

MINUTES 28 OCTOBER 2014



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 28 October 2014, commencing at 6.30pm.

PRESENT: Mayor B MacKenzie; Councillors G. Dingle; C. Doohan; S. Dover; K. Jordan; P. Kafer; P. Le Mottee; J. Morello; J. Nell; S. Tucker; General Manager; Acting Corporate Services Group Manager; Acting Facilities and Services Group Manager; Development Services Group Manager and Governance Manager.

273	Councillor Steve Tucker Councillor Ken Jordan
	It was resolved that the apology from be received and noted.
274	Councillor Steve Tucker Councillor Ken Jordan
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 14 October 2014 be confirmed.
	Cr Paul Le Mottee declared a pecuniary conflict of interest in Items 1 and 2. The nature of the interest is the Le Mottee Group has undertaken survey work on the sites.

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COUNCIL REPORTS

ITEM NO. 1

FILE NO: 16-2014-168-1

**DEVELOPMENT APPLICATION FOR STAGED DEVELOPMENT - RURAL
LAND SHARING COMMUNITY AND STAGE 1 AT NO. 15 GREEN
WATTLE CREEK ROAD, BUTTERWICK**

**REPORT OF: MATTHEW BROWN – DEVELOPMENT ASSESSMENT AND COMPLIANCE
SECTION MANAGER**

GROUP: DEVELOPMENT SERVICES]

RECOMMENDATION IS THAT COUNCIL:

- [1) Approve Development Application 16-2014-168-1 for rural land sharing community and stage 1 at No.15 Green Wattle Creek Road, Butterwick subject to the conditions contained in **(ATTACHMENT 3)**.]

**ORDINARY COUNCIL MEETING – 28 OCTOBER 2014
MOTION**

275	Councillor John Morello Councillor Ken Jordan
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

Cr Paul Le Mottee left the meeting at 6.05pm, prior to Item 1.

	Councillor Peter Kafer Councillor Chris Doohan
	That the recommendation be adopted.

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

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

Those against the Motion: Nil.

MOTION

Cr Paul Le Mottee left the meeting at 7.09pm, prior to Item 1.

277	Councillor Ken Jordan Councillor John Morello
	[It was resolved that Council approve Development Application 16-2014-168-1 for rural land sharing community and stage 1 at No.15 Green Wattle Creek Road, Butterwick subject to the conditions contained in (ATTACHMENT 3) .]

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

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

Those against the Motion: Nil.

BACKGROUND

[Council at its meeting of 14 October 2014, resolved to defer this item to allow for a site inspection by Councillors. The site inspection was scheduled for Monday 27 October 2014.

The report is re-submitted for Council's consideration.

The purpose of this report is to present to Council for determination development application 16-2014-168-1 for a rural land sharing community at No.15 Green Wattle Creek Road, Butterwick (the 'subject site'). The application is reported to Council on the basis of the public interest it has generated.

The applicant seeks concept approval for the use of the site as a rural land sharing community. The development is proposed to be undertaken in three stages. Stage one forms part of the subject application and involves construction of internal roads and infrastructure, use of an existing dwelling for administration and the establishment of agricultural activities.

Stages two and three of the development will seek consent under separate applications in the future. Stage two will include construction of 29 dwellings and a purpose built community building. The demolition of the existing dwelling, replacement with a new dwelling and remaining community infrastructure will be within stage three. A total of 30 dwellings will exist on the site upon completion of all three stages.

The development will provide for multiple occupancy on the site and involves the collective management and sharing of unsubdivided land, facilities and resources. The proposal will encourage a community-based environmentally sensitive approach to rural settlement, enabling the pooling of resources and development opportunities for communal rural living.

The proposal is permissible under State Environmental Planning Policy No.15 – Rural Land sharing Communities (SEPP No.15). The subject site is zoned RU2 Rural

Landscape under Port Stephens Local Environmental Plan 2013 and rural land sharing communities are not listed as permissible in the RU2 zone. The provisions of SEPP15 override LEP2013 and the proposal can therefore be determined by Council as a permissible form of development.

SEPP No.15 has a number of aims and objectives and does make provision to create opportunities for an increase in the rural population in areas that are suffering or are likely to suffer from a decline in services due to rural population loss. However, the application of the policy is not limited to areas or populations 'in decline', nor are these areas readily defined. Schedule 1 of the SEPP identifies land to which the policy applies and lists Port Stephens as an area in which the SEPP operates.

The subject site is located within the rural area of Butterwick and is surrounded by large lot rural residential development accessed by both Butterwick Road and Green Wattle Creek Road. The site has a frontage to Green Wattle Creek Road which is an unformed Council road. The site has a total area of 112.4 hectares and has been historically used for agricultural pursuits. Large portions of the land remain clear of vegetation and are used for grazing cattle.

Existing improvements on site include a residential dwelling, associated structures and farm buildings. The site is bound by a bio-banking site to the east, rural properties utilised for grazing to the east and north, and a vegetated Crown road reserve to the south. Hinton Wallalong Pony Club is located to the south west of the site.

The key issues associated with the proposal are:

- Compliance with SEPP No.15;
- Traffic and access;
- Wastewater management.

The application is recommended for approval as the development is consistent with the provisions of SEPP No.15. Subject to conditions of consent the proposal will not have any significant adverse impacts to adjoining properties. A detailed assessment of the proposal and SEPP No.15 is provided within **(ATTACHMENT 2)** in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The application was submitted on 20 March 2014 and information was requested from the applicant on 02 May 2014 regarding a number of matters including wastewater. On 25 September 2014 the requested wastewater report was provided to Council.]

FINANCIAL/RESOURCE IMPLICATIONS

[Should Council refuse the application the applicant may appeal to the Land and Environment Court. Defending Council's determination would have financial implications.]

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

LEGAL AND POLICY IMPLICATIONS

[Should Council refuse the application the applicant may appeal to the Land and Environment Court. The development application is consistent with State Environmental Planning Policy No.15 which permits the development of rural land sharing communities.]

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that if the development application is refused the applicant will appeal to the Land and Environment Court.	Medium	Support the recommendation and approve the development application subject to conditions of consent.	Yes
There is a risk land use conflict may arise from the development.	Low	Impose conditions of consent as recommended.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social

The development has a positive social impact through the provision of affordable, quality housing stock that caters for a mixed cross-section of the population. The proposal provides opportunities for flexible employment options and work-life balance. The proposal will be sustainable with respect to the facilitation of car-sharing, car-pooling, bulk purchasing, community bus and work-from-home opportunities. Agricultural and rehabilitation activities on the site will encourage physical exercise, social interaction and outdoor recreational pursuits.

Economic

The proposed development has a total estimated construction outlay, inclusive of all stages and the establishment of the additional agricultural activities, of \$8.450 million. It has been estimated, through the application of the Port Stephens Council Remplan economic modelling tool, that this outlay would have a \$16.545 million

benefit to Port Stephens, when considering the direct, industrial and consumption effects of the construction costs.

It is anticipated that this additional expenditure will be spent within the surrounding local villages of Hinton and Woodville, consistent with the objectives of SEPP 15. The proposed development will also provide additional employment opportunities. This will include employment associated with:

- Agriculture and other roles associated with the production of food onsite. The development will be seeking to implement state of the art, best-practice, organic and biodynamic methods for agriculture and value adding which will offer niche specialty roles. In addition, positions such as a Site Maintenance Coordinator, Manager and Administrative officer will need to be filled within the site and occupiers will be given preference to fill these positions;
- Opportunities will also exist for casual, seasonal and/or part-time work on-site in a variety of agricultural and food industry jobs. These positions may be most suitable for youth or seniors;
- Indirect 'flow-on' employment from the project will generate significant advantages to the local economy, businesses, labour force and culture. RemPlan data indicates that a total 46 new jobs will be created in the local region. This will include employment associated with the construction phase and ongoing expenditure within the local community.

Environment

The proposed development will not have a significant impact on any threatened species, and the applicant's proposal to undertake revegetation will result in improved ecological outcomes within the site. An assessment has been undertaken with respect to bushfire hazard, dust impact, traffic impact, impact of agricultural use, geotechnical and on on-site effluent disposal. Any environmental impacts can be adequately mitigated through conditions of consent.]

CONSULTATION

[In accordance with clause 8 SEPP No.15 and Council's Notification Policy, adjoining neighbours were notified of the proposed development and the application was advertised. In response, 54 submissions were received – 39 supporting the proposal and 15 objecting to the proposal (including one petition with 62 signatures). It is noted an amended petition was provided to Council on 14 October 2014 which included an additional 21 signatures (a total of 85 signatures being provided on the one petition). The key items raised with objections are outlined as follows:

- Visual impact;
- Traffic;
- Waste management;
- Service provision (energy and water);
- Impacts to pony club.

It is believed that the proposed conditions of consent address the issues raised within the submissions.]

OPTIONS

- [1) Adopt the recommendation;
- 2) Amend the recommendation;
- 3) Refuse the recommendation.]

ATTACHMENTS

- [1) Locality Plan;
- 2) Assessment;
- 3) Conditions of consent.]

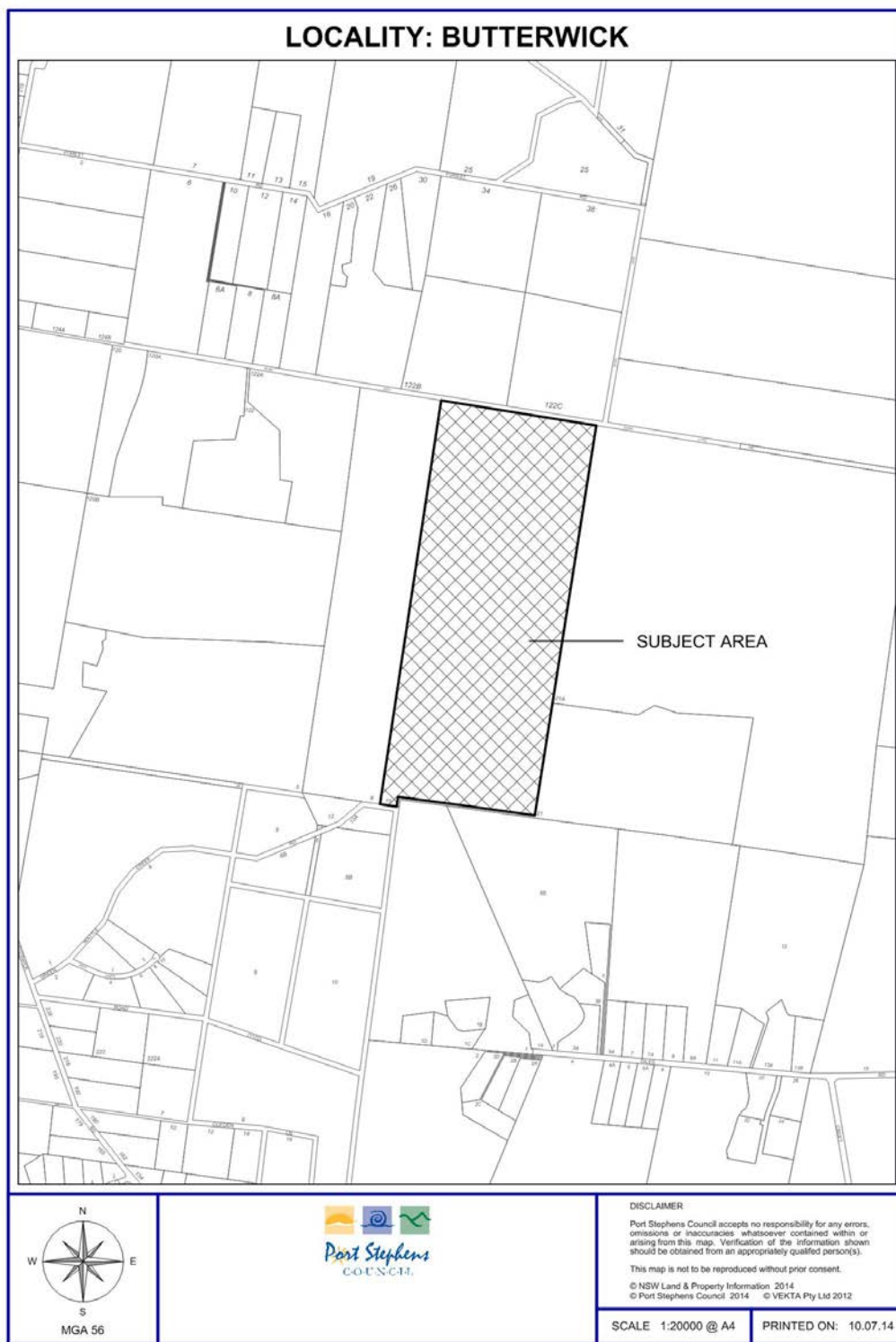
COUNCILLORS ROOM

- [1) Statement of Environmental Effects including sub-reports;
- 2) Development Plans.]

TABLED DOCUMENTS

[Nil.]

ATTACHMENT 1
LOCALITY PLAN



ATTACHMENT 2

ASSESSMENT

The application has been assessed pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and the following is a summary of those matters considered relevant in this instance.

THE PROPOSAL

The application relates to a proposed rural land sharing community staged development proposal, as well as stage 1 of the proposal. The subject application seeks consent for:

- The use of the subject site as a rural landsharing community,
- Land tenure, dwelling occupancy rights, and land management arrangements,
- Design principles that are binding upon subsequent stages of the development (i.e. criteria for the location of future buildings),
- The construction of internal roads and drainage,
- The use of the existing dwelling for administration associated with the establishment of the rural landsharing community in the short to mid-term until a purpose built community building is constructed in a subsequent stage, and
- Agricultural activities to be established on the site (associated exempt development).

THE APPLICATION

Owner
Applicant

Pineview Transports Pty Ltd
CUM GRANO SALIS LTD

THE LAND

Property Description

Lot 1 DP 999947

Address

15 Green Wattle Creek Road, Butterwick

Area

The site has an area of 112.4ha.

Dimensions

The site is generally regular in shape. The northern boundary of the site measures 730m in length, eastern boundary 1080m, southern boundary to Green Wattle Creek Road 697m (irregular boundary) and the sites eastern boundary 1603m.

Characteristics

Bushfire prone land, Acid Sulfate Soils (ASS) Class 5, Koala Habitat (Marginal), Endangered Ecological Communities (Hunter Valley Dry Rainforest), Prime Agricultural Land (Classes 1-3), Combined Corridor Map (Core Habitat, Landscape Habitat Link, Landscape Link, Local Link, Stepping Stone, Western Habitat).

THE ASSESSMENT

PLANNING PROVISIONS

Environmental Planning and Assessment Act 1979

s.79C Planning provisions
s.83 Staged development applications
s.91 Integrated development applications

Rural Fires Act 1997
Water Management Act 2000

s.79BA
s.91 Activity approvals

State Environmental Planning Policies

State Environmental Planning Policy 15 – Rural Landsharing Communities
State Environmental Planning Policy No.44 – Koala Habitat Protection (and Port Stephens Comprehensive Koala Plan of Management)
State Environmental Planning Policy No.55 – Remediation of Land

Port Stephens Local Environmental Plan (2013)

Zone RU2 Rural Landscape
Cl.7.1 Acid sulfate soils.
Cl.7.2 Earthworks
Cl.7.6 Essential services

Port Stephens Development Control Plan 2013

B2 Environment and Construction Management
B3 Parking and Traffic
B6 Single and Dual Occupancy Dwellings

Port Stephens Section 94 Plan

Section 94 contributions to be levied under stage two.

Statutory Acts and Regulations

Environmental Planning and Assessment (EP&A) Act 1979

Section 79C – Planning Assessment

An assessment under Section 79C of the Act has been undertaken throughout this report.

Section 83B - Staged Development Applications

Section 83B of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides that a staged development application is a development application that sets out concept proposal for the development of a site and for which detailed proposal for separate parts of the site are to be the subject of subsequent development applications.

The applicant has requested that the development application be treated as a staged development. The applicant has provided the details of the development for the first stage of the development and should Council grant consent to the current application the consent will authorise the carrying out of development on the site relating to stage one.

Rural Fires Act 1997 (Section 79B)

The proposed development is located on bushfire prone land, rural land sharing communities are not listed as 'special fire protection purpose' under 100B of the *Rural Fires Act 1997* and are not integrated development under s.91 of the EP&A Act. Notwithstanding, given the nature of the proposed development the proposal was referred to the Rural Fire Service (RFS) for comment. The RFS provided conditions which have been integrated into the schedule of conditions.

Water Management Act 2000

The development requires the crossing of one waterbody (creek) with infrastructure associated with the disposal of wastewater. The proposal is captured as integrated development under s.91 EP&A Act requiring approvals from the New South Wales Office of Water (NSWOW) under s.91 of the *Water Management Act 2000* for a controlled activity. Accordingly, the application was referred to NSWOW and general terms of approval were issued. The terms of approval form part of the conditions of consent.

State Environmental Planning Policies

State Environmental Planning Policy No. 15 – Rural Land Sharing Communities

State Environmental Planning Policy No. 15 (SEPP No.15) provides that multiple occupancy development is a permissible land use within rural and non-urban zones despite any provisions to the contrary within Council's Local Environmental Plan. Multiple occupancy is defined as the collective management and sharing of unsubdivided land, facilities and resources. The policy encourages a community-based environmentally-sensitive approach to rural settlement, and enables the pooling of resources to development opportunities for communal rural living. The

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applicant has lodged the proposal under SEPP No.15 and the development complies with the provisions of the SEPP as detailed below:

State Environmental Planning Policy No. 15 – Rural Land Sharing Communities			
Section		Requirement	Comment
s.2	Aims	The policy aims to facilitate rural land sharing communities committed to environmental sensitive and sustainable land use practices to enable, i) people to collectively own a single allotment of land as a principle place of residence, ii) erection of multiple dwellings on the allotment with shared facilities and resources, iii) pooling of resources.	The development is designed in accordance with the aims of SEPP No.15. The applicant has proposed a clustered style development and does not propose subdivision or separation of legal rights. The development will enhance the environment via revegetation programs and does not create an unreasonable demand for public amenities.
s.3	Land to which policy applies	The policy applies to the Port Stephens LGA. The subject site is not affected by any of the exclusions prescribed within Schedule 2.	
s.5	Relationship to other planning instruments	The policy prevails over the Port Stephens Local Environmental Plan 2013 to the extent of any inconsistency.	
s.7(1)	Rural landsharing community	<p>S.7(1) allows rural land sharing development of 3 or more dwellings with consent if;</p> <p>a) the land is a single allotment not subdivided.</p> <p>b) the land has an area greater than 10hectares,</p> <p>c) the height of the building on the land does not exceed 8 metres,</p> <p>d) not more than 25% of the land consists of prime crop and pasture land,</p> <p>e) no dwelling is situated on prime crop and pasture land,</p> <p>f) structures or works do not occur within and/or impact upon land identified as wildlife corridor/refuge/management area,</p> <p>g) the development is not for tourist accommodation.</p> <p>h) structures are not situation on land with a slope in excess of 18 degrees, and</p> <p>i) the aims of the policy are meet.</p>	<p>The proposed development satisfies the provisions of s.7(1):</p> <ul style="list-style-type: none"> • The site is a single allotment of land. • The land has an area of 112ha. • No building proposed shall exceed 8m. • The sites contains less than 25% prime crop and pasture land. • The dwellings are not located on prime crop and pasture land. • The site is not identified as having a wildlife corridor or the like. • The proposal is not for tourist accommodation. • Proposed structures are not located on land with a slope excess of 18 degrees. • The aims of the policy have been met (refer s.2).
s.7(2)	Allows Council to consent to rural land sharing development despite of any prohibition to rural land sharing development under another environmental planning instrument. The proposed development is being assessed in accordance with this section.		
s.7(3)	The policy restricts the subdivision of land. The proposal does not involve the subdivision of land.		

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s.8	Notice of development applications – advertised development	Notification and exhibition of the development occurred in accordance with the requirements for advertised development.
s.9 Matters for Council to Consider		
(1)(a)	Land ownership, dwelling occupancy, environment/ community management	<p>The applicant has provided details of the means for establishing land ownership, dwelling occupancy and land management via the Community Management Statement.</p> <p>Land ownership is proposed via registration as a cooperative under the Co-operatives National Law/Co-operatives (<i>Adoption of National Law</i>) Act 2012 NSW.</p> <p>Dwelling occupancy shall be provided under a licensing structure. The Community Management Statement will form part of the approved documents should Council approve the proposed development.</p>
(1)(b) & (c)	Area for the erection of buildings and community use	The applicant has detailed the location of the area proposed for the erection of dwellings/buildings and community uses on the site. The design proposes the clustering of dwellings. The site selected for the dwelling/building site is appropriate as it is not located on prime crop or pasture land. The area is appropriately setback from adjoining properties.
1(d)	Need for community uses ancillary to the site	A community building is proposed for construction under stage three. Stage one proposes the use of the existing dwelling for community infrastructure. The end use community building will comprise a hall/gathering place with ancillary community kitchen.
1(e)	Public road access	Green Wattle Creek Road provides access to the site. Council's Development Engineering Section have assessed the proposed development and have identified that the current road condition is an unsealed poorly maintained gravel road generally of single lane width with poor alignment and significant obstructions. A condition of consent has therefore been included requiring the upgrade of Green Wattle Creek Road.
1(f)	Availability of water supply	The site does not have access to reticulated water. It is proposed that rainwater shall be harvested for use on the property. It has been demonstrated that sufficient harvestable rights for both the proposed dwellings and agricultural pursuits are available to the site.
1(g)	Supply of electricity and telephone services	<p>Grid connected and solar electricity service exists to the current dwelling on site. The existing electricity service is going to be supplemented with non-grid connected solar power for all housing or other renewable energy systems.</p> <p>The existing dwelling also has a telephone service. The existing services can be augmented to service the proposed development.</p>
1(h)	Availability of community facilities	<p>The proposal involves the use of the existing dwelling as a community building under stage one. Stage three will see the construction of additional community infrastructure. In addition the applicant proposes use of a community bus for school drop offs and other transport needs. Child care is expected to be provided by the community on-site.</p> <p>The site is in proximity to Hinton, Wallalong, Maitland and Raymond</p>

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		Terrace where additional services and facilities are accessible.
1(i)	Waste disposal	<p>The applicant proposes minimum waste generation by promotion of a waste minimisation strategy. The strategy shall form part of the approved documents should Council approve the development application.</p> <p>The proposed development will require the use of an onsite effluent disposal system. Council's Environmental Health Officer has reviewed the proposed system details and considers that waste water management can be suitably achieved on site subject to conditions of consent.</p>
1(j)	Impact upon vegetation/ environmental protection	Council's Natural Resource Section have assessed the proposed development and determined that subject to the imposition of conditions the proposed development is acceptable in relation to vegetation and environmental impacts.
1(k)	Land constraints	The proposed development has been assessed having regard to bush fire threat, landslip and erosion. The applicant has provided a bush fire report and geotechnical assessment. Subject to conditions the proposed development can occur despite land constraints.
1(l)	Visual impact	The development is considered to be appropriately designed and located so as to minimise the potential for adverse visual impact to adjoining properties. The site topography ensures that views to the dwelling/building site are minimised. The applicant proposes that dwelling designs will respond to the rural context by means of construction (pier and beam) and use of colours and materials that are sympathetic to the existing rural structures on site.
1(m)	Effect of the proposal upon present and potential use of the site	<p>The applicant has provided a detailed study of the site prepared by an agronomist which concluded that the majority of the site is not considered to be prime crop or pasture land. However, there remains sufficient prime land for the applicant to undertake the agricultural pursuits proposed.</p> <p>The use of the site for rural land sharing community will promote varied and sustainable agricultural pursuits in accordance with the Farm Management Plan. The Farm Management Plan forms part of the approved documents.</p>
1(n)	Whether the proposal will sterilise access to natural resources	The applicant has provided correspondence from the Department of Mineral Resources which confirms that no mineral or extractive deposits will be sterilised by the development.
1(o)	Quality of water resources	The application has been referred to NSW Office of Water regarding the proposals likely impact upon existing waterways. The proposal is satisfactory subject to conditions.
1(p)	Aboriginal land claims.	The land is privately owned and is not subject to an Aboriginal land claim.
1(q)	Impact upon heritage items	The proposed development is not located within proximity to any listed heritage items. The proposed development will not adversely impact upon any heritage item, relic or site or on their curtilages.

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1(r)	Land is identified for future urban or rural residential purposes	The proposed site is not located within an urban release area or land identified for rural residential expansion.
1(s)	Benefits to existing village centre.	The applicant has demonstrated that the development will increase the expenditure within the local villages of Woodville and Hinton.
2(a)	Site analysis	The applicant has provided a site analysis which is satisfactory with regards to the requirements of schedule 3 SEPP No.15.
2(b)	Written statement	The Statement of Environmental Effects and associated documentation is satisfactory with regards to demonstrating how the design of the proposed development has had regard to the site analysis.
s.10	Management Plan	The community management statement will, upon the commencement of the land sharing community, become the management plan as required by Clause 10.
s.11	Density	<p>The proposal is 112.4 ha in area and is therefore subject to a maximum dwelling number of 30, in accordance with the requirements of Clause 11 of the SEPP. The applicant proposes 29 dwellings which is consistent with this clause.</p> <p>Future dwellings will need to be designed to ensure compliance with this clause. This will be confirmed at Stage two of the proposal, when the Development Application is lodged for the dwellings.</p>
s.12	Subdivision prohibited	The application does not seek approval for the subdivision of the site.

State Environmental Planning Policy No. 44 – Koala Habitat Protection and Port Stephens Comprehensive Koala Plan of Management (CKPoM)

State Environmental Planning Policy No.44 – Koala Habitat Protection, aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

The site is mapped as Marginal Koala Habitat. Council's Natural Resource Section have assessed the proposed development and it is considered satisfactory subject to conditions of consent.

State Environmental Planning Policy No. 55- Remediation of Land

The provisions of State Environmental Planning Policy No.55 require Council to consider the potential for a site to be contaminated. The subject site has a history of rural land use. Inspection of the site identified that contaminating activities were not present and further investigation was not warranted.

Port Stephens Local Environmental Plan (2013)

Zone RU2 Rural Landscape

The land is zoned RU2 Rural Landscape. The proposed development is not inconsistent with the objectives of the zone. Rural land sharing communities are not listed as a permissible form of development under the provisions of the RU2 Zone, however the proposal satisfies the provisions of s.7 SEPP No.15 (detailed above), and on this basis the proposed development is a permissible form of development. Section 5 SEPP No.15 and clause 1.9 of PSLEP2013 identify that the SEPP prevails to the extent of any inconsistency with Council's LEP.

Clause 7.1 Acid sulfate soils

The subject site is identified as Class 5 acid sulfate soils (ASS). Accordingly any works within 500 metres of Class 1,2,3 or 4 land which are likely to lower the water table below 1 metre AHD on the adjacent land requires an Acid Sulfate Soils Management Plan. The proposed development is not likely to lower the water table of adjacent land and is not inconsistent with the provisions of clause 7.1.

Clause 7.2 Earthworks

The proposed development is consistent with the provisions of clause 7.2. Development consent shall be obtained for each stage and the environmental impacts of the associated earthworks shall be assessed. The earthworks proposed under stage one are satisfactory subject to conditions of consent.

Clause 7.6 Essential services

The applicant has demonstrated that essential services are available to the site. Reticulated water and sewer services are not available however the applicant has provided for appropriate on-site water harvesting and effluent disposal mechanisms.

Port Stephens Development Control Plan 2013

B2 Environmental and Construction Management

The application has been assessed against the provisions of Development Control Plan 2013 (DCP2013), B2 – Environmental and Construction Management and is satisfactory subject to conditions. The proposed development requires minimal cut/fill and vegetation removal. Further, it has been demonstrated that adequate waste water management and treatment systems can be provided for on-site to cater for the development. Council's Natural Resource Section and Environmental Health Officer have assessed the proposed development and consider that the proposal does not result in adverse impacts to the environment.

B3 Parking and Traffic

Adequate provision for future car parking can be facilitated upon the site. Details of car parking for dwellings and visitors shall be assessed under stage two. There is sufficient area on-site to accommodate for parking demand.

The existing access to the site is satisfactory and can cater for emergency vehicles subject to upgrade works. The upgrade requirements to the access way have been addressed within the schedule of conditions and include provision of an all-weather access 4 metres in length with passing bays every 200 metres.

The development will result in increased traffic generation within the locality. The applicant suggests that a total of 130 vehicle movements per day (65 inbound and 65 outbound) will result from the development. The development will generate fewer movements than a typical residential subdivision as the development will be self-sufficient through the growing and harvesting of crops and cooperative provisions of goods (dry food). It is also anticipated that there future residents shall trip share. A mini bus/people mover will be available to transport children to school and residents to shopping trips and the like.

Green Wattle Creek Road is currently unsealed and is not well maintained. The development does result in increased traffic demand to Green Wattle Creek Road and it is recommended that the road be upgraded in order to cater for the development. A condition has been incorporated into the consent should Council approve the development. The application has been assessed against the provisions of B3 Parking and Traffic and is satisfactory subject to conditions.

B6 Single and Dual Occupancy Dwellings

The applicant does not propose the construction of dwellings under stage one. Stage two which shall comprise the application for the new dwelling houses will require consideration under DCP2013 B6.

Section 94 Contribution Plan

Stage one does not involve the construction of any dwellings. Section 94 contributions shall be levied under stage two.

Community consultation

In accordance with clause 8 SEPP No.15 and Council's Notification Policy, the proposed development was advertised and notified to adjoining neighbours. In response, 54 submissions were received – 39 supporting the proposal and 15 objecting to the proposal (including one petition with 62 signatures). It is noted an amended petition was provided to Council on 14 October 2014 which included an additional 21 signatures (a total of 85 signatures being provided on the one petition). It is noted an amended petition was provided to Council on 14 October 2014 which included an additional 21 signatures (a total of 85 signatures being provided on the one petition). The key items raised with objections are outlined as follows:

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Matter raised	Response
Traffic and pedestrian safety	The traffic demand generated by the development has potential to result in adverse impacts to adjoining properties. In order to address this matter and ensure safety of road users (and pedestrians) it has been recommended that upgrades occur to Green Wattle Creek Road.
Dust pollution	The proposed development is satisfactory with regards to dust pollution subject to conditions of consent. It is recommended that the applicant partially seal Green Wattle Creek Road. Erosion/dust control conditions are recommended during construction.
Impacts to flora and fauna	The application has been assessed by Council's Natural Resource Section and is supported subject to conditions of consent.
Impacts to adjoining Biobanking site	The application has been assessed by Council's Natural Resource Section and conditions of consent have been imposed to ensure the proposed development does not adversely impact upon the adjoining bio-banking site. Further, the Community Management Plans limits pet ownership.
Emergency access and bushfire risk	The NSW Rural Fire Service (RFS) has provided GTA's supporting the proposal.
Rates and local services	The development is permissible under SEPP No.15. Section 94 contributions shall be levied at Stage 2.
Compliance with SEPP No.15	The application has been assessed against the provisions of SEPP No.15 and is satisfactory. A management plan and details regarding ownership (licensing) have been provided with the application.
Use of the site for tourism	The application does not propose the use of the site for the purpose of tourism.
Impact to rural amenity	The development has been designed and located so as to be sympathetic to surrounding properties and the rural character and amenity of the local area. Site topography and setbacks assist in reducing the visual impact of the proposal. The proposal will not be readily visible from adjoining properties or Green Wattle Creek Road.
Impact to adjoining properties including Pony Club	<p>The proposed development is adequately setback from adjoining properties as follows: north 549m, east 159m, south 689, and west 332m.</p> <p>Issues were raised regarding the developments impact to the adjoining Pony Club located on Green Wattle Creek Road with respect to increased traffic movements. It is acknowledged that increased traffic movements will occur as are result of the development, however, it is anticipated that the additional traffic can be accommodated within the existing road network without any significant impacts to surrounding properties, including the Pony Club.</p>
Wastewater treatment	Council's Environmental Health Officer has assessed the proposed wastewater treatment system and raises no

MINUTES FOR ORDINARY MEETING – 28 OCTOBER 2014

	objection to the proposal subject to conditions.
Services	The site can be adequately serviced by essential infrastructure (electricity and internet) to service providers requirements.
Impact to surrounding waterways	The application has been assessed by NSW Office of Water and is considered acceptable subject to conditions. The proposal is not likely to have adverse impact to surrounding water ways.
Noise	The development has been appropriately located on site to ensure adequate setbacks to adjoining properties. The proposed development and associated traffic movements will not result in adverse noise impacts.
Property values	There is no evidence to suggest that the proposed development would impact upon the value of adjoining properties.
Water and sustainability	The applicant has demonstrated that sufficient water can be harvested on site to cater for the proposed dwellings and associated agricultural pursuits.
Subdivision	Subdivision is prohibited under SEPP No.15 and is not proposed. The applicant has provided information relating to the manner in which land ownership shall occur – via licensing arrangement.
Viability of the proposal	The applicant has provided an agronomist assessment that demonstrates that the development as proposed has been appropriately sited and designed to maximise the agricultural viability of the land.
Support the proposal	There were 42 submissions received in support of the application.

External referrals

Rural Fire Service

The proposed development is located on bushfire prone land, rural land sharing communities are not listed as 'special fire protection purpose' under 100B of the *Rural Fires Act 1997* and therefore the proposal is not integrated development under s.91 of the EP&A Act. Notwithstanding, given the nature of the proposed development the proposal was referred to the Rural Fire Service (RFS) for comment. The RFS provided conditions which will have been incorporated into the recommended schedule of conditions.

NSW Office of Water

The development requires the crossing of one water body (creek) with infrastructure associated with the disposal of wastewater. The proposal is captured as integrated development under s.91 EP&A Act requiring approvals from the NSW Office of Water (NSWOW) under s.91 of the *Water Management Act 2000* for a controlled activity. Accordingly, the application was referred to NSWOW and general terms of approval were issued. The terms of approval have been incorporated into the schedule of conditions.

Internal referrals

Development Engineering

The application was referred to Council's Development Engineering Section for comment. Subject to conditions of consent the proposed development has been determined to be satisfactory.

Environmental Health (Wastewater)

Council's Environmental Health Officer has assessed the applicants proposed on-site sewage management system and considers that waste water management can be suitability achieved on site subject to conditions of consent.

Natural Resources

Council's Natural Resource Section have reviewed the proposed development and hold no objection to the proposed development subject to conditions of consent.

Flood Engineer

The application was referred to Council's Flood Engineer as access to the lot is affected by flooding. Council's Flood Engineer has reviewed the proposal and holds no objection to the proposal subject to conditions of consent.

Building

The application was referred to Council's Building Team for review and it was identified that the proposal was satisfactory subject to conditions.

Likely impacts of the development

The assessment has considered the likely impact of the development by identifying the potential impacts of the proposal, available measures to ameliorate impacts and frequency/severity of impacts. The development can be carried out on site without significant adverse impacts to the environment or surrounding residential amenity subject to the conditions held at **ATTACHMENT 3**.

The proposed development is consistent with the provisions of SEPP No.15 and relevant sections of Council's LEP and DCP. It is compatible and sympathetic with the existing and envisaged future rural character of the locality.

Suitability of the site

The proposed development is permissible under the provisions of SEPP No.15. Essential services can be provided to the site and/or managed on site. There are no physical constraints on the site that make the land unsuitable for the proposed development. The site is suitable for the proposed development.

Public interest

The development will result in positive social, economic and environmental outcomes to the subject site and the surrounding rural villages of Hinton and Wallalong. The concerns raised during public exhibition have been addressed. The development is in the public interest.

**ATTACHMENT 3
CONDITIONS OF CONSENT**

SCHEDULE 2

CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

1. The development must be carried out in accordance with the following plans and documentation and endorsed with Council's stamp, except where amended by other conditions of this consent:

Stamped plans numbered A003, A100 and A102, prepared by Gregory Burgess Pty Ltd Architects and dated 15/01/14.
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Stamped plans numbered SG-LP-01 and SG-LP-01, prepared by Gregory Burgess Pty Ltd Architects and dated 3/01/14.

Community Management Statement and Rules – Shepherds Ground Co-operative Limited, dated 10 February 2014.

2. The development shall be carried out as a 'Rural Landsharing Community' in accordance with the provisions of State Environmental Planning Policy No.15 Rural Land Sharing Communities.
3. The development shall be carried out in stages. This consent applies to the concept approval and Stage 1 which incorporates;
- a. The use of the subject site as a rural landsharing community,
 - b. Land tenure, dwelling occupancy rights, and land management arrangements,
 - c. Design principles that are binding upon subsequent stages of the development (i.e. criteria for the location of future buildings),
 - d. The construction of internal roads and drainage,
 - e. The use of the existing dwelling for administration associated with the establishment of the rural landsharing community in the short to mid-term until a purpose built community building is constructed in a subsequent stage,
 - f. Agricultural activities to be established on the site (associated exempt development).
4. Prior to the commencement of any building works, separate development consent shall be granted for structures within each stage.
5. The development shall be undertaken in accordance with the General Terms of Approval granted as follows:

- NSW Rural Fire Service dated 14 May 2014; and
- Department of Natural Resources dated 16 June 2014.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

6. At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the Principal Certifying Authority form shall be submitted to Council.
7. Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during the construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

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

ENGINEERING / STORMWATER

8. A **Soil & Water Management Plan** in accordance 'Managing Urban Storm water; Soils and Construction document, Landcom 2004' is to be prepared by an Engineer whose qualifications are acceptable for membership of the Institution of Engineers Australia (or other professional approved by Council) detailing temporary and permanent measures proposed to be installed and maintained. The plan is to include an analysis of the susceptibility of soil to erosion and is to be submitted with the Engineering plans. Details shall be submitted to the Principal Certifying Authority for approval **prior to the issue of the Construction Certificate**.
9. A **Construction Certificate cannot be issued** until full details of the stormwater drainage design, including overland flow paths, stormwater quality and quantity control measures to manage and convey all stormwater up to the 1% AEP critical storm duration and associated calculations, has been provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.

The stormwater system shall be designed and constructed so that water quality targets are met in accordance with Councils Urban Stormwater and Rural Water Quality Management Plan.

ROADWORKS AND ACCESS

10. A detailed geotechnical investigation shall be undertaken and a report prepared addressing the following:
 - a. pavement design of the internal roads;

- b. geotechnical integrity of existing dam 3 including, recommendations as to any necessary remediation works or removal of the dam to ensure dwellings downstream will not be affected due to failure of the existing dam embankment.

Details shall be submitted to the Certifying Authority for approval **prior to the issue of the Construction Certificate.**

11. Prior to issue of a Construction Certificate, the vehicle accessway shall be constructed according to the following design criteria:
 - a. be an all-weather access with a minimum trafficable width of 4 metres;
 - b. have an offset of 300 mm or greater from obstructions higher than 150 mm;
 - c. include a passing area at least every 200 metres, with a minimum width of 5.5 metres, and minimum length of 6.5 metres with 45° tapers;
 - d. road pavement in accordance with the detailed geotechnical report required under the conditions of consent for this development.

12. All work required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993.

Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional, in accordance with Council's 'Infrastructure Design and Construction Specification – AUS Spec', and Section B of Development Control Plan 2007.

The required works to be designed are as follows:

- a. Full width rural road including a minimum 6 metres wide carriageway with 1m wide shoulders, 3% cross fall each side of the centreline, minimum 250mm deep table drain, subsoil drainage for a distance of 400 metres from the sealed section at the intersection of Green Wattle Road and Jack James Close;
- b. 6m wide carriageway is to have a two-coat hot flush bitumen seal for a distance of 400 metres from the sealed section at the intersection of Green Wattle Road and Jack James Close;
- c. Removal of trees where necessary to ensure safe sight distance in accordance with Austroads - Guide to road design;
- d. Roadside furniture and safety devices including signage, guide posts, chevrons, directional arrows in accordance with RTA and Australian Standards;
- e. Signage and line marking. The signage and line marking plan shall be approved by the Council Traffic Committee;
- f. Traffic control plans in accordance with the Roads and Traffic Authority – Traffic Control at Worksites Manual;

- g. Payment of applicable fees and bonds; and
- h. Contractor's public liability insurances to a minimum value of \$10 million dollars.

The engineering plans must be approved by Council **prior to the issue of a Construction Certificate required under this consent.**

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

- 13. Building work that involves residential building works (within the meaning of the Home Building Act, 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
 - (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licence has complied with the requirements of Part 6 of that Act, or
 - (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act, 1989, that states that a person is the holder of an insurance policy issued for the purposes of this clause, is sufficient evidence that the person has complied with the requirements of that part.
- 14. All building work must be carried out in accordance with the provisions of the **Building Code of Australia.**
 - 15. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:
 - * Monday to Friday, 7am to 6pm;
 - * Saturday, 8am to 1pm;
 - * No construction work to take place on Sunday or Public Holidays.
 - 16. It is the responsibility of the applicant to erect a PCA sign and to ensure the PCA sign remains in position for the duration of works.

17. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
18. During the extraction, removal, and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment. Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council or the Principal Certifying Authority.
19. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person having the benefit of the development consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION OF ANY BUILDING

20. Prior to occupation of any building, the Principle Certifying Authority is to be satisfied that restriction as to use of the land under Section 88E of the *Conveyancing Act 1919*, has been created restricting the occupation of the premises to:
 - a. Rural land sharing in accordance with State Environmental Planning Policy No.15.
 - b. Subdivision is prohibited.
21. Prior to occupation of any building, the Principle Certifying Authority is to be satisfied that a restriction under 88B of the *Conveyancing Act 1919*, has been created as follows:
 - a. The effluent land application areas (including all greywater and compost land application areas) shall not be developed for a future different use. The restriction shall identify the land for use as effluent disposal area only.
22. Prior to occupation of any b the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent. The species *Sapium sabiferum* identified on the approved species list shall not be used and shall be replaced with a more suitable species for the site.
23. The approved 'Community Management Statement and Rules – Shepherds Ground Co-operative Limited, dated 10 February 2014' shall be amended to include by-laws that appropriately and adequately define the responsibilities for the operation, maintenance, monitoring and, where necessary, the

replacement of the individual and common On-site Sewage Management Systems including but not limited to treatment systems, dry composting systems, reticulation systems and land application areas. The by-laws should be drafted by a suitably qualified person/organisation and should be to the satisfaction of Council.

24. Written evidence from the electricity supply authority shall be submitted to Council stating that satisfactory arrangements have been made for the provision of electricity supply to all dwelling envelopes.
25. Written evidence from the telecommunications authority shall be submitted to Council stating that satisfactory arrangements have been made for the provision of telephone supply to all dwelling envelopes.

CONDITIONS TO BE SATISFIED AT ALL TIMES

26. Access and facilities for persons with disabilities to and within all community buildings and community areas of the development shall be provided at all times in accordance with AS1428.1 – *Design for Access and Mobility* and Part D3 the *Building Code of Australia*.
27. All owners/shareholders shall comply with the approved document 'Community Management Statement and Rules – Shepherds Ground Co-operative Limited, dated 10 February 2014' (as amended by conditions of this consent). The Community Management Statement and Rules shall become the Community Management Statement as required under cl.10 SEPP No.15.
28. Any overflow from the proposed dam/s must not concentrate water on any adjoining property. The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.
29. All waste shall be contained within a secure enclosure or bin. Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.
30. All owners/shareholders of the subject site shall use the development as their principal place of residence at all times. The development is not to be used as tourist/holiday accommodation or temporary accommodation of any kind.

NATURAL RESOURCES

31. Where hollow bearing trees cannot be retained hollows shall be harvested and installed in adjacent trees. If hollows are unable to be salvaged they will need to be replaced with nest boxes at a ratio of 2:1.
32. The following key areas are to be revegetated and/or managed to encourage natural regeneration and improve condition:

- a. An area along the southern boundary including Green Wattle Creek, and an area along the northern boundary (including a small remnant of Lower Hunter Valley Dry Rainforest) of the study area (labelled "Landscape Value" in **Figure 3 of Appendix E**)
- b. The area of steep hills including the gully containing a small remnant of Lower Hunter Valley Dry Rainforest in the northeast of the landholding."
- c. Revegetation areas are to be managed and treated for weeds.

All revegetation works are to be carried out using a combination of natural regeneration (as promoted by stock management/exclusion) and replanting where natural regeneration does not occur. Replanting will have an emphasis on tree canopy and mid-storey species that are endemic to the site as described in Section 3.2.2 *Dry sclerophyll forest* and Section 3.2.3 *Riparian forest* in Appendix E. Recommended species can also be obtained by contacting Council's Natural Resource Team.

ADVICES

- a. The contributions levied pursuant to Section 94 of the *Environmental and Assessment Act 1979* for this development have been deferred. Contributions shall be levied on each development consent issued for a dwelling on the subject site. Each dwelling approval will be levied in accordance with the Port Stephens Development Contributions Plan.
- b. Subsequent development applications for stages involving construction of dwellings or community buildings will require additional and detailed assessment by suitably qualified and experienced consultants that satisfactorily addresses detailed design and constructability requirements for installation, construction, operation and maintenance of all On-site Sewage Management infrastructure including land application areas. For preliminary information on the conceptual wastewater servicing strategy the reader is directed to the report on "*Supplementary Effluent Disposal Assessment, Proposed Rural Land Sharing Development, Douglas Partners, Project 81393.01, dated September 2014*".
- c. In the event of any bone or stone artefacts, or discrete distributions of shell, being unearthed during any earthmoving, all work must cease immediately in the affected area, and the National Parks and Wildlife Service (NPWS) shall be informed of the discovery. Work must not recommence until the material has been inspected and permission has been given by NPWS to proceed.

ATTACHMENT 4
GENERAL TERM OF APPROVAL

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au



Amy Stone
Senior Development Planner
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Your Ref: 16-2014-1681
Our Ref: D14/0986
DA14041191713 JM

14 May 2014

Dear Ms Stone,

Integrated development for 15 Green Wattle Creek Road, Butterwick

I refer to your letter dated 8 April 2014 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. Upon the commencement of the development and in perpetuity the areas detailed below shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
 - all land within and around the proposed residential development and existing dwelling/proposed community hub;
 - for a distance of 30 metres from the north-eastern edge of the proposed residential development; and,
 - for a distance of 50m in all other directions from the edge of the proposed residential development and existing dwelling/proposed community hub.

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2. Appropriate arrangements shall be put in place in the establishment of the rural landsharing community scheme to ensure the effective documentation, implementation and ongoing maintenance of the required Asset Protection Zones on the site.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. The provision of water, electricity and gas to the proposed dwellings shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
4. Arrangements shall be made within the proposed development for the provision of water supplies for bush fire fighting purposes in accordance with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

5. The existing and proposed access roads within the site shall comply with sections 4.1.3(2) and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

6. The seven proposed dwellings within 100m of the bush fire hazard to the north-east of the proposed development, as outlined in Drawing Ref 5721 BF-V2 'Bushfire Threat Assessment' (Le Mottee Group, 19/2/2014), shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

Emergency Management Arrangements

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions apply:

8. An emergency / evacuation plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation Plan'. This shall reflect the proposal for a refuge to be provided on the site and shall set out specific arrangements in the instance of a bush fire occurring to the south-west of the site.

General Advice – consent authority to note

It is noted that the dedicated bush fire fighting water supply tanks to dwellings on the north-east side of the proposed development are to be located at the rear of the proposed dwellings. As these dwellings will not have vehicular access from the proposed main circular access road, consideration will need to be given to the provision of access to, or relocation of, these supplies at stage 2 of the development in order to comply with Section 4.1.3 of Planning for Bush Fire Protection 2006.

For any enquiries regarding this correspondence please contact Jason Maslen on 1300 NSW RFS.

Yours sincerely

Michelle Streater
Acting Team Leader, Development Assessment and Planning



Department of
Primary Industries
Office of Water

Contact: Anthony Bryson
Phone: 02 4904 2515
Fax: 02 4904 2503
Email: anthony.bryson@water.nsw.gov.au
Our ref: 20 ERM2014/0334
Your ref: 16-2014-168-1

The General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324

Attention: Ms Amy Stone



16 June 2014

Dear Amy

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: 16-2014-168-1
Description of proposed activity: Staged Development - Rural Landsharing
Community - Stage 1.
Site location: 15 Green Wattle Creek Road, Butterwick. Lot 1 DP 999947.

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

NOTE: The subject property contains a number of existing dams which if the proposed development is approved may require licensing to comply with current legislation requirements. The proponent should liaise directly with NSW Office of Water in regard to this issue.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

www.water.nsw.gov.au

26 Honeysuckle Drive NEWCASTLE NSW 2300 | PO Box 2213 DANGAR NSW 2309
Telephone (02) 4904 2500 | Facsimile (02) 4904 2503 | www.water.nsw.gov.au | ABN 47 661 556 763
e information@water.nsw.gov.au | ABN 72 189 919 072

-2-

- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- The Office of Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to the Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from the Office of Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

The Office of Water requests that Council provide a copy of this letter to the applicant.

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely

Anthony Bryson
Water Regulation Officer
Office of Water - South Coast / Hunter

General Terms of Approval

for work requiring a controlled activity approval
under s91 of the Water Management Act 2000

Our Reference: 20 ERM2014/0334
Site Address: 15 Green Wattle Creek Road, Butterwick. Lot 1 DP 999947.
DA Number: 16-2014-168-1
LGA: Port Stephens Council

Number	Condition
Plans, standards and guidelines	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 16-2014-168-1 and provided by Council:</p> <p>(i) Statement of Environmental Effects for Staged Development Application, Proposed Rural Landsharing Community, Lot 1 DP 999947- 15 Green Wattle Creek Road Butterwick 2321. Ref # 1221149, dated March 2014. Prepared by JW Planning Pty Ltd.</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Civil Construction Plans (ii) Erosion and Sediment Control Plan (iii) Vegetation Management Plan</p>
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</p> <p>(i) Vegetation Management Plans (ii) Riparian Corridors (iii) Watercourse crossings</p>
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
Rehabilitation and maintenance	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
Reporting requirements	

www.water.nsw.gov.au

26 Honeysuckle Drive NEWCASTLE NSW 2300 | PO Box 2213 DANGAR NSW 2309
Telephone (02) 4904 2500 | Facsimile (02) 4904 2503 | www.water.nsw.gov.au | ABN 47 661 556 763
e information@water.nsw.gov.au | ABN 72 189 919 072

MINUTES FOR ORDINARY MEETING – 28 OCTOBER 2014

Our Reference: 20 ERM2014/0334
Site Address: 15 Green Wattle Creek Road, Butterwick. Lot 1 DP 999947.
DA Number: 16-2014-168-1
LGA: Port Stephens Council

Number	Condition
7	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
Disposal	
8	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Drainage and Stormwater	
9	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
10	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
11	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
END OF CONDITIONS	

ITEM NO. 2

FILE NO: 16-2014-221-1

DEVELOPMENT APPLICATION FOR MULTIPLE DWELLING HOUSING AND FOUR LOT SUBDIVISION AT NO. 116 PORT STEPHENS STREET, RAYMOND TERRACE

REPORT OF: MIKE MCINTOSH – GROUP MANAGER OFFICE
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA 16-2014-221-1 subject to the attached conditions of consent (**ATTACHMENT 1**) for Multiple Dwelling Housing and Subdivision at No. 116 Port Stephens Street, Raymond Terrace.

ORDINARY COUNCIL MEETING – 28 OCTOBER 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Ken Jordan Councillor John Morello
	That the recommendation be adopted.

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

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

Those against the Motion: Crs Peter Kafer and Geoff Dingle.

MOTION

278	Councillor Ken Jordan Councillor John Morello
	It was resolved that Council approve Development Application DA 16-2014-221-1 subject to the attached conditions of consent (ATTACHMENT 1) for Multiple Dwelling Housing and Subdivision at No. 116 Port Stephens Street, Raymond Terrace.

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

MINUTES FOR ORDINARY MEETING – 28 OCTOBER 2014

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

Those against the Motion: Crs Peter Kafer and Geoff Dingle.

BACKGROUND

The purpose of this report is to present to Council the conditions of consent for Development Application 16-2014-221-1 for the construction of four multiple dwelling housing units and associated four lot torrens title subdivision at No.116 Port Stephens Street, Raymond Terrace.

The application was supported in principle by Council on 14 October 2014 and it was requested that the appropriate conditions of consent be provided to Council for consideration.

Ordinary Council Meeting – 14 October 2014

The following Motion (No. 259) was adopted at the Council meeting:

'It was resolved that Council approve development application 16-2014-221-1 for Multiple Dwelling Housing and Subdivision at No.116 Port Stephens Street, Raymond Terrace, in principle, and request the General Manager to provide draft conditions of consent to the next Council meeting on 28 October 2014.'

Accordingly, conditions of consent have been prepared and are presented to Council for consideration (**ATTACHMENT 1**).

FINANCIAL/RESOURCE IMPLICATIONS

Council has resolved to support the proposal. This report provides conditions of consent to Council. There are no foreseen financial or resource implications should the recommendation to adopt the conditions be supported.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council has resolved to support the proposal. This report provides conditions of consent to Council. There are no legal, policy or risk implications should the recommendation to adopt the conditions be supported

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that unreasonable conditions could be challenged in the Land and Environment Court.]	[Low]	[Impose the recommended conditions.]	[Yes]
[There is a risk that conditions imposed to mitigate the flooding risk are not appropriate / sufficient]	[Low]	[Council propose additional conditions and /or not support the application]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council has resolved to support the proposal. This report provides conditions of consent to Council. There are no sustainability implications that require consideration.

CONSULTATION

The development application reported to Council on 14 October 2014 had been notified in accordance with Council's Notification Policy. Further consultation regarding conditions of consent is not required.

OPTIONS

- 1) Adopt the recommendation;
- 2) Amend the recommendation;
- 3) Reject the recommendation.

ATTACHMENTS

- 1) Conditions of consent.

COUNCILLORS ROOM

- 1) Nil.

TABLED DOCUMENTS

- 1) Nil.

ATTACHMENT 1

CONDITIONS OF CONSENT
SCHEDULE 2

CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

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

Sheets 1 to 8 of 9 (reference: Swan St Dwellings) issue J, prepared by Anthony Malone and dated April 2014
Subdivision plan 3511 PS-v1 1 of 2 , prepared by le Mottee Group and dated 28/03/14.
Stormwater plan PSC Ref 01/14-221, prepared by Anthony Malone and undated.
Landscape plan PSC Ref 02/14-221, prepared by Anthony Malone and undated.
BASIX Certificate Number(s) 526193S, 539128S, 540481S, and 539134S

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.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

2. Soil erosion and sediment control measures shall be installed in accordance with the document *Managing Urban Stormwater-Soils & Construction Volume 1* (2004) by Landcom. These measures must be maintained in working order during the construction works up to completion of site stabilising works. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

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

3. Prior to issue of Construction Certificate a contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Port Stephens Section 94 Contributions Plan (DATE) for the services detailed in column A and B and for the amount detailed in column C is required.

Column A	Column B	Column B
Civic administration	\$1,127	\$3,381
Public Open Space, Parks and Reserves	\$2,337	\$7,011

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Sports and Leisure Facilities	\$5,511	\$16,533
Cultural and Community Facilities	\$2,769	\$8,307
Fire & Emergency Services	\$224	\$672
Roadworks	\$1,557	\$4,671
Total	\$13,577	\$40,575

The contribution shall be paid to Council prior to the issue of construction certificate. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs, and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

ENGINEERING

- Existing grass swales within the verge of Swan St, Raymond Terrace shall be converted into reinforced concrete pipes beneath each driveway crossing. The grass swale located between driveway crossings for units 1 & 2 shall be converted into reinforced concrete pipes. A driveway application shall be submitted to council for approval under Section 138 of the Roads Act **prior to the issue of the Construction Certificate.**
- Prior to issue of a Construction Certificate** full details of the stormwater drainage design are to be provided to and determined to be satisfactory by the Certifying Authority. The stormwater infiltration system shall be in accordance with Councils Standard Drawing 'S136'. Collected stormwater runoff shall be piped from the stormwater infiltration system across the verge to the roadside 'grass swale'.

FLOODING

- The buildings shall be constructed to withstand the effects of flooding. An enginner's certificate stating the structures are capable of withstanding the characteristics of flooding at the proposed site is to be provided to the Accredited Certifier prior to release of the construction certificate.

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

- The work must be carried out in accordance with the requirements of the Building Code of Australia (National Construction Code).
- In the case of residential building work the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, before any works commence.

9. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- a. In the case of work for which a principal contract is required to be appointed:
 - I. the name and licence number of the principal contractor, and
 - II. the name of the insurer by which the work is insured under Part 6 of that act
 - b. in the case of work to be done by an owner-builder:
 - I. the name of the owner-builder, and
 - II. if the owner builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under (3) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

10. The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication "Interim Construction Noise Guideline" July 2009

Construction Time Restrictions

Monday to Friday, 7.00am to 6.00pm

Saturday, 8.00am to 1.00pm.

No construction work to take place on Sundays or Public Holidays.

11. A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.
12. Where no sanitary facilities currently exist onsite for construction workers, toilet accommodation for all tradespeople shall be provided from the time of the commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact upon adjoining properties and shall not be placed on the road reserve without separate approval from Council.

FLOODING

13. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005). The following design precautions must be adhered to:-

- a. In sewerred areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge.
- b. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods.
- c. All building materials, equipment, and ducting, below the Flood Planning Level shall be flood compatible.
- d. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level.
- e. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed.
- f. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
- g. Where heating equipment is not feasible to be located above the Flood Planning Level then it shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines.
- h. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

- 14. Following removal of the vegetation/tree(s) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Vegetation Management Officer at no cost to Council. Council's Vegetation Management Officer must inspect and approve the plantings prior to issue of Occupation Certificate.
- 15. Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure (including footpaths, drains, kerb and gutter, and utility services) caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council's Development Engineer and at no cost to Council.

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

- 16. For endorsement of the subdivision certificate, the person having the benefit of the development consent shall submit an original plan of subdivision plus six (6) copies, 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 plus six (6) copies
 - c. all surveyor's and/or consulting engineers' certification(s) required under the subdivision consent
 - d. the Section 50 (Hunter Water) Compliance Certificate for the subdivision

- e. Proof of payment of Section 94 contribution

FLOODING

- 17. Prior to issue of a subdivision certificate the title of the approved lots shall be endorsed under S88B Subdivision of the Conveyancing Act stipulating that the ground floor of the dwellings shall not be occupied as habitable areas. The ground floor area shall only be used for vehicle parking, entry, storage, bathroom and laundry. Port Stephens Council shall be nominated as the sole authority permitted to release, vary or modify the restriction.

ADVICES

- A. 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.
- B. Prior to occupying the approved dwelling(s), or Subdivision Certificate release, whichever occurs first contact Council's Mapping Section via email at: 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.
- C. Construction shall be undertaken with Flood Compatible Building Materials as listed in the attached schedule.
- D. The flood hazard parameters to be considered can be obtained by Council on request.

ITEM NO. 3

FILE NO: 16-2014-406-1

**DEVELOPMENT APPLICATION FOR NEIGHBOURHOOD SHOPS,
SIGNAGE AND USE (PHARMACY) AT NO. 1339 CLARENCE TOWN
ROAD, SEAHAM**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2014-406-1 for Neighbourhood Shops, Signage and Use (Pharmacy) subject to the conditions contained in (ATTACHMENT 3).

ORDINARY COUNCIL MEETING – 28 OCTOBER 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Paul Le Mottee returned at 6.22pm, at Item 3.

	Councillor Ken Jordan Councillor Chris Doohan
	That Council defer development application 16-2014-406-1 for Neighbourhood Shops, Signage and Use (Pharmacy) at No. 1339 Clarence Town Road, Seaham, to allow for a site inspection.

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

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

Those against the Motion: Nil.

MOTION

Cr Paul Le Mottee returned to the meeting at 7.10pm.

279	Councillor Ken Jordan Councillor John Morello
	It was resolved that Council defer development application 16-2014-406-1 for Neighbourhood Shops, Signage and Use (Pharmacy) at No.

1339 Clarence Town Road, Seaham, to allow for a site inspection.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present to Council for determination development application DA16-2014-406-1 for neighbourhood shops, signage and use (pharmacy) at 1339 Clarence Town Road, Seaham. The application is referred to Council following a call up from Councillor Jordan on the basis of community concern. A copy of the call-up-form is included as **(ATTACHMENT 4)** to this report.

The applicant seeks approval for the erection of two (2) neighbourhood shops with associated car parking and unloading bay, signage and the first use of one of the tenancies as a pharmacy.

The application is recommended for approval as it provides additional small scale commercial opportunities in the township to cater for the needs of the local community. Sufficient on-site car parking is proposed for the development and access and egress arrangements are suitable. The small scale nature of the development is anticipated to have a minimal impact on the amenity of surrounding developments. The proposal meets the requirement of the Port Stephens Local Environmental Plan (PSLEP) and the Port Stephens Development Control Plan 2013.

Following a notification and advertising process, five submissions were received objecting to the development. The objections raised concerns primarily regarding context and amenity, and road safety.

An assessment of the development carried out under section 79C of the *Environmental Planning and Assessment Act, 1979* determined that the proposal was in keeping with the local context and would not have a significant impact on amenity of surrounding properties. Further, sufficient sight lines are available to enable safe access and egress to and from the property. Any submissions on the grounds of competition cannot be included in this assessment as competition is not a planning consideration under section 79C of the *Environmental Planning and Assessment Act, 1979*.

The subject site is zoned R2 Low Density Residential under the PSLEP. Neighbourhood shops and signage are permissible forms of development in the R2 zone. Further, it is considered that a pharmacy meets the definition of a neighbourhood shop given the business supplies personal care products that provide for the day to day needs of the people who live in the locality, as well as providing a service to the local

community. Accordingly, use of one of the tenancies as a pharmacy is permissible in the zone.

The proposal is located in the township of Seaham, a small predominantly residential town. A small number of existing non-residential developments are located in the central northern portion of the town on Warren Street. There is no business zoned land within the township. Developments adjoining and located in the immediate vicinity of the subject site are low density residential in nature.

The subject site is a vacant lot located on Clarence Town Road. The residential zoning of the land permits neighbourhood shops and there is sufficient land area to construct the proposed building, associated car parking and to provide for on-site sewage management. The land form is adequate to provide suitable vehicular access to and from the site which is considered suitable for the proposed development.

A detailed assessment of the proposal against relevant requirements has been carried out in **(ATTACHMENT 2)** to this report in accordance with Section 79C of the *Environmental Planning and Assessment Act, 1979*.

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications resulting from the recommendation before Council.

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

LEGAL AND POLICY IMPLICATIONS

There are no foreseen legal and/or policy implications resulting from the recommendation before Council.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the development application is refused the applicant will appeal to the Land and Environment Court.	Medium	Support the recommendation and approve the development application subject to conditions of consent	Yes

MINUTES FOR ORDINARY MEETING – 28 OCTOBER 2014

There is a risk that some of the objector's issues may not be addressed to the desired level.	Low	Support the recommendation and approve the development application subject to conditions of consent	Yes
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social

The proposed development has a positive social impact through the provision of additional small scale commercial opportunities in the locality. The additional facilities include the use of one of the tenancies as a pharmacy. This will increase availability of services to the community. On-site car parking provides suitable access to the development.

Economic

In addition to the \$350,000 construction direct economic output, further economic output of \$232,000 will occur in terms of supporting goods and services being supplied during the construction (from other sectors in the economy). A further \$73,000 of economic output will occur as those working on the project get paid and spend money in the local economy. Meaning total economic output for this development (direct, indirect and consumption) is \$655,000. As well as the 3 new jobs identified for the business, an increase in economic output of \$655,000 during construction will create 2 jobs.

Environment

The subject site is clear of vegetation except a small number of trees to the rear of the lot. The proposed development does not include the removal of any vegetation except grasses and weeds. The proposed development is not anticipated to negatively impact on any threatened species, populations or endangered ecological community.

A bushfire assessment has been carried out for the proposed development in accordance with Planning For Bushfire Protection 2006. A geotechnical assessment of the land has also been submitted. No matters are raised in these reports that compromise the viability of the proposal.

CONSULTATION

In accordance with Council's Notification Policy, the proposed development was advertised and notified for a period of fourteen (14) days from 14th to 30th July 2014. Following the submission of revised plans the application was advertised and notified for a further period of fourteen (14) days from 27th August to 10th September 2014. As a result of this process, five (5) submissions were received objecting to the development. The objections raised concerns regarding:

- Competition with existing commercial operations in Seaham;
- Context;
- Noise;
- Road safety;
- Property value;
- Permissibility under the PSLEP;
- Pedestrian safety;
- Crime;
- Operational Hours;
- Waste water disposal; and
- Stormwater disposal.

Consideration of the submissions has been carried out in more detail in the assessment report contained in **(ATTACHMENT 2)**.

OPTIONS

- 1) Adopt the recommendation;
- 2) Amend the recommendation;
- 3) Refuse the recommendation.

ATTACHMENTS

- 1) Locality Plan;
- 2) Assessment;
- 3) Conditions of consent
- 4) Call-up-form.

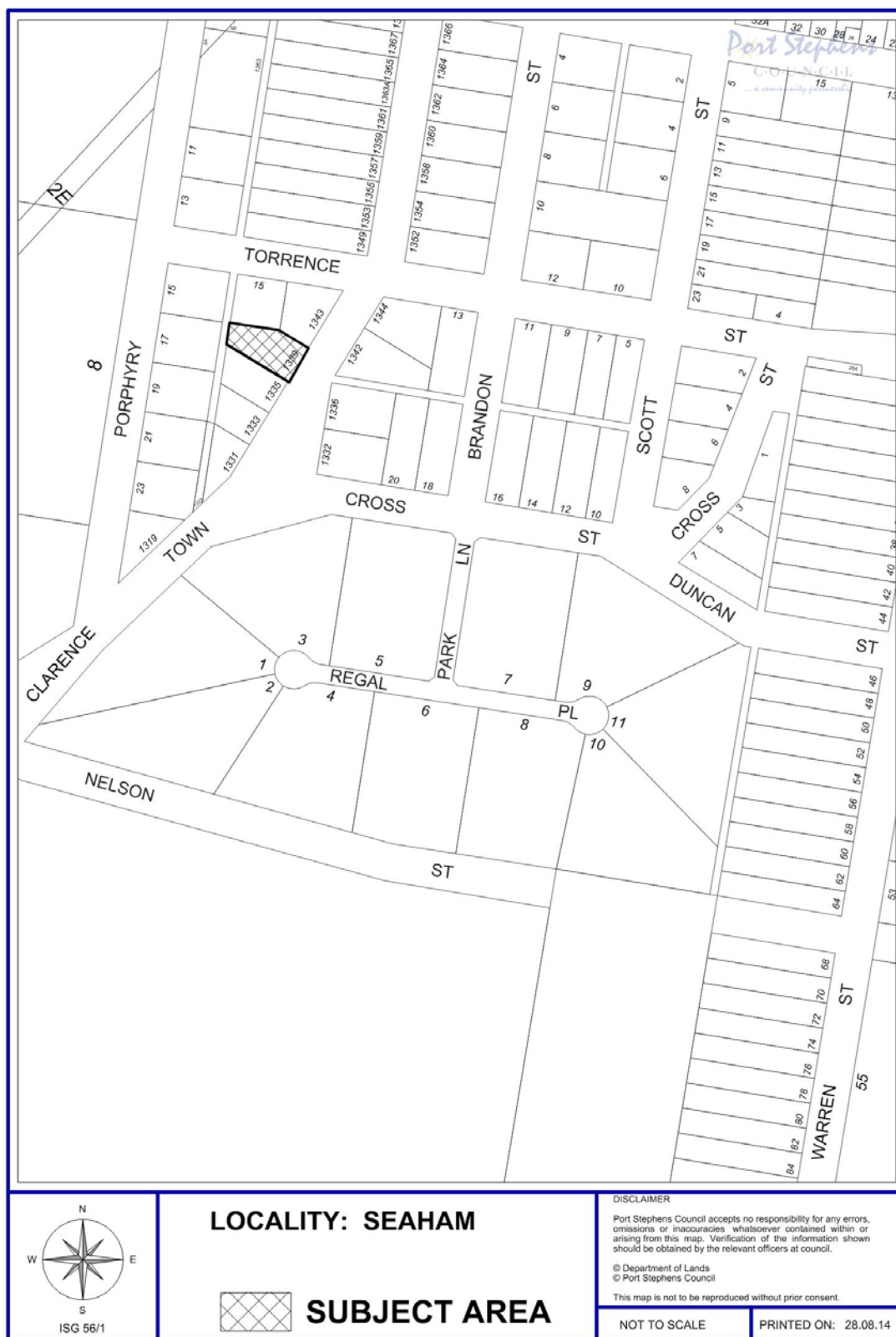
COUNCILLORS ROOM

- 1) Statement of Environmental Effects including sub-reports;
- 2) Development Plans.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1 LOCALITY PLAN



ATTACHMENT 2 ASSESSMENT

The application has been assessed pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and the following is a summary of those matters considered relevant in this instance.

THE PROPOSAL

The application proposes two (2) neighbourhood shops with associated car parking and unloading facilities, first use of one of the tenancies as a pharmacy and signage.

The proposed neighbourhood shops comprise:

- Shop 1 with a retail floor area of 70m², accessibility facilities, sanitary facilities, a staff room and outdoor deck;
- Shop 2 with a retail floor area of 30m², accessibility features, sanitary facilities and a staff room;
- A communal loading dock and associated manoeuvring area;
- An car park featuring nine (9) regular car parking spaces and two (2) accessible car parking spaces; and
- Landscaping to the front of the site and surrounding the proposed car park.

The application includes the operation of shop 1 as a pharmacy with operating hours Monday to Friday, 8:30am to 6:00pm and Saturday 8:30am to 2:00pm. The business will employ 3 full-time staff members with an expected patronage of 40 to 60 customers per day. No use is proposed for shop 2 at this point in time. Future use of this tenancy will be subject to a separate application.

A two (2) metre high v-shaped plinth sign is proposed adjacent to the front boundary line to address oncoming traffic from both directions along Clarence Town Road. Each facet of the signage structure features a 1.2 metre high by 0.6 metre wide signage panel. In addition, a 1.2 metre by 1.2 metre wall sign is proposed to the eastern façade of the building, as well as fascia signage to the northern façade.

THE APPLICATION

Owner	Ms N Prasad
Applicant	Neelam Prasad
Detail Submitted	Statement of Environmental Effects including: Development Plans, Crime Risk Assessment, Detail Survey, Stormwater management Plan, Bushfire Hazard Assessment, Geotechnical and On-site Effluent Disposal Assessment, and Accessibility Assessment.

THE LAND

Property Description	Lot 4, Sec 26, DP 758899
Address	1339 Clarence Town Road, Seaham
Area	The site has an area of 822m ²
Characteristics	Bushfire prone land, Acid Sulfate Soils (ASS) Class 5, Koala Habitat (Mainly Cleared), Hunter Water Corporation Drinking Water Catchment, Prime Agricultural Land (Classes 1-3)

THE ASSESSMENT PLANNING PROVISIONS

<i>Environmental Planning and Assessment Act 1979</i>	s.79C Planning provisions s.79BA Bushfire Prone Land
State Environmental Planning Policies	State Environmental Planning Policy 64 – Advertising and Signage State Environmental Planning Policy No.44 – Koala Habitat Protection (and Port Stephens Comprehensive Koala Plan of Management)
Port Stephens Local Environmental Plan (2013)	Zone R2 Low Density Residential Cl.7.1 Acid sulfate soils. Cl.7.2 Earthworks Cl.7.6 Essential services
Port Stephens Development Control Plan 2013	B2 Environment and Construction Management B3 Parking and Traffic B12 Advertising Signs C10 Disability Access
Port Stephens Section 94A Plan	Section 94A contributions to be levied

STATUTORY ACTS AND REGULATIONS

Environmental Planning and Assessment (EP&A) Act 1979 *Section 79BA – Consideration of Bushfire Prone Land*

The proposed development is located on bushfire prone land. Neighbourhood Shops are not listed as 'special fire protection purpose' under 100B of the *Rural Fires Act 1997* and the development is therefore not integrated development under s.91 of

the EP&A Act. A bushfire hazard assessment was submitted with the application. The assessment determines that BAL-12.5 construction requirements should be applied to the development to enable compliance with *Planning for Bushfire Protection, 2006*.

Section 79C – Planning Assessment

An assessment under Section 79C of the Act has been undertaken throughout this report.

State Environmental Planning Policies

State Environmental Planning Policy No. 44 – Koala Habitat Protection and Port Stephens Comprehensive Koala Plan of Management (CKPoM)

State Environmental Planning Policy No.44 – Koala Habitat Protection aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

The site is mapped as mainly cleared. The proposed development is not considered to pose a threat to any koala population or habitat.

State Environmental Planning Policy No. 64 – Advertising and Signage

The applicant has proposed the use of 4 business identification signs being:

- Fascia Signage to the northern façade of the building;
- A Wall Sign to the eastern façade of the building; and
- 2 panels on a v-shaped plinth.

A condition of consent is proposed to restrict the proposed signage to that defined as business identification signage. The proposed plinth sign will include uplighting and is visible from Clarence Town Road. The application has proposed landscaping in the proximity of the sign to reduce the impact on neighbouring properties. A condition of consent is proposed that will require the use of mature specimens in this part of the development. It is considered that uplighting is an acceptable illumination method in this instance as it is unlikely to result in unacceptable glare that would cause a safety hazard to users of Clarence Town Road.

Port Stephens Local Environmental Plan (2013)

Zone R2 Low Density Residential

The proposed development is considered to meet the objectives of the R2 Low Density Residential zone as it is a small scale development in keeping with the character of bulk and scale in the locality. Further the development, including the proposed pharmacy use will provide facilities or services to meet the day to day needs of residents.

Clause 7.1 Acid sulfate soils

The subject site is identified as Class 5 acid sulfate soils (ASS). Accordingly any works within 500 metres of Class 1,2,3 or 4 land which are likely to lower the watertable below 1 metre AHD on the adjacent land requires an Acid Sulfate Soils Management Plan. The proposed development is not likely to lower the watertable of adjacent land and is not inconsistent with the provisions of clause 7.1.

Clause 7.2 Earthworks

The application proposes minimal earthworks for footings which meet the requirements of the DCP chapter.

Clause 7.6 Essential services

The subject lot is not serviced by reticulated sewer, and consequently the applicant has lodged an application for an on-site waste water system. A condition of consent is proposed that the applicant show documentary evidence of availability of services to the site prior to the issue of a construction certificate.

Port Stephens Development Control Plan 2013

B2 Environmental and Construction Management

The application has been assessed against the provisions of Development Control Plan 2013 (DCP2013), B2 – Environmental and Construction Management and is satisfactory subject to conditions. The proposed development requires minimal cut/fill and vegetation removal. Further, it has been demonstrated that adequate waste water management and treatment systems can be provided on-site to cater for the development.

B3 Parking and Traffic

There is sufficient area on-site to accommodate for parking demand. A total of 11 car parking spaces are proposed, including 2 accessible spaces. The proposed car parking exceeds the 7 spaces required under the DCP. In addition, the applicant has proposed an unloading bay and associated turning area to cater for delivery vehicles up to a small ridged vehicle. The proposal is located on Clarence Town Road in a 60km/h zone with adequate site distances to allow safe access and egress to and from the site.

Section 94A Contribution Plan

A contribution of \$3500 is payable under the Section 94A Contribution Plan and has been included as a condition of consent.

Community consultation

In accordance with Council's DCP, the proposed development was advertised and notified to adjoining neighbours. In response 5 submissions were received objecting to the proposal. The key items raised within the objections are outlined as follows:

Matter raised	Response
Competition with existing commercial operations in Seaham	Commercial competition is not a head of consideration under the <i>Environmental Planning and Assessment Act 1979</i> . Regardless, the proposal includes an application for the use of one of the proposed tenancies. The proposed use is for a pharmacy which is considered to be different to the services currently available in the locality and shall compliment the existing commercial operations.
Context	The proposed use meets the objectives of the R2 Low Density Residential zone under the PSLEP 2013, which include both residential and small scale commercial improvements. The proposed development uses a small portion of the subject lot and proposes the installation of landscaping around the property boundary. This achieves a similar bulk and scale, and separation from adjoining buildings that is prevalent throughout the locality.
Noise	The proposed development includes operational hours for the pharmacy which are considered to be acceptable in the context of the residential locality. A condition of consent is proposed that restricts the developments operational hours. In addition, a condition of consent is proposed that restricts deliveries and the servicing of any on-site sewage management system to the same hours.
Road safety	The proposed development is located on Clarence Town Road in a 60km/h zone. Minimum sight distances are acceptable for safe access and egress to and from the site. Road safety risk is further reduced by the provisions of on-site car parking which exceeds the minimum amount required under Council's DCP and provides a buffer during peak service periods. The potential for on-street car parking is further reduced by the topography of the land which includes drainage culverts on either side of the road rendering on-street parking impractical.
Property value	The proposed development represents an increase in services and amenity to the locality. There is no evidence that this will lead to a decrease in property values.
Permissibility under the PSLEP	The proposed development is for the erection of Neighbourhood Shops and the use of one of the tenancies as a pharmacy. Neighbourhood Shops are a permissible form of development in the R2 Low Density Residential zone. Further, a pharmacy meets the definition of Neighbourhood Shop as it will sell general merchandise such as personal care products to provide for the day-to-day needs of people who live in the local area.

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Pedestrian safety	It is considered that the proposed development is unlikely to generate any significant amount of pedestrian traffic due to the nature of a pharmacy being primarily a service based operation. Regardless, a traversable footway exists along the western side of Clarence Town Road providing a level of pedestrian access commensurate with that found throughout the township. Additionally, the road adjacent to the subject development is within a 60km/h zone with adequate sight distances to allow for pedestrians to cross the road. The proposed development is not considered to present an increased risk to pedestrian safety in the locality.
Crime	A Crime Risk Assessment was submitted with the application which assessed the potential impact of the development on crime in the locality. The assessment reported that the development would present a positive impact on crime in the locality through increased surveillance afforded by customers frequenting the business and clear sightlines into the development. The proposal will use appropriate landscaping and proposes car parking that will provide a clear demarcation between public and private space. There is also a lack of entrapment spaces on the site. The above are in accordance with the crime prevention through environmental design principles contained in the <i>Crime Prevention and the Assessment of Development Applications</i> guideline from the Department of Planning and Environment.
Operational hours	The proposed operational hours are considered to be acceptable in a residential context being largely contained to regular business hours. A condition of consent is proposed to limit the operation of the development, including servicing by delivery vehicles and on-site sewage management vehicles to the hours nominated in the application.
Waste water disposal	An application for an on-site sewage management system has been lodged with Council which proposes a pump-out system. Given the nature of the proposed development, the proposed system is considered to be of a sufficient size that servicing of the system will not occur on a frequent basis. Additionally, an on-site manoeuvring area is available for smaller service trucks to turn and park without impeding any car parking spaces. A geotechnical assessment submitted with the development application reports a pump out system as being the most suitable system for the site. Waste water from the proposed development is considered to be adequately managed through this system.
Stormwater disposal	A proposed stormwater management system including on-site detention and overflow to the natural drainage line at the rear of the property is proposed in accordance with Council's policy for stormwater disposal. The anticipated stormwater release is considered to be in keeping with the context of local stormwater systems and disposal mechanisms.

Internal referrals

Development Engineering

The application was referred to Council's Development Engineering Section for comment. Subject to conditions of consent the proposed development has been determined to be satisfactory with regard to engineering considerations.

Environmental Health (Wastewater)

Council's Environmental Health Officer has assessed the applicants proposed on-site sewage management system and considers that waste water management can be suitably achieved on site subject to conditions of consent.

Landscaping

Council's Vegetation Management Officer has reviewed the proposed development and holds no objection to the proposed landscaping.

Traffic Engineer

The application was referred to Council's Traffic Engineer who noted that the development could potentially impact pedestrian safety and traffic safety should vehicles attempt to park on the road. It is considered that there is an existing low level of pedestrian traffic in the township due to lack of pedestrian facilities and that the nature of the business would be unlikely to generate a significant volume of pedestrian traffic. It is also considered that the on-site car parking is sufficient to cater for expected visitors to the business and that the topography of the land will discourage on-street car parking. In this regard there are no significant impacts on traffic and pedestrian safety that would warrant refusal of the development.

Building

The application was referred to Council's Building Team for review and it was identified that the proposal was satisfactory subject to conditions.

Likely impacts of the development

The assessment has considered the likely impact of the development by identifying the potential impacts of the proposal, available measures to ameliorate impacts and frequency/severity of impacts. The development can be carried out on site without significant adverse impacts to the environment or surrounding residential amenity subject to the conditions held at **ATTACHMENT 3**.

The proposed development is consistent with the relevant clauses of Council's LEP and DCP. It is compatible and sympathetic with the existing and envisaged future character of the locality.

Suitability of the site

The subject site is of sufficient size to cater for the proposed development and associated car parking and waste water facilities. The proposal is consistent with the context of the locality and maintains adequate separation from existing buildings so as to prevent unreasonable impact on the amenity of those improvements. Access and egress to and from the site can be carried out safely and in a forward direction. The subject site is suitable for the proposed development.

Public interest

The development will result in positive social and economic outcomes to the subject site and the surrounding local community. The concerns raised during public exhibition have been addressed. The development is in the public interest.

**ATTACHMENT 3
CONDITIONS OF CONSENT**

SCHEDULE 2

CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

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

Plan Title	Plan Ref. No.	Plan No.	Revision	Date	Drawn By
Site Plan	140303	A01	4	6/8/2014	Hack Architecture
Sections And Elevation	140303	A02	4	6/8/2014	Hack Architecture
Erosion and Sediment Control Plan	40538-ER	1 - 2	A	23/5/14	Forum Consulting Engineers
Stormwater Management Plan	40538-SWD	1 - 2	A	28/5/14	Forum Consulting Engineers

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 development shall prevail to the extent of any inconsistency.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

2. Prior to any construction work commencing, containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin.

The enclosure or bin shall be maintained for the term of the construction to the completion of the development. The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site. Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment.

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

3. Section 94 contribution – Section 80A(1)

Prior to issue of Construction Certificate, and pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Port Stephens Section 94A Development Contributions Plan, a contribution of **\$3500** shall be paid to Council.

A cost summary report form (attached) setting out an estimate of the proposed cost of carrying out the development in accordance with schedule 1 of the port stephens section 94a development contributions plan, must be approved by council prior to issue of the construction certificate.

4. Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitability qualified person, has been prepared in accordance with Council's Development Control Plan Section B2 – Environmental and Construction Management. Form 1 of the DCP is to be completed and submitted with the following details:

- (a) Location of on-site storage space for materials for reuse, and containers for recycling and disposal.
- (b) Vehicular access to and within the site.
- (c) Facilities for on-site recycling.

5. Prior to the issue of the Construction Certificate, a construction management plan shall be submitted to and approved by Council. The construction management plan shall specify operational details to minimise any potential impact to adjoining properties. The construction management plan should include but not be limited to what actions and works are proposed to ensure safe access to and from the site, as well as what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.

6. A separate wastewater application for the installation of a waste treatment device or human waste storage facility shall be approved by Council **prior to the issue of any Construction Certificate** for works associated with this Development Consent. The application is to be accompanied by full details of the proposed system including a site and soil assessment complying with Part 2, Division 4 of the *Local Government (General) Regulation 2005* and Council's On-site Sewage Management Policy.

7. Prior to the issue of any Construction Certificate, the Principal Certifying Authority shall approve plans and specifications complying with the specified level of construction. The development shall be constructed to **BAL12.5 under AS3959 – 2009** 'Construction of Buildings in Bushfire Prone Areas'.

8. The sign as shown on drawing A01 and A02 Issue 4 dated 6/8/14 by Hack Architecture shall be relocated to be wholly within the property boundary and be structurally certified by a practicing qualified structural engineer. All details shall be submitted and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
9. Stormwater Plan 40538-SWD-01 Rev A and 40538-SWD-02 Rev A dated 28/5/14 by Forum Consulting Engineers shall be modified so that all collected stormwater runoff shall be piped to an infiltration trench in accordance with **Council's Standard Drawing S136** with an overflow pipe to the natural water course at the rear of the lot.

The infiltration trench cannot be located under hardstand areas, nor can trees with a mature height of more than 1.5metres be located within the Zone of Influence of the infiltration trench.

A Construction Certificate cannot be issued until details of the infiltration trench, including scour protection are provided to the Certifying Authority for assessment and determined to be satisfactory by the Principal Certifying Authority.

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

10. All building work is to be carried out in accordance with the provisions of the Building Code of Australia.
11. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
 - a. 7.00am to 6.00pm Monday to Friday
 - b. 7.00am to 5.00pm Saturday
12. A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purpose of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

13. Sanitary facilities are to be provided for all tradespersons from the time of commencement until the building is complete. The facilities shall be located wholly within the subject lot and placed so as to have minimal impact on adjoining properties.
14. Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during the construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

15. **Prior to the issue of an occupation certificate:**
 - Landscaping is to be planted with mature specimens, in accordance with the approved plans;
 - The Principal Certifying Authority is to be satisfied that concrete wheel stops have been located and installed to all carspaces in accordance with AS2890.1;
 - A total of 11 car parking spaces including 2 accessible spaces shall be constructed on the site in accordance with the minimum requirements of Australian Standard AS/NZS 2890, in accordance with the approved plans. The car parking spaces are to be identified on-site by line marking and the required disabled car parking spaces shall be clearly marked and signposted for the sole use by disabled persons;
 - The Principal Certifying Authority shall obtain written confirmation from Port Stephens Council verifying that a satisfactory final inspection has been carried out in relation to any Waste Water Treatment system/human waste storage facility, the subject of a *Local Government Act 1993*, Section 68 approval as required under the provisions of this consent;
 - Documentary evidence is to be submitted to the Principal Certifying Authority demonstrating satisfactory arrangements for the connection of water, electricity and telecommunications to the development.
16. Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

Note: A copy of the Fire Safety Certificate must be submitted to Council.
17. At least once in each twelve (12) month period, fire safety statements in respect of each required essential fire safety measure installed within the building are to be submitted to Council and the NSW Fire Commissioner. Such certificates are to state that:

- a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
- b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building).

Such statements are to be in accordance with Division 5 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.

Note: Statements to the NSW Fire Commissioner are to be submitted electronically to afss@fire.nsw.gov.au.

CONDITIONS TO BE SATISFIED AT ALL TIMES

18. At all times, the hours of operation are to be restricted to within:

Monday to Friday – 8.30am to 6pm
Saturday – 8.30am to 5pm

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

19. At all times, deliveries to the site, and servicing of the on-site sewage management system shall occur only within the hours of:
Monday to Friday – 7am to 6pm
Saturday – 7.30am to 5pm
20. No vehicles larger than a small rigid vehicle shall enter the site during operational hours of the business.
21. All approved signage shall comply with the definition of 'business identification signage' as described in the Port Stephens Local Environmental Plan 2013. Illumination of signage shall be fitted with an automatic timing device to extinguish the illumination between the hours of 10.00pm and 7.00am.
- 22.

ATTACHMENT 4
CALL-UP-FORM



CALL TO COUNCIL FORM
DEVELOPMENT APPLICATION



I, Councillor Jordan

require Development Application Number.....

for Seaham Shop

at Seaham

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

Reason:

The reason for this call-up to Council is Community

Anger

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:

26/8/2014

ITEM NO. 4

FILE NO: PSC2014-02879

PLANNING PROPOSAL – 1519 RICHARDSON ROAD, SALT ASH (PAULS CORNER)

REPORT OF: TIM CROSDALE – STRATEGY AND ENVIRONMENT SECTION MANAGER
GROUP: DEVELOPMENT SERVICES]

RECOMMENDATION IS THAT COUNCIL:

- 1) [Resolve to forward the Planning Proposal (**ATTACHMENT 1**) to Department of Planning and Environment to seek a gateway determination under section 55 of the Environmental Planning and Assessment Act 1979 to:
 - a. Rezone Lot 1, DP 158268 and Lots 6, 7, 20 & 23, DP 240103 from RU2 Rural Landscape to B1 Neighbourhood Centre;
 - b. Place a height limit of 9m for Lot 1, DP 158268 and Lots 6, 7, 20 & 23, DP 240103 to be consistent with localities zoned B1 Neighbourhood Centre;
 - c. Remove the 40Ha Minimum Lot Size for Lot 1, DP 158268 and Lots 6, 7, 20 & 23, DP 240103 to be consistent with other localities zoned commercial;
 - d. Adopt an additional permitted use clause to restrict a single commercial development on the subject site to 500m² and limit total commercial development to 2,100 m² to ensure that the Site maintains its position as a 'Smaller Village Centre' within the centres hierarchy as detailed under the Port Stephens Planning Strategy.
- 2) Acknowledge that the Proponent's request (**ATTACHMENT 4**) for a reduction in rezoning fees would be inconsistent with other planning proposals classified as Category B under the Port Stephens Council Fees & Charges and is therefore not supported.]

ORDINARY COUNCIL MEETING – 28 OCTOBER 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Chris Doohan Councillor Steve Tucker
	That the recommendation be adopted.

Cr Peter Kafer left the meeting at 6.36pm, during Item 4.
Cr Peter Kafer returned to the meeting at 6.38pm, during Item 4.

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

MINUTES FOR ORDINARY MEETING – 28 OCTOBER 2014

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

Those against the Motion: Nil.

MOTION

280	Councillor Ken Jordan Councillor John Morello
	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1) [Resolve to forward the Planning Proposal (ATTACHMENT 1) to Department of Planning and Environment to seek a gateway determination under section 55 of the Environmental Planning and Assessment Act 1979 to:<ol style="list-style-type: none">a. Rezone Lot 1, DP 158268 and Lots 6, 7, 20 & 23, DP 240103 from RU2 Rural Landscape to B1 Neighbourhood Centre;b. Place a height limit of 9m for Lot 1, DP 158268 and Lots 6, 7, 20 & 23, DP 240103 to be consistent with localities zoned B1 Neighbourhood Centre;c. Remove the 40Ha Minimum Lot Size for Lot 1, DP 158268 and Lots 6, 7, 20 & 23, DP 240103 to be consistent with other localities zoned commercial;d. Adopt an additional permitted use clause to restrict a single commercial development on the subject site to 500m² and limit total commercial development to 2,100 m² to ensure that the Site maintains its position as a 'Smaller Village Centre' within the centres hierarchy as detailed under the Port Stephens Planning Strategy.2) Acknowledge that the Proponent's request (ATTACHMENT 4) for a reduction in rezoning fees would be inconsistent with other planning proposals classified as Category B under the Port Stephens Council Fees & Charges and is therefore not supported.]

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

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to advise Council of a request (**ATTACHMENT 1**) to rezone land at 1519 Richardson Road, Salt Ash, known as Pauls Corner (the site).

Subject land:	Lot 20 & 23, DP 240103 - 1515 & 1519 Richardson Rd Lots 1, DP 158268 – 3 Salt Ash Av Lots 6 & 7, DP 240103 - 5 & 7 Salt Ash Av
Existing Zoning:	RU2 Rural Landscape
Existing Minimum Lot Size:	40ha
Proposed Zoning:	B1 Neighbourhood Centre
Proposed Minimum Lot Size:	No Minimum Lot Size
Proposed Height of Building:	9m
Subject Site Area:	1.96Ha
Proponent:	Environment Property Services (EPS)
Landowner:	Mr George and Peter Boshev

The Site has operated as a service station with a number of speciality stores since 1997 through an enabling clause to the Port Stephens Local Environmental Plan 1987.

In June 2014, Council received an inquiry to amend the subject site from RU2 Rural Landscape to B1 Neighbourhood Centre to cater for additional small scale retail, business and community uses for the local community and passing commuters.

An initial review of the Port Stephens Planning Strategy (PSPS) identified that the subject site is classified as a 'Smaller Village Centre' whose demand for commercial floor space is forecast to increase to 2,250m² by 2031. Currently the site accommodates approximately 962m² of commercial floor space.

The PSPS assumed that this demand could be accommodated on the existing site under existing-use rights, which is now considered unachievable given the actual existing floor space of 962m². Under the Environmental Planning and Assessment Regulation 2000 an increase in floor space must not be greater than 10%, which means that the current total potential floor space is 1,058m².

Accordingly, a Planning Proposal was lodged on 15 August 2014, which was accompanied by an Economic Impact Assessment (EIA) (**ATTACHMENT 2**). The EIA considered an expanded centre of 2,500m²; including approximately 2,162m² of retail floor area would have an impact no greater than 1.1% (measured in terms of forecasted revenue) on the existing retail centres. This proposed scale of retail floor space is minor in the context of the surrounding retail hierarchy and is likely to result in negligible impacts on the surrounding retail network.

An Independent Review (**ATTACHMENT 3**) of the EIA generally agreed with the assumptions contained in the EIA in relation to retail turnover, inflation and assumed growth rate of daily traffic volumes. However, the Review identified an error in the calculations of the forecast traffic volumes, which resulted in an estimated demand closer to 1,870m² rather than the 2,162m². The Proponent responded by extending the traffic forecasts to 2034, a period of 20 years, which led to a revised demand forecast of floor space of 2,100m² (**ATTACHMENT 5**).

This forecast demand cannot be accommodated on the current site under the current conditions, so the Proposal is seeking to place the B1 Neighbourhood Centre zoning over the current site and to also extend it over the adjoining lot. This zoning will allow for a variety of commercial uses, such as a pharmacy, newsagent, liquor store or grocery store each with a floor space no greater than 500m² and a combined floor space no greater than 2,100m².

This request is considered to be reasonable, given that the PSPS estimated 2,250m² of floor space at this centre with a proposed local provision to limit a single commercial premise to 500m² and the combined total to 2,100m². The refined floor space demand estimate provided by the proponent is considered appropriate given it is based on detailed analysis of relevant data. In addition, this approach will ensure that the Site maintains its position as a 'Smaller Village Centre' within the centres hierarchy across the LGA.

This is proposed to maintain consistency with the local and state planning framework and ensure minimal impacts on the existing commercial centres across the LGA. A summary of the commercial floor space at the Site under current and proposed controls is provided in the table below.

Instrument	Zoning	Floor space	Floor space Limit
PSLEP 1987	Rural – Enabling Clause	962m ²	962m ²
PSLEP 2000	Rural – Existing-Use Rights	962m ²	1,058m ²
PSLEP 2013	Rural – Existing-Use Rights	962m ²	1,058m ²
Planning Proposal	B1 Neighbourhood Centre	2,100m ²	2,100m ²

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications for Council as a consequence of the proposed recommendation.

The Proponent has requested a 50% reduction in the following quoted rezoning fees. The fees are consistent with the Category B under the Port Stephens Council Fees & Charges Policy for which this planning proposal has been categorised:

- Stage 1 – \$10,500 - Paid
- Stage 2 - \$21,500 – To be paid post gateway determination
- Stage 3 - \$7,500 – To be paid prior to gazettal

The Proponent's request (**ATTACHMENT 4**) recognises that the rezoning of the land will provide discernible private benefit, but also believes that the rezoning will provide public benefit. This request is acknowledged, but not supported given that any reduction would be inconsistent with other planning proposals classified as Category B. The Assessment of the Planning Proposal includes both direct and indirect costs, which have already included internal staff allocation and the cost of the Independent Review of the Economic Assessment (**ATTACHMENT 3**).

The Proponent has paid Stage 1 rezoning fees, which are applicable up to this Stage of the Planning Proposal.]

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	10,500	Stage 1 Fees– 15 August 2014
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No	-	-

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or major risk implications for Council as a consequence of the proposed recommendation.

Environmental Planning & Assessment Act 1979

Under Part 3 of the Environmental Planning & Assessment Act 1979 only the Minister or Council as a delegate can initiate a Local Environmental Plan. The Proponent has therefore followed Council's procedures to request a planning proposal to amend the Port Stephens Local Environmental Plan 2013.

After preparing a planning proposal, Council may forward it to the Minister for review and to provide a gateway determination to place the matter on public exhibition.

Environmental Planning & Assessment Regulation 2000

Under Clause 10A of the Environmental Planning and Assessment Regulation 2000 when Council does not support a written request made to Council by a person for the preparation of a planning proposal under Part 3 of the Act, the Council is required to notify the person as soon as practicable that the proposed is not supported.

Port Stephens Planning Strategy 2011

The Port Stephens Planning Strategy (PSPS) identifies the Site as a 'Smaller Village Centre', which is generally defined as a strip or clusters of shops with services available to local residents of the surrounding neighbours or communities and meets their day to day needs. The site's location on the corner of Nelson Bay and Richardson Road also exposes it to high levels of passing traffic. The PSPS contains traffic forecast data, which is expected to increase to 57,245 vehicle movements annually by 2031.

This traffic forecast data assisted in the calculation of the 2,250sqm contained within the PSPS. This figure was further refined to 2,100sqm based on the Pauls Corner – Retail Potential and Impact Assessment (**ATTACHMENT 2**), which was then peer reviewed (**ATTACHMENT 3**).

Port Stephens Integrated Planning Framework

The Integrated Planning and Reporting Framework is intended to provide an integrated approach to various planning and reporting processes of Council in order to strengthen its strategic focus. For example, infrastructure is to align with budget allocation, which aligns with the community goals of the Community Strategic Plan.

The relevant directions of the Port Stephens Integrated Planning Framework are:

11.1.1.1 Prepare and review Statutory, including rezoning applications and Development Control Plans

11.1.1.4 Provide statutory planning support and coordination of Greenfield development

The Proposal is considered to be consistent with these relevant directions.

RISK IMPLICATIONS]

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that the extension of commercial floor space could negatively impact on other identified centres.]	[Low]	[The Economic Impact Assessment completed by the proponent and peer-reviewed demonstrated that the proposal is likely to result in negligible impacts on the surrounding retail network.]	[Yes]
[There is a risk that large-scale supermarket could establish in this zone, which is not consistent with placing anchor tenants in centres that serve growing catchments.]	[Low]	[The additional permitted use will ensure any single development in that location is limited to 500m ² per commercial premise and total commercial floor space will be limited to 2,100m ² .]	[Yes]
[There is a risk that this proposal does not provide adequate consideration to infrastructure needs.]	[Low]	[Further information will be required from Council and State Agencies following the determination of strategic merit by Council and the Gateway Panel.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[The planning proposal is consistent with the Lower Hunter Regional Strategy and Port Stephens Planning Strategy (PSPS). The PSPS is based on the principles of balancing

environmental, social and economic needs as outlined by the Port Stephens Draft Integrated Plans.]

CONSULTATION

[Subject to a gateway determination the Proposal will be placed on public exhibition for comment from state agencies and the community.]

OPTIONS

- 1) [Support the recommendation to seek a Gateway Determination;
- 2) Defer the matter for later consideration in the review of the Port Stephens Planning Strategy;
- 3) Do not support the recommendation by refusing this Proposal to seek an amendment to the Port Stephens Local Environmental Plan 2013.]

ATTACHMENTS

- 1) [Planning Proposal (to be provided under separate cover, due to size);
- 2) Pauls Corner – Retail Potential and Impact Assessment;
- 3) Independent Review;
- 4) Request for Rezoning Fees Reduction;
- 5) Proponent Response to Independent Review.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.]

ITEM NO. 5**FILE NO: PSC2014-01001****PORT STEPHENS CULTURAL PLAN 2015-2018****REPORT OF: ROSS SMART – COMMUNICATIONS SECTION MANAGER****GROUP: DEVELOPMENT SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) [Endorse the Port Stephens Cultural Plan 2015-2018 and place it on public exhibition for 28 days;
- 2) Should no submissions be made, the Port Stephens Cultural Plan 2015-2018 be adopted following exhibition;
- 3) In line with the Port Stephens Cultural Plan 2015-2018, amend the name of the 355c Strategic Arts and Culture Committee to the 355c Strategic Arts Committee.]

ORDINARY COUNCIL MEETING – 28 OCTOBER 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Steve Tucker
	That the recommendation be adopted.

MOTION

281	Councillor Ken Jordan Councillor John Morello
	It was resolved that Council: <ol style="list-style-type: none">1) [Endorse the Port Stephens Cultural Plan 2015-2018 and place it on public exhibition for 28 days;2) Should no submissions be made, the Port Stephens Cultural Plan 2015-2018 be adopted following exhibition;3) In line with the Port Stephens Cultural Plan 2015-2018, amend the name of the 355c Strategic Arts and Culture Committee to the 355c Strategic Arts Committee.]

BACKGROUND

[The purpose of this report is to recommend to Council the adoption of the Port Stephens Cultural Plan 2015-2018.

The Cultural Plan 2015-2018 has been developed with reference to previous cultural planning objectives and strategies identified and implemented (in part) by Council's Cultural Planning Officer between 2009 and 2011.

The need for a Cultural Plan is further identified in Council's Community Strategic Plan 2013-2023. Extensive community consultation commenced in September 2013 culminating in a final review in May 2014. This consultation process involved a Project Team that included Council staff and key community members.

In March 2014, cultural consultant Sue Boaden was engaged by Council to review existing data. With a Project Team, small group interviews were conducted by Ms Boaden culminating with a final planning workshop on 26 May 2014.

The Plan has been developed in reference to the Cultural Planning Guidelines for Local Government and is aligned to both Federal and State level planning strategies that encourage increased participation in arts and culture and strengthens cultural sector capacity building and the sharing of cultural resources.

Councils are not required to produce a Cultural Plan under the Local Government Act 1993. However, such plans are considered important when Councils make funding applications for cultural programs/events as it demonstrates strategic cultural planning.

This Plan promotes an integrated approach to Council planning and, in partnership with key community agencies, will help ensure a sustainable cultural life which values the potential of the area's culture, recognises distinct local characteristics and the partnerships that drive cultural activity in community.

Activities including the arts, heritage and aboriginal culture, along with events and the development of a broader cultural economy, are key drivers of cultural participation in Port Stephens.

The Cultural Plan includes strategic directions for the period 2015-2018. Among the key strategic directions is the integration of local cultural assets and opportunities, including built and non-built environment, local heritage, diverse cultural interest groups and an emerging creative industries sector, into planning for and celebration of a vibrant Port Stephens.

Council already supports cultural activity through a number of grant programs such as the Cultural Projects Fund, the Aboriginal Projects Fund, the Local Heritage Assistance Fund and Financial Assistance grant program.

Council also has an operational role in maintaining and planning for public spaces, including libraries, community halls, parks and reserves that are widely used by community groups to run cultural programs and events.

During the development of the Plan, relationships between Council's key 355c cultural committees (Strategic Arts and Culture Committee, the Heritage Committee

and the Aboriginal Strategic Committee) were strengthened, which provided a platform on which to consult and build the Cultural Plan.

As part of the consultation the 355c Strategic Arts and Culture Committee has recommended a change of name to the 355c Strategic Arts Committee.

The Cultural Plan provides leadership and guidance by consolidating current support and focussing future actions that can be realistically delivered within the available resources of Council and community. Capacity to leverage additional funds is also increased by having an integrated plan that is focused on local cultural development and linked to the Community Strategic Plan.]

FINANCIAL/RESOURCE IMPLICATIONS

[Costs associated with the implementation of the Cultural Plan are covered in the 2014-2014 budget and will be subject to standard organisation budget review procedures and approvals.]

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	[Yes]	[]	[Resources to implement this plan are covered within existing budget.]
Reserve Funds	No	[]	[]
Section 94	No	[]	[]
External Grants	[Yes]	[]	[The Plan would assist Council in applying for external funds for specific cultural projects.]
Other	No	[]	[]

LEGAL, POLICY AND RISK IMPLICATIONS

[There is a risk that failure to clearly articulate Council's position on cultural development through a Cultural Plan may affect Council's objective to ensure long term sustainability of focussed services to meet strategic goals of the organisation.]

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that Council's cultural support does not match a strategic framework.]	[Low]	[Adopt the recommendations.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social Implications

The Cultural Plan provides opportunities for the community to participate in activities that enhance a sense of identity and community belonging, increase awareness and ownership of both built and natural environment and help drive economic development.

It will assist Council to support the many volunteers and organisations in our community who are themselves investing in a sustainable cultural future for Port Stephens.

Economic Implications

The Cultural Plan identifies initiatives that encourage both local and regional partnerships with government, training providers and business. These initiatives will promote Port Stephens and encourage investment and employment opportunities.

Environmental Implications

Port Stephens residents and visitors value the natural environment of Port Stephens. The Cultural Plan aims to develop projects that will enhance this and build a stronger cultural ecosystem where the relationship between cultural activity and the natural environment are well defined and help shape a more sustainable future.]

CONSULTATION

- 1) [Port Stephens Council Strategic Arts & Culture Committee;
- 2) Port Stephens Council Aboriginal Strategic Committee;
- 3) Port Stephens Cultural Interagency;
- 4) Sue Boaden, Cultural Planner;
- 5) Two way with Councillors 22/07/2014;
- 6) Follow up meeting with individual Councillors;
- 7) Group Manager Development Services.]

OPTIONS

- 1) [Accept the recommendations;
- 2) Amend the recommendations;
- 3) Reject the recommendations.]

ATTACHMENTS

- 1) [Port Stephens Cultural Plan.]

COUNCILLORS ROOM

- 1) [Nil.]

TABLED DOCUMENTS

- 1) [Nil.

ATTACHMENT 1
PORT STEPHENS CULTURAL PLAN

DRAFT

Building our cultural future:

Port Stephens Cultural Plan 2015 - 2018

A flourishing cultural life in a treasured natural landscape

ACRONYMS

ABS	Australian Bureau of Statistics
AHA	S355 Strategic Arts and Culture Committee, Aboriginal Strategic Committee, and Heritage Advisory Committee
CSP	Port Stephens Council Community Strategic Plan
CD&E Unit	Community Development and Engagement Unit, PSC
DA	Development Application
ED Unit	Economic Development Unit, PSC
LGA	Local Government Area
NESB	Non English Speaking Background
PSC	Port Stephens Council

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1. EXECUTIVE SUMMARY

The Cultural Plan 2015 – 2018 provides Council with a strategy that enables resources to be prioritised and integrated into Council's future strategic plans and programs. It provides Council with a platform to strategically use resources for cultural development. It will guide and inform Council's strategic directions to build a healthy art and cultural community.

The need for a Cultural Plan was identified in Council's *Community Strategic Plan 2013-2023*. Work commenced in 2013 with extensive community consultation with a final research document prepared by Sue Boaden, a recognised cultural planner. This document substantially informs this Plan.

The Cultural Plan aligns with cultural planning directions identified at Federal and NSW levels including strategies that encourage increased participation in arts and culture, strengthen cultural sector capacity and celebrate cultural diversity.

The Plan also recognises connections with the community as a key partner in ensuring that Port Stephens has a vibrant and sustainable cultural life which values the potential of the area's culture, distinct local characteristics and collective possibilities.

The five key cultural objectives and strategies are linked over the life of the Plan to short, medium and long-term actions to create cultural vitality where culture and economic development go hand in hand to create capacity in the community.

Financial support is realistic and is primarily based on a realignment of current operational budgets. Where access to additional funding is required from State or Federal grants, sponsorship or philanthropy, specific funding programs and opportunities have been identified in the Action Plan.

The Port Stephens Cultural Plan responds to the needs of our community, providing a framework to guide decisions to meet those needs over the next three years and directly influence Council's strategic planning in the future.

The three \$355 cultural committees-the Strategic Arts and Culture committee, the Heritage Advisory committee and the Aboriginal Strategic committee have been actively involved in the Plan's development and will continue to have a critical role supporting cultural development in Port Stephens.

Key cultural objectives and strategies

1 Diverse cultural activities are celebrated at the heart of Port Stephens culture

- 1.1 Support the development of the diverse range of activities and programs associated with local culture; and
- 1.2 Encourage and support the participation of diverse audiences in cultural activity.

2 Council's strategic cultural planning and development is optimised

- 2.1 Strengthen working relationships between Council's three S355 Committees – Strategic Arts and Culture, Aboriginal Strategic and Heritage Advisory (AHA);
- 2.2 Develop partnerships between AHA Committees, Council and appropriate organisations; and
- 2.3 Support the AHA Committees and their activities.

3 Community cultural capacity building is strengthened

- 3.1 Support strategic partnerships with organisations involved in planning, promotion and delivery of local cultural activities;
- 3.2 Foster the development of heritage awareness programs in partnership with the local community; and
- 3.3 Increase community understanding of and participation in Aboriginal heritage and culture.

4 Places and spaces are activated as drivers of identity

- 4.1 Support the development and use of existing public spaces for cultural activities;
- 4.2 Advocate place-based cultural development (including public art and heritage recognition) across Council's planning processes and operational activities;
- 4.3 Develop a public art policy and associated programs; and
- 4.4 Support cultural programs that highlight the natural environment in Port Stephens.

5 Creative industries are integrated into local economic development

- 5.1 Map Port Stephens' cultural industries; and
- 5.2 Integrate cultural tourism opportunities into Port Stephens tourism planning and delivery.

2 INTRODUCTION

Culture is embedded in the political, economic and social life of Port Stephens and it is also influenced by the area's distinct environment – its unique flora and fauna, waterways, mix of contemporary and historical coastal and rural character and its magnificent beaches and river environments.

This Cultural Plan has evolved from earlier Council documents including policies, plans and reports that have sought to identify priorities in the broad area of culture and cultural development to inform Council's strategic directions.

At local government level across NSW, councils have long recognised the role that arts and cultural development play in positively influencing economic, social as well as environmental outcomes. Cultural plans are valued by local government as an essential strategic tool in setting priorities and guiding decision making.¹

This Plan has been informed by community consultation and engagement undertaken by Council as a critical part of its strategic community planning. It has also been supported by research undertaken by cultural consultant Sue Boaden in partnership with a Cultural Plan Reference Group and including input from members of Council's Strategic Arts and Culture, Heritage and Aboriginal Committees as well as members of the Port Stephens Cultural Interagency and key Council staff. The Plan provides Council with a strategy for building cultural resilience in partnership with community.

The Plan acknowledges that Port Stephens Council recognises the important role played by arts and cultural development in fostering a thriving and active community life. In recent years, Council has actively demonstrated its commitment by supporting the Public Library service, supporting heritage conservation and preservation, providing the Cultural Projects Fund and Aboriginal Projects Fund grant programs and through its support and encouragement of the area's growing program of events, markets and festivals. Council also facilitates the area's arts and cultural networks, providing essential support that ensures their sustainability over time.

¹ Benchmark cultural plans include BERT 2013-2016: Kiama Council, Arts Paper 2013: Pittwater Council, Great Lakes Cultural Plan 2010-2015, Arts and Cultural Strategy 2014: Shellharbour Council

3 CULTURAL PLANNING CONTEXT

What is culture?

"Culture in its widest sense is about what matters to people and communities. It's about relationships, shared memories and experiences. It is also about identity, history and a sense of place"².

Defining culture in Port Stephens

In Port Stephens, culture is reflected in general ways of life of the place as well as unique cultural lifestyles in each town, village or locality as practiced by diverse groups in the community.

Culture is also reflected in our value systems, traditions and beliefs including in arts and creativity, heritage and history, architecture and design, festivals and events. In Port Stephens, our culture embraces Worimi Aboriginal culture in both its tangible and intangible forms where culture is based on the idea of 'country' and is represented in its history and heritage as well as in its living culture. Local culture can also be influenced by aspects of the distinctive coastal and rural environment, education and learning, the media, cultural tourism and accessible leisure activities.

Local cultural issues

This Plan has been developed based on an analysis of the local cultural community and the following issues have been identified:

- Places and spaces for culture
- Celebrating the culture of diversity
- Collaboration and networking
- Resourcing community cultural vitality
- Cultural tourism
- Place making and local distinctiveness
- Cultural needs of children, young people, families and older people
- Public libraries as people spaces and places
- Events as cultural drivers

For a broader understanding of issues, challenges and opportunities see Appendix 1.

² Cultural planning guidelines for Local Government, 2006, Sydney: NSW Ministry for the Arts and NSW Department of Local Government. <http://www.dla.nsw.gov.au/dla/dlqhome/documents/information/CPG-final.pdf>

Cultural planning and key trends

Cultural planning is the "strategic and integrated use of cultural resources in urban and community development".³ Cultural planning should be holistic and grounded in the local while maintaining a clear alignment to a more global agenda.

The broader cultural planning principles that are recognised as key drivers of local cultural development in Port Stephens are:

- Cultural vitality and capacity building
- Local distinctiveness and identity
- Access and participation
- Creativity, innovation and role of the artist
- Cultural diversity
- Partnerships
- Lifelong learning and education
- Technology and new media

See Appendix 2 for a Summary of Cultural Planning Principles.

The Port Stephens Cultural Plan connects to Council's strategic integrated planning framework and the *Community Strategic Plan 2013-2023* that identifies strategic priorities for the Local Government Area for the long-term.

The integrated plans focus on five areas:

- Our citizens
- Our lifestyle (including arts and culture)
- Our environment
- Our economy (including tourism and education and training), and
- Our Council.

Council's support of culture is identified in the CSP as *Port Stephens has a vibrant cultural life (7.1)* which is further articulated in the 2014-2015 Operational Plan as *Implement Council's cultural plan (7.1.1.6)*.

The CSP is integrated into and reflects the priorities identified in the *NSW State Plan 2021*. Participation is a key target within the *NSW 2021 Plan* (see Goal 27) and this includes increasing arts and cultural participation activities in Sydney and in rural and regional NSW. The link between increased levels of arts and cultural participation

³ Grogan, David and Mercer, Colin, 1995. *The Cultural planning handbook*. Sydney: Allen & Unwin.

and resultant positive impacts on economic growth including creative industry⁴ development are common directions identified across the broad cultural planning environment.

The principle of increasing access and participation in arts and cultural activity especially for diverse community groups is a stated principle of the *Cultural Accord 4* between Local Government NSW and Arts NSW.

Participation and engagement were also highlighted in the Regional Arts Australia, *Sharpening the Arts* research which documented broad local community need for practical support that increases participation and engagement in the arts as a means of rebuilding a sense of vibrancy into towns and regional centres.

Within the 2013 Commonwealth's *Creative Nation* Policy, the shared vision of 'fostering artistic excellence, facilitating community engagement and commercial opportunities' were identified priorities for national cultural development.

At an international level, *Agenda 21 for Culture* recognises access to and participation in culture as a fundamental right and an essential dimension of life and it goes on to state that this is especially so for Indigenous peoples, minorities, women and youth. *Agenda 21 for Culture* clearly identifies the key values for development as being: Creativity; Heritage; Knowledge; and Diversity.

4 OUR COMMUNITY

Port Stephens Local Government Area

As a dispersed network of towns, villages and landscapes, Port Stephens is an ecosystem for cultural participation, heritage conservation and for creative production.

This geographic spread along with the population characteristics of Port Stephens have implications for the types of cultural activities that are undertaken by the community and promoted by Council.

The Port Stephens (LGA) covers 979 square kilometres and is home to 67,938 people. It is anticipated that the population will grow to 87,900 people by the year 2036 (*Community Profile, ABS Census of Population and Housing, 2011*). While there is a significant population of retired people living in Port Stephens the overall population is proportionately younger than the NSW average, with a significant number of young families choosing to call Port Stephens home. Young people, between the ages of 12 and 24 years, account for 15.8% of the total population. For a more detailed demographic snapshot of culture-related facts see Appendix 3.

Cultural Landscape of Port Stephens

In Port Stephens, arts and cultural development have evolved over the past 10 years from a relatively marginal position in the community to one central to community life. Since 2003, Council has adopted an enabling role in cultural development in partnership with the local community. It has also taken a key role as a cultural provider when it comes to public library facility and service provision.

One of the building blocks of Council's support for cultural development has been the introduction in 2003/2004 of the Cultural Projects Fund and its ongoing review and refinement in order to achieve best impact. The Fund is closely aligned to the Port Stephens Community Strategic Plan and provides funds (\$60,000 pa) for cultural events and projects. Since its inception, over 60 projects have been supported which over time have supported and strengthened the diverse cultural life of Port Stephens.

Since 1999, Council has also been supporting an annual Aboriginal grants program (the Aboriginal Projects Fund) and allocates \$35,000 pa for broad based community development including cultural development initiatives. Over 54 projects have been funded since 1999 and recent strategic improvements to the guidelines and administration of the Fund have resulted in closer alignment between Council's strategic directions and the Cultural Projects Fund.

Strategic improvements to the community grants funds in the broad area of culture including arts, aboriginal culture and heritage have been undertaken in conjunction with a review of the relationships between Council's advisory committees. These include the Strategic Arts and Culture Committee and the Aboriginal Strategic Committee. Consultations with the members of the two Committees and with members of the Heritage Advisory Committee indicate that members are keen to establish a more integrated approach to cultural development across the Local Government Area. Connections between the interests and activities of the three committees are being fostered and a more holistic and collaborative approach to cultural planning and program support is being realised.

The recognition and acknowledgement by Port Stephens Council at its strategic planning level of the rich cultural diversity of the LGA presents the local community with a positive advantage. Council documents reflect the organisation's respect for a diversity of lifestyle choices. The Council has a high regard for the needs of people with different socio-economic backgrounds and interests, it supports the celebration of Aboriginal culture and heritage, it is committed to conserving and preserving local history and heritage and to representing and nurturing the needs of groups in the community such as women, people with disabilities, older people, children and young people.

In Port Stephens Aboriginal heritage and culture is respected and valued. As well as establishing traditional welcome to country acknowledgements at all Council meetings and events, Council takes an active role in working with the Worimi and Karuah Land Councils and National Parks and Wildlife Service to document, and protect the many areas of significance to Aboriginal people located in Port Stephens. Council's commitment to supporting Aboriginal living traditions is demonstrated by its support for the Aboriginal Projects Fund.

Another area of remarkable growth and development has been the range of events held across the LGA. These include highly regarded annual celebrations such as Australia Day as well as festivals with a local focus e.g. Summer Festival, Nelson Bay; festivals with a wider appeal e.g. Karuah Blue Grass Music Festival and emerging arts festivals including Nelson Bay Sculpture Festival and Lemon Jam at Lemon Tree Passage. Council also actively supports the showcasing of local talent including through art exhibitions linked to the school education system as well as the provision of an art space at the new Raymond Terrace Library.

Community-based arts and cultural organisations are well-established in the Port Stephens area and the level and quality of volunteer initiated and community-run activities is high. Council plays an active role in supporting these networks and the area is proud of the sustainability of its grass-roots cultural resources.

Although Council does not yet have an adopted public art policy, interest in the opportunities presented by imaginative art and design in the public realm is growing. Opportunities have been identified to integrate public art and design initiatives into

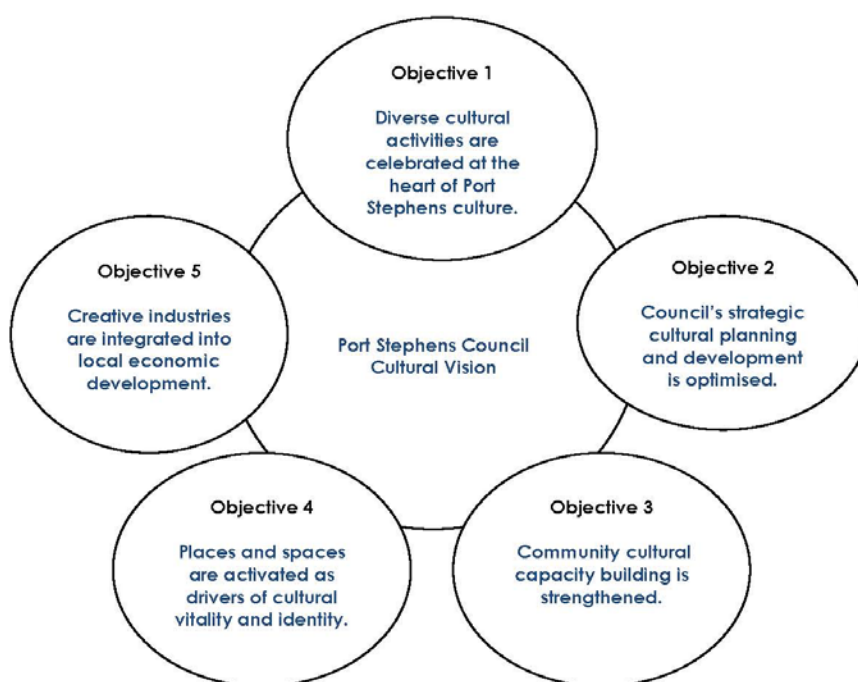
the Raymond Terrace/Heatherbrae Strategy and in the William Street upgrade. The public art policy and guidelines are currently in development. The policy and guidelines will provide a framework for Council decision making as it rolls out its public art and design program across the LGA.

Currently 27,103 people or 40% of the population are members of Port Stephens Library. In 2012/2013, 256,161 people visited library branches borrowing 445,976 items. A total of 6176 people attended 352 programs, 27,160 people used the Internet and 2749 new members registered as library users. Port Stephens is a member of the Newcastle Region Co-operative Library Service and provides an extensive range of services underpinned by the Port Stephens Library charter "*Start here, go anywhere...*" In delivering this Charter, the Library's network of branches provides a focal point for community activity. They are welcoming spaces, offering opportunities for social interaction and connection. A diverse range of programs to inform, educate and entertain are available, encouraging community participation and creativity. Equitable, unbiased access to information, leisure and technology resources are provided, facilitating independent decision-making, lifelong learning and information literacy. Port Stephens Library has a strong, positive image, forming relationships with other Council sections to develop and deliver innovative services. Partnerships with community groups also contribute to vital services targeted towards specific audiences.

The Library is extending its reach into the community and for example during National Literacy and Numeracy Week 2011, the Library planned and delivered an ambitious early literacy event for local families. Port Stephens Council Library Services in partnership with The Smith Family, local Raymond Terrace businesses and community agencies, planned the event to encourage parents and carers to read and count with their children.

Future Action in Port Stephens

The Action Plan provides reference points for the implementation of the Cultural Plan.
The Action Plan is based on the planning framework below:



Port Stephens Cultural Planning Strategy Map 2015 -2018

Council's Strategic Vision	A great lifestyle in a treasured environment				
Council Values	Respect	Integrity	Teamwork	Excellence	Safety
Council's Strategic High Priority Areas	Education & Training	Community Safety	Infrastructure Maintenance	Sustainability of Council	Sustainable Development
Strategic Focus Areas	Our Citizens	Our Lifestyle	Our Environment	Our Economy	Our Council
Arts and Culture Delivery Program	7.1 Port Stephens has a vibrant cultural life				
Cultural Vision	A flourishing cultural life in a treasured environment				
Cultural Planning Principles	Local distinctiveness and sense of place	Access and participation	Lifelong learning and education	Creativity and innovation	Diversity of lifestyle choice
Cultural Objectives	1.Cultural lifestyles are celebrated at the heart of Port Stephens Culture	2. Council's strategic cultural planning & development is optimised.	3. Community cultural capacity building is strengthened.	4. Places and spaces are activated as drivers of cultural vitality and identity.	5. The creative industries are recognised & integrated into local economic development.
Principal KPIs linked to Objectives	Cultural needs documented and understood	Increased participation in cultural experiences.	Support and communication improved and opportunities for participation in place.	Precincts and infrastructure for presentation and participation in place.	Local creative economy documented and supported.

5. ACTION PLAN

Objective 1: Diverse cultural activities are celebrated at the heart of Port Stephens culture

	Timeline		
	Short	Medium	Long
Support the development of a diverse range of practices associated with local culture			
1.1 Identify priorities for Arts/Aboriginal/Heritage cultural grant funding that recognise and reflect local cultural diversity	X	X	X
1.2 Finalise report, <i>Unearthing of Culture in Port Stephens</i>	X		
1.3 Coordinate and provide resources to support delivery of a program of imaginative cultural programs/events at Port Stephens Library that includes the showcasing of local creative talent, art shows, film screening nights, indigenous storytelling etc.		X	
Encourage and support the participation of diverse audiences in cultural activity			
1.4 Through cultural funding program guidelines and other financial assistance/sponsorship agreements, encourage all festivals, events and cultural programs/projects to consider, consult and embrace the needs of diverse audiences including children and young people, elderly, people with access issues	X		
1.5 Strengthen cultural program content at annual cultural celebrations e.g. Australia Day, NAIDOC Week, Harmony Day	X		
1.6 Establish and maintain a Port Stephens cultural digital media presence linked to Council's events page		X	

Objective 2: Council's strategic cultural planning and development is optimised

	Timeline		
	Short	Medium	Long
Strengthen working relationships between Council's \$355 Strategic Arts, Aboriginal Strategic and Heritage Advisory (AHA) committees			
2.1 Design and implement an annual Cultural Futures Summit to review and update cultural planning priorities of respective committees and their networks		X	
2.2 Strengthen strategic alignment between Council's cultural grant funding programs and other financial assistance and sponsorship provided by Council to community groups for cultural activity		X	
Develop partnerships between AHA Committee's and Council and appropriate organisations			
2.3 Invite culture-related guest speakers (including Council staff/specialists) to committee meetings when appropriate		X	
2.3 Provide updates to elected Council on AHA Committees activities		X	
2.4 Investigate the establishment of formal strategic culture focused partnerships with Lower Hunter councils and Regional Arts Australia			X
Support AHA Committees and their activities			
2.5 Establish annual strategic priorities of each AHA Committee as per their Constitution		X	
2.6 Identify and apply for grant funds to undertake, cultural mapping projects and cultural needs assessment of Port Stephens.			X

Objective 3: Community cultural capacity building is strengthened

	Timeline		
	Short	Medium	Long
Support strategic partnerships with organisations involved in the planning, promotion and delivery of local cultural activities	X		
3.1 Convene twice a year Port Stephens Cultural Forum, promoting guest speakers, information sharing and discussion of new ideas amongst local groups and cultural practitioners			
3.2 Identify and facilitate partnerships that enable life-long learning and skills development initiatives to be integrated into local program and events planning and delivery		X	
3.3 Create stronger partnerships between tourism operators and cultural groups			X
Foster the development of heritage awareness programs in partnership with the local community	X		
3.4 Strengthen partnerships between Port Stephens Libraries and local historical societies and family history groups that lead to regular projects/ programs that showcase local heritage			
3.5 Research feasibility of an Annual Heritage Film Festival		X	
3.6 Research and develop guidelines for heritage signage and promotion (includes identification of future heritage trails)			X
Increase community understanding of and participation in Aboriginal heritage and culture	X		
3.7 Develop a local aboriginal heritage and culture collection and display as part of Port Stephens Library collection			
3.8 Expand NAIDOC Week promotion and initiatives			X

Objective 4: Places and spaces are activated as drivers of cultural vitality and identity				
		Timeline		
		Short	Medium	Long
Support development and use of new and existing public spaces cultural activities				
4.1 Facilitate sharing of information between Council's Community Halls Forum, Parks and Reserves Forum and Council's cultural committees to identify and support new opportunities			X	
4.2 Identify, support and promote opportunities for place based cultural events/celebrations/festivals				X
Advocate place-based cultural development across Council's planning processes and operational activities				
4.3 Identify opportunities and provide strategic cultural advice on Master Plans, Plans of Management and DAs etc.				X
Develop a public art program				
4.4 Develop Council's Public Art Policy and guidelines		X		
4.5 Consult with local communities to establish public art themes and concepts that contribute to strengthened sense of place and inform future planning				X
Support cultural programs that highlight the natural environment				
4.6 Establish a youth and the environment initiative linked to Council's Environmental Education program and build understanding of the links between creativity and nature			X	
4.7 Establish an environmental program aimed at fauna protection and awareness through creative initiatives				X
4.8 Research the feasibility of developing a Cultural Landscapes Festival which celebrates culture and the environment including respect for and protection of Indigenous cultural sites				X

Objective 5: Creative industries are integrated into local economic development

	Timeline		
	Short	Medium	Long
Map Port Stephens' cultural industries			
5.1 Identify funds for and commission an audit of Port Stephens cultural industries which documents strengths and gaps			X
5.2 Identify and establish future partnerships with TAFE and other education providers to support skills development programs for local artists and cultural entrepreneurs		X	
5.3 Identify opportunities for artists, tutors, cultural entrepreneurs to market themselves using online media and local cultural networks through		X	
5.4 Consider the outcomes of the cultural industries audit 5.1.1 (if funded and delivered), and identify strategies for the future			X
Integrate cultural tourism opportunities into Port Stephens tourism planning and delivery			
5.5 Commission a cultural tourism strategy to identify cultural assets (heritage, Aboriginal arts and culture, artisan markets, local product and produce markets, public art trails etc.) as potential attractions for visitors to Port Stephens			X

Appendix 1

Cultural Issues, Challenges and Opportunities⁵

The following issues, challenges and opportunities have been identified based on community consultations, feedback from relevant Council arts/culture, Heritage and Aboriginal Strategic Committees, the Port Stephens' Cultural Interagency and recent (2012) community surveys. Issues have also been developed based on data presented in the Lower Hunter Region Arts and Culture Snapshot 2013.

In 2014, the world is connected 24/7 with old boundaries and ways of doing and presenting culture being redrawn or no longer relevant, investment (public and business) is eroding and digital technology is providing both exciting content possibilities as well as threats which may compromise program quality. At the same time and as part of this cultural change, the way that people participate in, experience and engage with arts and culture is changing. Audience expectations in relation to access and program quality are shifting and when competition for market share is intense, arts and cultural offerings must be based on robust and relevant research in order to survive and prosper.

The identification and analysis of Port Stephens specific arts and cultural planning information is therefore crucial to the preparation of a strategic cultural plan for the next four years.

Places and spaces for culture

With a continued rate of high population growth and a dispersed settlement pattern across an area of outstanding cultural and natural assets, the community needs and expects access to a range of indoor and outdoor spaces that encourage broad participation in cultural programs and events. This includes open space that has been fitted out in anticipation of increased use for markets, concerts, performance, screenings, food production etc. It also includes upgrades to existing facilities such as community halls, libraries, senior citizens centres etc. that encourage use linked to lifelong-learning including creative workshop spaces (painting, crafts, drawing, dance and drama), gallery/art display and performance space, artists' studios, acoustic rehearsal space, local history centres. All spaces (indoor and outdoor) should be developed/adapted with an eye to flexibility in design and access affordability such as the new art space at Raymond Terrace Library.

The issue is: To incorporate, where possible, cultural related fit-outs in upgrades and new developments of Council and community indoor and outdoor facilities to reflect community participation and life-long learning needs.

⁵ Boaden, Sue. Draft Building our cultural future: Port Stephens Cultural Plan 2015-2018, 2014.

Celebrating the culture of diversity

Recognising diversity as an asset in Port Stephens has been slow to develop and requires leadership if the concept is to be successfully embedded into cultural development initiatives across the LGA. Diversity in Port Stephens is much more than multicultural diversity – it represents the point of difference for the area as a place where a rich mix of lifestyles and cultural traditions are experienced in a distinct urban and rural landscape that attracts high numbers of new residents as well as visitors each year. Port Stephens' diversity also embraces local heritage including the stories and cultural traditions of Aboriginal people as well as the significant buildings and heritage assets that represent the area's history.

The issue is: To identify strategies that communicate the rich ingredients that make up cultural diversity in Port Stephens and to support that diversity utilising community cultural development opportunities.

Understanding cultural needs

At the moment the systematic collection, mapping and dissemination of information about Port Stephens cultural life is underdeveloped. This includes information related to, for example, the number of arts/cultural organisations, number of artists, scale of the creative industries, level of provision of cultural facilities, need for skills development/lifelong learning opportunities, as well as culture-focused 'what's on' updates etc. Council utilises robust data gathering and analysis tools when preparing its key strategic planning documents (e.g. land use planning, social planning, economic development etc.) and this approach or model is also needed in the cultural planning area. When identifying and responding to cultural need, Council should integrate other important data sources such as census statistics into its decision making. Drilling down into detailed statistical indexes such as the SEIFA Index of Disadvantage would provide Council with robust information to inform its cultural planning, its decisions in relation to cultural resource commitments and priority service delivery.

Accessing and utilising research-based information (including quantitative and qualitative data) can influence Council's capacity to make a difference in its facilitation of community-based cultural initiatives and projects. The lack of cultural data and the absence of systematic information flows can have an overall effect on grass roots cultural development and strategic capacity building. For example, there is a perception that more resources and effort is directed to the cultural support on the coast than the western hinterland where community need could be greater. Planning and decision making is more effective in responding to actual need when based on accurate and relevant data.

The issue is: Recognising and responding to the impact of gaps in cultural information including inequitable resourcing across the LGA and establishing and maintaining

two-way information and communication flows in Council and across the community.

Collaboration and networks of cultural association

Opportunities for integrated cultural planning and holistic program design and delivery are only now being realised in Port Stephens. Traditionally, arts and cultural organisations in Port Stephens have worked in isolation in their localities. Within Council, areas have operated separately, isolating cultural-related interests from other strategic areas of operation such as public library services, landscape design, open space planning, events planning and management, heritage conservation and property management. Compounding this isolation is the absence of a regional arts development body for the Lower Hunter region. Screen Hunter Central Coast is a current example of how a network organisation can assist in cultural development.

However at Council and at the local grass-roots, the silo approach is changing as Council actively works with the community to develop collaboration strategies as a means to better encourage partnerships both across Council and into the community. This encourages better communication, new ideas, fosters partnerships and builds community confidence. The LGA supports a dynamic range of well-established community-based cultural organisations (art groups, historical societies, dance schools, community gardens, festival and events committees, community choirs etc.) committed to making a contribution to the area's cultural vitality. The time is right for Council to actively nurture the spirit of cultural cooperation including communication as a building block for the development of a dynamic cultural future for the area. It may also be timely to advocate to adjacent councils and to the State government for a regional cultural broker or advocate in recognition of the Lower Hunter region's cultural potential.

The issue is: building strong and sustainable cultural connections within Council, between Council and the area's cultural groups as well as across the Lower Hunter region will require dedicated commitment, skills and access to cultural resources.

Resourcing community cultural vitality

Port Stephens Council has adopted a mix of enabling and facilitating strategies to develop its cultural development role to the community. Council provides a distributed network of public library services based in library buildings and utilising mobile delivery. Taking into account benefits to community access and level of Council expenditure, the Library service could be regarded as the LGA's key cultural asset. Port Stephens Library operates as part of the Newcastle Region Cooperative Library Service and attracted 256,161 visitors in 2012/13. These visitors or users represent all demographics across the LGA.

Council supports a diverse program of cultural activities aimed at strengthening local cultural capacity and community well-being through its grant programs. The

community grants program is also a key aspect of Council's support for community cultural development. Council staff resources also provide a means to focus on cultural development and ensuring that Council's investment is effective and that projects and programs reflect community cultural priorities. Resourcing cultural development has evolved over time and currently, a number of staff working in various sections and teams allocate a limited amount of time to undertaking cultural development responsibilities as Council does not have a dedicated cultural development position. This presents opportunities to integrate cultural development programs across the organisation as opportunities arise. However the absence of a dedicated, specialist advocate for cultural development can also result in missed opportunities and a delayed take-up of cultural programs and projects.

Current cultural development related responsibilities include:

- Liaison on cultural matters e.g. library services, events, tourism, heritage;
- Administration of the cultural and Aboriginal projects programs;
- Coordination of three key strategic cultural committees and a cultural Interagency;
- Community liaison with arts and cultural groups and individuals; and
- Oversight of the evolving public art⁶ program.

One of the key aspects of the Council's long term Community Strategic Plan is "to deliver services that are valued by the community in the best possible way."⁷ However for Council to make headway in achieving this ambition, it will need to develop new models of cultural development provision and facilitation. For example, based on extensive community engagement, the Community Strategic Plan identified education and training especially for young people as one of 5 key high priority planning areas. Creative skills development and lifelong learning are components of community cultural development providing strategic pathways to employment and community cohesion and empowerment. Resources that build a basis for a sustainable level of service delivery will be needed.

These include:

- taking the lead in advocating for the adaptive reuse of community facilities for lifelong learning;
- building partnerships with community leaders to realise cultural projects and programs;
- encouraging entrepreneurship in new approaches to cultural development; and
- the engagement of dedicated (i.e. full time), cultural development staff.

⁶ See definition of public art and urban design at Appendix 5

⁷ Port Stephens Council Integrated Plans 2013-2023, p. 3

The issue is: whilst Council's strategic cultural ambitions for the LGA are relatively modest it may need to identify additional resources (external as well as internal and including partnerships with its community) to realise the momentum for change identified in its cultural planning vision.

Cultural tourism⁸

Linking tourism and culture is an emerging field of activity across the globe both in developed and in developing countries. Regions, cities and towns recognise the need to establish a point of distinction in the face of stiff competition from other destinations. Offering a dynamic and memorable experience to locals and visitors alike requires lateral thinking and innovative programming in order to capture tourist attention and to ensure repeat visits.

Destination NSW has recently embraced experience-based tourism encouraging the development of rich and unique cultural experiences to build the tourist base across NSW. Sydney focused examples include the Vivid Festival, Corroboree Sydney Festival, Sculpture by the Sea, Good Food Month but also programs in regional destinations such as Sculpture at Scenic World, Katoomba, Margaret Olley Studio at Murwillumbah Regional Art Gallery, Deni Ute Festival, Deniliquin and Tamworth Country Music Festival.

Tourism planning in Port Stephens has an ambitious target of doubling visitor yield by 2020. As a leading tourism destination in NSW with a mature tourism industry, the Port Stephens tourism market currently depends largely on the area's unique natural assets including the conservation and appreciation of its natural environment.

However, opportunities are now presented to establish strong relationships between the area's tourism and culture including its unique heritage, rich Aboriginal culture, arts and creative community (including studios and heritage trails), events and markets culture and local food experiences.

The time is also right to challenge perceptions that the coast provides a focus for visitors. The distinctiveness of the Port Stephens hinterland, the river and rural landscapes and heritage townscapes has enormous tourism potential when linked to cultural narratives. Until now Port Stephens' cultural vitality – the dynamic interplay between place, culture, creativity, heritage, the environment and lifestyles and the experiences they offer, has gone largely unrecognised. This Cultural Plan provides an opportunity to develop culture as a valued component of economic and community revitalisation.

⁸ See definition of cultural tourism in Appendix 5

Place making and local distinctiveness

In Port Stephens, settlement has spread from the hinterland and the rivers in the west towards the coast with its distinct landforms, waterways and headlands. The LGA is made up of a distributed network of towns and villages – rural as well as urban where a range of lifestyles are enjoyed. Building and maintaining a sense of pride in local identity is a critical cultural opportunity and one which could establish tangible evidence of the community's capacity for creativity and storytelling. By integrating a cultural dimension into master planning for town centre improvements, imaginative place making outcomes can be realised in a way that is attractive to visitors as well as to locals.

Opportunities for celebrating local distinctiveness include:

- Permanent and temporary public art and design programs;
- Heritage trails including interpretive signage;
- Open studio schemes and artist trails;
- Locality based cultural plans e.g. for key town centres;
- Local/regional artisan and local product markets including art/craft and produce;
- Pop up kiosks and galleries;
- Activation of outdoor public spaces; and
- Digital storytelling projects utilising local history in libraries, historical societies, museums etc.

Cultural needs of children, young people and families

Port Stephens LGA has a diversity of population characteristics including a broad range of residents from different socio-economic backgrounds. It is attractive to retirees and has an expanding population of older retired residents. It also has a growing population of young children and families. In 2011, 31.1% of the Port Stephens population were children with 16.7% of those being under 12 years. Young people between the ages of 12 and 24 years make up 16% of the population. Children and young people are identified as the focus of key objectives in the Strategic Community Plan 2013-2023.

The 2012 Community Cultural Survey documented the community's interest in the development of cultural activities that are family friendly, as well as venues both indoor and outside that are affordable, distributed across the LGA and that are responsive to the needs of children and young people. The survey also noted that cultural venues are needed beyond the usual 'pubs and clubs'.

More recent research associated with the development of Council's Youth Strategy addressed three themes for strategic consideration in relation to the needs of the area's youth.⁹ These were:

⁹ Youth Strategy Research Findings, March 2014, prepared for Port Stephens Council by The Research Den
Port Stephens Cultural Plan 2015 - 2018

- Place;
- Participation; and
- People.

In particular, the participation theme in the Strategy provides feedback from young people that clearly indicates their keen interest in participating in small, localised events, competitions and interest groups. These include ideas associated with arts and cultural activities including in the area of skills development as a basis for employment but also for life-long learning linked to independent living. Young people also indicated a deep appreciation and concern for the environment. Programs that encouraged a sense of placemaking and pride in local identity were identified as strategic opportunities for consideration. This is supported by a recent workshop participant statement when considering the role of Council in supporting youth culture –“Working with the adults of tomorrow, today”.¹⁰

One of the keys to building local participation in arts and cultural services and programs is to specifically research and identify community cultural needs including the cultural needs of children and families. Councils which have a young demographic and which plan for and deliver imaginative, quality cultural programs to local families and to visitors are building cultural confidence and also establishing a firm audience base for the future. Public libraries have been successful with this model and more recently art galleries, theatres, events, and museums (e.g. Maitland, Ipswich, City of Melbourne, Warringah) have designed and developed unique child-focussed and youth friendly cultural venues, including playgrounds and programs that contribute to youth oriented cultural as well as social capital.

Cultural vitality

Council has the opportunity to take the lead in positioning Port Stephens as a progressive community where arts and cultural experiences are embedded into local ways of life. The development of the Cultural Plan should create the conditions for cultural vitality where cultural values or principles¹¹ and economic development go hand in hand.

By nurturing cultural vitality and providing a pathway for community cultural capacity building, Port Stephens will be recognised as a creative centre where education and lifelong learning are valued, where networks of association fuel a sense of belonging and cohesion, where local history and heritage is celebrated and where artists and innovators contribute to local economic sustainability. Council's forthcoming Youth Strategy recommends that active support is provided to young people in the development of interest-based networks that promote community cohesion and local capacity building including in the arts and culture.

¹⁰ Cultural Planning Workshop Raymond Terrace, 26 May 2014.

¹¹ Indicative and relevant cultural planning principles are local distinctiveness, access and participation, lifelong learning and education, creativity and innovation, and diversity of lifestyle choice.

At the same time recent research commissioned by Council into the feasibility of establishing a community education space documents the need for lifelong learning programs especially for the Raymond Terrace community.¹² The Report notes that early childhood learning and development is currently a strong focus in the area. It also notes that young people do not have adequate local access to alternate learning programs and that there are limited opportunities for community members to participate in vocational and community education in the LGA. Arts and cultural skills development are a key aspect of lifelong learning and need to be taken into account when planning community learning multi-functional facilities.

Cultural vitality is one of the key outcomes of integrated urban and community planning where population data and community engagement inform the development of preferred scenarios that encourage community resilience and urban and rural revitalisation. Aiming for cultural vitality in Port Stephens provides a real possibility to capture the spirit of the place – offering new programming models, a diversity of participation choices and synergies for collaboration and partnerships.

Public libraries as people spaces and places

Public libraries in the 21st century are recognised as connected community hubs. They provide access to physical services through branch and mobile infrastructure and via technology-based access to a global audience regardless of time and place. As such they are critical cultural centres providing opportunities for new ideas, for education and lifelong learning, for local history, for a diversity of events and programs that support community cohesion and promote harmony.

Public libraries cater for all tastes and for all stakeholders regardless of background. Usage of public libraries is growing across Australia including in Port Stephens where the first steps have been made to extend library programs beyond the traditional to embrace the arts through the showcasing of local creative talent. In developing new pathways for cultural development in Port Stephens, Council has an opportunity to encourage active collaboration between Council staff and strategic cultural committees to identify new possibilities and projects that progress arts and cultural development and build community capacity including cultural capital.¹³

Events as cultural drivers

The Port Stephens community supports a busy calendar of events and celebrations across the year. Many are focused on attracting visitors and tourists although some such as civic ceremonies and functions are either initiated by Council or linked to Council business through S355 management committees e.g. NAIDOC Week, Australia Day etc. These events all play a key role in the area's cultural life.

¹² Feasibility study for establishing a Community Education Space in Raymond Terrace, February 2014, prepared for Port Stephens Council by Gleeson Consulting Services

¹³ See definition of cultural capital at Appendix 5

In considering issues and opportunities related to Council's role in events across the LGA, feedback indicates that the Council's overall current role reflects evolution over time. Council takes responsibility for providing compliance administration for community-initiated events through integrated booking support, traffic control, venue hire etc. administered by Council's Events Team. Major signature events are also coordinated through Destination Port Stephens where the focus is on providing a quality tourism experience for visitors. Council is represented on the Destination Port Stephens Board.

Feedback received during the development of the Cultural Plan indicates that there is a growing interest in planning for and delivering more locality-based cultural events in addition to events which target the tourist market. Workshop participants acknowledge that the LGA has access to good infrastructure for events (stages etc.) but that currently events lack the following:

- Marketing and communication to locals
- Relevance to residents
- Varying programming quality
- Limited opportunities to showcase local talent
- Inequities in spread across the LGA

The development of this Cultural Plan indicates that Council is not short of ideas or ambitions in relation to events and celebrations but that strategies need to be developed that ensure the viability of festivals and smaller events, measure their benefit or impact, promote LGA-wide access and participation including at the local and neighbourhood levels, identify opportunities for partnerships with the community that contribute economies of scale, and create strategies that leverage support and sponsorship from the business/ government sectors.

These strategies should review festival and event support infrastructure, and consider programming quality including cultural content and production values. Events management and support is resource intensive and Council may need to review its Events Strategy to guide its role in events coordination and support into the future.

Appendix 2: Summary of Cultural Planning Principles, and sources that drive local cultural development

Driving Principles	Source	Notes
Cultural vitality Capacity building	Cultural Accord 4 Creative Australia, 2013 Agenda 21 for Culture Framing the Future: Arts NSW	Community wellbeing as expressed through creativity, diversity of cultural expression and innovation. It can be summarised by: The presence of opportunities for cultural participation; Cultural participation itself, and support for cultural activities.
Local distinctiveness and identity	Cultural Accord 4 Creative Australia, 2013 Agenda 21 for Culture Framing the Future: Arts NSW	Harnessing the cultural soul of our place by valuing, protecting and celebrating our unique landscape, history and heritage, Aboriginal cultural heritage and living culture, and the quality of the built environment.
Access and Participation	Cultural Accord 4 NSW 2021 Framing the Future, 2013 Agenda 21 for Culture	Encouraging community-wide cultural participation, engagement and access for all.
Creativity, Innovation and the role of the artist	Agenda 21 for Culture Creative Industries Action Plan Creative Australia, 2013 NSW 2021 Cultural Accord 4 Framing the Future: Arts NSW	Integrating the arts, artists and creativity into community life through innovation and new ideas and the use of technology.
Cultural diversity e.g. NESB, children, youth, disability, regional and rural, Aboriginal	Cultural Accord 4 Aboriginal & TSI culture as central in Creative Australia, 2013 ATSI in Framing the Future, 2013 Agenda 21 for Culture	Cultural diversity: the common heritage of humanity. Culture takes diverse forms across time and space. This diversity is

Driving Principles	Source	Notes
		embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognised and affirmed for the benefit of present and future generations
Partnerships	Cultural Accord 4 Creative Australia, 2013	Embracing and encouraging Port Stephens diverse communities to work together to build networks of association and cooperation as building blocks for community cultural development.
Lifelong learning and education	Creative Australia, 2013 Framing the Future, 2013 (re. community diversity) Agenda 21 for Culture	Building social, cultural and economic sustainability and community capacity through the support and encouragement of cultural skills development.
Technology/ Digital	Creative Industries Action Plan Creative Australia, 2013 NSW 2021 Framing the Future, 2013	Growing use and reliance on online technologies to promote, display and sell art and events.

Appendix 3: Demographic snapshot - 2011

Population 67,938 (7.1% growth between 2006 and 2011)	Population Projection 87,900 (by 2036)	Population Density 78.1 persons per sq. km	Aboriginal & Torres Strait Is 3.6% (an increase of .7% since 2006)	Average family size 2.9 persons	Overseas born 16.9% (In Port Stephens 83.1% were born in Australia compared to 69.8% across Australia).
Culturally & Linguistically diverse 2.9%	Unemployment rate 5.8%	Main languages other than English German/ Italian and Croatian	Main religious affiliation Anglican/ Catholic	Volunteering 13.5% of residents	Persons with post-school qualifications 54.1% (of pop. aged 15 years and over. (7.7% have university or tertiary qualifications compared to 14.3% across Australia).

From: Port Stephens Community Profile 2013, developed from ABS Census of
Population and Housing, 2011

Appendix 4: Cultural Resource Asset Map

CREATIVE CULTURAL OCCUPATIONS	COMMUNITY CULTURAL ORGANISATIONS	SPACES AND FACILITIES	INTANGIBLE ASSETS	CULTURAL HERITAGE	NATURAL HERITAGE	FESTIVALS & EVENTS	CREATIVE CULTURAL INDUSTRIES/ BUSINESSES
ABS data needed to document e.g. writers, visual artists, performers, photographers, craftspeople, graphic designers, architects etc.	Education - primary - secondary - TAFE - University - evening colleges Historical societies Arts groups Drama groups Community choirs Book clubs Community gardens	Arts centres Libraries Interpretive centres Theatres Museums Art galleries Keeping Places Amphitheatres Cinemas: Churches and places of worship	Place names Oral histories Customs Storytelling	Heritage buildings Cemeteries: Archaeological sites Local monuments Conservation districts Public art Art/ heritage Collections	National Parks Local parks Beaches Rivers Botanical Gardens Zoos Nature reserves	Film festivals Music festivals Arts festivals Artist trails Food and wine tours Markets:	Film, radio & video Theatre companies Dance schools Music shops Book shops Galleries Art dealers Publishing Broadcasting Libraries and archives Architecture Digital media Fashion Design:

APPENDIX 5: DEFINITIONS

The following definitions have been identified from established local and international contexts:

Creative industries

Activities that have their origin in individual creativity, skill and talent and which have the potential for wealth and job creation through the generation and exploitation of intellectual property¹⁴.

The creative industries are a broad alliance of activities with creativity at their heart and where they have a critical role in the development of an integrated approach to economic policy and planning. This definition encompasses 13 industry sectors: advertising, architecture, arts and antique markets, crafts, design, designer fashion, film, interactive leisure software, music, television and radio, performing arts, publishing and software¹⁵.

Cultural assets and resources *see also Cultural Infrastructure*

Cultural assets and resources can include a number of components both tangible and intangible. One component is *places* including topography, facilities and buildings, and the aesthetic qualities of these which contribute to community cultural life, community identity and sense of place. These places can include heritage items, significant streetscapes, public art and monuments, public open space, views and lookouts, tourist attractions, sporting, recreation and leisure facilities, community meeting places such as churches, clubs, cafes and corner stores.

Cultural facilities are important cultural resources since they are often held in the public domain and are or have the potential for accommodating cultural programs and activities. Cultural facilities include community centres, halls, theatres, libraries, museums, galleries, heritage buildings and landmark sites including open space, parks and reserves.

Cultural resources are also those aspects of community life which utilise or are presented in these places. They can include cultural businesses, cultural collections, exhibitions, events, networks of voluntary, socio-cultural and civic associations. Cultural resources can also include local cultural knowledge, skills and works of art which provide a foundation on which people can draw for a community's cultural development. e. g. databases, directories, local historians, artists, Indigenous craft skills, views and vistas, social and cultural services etc.

¹⁴ Department for Culture, Media and Sport, UK, www.culture.gov.uk

¹⁵ Stuart Cunningham, 'What price a creative economy?' Sydney: Platform Papers, Currency Press, 2006

Cultural assets can also include those businesses or other services involved in the creative industries including in advertising, architecture, arts and antique markets, crafts, design, fashion as well as film, interactive leisure software, music, television and radio, performing arts, publishing and software. These activities are connected through individual skill and creativity and each has the potential for economic development including job creation.¹⁶

Cultural capital

Cultural capital is an asset which embodies, stores or provides cultural value in addition to whatever economic value it may possess. Cultural capital exists in two forms – the tangible and the intangible. The tangible may occur in the form of buildings, locations, sites, precincts, artworks and includes tangible cultural heritage. The intangible form of cultural capital may occur as intellectual capital in the form of ideas, practices, beliefs and values which are shared by a group. Cultural capital in both forms may decay if not maintained or neglected or may increase in value through new investment and resource allocation.¹⁷

Cultural development

Where "culture is the fountain of our progress and creativity and the end and aim of development; where development is seen as the flourishing of human existence in all its forms and as a whole" and "where development means the widening of human opportunities and choices".¹⁸

Cultural diversity

"Cultural diversity: the common heritage of humanity. Culture takes diverse forms across time and space. This diversity is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognised and affirmed for the benefit of present and future generations".¹⁹

Cultural ecosystem

The cultural ecosystem is represented by the complex and interdependent set of relationships between cultural assets and resources including organisations,

¹⁶ Australia Street Company, c. 2007

¹⁷ Throsby, David, 2001, Economics and culture, Cambridge, Cambridge University Press

¹⁸ World Commission on Culture and Development (1995), Our Creative Diversity Report, Paris, UNESCO

¹⁹ Universal Declaration on Cultural Diversity (2001), Paris, UNESCO

communities, individuals including artists and audiences as cultural consumers, the natural environment, and cultural policies. The interdependence and connections that are a feature of the cultural ecosystem link cultural and environmental sustainability and include the importance of diversity and the recognition of the past and the potential of the future.²⁰

Cultural infrastructure

Cultural infrastructure includes those assets and resources, programs, services and facilities that build community vitality and cultural participation.

- Facilities: art galleries, museums, theatres, performing arts centres for music, dance, drama and opera; libraries, archives, heritage sites, cinemas, arts and cultural learning/education centres, artists' studios, amphitheatres, Keeping Places, tangible heritage such as buildings and sites;
- Temporary programs: festivals, exhibitions, events, markets;
- Services: lifelong learning and skills development, research;
- Assets: collections, directories, databases, records, maps, public art works; and
- Resources: budgets, individuals and groups (people) and intangibles such as ideas and knowledge, views and vistas, memories, traditions and customs.²¹

Cultural planning

Cultural planning has been described as the "strategic and integrated use of cultural resources in urban and community development where planning is holistic, linking cultural resources to broader agendas for economic development, sustainability and quality of life".²²

Cultural tourism

It is defined according to visitors' attendance at one or more of the following cultural attractions:

²⁰ © Sue Boaden Cultural Planner, May 2014

²¹ Creative City Discussion Paper – Sustainable Sydney 2030, Sydney: Australia Street Company for Council of the City of Sydney

²² Grogan, David and Mercer, Colin (1995). The Cultural Planning Handbook: the essential Australian guide. Sydney: Allen & Unwin.

- festivals or fairs (music, dance, comedy, visual arts, multi-arts and heritage);
- performing arts or concerts (theatre, opera, ballet, and classical and contemporary music);
- museums or art galleries;
- historic or heritage buildings, sites, monuments;
- art or craft workshops or studios; and
- Aboriginal sites and cultural displays.²³

Note: cultural tourism can also include the screen industry and when combined with the natural environment and hospitality sectors, presents considerable potential for visitors and for those who live in a place.

Cultural vitality

Community wellbeing as expressed through creativity, diversity of cultural expression and innovation. It can be summarised by:

- The presence of opportunities for cultural participation
- Cultural participation itself, and
- Support for cultural activities²⁴

Public art and functional design

Public art refers to art practice that integrates art and design into the public domain. It encompasses a wide range of artforms and creative practices. These include sculpture, environmental art, architectural design elements, installations, lighting effects, outdoor performance, memorials, artist designed street furniture, decorative paving and mural works.

Public art can be the result of artists' commissions, artists working as part of architectural or design teams, community arts and community cultural development processes, competitions, temporary exhibitions, events or installations. Public art can also include the donation or purchase of existing works to be permanently located in public spaces.

Projects may include permanent or temporary artworks, functional design, large and small-scale initiatives, and may involve high profile as well as low-key approaches.²⁵

²³ Definition of 'cultural tourism' in Arts and Cultural Tourism Strategy for WA, 2004-2008. Perth: Department of Culture and the Arts

²⁴ <http://www.urban.org/projects/cultural-vitality-indicators/definition.ctm>

²⁵ Australia Street Company, 2006

ITEM NO. 6

FILE NO: PSC2014-03577

TREESCAPE PARK

REPORT OF: CARMEL FOSTER – ACTING GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the opening of the business as an affordable camping and accommodation enterprise, subject to the Crown Lands General Managers approval of the revised rent, to be known as TreEscape Park.
- 2) Approves utilising funds from the Property Reserve until funds are received from the sale of cabins on the site for the construction of infrastructure and refurbishment of existing units.

ORDINARY COUNCIL MEETING – 28 OCTOBER 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Chris Doohan Councillor Sally Dover
	That Council: <ol style="list-style-type: none"> 1) Endorse the opening of the business as an affordable camping and accommodation enterprise. 2) Approves utilising funds from the Property Reserve until funds are received from the sale of cabins on the site for the construction of infrastructure and refurbishment of existing units.

MOTION

282	Councillor Ken Jordan Councillor John Morello
	It was resolved that Council: <ol style="list-style-type: none"> 1) Endorse the opening of the business as an affordable camping and accommodation enterprise. 2) Approves utilising funds from the Property Reserve until funds are received from the sale of cabins on the site for the construction of infrastructure and refurbishment of existing units.

BACKGROUND

Port Stephens Council purchased the leasehold interest in 562 Gan Gan Road, One Mile Beach in 2001 and proceeded to close the then 'Bardots' nudist resort with a view to redevelop the property and rebrand the business. The site is 8.149 hectares and is described as Lot 58 in Deposited Plan 75304, 562 Gan Gan Road, One Mile Beach.

After the purchase by Council the property was closed in 2001 for over two years during the initial redevelopment phase compounding Council's debt. The rebranding of the site as a "Beach Resort" failed to reach the proposed target market and the management model for the site was also unsuccessful. Various marketing campaigns failed to succeed and suggested developments requiring further significant capital investment were not progressed. The "beach resort" enterprise was then closed by Council in April 2013.

Over the previous four years, Council has undertaken two market offerings in an attempt to divest itself of the leasehold. The most recent process was undertaken in 2013 jointly with the land owner, Crown Lands. Neither marketing campaign resulted in a sound commercial proposal for Council or sound business proposal for the Crown.

As the Lease terms (Permitted Use) were amended in December 2013 to allow the site to be utilised for "business purposes", there is an opportunity to appropriately rebrand the business, utilising the property's inherent environmental characteristics to leverage a business proposal and reopen the site. The proposal is that the site will provide affordable and low cost camping catering primarily to family and school groups.

A business case was prepared on the basis of the above target markets and a financial analysis undertaken. It was clear from the analysis that the current rental structure with the Crown was unfeasible. The proposed business case also addresses the Matter Arising (092) from Council Resolution (091) that the General Manager investigates possible location/s for camping within Port Stephens.

A feasible financial model was prepared by Council as part of the Business Case and presented to the Crown.

At a meeting held Thursday 9 October 2014 with Crown Lands Officers, an agreement was reached, subject to the Crown Lands General Managers approval and Council has now received a letter and an amended spread sheet from the Crown.

The amended spread sheet details the acceptable rent to the Crown and proposes a \$51,625 base rent and percentage turnover rent based upon 8% of gross income. The projected result is still cash positive to Council.

It is considered that utilising the site as suggested will unlock the potential of the property, creating an attractive offering which provides a unique experience that will fill a gap in the market. In recent times, the market has seen increased demand versus supply due to decreasing availability of camp sites at Soldiers Point Holiday

Park and changes to product mix at other nearby accommodation properties. Furthermore, as a profitable going concern Council will have additional options to consider than what is currently the case i.e. divest of a going concern or apply to the Crown to extend the lease enabling additional revenue to Council over the extended term.

FINANCIAL/RESOURCE IMPLICATIONS

Tender documentation will be prepared to dispose of the 11 cabins currently on the site. The proceeds from the sale of the cabins will be utilised to fund the amenities block, camp kitchen and refurbish the units. The proposal will not require any further capital input and will be self-sustaining. Introducing camping to the site in small precincts will allow Council to monitor and regulate its expenditure. To expedite the opening of the business and to take advantage of the high season, it is proposed that funds from the Property Reserve be utilised until the funds are received from the Tender/Disposal process. This will enable the business to commence operation during the busy Christmas period.

Additionally, Staff located at Nelson Bay will move to the office already established at the property. This will result in a further resource saving of \$30,000 in rent per annum. Additional staff that will be required to manage the operations will be employed under contract for an initial twelve month period.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reserve Funds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Section 94	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
External Grants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/> Yes	450,000	Property Reserve until proceeds are available from the sale of onsite cabins.

LEGAL, POLICY AND RISK IMPLICATIONS

The tender for the cabins will be prepared in accordance with Council's Procurement Policy.

The occupancy rates for the motel style units which form part of the sites overall product mix have been based on the previous occupancy rates for the property which were considered extremely low. The occupancy rates for the camp sites have been based on actual rates at Soldiers Point Holiday Park which again were at the low end for the area/region. The business case does not take account of any increases in occupancy for the remaining term of the lease. However, a Business Plan will be developed to ensure business growth.

Accordingly, it is considered that the current data presented herein details a relatively conservative scenario and in reality the results are likely to be far better than detailed in the business case.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that the Port Stephens Community will have a negative view of reopening the property due to the poor financial history of the site.]	[High]	[The business case has utilised conservative tariffs and low occupancy rates to ensure the feasibility of the proposal. A communication plan will be implemented to make certain that the Community are kept informed.]	[Yes]
[There is a risk that Crown Lands General Manager will not endorse the Crown Lands Officers recommendation of the revised rent.]	[Low]	[The Corporate Services Group Manager has had discussions with Senior Officers at Crown Lands and has been given verbal assurances that the revised rent will be acceptable.]	[Yes]
[There is a risk that the Business will not be profitable.]	[Low]	[Introduce camping incrementally and monitor expenditure.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed model is based on affordable accommodation will provide suitable family accommodation in the Port Stephens LGA. The budget camping and caravanning market is more in keeping with the location of the property and its environmental context.

There is an opportunity to provide educational and activity based camps for school groups and leverage off the native flora and fauna present to provide educational sessions. Activities could encompass outdoor physical and creative activities, cooking, and social interactions such as sing-alongs – skills that are currently being lost in the age of technology.

CONSULTATION

- 1) Two Way Conversation with Councillors held 8/7/2014;
- 2) General Manager;
- 3) Crown Lands;
- 4) Property Services Manager;
- 5) Business Development Manager.

OPTIONS

- 1) Adopt the recommendations;
- 2) Amend the recommendations;
- 3) Reject the recommendations.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.]

ITEM NO. 7

FILE NO: A2004-0242

2013-2014 BUDGET ITEMS CARRIED FORWARD

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER
 GROUP: CORPORATE SERVICES]

RECOMMENDATION IS THAT COUNCIL:

- 1) [Approve the revotes from the 2013-2014 budget as detailed in **(ATTACHMENT 1)** to this report and vote the necessary funds to meet expenditure.]

ORDINARY COUNCIL MEETING – 28 OCTOBER 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Steve Tucker
	That the recommendation be adopted.

MOTION

283	Councillor Ken Jordan Councillor John Morello
	[It was resolved that Council approve the revotes from the 2013-2014 budget as detailed in (ATTACHMENT 1) to this report and vote the necessary funds to meet expenditure.]

BACKGROUND

[The purpose of this report is to advise of budget items from 2013-2014 that were not completed in that year and are proposed to be carried forward to 2014-2015.]

FINANCIAL/RESOURCE IMPLICATIONS

[The works included in this report were partially or wholly unexpended at the end of last financial year; however the funds are not automatically carried forward and require Council resolution. The majority of the works are funded from reserves and grants, and has no negative impact on Council's Long Term Financial Plan.]

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		

MINUTES FOR ORDINARY MEETING – 28 OCTOBER 2014

Reserve Funds	Yes		2,145,479		Budget from 2013-2014	
Section 94	Yes		60,000		Budget from 2013-2014	
External Grants	Yes		532,532		Budget from 2013-2014	
Other	Yes		731,022		Budget from 2013-2014	

LEGAL, POLICY AND RISK IMPLICATIONS

[Budgets lapse at the end of the financial year and require a Council resolution to be reinstated.]

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that unspent grant funds may have to be returned.]	[Medium]	[Revote budget to allow projects to proceed.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[A budget forms part of the integrated planning approach to sustainable service delivery.]

CONSULTATION

- 1) [Executive Leadership Team;
- 2) Section Managers.]

OPTIONS

- 1) [Accept the recommendation;
- 2) Amend the recommendation;
- 3) Reject the recommendation.]

ATTACHMENTS

- 1) [Table of Identified budget items and funding source.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.

ATTACHMENT 1
Table of Identified Budget Items and Funding Source

Category/Project	Unspent Amount	Category Sub-Total	Funding Source
Roads			
Raymond Terrace - The Hub car park	51,853		Asset Rehabilitation
Nelson Bay Cycleway Link	104,215		Asset Rehabilitation
LGA - Bus Shelter Infrastructure	174,100		Grants - CPTIG's 2012-2013
LGA - Bus Shelter Infrastructure	82,883		Grants - CPTIG's 2013-2014
Shoal Bay - Sec 10/20 Tomaree Road	123,393		Asset Rehabilitation
Boat Harbour -Blanch Street Segment 60	19,013		Asset Rehabilitation
Boat Harbour -Blanch Street Segment 60	19,013		Environmental Reserve
Medowie - Kirrang Drive cycleway	67,261		Asset Rehabilitation
Anna Bay - Birubi Surf Club	53,683		Asset Rehabilitation
		695,414	
Community and Recreation			
Fingal Bay - Marine Drive Carpark	166,688		Crown Trust
Nelson Bay - Skate park extension	20,000		Section 94 Repealed
Nelson Bay - Foreshore playground shade sail	30,000		Revenue
Lemon Tree Passage - Henderson Park aquatic infrastructure	50,593		Revenue
Corlette - Sandy Point Coastal Processes study	91,657		Revenue
Soldiers Point - Sunset Park Coastal Processes study	50,000		Revenue
Raymond Terrace - Boomerang Park playground	87,500		Revenue
Tanilba Bay - Foster Park playground	62,500		Revenue

MINUTES FOR ORDINARY MEETING – 28 OCTOBER 2014

Category/Project	Unspent Amount	Category Sub-Total	Funding Source
Hinton - Pontoon replacement	44,701		Revenue
Raymond Terrace - Boomerang Park croquet courts	40,000		Section 94 Repealed
Hinton - Cricket nets	10,000		Revenue
Shoal Bay – Foreshore revitalisation	272,851		Crown Trust
		926,490	
Civil Assets			
LGA -African Olive removal	20,632		Revenue
LGA - Roadside marker project	3,040		Revenue
		23,672	
Drainage			
LGA - Rehabilitation of pits	8,050		Asset Rehabilitation
Williamstown – Drainage study	52,875		Drainage Reserve
Salamander Bay - Mambo Wetland install stormwater	26,335		Drainage Reserve
Nelson Bay - Seabreeze Estate research project	5,160		Drainage Reserve
		92,420	
Other			
Community Options	47,285		Grants
Councillor services (Ward Funds)	88,266		Revenue
Legal cases	127,415		Revenue
		262,966	
Holiday Parks – Halifax			
Upgrade amenities	318,000		Crown Trust
Office refurbishment	12,170		Crown Trust
Construct 2 bedroom cabin	37,845		Crown Trust
Holiday van to tourist	6,071		Crown Trust
BBQ undercover area	75,000		Crown Trust
Tourist van slabs	40,000		Crown Trust
		489,086	

MINUTES FOR ORDINARY MEETING – 28 OCTOBER 2014

Category/Project	Unspent Amount	Category Sub-Total	Funding Source
Holiday Parks – Fingal			
Recreation room upgrade	171,697		Crown Trust
Reconstruct amenities	366,824		Crown Trust
BBQ convert	86,952		Crown Trust
Tourist van sites	60,530		Crown Trust
		686,003	
Natural Resources			
Community environment project	36,984		Grants
Environmental education	25,642		Grants
Bio banking maintenance	96,365		Grants
Environment projects	22,359		Grants
Weeds and mosquitoes	45,179		Grants
Home power saving project	1,735		Grants
		228,264	
Strategic Planning			
Crime prevention plan	18,000		Revenue
Rezoning fees	46,718		Revenue
		64,718	
TOTAL		3,469,033	
Totals by Funding Source			
Asset Rehabilitation	427,468		
Crown Trust	1,614,628		
Drainage Reserve	84,370		
Environmental Reserve	19,013		
Grants	532,532		
Revenue	731,022		
Section 94 Repealed	60,000		
TOTAL		3,469,033	

]

ITEM NO. 8

FILE NO: T14-2014

T14-2014 PROVISION OF ELECTRICAL MAINTENANCE SERVICES

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES]

RECOMMENDATION IS THAT COUNCIL:

- [1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 8 on the Ordinary Council agenda namely **T14-2014 Provision of Electrical Maintenance Services Tender.**]
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - [ii) In particular, the report includes confidential pricing information in respect of the **T14-2014 Provision of Electrical Maintenance Services Tender.**]
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
- [5) Accept the tender of Novocastrian Electrical Contractors Pty Ltd who offered the best value and to be appointed as Electrical Maintenance Service Providers to Port Stephens Council for the period 1 November 2014 to 30 October 2015.]

ORDINARY COUNCIL MEETING – 28 OCTOBER 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Paul Le Mottee Councillor John Nell
	[

MINUTES FOR ORDINARY MEETING – 28 OCTOBER 2014

	It was resolved that Council accept the tender of Novocastrian Electrical Contractors Pty Ltd who offered the best value and to be appointed as Electrical Maintenance Service Providers to Port Stephens Council for the period 1 November 2014 to 30 October 2015.]
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MOTION

284	Councillor Ken Jordan Councillor John Morello
	It was resolved that Council accept the tender of Novocastrian Electrical Contractors Pty Ltd who offered the best value and to be appointed as Electrical Maintenance Service Providers to Port Stephens Council for the period 1 November 2014 to 30 October 2015.

BACKGROUND

The purpose of this report is to recommend to Council the preferred tenderer for the provision of electrical maintenance services. The recommended length of the contract is for one year to fit in with Council's ongoing sustainability review program that has Council's Building Trades Unit's sustainability review scheduled to be before Council in December 2014.

Council requires the services of a company that has the capacity and expertise to provide Council with quality, professional electrical services during peak periods of increased work requests and when Council staff cannot complete the work within required timeframes.

The electrical maintenance services contract was last awarded in 2008 and is now due for renewal.

A total of seven (7) tender submissions were received from local companies, with charge out rates ranging from \$55 per hour to \$77.25 per hour and a spread of scores from the weighted evaluation criteria between 51.51 and 83.10 (**ATTACHMENT 1**). Novocastrian Electrical Contractors Pty Ltd was the best scoring submission after analysis of the selection criteria.

The weightings agreed for this Tender evaluation were:

Criteria	Weighting
Cost	35%
Compliance	20%
Capability	15%
Resources	20%
References	10%

Novocastrian Electrical Contractors Pty Ltd, is an established local business based at Heatherbrae who places a high importance on safety and exceptional quality services.

MINUTES FOR ORDINARY MEETING – 28 OCTOBER 2014

Reference checks have returned positive responses from the supplied referees.]

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	[Yes]	[Revenue]	[Funding for this service is secured through Council's budget.]
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

[The tender has been conducted according to Port Stephens Council's Procurement Guideline – Tendering.]

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
[There is a risk that substandard services will lead to damage in reputation for Port Stephens Council and lead to deterioration of Council Assets.	High	Provision of electrical maintenance services for peak periods through a contractual arrangement.	No

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[Nil.]

CONSULTATION

- 1) [Procurement;
- 2) Electrical Services Team Leader;
- 3) Public Domain and Services Section Manager;
- 4) Customers and Stakeholders.]

OPTIONS

- 1) [Adopt the recommendations;
- 2) Amend the recommendations;
- 3) Reject the recommendations.]

ATTACHMENTS – Confidential (provided under separate cover)

- 1) [Tender Evaluation Summary.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.]

ITEM NO. 9**FILE NO: PSC2005-3699****WRITE OFF OF UNRECOVERABLE DEBT****REPORT OF: STEVEN BERNASCONI – COMMUNITY SERVICES SECTION MANAGER****GROUP: FACILITIES & SERVICES]**

RECOMMENDATION IS THAT COUNCIL:

- 1) [Write off electricity charge debt totalling \$20,000 owing from the previous proprietor of the Longboat Café Pty Limited - Fingal Beach Surf Club Inc. (sundry debtor account no 12667.01) as unrecoverable.]

ORDINARY COUNCIL MEETING – 28 OCTOBER 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor John Morello
	That the recommendation be adopted.

MOTION

285	Councillor Ken Jordan Councillor John Morello
	[It was resolved that Council write off electricity charge debt totalling \$20,000 owing from the previous proprietor of the Longboat Café Pty Limited - Fingal Beach Surf Club Inc. (sundry debtor account no 12667.01) as unrecoverable.]

BACKGROUND

[The purpose of this report is to obtain approval from Council to write off a debt (sundry debtor account no. 12667.01) that is unrecoverable

On 4 January 2010, the Fingal Beach Surf Club Inc. entered into a five (5) year sub lease agreement with the then proprietor of the Long Boat Café. At the time Council understood that the sub lease required the proprietor to pay for all outgoings relating to the Long Boat Café including electricity usage. From the start of the sub lease the proprietor made regular electricity usage payments up until September 2011. However between September 2011 and March 2013 electricity bills were not forwarded to the proprietor resulting in Council carrying the usage costs for this period.

The proprietor at the time agreed to maintain a payment plan for the electricity usage for this period totalling \$20,000. However, whilst reviewing the sub lease with the Fingal Beach Surf Club Inc, the proprietor discovered that the sub lease was ambiguous on who pays "outgoings" and subsequently withdrew the intention to pay the debt. The proprietor has since left the region and the debt collection process has been exhausted.

For clarity, the current sub lease between Fingal Beach Surf Life Club Inc and the current proprietor of the Long Boat Café does specify the responsibilities for the payment of outgoings.]

FINANCIAL/RESOURCE IMPLICATIONS

[Adopting the recommendation will result in the loss of \$20,000 in debt recovery for the Community Services Section/Contracts and Services Team budget. This loss will be absorbed within current funding arrangements.]

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	[Yes]	[20,000]	[Lost debt recovery to be absorbed from within existing budget.]
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

[There are no policy or legal implications from adopting the recommendations.

The Local Government General Regulation requires a resolution of Council to write of a debt of more than \$5,000.

A review of the original sub lease shows that Council does not have any legal recourse to pursue the debt.]

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
[There is a risk that if the debt is pursued the cost to pursue it will be more than the return resulting in greater financial loss.]	[Medium]	[Adopt the recommendation]	[Yes]
[There is a risk that if the	[Low]	[Adopt the recommendation]	[Yes]

MINUTES FOR ORDINARY MEETING – 28 OCTOBER 2014

debt is pursued and stills fails to recover the debt then there may be localised reputation damage to Council.]			
[There is a risk that not reviewing the sub leasing processes with lessees may result in Council's interests not being catered for in future sub leases resulting in financial, legal, environmental and reputation damage.]	[Medium]	[Note that the Community Leasing Policy and the new processes in place for the recovery of electricity and water usage on Council properties now have checks and balances to ensure timely accounts and follow up on debts.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[There are no social, economic or environmental implications from adopting the recommendation.]

CONSULTATION

- 1) [President Fingal Beach Surf Lifesaving Club;
- 2) Contracts & Services Coordinator;
- 3) Accounting and Revenue Coordinator;
- 4) Revenue Officer.]

OPTIONS

- 1) [Adopt the recommendation;
- 2) Reject the recommendation.]

ATTACHMENTS

[Nil.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.]

ITEM NO. 10

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 28 October, 2014.

No:	Report Title	Page:
1.	Community Safety Precinct Meeting Minutes	
2.	Cash and Investments Held At 30 September 2014	
3.	Rebranding and Renaming Of Soldiers Point Holiday Park	
4.	Designated Persons – Pecuniary Interest	

ORDINARY COUNCIL MEETING – 28 OCTOBER 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Chris Doohan Councillor Ken Jordan
	That the recommendation be adopted.

276	Councillor Ken Jordan Councillor John Morello
	It was resolved that Council move out Committee of the Whole.

MOTION

286	Councillor Ken Jordan Councillor John Morello
	It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 28 October, 2014.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

COMMUNITY SAFETY PRECINCT MEETING MINUTES

REPORT OF: TIM CROSDALE-STRATEGY AND ENVIRONMENT SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

FILE: PSC2014-00219

BACKGROUND

The purpose of this report is to provide Council with the Minutes from the Community Safety Precinct (CSPC) Meeting held on 13 August 2014. Minutes of the meeting are taken by Port Stephens Local Area Command (PSLAC) and forwarded to Council when completed. Meetings of the CSPC are held bimonthly by invitation and as decided by the Commander PSLAC.

In accordance with Council's Notice of Motion dated 24 July 2012, the Minutes are presented for Councillors information.

Community Safety Precinct Committees (CSPCs) provide an opportunity for local Councils and community members to meet with Police Local Area Commanders to share their perspective on local crime, safety issues, and strategies to address crime. Local Area Commanders also promote accurate local crime information and raise awareness of crime prevention approaches as part of CSPC.

The purpose of CSPCs is to:

- Ensure Local Area Commanders are communicating to their local communities;
- Encourage community partnerships to reduce crime and the fear of crime;
- Develop local solutions to local crime in partnership with local stakeholders;
- Improve public safety and reduce the fear of crime at a local level;
- Raise understanding of the relationship between policing and crime reduction; and
- Ensure Commanders take into account local community views on police visibility, police deployment and crime hotspots when deciding police tasking and deployment.

ATTACHMENTS

- 1) CSPC Meeting Minutes - August 2014

**Port Stephens
Community Safety Precinct Meeting
Port Stephens LOCAL AREA COMMAND**

13th August, 2014

Meeting commenced: 10.07am

Attendance:

Commander Rae, Detective Inspector George Radmore, Sergeant Matthew Moroney, Senior Constable Stewart, Simon Ryan Bob Baldwins Office , David Series PSGAT, Michelle Page Port Stephens Council, Craig Deasey, Dungog Shire Council, Judy Washington PSGAT, Doreen Bradley Tilligery Community Representative, Joe Ruiz Marketplace Raymond Terrace

Apologies: Harold Johnston, Mayor Dungog Council

Meeting Chair: Commander Craig Rae

Meeting Minute Taker: Senior Constable STEWART

Commander Rae opened the meeting and welcomed everyone.

Minutes of the previous meeting:

**MOVED by Doreen Bradley
SECONDED by David Series**

ACTIONS FROM PREVIOUS MEETING:

ACTION	MEMBER	COMMENTS
Alcohol Free Zone for Zenith Beach and surrounds	Snr Cst Stewart	Need to discuss and clarify by December, 2014 the zone in question and ensure signage has been erected *ACTION – Snr Cst Stewart

Operation TABELLA date to be fixed	Colleen Mulholland/Alison Stewart	Council has funding for resources to run operation. Mr RAE has given approval for operation to run, date to be fixed in conjunction with council and Marketplace. CARRY OVER
Graffiti issues highlighted	George Radmore	Operation ERASER has commenced which is targeting the Tomaree Peninsula. At this stage in early development CARRY OVER
Alcohol Free Zones – Nelson Bay	Alison Stewart and Council	Permanent signs from Halifax to Fingal ACTION: Snr Cst Stewart to liaise with Council.
Safer Streets Program funding	Alison Stewart and council	Meeting needs to arrange with other agencies re details of funding/cameras etc. ACTION: Snr Cst Stewart to liaise with council and other agencies. CARRY OVER

Commander Rae gave a presentation of Port Stephens LAC crime statistics from the Compass report.

Advised that the Command has been given five additional Police, these were allocated to the proactive crime team, additional Sergeant position allocated and a further government commitment of 7 police for general duties positions possibly for Lemon Tree Passage, Dungog and Tea Gardens.
We have a great CIB and Intelligence Office with experienced officers, getting great results which are paying dividends.

GENERAL BUSINESS:

Mr Radmore - spoke about the commencement of Operation ERASER and he had met with the Port Stephens Graffiti Action Team and other stakeholders regarding the issues and how they operation is to be approached. Police are visiting residence to identify offenders, speaking to young persons, searching phones/computers etc to assist with identifying tags, working in conjunction with intell. Unit to collate the results, the reporting of the offences has now been clarified and the statistics are reflecting the true volume of the issues. PCYC has commenced interaction with the young persons who are responsible.

David Series – spoke about the impact the graffiti had on the group and how they are managing the issues, the group believes the main offenders are older and not juveniles.

Mr Rae – spoke about a motor bike trail operation running for 5 days in the Monkerai area with about 250 motorcycle rider coming to the area from around the world.

- NARLA Aboriginal football knockout will attract 20 000-50 000 people over the October long week-end, the recruitment branch, iproud branch and various stall holders will be inside the compound, the operation is very resource intensive but a good community operation.
- Focus on OMCg club houses being closed at Salamander Bay and Tea Gardens, a couple of members were assaulted for an assault at The Seabreeze Hotel, Nelson Bay. The annual National run which has been held at Oaks Resort has been prevented this year by Mr Flaherty with support from business chamber, Oaks, liquor accord, community groups, Shoal Bay Resort and Spa would not accommodate the National run so it would appear they will take the run elsewhere, this operation is a big drain on resources.

Mr Radmore – spoke about the Port Stephens, Central Hunter, Lake Macquarie and Newcastle City LAC's providing officers to target certain areas at a particular time depending on the incidents, this will commence in the coming months and have a positive effect.

Joe Ruiz – spoke about shoplifting being identified as a steal from retail under the Compass report, small business' are not reporting the incidents, the bigger stores are reporting and the employees are targeting, there is a spike in the graph due to increased detection once there is conviction then the spike will drop

Mr Rae – spoke about the number of drug detections and the amount of persons charged with drug possession, this increase would indicate that pro-activity is increased, this is the highest in 3 years, drugs and property crime are combined.

Mr Rae – PACC members spoke about issues on Stockton Beach – anti-social behaviour, mess, it is the intention to run a joint operation with Newcastle City LAC with trail bikes, National Parks, Fisheries, HWP, targeting the entry and exits points of the beach, time at this stage not indicated.

Mr Deasey – When is the second officer at Dungog arriving, the town becomes a bit complacent and know when Mitch is not in town, there was intell. that The Commanchero's were going to establish a base in Dungog but his information has fallen through, there was criticism regarding the amount of policing resources at Thunderbolts Rally, due to the history police presence had to be increased, when Thunderbolts comes to town it is a big boost to the community, there is a festival coming up but it has low key numbers there is plenty of accommodation and the dynamics of the festival this year are a bit different

Doreen – The survey on cameras prior to election Mayor MCKENZIE said won't work 12 months off, meetings originally started with Paul CAMPBELL achieving a lot more and satisfactory to residents getting somewhere – recently a good arrest in Tilligerry – possibly two vehicles doing drug distribution but keeping an eye on those vehicles – certain families in community are running their families to sporting activities on motor bikes

Michelle PAGE – CCTV money has been allocated, Crime prevention plan funding is for steal from motor vehicle this will include the number plate screws, research on graffiti, council meeting rewards hand out re Great Lakes consult with other councils will then report back to council, Alcohol Free Zones re-establishment for Medowie and Shoal Bay, meeting required to discuss bags/screws etc for community engagement.

Mr RADMORE – meeting requested re graffiti at Nelson Bay and what Port Stephens Council can offer, who owns the graffiti management plan this is possibly the community development officer – Sen Con STEWART to liaise with council re allocation of role and require and input into plan.

David SERIES – speak with Mr RADMORE after CSPC meeting to discuss application

Father Chris was welcomed to meeting

Mr RAE – Raymond Terrace has changed a lot over the years and has lost its identity, an event focused around Raymond Terrace whereby emergency services, local council, politicians and other community members are involved which will give the community an identity, the demography has changed over 20 years, committee needs to be formed, Raymond Terrace Bowling Club could hold the function – wanting the business community to get involved, charity fund raiser, any assistance can see Mr RAE or Father Chris, at this stage crime in the LAC is good.

MEETING CONCLUDED: 11.16AM

NEXT MEETING: Wednesday 12 November, 2014 at 10am.

INFORMATION ITEM NO. 2

CASH AND INVESTMENTS HELD AT 30 SEPTEMBER 2014

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 30 September 2014.

ATTACHMENTS

- 1) Cash and investments held at 30 September 2014.
- 2) Monthly cash and investment balance September 2013 to September 2014.
- 3) Monthly Australian term deposit index September 2013 to September 2014.

MINUTES FOR ORDINARY MEETING – 28 OCTOBER 2014

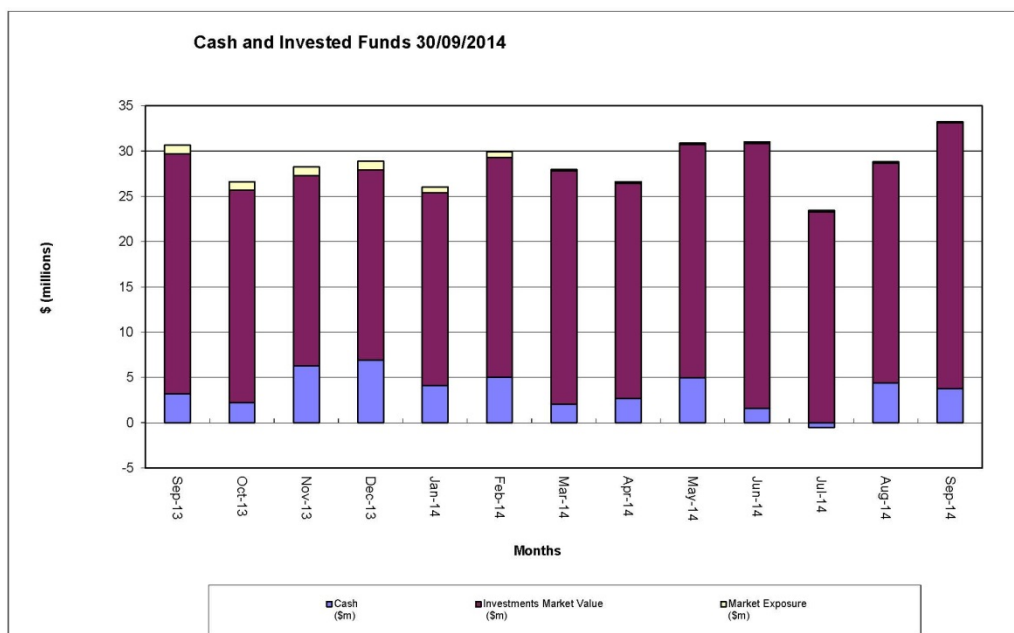
ATTACHMENT 1

CASH AND INVESTMENTS HELD AS AT 30 SEPTEMBER 2014								
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
RURAL BANK LTD	CURVE	A-	TD	3.72%	196	8-Oct-14	2,000,000	2,000,000
THE MUTUAL	THE MUTUAL	N/R	TD	3.80%	182	22-Oct-14	1,000,000	1,000,000
WIDE BAY AUSTRALIA LTD	CURVE	BBB	TD	3.75%	182	5-Nov-14	1,000,000	1,000,000
WIDE BAY AUSTRALIA LTD	CURVE	BBB	TD	3.75%	182	5-Nov-14	1,000,000	1,000,000
BANANACOAST CREDIT UNION LTD	FARQUHARSON	N/R	TD	3.70%	189	19-Nov-14	2,000,000	2,000,000
BANK OF SYDNEY LTD	FIIG	N/R	TD	3.75%	196	3-Dec-14	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.74%	266	17-Dec-14	1,005,896	1,005,896
ING BANK (AUSTRALIA)	CURVE	A	TD	3.65%	182	17-Dec-14	1,000,000	1,000,000
BANK OF SYDNEY LTD	RIM	N/R	TD	3.75%	210	14-Jan-15	1,000,000	1,000,000
SUNCORP	SUNCORP	A+	TD	3.45%	147	28-Jan-15	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.65%	182	11-Feb-15	1,000,000	1,000,000
ING BANK (AUSTRALIA)	FIIG	A	TD	3.56%	182	25-Feb-15	1,000,000	1,000,000
ARAB BANK AUSTRALIA LTD	RIM	BB+	TD	3.90%	271	11-Mar-15	1,500,000	1,500,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.58%	182	25-Mar-15	2,000,000	2,000,000
ARAB BANK AUSTRALIA LTD	RIM	BB+	TD	3.85%	266	6-May-15	500,000	500,000
POLICE CREDIT UNION LTD (SA)	FARQUHARSON	N/R	TD	3.65%	224	14-May-15	2,000,000	2,000,000
AMP BANK LTD	FARQUHARSON	A+	TD	3.50%	275	29-May-15	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	BOQ	A-	TD	3.60%	266	3-Jun-15	2,500,000	2,500,000
AMP BANK LTD	CURVE	A+	TD	3.50%	266	3-Jun-15	1,000,000	1,000,000
WAW CREDIT UNION CO-OPERATIVE	CURVE	N/R	TD	3.65%	301	1-Jul-15	2,000,000	2,000,000
SUB TOTAL (\$)							27,505,896	27,505,896
OTHER INVESTMENTS								
THE MUTUAL	THE MUTUAL	N/R	FRSD	4.99%	10yrs	31-Dec-14	500,000	500,000
NEXUS BONDS LTD "TOPAZ AA-"	GRANGE	A	CDO	0.00%	10yrs	23-Jun-15	412,500	373,317
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	930,604
SUB TOTAL (\$)							1,930,377	1,803,921
INVESTMENTS TOTAL (\$)							29,436,273	29,309,817
CASH AT BANK (\$)							3,793,241	3,793,241
TOTAL CASH AND INVESTMENTS (\$)							33,229,515	33,103,059
CASH AT BANK INTEREST RATE				2.50%				
BBSW FOR PREVIOUS 3 MONTHS				2.70%				
AVG. INVESTMENT RATE OF RETURN				3.51%				
TD = TERM DEPOSIT				FRN = FLOATING RATE NOTE				
CDO = COLLATERALISED DEBT OBLIGATION				FRSD = FLOATING RATE SUBORDINATED DEBT				
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE								
LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND								
COUNCIL'S CASH INVESTMENT POLICY								
W WALLIS								

ATTACHMENT 2

Cash and Investments Held

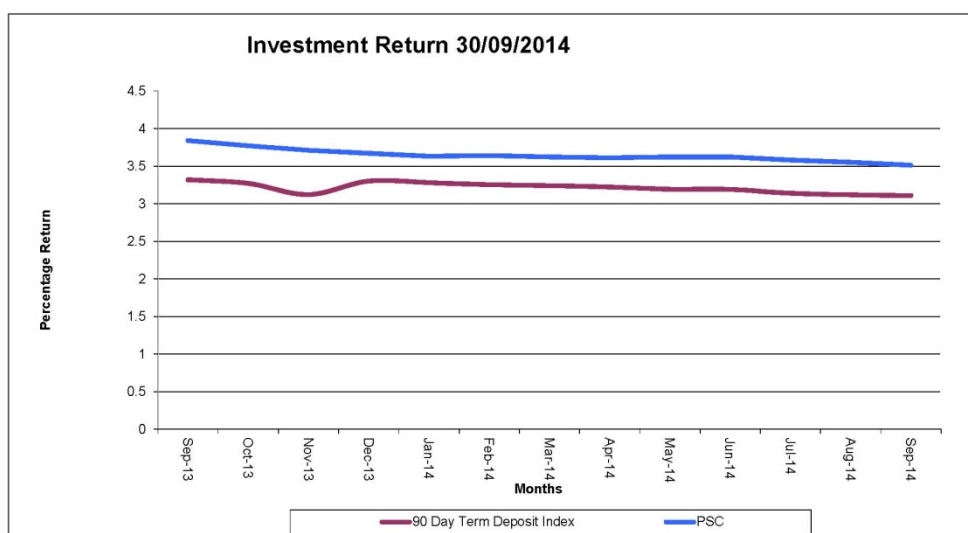
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Sep-13	3.221	26.489	0.941	27.278
Oct-13	2.193	23.484	0.946	30.652
Nov-13	6.305	20.992	0.939	28.236
Dec-13	6.932	20.992	0.939	28.863
Jan-14	4.122	21.271	0.659	26.052
Feb-14	5.006	24.274	0.656	29.936
Mar-14	2.048	25.759	0.171	27.978
Apr-14	2.692	23.761	0.169	26.622
May-14	4.964	25.775	0.156	30.895
Jun-14	1.572	29.276	0.155	31.002
Jul-14	- 0.532	23.290	0.147	22.905
Aug-14	4.375	24.305	0.132	28.811
Sep-14	3.793	29.310	0.126	33.230



ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	90 Day Term Deposit Index	PSC
Sep-13	3.3183	3.84
Oct-13	3.27	3.77
Nov-13	3.1212	3.71
Dec-13	3.3007	3.67
Jan-14	3.2797	3.63
Feb-14	3.2527	3.64
Mar-14	3.2397	3.62
Apr-14	3.2216	3.61
May-14	3.1931	3.62
Jun-14	3.1897	3.62
Jul-14	3.1389	3.58
Aug-14	3.1182	3.55
Sep-14	3.1082	3.51



INFORMATION ITEM NO. 3

THOU WALLA SUNSET RETREAT

REPORT OF: BRETT FIELD – ACTING PROPERTY SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

FILE: PSC2014-03521

BACKGROUND

The purpose of this report is to provide Council with information in relation to the rebranding and marketing of the Soldiers Point Holiday Park ('SPHP').

As Council is aware SPHP has been run successfully under a contract management model since 1 December 2013 and this has seen a significant turnaround in the presentation of the facilities, maintenance, and most importantly financial performance together with a significant improvement in the level of satisfaction experienced by visitors to the Park.

Currently the first stage of a new product being ten (10) Eco-tents is being implemented at SPHP in accordance with Council's adoption of recommendations at its meeting of 15 April 2014 (Min No.91). At the same time Council, in cooperation with NSW Office of Environment and Heritage (National Parks) is facilitating the process of Aboriginal Place nomination and recently Councillors and senior staff met with Worimi Elders at the Park as part of this process.

The Park Management are working with all stakeholders including the Worimi community to preserve the Aboriginal significance of Soldiers Point generally, but specifically in respect of the eastern side of the park being the historical burial ground which will be the location of the 10 eco-tents. To this end Worimi Elders have consented to the use of the traditional name for the area being 'Thou Walla' meaning 'meeting place'.

It is intended to rebrand the Park with this name and the Park Management also intend to work closely with the Worimi representatives to implement interpretive signage and other initiatives around educating visitors to the Park around the cultural significance of the area.

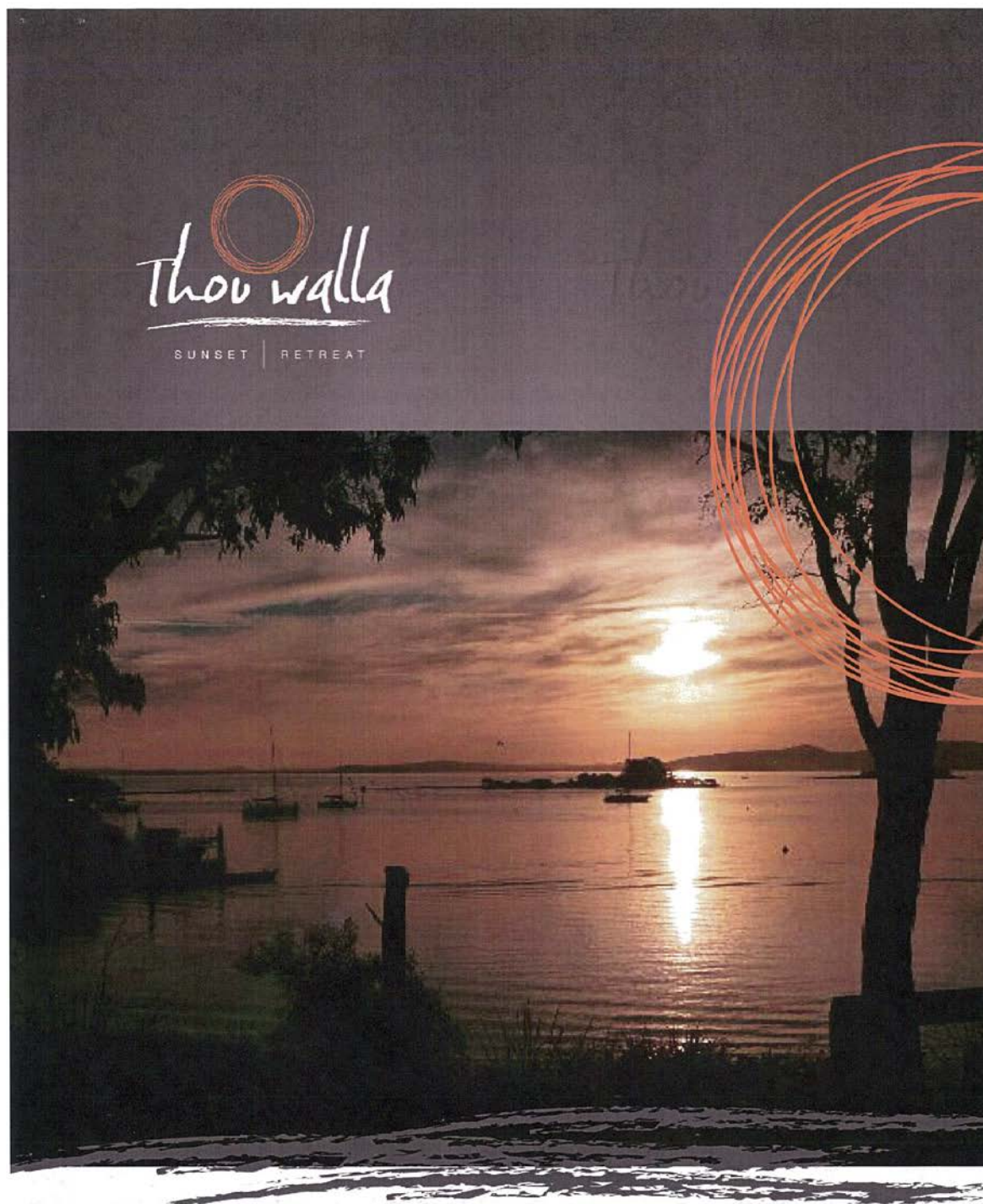
Rebranding of the Park is necessary as the marketing initiatives being undertaken by the Park Managers is targeting a different (higher income) demographic than that which is targeted (generally) by the Beachside Holiday Parks model represented by Council Parks located at Fingal Bay, Shoal Bay and Halifax Park.

Council's Public Relations and Marketing staff have developed a branding proposal for the name 'Thou Walla' and this is marked **(ATTACHMENT 1)**. This work represents a significant saving compared to this work being contracted out and is considered to be of a very high quality.

ATTACHMENTS

- 1) Thou Walla Branding Proposal.

ATTACHMENT 1
Thou Walla Branding Proposal



BRAND CONCEPT AND DEVELOPMENT

INFORMATION ITEM NO. 4

DESIGNATED PERSONS – PECUNIARY INTEREST

REPORT OF: WAYNE WALLIS – GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2012-02853

BACKGROUND

The purpose of this report is to advise Council of those new Council staff who have submitted Returns.

In accordance with Section 450A of the Local Government 1993, all new staff are required to lodge a Return within three (3) months of commencement. These Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted Return/s:

Trainee Building Surveyor (PSC767)
Senior Environmental Health Officer (PSC763)
Land Acquisition and Development Manager (PSC775)
Senior Development Planner (PSC077)

ATTACHMENTS

Nil.

TABLED DOCUMENTS

- 1) Pecuniary Interest Returns.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217

YACAABA CENTRE SUPPORT

COUNCILLOR: SALLY DOVER

THAT COUNCIL:

- 1) Acknowledges the strong community support for the Centre including from Port Stephens Local Area Command, Rotary and Tomaree Rate Payers and Residents Association and acknowledges the vital services it has provided over 25 years;
 - 2) Supports the continuation of NSW State funding for the Yacaaba Centre to maintain current staffing levels and property and to ensure the remote Tomaree Peninsula is adequately serviced;
 - 3) Supports Yacaaba's proposal for additional NSW State funding of \$375,000 until June 2017;
 - 4) Writes to the Minister for Family & Community Services, the Hon. Gabrielle Upton MP requesting that she supports Yacaaba's funding proposal in recognition of its role as an essential service for Port Stephens.
-

ORDINARY COUNCIL MEETING – 28 OCTOBER 2014 MOTION

287	Councillor Sally Dover Councillor John Morello
	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Acknowledges the strong community support for the Centre including from Port Stephens Local Area Command, Rotary and Tomaree Rate Payers and Residents Association and acknowledges the vital services it has provided over 25 years;2) Supports the continuation of NSW State funding for the Yacaaba Centre to maintain current staffing levels and property and to ensure the remote Tomaree Peninsula is adequately serviced;3) Supports Yacaaba's proposal for additional NSW State funding of \$375,000 until June 2017;4) Writes to the Minister for Family & Community Services, the Hon. Gabrielle Upton MP requesting that she supports Yacaaba's funding proposal in recognition of its role as an essential service for Port Stephens.

**BACKGROUND REPORT OF: ROSS SMART – COMMUNICATIONS SECTION
MANAGER**

BACKGROUND

The Yacaaba Centre has provided information, counselling and support services to homeless people, those at imminent risk of homelessness, or who are suffering as a result of abuse either current or in the past on the Tomaree Peninsula for over 25 years. The service the Centre provides to the community is a vital one and has the support of numerous community organisations, including service clubs such as Rotary, churches and religious groups, other community service providers and interest groups as well as local law enforcement.

Port Stephens Council acknowledges the deep roots the Yacaaba Centre has in the Tomaree community and the work it has carried out for the community since its inception in 1987. Council's community development staff have worked with the Centre on projects, primarily in a youth services and social planning sense, over recent years, while representatives of the Centre have also been involved on a sporadic basis with the Port Stephens Interagency.

Council also acknowledges the funding challenges currently faced by the Yaccaba Centre and sees its proposal for further state government funding as being crucial to the ongoing delivery of the service through to June 2017. Council recognises the NSW Government decision to allocate annual funding in this area to the Port Stephens Neighbourhood and Family Centre and recommends that it and the Yacaaba Centre prioritise investigating all opportunities that may exist to work together on the development and delivery of services on the Tomaree Peninsula, in order to ensure support continues to be provided to those who most need it in the east of the local government area.

There being no further business the meeting closed at 7.15pm.

I certify that pages 1 to 149 of the Open Ordinary Minutes of Council 28 October 2014 were confirmed by Council at its meeting held on 11 November 2014.

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Bruce MacKenzie
MAYOR