

# DRAFT

## MINUTES – 9 JUNE 2015



# PORT STEPHENS

## C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 9 June 2015, commencing at 5.30pm.

**PRESENT:**

Mayor B MacKenzie, Councillors G. Dingle, C. Doohan, S. Dover, P. Kafer, P. Le Mottee, S. Tucker, General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Development Services Group Manager and Governance Manager.

Cr Chris Doohan entered the meeting at 5.31pm, during Item 1.

**144**

**Councillor Steve Tucker**  
**Councillor Paul Le Mottee**

It was resolved that the apologies from Cr John Morello and Cr Ken Jordan be received and noted.

<b>MINUTES ORDINARY COUNCIL - 9 JUNE 2015</b>
---

<b>145</b>	<b>Councillor Sally Dover</b> <b>Councillor Steve Tucker</b>  It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 26 May 2015 be confirmed.
	No Declaration of Interest were received.

# INDEX

SUBJECT

PAGE NO

**MOTIONS TO CLOSE ..... 4**

1. MOTION TO CLOSE .....5
2. MOTION TO CLOSE .....7
3. MOTION TO CLOSE .....9

**COUNCIL REPORTS..... 10**

1. SECTION 96(3) APPLICATIONS TO MODIFY DEVELOPMENT  
CONSENT NO. 16-2008-827-2 NO. 470 MARSH RD, BOBS FARM ..... 11
2. PROPOSED AMENDMENTS TO THE PORT STEPHENS  
DEVELOPMENT CONTROL PLAN - TREE MANAGEMENT .....40
3. T07-2015 ASSET PROTECTION ZONE/FIRE TRAIL AND  
CEMETERY MOWING MAINTENANCE.....53
4. IMPROVEMENT PROPOSAL - FIT FOR THE FUTURE .....58
5. INFORMATION PAPERS .....63

**INFORMATION PAPERS ..... 65**

1. EPLANNING PROJECT – DISPLAY OF DEVELOPMENT  
APPLICATION INFORMATION ONLINE .....66
2. PORT STEPHENS COUNCIL AND CRIME STOPPERS GRAFFITI  
PARTNERSHIP.....68

**CONFIDENTIAL ..... 71**

1. ACQUISITION OF LAND FOR ROAD WORKS AT 1580 CLARENCE  
TOWN ROAD, SEAHAM.....72
2. ACQUISITION OF LAND FOR ROAD WORKS AT 81 LEMON TREE  
PASSAGE ROAD, SALT ASH .....73
3. ACQUISITION OF LAND FOR ROAD WORKS AT 1406B CLARENCE  
TOWN ROAD, SEAHAM.....74

# MOTIONS TO CLOSE

## MINUTES ORDINARY COUNCIL - 9 JUNE 2015

ITEM NO. 1

FILE NO: PSC2015-01000/356  
TRIM REF NO: PSC2014-03088 &  
PSC2015-00444

### MOTION TO CLOSE

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

---

### RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) and (h) of the *Local Government Act, 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Acquisition of land for road works at 1580 Clarence Town Road, Seaham.**
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
  - (a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, and
  - (b) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

---

### ORDINARY COUNCIL MEETING - 9 JUNE 2015 MOTION

146	<p><b>Councillor Steve Tucker</b> <b>Councillor Sally Dover</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) That pursuant to section 10A(2) (c) and (h) of the <i>Local Government Act, 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely <b>Acquisition of land for road works at 1580 Clarence Town Road, Seaham.</b></li><li>2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ol style="list-style-type: none"><li>(a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to</li></ol></li></ol>
-----	--

**MINUTES ORDINARY COUNCIL - 9 JUNE 2015**

	<p>conduct) business, and</p> <p>(b) information concerning the nature and location of a place or an item of Aboriginal significance on community land.</p> <p>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</p>
--	---

**ITEM NO. 2**

**FILE NO: PSC2015-01000/357**

**TRIM REF NO: PSC2013-04963**

**MOTION TO CLOSE**

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER

GROUP: GENERAL MANAGER'S OFFICE

---

**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (c) and (e) of the *Local Government Act, 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **Acquisition of land for road works at 81 Lemon Tree Passage Road, Salt Ash.**
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
  - (a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, and
  - (b) information that would, if disclosed, prejudice the maintenance of law.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

---

**ORDINARY COUNCIL MEETING - 9 JUNE 2015**

**MOTION**

<b>147</b>	<p><b>Councillor Steve Tucker</b> <b>Councillor Sally Dover</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) That pursuant to section 10A(2) (c) and (e) of the <i>Local Government Act, 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely <b>Acquisition of land for road works at 81 Lemon Tree Passage Road, Salt Ash..</b></li><li>2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ol style="list-style-type: none"><li>(a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,</li></ol></li></ol>
------------	---

<b>MINUTES ORDINARY COUNCIL - 9 JUNE 2015</b>
---

	<p>and</p> <p>(b) information that would, if disclosed, prejudice the maintenance of law.</p> <p>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</p>
--	---

**ITEM NO. 3**

**FILE NO: PSC2015-01000/358**

**TRIM REF NO: PSC2014-03187**

**MOTION TO CLOSE**

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER

GROUP: GENERAL MANAGER'S OFFICE

---

**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (c) of the *Local Government Act, 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 3 on the Ordinary agenda namely **Acquisition of land for road works at 1406b Clarence Town Road, Seaham.**
  - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
    - (a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
  - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
- 

**ORDINARY COUNCIL MEETING - 9 JUNE 2015**

**MOTION**

<b>148</b>	<p><b>Councillor Steve Tucker</b> <b>Councillor Sally Dover</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) That pursuant to section 10A(2) (c) of the <i>Local Government Act, 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 0 on the Ordinary agenda namely <b>Acquisition of land for road works at 1406b Clarence Town Road, Seaham.</b></li><li>2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ol style="list-style-type: none"><li>(a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</li></ol></li><li>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</li></ol>
------------	---

# COUNCIL REPORTS

**ITEM NO. 1**

**FILE NO: PSC2015-01000/150  
TRIM REF NO: 2008-827-2**

**SECTION 96(3) APPLICATIONS TO MODIFY DEVELOPMENT CONSENT NO. 16-2008-827-2 NO. 470 MARSH RD, BOBS FARM**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve in part the Section 96 application modifications for following Conditions of Consent:
  - a) Amending Condition 6 to reflect the current requirements for the construction of buildings in bushfire prone areas under Australian Standard 3959-2009 by apply a Bushfire Attack Level (BAL0 of BAL19 to the southern, eastern and western elevations and BAL12.5 to the northern elevation.
  - b) Removal of Conditions 20 and 21 relating to driveway construction requirements.
  - c) The BASIX requirements have been met, therefore no further action is needed in relation to the requested condition to be removed.
  
- 2) Refuse the remaining Section 96 application modifications (Modify Development Consent No. 16-2008-827-2) for the following reasons:
  - a) The development is inconsistent with the provisions of the Port Stephens Council LEP 2012. In particular Clause 7.3 planning considerations for development in flood prone land.
  - b) Removal of conditions relating to statutory Building Code of Australia (BCA) requirements in relation to upgrading a non-habitable structure to a habitable structure.
  - c) Issuing a development consent for the S96 application is not consistent with Council's duty of care in the protection of the residents, State Emergency Services and the property owners from the personal and property risks associated with flood events, safety and non-compliances with Building Code of Australia and associated Australian Standards.

**ORDINARY COUNCIL MEETING - 9 JUNE 2015  
MOTION**

<b>149</b>	<b>Councillor Sally Dover</b> <b>Councillor Geoff Dingle</b>  It was resolved that Council move into Committee of the Whole.
------------	---

Cr Chris Doohan entered the meeting at 5.31pm, during Item 1.

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Paul Le Mottee</b> <b>Councillor Sally Dover</b>  That Council:  <ul style="list-style-type: none"><li>1) Approve in part the Section 96 application modifications for following Conditions of Consent:<ul style="list-style-type: none"><li>a) Amending Condition 6 to reflect the current requirements for the construction of buildings in bushfire prone areas under Australian Standard 3959-2009 by apply a Bushfire Attack Level (BAL0 of BAL19 to the southern, eastern and western elevations and BAL12.5 to the northern elevation.</li><li>b) Removal of Conditions 20 and 21 relating to driveway construction requirements.</li><li>c) The BASIX requirements have been met, therefore no further action is needed in relation to the requested condition to be removed.</li><li>d) Amend condition 11 to enable a modification to reduce the AHD level by 40mm (to 1.84m AHD) for the electrical pillar to remain in its current location.</li></ul></li><li>2) Refuse the remaining Section 96 application modifications (Modify Development Consent No. 16-2008-827-2) for the following reasons:<ul style="list-style-type: none"><li>a) It is not reasonable to remove conditions relating to statutory Building Code of Australia (BCA) requirements for upgrading a non-habitable structure to a habitable structure.</li><li>b) Issuing a development consent for the S96 application is not consistent with Council's duty of care in relation to safety and non-compliances with Building Code of Australia and associated Australian Standards.</li></ul></li></ul>
--	--

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

## MINUTES ORDINARY COUNCIL - 9 JUNE 2015

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Peter Kafer, Paul Le Mottee, and Steve Tucker.

Those against the Motion: Nil.

### ORDINARY COUNCIL MEETING - 9 JUNE 2015 MOTION

150	<p><b>Councillor Chris Doohan</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Approve in part the Section 96 application modifications for following Conditions of Consent:<ol style="list-style-type: none"><li>a) Amending Condition 6 to reflect the current requirements for the construction of buildings in bushfire prone areas under Australian Standard 3959-2009 by apply a Bushfire Attack Level (BAL0 of BAL19 to the southern, eastern and western elevations and BAL12.5 to the northern elevation.</li><li>b) Removal of Conditions 20 and 21 relating to driveway construction requirements.</li><li>c) The BASIX requirements have been met, therefore no further action is needed in relation to the requested condition to be removed.</li><li>d) Amend condition 11 to enable a modification to reduce the AHD level by 40mm (to 1.84m AHD) for the electrical pillar to remain in its current location.</li></ol></li><li>2) Refuse the remaining Section 96 application modifications (Modify Development Consent No. 16-2008-827-2) for the following reasons:<ol style="list-style-type: none"><li>a) It is not reasonable to remove conditions relating to statutory Building Code of Australia (BCA) requirements for upgrading a non-habitable structure to a habitable structure.</li><li>b) Issuing a development consent for the S96 application is not consistent with Council's duty of care in relation to safety and non-compliances with Building Code of Australia and associated Australian Standards.</li></ol></li></ol>
-----	--

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Peter Kafer, Paul Le Mottee, and Steve Tucker.

Those against the Motion: Nil.

**BACKGROUND**

The application is before Council as a similar application (and subsequent conditions) on the property was previously considered by elected council. In accordance with the Development Applications Called to Council Policy, Manager of Development Assessment and Compliance elected to report the matter to Council.

The purpose of this report is to present a Section 96 (S96) application to Council for consideration in regards to proposed amendments to Development Application 16-2008-827-2 conditions previously approved by Council. The recommendations are for the S96 amendments only and do not related to previously approved use of the structure.

The development application 16-2008-827-1 related to the permanent conversion of an existing shed to a habitable dwelling located at 470 Marsh Road, Bob's Farm. This application was approved by Council on the 9th February 2010. A total of 28 conditions applied to the approval.

Later that same year a S96 application was approved by Council to modify two conditions of the original consent and delete a further two; this was approved by Council on 29th September 2010.

Council have approved the use of the structure as a dwelling however this was dependent on a number of important conditions being met. This proposal seeks to remove some of these conditions.

The current S96 application seeks to further modify and delete a total of thirteen (13) further conditions of the Development Consent 16-2008-827-2. The specifics of the variations and officer assessment is included within the attached Development Assessment Report (**ATTACHMENT 4**).

The amendments and deletion of conditions which form the S96 predominantly relate to the following:

- Bushfire Protection (Conditions 6 & 7);
- Flood Control (Conditions 10, 11 & 15);
- Smoke Alarms (Conditions 12 & 13);
- Pest Management (Condition 14); and
- Driveway construction (Conditions 20, 21, 22 & 23).

The following table provides a summary of the S96 request and the officer recommendations.

**MINUTES ORDINARY COUNCIL - 9 JUNE 2015**

<b>Condition</b>	<b>Applicant request</b>	<b>Officer Recommendation</b>
6	<b>Modification</b> - To change the existing Level 1 bushfire construction condition to a Bushfire Attack Level (BAL)12.5 under the new Australian Standard AS3959-2009.	<b>Support</b> - Variation supported to BAL (BAL0 of BAL19 to the southern, eastern and western elevations and BAL12.5 to the northern elevation).
7	<b>Modification</b> - To change the requirement for a sixteen (16) metre 'Inner Protection Area' (IPA).	<b>Support</b> - Condition to remain unchanged as the above supported levels of construction have been based on a 16m asset protection area
9	<b>Modification</b> – To request the original BASIX documentation be acceptable as certificate 230939S has been misplaced.	<b>Support</b> - Modification accepted as copy on file is adequate.
10	<b>Deletion</b> – To provide structural certification for a Class 1 a building in accordance with Australian Standards.	<b>Not supported</b> – Certification is required to affirm building safety as a habitable dwelling.
11	<b>Modification</b> – To further reduce the AHD level by 40mm. (580mm from original approval).	<b>Not supported</b> – This modification is inconsistent with State Flood Plain Development Manual 2005 and exposes Council to increased risk.
12	<b>Deletion</b> – Requirement to ensure smoke alarms are provided.	<b>Not supported</b> – Compliance with the BCA must be adhered to.
13	<b>Deletion</b> – To provide certification of smoke alarm compliance.	<b>Not supported</b> - Compliance with the BCA must be adhered to.
14	<b>Deletion</b> – To provide pest control certification in accordance with the BCA.	<b>Not supported</b> - Compliance with the BCA must be adhered to.
15	<b>Deletion</b> – To ensure flood compatible materials are used in construction.	<b>Supported</b> – This condition was previously deleted in the prior S96 amendment.
20	<b>Deletion</b> – To require concrete edge strip treatment to the driveway access in the road reserve.	<b>Supported</b> – Existing driveway is considered satisfactory.
21	<b>Deletion</b> – Requirement for a driveway construction application.	<b>Supported</b> – Existing driveway is considered satisfactory.
22	<b>Deletion</b> – requirement for sanitary facilities during construction.	<b>No supported</b> – This condition is to establish adequate facilities for construction workers
23	<b>Deletion</b> – Requirement of times for construction work.	<b>Not supported</b> – This condition is a standard statutory condition to mitigate noise disturbance.

A range of conditions are either proposed to be deleted or amended in the current S96 application. Six (6) conditions are recommended to be supported whilst seven (7) conditions are not recommended to be supported.

### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The recommendations outlined within this report are unlikely to result in any direct financial or resource implication on Council. However, should Council consider supporting the S96 application in its entirety, exposure to potential liability matters resulting from non-compliance with the BCA and Australian Standards and best practice flood planning may incur associated financial costs currently unknown.

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

### **LEGAL, POLICY AND RISK IMPLICATIONS**

The S96 modification is inconsistent with Council's LEP and DCP. Determination of this application should involve consideration of the potential precedent set by approving an application that is inconsistent with the Building Code Australian and the Flood Plain Management manuals.

The recommendations of this report are proposed to mitigate any risk, current and ongoing to Council.

Approving the modifications as submitted by the applicant increase the potential risk to Council, particularly in the event where there is the loss of life or property damage as a result of flooding or non-compliances with Australian building standards.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that approving the application as submitted will result in a dwelling which fails to comply with relevant BCA, flood planning and Australian Standards.	High	Adopt the proposed recommendation within this report.	Yes
There is a risk that that if the application is amended or refused the determination may be challenged in the Land and Environment Court .	Low	Adopt the proposed recommendation within this report.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

On balance, only parts of the recommended changes are supported in this instance. Whilst it is appreciated that these conditions arguably provide an imposition on the applicant, the conditions not supported to be removed or amended are largely recommended to remain for the health and safety of the current and future occupants of the dwelling. These conditions set the minimum health and safety requirements for buildings and are not set by Port Stephens Council, rather state legislation and building codes.

Whilst it can be argued that all efforts should be made to support the current occupants to achieve a legal approval for their dwelling, this should not occur if there is increased risk and exposure to the occupants, the Council and the wider community.

The recommendation within this report aims to achieve a balance between all social, economic and environmental implications.

### **CONSULTATION**

In accordance with Council's Development Control Plan the application was not required to be exhibited.

**OPTIONS**

- 1) Accept the recommendation.
- 2) Amend the conditions of the Development Consent for Council consideration.
- 3) Reject the recommendation and approve the S96 application.

**ATTACHMENTS**

- 1) Location Plan.
- 2) Development Consent 16-2008-827-1.
- 3) Section 96 Conditions 16-2008-827-2.
- 4) Assessment Report.

**COUNCILLORS ROOM**

- 1) Applicants report seeking variations to the condition of consent - Enclosure 1-11 (Document Untitled).

**TABLED DOCUMENTS**

Nil.

ITEM 1 - ATTACHMENT 1 LOCATION PLAN.



Telephone Inquiries:  
MS AMANDA GALE  
**File No:**  
16-2008-827-1  
**Parcel No:** 15076

MR S K BONNEY  
470 MARSH ROAD  
BOBS FARM NSW 2316

Dear Sir/Madam,

I am pleased to advise you of Council's consent in respect of your proposed Development.

Please note that the consent does NOT give approval to commence construction. Building works may only commence once a **Construction Certificate** has been issued.

You may find that a number of conditions apply to your development. These conditions are to help you in ensuring that your development will comply with applicable codes and policies to provide a safe and environmentally responsible development. **Please read your consent carefully.**

If you have any questions about the consent or any other related matter please direct your initial inquiry to the Customer Support Section of Council's Sustainable Development Department on (02) 4980 0115. Customer Support will ensure your inquiry is directed to the appropriate officer.

Yours faithfully

**Amanda Gale**  
DEVELOPMENT CO-ORDINATOR

Phone: 49800129 (9.00am – 12.00 noon)  
[amanda.gale@portstephens.nsw.gov.au](mailto:amanda.gale@portstephens.nsw.gov.au)

ag:ji

Telephone Inquiries:  
MS AMANDA GALE  
File No: 16-2008-827-1  
Parcel No: 15076  
Det Code: ACCL

MR S K BONNEY  
470 MARSH ROAD  
BOBS FARM NSW 2316

Dear Sir/Madam,

**Re: NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION  
Environmental Planning and Assessment Act, 1979.**

Pursuant to section 80(1) of the Environmental Planning and Assessment Act, notice is hereby given of the determination by the consent authority of the Application No. 16-2008-827-1.

Date of Determination & Date from which Consent operates: **9 March 2010**  
Proposed Development: **Change of Use from Shed to Dwelling**  
Property Description: **LOT: 162 DP: 239144  
470 Marsh Road BOBS FARM**

The Application has been determined by granting consent including other approvals as detailed in Schedule 1 and subject to conditions in Schedule 2. The reasons for the imposition of such conditions are set out in Schedule 4.

Should you wish you may seek to have this Consent reviewed by Council. Arrangements for this review must be made within twelve (12) months of determination date..

If you have any further inquiries regarding this consent, please contact Council's Sustainable Development Department at your convenience.

**NOTE: THIS IS NOT AN APPROVAL TO COMMENCE WORK. BUILDING WORKS CANNOT COMMENCE UNTIL A CONSTRUCTION CERTIFICATE IS ISSUED BY COUNCIL OR AN ACCREDITED CERTIFIER.**

Yours faithfully



**DAVID BROYD  
GROUP MANAGER  
SUSTAINABLE PLANNING  
PER:**

**File No:16-2008-827-1****SCHEDULE 1****APPROVAL UNDER SECTION 78A(3)**

1. Nil.

**SCHEDULE 2****CONDITIONS OF APPROVAL**

1. A Construction Certificate application is required to be submitted to the Principal Certifying Authority for the proposed works. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
3. Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
4. The development application has not been assessed against the provisions of the Building Code of Australia. A Section 96 application under the Environmental Planning & Assessment Act 1979 will be required if design amendments are necessary to comply with the provisions of the Building Code of Australia.
5. A separate wastewater application for the installation of a waste treatment device 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 assessment complying with Division 4 of the Local Government (General) Regulation, 2005 and Council requirements.
6. The development shall be constructed to level 1 under AS3959 – 1999 'Construction of Buildings in bushfire prone areas'. Details shall be submitted within three (3) months of the consent, or prior to the issue of the Construction Certificate for any proposed alterations to the building, whichever occurs first.
7. A sixteen (16) metre 'Inner Protection Area' (IPA) as outlined within the Planning for Bushfire Protection 2006 Guidelines shall be provided around the building. Clearing shall be selective and minimised in the required Asset Protection Zone. Within three (3) months from the date of the consent, or prior to issue of the

**File No:16-2008-827-1**

Construction Certificate, a plan shall be submitted and approved by Council's Vegetation Management Officer, which demonstrates all necessary clearing for the Asset Protection Zone, to achieve the requirements of *Planning for Bushfire Protection*.

8. The development shall take place in accordance with the stated values of the energy efficiency scorecard or NatHERS assessment and/or the BASIX certificate submitted with the application. **Prior to the issue of any occupation certificate** an appropriately qualified person shall certify compliance with these requirements, as applicable.
9. The existing building works shall be carried out in accordance with BASIX certificate 230939S. Certification of such works shall be forwarded to the Principal Certifying Authority prior to the issue of the Construction Certificate for all proposed works.
10. The owner shall provide certification from a Practising Structural Engineer, certifying that the existing building is capable of withstanding all loads likely to be imposed on it for a Class 1a building in accordance with Australian Standards 1170 series. Details shall be submitted within three (3) months of the date of the consent, or prior to the issue of the Construction Certificate for any proposed alterations to the building, whichever occurs first.
11. The owner shall provide certification from a registered surveyor that all electrical installations on the property are located above the Flood Planning Level of 2.5 metres AHD, in accordance with the NSW Government Floodplain Management Manual 2005. Details shall be submitted within three (3) months of the date of the consent, or prior to the issue of the Construction Certificate for any proposed alterations to the building, whichever occurs first.
12. The applicant/builder shall ensure that smoke alarm/s are provided, and compliant with the following requirements:
  - a) Complying with Australian Standard 3786 or listed in the SSL Register of Accredited Products; and
  - b) Where the building is provided with mains electrical power, the smoke alarm/s are connected to the mains and have a standby power supply; and
  - c) Installed in suitable locations on or near the ceiling in –
    - I. Any storey containing bedrooms-  
between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms; and
    - II. Any storey not containing bedrooms.

**File No:16-2008-827-1**

13. The owner shall provide certification that the smoke alarms with the building comply with Australian Standard 3786. Details shall be submitted within one (1) month of the date of the consent, or prior to the issue of the Construction Certificate for any proposed alterations to the building, whichever occurs first.
14. The owner shall provide certification from a licensed pest control agent, certifying that the existing floor slab construction and any floor penetrations have a termite protection barrier in accordance with Australian Standard 3660.1-2000. Details shall be submitted within three (3) months of the consent, or prior to the issue of the Construction Certificate for any proposed alterations to the building, whichever occurs first.
15. All existing building works including linings below the existing 2.5 metre AHD Flood Planning Level shall be constructed with flood compatible materials. The applicant shall submit certification to the Principal Certifying Authority from a licensed accredited tradesman that such works have been installed. Details shall be submitted within one (1) month of the consent, or prior to the issue of the Construction Certificate for any proposed alterations to the building, whichever occurs first.
16. The Principal Certifying Authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the Principal Certifying Authority issues an occupation certificate. NOTE: If an accredited certifier approves occupation of a dwelling the accredited certifier is to immediately notify Council in writing.
17. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
18. Collected stormwater runoff shall be piped to an infiltration trench, in accordance with **Council's Standard Drawing S 136** (without overflow pipe).
19. The driveway (within the road reserve) shall have a minimum of 0.5 metres clearance from the edge of existing drainage structures, pits, power poles etc. Details shall be approved by the certifying authority **prior to issue of the construction certificate.**
20. Driveway access within the road reserve shall be a minimum of 4 metres wide consisting of a granular pavement having a minimum compacted depth of 200mm and bitumen sealed with a two coat flush seal from the property boundary to the edge of the existing road. This shall include 3 metre radius splays at the junction with the road. Associated table drains and trail out drains shall be provided. Details shall be approved by the certifying authority **prior to issue of the construction certificate.**

**File No:16-2008-827-1**

21. A driveway construction application shall be submitted prior to works in the road reserve being undertaken.
22. 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.
23. 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.

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

24. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
25. Tree clearing shall be carried out in accordance with council's tree preservation order. The development consent and construction certificate must be issued before it is possible to remove any trees within 3m of any approved building, as measured horizontally from the building wall to the outside trunk of the tree. Tree clearing for the vehicle driveway or any other purpose requires separate approval under the tree preservation order. A copy of the tree preservation order is attached.
26. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. **Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.**
27. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

Note: Erosion and sediment control measures prepared in accordance with the Erosion and Sediment Control Regional Policy and Code of Practice or Managing

**File No:16-2008-827-1**

Urban Stormwater – Soils and Construction produced by Landcom 2004, need to be maintained at all times. A copy of Landcom 2004 bluebook may be purchased by calling (02) 98418600.

28. A "KEEP PORT STEPHENS WATERWAYS POLLUTION FREE" sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens Council.

#### **ADVICES**

The following general information is provided to assist you with the preparation and prompt processing of your **Construction Certificate** where such application is made to Council.

- a) Plans in respect of an application for a Construction Certificate must be submitted to the Hunter Water Corporation for checking & stamping prior to application for the Construction Certificate being made.
- b) In the case of residential building work, prior to commencement of work submit to Council or a private certifying authority a copy of the contract of insurance under Part 6 of the Home Building Act 1989 (specific for the building work the subject of this approval) and builders licence details. (Or alternatively present to Council a copy of an Owner Builders Permit issued by the Department of Fair Trading.)
- c) If the value of the work is \$25,000 or more, you will need to pay a levy to the Long Service Corporation **prior to issue of the construction certificate**. You can either pay the Long Service Levy Corporation direct and show us your receipt OR you can pay us and we'll send your money to them.

**Note: Owner builders can ask for a reduction in the levy. For more details contact the Long Service Corporation, Locked Bag 3000, CCDS, Lisarow 2252, phone 131441.**

- d) Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant 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.

#### **SCHEDULE 3 – APPROVED PLANS AND DOCUMENTATION**

Statement of Environmental Effects prepared by Applicant
Stamped plans numbered 08E1126-01 and dated 10/2/09
BASIX Certificate Number 1230939S – Existing Building works & A38842 – Proposed building works

**File No:16-2008-827-1****SCHEDULE 4****REASONS FOR CONDITIONS**

The conditions to approval are made in accordance with Section 80A of the Environmental Planning and Assessment Act, 1979; and are consistent with the aims and objectives of: Council's Tree Preservation Order; and the provisions of the Port Stephens's Local Environmental Plan 2000 and ensure compliance with the Local Government Act and Building Code of Australia.

**RIGHT OF APPEAL**

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court. This right of appeal is only valid for 12 months from the date of the consent.

**NOTES:**

- (1) To ascertain the date upon which the consent becomes effective refer to Section 83 of the Act.
- (2) To ascertain the extent to which the consent is liable to lapse refer to Section 95 of the Act.

**ITEM 1 - ATTACHMENT 3      SECTION 96 CONDITIONS 16-2008-827-2.**

Telephone Inquiries:  
MS A K STONE  
**File No:**  
16-2008-827-2  
**Parcel No:** 15076  
**Det Code:** ac

MR S K BONNEY  
470 MARSH ROAD  
BOBS FARM NSW 2316

Dear Sir/Madam,

Re: **Modification to Development Consent No 16-2008-827-1 for Change of Use from Shed to Dwelling**

Date of Modified Consent: **29 September 2010**  
Property Description: **LOT: 162 DP: 239144**  
**470 Marsh Road BOBS FARM**

Further to your submission dated 6 August 2010, where you have sought a modification to the abovementioned development consent, issued by Council on 9 March 2010, I can advise that pursuant to Section 96 of the Environmental Planning and Assessment Act 1979, Council hereby grants a modified consent.

**Condition 11 now reads:**

11. The owner shall provide certification from a registered surveyor that the properties pillar connection is raised above the 1% AEP flood level (i.e RL 1.88AHD). Details shall be submitted to Council within three (3) months of the date of the modified consent.

**Condition 20 now reads:**

20. A concrete edge strip shall be provided to the driveway access within the road reserve at the road interface. Details shall be approved by the certifying authority **prior to issue of the construction certificate.**

**Conditions 5 and 15 are now deleted.**

All other conditions of consent remain unchanged.

The date of expiry of this modified consent, unless otherwise specified, will be five (5) years from the date of the original development consent coming into force. This modified consent

will not lapse if the development the subject of this application is commenced in accordance with Section 95 of the Act.

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court. This right of appeal is only valid for 12 months from the date of the consent.

If you require any further information in respect of this matter, please contact Ms A K Stone of Council's Development and Building Section.

Yours faithfully



**DAVID BROYD**  
**GROUP MANAGER**  
**SUSTAINABLE PLANNING**

PER:  
aks.nmw

# Development Assessment Report

1. APPLICATION REFERENCES	
a) Application No.	16-2008-827-3
b) Property	470 Marsh Rd, Bobs Farm
c) Lot and DP	LOT:162 DP: 239144
d) Description of development	Change of use from Machinery shed to Dwelling
e) Applicant	Mr S K Bonney
f) Date lodged	4/3/2015
g) Owners Consent	
h) Capital Investment Value	
i) Present use	Machinery Shed 10a Structure
j) Zoning	RU2 Rural Landscape
k) Site Constraints	Flooding, Bushfire
l) 88B Instrument and Deposited Plan	
m) Submissions	N/A
n) Recommendation	Refusal
o) Assessing Officer	Ryan Bridges
Proposal	
<p>The development application 16-208-827-1 related to the permanent conversion of an existing shed to a habitable dwelling. This application was approved by Council on the 9<sup>th</sup> February 2010. Subsequently an S96 was also approved through Council to modify 2 conditions of consent and delete a further two; this was approved by Council 29<sup>th</sup> September 2010.</p> <p>The Section 96 (3) proposal seeks approval to modify and delete conditions of the Development Consent 16-2008-827-2, modifications are as follows;</p> <p><b>Enclosure 1:</b> as per report submitted with application;</p> <p>Condition 6 &amp; 7 - Bushfire Protection</p>	

**ITEM 1 - ATTACHMENT 4 ASSESSMENT REPORT.**

6. The development shall be constructed to level 1 under AS3959 – 1999 'Construction of Buildings in bushfire prone areas'. Details shall be submitted within three (3) months of the consent, or prior to the issue of the Construction Certificate for any proposed alterations to the building, whichever occurs first.

7. A sixteen (16) metre 'Inner Protection Area' (IPA) as outlined within the Planning for Bushfire Protection 2006 Guidelines shall be provided around the building. Clearing shall be selective and minimised in the required Asset Protection Zone. Within three (3) months from the date of the consent, or prior to issue of the Construction Certificate, a plan shall be submitted and approved by Council's Vegetation Management Officer, which demonstrates all necessary clearing for the Asset Protection Zone, to achieve the requirements of Planning for Bushfire Protection.

**Application Proposal:**

To change the existing Level 1 construction condition to a BAL 12.5 under the new Australian Standard.

**Response:**

A bush fire assessment will be required to determine the new level of construction as the construction standards do not directly transfer from AS3959 – 1999 to AS3959 – 2009 one to another. To determine a revised BAL level a full site assessment will have to be made at that time as site conditions may have varied since the original assessment.

A bushfire assessment report has been supplied with the application, an onsite assessment to confirm the report has been carried out and details of the required BAL level are listed below:

**Assessment:**

FDI: 100

Vegetation classification – Ordinarily be classified as Woodland although the size and width of the vegetation allows the threat category in accordance with A2.3 of *Planning for Bushfire Protection 2006* to be reduced to a remanent parcel of land as assessed as rainforest.

Aspect	FDI	Vegetation	Distance	Slope	BAL kW/m <sup>2</sup>
North	100	Managed Lands	100+	Level	Low (Bal12.5) min
East	100	Managed Lands	100+	Level	Low (Bal12.5) min
South	100	Rainforest	16m	Level	BAL 19
West	100	Managed Lands	100+	Level	Low (Bal12.5) min

Recommendation for the change in BAL level would be to apply a Bushfire Attack Level (BAL) 19 level of construction to the South, East and West elevation and reduced level of BAL12.5 to the Northern elevation as it is shielded from the threat.

**ITEM 1 - ATTACHMENT 4      ASSESSMENT REPORT.**

**Enclosure 2:**

*Condition 9 – Basix Documentation*

*9. The existing building works shall be carried out in accordance with BASIX certificate 230939S. Certification of such works shall be forwarded to the Principal Certifying Authority prior to the issue of the Construction Certificate for all proposed works.*

**Application Proposal;**

Request that the council provide existing Basic certificate once the application is submitted as the owners were not able to obtain a copy of the original certificate numbered: 230939S

**Response:**

No major changes we requested which would require an amended or copy of the original Basix certificate. The file already contains a copy which would be adequate. No further action required.

**Enclosure 3:**

*Conditions 10, 11 & 15 – Flood Control*

*10. The owner shall provide certification from a Practicing Structural Engineer, certifying that the existing building is capable of withstanding all loads likely to be imposed on it for a Class 1 a building in accordance with Australian Standards 1170 series. Details shall be submitted within three (3) months of the date of the consent, or prior to the issue of the Construction Certificate for any proposed alterations to the building, whichever occurs first.*

*11. The owner shall provide certification from a registered surveyor that the properties pillar connection is raised above the 1% AEP flood level (Le RL 1.88AHD). Details shall be submitted to Council within three (3) months of the date of the modified consent.*

*15. All existing building works including linings below the existing 2.5 metre AH D Flood Planning Level shall be constructed with flood compatible materials. The applicant shall submit certification to the Principal Certifying Authority from a licensed accredited tradesman that such works have been installed. Details shall be submitted within one (1) month of the consent. or prior to the issue of the Construction Certificate for any proposed alterations to the building. Whichever occurs first. **(Previously delete in S96-2 approval by Council)***

**Application proposal:**

Condition 10: Unclear what is proposed? Condition does not relate to flooding but is associated with structural suitability of the shed to be used for habitable purpose.

Condition 11: The applicant wished to further reduce the AHD level in condition 11 by 40mm to 1.84AHD for the electrical pillar location due to current location.

Condition 15: Condition previously deleted by Council approved S96 16-2008-827-2

**ITEM 1 - ATTACHMENT 4      ASSESSMENT REPORT.**

Response:

A S96 has already been approved to reduce the level from 2.5m AHD (flood planning level) to 1.88m AHD. Council's Flood engineers provided revised advice for the original S96 indicating that the flood planning level has increased to 3.2AHD due to new flooding data due to revised flood studies in response to sea level rise. It was requested that this level be imposed on the revised DA. To further reduce the level again could have even 40mm would further increase the risk to residents and the SES.

The intent of condition 11 is to ensure that during flooding the development remains safe for both residents and State Emergency Services (SES) staff involved in any flood relief or evacuation operations. It is a standard flood condition that is recognised as a best practice flood proofing technique for developments on flood prone land as identified within the state governments Flood Plain Development Manual 2005.

Council has a duty of care to both residence and SES workers to ensure that this FPL be even further reduced.

Condition 15 was previously deleted in S96 application approved by Council dated 29 September 2010. No further action required in regards to this request.

Condition 10:

This condition related to the structural integrity of the existing shed and its capabilities to withstand the additional loads associated with converting a shed structure to a habitable structure. It is important that this condition remains to ensure that the appropriate certifications provided to ensure the building is safe for permanent occupation. To meet this condition the owner simply needs a suitably qualified engineer inspect the structure and provide a certificate. It is thought this is not unreasonable cost given the circumstances.

**Enclosure 4:**

*Conditions 12 and 13 – Smoke Alarms*

*12. The applicant/builder shall ensure that smoke alarm/s are provided, and compliant with the following requirements:*

- a) Complying with Australian Standard 3786 or listed in the SSL Register of Accredited Products; and*
- b) Where the building is provided with mains electrical power, the smoke alarm/s are connected to the mains and have a standby power supply; and*
- c) Installed in suitable locations on or near the ceiling in-*
  - I. Any storey containing bedrooms- between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms; and*
  - II. Any storey not containing bedrooms.*

**ITEM 1 - ATTACHMENT 4      ASSESSMENT REPORT.**

*13. The owner shall provide certification that the smoke alarms with the building comply with Australian Standard 3786. Details shall be submitted within one (1) month of the date of the consent, or prior to the issue of the Construction Certificate for any proposed alterations to the building, whichever occurs first.*

Application proposal:

The owners currently have smoke alarms installed in the shed and believe that they are in compliance with the relevant standards and would not require any modification.

Response:

It is recommended that the conditions of consent remain. Due to the risk associated with faulty or noncompliant smoke alarms it is important that the relevant certifications are provided for the installation and location. It is strongly recommended that The PCA inspect the locations of the smoke alarms in accordance with the BCA and qualified electrician provide a certificate of compliance that they are installed in accordance with 3789. Council have a duty of care to prevent potential injury or death in ensuring that an adequate detection and alert system is installed. The photos provided are not adequate in providing compliance, generally the inspection of smoke alarms locations are carried out by the PCA at the final inspections stage as required by Cl.162A of the EP&A Regulations 2000.

**Enclosure 5:**

Condition 14 – Pest management

*14. The owner shall provide certification from a licensed pest control agent, certifying that the existing floor slab construction and any floor penetrations have a termite protection barrier in accordance with Australian Standard 3660.1-2000. Details shall be submitted within three (33) months of the consent, or prior to the issue of the construction Certificate for any proposed alterations to the building, whichever occurs first.*

Application proposal:

Applicant has provided written confirmation along with a series of photos that an adequate termite treatment system has been installed in accordance with the BCA and relevant standards and wished to remove this condition of consent.

Response:

It is recommended that the conditions of consent remain. Due to the risk associated with termite attack is important that compliance with the BCA and AS3660 is met and checked by the PCA during the final inspection. Generally a certificate is required to confirm the treatment system used and installation in compliance with the Australian Standards. If this process has been followed then the required information should be provided to the PCA prior to releasing the final occupation certificate. Termite attack can cause major structural issues and potentially become a safety issues in extreme cases.

**Enclosure 6:**

Condition 20 to 23 - Driveways

**ITEM 1 - ATTACHMENT 4      ASSESSMENT REPORT.**

20. A concrete edge strip shall be provided to the driveway access within the road reserve at the road interface. Details shall be approved by the certifying authority prior to issue of the construction certificate.

21. A driveway construction application shall be submitted prior to works in the road reserve being undertaken.

22. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all trades persons 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.

23. 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 1 pm;

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

Application proposal:

To remove the conditions of consent relating to the driveway construction.

Application proposal:

Believe that compliance with the driveway conditions are inconsistent with other properties in the area and request them to be deleted. Details have been provided on the driveway installation, materials used and depths.

Response:

Condition 22 and 23 do not relating to driveway construction and are generic conditions regarding statutory working time established in POEO Noise regulations and the requirement for onsite waste facility during the construction works. It is advised that these conditions remain to mitigate noise disturbance within community and provide adequate facilities for workers on site during the construction/upgrade works

Condition 20 - It has been identified by the applicant that adjoining properties have not been required to bitumen seal their driveways as all adjoin properties are gravel. It would be recommended that the condition be amended to remove the requirement of bitumen sealing as this has already been noted in the engineering referral dated 3/11/08 on file. Comments regarding the use of bitumen in this location would not be necessary due to the vicinity of the site and the adjoining existing driveway types.

Condition 21 – This condition could potential be removed with confirmation from councils engineers although it is recommended that it remain on the consent so officers can carry out an inspection to inspect the adequacy and width of the driveway and if there are any associated drainage issues that may have to be rectified in regards to the swale drain.

**ITEM 1 - ATTACHMENT 4 ASSESSMENT REPORT.**

Additional comments:

It has been noted in previous correspondence that conditions 3,4, 8 &24-29 be removed and confirmed by DAC manager date 3/3/2014 that this would be acceptable and supported by staff. Although the removal of these conditions has not been addressed in the application form and will be recommended to remain on the consent.

**Site Description**

Existing Shed , services and landscaping.

**Site History**

Existing DA approval by council for the conversion of a machinery shed to a Habitable dwelling on the 9/3/2010. A S96 was submitted requesting a reduction to the flood planning level from 2.5m to 1.88 and to delete various conditions of consent, planning staff recommended refusal based on the risk, changes were approved through Council.

**Environmental Planning and Assessment Act 1979**

Classification of development	y/n
Is the development proposal <u>Local</u> Development?	y
Is notification necessary?	n
Have all adjoining and affected owners been notified (two week period)?	na
Is the development proposal <u>Advertised</u> Development?	n
Have adjoining and affected properties been notified?	n
Has an advertisement been placed in local newspaper?	n
Is the development proposal <u>Nominated Integrated</u> Development or captured under <u>Threatened Species</u> Act?	n
Has the development been advertised for 30 days	na
Is the development proposal of <u>Regional Significance</u> ?	n
Is the development proposal <u>State Significant</u> Development?	n

Other External Referrals		
Agency	Legislation	Y/N
Roads and Maritime Services	SEPP (Infrastructure) 2007	n
Hunter Water Corporation	<i>Hunter Water Regulation 2010</i>	n
NSW Office of Water	<i>Hunter Water Regulation 2010</i>	n
Comment		

**MINUTES ORDINARY COUNCIL - 9 JUNE 2015****ITEM 1 - ATTACHMENT 4 ASSESSMENT REPORT.****INTERNAL REFERRAL ASSESSMENT**

Planning - No

Engineering – Complete during previous applications.

**Heritage**

N

Will the proposal:

- Affect a heritage item or within the vicinity of a heritage item;
- Affect places/sites of known/potential Aboriginal heritage significance; or
- Affect known/potential archaeological sites/relics of European heritage significance?

n

**SECTION 5A CONSIDERATIONS**

N

Section 79C(1) EP&amp;A Act 1979 – potential matters for consideration

**1.1 (a)(i) the provisions of any environmental planning instrument (EPI)****State Environmental Planning Policies**

Do any of the following SEPP's apply?

Y/N

**If so, undertake separate assessment in that regard.**

State Environmental Planning Policy (Affordable Rental Housing) 2009

n

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Y

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

n

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

n

**SECTION 80A CONSIDERATIONS**

y/n

Having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act, do any of the following issues require further assessment?

Whether any consent/right should be modified/amended?

na

Whether any development should be modified or ceased?

y

Whether the period of the development should be limited?

n

Whether any building/works should be removed after period?

n

Whether any works should be carried out regarding S79C?

n

Whether any application details should be modified?

y

**Refer to Comments below:**

**MINUTES ORDINARY COUNCIL - 9 JUNE 2015****ITEM 1 - ATTACHMENT 4 ASSESSMENT REPORT.**

SECTION 80A CONSIDERATIONS	y/n
Currently the S96 is seeking modification to the consent.	

ecologically sustainable development	y/n
Having regards for the principles of ecologically sustainable development, do any of the following issues require further consideration?	N/A
Precautionary principle?	n
Intergenerational equity?	n
Conservation of biological diversity and ecological equity?	n
Improved valuation, pricing and incentive mechanisms?	n
<b>Comment</b>	

Assessment Comments and recommendation :
<b><i>Insert General Assessment Comments;</i></b> <b>DCP</b> No assessment in regards to DCP as the S96 relates to imposed conditions of consent and variations to those conditions.

DETERMINATION
At what level should the application be determined? Council

endorsement
Refusal for the following reasons:
1)
a) The development is inconsistent with the provisions of the Port Stephens Council LEP 2012. In particular Clause 7.3 planning considerations for development in flood prone land.
b) Removal of conditions relating to statutory Building Code of Australia (BCA) requirements in relations to upgrading a non-habitable structure to a habitable structure.
c) Supporting the development consent is a breach of Council's duty of care in the protection of the residents, SES and the property owners from the personal and property risks associated with flood events, safety and non-compliances with Building Code of Australia and associated Australian Standards.
2) Approve the Section 96 application modifications for following Conditions of Consent :
a) Removal of Conditions 20 and 21 relating to driveway construction

**ITEM 1 - ATTACHMENT 4      ASSESSMENT REPORT.**

endorsement

requirements.

- b) Amending Condition 6 and 7 to reflect current Bushfire Construction Level (BAL) and to bring the building into compliance with current bushfire protection standards.

ITEM NO. 2

FILE NO: PSC2015-01000/345  
TRIM REF NO: PSC2015-01634

**PROPOSED AMENDMENTS TO THE PORT STEPHENS DEVELOPMENT  
CONTROL PLAN - TREE MANAGEMENT**

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the amendments to the relevant Port Stephens Development Control Plan (**ATTACHMENT 1**).
- 2) Place the proposed amendments to the Port Stephens Development Control Plan on public exhibition for a period of 28 days.
- 3) Following exhibition, report this matter back to Council.

---

**ORDINARY COUNCIL MEETING - 9 JUNE 2015  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Paul Le Mottee</b> <b>Councillor Chris Doohan</b>  That the recommendation be adopted, and that the Supplementary Information be received and noted.
--	---

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Peter Kafer, Paul Le Mottee and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 9 JUNE 2015  
MOTION**

151	<b>Councillor Chris Doohan</b> <b>Councillor Steve Tucker</b>  It was resolved that Council:  1) Endorse the amendments to the relevant Port Stephens Development Control Plan ( <b>ATTACHMENT 1</b> ). 2) Place the proposed amendments to the Port Stephens Development
-----	---

## MINUTES ORDINARY COUNCIL - 9 JUNE 2015

	Control Plan on public exhibition for a period of 28 days.
3)	Following exhibition, report this matter back to Council.
4)	Receive and note the Supplementary Information.

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan , Sally Dover, Peter Kafer, Paul Le Mottee, and Steve Tucker.

Those against the Motion: Nil.

### BACKGROUND

The purpose of this report is to outline proposed amendments to the relevant Port Stephens Development Control Plan (DCP) to give effect to Council's resolution on dangerous trees from its meeting of 26 May 2015. Specifically, Council resolved to: "Provide a moratorium on the need to obtain pre-approval for the removal of trees or vegetation covered by Council's tree preservation requirements where there is a risk to human life or property for a period of 12 months."

The preservation of trees and vegetation within urban areas of the Port Stephens Local Government Area (LGA) is provided for by the provisions of Clause 5.9 of the Port Stephens Local Environmental Plan 2013 (PSLEP2013). As outlined in Clause 5.9(2), the application of these provisions is contained in Council's DCP through specifying the species or kinds of trees or other vegetation to which the preservation requirements apply, generally through reference to defined species, size, location or other relevant matters. Council's existing DCP 2013 and the Draft DCP 2014 contain a range of existing exemptions for pre-approval for the removal of trees or vegetation. This includes specific provisions relating to the removal of dangerous trees.

In order to give effect to this resolution the proposed amendments to the DCP seek to expand current exemptions on the need for pre-approval on the basis of location to an approved structure and the circumstances under which there is a direct threat to human life or property. **(ATTACHMENT 1)** outlines proposed draft amendments to the relevant Port Stephens DCP relating to tree management. The proposed amendments aim to ensure that appropriate weight is given to the consideration of community safety in the management of trees across the LGA.

The proposed amendments include specific exemptions to be in force for a period of 12 months from the date the amendments to the DCP commence, including:

- An increase in the exemption distance from the wall of an approved structure from 5 metres to 10 metres.
- Removal on the grounds that it is not an immediate threat, but poses a direct threat to human life or property. This is only when Council is provided with a

## MINUTES ORDINARY COUNCIL - 9 JUNE 2015

**tree removal notification** post-event within 10 working days of removal – onus of proof is on the landholder, photos should be taken before and after removal.

Council's powers in relation to removing the need for pre-approval would need to have consideration for the relevant provisions of other key legislation and controls relating to vegetation protection and management, including legislation related to threatened species and native vegetation protection, and heritage conservation. In circumstances where this legislation applies, Council's existing controls are proposed to remain unchanged, as the provisions of PSLEP 2013 and supporting DCP do not override the provisions of this legislation. For clarity, this is addressed through an amendment in **(ATTACHMENT 1)** that lists the common legislation that applies to the protection and management of trees and vegetation.

In addition, a number of administrative amendments to this DCP part are proposed as outlined in **(ATTACHMENT 1)**.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens is a community where people feel safe.	Use Council's regulatory powers and Government legislation to enhance public safety.

### FINANCIAL/RESOURCE IMPLICATIONS

There are minimal financial and resource implications associated with the proposed recommendations of this report. The public exhibition of the proposed amendments will require advertising costs covered by Council's existing budget.

It is also acknowledged that Council resolved on 26 May 2015 to waive the tree removal notification fees for the 2015/2016 period.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	300	Sourced within existing budgets
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

As outlined above the provisions of the PSLEP 2013 provide for Council to define the application of tree and vegetation preservation through its development control plan. The proposed amendments in **(ATTACHMENT 1)** have consideration for the relevant provisions of other key legislation and controls relating to vegetation protection and management, including legislation related to threatened species and native vegetation protection, and heritage conservation.

## MINUTES ORDINARY COUNCIL - 9 JUNE 2015

### Environmental Planning & Assessment Regulation 2000 (EP&A Reg 2000)

The regulatory framework provides further guidance to the form, structure and subject matter of development control plans. Council will achieve the following milestones as part of the drafting, exhibition and adoption of the draft plan.

EP&A Regulation 2000	Date	Comment
S16 Preparation	May 2015	
S18 DCP Public Exhibition	June-July 2015	
S19 Copies available	June-July 2015	
S20 Submissions	June-July 2015	
S21 Approval		Subject to Council Resolution
S22 DCP Repeal of Existing		Subject to Council Resolution

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk to human life and property associated with dangerous trees post April 2015 storm event.	Medium	Implement the proposed amendments to the DCP to enable trees and vegetation posing a direct threat to human life or property to be removed in a timely manner.	Yes
There is a risk that the proposed changes will result in significant impacts to biodiversity and amenity of the LGA.	Medium	The proposed amendments to the DCP provide weight to circumstances related to risk to human life and property. Council maintains the tree removal notification process to provide recourse to address circumstances outside of the specific bounds of the proposed DCP amendments.  The proposed changes to the DCP do not affect other relevant legislation that relates to the protection and management of trees or vegetation.	Yes
There is a risk that Council exceeds its	Low	Amendments to the DCP as provided by the provisions of	Yes

## MINUTES ORDINARY COUNCIL - 9 JUNE 2015

legislative powers in relation to tree management.		PSLEP 2013.	
--	--	-------------	--

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

As outlined above, the proposed amendments aim to ensure that appropriate weight is given to the consideration of community safety in the management of trees across the LGA. This is reflected in the drafting of the proposed amendments in **(ATTACHMENT 1)** through providing exemptions for pre-approval where there is a direct threat to human life or property following the April 2015 storms.

As established in Council's existing DCP, the provisions relating to tree and vegetation management apply to defined urban areas across the LGA (as defined in Figure BB in **ATTACHMENT 1**). In all areas outside of these defined urban areas the provisions of the Native Vegetation Act 2003 apply to vegetation removal and management, with Hunter Local Land Services being the consent authority.

Moreover, the recently introduced 10/50 Regulation under the Rural Fires Act 1997 also provides exemptions for vegetation removal within 10 metres of a habitable dwelling for properties that are located within a defined bushfire prone area. Based on Council's bushfire prone land mapping, the majority of the LGA is subject to the exemptions for approval for the removal of vegetation in accordance with 10/50 Code of Practice.

On the basis of the above, the application of Council's tree management provisions under the PSLEP2013 and supporting DCP is limited to defined areas within the LGA. Accordingly, the proposed amendments to the DCP would apply to the defined urban areas, outside of those covered by the 10/50 Regulation exemptions.

Furthermore, the specific amendments to the DCP limit the exemptions for pre-approval to circumstances where there is a risk to human life and property and for a defined period of 12 months.

### CONSULTATION

The recommendation is to place the proposed amendments to the relevant Port Stephens Development Control Plan on public exhibition for minimum of 28 days. Following this, a subsequent report will be provided back to Council on the outcomes of this public exhibition period.

To date Council officers have received a number of enquiries from the community wanting to clarify details of Council resolution for the moratorium on pre-approval for the removal of dangerous trees. As part of Council's response to this, a set of Frequently Asked Questions (FAQs) addressing the key issues raised in these enquiries have been prepared **(ATTACHMENT 2)** and will be made available to the public via Council's website. The FAQs are not exhaustive and will be maintained as

## **MINUTES ORDINARY COUNCIL - 9 JUNE 2015**

a live document which will be updated as needed, dependent on the common enquiries received by Council.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Proposed Amendments to Port Stephens Development Control Plan.
- 2) Tree Moratorium Frequently Asked Questions (FAQ's).

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

## ITEM 2 - ATTACHMENT 1 PROPOSED AMENDMENTS TO PORT STEPHENS DEVELOPMENT CONTROL PLAN.

**B1**

## TREE MANAGEMENT

**B1 Tree Management**

Application		
<ul style="list-style-type: none"><li>This Part applies to <b>development</b> to remove or prune trees or other vegetation within <b>urban areas</b>. <b>Development</b> to remove or prune trees or other vegetation within <b>non-urban areas</b> is provided under the Native Vegetation Act 2003</li></ul>		
Objective		
B1.A	Urban Areas	<ul style="list-style-type: none"><li>To give effect to PSLEP 2013 clauses 5.9 and 5.9AA by listing those trees or other vegetation that require approval</li></ul>
Requirement		
B1.1	<ul style="list-style-type: none"><li>Council approval is required to remove or prune trees or other vegetation listed under Column 1, except where those circumstances listed under Column 2 are satisfied</li></ul>	
Column 1 – Approval Required		Column 2 – When approval is not required
<ul style="list-style-type: none"><li>NSW Christmas Bush - <i>Ceratopetalum gummiferum</i></li></ul>		<ul style="list-style-type: none"><li>Dead, if native fauna habitat does not exist</li><li>Urgent removal on account of immediate failure when Council is provided with a <b>tree removal notification</b> post-event, onus of proof is on the landholder, photos should be taken <b>before and after removal</b></li></ul>
<ul style="list-style-type: none"><li>Cabbage Tree Palm – <i>Livistona australis</i></li></ul>		
<ul style="list-style-type: none"><li>species listed under the <i>TSC Act 1995</i></li></ul>		
<ul style="list-style-type: none"><li>trees or vegetation listed under the <i>register of significant trees</i><sup>3</sup></li></ul>		
<ul style="list-style-type: none"><li>trees or vegetation positioned on land containing a <b>heritage item</b> or within a <b>heritage conservation area</b></li></ul>		
<ul style="list-style-type: none"><li>trees or other vegetation where height exceeds 3m or <b>circumference breast height</b> exceeds 300mm</li></ul>		<ul style="list-style-type: none"><li>within 5m of the wall of an approved structure measured from the wall to the trunk of the tree</li><li>in accordance with a <b>construction/subdivision certificate</b></li><li>a tree grown for fruit or nut production</li><li><b>vegetation clearing work authorised under the Rural Fires Act 1997 – e.g. covered by the 10/50 Vegetation Clearing Code of Practice</b></li><li>maintenance of less than 12 months growth or 10% of foliage in accordance with AS4373-2007</li><li>declared as an <b>exotic species</b></li><li>within parks, easements or reserves when work is undertaken by a <b>responsible authority</b></li><li>Dead, if native fauna habitat does not exist</li></ul>

B-1

ITEM 2 - ATTACHMENT 1 PROPOSED AMENDMENTS TO PORT STEPHENS DEVELOPMENT CONTROL PLAN.

B1

TREE MANAGEMENT

	<ul style="list-style-type: none"> <li>▪ Urgent removal on account of immediate failure. This is only when Council is provided with a <b>tree removal notification</b> post-event, onus of proof is on the landholder, photos should be taken <b>before and after removal</b></li> <li>▪ In response to the Natural Disaster Declaration for storms and flooding occurring from 20 April 2015, for a period of 12 months following the date of commencement of this amendment the following circumstances also apply                         <ul style="list-style-type: none"> <li>◦ within 10m of the wall of an approved structure measured from the wall to the trunk of the tree</li> <li>◦ removal on the grounds that it is not an immediate threat, but poses a direct threat human life or property. This is only when Council is provided with a <b>tree removal notification</b> post-event within 10 working days of removal – onus of proof is on the landholder, photos should be taken <b>before and after removal</b></li> </ul> </li> </ul> <p><b>Note:</b> Refer to A.3 (p. A-8) for the date this amendment commenced</p>
	<p><b>Note:</b> Applicants for tree clearing and removals will also need to consider the provisions of other legislation including but not limited to the following</p> <ul style="list-style-type: none"> <li>▪ <b>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</b> – protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. Contact the Commonwealth Department of the Environment.</li> <li>▪ <b>National Parks and Wildlife Act 1974 (NSW)</b> – fauna habitat, protected plants. Contact the National Parks and Wildlife Service at the NSW Office of Environment and Heritage (OEH).</li> <li>▪ <b>Threatened Species Conservation Act 1995 (NSW)</b> – ecological communities, critical habitat, endangered and vulnerable species, key threatening processes, recovery plans. Contact NSW OEH.</li> <li>▪ <b>Native Vegetation Act 2003 (NSW)</b> – clearing of native vegetation, regional vegetation management plans, property agreements. Contact NSW OEH.</li> <li>▪ <b>Fisheries Management Act 1994 (NSW)</b> – prohibits cutting of mangroves. Contact the NSW Department of Industry and Investment.</li> <li>▪ <b>Water Management Act 2000 (NSW)</b> – A controlled activity approval under the WMA is required for certain types of development and activities that are carried out in or near a river, lake or estuary (e.g. for the removal of material or vegetation). Contact NSW Department of Primary Industries (DPI).</li> <li>▪ <b>Rural Fires Act 1997 (NSW)</b> – '10/50 Vegetation Clearing Code of Practice for NSW', and authorised removal of fire hazards. Contact the NSW Rural Fire Service.</li> <li>▪ <b>Heritage Act 1977 (NSW)</b> – sites under conservation orders, relics, etc. Contact NSW OEH.</li> <li>▪ <b>Noxious Weeds Act 1993 (NSW)</b> – clearing of noxious weeds. Contact DPI.</li> </ul>
<b>Objective</b>	
B1.B	<p><b>Heads of</b></p> <ul style="list-style-type: none"> <li>▪ To ensure adequate consideration is provided to the</li> </ul>

B-2

## ITEM 2 - ATTACHMENT 1 PROPOSED AMENDMENTS TO PORT STEPHENS DEVELOPMENT CONTROL PLAN.

## B1

## TREE MANAGEMENT

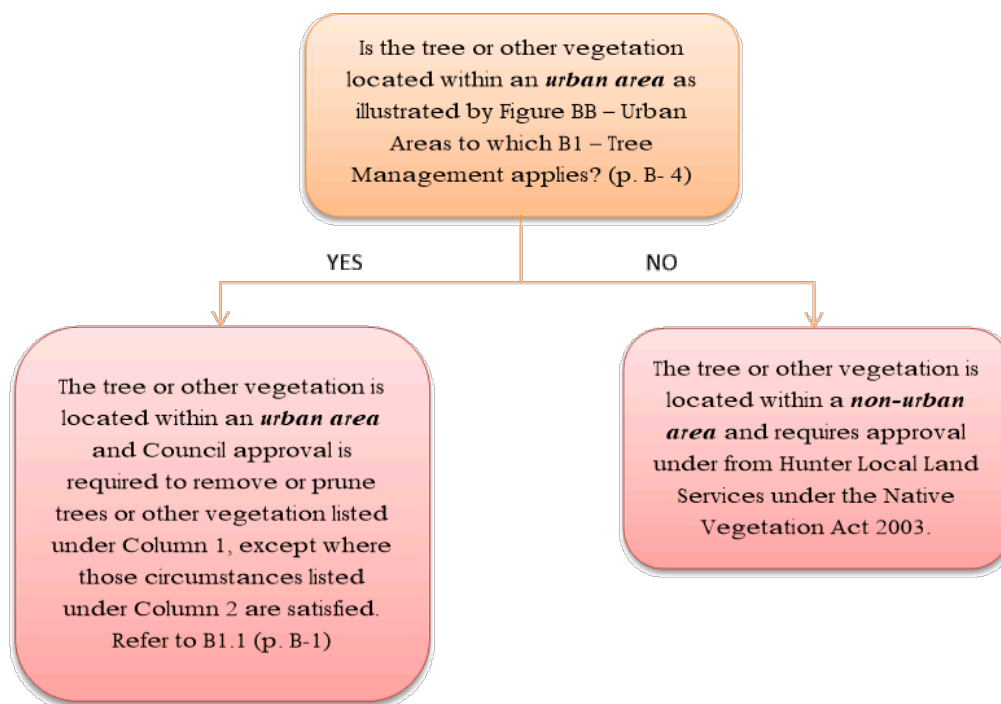
	<b>Consideration</b>	relevant matters for the removal of trees or vegetation
<b>Requirement</b>		
B1.2		<ul style="list-style-type: none"> <li>▪ Council approval to remove or prune trees or other vegetation has regard for: <ul style="list-style-type: none"> <li>• damage to an existing structure or utility service substantiated by a qualified person</li> <li>• interfering with a solar photovoltaic/hot water system</li> <li>• interfering with the amenity of a <i>habitable room</i></li> <li>• threatened by a <i>development consent</i></li> <li>• consistency with a <i>flora, fauna or conservation strategy</i></li> <li>• the tree is interfering, or likely to interfere, with the provision of a public utility or road/driveway construction, provided the impact on the trees has been considered in the design phase</li> <li>• impact on threatened species, populations or ecological communities and their habitats</li> <li>• retention value under the <i>tree technical specification</i><sup>1</sup></li> <li>• other relevant circumstances</li> </ul> </li> </ul>
<b>Objective</b>		
B1.C	<b>Supporting Information</b>	<ul style="list-style-type: none"> <li>▪ To ensure adequate information is provided to determine the application for the removal of trees or vegetation</li> </ul>
<b>Requirements</b>		
B1.3		<ul style="list-style-type: none"> <li>▪ An <i>arborist report</i> consistent with <i>tree technical specification</i><sup>1</sup> is required: <ul style="list-style-type: none"> <li>• for a tree or other vegetation listed under <i>register of significant trees</i><sup>3</sup></li> <li>• to assess the impact on existing trees as part of a Development Application as per AS 4970-2009</li> <li>• to support reassessment of applications for tree removal on a technical basis</li> <li>• to support the release of a tree bond</li> </ul> </li> </ul>
B1.4		<ul style="list-style-type: none"> <li>▪ A tree bond consistent with the <i>tree technical specification</i><sup>1</sup> is imposed where Council deems a public tree is at risk</li> </ul>
B1.5		<ul style="list-style-type: none"> <li>▪ A request to remove 20 or more trees requires a <i>vegetation management plan</i> consistent with <i>vegetation technical specification</i><sup>2</sup></li> </ul> <p><b>Note:</b> B4.4 (p. ##) requires an application to remove 20 or more trees to be provided to Hunter Water by the assessing officer for a period of 14 days</p>
B1.6		<ul style="list-style-type: none"> <li>▪ <i>Compensatory planting</i> consistent with the <i>tree technical specification</i><sup>1</sup> may be required when council approval to remove trees is provided</li> </ul>
B1.7		<ul style="list-style-type: none"> <li>▪ A <i>hollow tree assessment</i> is required to remove hollow bearing trees <ul style="list-style-type: none"> <li>• Two replacement hollows are provided for each hollow tree identified by the <i>hollow tree assessment</i></li> <li>• Salvaged hollows are preferred over nest boxes, which are consistent with the <i>nest box technical specification</i><sup>5</sup></li> </ul> </li> </ul> <p><b>Note:</b> B2.1 (p. ##) requires a hollow tree assessment and replacement or salvaged hollows if a <i>Flora and Fauna Survey Report</i> proposes their removal</p>

ITEM 2 - ATTACHMENT 1 PROPOSED AMENDMENTS TO PORT STEPHENS DEVELOPMENT CONTROL PLAN.

## B2

### NATURAL RESOURCES

Figure BA: Explanation of Requirement B1 – When approval is required (p. B-15)

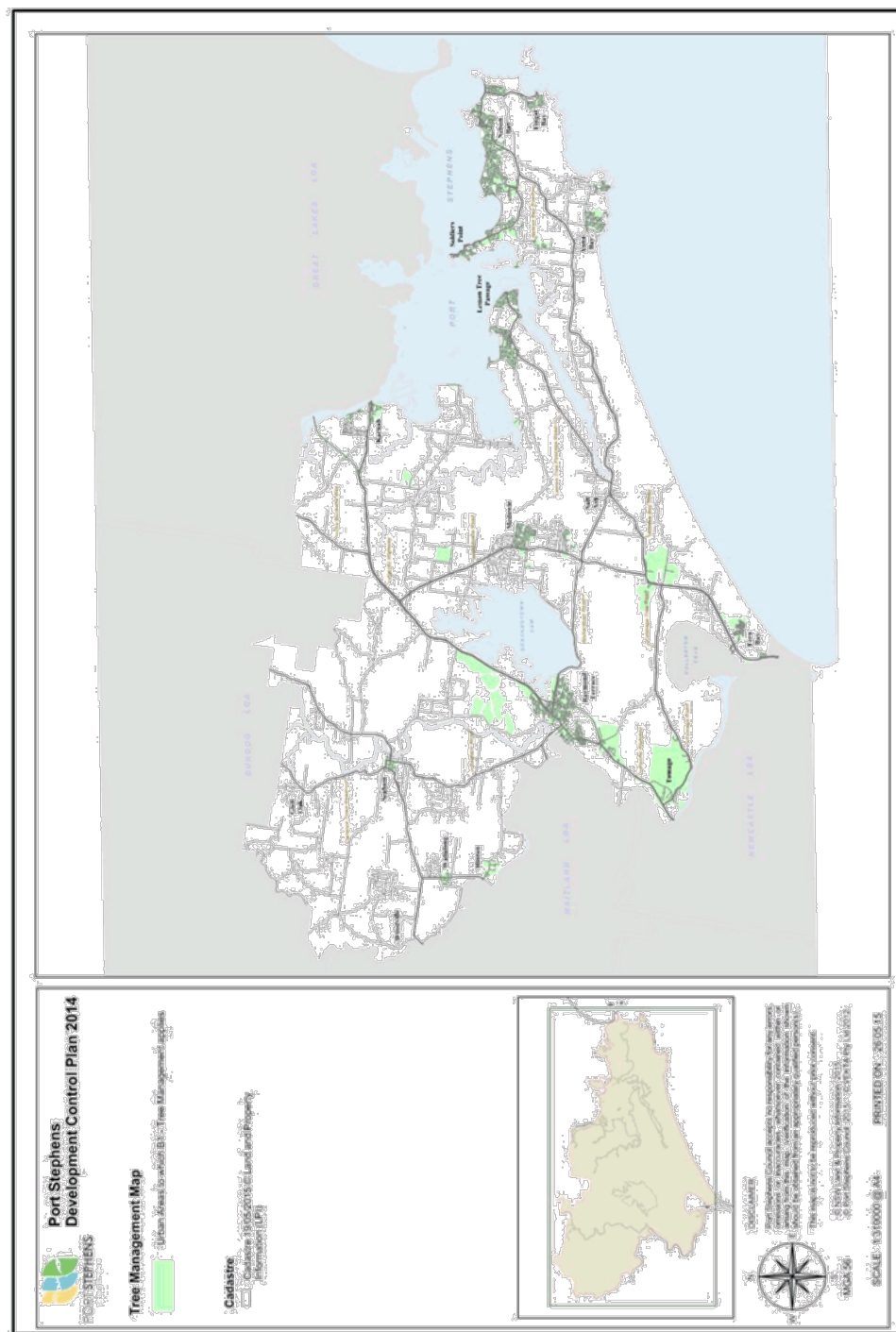


ITEM 2 - ATTACHMENT 1 PROPOSED AMENDMENTS TO PORT STEPHENS DEVELOPMENT CONTROL PLAN.

B1

TREE MANAGEMENT

Figure B3  
Urban Areas  
to which B1 -  
Tree  
Management  
applies



B-5

**ITEM 2 - ATTACHMENT 2 TREE MORATORIUM FREQUENTLY ASKED QUESTIONS (FAQ'S).****TREE MORATORIUM FREQUENTLY ASKED QUESTIONS**

- What does the moratorium mean to residents?

For many, particularly those in built-up areas, there are likely to be more exemptions related to tree removal. Residents will also have more flexibility to remove trees that they feel present a danger to property or life as a result of the super storm.

- Is the moratorium now in effect? If not, why not?

The moratorium does not commence until Council's policy governing tree removal is amended and adopted by the elected Council.

- So when will these changes come into effect?

Amendments to the Port Stephens Development Control Plan will be put to Council on 9 June 2015 and, if adopted, will be put on public exhibition for a period of 28 days. Once feedback is considered, the amendments will go back to Council for adoption. If adopted, changes will come into effect. The earliest this can occur is late July-early August.

- But I feel my tree is dangerous and I want to cut it down ASAP. Does this mean I can't?

Council's priority is the safety of people and property. Council's existing policy provides for removal of dangerous trees in urban areas that pose an immediate threat. Approvals can be given for trees that may be dangerous in future wind events.

If you are concerned about a dangerous tree residents are encouraged to talk to Council's Vegetation Management Officer for assistance.

- Can I cut down my tree myself under this moratorium or am I required to get a qualified operator to cut it down for me?

Council strongly recommends qualified operators are used in urban areas due to the difficulties of removing trees and high risk of damage to people and property.

- I have already cut down a tree I felt was threatening my home. What am I required to do?

Council's priority is safety of people and property and landowners are encouraged to submit a post-event Tree Removal Form with the details (it's the same form as for pre approval). This form can be found on Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au).

- I live on a rural property. Does this moratorium change anything for me?

No. The Native Vegetation Act applies to rural properties (including large lot residential), for which Hunter Local Land Services is the consent authority. Hunter Local Land Services can be contacted on 02 4938 4945.

- Koalas have been seen before in a tree that is dangerous. What can we do?

**ITEM 2 - ATTACHMENT 2      TREE MORATORIUM FREQUENTLY ASKED  
QUESTIONS (FAQ'S).**

It's best to talk to Council as removal under an approval means you do not breach the Threatened Species Act.

- Where can I go to get assistance or information relating to tree removal on my property?

Contact Council's Vegetation Management Officer on 02 4980 0118, or visit [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au) for tree removal information.

If your property is in a rural area contact the Hunter Local Land Services on 02 4938 4945, or visit their website [www.hunter.lls.nsw.gov.au](http://www.hunter.lls.nsw.gov.au) to access fact sheets on dangerous trees.

**ITEM NO. 3**

**FILE NO: PSC2015-01000/306  
TRIM REF NO: 070-15**

**T07-2015 ASSET PROTECTION ZONE/FIRE TRAIL AND CEMETERY MOWING  
MAINTENANCE**

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 1 on the Ordinary Council agenda namely T07-2015 Asset Protection Zone/Fire Trail and Cemetery Mowing Maintenance.
  - 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 T07-2015 Asset Protection Zone/Fire Trail and Cemetery Mowing Maintenance.
  - 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 Pacific Facilities Management Services as the preferred contractor for a period of two (2) years; commencing 1 July 2015 – 30 June 2017 with the option to extend for a further two (2) years pending successful interim evaluation.
-

## **MINUTES ORDINARY COUNCIL - 9 JUNE 2015**

### **ORDINARY COUNCIL MEETING - 9 JUNE 2015 COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Mayor Bruce MacKenzie</b> <b>Councillor Paul Le Mottee</b></p> <p>That Council accept Pacific Facilities Management Services as the preferred contractor for a period of two (2) years; commencing 1 July 2015 – 30 June 2017 with the option to extend for a further two (2) years pending successful interim evaluation.</p>
--	--

### **ORDINARY COUNCIL MEETING - 9 JUNE 2015 MOTION**

<b>152</b>	<p><b>Councillor Chris Doohan</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council accept Pacific Facilities Management Services as the preferred contractor for a period of two (2) years; commencing 1 July 2015 – 30 June 2017 with the option to extend for a further two (2) years pending successful interim evaluation.</p>
------------	--

### **BACKGROUND**

The purpose of this report is to seek endorsement of the recommendations for tender T07-2015 being the Asset Protection Zones/Fire Trail & Cemetery Mowing Maintenance Service.

Council manages the ground maintenance of Asset Protection Zones/fire trails and cemeteries as two (2) separate contracts. In order to streamline contract management of these similar services, these two similar contracts have been combined into one (1) single contract.

Council currently maintains 57 land parcels (asset protection zones and fire trails) at a service frequency of four (4) services per year.

Council maintains eight (8) operational and historic cemeteries at a service frequency based on the following:

- Operational cemeteries – 2 weekly services - 26 services per annum;
- Historic cemeteries – 3 weekly services - 17 services per annum.

There are also an additional five (5) services provided for Mother's Day, Father's Day, Christmas Day, Anzac Day and Good Friday.

Cemetery sites are; Anna Bay Lawn Cemetery, Nelson Bay Cemetery, Carumbah Memorial Gardens (Nelson Bay), Karuah Cemetery, Seaham Cemetery, Raymond Terrace Cemetery, Pioneer Hill Cemetery ( Raymond Terrace) and Hinton Cemetery.

Council's asset protection zones/fire trails and cemetery maintenance contract is for a two (2) year term with the option of a further two (2) years.

Eight (8) tenders were received for this work. All submissions have been evaluated using Council's Value Selection Methodology which is shown as **(ATTACHMENT 1)**.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Port Stephens is a community where people feel safe.	Use Council's regulatory powers and Government legislation to enhance public safety.
Reduce the infrastructure backlog on all Council assets	Provide operational cemeteries at Anna Bay, Raymond Terrace, Nelson Bay and Seaham.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Endorsing the recommendations will provide best value for this service based on price and non-price attributes. The cost to provide this service is covered within the current budget allocations.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		APZ/fire trail and cemetery ground maintenance is funded from the Community Services Section's operating budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

## **LEGAL, POLICY AND RISK IMPLICATIONS**

There are no legal or policy impediments to adopting the recommendations. The procurement of this service was conducted under the provisions of the *Local Government Act 1993* tendering guidelines.

**MINUTES ORDINARY COUNCIL - 9 JUNE 2015**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that by not maintaining asset protection zones/fire trails there may be an increased threat to people and property.	High	Manage asset protection zones and fire trails in accordance with the contract specification and in accordance with legislative requirements.	Yes
There is a risk that by not maintaining Councils cemeteries to an acceptable standard there will be an increase in customer complaints which could impact on Councils reputation.	Low	Manage cemeteries in accordance with the contract specification.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Adopting the recommendations will improve community safety through reduced risk of fire escaping from Council managed land. The maintenance of cemeteries to the agreed standard ensures that customers are comfortable when visiting cemeteries and the due respect is shown to the deceased.

Contracting this service adds to the viability of small to medium enterprises that specialise in the field of broad scale land management. This in turn boosts the potential for employment in the region.

The maintenance program is designed to minimise impacts on local flora and fauna.

**CONSULTATION**

- 1) Community Services Section Manager.
- 2) Contracts & Services Coordinator.
- 3) Emergency Service Coordinator.
- 4) Procurement and Tender Manager.

**OPTIONS**

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

**ATTACHMENTS**

- 1) CONFIDENTIAL Value Selection Methodology - Contracting of Asset Protection Zone/Fire Trail & Cemetery Mowing Maintenance.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## MINUTES ORDINARY COUNCIL - 9 JUNE 2015

ITEM NO. 4

FILE NO: PSC2015-01000/309

TRIM REF NO: PSC2014-03240

### IMPROVEMENT PROPOSAL - FIT FOR THE FUTURE

REPORT OF: WAYNE WALLIS - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

---

#### RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Port Stephens Council Improvement Proposal as shown as **(ATTACHMENT 1)** for submission to the Office of Local Government under the NSW State Government 'Fit for the Future' reforms.

---

#### ORDINARY COUNCIL MEETING - 9 JUNE 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

	<b>Councillor Paul Le Mottee</b> <b>Councillor Sally Dover</b>  That the recommendation be adopted.
--	--

#### ORDINARY COUNCIL MEETING - 9 JUNE 2015 MOTION

<b>153</b>	<b>Councillor Chris Doohan</b> <b>Councillor Steve Tucker</b>  It was resolved that Council endorse the Port Stephens Council Improvement Proposal as shown as <b>(ATTACHMENT 1)</b> for submission to the Office of Local Government under the NSW State Government 'Fit for the Future' reforms.
------------	---

#### BACKGROUND

The purpose of this report is to seek Council's adoption of the Improvement Proposal that is a requirement for Council to complete by 30 June 2015 as part of the Fit for the Future process of the NSW State government.

In August 2011 the then Minister for Local Government met with the Mayors and General Managers of all 152 NSW councils in Dubbo to map out a process towards reform of the local government sector. The outcome was a template called *Destination 2036* – setting out a roadmap for the future of local government in the State. Subsequently an Independent Local Government Review Panel (ILGRP) and a Local Government Act Taskforce were appointed. Both bodies undertook extensive

industry and community consultation during 2012 and 2013 on how the sector and its legislation could be improved. This report to Council deals with the outcomes of the ILGRP final recommendations – the final report entitled *Revitalising Local Government* – which provided an extensive list of recommendations across issues raised since 2011. In its submission to this final report, Port Stephens Council supported all but four of the recommendations that potentially affected this Council.

As part of the process of review, and in conjunction with a NSW Treasury Corporation assessment of the financial sustainability of all councils in NSW, the ILGRP maintained (page 109) "*Port Stephens council appears likely to remain sustainable in its present form well into the future, and there are no pressing boundary issues.*"

Other than a review of rating structures currently being undertaken by the Office of Local Government, the majority of the rest of the Panel's recommendations have not been articulated as they are awaiting the new Local Government Act.

The major focus of the State government's response to the Panel's final report involved support for a reduction in the number of councils in the State. This is to be achieved by proposed mergers/amalgamations contained in the ILGRPs final report. Whether a council was recommended to merge or not, depended upon the Panel's assessment of that council as having 'scale and capacity' to stand alone into the future. Guidelines for what constituted 'scale and capacity' were not quantified. Port Stephens Council was deemed by the ILGRP to have 'scale and capacity' and hence no amalgamation was proposed.

In October 2014 the Minister for Local Government released the blueprint for the future. This is called 'Fit for the Future' and for councils such as Port Stephens Council who were recommended for 'no change' and which recommendation the State government accepted, completion was required for Council to develop:

1. A self-assessment tool with seven criteria;
2. A template (called An Improvement Proposal or template 2) which has a format and content limit and which is required to be completed and lodged by non-merging councils on or before 30 June 2015.

In April 2015 the State government announced that the Independent Pricing and Regulatory Tribunal (IPART), together Mr John Comrie from South Australian local government, would form the assessment panel for the 'Fit for the Future' determinations. IPART will advise the State government on or before 16 October 2015 on whether a council was deemed to be 'fit' or 'unfit' for the future.

A requirement of the 'Fit for the Future' process is that where a council has been deemed to have 'scale and capacity' and completes template 2, that council must formally adopt the Improvement Proposal. The Improvement Proposal for Port Stephens Council is detailed in **(ATTACHMENT 1)**.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Port Stephens Council's services and assets are sustainable in the longer term.	Council will reduce its underlying deficit to break even in 2014-2015 financial year. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

**FINANCIAL/RESOURCE IMPLICATIONS**

Aside from being deemed to have 'scale and capacity' by the ILGRP, the Office of Local Government has developed seven criteria that councils must meet within five years, or show significant improvement within five years. Currently Port Stephens Council meets five of the seven criteria, and will meet all seven by 2020. Generally this will involve implementation of the strategies in the Long Term Financial Plan 2015-2025, however at the next iteration of the Long Term Financial Plan in 2016, a further \$1.1 million will be allocated for asset maintenance, the area where Council's current performance is weakest. Funding strategies are outlined in detail in Section 3 of the Port Stephens Council Improvement Proposal.

Preparation of the Improvement Proposal was project managed by Corporate Strategy & Planning under the sponsorship of the General Manager, detailed calculations were undertaken by staff from the Financial Services and Civil Assets Section. Additional inputs from PKF Lawler Partners involved assessment of asset management models currently in use in Council, and an audit of Council's Long Term Financial Plan. Other staff across Council provided input in specialist areas such as flooding, bush fires etc.

Whilst the State government is providing up to \$1 billion to support implementation of the mergers/amalgamations of those councils for whom it was recommended, there is no support for councils such as Port Stephens Council who were deemed to have 'scale and capacity'. The funding is also structured towards whole mergers to reduce the number of councils across NSW, so that there is no facility for government support for boundary changes. The ILGRP final report also noted the long, cumbersome and expensive process related to the Boundaries Commission and recommended changes, which have not eventuated to date.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Resources within existing budget.

**MINUTES ORDINARY COUNCIL - 9 JUNE 2015**

Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

There is no specific legislation for the 'Fit for the Future' reform agenda but it is considered government policy and there is thus the requirement to comply with templates and timelines as specified in the 'Fit for the Future' documentation. All Council's inputs as shown in **(ATTACHMENT 1)** comply with its policies and procedures.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council will not adopt the Improvement Proposal in time for lodgement leading to loss of reputation and potentially putting Council's status as 'fit' in jeopardy.	Low	Council adopt the 'Fit for the Future' Improvement Proposal.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Improvement Proposal does not affect the ability of Council to continue to deliver on its commitments in the Community Strategic Plan 2013-2023, and assists to enhance its ability to address the corporate priorities of asset maintenance and reduction of the infrastructure backlog.

**CONSULTATION**

As there is to be no change to Council's stand-alone status, there was no requirement for specific community consultation as there is with councils who are contemplating changes such as mergers, amalgamations etc.

On 17 March 2015 a workshop was held with Councillors to provide a preliminary assessment of Council's ability to meet the criteria; and to seek instructions regarding discussions about boundaries of the LGA.

On 14 April 2015 Council requested (Minute No. 087) that the Mayor and General Manager discuss boundary adjustments with Great Lakes Council, Newcastle City Council, Dungog Shire Council and Maitland City Council. Discussions have now

## **MINUTES ORDINARY COUNCIL - 9 JUNE 2015**

been conducted with these councils and it has been concluded by all parties that there is no appetite for boundary changes. This is reflected in the attached Improvement Proposal.

On 26 May 2015 a further workshop was held with Councillors regarding the content of the proposed Improvement Proposal to seek their input, which are reflected in **(ATTACHMENT 1)**.

Corporate Strategy & Planning sought initial feedback from IPART on an early draft of the Improvement Proposal; and throughout the process has kept in contact with the Office of Local Government's Relationship Manager assigned to this Council through the One-Stop Shop program of the 'Fit for the Future' process.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Attachment 1 Port Stephens Council Draft Improvement Proposal (Provided under separate cover)

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

**ITEM NO. 5****FILE NO: PSC2015-01000/355  
TRIM REF NO: PSC2015-01022****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

---

**RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 9 June 2015.

---

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Eplanning Project – Display of Development Application Information Online	66
2	Port Stephens Council and Crime Stoppers Graffiti Partnership	68

---

---

**ORDINARY COUNCIL MEETING - 9 JUNE 2015  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Sally Dover Councillor Paul Le Mottee</b>  That the recommendation be adopted.
<b>154</b>	<b>Councillor Paul Le Mottee Councillor Sally Dover</b>  It was resolved that Council move out of Committee of the Whole.

**ORDINARY COUNCIL MEETING - 9 JUNE 2015**  
**MOTION**

155	<b>Councillor Chris Doohan</b> <b>Councillor Steve Tucker</b>	
	It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 9 June 2015.	
	<b>No:</b>	<b>Report Title</b>

1	Eplanning Project – Display of Development Application Information Online
2	Port Stephens Council and Crime Stoppers Graffiti Partnership

# INFORMATION PAPERS

ITEM NO. 1

FILE NO: PSC2015-01000/336

TRIM REF NO: PSC2011-03064

**EPLANNING PROJECT – DISPLAY OF DEVELOPMENT APPLICATION  
INFORMATION ONLINE**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT &  
COMPLIANCE SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

**BACKGROUND**

The purpose of this Information Paper is to inform Council of the Executive Leadership Team's adoption of a Management Directive for the display of development application documentation on Council's website.

As Council is aware, work is underway on the EPlanning project which aims to streamline the development assessment process to make it simpler and faster for customers and staff. This project involves the development of an online portal (DA tracker) where the public can view the status of development applications under assessment as well as all plans and documentation lodged with the application during the exhibition stage.

The intent of providing this information online is to provide greater customer service and transparency through allowing members of the public to view plans conveniently from their own home and to reduce the amount of staff time spent on answering basic development related questions. It will also allow the public to be more engaged in the planning process due to the accessibility of information online and is expected to greatly increase customer satisfaction.

On 4 December 2014, the Executive Leadership Team considered options adopting a 'risk based approach' to placing development application information (subject to copyright) on the DA tracker module. The risk essentially relates to Council being potentially exposed to litigation for breaching copyright laws. A risk assessment was undertaken and advice and recommendations were obtained from Council's auditors. These recommendations have formed the basis of a Management Directive for staff which has been endorsed by the Executive Leadership Team.

The Management Directive provides the framework and guidance to support staff in uploading relevant development application information on the internet during the exhibition period of a development application. The Directive is accompanied by procedures that are to be followed to minimise the risks associated with the display of copyright material. An example of one of the risk mitigation strategies includes not displaying internal floor plans, signatures, email addresses, phone/mobile numbers, personal financial information, health and medical information, photos depicting people and personal addresses on the website. In addition, plans and consultant reports will only be displayed during the exhibition period (usually 14 or 30 days) and

## **MINUTES ORDINARY COUNCIL - 9 JUNE 2015**

will be unavailable to be viewed on line after this time. This meets the intent of engaging with the public but with a minimal risk to Council.

The adopted approach by the Executive Leadership Team is considered to be consistent with standard practice of the majority of local government organisations throughout New South Wales.

### **ATTACHMENTS**

Nil.

### **COUNCILLORS ROOM**

- 1) Management Directive for the display of development application information online.

### **TABLED DOCUMENTS**

Nil.

ITEM NO. 2

FILE NO: PSC2015-01000/298  
TRIM REF NO: PSC2015-01021/015

**PORT STEPHENS COUNCIL AND CRIME STOPPERS GRAFFITI PARTNERSHIP**

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

**BACKGROUND**

The purpose of this Information Paper is to advise of the response to Council's resolution dated 10 February 2015, to prepare a Graffiti Reward Policy. The Resolution was:

*"to prepare a Graffiti Reward Policy in accordance with Chapter 3 of the Local Government Act which states that Council needs to effectively plan for, account for and manage the assets for which it is responsible."*

In response to this resolution, Council has been successful in formalising a partnership with Crime Stoppers and NSW Police-Port Stephens Local Area Command (PSLAC) for the establishment of graffiti reward signage linked to the Crime Stoppers program.

The partnership aims to encourage the local community to become involved in the reporting of graffiti vandalism through the development and installation of signage at key locations around the LGA. This information will help facilitate prompt graffiti removal and possibly the apprehension of vandals which will prevent further incidents of graffiti within the area.

NSW Crime Stoppers are offering rewards of up to \$1000 for any information leading to the arrest of persons responsible for graffiti in the Port Stephens Local Government Area. The partnership enables Council to leverage off the existing Crime Stoppers reward program, which negates the need for the development of a specific policy whilst still achieving the aims of Council's resolution.

Signage has been developed with Crime Stoppers (**ATTACHMENT 1**) which will be placed at Council assets that have been reported as graffiti hotspots. The content and location of the signage has been discussed and agreed to by the Graffiti Action Team (GAT) and PSLAC. The initial roll out of the signage is intended to form a pilot, after which further installation of signage will be arranged across the LGA.

Crime stoppers will record Port Stephens graffiti reports for a period of approx. 7 months commencing June 2015 up to and including the Christmas, New Year and Australia Day school holiday period. At the end of this pilot period Crime Stoppers will analyse reported data as an indicator of the effectiveness of the graffiti signage.

**ATTACHMENTS**

- 1) Crime Stoppers Graffiti Signage.

**REWARDS OF UP TO**  
**\$1000**

**for any information leading  
to the arrest of persons  
responsible for  
graffiti in your area**

**Please contact NSW Crime Stoppers**  
**[crimestoppers.com.au](http://crimestoppers.com.au)**  
**1800 333 000**



**IN PARTNERSHIP**

# CONFIDENTIAL ITEMS

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

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

## ORDINARY COUNCIL MEETING – 9 JUNE 2015 MOTION

156	<b>Mayor Bruce MacKenzie</b> <b>Councillor Chris Doohan</b>  It was resolved that Council Move into confidential session
-----	---

The following Council officers were present for the Confidential Session:

Tim Crosdale – Environment & Strategy Section Manager  
Ross Smart – Communications Section Manager  
Emily Graham – Public Relations and Marketing Coordinator

**CONFIDENTIAL**

**ITEM NO. 1**

**FILE NO: PSC2015-00378/041  
TRIM REF NO: PSC2014-03088 &  
PSC2015-00444**

**ACQUISITION OF LAND FOR ROAD WORKS AT 1580 CLARENCE TOWN ROAD,  
SEAHAM**

**REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES**

**ORDINARY COUNCIL MEETING - 9 JUNE 2015  
MOTION**

<b>157</b>	<p><b>Mayor Bruce MacKenzie Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Pay compensation as detailed in the report for the acquisition of land required for road works.</li><li>2) Grant the authority for Council's Seal and signatures to be affixed to all relevant Transfer documents and related Plans.</li></ol>
------------	--

**CONFIDENTIAL**

**ITEM NO. 2**

**FILE NO: PSC2015-00378/049  
TRIM REF NO: PSC2013-04963**

**ACQUISITION OF LAND FOR ROAD WORKS AT 81 LEMON TREE PASSAGE  
ROAD, SALT ASH**

**REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES**

**ORDINARY COUNCIL MEETING - 9 JUNE 2015  
MOTION**

<b>158</b>	<p><b>Mayor Bruce MacKenzie Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the payment of compensation for the acquisition of land for road works at 81 Lemon Tree Passage Road, Salt Ash.</li><li>2) Grant the authority to affix Council Seal and signatures to the Deposited Plan Administration Sheet and the 88B Instrument prior to lodging at the office of Land and Property Information (LPI).</li></ol>
------------	--

**CONFIDENTIAL****ITEM NO. 3****FILE NO: PSC2015-00378/051  
TRIM REF NO: PSC2014-03187****ACQUISITION OF LAND FOR ROAD WORKS AT 1406B CLARENCE TOWN ROAD,  
SEAHAM****REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES****ORDINARY COUNCIL MEETING - 9 JUNE 2015  
MOTION**

<b>159</b>	<b>Mayor Bruce MacKenzie Councillor Chris Doohan</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Agree to pay compensation following negotiations for the acquisition of land required for road works.</li><li>2) Grant the authority for Council's Seal and signature to be affixed to all relevant Transfer documents and related Plans.</li></ol>
------------	---

**ORDINARY COUNCIL MEETING – 9 JUNE 2015  
MOTION**

<b>160</b>	<b>Mayor Bruce MacKenzie Councillor Paul Le Mottee</b>  It was resolved that Council Move out of confidential session
------------	---

There being no further business the meeting closed at 6.23pm.