91(1) of the Environmental Planning and Assessment Act 1979 (NSW).

When the construction site is in operation the L10 level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

8. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.

### CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

9. Prior to release of the Occupation Certificate for the shed, the applicant shall restore, replace or reconstruct any damaged sections of kerb and guttering, road pavement, stormwater, or any other public infrastructure located within the Road Reserve which results from construction activities, as determined by Council's Development Engineers or Civil Assets Engineer. The applicant shall bear all associated costs with restoring the public infrastructure to satisfaction of the Council.

### CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

10. For endorsement of the Subdivision Certificate, the person having the benefit of the development consent shall submit an original plan of subdivision plus an electronic copy (USB or CD), suitable for endorsement by Council. The following details must be submitted with the plan of subdivision and its copies:
  - a. the endorsement fee current at the time of lodgement;
  - b. the 88B instrument;
  - c. the Section 50 (Hunter Water) Compliance Certificate for the subdivision;
  - d. Documentary evidence detailing essential service connections to both allotments; and
  - e. Proof of payment of Section 94 contribution
11. A registered surveyor shall provide certification that the service as constructed is contained within each lot, or within appropriate easements to accommodate the service. The certification is to be provided to the PCA, prior to the issue of a Subdivision Certificate.

### ADVICES

- a. Prior to making the application for a Subdivision Certificate, the person having the benefit of this consent is to contact Council's Mapping Section via email at: [addressing@portstephens.nsw.gov.au](mailto:addressing@portstephens.nsw.gov.au) stating your Development Approval number, address of the property and the assessing officer, to obtain the correct house numbering. Be advised that any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.

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- b. Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/the person having the benefit of the development consent to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- c. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- d. The development was referred to the NSW Rural Fire Service for an integrated referral. The application was supported unconditionally; the document is referenced D16/4382 and dated 11 January 2017.

**SCHEDULE 2**

**RIGHT OF APPEAL**

If you are dissatisfied with this decision:

- a review of determination can be made under Section 82A of the Act, or
- a right of appeal under Section 97 of the Act can be made to the Land and Environment Court within six (6) months from the date on which that application is taken to have been determined.

**NOTES**

- This is not an approval to commence work. Building works cannot commence until a construction certificate is issued by Council or an accredited certifier.
- Consent operates from the determination date. For more details on the date from which the consent operates refer to section 83 of the Environmental Planning and Assessment Act 1979.
- Development consents generally lapse five years after the determination date, however different considerations may apply. For more details on the lapsing date of consents refer to section 95 of the Environmental Planning and Assessment Act 1979.

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ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).

MINUTES ORDINARY COUNCIL - 28 MARCH 2017

ITEM 1 - ATTACHMENT 3 CALL UP FORM.



CALL TO COUNCIL FORM  
DEVELOPMENT APPLICATION

I, Councillor Ken Jordan.....  
require Development Application Number..... 16-2016-862-1  
for ..... subdivision at 111 South Street  
.....  
at ..... 111 South Street

to be subject of a report to Council for determination by Council.

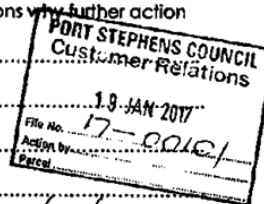
Reason:

The reason for this call-up to Council is ..... the community  
are not happy with the subdivision,  
the neighbours were not  
notified and they should have  
been told.

Declaration of Interest:

I have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this development application on my part or an associated person. I have a conflict of interest? Yes/No (delete the response not applicable).

If yes, please provide the nature of the interest and reasons why further action should be taken to bring this matter to Council:



Signed: ...

Date: 18/1/2017



**ITEM 1 - ATTACHMENT 1      ORDINARY COUNCIL MINUTES FROM 28 MARCH 2017 FOR ITEM NO. 1 - DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH STREET, MEDOWIE (LOT 14 DP 1079392).****ITEM 1 - ATTACHMENT 4      PLANNER'S ASSESSMENT REPORT.****APPLICATION DETAILS**

Application Number	16-2016-862-1
Development Description	Torrens Title Subdivision One into Two Lots and new Shed
Applicant	MRS M L MORRISSEY & MR A MORRISSEY
Date of Lodgement	15/12/2016
Value of Works	\$24,000.00

**Development Proposal**

The application proposes a one (1) into two (2) lots Torrens title subdivision and a shed.

The proposed subdivision proposes the following allotments:

- Lot 1 with an area of 1,561m<sup>2</sup> which will contain the existing dwelling onsite. Access to this lot is currently provided directly from South Street; and
- Lot 2 with an area of 700m<sup>2</sup> and will be suitable for supporting a future dwelling. Access to this lot will be available from Sylvan Avenue.

The proposed shed will be located to the west of the existing dwelling, along the Sylvan Avenue frontage. Landscaping has been provided to screen the shed from the street.

The initial application included the addition of a deck to the existing dwelling, however compliance issues were raised and subsequently the deck was withdrawn from the current application. The deck is part of an ongoing compliance action.

**PROPERTY DETAILS**

Property Address	111 South Street MEDOWIE
Lot and DP	LOT: 14 DP: 1079392
Current Use	Single Storey Dwelling
Zoning	R2 LOW DENSITY RESIDENTIAL
Site Constraints	Bushfire Prone Land – Category 3 Acid Sulfate Soils – Class 5 Koala Habitat – Preferred Habitat Linking area over Cleared Land RAAF Height Trigger Area – Structures over 15m RAAF Bird Strike zone – Group B Extraneous Lighting (CASA) Port Stephens Development Control Plan 2014 – D10 Pacific Dunes, Medowie Flood Prone Land – Minimal Risk Flood Prone Land

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**Site Description**

The subject site is located at Lot 14 DP 1079392 and is known as 111 South Street, Medowie. The subject site is 2,262m<sup>2</sup> in size, and comprises a single storey dwelling located along the south Street frontage.

The site is sloping downwards towards the south and driveway provides access from South Street.

The surrounding development comprise of predominantly of detached dwellings, with the Pacific Dunes Golf Course located to the south west of the site.



Figure 1 – Aerial of locality

**Site History**

The following consents have been approved on the subject site:

DA 16-2002-727-1: Approval for a Golf Course (approved 8 August 2002)

DA 16-2004-701-1: Approval for a 3 lot Torrens Title Subdivision & Road Widening (approved 29 October 2004)

DA 16-2013-262-1: Single Storey Dwelling (approved 3 July 2013)

There are no outstanding matters relating to these consents which would prevent the proposed development from being carried out.

A planning proposal was submitted to Council in February 2012 on behalf of Pacific Dunes Estate, which included the subject site. The intent of the rezoning was to facilitate higher densities in the Pacific Dunes Estate and the planning proposal included the site within the Hillside 2 precinct. This precinct was to be rezoning to 2(a) Residential and the provision of a minimum lot size of 700m<sup>2</sup>.

On 24 April Council resolved to prepare a planning proposal for the Pacific Dunes Estate. The planning proposal was merged into the comprehensive Port Stephens Local Environmental Plan

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2013 (commenced 10 January 2014).

After consultation with Council's Strategic Planning section, it is understood that the current minimum lot size of 450m<sup>2</sup> appears to be a mapping anomaly that occurred during the adoption of PSLEP 2013.

Site Inspection

A site inspection was carried out on Friday 3 February 2017.

The subject site can be seen in figures 2 to 7 below:



Figure 2 – Subject Site



Figure 3 – Location of proposed lot



Figure 4 – Sylvan Avenue facing north

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Figure 5 – Proposed lot



Figure 6 – Existing residency



Figure 7 – Proposed lot

### ASSESSMENT SUMMARY

Designated Development	The application is not designated development
Integrated Development	The application does require additional approvals listed under s.91 of the EP&A Act
Concurrence	The application does not require the concurrence of another body

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**Internal Referrals**

The proposed modification was referred to the following internal specialist staff. The comments of the listed staff have been used to carry out the assessment against the S79C Matters for Consideration below.

**Building Surveyor** – The application was referred to Council's Building Unit for comment. The application was supported with general conditions of consent provided.

**Section 94 Officer** – The Contributions Officer reviewed the application and found that S94 contribution will be applicable to the subdivision. A condition of consent has been attached to reflect this requirement.

**Traffic Engineer** – The application was referred to Council's Traffic Engineer for assessment and comment. It was concluded there is sufficient frontage to Sylvan Avenue from the proposed lot to provide the desired separation of driveways if the lot was subsequently developed. Minimum sight distance on Sylvan Avenue, from an access point to the proposed lot can be achieved in accordance with Austroads requirements. However, it was noted Sylvan Avenue is too narrow to support on-street parking so any future development on the proposed lot will have to consider any parking requirements to accommodate off-street parking. The assessment considered all of the public submissions and the application was supported unconditionally.

**External Referrals**

The proposed modification was referred to the following external agencies for comment.

**RFS** – The applications was referred to the RFS as integrated development. In response, the application was supported unconditionally by the RFS.

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**MATTERS FOR CONSIDERATION – SECTION 79C**

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**s79C(1)(a)(i) – The provisions of any EPI**

**Port Stephens Local Environmental Plan 2013 (LEP)**

**Clause 2.3 – Zone Objectives and Land Use Table**

The proposed shed is considered ancillary to the existing dwelling. Dwellings are permissible with consent in the R2 Low Density Residential zone. The development addresses the objectives of the zone by providing additional the opportunity for additional residential development that will cater for the housing needs of the community.

**Clause 2.6 – Subdivision**

**Clause 4.1 – Minimum Lot Size**

Resulting lots of the proposed subdivision both exceed the minimum lot size of 450m<sup>2</sup> applicable to the subject land. Proposed lot 1 has an area of 1,561m<sup>2</sup> and lot 2 has 700m<sup>2</sup>. The applicant has agreed to increase the size of the proposed from 624.3m<sup>2</sup> to 700m<sup>2</sup> in accordance with the planning proposal lodged in 2012.

As discussed above, the current minimum lot size of 450m<sup>2</sup> appears to be a mapping anomaly that occurred during the adoption of PSLEP 2013. Council is bound by the current LEP and given the existing dwelling and the proposed lot size the subdivision does not increase lot yield above the densities envisaged in the planning proposal.

**Clause 4.3 – Height of Buildings**

The proposed shed has a maximum height of 3.05m, which is below the maximum permissible building height of 9m specified on the Height of Buildings Map.

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**Clause 7.1 – Acid Sulfate Soils**

The subject land is mapped as containing potential Class 5 acid sulfate soils. The proposed development is not anticipated to include any significant excavations and therefore there are no expected impacts as a result of acid sulfate soils.

**Clause 7.3 – Flood Planning**

The proposed development is located on land mapped as being a minimal risk flood planning area; however this flood prone land only consists of approximately 75m<sup>2</sup> in the eastern corner of the site. As only the eastern corner of the lot is mapped as flood prone and all of the proposed development is to be undertaken outside of the area, as such the proposed development will not create any significant negative impacts on the local flooding characteristics.

**Clause 7.6 – Essential Services**

The subject site is serviced by reticulated water, electricity and sewer. The subject land also maintains direct access to South Street via the existing driveway. In the future under a separate application the proposed additional lot will gain access from Sylvan Avenue meeting the requirements of this clause. A condition is proposed that requires the provision of evidence that all essential services are available to the resulting lots, prior to the issue of a subdivision certificate.

**s79C(1)(a)(ii) – Any draft EPI**

There are no draft EPI's relevant to the proposed development.

**s79C(1)(a)(iii) – Any DCP**

Port Stephens Development Control Plan 2014

The Port Stephens Development Control Plan 2014 (DCP) is applicable to the proposed development and has been assessed below.

**Chapter A.12 – Notification and Advertising**

In accordance with the requirements of chapter A.12, the development application was not required to be notified.

**Chapter B3 – Environment Management****B3.A Bushfire Prone Land**

The subject site is mapped as Bushfire Prone Land, and as a result is considered integrated development and referred to the New South Wales Rural Fire Service. The application was supported unconditionally by the RFS.

**B3.B Acid Sulfate Soils**

The subject land is mapped as containing potential Class 5 acid sulfate soils. The proposed development is not anticipated to include any significant excavations and therefore there are no expected impacts as a result of acid sulfate soils.

**Chapter B5 – Flooding**

The subject land is mapped as being within the Flood Planning Area. Following from the discussion against Clause 7.3 of the PSLEP above, the proposed development is acceptable in this regard.

**Chapter B6 – Essential Services**

Reticulated water, electricity and sewer are available to the subject site. The area included in proposed Lot 2 naturally slopes towards Sylvan Avenue, thus any stormwater will flow towards the drainage infrastructure located on Sylvan Avenue. Proposed Lot 2 will have direct access to a Sylvan Avenue.

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**Chapter B9 – Road Network and Parking**

There is sufficient frontage to Sylvan Avenue from the proposed lot to provide the desired separation of driveways if the lot was subsequently developed. Minimum sight distance on Sylvan Avenue, from an access point to the proposed lot can be achieved in accordance with Austroads requirements. However it was noted Sylvan Avenue is too narrow to support on-street parking so any future development on the proposed lot will have to consider any parking requirements to accommodate off-street parking. Ample site area is available to accommodate for future on-site parking for a single dwelling.

**Chapter C1 – Subdivision**

Clause	Requirement	Assessment
C1.2	Subdivision defined as either minor or major	The proposed subdivision is a one into two lot Torrens title subdivision, with no new roads. Accordingly the subdivision is classified as a minor subdivision.
C1.5	Maximum lot dimensions of 80m deep and 160m long	The resulting lots have dimensions of: <ul style="list-style-type: none"> <li>Lot 1 – approx. 31.21m deep by approx. 43.24m long; and</li> <li>Lot 2 – approx. 43.24m deep by approx. 19m long.</li> </ul> The above dimensions comply with the DCP.
C1.11	New lots support a building footprint of 15x8m or 10x12m	Proposed Lot 2 is capable of supporting a building footprint in accordance with this requirement.
C1.14	Where possible, lots should be orientated to provide one axis within 30 degrees east and 20 degrees west of true solar north. Where a northern orientation is not possible, lots should be wider to allow private open space on the northern side of the dwelling. Subdivision design should take account for solar access opportunities afforded by land topography.	The resulting lots do not comply with the orientation requirements of the DCP, however the subject site is a result of a previous subdivision and thus is not a subdivision of a green field site. The subject site does not allow for sufficient solar access in accordance with Chapter 1.14, however both resulting lots are large enough to obtain sufficient northerly solar access into private open spaces and dwellings.
C1.21	Each lot must achieve gravity drainage to the public drainage network, and may include the use of inter-allotment drainage.	Proposed Lot 2 naturally slopes towards Sylvan Avenue, thus any stormwater will flow towards the existing drainage infrastructure located on Sylvan Avenue.

**Chapter C4 – Ancillary Development**

Clause	Requirement	Assessment
C4.1	Lodgement Requirements	The application includes relevant information required under this clause.
C4.9	Building height to be max.	The proposed development has a maximum height of

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	9m on land with no maximum building height specified in LEP	3.05m above ground level, which is below the maximum permissible building height of 9m specified on the Height of Buildings Map.
C4.10	Minimum front setback of 4.5m in greenfield sites or average of adjacent properties, or 10m in rural, environmental or R5 zoned land	The proposed development is setback approximately 13.5m from the front property boundary which complies with the minimum setback requirements.
C4.11	Minimum setback from secondary street frontage of 2m or 10m in rural or environmental zones	The proposed development is setback between 3.7m and 5.4m from the secondary street frontage property boundary, which complies with the minimum setback requirements.
C4.21	Development to be sympathetic to the street character	The proposed development is typical of other developments in the locality and colour coordinates with the existing dwelling on the subject site. The proposal is located on a corner lot, accordingly contains a secondary frontage and as such the proposal is screened by an existing 1.8m colourbond fence and existing hedging.
C4.31	Ancillary shed on residential land to have max. gross floor area of 72m <sup>2</sup> and min setback from side and rear boundaries of 0.9m, or uses a merits bases approach to floor area on R5 zoned land with a 10m front boundary setback and 5m rear and side boundary setback	The proposed development includes an ancillary shed to the dwelling located at 111 South Street. The shed has a gross floor area of 34m <sup>2</sup> and is setback between 3.7m and 5.4m from the secondary street frontage (Sylvan Avenue) and approximately 15m from proposed rear property boundary. The floor area and setbacks of the proposed ancillary shed meet the requirements of the DCP.

**Chapter D10 – Pacific Dunes – Medowie (Hillside Lots Precinct)**

Site specific development controls are applicable to the proposed development and have been assessed below as follows.

D10.1	Landscape Plan	The proposed shed is to be screened by the existing hedging, which are represented on the plan.
D10.5	Setbacks – Hillside Precinct	The proposed shed complies with the setback requirements of the Hillside Precinct.

**s79C(1)(a)(iia) – Any planning agreement or draft planning agreement entered into under section 93F**

There are no planning agreements that have been entered into under section 93F relevant to the proposed development.

**s79C(1)(a)(iv) – The regulations**

There are no clauses of the regulations that require consideration for the proposed development.

**s79C(1)(a)(v) – Any coastal management plan**

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There are no coastal management plans applicable to the proposed development.

**s79C(1)(b) – The likely impacts of the development****Social and Economic Impacts**

The proposed subdivision will result in an additional residential lot and will therefore service the needs of the community. There are no anticipated adverse social or economic impacts as a result of the proposed development.

**Impacts on the Built Environment**

The proposed development will reinforce the residential nature of the locality. It is acknowledged that it is not of the same size as other larger surrounding lots, however these matters were addressed during the planning proposal which created the new minimum lot size for the proposal site. The proposal addresses the street and provides logical and convenient connections to the road network and pedestrian facilities in the locality. There are no anticipated adverse impacts on the built environment as a result of the proposed development.

**Impacts on the Natural Environment**

The proposal is for a Torrens Title subdivision and shed. The development is not envisaged to generate any impacts on the natural environment.

**s79C(1)(c) – The suitability of the site**

The subject site is located within an existing residential area and is relatively clear of vegetation. The site has access to all relevant services and the proposed development makes good use of the available land. The application design includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development.

**s79C(1)(d) – Any submissions**

Eight (8) submissions have been received in relation to the proposed development and are discussed in further detail below.

Issue Raised	Comment
Parking and Road Networking	<p>A referral was sent to Council's Traffic Engineer to assess the traffic impacts of the proposed subdivision with consideration to submissions.</p> <p>It was concluded there is sufficient frontage to Sylvan Avenue from the proposed lot to provide the desired separation of driveways, if the lot was subsequently developed. Minimum sight distance on Sylvan Avenue, from an access point to the proposed lot can be achieved in accordance with Austroads requirements. However it was noted Sylvan Avenue is too narrow to support on-street parking therefore any future development on the proposed lot will have to consider any parking requirements to accommodate off-street parking. Ample site area is available to achieve future on-site parking for a single dwelling.</p>
Zoning and Minimum Lot Sizes	<p>As discussed above, the current minimum lot size of 450m<sup>2</sup> appears to be a mapping anomaly that occurred during the adoption of PSLEP 2013. Council is bound by the current LEP and given the existing dwelling and the proposed lot size the subdivision does not increase lot yield above the densities envisaged in the planning proposal. It is noted that the applicant increased the size of proposed Lot 2 to 700m<sup>2</sup> to reflect the intent of the 2012 planning proposal.</p>

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Covenants/restrictions on title	A number of submissions stated that the subject site cannot be subdivided as the entire Sylvan Ridge Estate has a restriction on the title, which does not allow for the further subdivision of land. However the subject site was under a different Deposited Plan, (Pacific Dunes) which subsequently did not have this same restriction on title. The subdivision of this site is therefore not burdened by this restriction.
Notification	The application was notified in accordance with <i>Chapter A.12</i> of the <i>Port Stephens Development Control Plan 2014</i> .
Privacy	The proposed Lot 2 (700m <sup>2</sup> ) is deemed to have sufficient space to facilitate future residential development without creating any substantial privacy issues.
Increase demand for services	The application is for subdivision and an ancillary shed. It is noted that the subject site is zoned R2 which facilitates future residential development. It is considered that the proposal will not impact significantly on the services in the area.
Existing streetscape/character	The submissions described the subdivision as out of character from the rest of the Sylvan Ridge Estate. However, the intent of the Pacific Dunes Planning Proposal was to facilitate smaller residential lots, and as such the subject site was included in the proposal as an appearance to the entrance of the Pacific Dunes Estate. The original planning proposal had the subject site mapped as a one (1) into three (3) lot subdivision; in conclusion the proposed one (1) into two (2) lot subdivision is an improved outcome as it will act as a transition between two zonings.
Stormwater	The subject site naturally slopes downwards towards Sylvan Avenue, thus any stormwater that will not infiltrate on the current undeveloped site (proposed Lot 2) will drain to the drainage infrastructure located on Sylvan Avenue.

The issues raised in the submissions have been considered in the context of the proposal, surrounding locality and relevant legislation. The issues raised have been determined to not be of significance as to warrant refusal or modification of the proposed development.

### **s79C(1)(e) – The public interest**

The additional lot in the locality will service the needs of the community, whilst not anticipated to have any significant adverse impacts on surrounding properties or the amenity of the locality. The proposed development reinforces the residential nature of the land and is in keeping with the character of surrounding developments. The proposed development has created a significant amount of community interest, however complies with all the applicable planning provisions required for the subject development.

The proposed shed is also considered in keeping with the amenity and street scape of the area.

### **DETERMINATION**

The application is recommended to be approved under delegated authority, subject to conditions as contained in the notice of determination.

Hugh Jones  
Cadet Town Planner

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# 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.

Councillor Peter Kafer left the meeting at 07:13pm.  
Councillor Geoff Dingle left the meeting at 07:13pm.

The meeting lapsed due to a lack of a quorum. The confidential item was not considered by Council.

There being no further business the meeting closed at 7.14pm.