

DRAFT

MINUTES – 13 DECEMBER 2016



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 – 13 December 2016, commencing at 5.54pm.

PRESENT:

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

348	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 22 November 2016 be confirmed.</p>
	<p>Cr Paul Le Mottee declared a pecuniary conflict of interest in items 7 and 8. The nature of the interest is that the Le Mottee Group has clients that</p>

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2016
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	may be affected by these issues.
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	Cr Ken Jordan declared a less than significant non-pecuniary conflict of interest in item 13. The nature of the interest is a friendship with one of the applicants.
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MOTIONS TO CLOSE

ITEM NO. 1

**FILE NO: 16/463615
RM8 REF NO: PSC2009-02408V4**

MOTION TO CLOSE

REPORT OF: WAYNE WALLIS - GENERAL 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 1 on the Ordinary agenda namely ***Sale of Proposed Lot 403 at 155 Salamander Way Salamander Bay.***
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - 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 - 13 DECEMBER 2016
MOTION**

349	<p>Councillor Sally Dover Councillor John Morello</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">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 on the Ordinary agenda namely <i>Sale of Proposed Lot 403 at 155 Salamander Way Salamander Bay.</i>2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• 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.
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COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 16/434274
RM8 REF NO: 16-2016-482-1**

DEVELOPMENT APPLICATION 16-2016-482-1 FOR DEMOLITION OF EXISTING SURF LIFE SAVING BUILDING AND THE CONSTRUCTION OF A NEW LIFEGUARD FACILITY (ANCILLARY TO A RECREATION AREA) AT 23 HANNAH PARADE, ANNA BAY (LOT 7311 DP1129641)

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2016-482-1 for the demolition of existing lifeguard building and the construction of a lifeguard facility (ancillary to a recreation area) at 23 Hannah Parade, Anna Bay (Lot 7311 DP 1129641) subject to the conditions contained in **(ATTACHMENT 2)**.

**ORDINARY COUNCIL MEETING - 13 DECEMBER 2016
MOTION**

350	Councillor John Nell Councillor Steve Tucker It was resolved that Council move into Committee of the Whole.
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COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Morello Councillor Sally Dover That the recommendation be adopted.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 13 DECEMBER 2016
MOTION**

351	Councillor Paul Le Mottee Councillor Ken Jordan It was resolved that Council approve Development Application DA No. 16-2016-482-1 for the demolition of existing lifeguard building and the construction of a lifeguard facility (ancillary to a recreation area) at 23 Hannah Parade, Anna Bay (Lot 7311 DP 1129641) subject to the conditions contained in (ATTACHMENT 2) .
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present to Council for determination a development application (DA) for the redevelopment of a lifeguard building at 23 Hannah Parade, Anna Bay (Lot 7311 DP1129641) at South One Mile Beach. A locality plan is provided in **(ATTACHMENT 1)**.

The application has been reported to Council for determination as the development is located on land of which Council is trustee. The facility is also a Council operated facility of public interest.

A two way conversation was held with Councillors on Tuesday 8 November 2016.

Development Proposal

The DA proposes the redevelopment of the lifeguard facility building at South One Mile Beach. The proposal involves the demolition of the existing lifeguard building and construction of a new lifeguard facility building within the same footprint. The subject development will also include upgrade works to the existing vehicle and pedestrian access track, as well as the establishment of a 10 metre defensible space around the building perimeter to facilitate firefighting in the event of a bushfire. Port Stephens Council will continue to manage the facility in conjunction with Surf Life Saving Australia.

The proposed development footprint is 295sqm, incorporating hardstand pedestrian and emergency vehicle access areas. The lifeguard facility building will front One

Mile Beach to maximise the effectiveness of the viewing tower and will include multiple storage areas, staff amenities and first aid room. Garage doors are positioned on the side (northwest), rear and front elevations to facilitate effective and efficient manoeuvring of and accessibility of surf lifesaving equipment.

It is considered that the architectural design of the development provides a positive visual outcome, protecting the scenic qualities of One Mile Beach. The use of earthy toned materials, articulation of building facades and a split level building design ensures that the apparent bulk, scale and height of the building fits within the topography and surrounding coastal environment.

Site Details

The subject site is positioned on the primary access point to the southern end of One Mile Beach. The development site fronts One Mile Beach to the east. An existing public car parking area is located to the west, with vegetation positioned to the north and south of the proposed lifeguard facility.

Assessment Outcomes

The subject land is zoned E2 Environmental Conservation under the Port Stephens Local Environmental Plan 2013 (PSLEP2013). The proposed development is defined as a Recreation Area (Lifeguard Tower is ancillary to the recreation area) and is permitted with consent in the zone. The proposal is considered to be generally consistent with the zone objectives of the E2 Environmental Conservation zone by ensuring minimal vegetation loss, and maintenance of the high ecological and cultural values of One Mile Beach.

The development proposal was assessed against relevant controls and objectives as specified under State Environmental Planning Policy No. 71 Coastal Protection, PSLEP2013 and Port Stephens Development Control Plan 2014 (PSDCP2014). The development is considered to be generally compliant with relevant controls and objectives. A detailed assessment of the proposal against the provisions of s.79C *Environmental Planning and Assessment Act 1979* (EP&A Act) is provided at **(ATTACHMENT 3)**. The key matters addressed in the assessment related to building design and position, as well as pedestrian and vehicle access.

The subject development satisfactorily responds to and protects the surrounding coastal environment, while redeveloping a deteriorating surf lifesaving facility. The proposed lifeguard facility will provide the facilities and services to adequately undertake surf lifesaving activities into the future.

Key Issues

Building Location and Design

The position of the proposed lifeguard facility building within the existing development footprint ensures minimal vegetation removal and minimises earthworks within

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surrounding undisturbed areas. It is considered that the siting of the subject development has been designed to reduce the potential of disturbing Aboriginal cultural heritage places or objects. Vegetation removal associated with the establishment of the defensible space will be re-planted with *Carpobrotus glaucescens* (Native Pigface), consistent with similar types of developments within Port Stephens Local Government Area.

The building design consists of a split level design, presenting a single storey to the access track and two storeys to the beach front, which provides an elevated viewing tower. The building is well sited and designed with respect to the topography of the land and character of the coastal locality. It is considered that the design attributes of the subject development provide a positive visual outcome, whilst allowing for a building design which is effective for surf lifesaving services.

Pedestrian and Vehicle Access

Upgrade works to the existing access road are also proposed to ensure vehicle access and manoeuvrability during the construction and operational phases of the development. It is anticipated that three Banksia trees will require removal to facilitate widening of the access road upgrade, in addition to trimming of overhanging vegetation. The access track upgrade works will also consist of the implementation of sediment and erosion measures, including the use of a compacted gravel surface.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
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 proposed redevelopment of the Lifeguard Facility at South One Mile Beach is being funded by Council from proceeds in the Crown Reserve Trust.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The subject development is located on operational Crown Land. The proposed redevelopment is being funded by Council from proceeds in the Crown Reserve (note that the funding of the project is a separate issue to the approval of this development application).

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Reserve Funds	No		
Section 94	No		The development does not attract a s.94 levy given it is for public purposes.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed development is generally consistent with *Port Stephens Local Environmental Plan 2013* and *Port Stephens Development Control Plan 2014*. Detailed responses to relevant environmental planning instruments and Port Stephens Development Control Plan 2014 are provided in the Planners Assessment report contained in **(ATTACHMENT 3)**.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that a third party may appeal the determination.	Low	Approve the application as recommended. The assessment carried out details the merits of the proposed development.	Yes
There is a risk that if the application is refused that the existing facility will continue to degrade and eventually become inoperable.	Medium	Approve the application as recommended.	Yes
There is a risk that beach safety will be compromised if an adequate facility is not approved and constructed.	Medium	Approve the application as recommended.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposal will create a positive social impact. The re-development of the lifeguard building will increase storage space and accessibility to surf lifesaving equipment, including the provision of first aid equipment. Additionally, the elevated viewing platform and shark tower will improve visibility for lifeguards, increasing the safety of beach goers.

The type of development in the subject locality will not produce adverse noise or privacy impacts. The proposed lifeguard building has been designed to reduce the apparent height, bulk and scale of the development and is unlikely to result in any adverse impacts on the built or natural environment. Design features include a split level building design, articulation of building facades and the use of earthy materials. The building is considered to be well sited and designed with respect to the topography of the land and character of One Mile Beach.

The proposed development will involve the removal of vegetation to facilitate the upgrade of the access road and the establishment of a ten (10) metre defendable space surrounding the perimeter of the lifeguard facility building. To facilitate required upgrade works to the access track three (3) Banksia trees will be removed, as well as the trimming of overhanging vegetation.

MERGER PROPOSAL IMPLICATIONS

The proposed merger is not anticipated to have any implications on the development application.

CONSULTATION

Consultation with key stakeholders has been undertaken during the development application process. The objective of the consultation was to inform the relevant parties of the development application and obtain their feedback on the proposal to ensure all potential concerns have been investigated.

Internal

The application was reviewed by a range of Councils internal specialists including Councils Development Engineer, Building Surveyor, Section 94 Officer and Social Planner. In response approval was recommended subject to the inclusion of conditions of consent.

External

The development was advertised and notified to adjoining neighbours for a period of 14 days in accordance with PSDCP2014, from 28 July 2016 to 10 August 2016. No submissions were received from the local community. The Office of Environment and Heritage (OEH) and National Parks and Wildlife Service (NPWS) provided comments on behalf of the Department of Premier and Cabinet (owner of adjoining 10A Hannah Parade, Anna Bay).

The comments confirmed that OEH do not have a statutory role in the development assessment, however it was requested that vegetation removal and trimming be kept to a minimum. It is considered that the use of the existing development footprint and access track will result in only minor vegetation removal with minimal impact to the local vegetation communities.

The comments from NPWS confirmed that there is a low likelihood that the development would result in impacts to any Aboriginal place or objects. An advice has been included on the draft notice of determination to inform the applicant of their obligations should any Aboriginal object or artefacts be uncovered or found during site works.

In addition to comments received during the exhibition period, the Department of Industry – Lands (DPI Lands) provided comments in respect to the subject development. DPI Lands own the subject site (currently under the trusteeship of Port Stephens Council) and outlined initial concerns in regards to inconsistencies in development plans, stormwater management plans and statement of environmental effects. Additional information was sought which clarified concerns raised.

In accordance with *the Environmental Planning and Assessment Act 1979* the conditions of consent were sent to and approved by Department of Industry - Lands on behalf of the Minister on 18 November 2016. Concerns identified are considered to be adequately managed through the inclusion of conditions of consent.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan.
- 2) Conditions of consent.
- 3) Planners Assessment Report.
- 4) Submission from Office of Environment & Heritage.
- 5) Correspondence from Department of Planning & Environment.

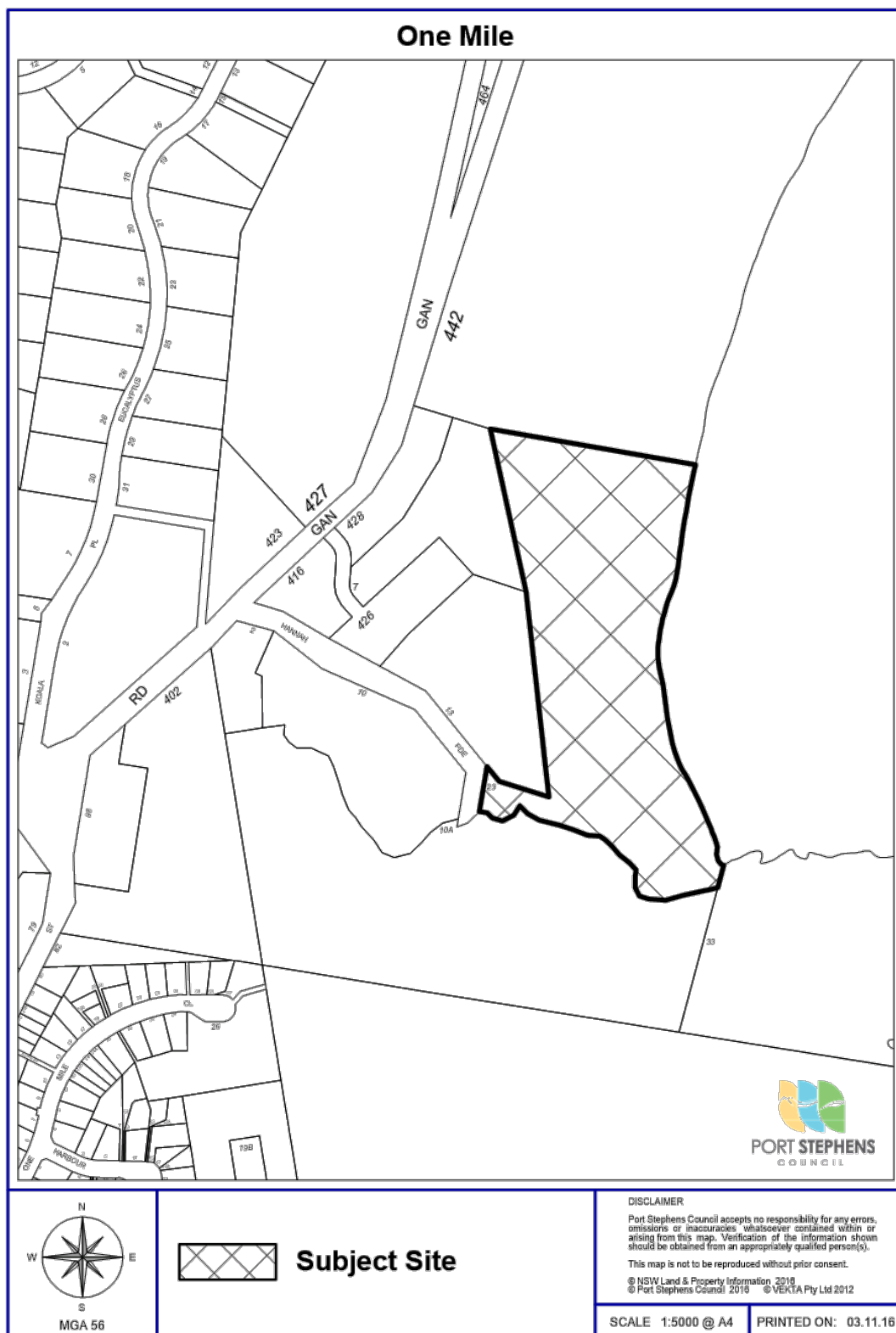
COUNCILLORS ROOM

- 1) Development Plans.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 LOCALITY PLAN.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873812 Email: council@portstephens.nsw.gov.au

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

These conditions are required to:

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

CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

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

Plan/Doc. Title	Plan Ref. No.	Sheet.	Date	Drawn By
Development Plans	11901	A01, A02	27.05.2016	The Plan Centre
Sedimentation and Erosion Control Plan	16.5001	C2	May 2016	Michael Fitzgerald
Stormwater Drainage Plan	16.5001	C1	May 2016	Michael Fitzgerald

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

2. The approved plans are modified in the following manner:
 - Stormwater Drainage Plan (Sheet C1) is amended relocating the Infiltration Trench to the rear of the building (southwest elevation).
3. A Construction Certificate is required prior to commencement of building works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed.

ITEM 1 - ATTACHMENT 2 CONDITIONS OF CONSENT.

Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

4. **Prior to the commencement of work** the person having the benefit of this consent shall contact Hunter Water Corporation (HWC) to ensure that the approved works do not impact upon existing or proposed HWC infrastructure. A copy of the information received by HWC shall be provided to Council within 10 days of receipt. Should HWC require modification to the approved development a Section 96 Modification Application and/or modified Construction Certificate Application should be lodged.
5. The building footprint shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking". Protection measures may include erosion and sedimentation controls as required. All protection measures are to be installed to the satisfaction of Council **prior to the commencement of works**, and regularly maintained for the duration of works and until the site is stabilised by vegetation or the like.
6. **Prior to the commencement of works**, the National parks and Wildlife Service Area Manager of Nelson Bay is to be notified.

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

7. **Prior to the issue of the Construction Certificate**, an amended site plan must be submitted and be deemed to be satisfactory by Council. The amended site plan shall illustrate a board and chain design, extending from the garage (northern elevation) to the beach providing access for vehicles. The stair access (southern elevation) design shall be amended to be constructed of a material other than solid concrete, incorporating design measures preventing erosion and scouring under the structure and mitigating impacts from wave energy.
8. **Prior to the issue of a Construction Certificate**, a detailed stormwater drainage design is to be submitted to the certifying authority and is to include the following:
 - a. A system of detention and / or infiltration to restrict discharge from the site to that of pre-development flows, for the 100 year Average Recurrence Interval (equivalent to the 1% Annual Exceedence Probability) critical duration storm event incorporating relevant design features in accordance with Sec 8.11 of AS/NZS 3500.3:2003;
 - b. Structural details for concrete or masonry drainage structures; and
 - c. Quantity and quality control devices including existing and design site levels, proposed pipe and pit invert levels and grades, hydraulic capacity

ITEM 1 - ATTACHMENT 2 CONDITIONS OF CONSENT.

and supporting calculations;

9. **Prior to the Issue of a Construction Certificate**, a detailed access plan is to be submitted to and approved by Council. Vegetation clearing is to be limited to the minimum distances to facilitate access for construction and emergency vehicles. The detailed access plan shall be consistent with Council's Design and Construction Specifications, policies and standards (where applicable) and is to include the following:
- a. Vehicle manoeuvring and parking;
 - b. Pavement construction details and design traffic loading for a compacted gravel track;
 - c. Vehicle swept paths supporting movement of emergency and largest expected service vehicles to and from the site in a forward direction;
 - d. Vertical clearances;
 - e. Width and height of the access track;
 - f. Vegetation required to be removed and/or trimmed;
 - g. Location of vegetation planting;
 - h. Erosion and sediment controls;
 - i. Drainage measures;
 - j. Extent of compacted gravel; and
 - k. Ensure completed access to One Mile Beach from the access track is appropriate for a four wheel drive vehicle.
10. **Prior to the issue of a Construction Certificate**, an application is to be lodged to and approved by Council under section 68 of the *Local Government Act 1993* for the installation and operation of an on-site sewage management system.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION OR CONSTRUCTION OF THE LIFEGUARD FACILITY

11. **Prior to demolition or building construction works**, upgrade works as stipulated by the detailed access plan must be completed to the satisfaction of the Principal Certifying Authority.
12. 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.
13. A waste containment facility shall be provided on the construction site prior to construction or demolitions works and is to be regularly serviced for the duration of works. The facility shall be removed immediately following the completion of works.

ITEM 1 - ATTACHMENT 2 CONDITIONS OF CONSENT.

14. The only fill material that may be applied to the development site is:
- Virgin Excavated Natural Material (VENM) within the meaning of the *Protection of the Environment Operations Act 1997*; or
 - Any other waste-derived material the subject of a resource recovery order or a resource recovery exemption under clauses 92 & 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*, that is permitted to be used as fill material.

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

15. All building and demolition work must be carried out in accordance with the provisions of the Building Code of Australia and Australian Standard AS2601-2001 – The Demolition of Structures. All waste materials shall be disposed of to a licenced waste facility. In addition, any asbestos containing material is to be removed in accordance with the requirements of WorkCover NSW and disposed of to an appropriately licenced waste facility.
16. 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 L10 level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

17. 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.
18. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.
19. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the

ITEM 1 - ATTACHMENT 2 CONDITIONS OF CONSENT.

Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.

20. Any earthworks within the defendable space shown on the approved plans are to be minimised in existing undisturbed areas.
21. Accessible toilet facilities are to be provided within the lifeguard facility building. These must be clearly sign posted as being accessible in accordance with Australian Standard 1428.1.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

22. **Prior to the issue of any Occupation Certificate**, an on-site sewage management system is to be installed and a satisfactory final inspection completed by Council.
23. **Prior to the issue of the Occupation Certificate**, the interface between all concrete structures and non pedestrian or vehicle traffic sand areas shall be mulched and vegetated with *Carpobrotus glaucescens* (Native Pigface).
24. **Prior to the issue of any Occupation Certificate**, a defendable space between the proposed building and retained vegetation is to be established. The defendable space is to be a minimum of 10m wide surrounding the entire proposed building and comply with the requirements of an Inner Protection Area as defined under Planning for Bushfire Protection 2006. Where possible, fire tolerant endemic plant specimens should be retained within the defendable space.
25. **Prior to the issue of any Occupation Certificate** an emergency evacuation plan to be prepared and be considered to be satisfactory by the Principal Certifying Authority.
26. **Prior to the issue of any Occupation Certificate** a dedicated water supply reserve of at least 10,000L is to be provided for firefighting purposes. The water supply reserve shall:
 - a. Have a suitable connection for firefighting purposes.
 - b. Above ground tanks are to be manufactured of concrete or metal.
 - c. All above ground external pipes are to be construction from metal. All pumps are to be adequately shielded.

ITEM 1 - ATTACHMENT 2 CONDITIONS OF CONSENT.

CONDITIONS TO BE SATISFIED AT ALL TIMES

27. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
- a. The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b. That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

ADVICES

- a. Should any Aboriginal objects or artefacts be uncovered by the works, excavation or disturbance of the area is to stop immediately and the Office of Environment and Heritage must be informed accordance with Section 89A of the *National Parks and Wildlife Act, 1974* (as amended). Works affecting Aboriginal objects or artefacts on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal objects and artefacts must be managed in accordance with the *National Parks and Wildlife Act, 1974*.
- b. Council's Bushland/Invasive Weeds Management Officer should be contacted if clearing north of the existing access track is proposed due to the likelihood of Chinese Violet.
- c. The board and chain vehicle access design should be consistent with Coastal Dune Management, A Manual of Coastal Dune Management and Rehabilitation Techniques, prepared by the Department of Land and Water Conservation (<http://www.environment.nsw.gov.au/resources/coasts/coastal-dune-mngt-manual.pdf> (page 62)).

SCHEDULE 2

RIGHT OF APPEAL

If you are dissatisfied with this decision:

- a review of determination can be made under Section 82A of the Act, or

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

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ITEM 1 - ATTACHMENT 2 CONDITIONS OF CONSENT.

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

NOTES

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


**PORT STEPHENS
COUNCIL**

DEVELOPMENT ASSESSMENT REPORT

APPLICATION DETAILS

Application Number	16-2016-482-1
Development Description	Demolition of Existing Lifeguard Building and Construction of a Lifeguard Facility (ancillary to existing recreation area).
Applicant	PORT STEPHENS COUNCIL
Date of Lodgement	20/07/2016
Value of Works	\$718,300.00

Development Proposal

The application proposes the redevelopment of the Lifeguard building at South One Mile Beach.

To facilitate the redevelopment, the existing lifeguard building will be demolished. Port Stephens Council will continue to manage the lifeguard facility in conjunction with Surf Life Saving Australia.

The development foot print is 295sqm, incorporating hardstand pedestrian and emergency vehicle access areas. The proposed lifeguard building will have a building footprint of 153sqm and be two stories in height. The lifeguard tower will consist of:

- Multiple Storage Areas
- Staff Amenities
- First Aid Room (including bathroom facilities)
- Viewing Tower
- Plant Room

The lifeguard facility will front One Mile Beach to maximise the effectiveness of the building and associated viewing tower. Three garage doors are positioned on the northwest elevation, two on the rear elevation, and one fronting One Mile Beach to allow manoeuvring and accessibility to surf lifesaving equipment. A split level design has been incorporated into the building design to ensure that the apparent scale and height of the building fits within the surrounding topography as illustrated below.



Figure 1: The front and rear (beach facing) elevation of the proposed lifeguard tower.

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Access to the subject development will be derived from an existing access track connecting the development site to the One Mile beach carpark. Upgrade works are required to ensure adequate access for construction and emergency vehicles.

PROPERTY DETAILS

Property Address	23 Hannah Parade ONE MILE
Lot and DP	LOT: 7311 DP: 1129641
Current Use	Recreation Area (Lifeguard Tower)
Zoning	E2 ENVIRONMENTAL CONSERVATION
Site Constraints	<ul style="list-style-type: none"> • Bush Fire Prone (Categories 1 & 3) • Acid Sulphate Soils (Class 4 & 5) • Koala Habitat • Endangered Ecological Communities • Office of Environment and Heritage – High Environmental Value • Port Stephens Great Lakes Marine Park • Landscape Habitat Link • Wetlands (PSLEP2013) • SEPP 71 – Coastal Protection • Chinese Violet

Site Description

The subject site is positioned on the main access point to the southern end of One Mile Beach. A public car parking area is located to the west, one mile beach to the east, with vegetation to the north and south. The public car parking area adjoins One Mile Beach Holiday Park and Swell Café. The position of the proposed building within its locality is illustrated below.

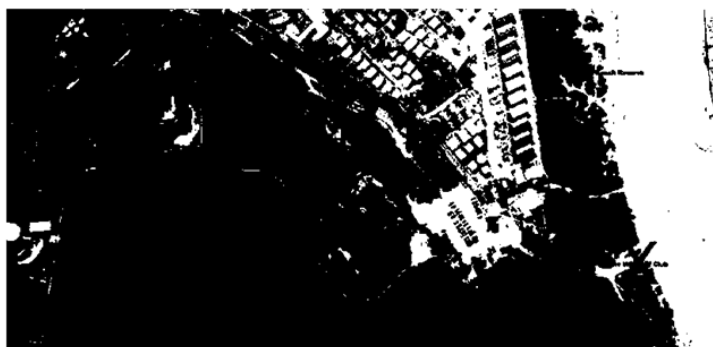


Figure 2: Location of the proposed lifeguard tower

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Site History

No historic development approvals or past compliance matters were identified which would prohibit the proposed development.

Site Inspection

A site inspection was carried out on 17 October 2016



Figure 1: North-east and south-west elevation of the existing lifeguard tower.



Figure 2: Window protector severely reducing visibility and deteriorating roof on the existing lifeguard building.



Figure 3: Existing vehicle and pedestrian access.

ASSESSMENT SUMMARY

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

Internal Referrals

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

Development Engineer – No objections to the proposal were made. Recommended conditions which related to stormwater, and vehicle access and manoeuvrability have been incorporated into the conditions of consent.

Building Surveyor – No objections were made to the proposal. All recommended conditions have been incorporated into the conditions of consent.

Environmental Health Officer – The application was referred to Councils Environmental Health Officer for comment. In response additional information relating to the proposed sewage connection was requested. Comments received from Hunter Water recommended the use of an on-site sewer management system. No objections were raised by Councils Environmental Health Officer and appropriate conditions have been incorporated.

Section 94 Officer – It is considered that the proposed lifeguard tower does not intensify the use of the site. As such s94A contributions are not applicable.

Social Planner – The application was referred to Councils Social Planner for comment. In response, a condition relating to accessibility to the proposed toilets within the subject building was recommended. The recommended condition has been incorporated into the conditions of consent.

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Natural Resources – The application was referred to Councils Natural Resource Section for comment. Conditions of consent were received. Revised conditions were received preceding the site inspection with Councils Bushland Management Officer. Revised conditions relate to low fuel vegetation retention within the APZ and the requirement of a detailed access plan prior to the issue of a Construction Certificate.

External Referrals

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

Hunter Water – The application was referred to Hunter Water. In response it was noted that a Section 50 Certificate has been issued. No concerns in regards to the proposal were raised with respect to Section 51 of the Act. However, it was recommended that on-site sewage management be utilised for the proposal. Conditions have been incorporated requiring an approval under section 68 of the *Local Government Act 1993* for the installation and operation of an on-site sewage management system, prior to the issue of a Construction Certificate.

Department of Planning & Environment – The application was referred to the Director General as stipulated under State Environmental Planning Policy (SEPP) No.71 Coastal Protection for developments nominated as significant coastal development. A response dated 23 August outlined that no matters additional to those set out in Clause 8 of the SEPP are required to be assessed.

Crown Land – Crown land DA conditions must be approved by C.Lands – Department of Primary Industry (Crown Lands) own the subject site (currently under the trusteeship of Port Stephens Council). In accordance with the *Environmental Planning and Assessment Act 1979* the conditions of consent were sent to and approved by Department of Industry - Lands on behalf of the Minister.

MATTERS FOR CONSIDERATION – SECTION 79C

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

Port Stephens Local Environmental Plan 2013 (LEP)

Clause 2.3 – Zone Objectives and Land Use Tables

The proposed development is a life guard tower ancillary to a recreation area.

A public beach staffed by life guards is considered to be commensurate with a public park and so accordingly fits within the definition of a recreation area. The proposed building will be ancillary to the use of the site and is of only a minor increase to the footprint of the existing life guard tower. Utilising the existing footprint will ensure minimal vegetation loss and maintain the high ecological and aesthetic value of the surrounding area. As such, it is considered that the development is consistent with the objectives of the E2 zoned land.

Clause 2.7 – Demolition – The proposal includes the demolition of the existing life guard tower and its removal, prior to commencement of construction works. Relevant conditions have been proposed in relation to the demolition process and the disposal of waste.

Clause 4.3 – Height of Buildings – In accordance with Clause 4.3, the Height of Buildings Map indicates a maximum building height of 9m for the subject site. The maximum building height of the development is 7.6m, satisfying cl4.3.

Clause 5.5 – Development within Coastal Zone – The objective of cl 5.5 is to provide for the protection of the coastal environment of the State for the benefit of both present and future

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generations through promoting the principles of ecologically sustainable development and to implement the principles in the NSW Coastal Policy.

Design considerations have been implemented into the proposed development to ensure that impacts to the coastal environment are effectively mitigated. The proposed lifeguard building has been strategically placed in the location of the existing development footprint, ensuring minimal disturbance to the surrounding dune ecosystem. Minimal vegetation removal and earthworks are required to facilitate the development and as such it is highly unlikely that Aboriginal objects will be disturbed or discovered during construction. It is noted that an AHIMS search was undertaken by the applicant, in which no known Aboriginal Objects or Places are known to be located within the development footprint.

The architectural design of the development ensures a positive visual outcome. It is considered that the proposed lifeguard building responds to the natural form of the coastline whilst creating visual interest. It is considered that the siting and design of the proposed lifeguard building ensures that the bulk, scale and size of development is appropriate for the location, and protects and improves the natural scenic quality of the locality. It is noted that the development will improve accessibility to One Mile Beach for pedestrians and emergency service vehicles through the upgrade of the existing access trail.

It is considered that the development is consistent with Clause 5.5 of PSLEP2013.

Clause 5.9 – Preservation of Trees or Vegetation – To facilitate the development, vegetation removal is required to upgrade vehicle and pedestrian access, and establish an asset protection zone around the perimeter of the proposed lifeguard building.

A condition of consent requires a detailed access plan to be submitted and be deemed to be satisfactory by Council prior to the issue of a Construction Certificate. It is anticipated a minor amount of vegetation will require removal to facilitate the access upgrade.

The required APZ will require the removal of vegetation. Vegetation consists of bitou bush and native vegetation. Conditions stipulate that low fuel native vegetation will be retained within the APZ (where possible). The vegetation required to be removed will be re-planted with *Carpobrotus glaucescens* (Native Pigface), in keeping with similar types of development in the Port Stephens Local Government Area.

The use of the existing development footprint ensures vegetation removal is minimised. It is considered that the development preserves the amenity of the area, through the preservation of trees and vegetation.

Clause 7.1 – Acid Sulphate Soils - Class 4 Acid Sulphate Soils are likely to be on site, however the soil is predominantly made up of sand which minimises this likelihood. No excavation works exceed 2m and as such no Acid Sulphate Management plan is required.

Clause 7.2 - Development consent is required under this clause for the proposed earthworks.

Taking into account the minimal earthworks required to facilitate the subject development, it is considered that the proposal is unlikely to disrupt drainage patterns and soil stability, impact potential future development on-site, impact adjoining properties or disrupt relics as the building footprint is similar to the existing building. Additionally, conditions of consent will require the use of clean fill and stipulate measures to mitigate potential impacts derived from earthworks.

Clause 7.6 – Essentials Services –The site has access to all essential services listed under this clause. No service capacity issues have been identified, subject to the issue of a s.68 application

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for on-site sewer management. It has been conditioned that Hunter Water Corporation be contacted prior to construction works to ensure the development does not impact on HWC infrastructure. Plans detailing suitable vehicular access will be provided prior to the issue of a Construction Certificate and works to provide the upgraded access will be completed prior to demolition of the existing lifeguard building. It is noted that emergency vehicles currently access the site over the existing track, however a variety of vehicles will be required to enter and exit the site during construction and as a result the existing access track will be upgraded.

Clause 7.9 – Wetlands –The subject site is described as containing wetlands as nominated by PSLEP2013, however the development footprint is located outside of the wetlands area. It is noted that a non-perennial natural watercourse is located 150m from the development site. No impacts to surrounding wetlands are anticipated.

State Environmental Planning Policies No. 71 Coastal Protection

The subject site is located within the coastal zone, therefore the provisions of State Environmental Planning Policy (SEPP) No. 71 - Coastal Protection apply to the subject development. SEPP No.71 seeks to ensure that development in the NSW Coastal Zone is appropriate and suitably located and its aims include to: a) protect the natural attributes of the coast, b) protect and preserve Aboriginal cultural heritage, c) protect the visual amenity of the coast, d) protect beach environments and amenity, and e) ensure the type/bulk/scale/ and size of development is appropriate for the location. The development proposed is considered to be consistent with the matters for consideration outlined in Clause 8 and addressed below.

It is considered that the proposal protects the natural, cultural, recreational and economic attributes of the New South Wales Coast by providing an architecturally designed and strategically positioned lifeguard facility building. The proposed lifeguard facility incorporates a split level building design, providing a positive visual outcome consistent with the local topography as well as minimising earthworks. The position of the proposed building within the existing development footprint ensures minimal vegetation removal and earthworks within surrounding undisturbed areas. In this regard it is considered that the siting of the proposed development has been designed to protect Aboriginal cultural heritage by minimising disturbance to land outside of the existing development footprint.

The application will involve the upgrade of the existing primary access road to South One Mile Beach. A detailed access plan is required to be submitted and deemed to be satisfactory by Council prior to the issue of a construction certificate. The upgrade of the existing access will be completed prior to the demolition of the existing lifeguard building. The upgrading of the existing access track, rather than constructing a new one, will reduce potential impacts to the local ecology and is consistent with SEPP No.71.

The proposed lifeguard tower will allow for the ongoing provision of lifesaving services at One Mile Beach, and is considered to be suitable for the subject site as it is appropriately located within the location of the existing development footprint and utilises the existing access track. Building design considerations include a split level building design, articulation of building facades and the use of earthy materials. The building is considered to be well sited and designed with respect to the topography of the land and character of the locality, protecting the scenic qualities of the coastline.

The application included documents and plans relating to stormwater management and, erosion and sediment control. The documents and plans illustrate that the management of stormwater and

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sedimentation during and post construction can be effectively manage so that there are no additional impacts on coastal processes.

s79C(1)(a)(ii) – Any draft EPI

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

s79C(1)(a)(iii) – Any DCP**Port Stephens Development Control Plan 2014**

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

Chapter A.12 – Notification and Advertising

In accordance with the requirements of chapter A.12 of the DCP, the development application was exhibited for a period of 14 days. In response, one submission was received. The issues raised were addressed through provision of additional information during the assessment process.

Chapter B2 - Natural Resources – A site inspection was conducted with Councils Bushland Management Officer. It was concluded that there are no threatened species within the proposed development footprint. The vegetation removal required to upgrade vehicle access and establish an asset protection zone is supported.

It was noted that Chinese Violet is located north of the access trail and has been noted as an advice within the conditions of consent. It is not anticipated that access road upgrade works will be required north of the existing access road.

Chapter B3 – Environmental Management

Bushfire Prone Land – The applicant submitted a Bushfire Threat Assessment (BTA) with the development application which identified potential issues relating to access, water and services, emergency planning and vegetation management. All recommendations have been incorporated into the conditions of consent to mitigate the identified concerns. The application is satisfactory in regards to mitigating the impact of bushfire.

Earthworks - Chapter B3.F of PSDCP2014 outlines objectives and requirements in order to facilitate earthworks with minimal environmental impacts, such as erosion. Conditions of consent will stipulate the use of Virgin Excavated Natural Material (VENM).

Minimal earthworks are required to facilitate the development. In this regard, the proposal will not have a detrimental impact on drainage patterns or soil stability, subject to conditions of consent. The proposal will not impact future potential development on-site and due to the highly disturbed nature of the site it is highly unlikely that the development will disturb relics.

The proposal is consistent with requirements outlined in Councils DCP2014 relating to earthworks.

Chapter B4 – Drainage and Water Quality - The development application included a concept stormwater design for the proposal. This stormwater plan has been reviewed and supported by Council's Development Engineering unit. Standard conditions of consent are proposed requiring detailed stormwater drainage, detention and infiltration design drawings to be submitted to the PCA prior to the issue of a construction certificate. The development is considered to be satisfactory in regards to drainage and water quality.

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Chapter B6 – Essential Services - The site has access to all essential services, subject to conditions of consent. Conditions of consent require a Section 68 application for the installation and operation of an on-site sewage management system listed under the clause. No service capacity issues have been identified. It has been conditioned that Hunter Water Corporation be contacted prior to construction works to ensure the development does not impact on HWC infrastructure.

Chapter B9 – Road network and Parking – The development application proposes the re-development of the existing lifeguard tower at south One Mile Beach. Public car parking is provided west of the site. The proposed lifeguard tower has a larger GFA than the existing lifeguard building in order to increase the storage space and accessibility to surf lifesaving equipment, as well as to elevate the viewing deck. However, the proposal does not intensify the use of the site and is not considered to be a traffic generating development. As such, no additional on-site car parking requirements are required.

Chapter C2 – It is noted that a Recreation Area (Lifeguard Tower) is not defined as a commercial use under PSLEP2013. Regardless, the proposal shares similar design characteristics to that of a commercial building and so the building design parameters of this chapter are relevant design criteria.

Height – The northeast elevation (fronting One Mile Beach) has a building height of 7.63m, incorporating two levels. The southwest elevation is 5.4m in height. The split level design ensures that the building blends in to the surrounding coastal landscape while maximising the effectiveness of the viewing and shark tower. The height of the proposal is considered to be appropriate for the locality.

Site Frontage and Setbacks – The proposed life guard facility fronts One Mile Beach to maximise the views obtained from the viewing deck and shark tower. The setbacks allow safe pedestrian access to One Mile Beach without protruding onto open beach areas.

Building Form and Massing – The development has incorporated earthy materials, articulation of building's façades and a split level design. The design of the building is considered to complement the existing natural setting of One Mile Beach.

Building Entries – The proposed building has multiple points of entry, both for pedestrian and surf life saving equipment. Access ramps are located to the rear of the development site to ensure equipment and pedestrian access points to the beach (public space) are available.

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

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

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

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

s79C(1)(b) – The likely impacts of the development

Social and Economic Impacts

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The proposal will create a positive social benefit. The re-development of the life guard building will increase storage space as well as accessibility to surf lifesaving and first aid equipment. Additionally, the elevated viewing platform and shark tower will improve visibility for life guards, increasing the safety of beach goers.

Impacts on the Built Environment

The location and type of development will not produce adverse noise or privacy impacts. The construction of the proposed lifeguard facility is unlikely to result in any adverse impact upon the existing built environment. The building has been designed to reduce the apparent height, bulk and scale of the development. Design features include the split level building design, articulation of building facades and the use of earthy materials. The building is considered to be well sited and designed with respect to the topography of the land and character of the locality. It is considered that the building will be easily identifiable for beach-goers, without being prominent in the natural setting of the beach and surrounding vegetation.

Impacts on the Natural Environment

The proposed development will involve the removal of vegetation to facilitate the upgrade of the access road and the establishment of a 10m APZ surrounding the perimeter of the lifeguard facility building. A minimal amount of vegetation will be required to be removed, in conjunction with the trimming of overhanging vegetation to facilitate the required upgrade works to the existing access road. The 10m APZ will require the removal of bitou bush and native vegetation. All low fuel native vegetation will be retained (where possible) and vegetation that is required to be removed will be replanted with *Carpobrotus glaucescens* (Native Pigface).

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

The subject site is considered to be suitable for the proposed development. One Mile Beach currently offers lifeguard services to the community and the upgraded facility will allow for sufficient storage of lifeguard equipment, as well as an elevated viewing platform to increase the safety of beach goers. In addition, the building has been architecturally designed to respond to the surrounding topography and landscape.

s79C(1)(d) – Any submissions

One submission has been received in relation to the proposed development. Comments from the Office of Environment and Heritage (OEH) and the National Parks and Wildlife Service (NPSW) were incorporated into the submission.

Office of Environment and Heritage

10A Hannah Street, One Mile adjoins the subject site from the south and is owned by the Department of Premier and Cabinet. OEH submitted comments on behalf of the Department of Premier and Cabinet regarding the proposal. Comments outlined:

<p>The Statutory Role of the Office of Environment and Heritage</p>	<p>OEH does not have a statutory role in assessing this development unless Council (Consent Authority) determines that the impact of the development is likely to have a significant impact on a threatened species, population, or ecological community as listed under the <i>Threaten Species Conservation Act 1995 (TSC Act)</i>. Council's Natural Resource section</p>
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	determined that the development will not have a significant impact on flora or fauna outlined under the <i>TSC Act</i> .
Aboriginal Sites and Objects	<p>The use of the existing development footprint minimises the impact of the development. As such, disturbance to Aboriginal sites or objects is unlikely. No known Aboriginal sites or objects are registered in the locality as illustrated by a AHIMS search provided by the applicant and conducted on 13 October 2016. In addition, it has been conditioned to restrict major earthworks to within the APZ.</p> <p>An advice has been included in the conditions of consent stipulating that should any Aboriginal objects or artefacts be uncovered during works, excavation or disturbance of the area is to stop immediately and OEH must be informed in accordance with Section 89A of the <i>National Parks and Wildlife Act, 1974</i> (as amended).</p>

The National Parks and Wildlife Service (NPWS) reviewed the development and offered considerations within the same document. Considerations included: compliance with Australian standards with respect to fire safety and protection, upgrade of the existing access track and, minimising and mitigating vegetation loss. Conditions have been incorporated to mitigate concerns raised. Conditions specify a detailed access plan, which limits vegetation clearing while providing swept paths supporting movement of emergency and largest expected service vehicles. Additionally, conditions specify replanting of pigface and retention of low fuel vegetation within the APZ.

s79C(1)(e) – The public interest

Matters pertaining to the public interest have been discussed within this report. The redevelopment of the lifeguard tower will increase the safety of beach goers and increase services to professional lifeguards and members of Surf Lifesaving Australia. The proposal is considered to be well designed to respect the character of the natural setting and to respond to the topography of the land without requiring the removal of large amounts of vegetation. In this regard it is considered that the proposal is in the public interest.

DETERMINATION

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

SAMUEL HARVEY
Development Planner

ITEM 1 - ATTACHMENT 4 SUBMISSION FROM OFFICE OF ENVIRONMENT & HERITAGE.

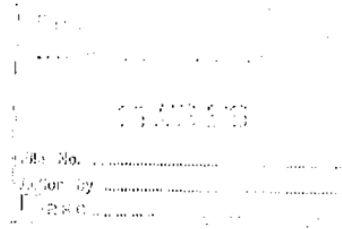


Office of
Environment
& Heritage

DOC16/387773-1

General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Att. Samuel Harvey



Dear Sir / Madam

RE: COMMENTS ON A DEVELOPMENT APPLICATION FOR DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A NEW OUTDOOR RECREATION FACILITY (LIFEGUARD FACILITY), ONE MILE, PORT STEPHENS LGA

I refer to your correspondence dated 26 July 2016 seeking comment on a development application for the demolition of an existing building and construction of a new outdoor recreation facility (lifeguard facility) at 23 Hannah Parade (Lot 7311 in Deposited Plan 1129641), One Mile in the Port Stephens local government area.

OEH understands the proposal is being assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). With respect to biodiversity matters, OEH does not have a statutory role in assessing this development unless the consent authority (Port Stephens Council) determines that the impact is likely to significantly affect a threatened species, population, ecological community, or its habitat, as listed under the *Threatened Species Conservation Act 1995* (TSC Act). If a significant impact on any listed matter is identified by the consent authority during the assessment process, then OEH will have a concurrence role in the approval process for threatened species. This process is described in detail in **Attachment 1**. The proponent should ensure that the Statement of Environmental Effects, Environmental Impact Statement or application in general is sufficiently comprehensive to enable the consent authority to determine the extent and significance of the impact(s) of the proposal with respect to threatened biodiversity.

With respect to Aboriginal cultural heritage, if the proposal triggers Section 90 of the *National Parks and Wildlife Act 1974* then it will be deemed an 'integrated development' under the EP&A Act and will require consent to knowingly destroy, deface or damage or knowingly cause or permit the destruction or defacement of or damage to, a relic or Aboriginal place. OEH acknowledges that the development application indicates that the proposal will not trigger this part of the Act. Nevertheless, **Attachment 1** provides details on OEH's expectation for the minimum information requirements for assessment of Aboriginal cultural heritage.

With respect to the National Parks and Wildlife Service, who are an adjoining and/or nearby neighbour, they have provided comments in **Attachment 1**.

Locked Bag 1002 Dangar NSW 2309
Level 4/26 Honeysuckle Drive Newcastle NSW 2300
rog.hcc@environment.nsw.gov.au
ABN 30 841 387 271
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In general, OEH is of the opinion that the application needs to be sufficiently comprehensive to enable unambiguous determination of the extent of the direct and indirect impact(s) of the proposal, and that it addresses all the environmental and cultural requirements under the EP&A Act. The EIS should include an appropriate assessment of the potential impacts on biodiversity, including threatened species, populations, ecological communities, or their habitats likely to occur on or near the subject site, as well as Aboriginal cultural heritage values and flooding (where applicable).

If you require any further information regarding this matter please contact Steve Lewer, Regional Biodiversity Conservation Officer, on 4927 3158.

Yours sincerely



10 AUG 2016

STEVE LEWER
Acting Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations

Enclosures: Attachment 1

ITEM 1 - ATTACHMENT 4 SUBMISSION FROM OFFICE OF ENVIRONMENT & HERITAGE.

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ATTACHMENT 1**OEH REQUIREMENTS FOR THREATENED BIODIVERSITY AND ABORIGINAL CULTURAL HERITAGE****Threatened Biodiversity – OEH Concurrence**

OEH understands from your correspondence that the proposed development will be considered as a modification under Part 4 of the EP&A Act by Port Stephens Council. As such, OEH has a statutory role only if Council as the consent authority determines that the development is likely to significantly affect a threatened species, population, ecological community, or its habitat, as listed under the *Threatened Species Conservation Act 1995* (TSC Act).

As the consent authority, Council will need to assess whether or not the proposal will have a significant impact on threatened species, populations, or ecological communities, or their habitat. Assessment of significance should be determined in accordance with the procedures and assessment approaches contained within the '*Threatened Species Assessment Guidelines: The Assessment of Significance*' (DECC 2007). If Council determines a significant impact is likely, then pursuant to Section 79B of the EP&A Act, Council must seek the concurrence of the Chief Executive of the Office of Environment and Heritage or the Minister administering the TSC Act.

Under this scenario OEH will have a concurrence role, which will either include (i) the likely provision of Chief Executive Requirements for a Species Impact Statement (SIS) and assessment of the SIS, or (ii) the assessment of a BioBanking Statement in accordance with the 'BioBanking Assessment Methodology' (OEH 2014) as defined under Section 127B of the TSC Act. For additional assistance please contact your nearest OEH office or the BioBanking Team on 131 555.

If concurrence is required, then Council will need to advise the proponent that they need to obtain either (i) a SIS to assess the impact, or (ii) a BioBanking Statement in accordance with the 'BioBanking Assessment Methodology' (OEH 2014) as defined under Section 127B of the TSC Act. If the proponent decides to proceed with a SIS they will need to write to OEH for SIS Chief Executive Requirements.

If OEH is required to provide concurrence (including the review of the SIS or BioBanking Statement), Council will need to ensure the following documents are supplied so that the concurrence requirements of clause 59(a) of the Environmental Planning and Assessment Regulation 2000 are satisfied through a:

Species Impact Statement:

- a. A copy of the development application.
- b. One hard copy and one digital copy of the following:
 - the species impact statement and any document upon which the SIS relies or BioBanking Statement
 - any preliminary fauna and flora assessment (i.e. the report addressing the assessment of significance) undertaken prior to preparation of the SIS
 - any Council assessment report
 - any submissions or objections received by Council concerning the development application
 - any social and economic impact assessments that have been undertaken in relation to the development application.
- c. Confirmation that the SIS has been publicly exhibited in accordance with clauses 86–91 of the Environmental Planning and Assessment Regulation 2000, and all public submissions received by Council are forwarded to OEH for their consideration (including any objections

ITEM 1 - ATTACHMENT 4 SUBMISSION FROM OFFICE OF ENVIRONMENT & HERITAGE.

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regarding the proposed activity). If no comments were received please advise OEH accordingly.

- d. \$320 administration fee – in accordance with clause 252A of the Environmental Planning and Assessment Regulation 2000; made payable to OEH.

OR

BioBanking Statement:

- a. A copy of the development application.
- b. Hard copy of the BioBanking Statement, the BioBanking Assessment Report (including all associated maps, field sheets etc...), and any relevant expert reports (if applicable).
- c. All appropriate GIS shape files (e.g. maps, plots and transects, assessment circles, species polygons) as listed in Attachment 1.

Note: On 1 October 2014, the *BioBanking Assessment Methodology 2014* has become the compulsory legal version of the tool to use for BioBanking assessments (www.environment.nsw.gov.au/biobanking/bbreview.htm for more details). The credit calculator is now web-based. The BBAM 2014 builds upon the experiences of OEH and stakeholders in applying the BBAM and other methodologies, including the Environmental Outcomes Assessment Methodology and the Biodiversity Certification Assessment Methodology. It is also closely aligned to the Framework for Biodiversity Assessment, which is the methodology that underpins the Biodiversity Offsets Policy for Major Projects. It marks a key step in helping the Government to achieve its NSW 2021 goal of increasing consistency in offsetting practices.

Aboriginal Cultural Heritage

Existing Aboriginal cultural heritage values

OEH acknowledges the existence of numerous registered Aboriginal sites in the regional locality. These include middens, isolated finds, camp sites, artefact scatters and potential artefact deposits. It is also acknowledged that the project area contains landforms which have yielded a significant volume of evidence of Aboriginal occupation. It is therefore recommended that the proponent consider any potential impacts of the proposal on these known Aboriginal sites/objects, the sensitivity and significance of these sites to the traditional Aboriginal knowledge holders and any relationship that may exist between these sites and any Aboriginal cultural heritage values of the project area.

Potential impacts of the project on Aboriginal cultural heritage values

Standard requirements

If Aboriginal cultural heritage values associated with the subject site are likely to be impacted by the proposal then the EIS report should contain:

1. A description of any Aboriginal objects and declared Aboriginal places located or associated with the area of the proposed development.
2. A description of the cultural heritage values, including the significance of the Aboriginal objects and declared Aboriginal places, that exist across the whole area that will be affected by the proposed development, and the significance of these values for the Aboriginal people who have a cultural association with the land.
3. A description of how the requirements for consultation with Aboriginal people as specified in clause 80C of the National Parks and Wildlife Regulation 2009 have been met.

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4. The views of those Aboriginal people regarding the likely impact of the proposed development on their cultural heritage. If any submissions have been received as a part of the consultation requirements, then the report must include a copy of each submission and your response.
5. A description of the actual or likely harm posed to the Aboriginal objects or declared Aboriginal places from the proposed activity, with reference to the Aboriginal cultural heritage values identified.
6. A description of any practical measures that may be taken to protect and conserve those Aboriginal objects or declared Aboriginal places.
7. A description of any practical measures that may be taken to avoid or mitigate any actual or likely harm, alternatives to harm or, if this is not possible, to manage (minimise) harm.
8. A specific 'Statement of Commitment' that the proponent will complete an Aboriginal Site Impact Recording Form and submit it to the Aboriginal Heritage Information Management System (AHIMS) Registrar, for each AHIMS site that is harmed through the proposed development.

In addressing these requirements, the applicant must refer to the following documents:

- a) Where Aboriginal objects are known or are likely to occur in the area of the proposal, further investigation should be undertaken by a suitably qualified person. The identification of cultural heritage values should be guided by the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (DECCW, 2011) available at www.environment.nsw.gov.au/licences/investassessreport.htm
- b) *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (OEH, 2010) - www.environment.nsw.gov.au/licences/consultation.htm. This link further explains the consultation requirements that are set out in clause 80C of the National Parks and Wildlife Regulation 2009. The process set out in this document must be followed and documented in the EIS.
- c) *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH, 2010) - www.environment.nsw.gov.au/licences/archinvestigations.htm. The process described in this Code should be followed and documented where the assessment of Aboriginal cultural heritage requires an archaeological investigation to be undertaken.

Notes:

1. An Aboriginal Site Impact Recording Form (www.environment.nsw.gov.au/licences/DECCAHSiteRecordingForm.htm) must be completed and submitted to the Aboriginal Heritage Information Management System (AHIMS) Registrar, for each AHIMS site that is harmed through archaeological investigations required or permitted through these environmental assessment requirements.
2. Under Section 89A of the *National Parks and Wildlife Act 1974*, it is an offence for a person not to notify OEH of the location of any Aboriginal object the person becomes aware of, not already recorded on the AHIMS. An AHIMS Site Recording Form should be completed and submitted to the AHIMS Registrar (www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm), for each Aboriginal site found during investigations.

National Parks and Wildlife Service

The National Parks and Wildlife Service (NPWS, Nelson Bay office) have reviewed the development application and offer the following comments for consideration:

- (i) The access track, turn-a-round and gate to the facility is through NPWS estate (namely Tomaree National Park); and the proposed facility is located approximately 17m from the aforementioned park boundary. As such the following is recommended:
 - Prior to commencement of works, the NPWS (Area Manager, Nelson Bay) must be notified.

ITEM 1 - ATTACHMENT 4 SUBMISSION FROM OFFICE OF ENVIRONMENT & HERITAGE.

Page 6

- The final design and construction of the proposed facility should meet Australian standards with respect to fire safety and protection, including the appropriate design and location of asset protection zones.
- The access track to the proposed site (which egresses the NPWS estate), including turn-around area and infrastructure (e.g. gate), should be upgraded to gravel with appropriate erosions and sediment control structures, and drainage measures applied. This is to accommodate the movement of heavy construction machinery.
- Whilst NPWS acknowledges that some over-hanging vegetation will need to be cleared and/or trimmed along the access track to the proposed facility, we request that this is kept to a minimum.

(ii) With respect to the Coastal Walking Track, the following points should be considered:

- Improving the existing vehicle access to the beach should also be considered within the proposal. This will provide (1) reliable access to NPWS estate (Tomaree National Park) south of Middle Rock; and (2) reliable access for emergency service vehicles to One Mile beach and NPWS estate;
- Ensure that the completed access to the site (and beach) is appropriate for four-wheel drive vehicle and pedestrian access.

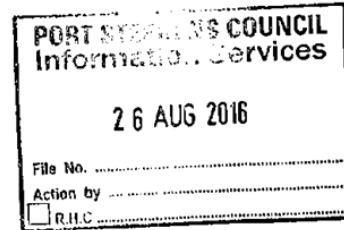
References

OEH (2014) *BioBanking Assessment Methodology*. Office of Environment and Heritage, detailed at: www.environment.nsw.gov.au/biobanking/bbreview.htm.

ITEM 1 - ATTACHMENT 5 CORRESPONDENCE FROM DEPARTMENT OF PLANNING & ENVIRONMENT.



Planning &
Environment



Mr Wayne Wallis
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Our ref: 16/10347
Your ref: DA 16-2016-482-1

Attention: Samuel Harvey

Dear Mr Wallis

State Environmental Planning Policy No. 71 – Coastal Protection, Referral for Foreshore Development – Demolition of Existing Lifeguard Facility and Construction of a Larger Replacement Lifeguard Facility on Lot 7311 DP 1129641 at One Mile Beach

I refer to Council's email of 27 July 2016, referring the above development to the Department under Clause 11 of SEPP 71, having identified it as Significant Coastal Development, being within 100m below mean high water mark of Port Stephens.

The application has been examined and I advise that the Department specifies no matters additional to those set out in Clause 8 of the SEPP. The Department notes that Clause 8 requires the consideration of measures to conserve animals, plants and their habitats and the conservation and preservation of items of heritage and archaeological significance. These matters will be particularly relevant to Councils' assessment given the proposed loss of native coastal vegetation and probability of Aboriginal cultural heritage significance.

If you have any enquires about this matter please contact Ken Phelan at our Newcastle office on 4904 2705.

Yours sincerely



Katrine O'Flaherty
Team Leader
Hunter and Central Coast Region

23/8/2016

Department of Planning & Environment
Level 2/26 Honeysuckle Drive (PO Box 1226) Newcastle NSW 2300 | T 02 4904 2700 | F 02 4904 2701 | www.planning.nsw.gov.au

ITEM NO. 2

**FILE NO: 16/461418
RM8 REF NO: 16-2015-769-3**

SECTION 96(1A) MODIFICATION APPLICATION NO. 16-2015-769-3 TO REDUCE THE SECTION 94 CONTRIBUTIONS APPLICABLE TO AN APPROVED SENIORS HOUSING DEVELOPMENT - INCLUDING CONSOLIDATION OF TWO LOTS, DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF TWO (2) DETACHED THREE AND FOUR STOREY BUILDINGS FOR 56 SENIORS HOUSING DWELLINGS AT NO. 60 DIEMARS ROAD AND NO. 240 SOLDIERS POINT ROAD, SALAMANDER BAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Section 96(1A) modification 16-2015-769-3 for the reduction in Section 94 Contributions applicable to an approved seniors housing development including consolidation of two (2) lots, demolition of existing building and construction of two (2) detached three (3) and four (4) storey buildings for 56 seniors housing dwellings, subject to the conditions contained in **(ATTACHMENT 2)**.

**ORDINARY COUNCIL MEETING - 13 DECEMBER 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Steve Tucker That the recommendation be adopted.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 13 DECEMBER 2016
MOTION**

352	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council approve Section 96(1A) modification 16-2015-769-3 for the reduction in Section 94 Contributions applicable to an approved seniors housing development including consolidation of two (2) lots, demolition of existing building and construction of two (2) detached three (3) and four (4) storey buildings for 56 seniors housing dwellings, subject to the conditions contained in (ATTACHMENT 2).</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

BACKGROUND

This report presents to Council for determination a Section 96(1A) modification application. The existing approval incorporates the consolidation of two (2) lots, demolition of an existing dual occupancy and construction of two (2) buildings for seniors housing (one three (3) storeys and one four (4) storeys) comprising of 56 dwellings, at No. 60 Diemars Road and No. 240 Soldiers Point Road, Salamander Bay (Lot 1 DP1074566 and Lot 161 DP27047). A locality plan is provided at **(ATTACHMENT 1)** showing the subject development site.

Proposal

The modification proposes the reduction of Section 94 payments under the subject application. The reduction has specifically been applied for to allow credits to be granted to ensure consideration of previous developments approved on the subject site. A previous development did not proceed, however the Section 94 contributions were paid. Furthermore, the applicant has also requested that credits be given for the existing development on the site (ie the dual occupancy building).

The application is reported to Council as the application of credits to reduce Section 94 contributions is outside the delegation of Council staff.

Site Details

Salamander Haven Retirement Village has a 92 metre wide frontage to Soldiers Point Road and a total area of approx. 7.55ha. Existing buildings associated with the retirement village are located on the south-western portion of the site. Development Consent No.16-2015-769-2 approved the construction of two (2) new buildings, one at three (3) storeys and one at four (4) storeys, between existing development on the site and Soldiers Point Road for the purpose of seniors housing. An existing residential building (proposed for demolition) is located on the development site, which otherwise remains largely vacant.

Approval History

The development site incorporates 60 Diemars Road and 240 Soldiers Point Road, Salamander Bay over which a number of consents have been issued which have resulted in a range of existing improvements on the site. There are two (2) development approvals relevant to the current modification proposal where Section 94 contributions have been paid but not utilised. These applications include:

- DA No.16-2004-1681-1: Urban Housing (97 Units and Recreational Facility). S.94 contributions for 12 units approved under this development application were paid, however the development was never carried out.
- DA No.7-1992-61207-1: Two Story Duplex. Contributions were paid for this development, which was constructed. The duplex sits within the development footprint however and will be demolished for the purposes of the subject development.

Assessment

The application proposes to modify condition four (4) to development consent No.16-2015-769-2. This condition relates to the payment of Section 94 contributions and currently requires a total payment of \$359,632. The modification application asserts that contributions have already been paid for 14 units which have either not been built or will be demolished, and seeks to reduce the number of new units against which contributions are to be paid by the same number. This would result in a reduction of applicable contributions to be paid under this consent to a total of \$269,724.

The total amount of Section 94 contribution already paid amounts to \$59,831. As a result of the proposed modification this would result in total contribution collected of \$329,555 (\$59,831 already paid, and \$269,724 paid under the modified consent). This figure is relatively similar to the contribution currently specified in the consent.

Supporting the S96 variation is justified as the contributions were previously paid for development that never proceeded.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Approval of the application would result in a reduction of s.94 levies payable to Council. However, it is considered that previous payment of s.94 contributions adequately justifies this variation and ensures no unreasonable financial or resource implications will result from the recommendation of this report.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes		The approval of the application would result in a reduction in the s.94 contributions payable under this consent, but is generally offset by contributions already paid.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed development is generally consistent with the objectives of Councils Section 94 Contribution Plan 2007. A detailed assessment of the application in accordance with s.79C of the *Environmental Planning and Assessment Act 1979* is included as **(ATTACHMENT 3)**.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused, it may be challenged at the Land and Environment Court.	Low	Approve the application as recommended.	Yes

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2016

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council reducing or waiving the section 94 contributions could set a precedent.	Medium	Council consider the application on its merits and precedent only exists in very similar situations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The modification will result in positive economic, social and environmental outcomes. The variation is adequately justified as Section 94 funds have already been paid to Council under the previous development approvals. Approving the modification is a fair and equitable result. No significant impacts are anticipated. With respect to the overall development, it is expected to produce a total economic output of \$38.5 million. Ninety seven (97) jobs are anticipated to be created and positive economic outcomes will continue post construction via the flow on effects of future residents through shopping, working, living and recreational pursuits. Additionally, the provision of a range of senior housing options is an identified need as specified by Port Stephens Planning Strategy 2011 and the Draft Port Stephens Ageing Strategy.

MERGER PROPOSAL IMPLICATIONS

The proposed merger is not anticipated to have any implications on the development application.

CONSULTATION

Consultation with key stakeholders has been undertaken during the development application process. The objective of the consultation was to inform the relevant parties of the development application and obtain their feedback on the proposal to ensure all potential concerns have been investigated.

Internal

The application was referred to Councils Section 94 Officer who presented the modified proposal to Councils Internal Section 94 Analysis team. Councils internal Section 94 Analysis Team acknowledged the payments already made and supported the reduction in Section 94 contributions to be paid under this consent.

External

The development was advertised and notified to adjoining neighbours for a period of 14 days in accordance with PSDCP2014, from 20 October 2016 to 2 November 2016. One submission was received. The main concerns raised were:

Objection	Comments
The use of previous Section 94 Contributions as credits for the proposed seniors housing development.	<p>A total of 14 units had s.94 contributions which have already been paid against previous development approvals on the subject site. The reduced contribution proposed under this modification, when added to the contributions already paid, totals \$329,555.</p> <p>The total s.94 contribution paid as a result of the proposed modification is approximately \$30,000 less than required under the existing condition. However, the contributions collected per unit for the previous consents were comparable to identified expenditure under the Section 94 Plan of that time. In addition, the collected monies was utilised at that time when costs of carrying out items identified in the Section 94 Plan were at a cheaper rate. Accordingly, similar Section 94 outcomes have been achieved.</p>
Different development types should attract different Section 94 Contributions (ie two story dwelling as oppose to three and four story unit development).	Councils Section 94 Plan specifies that Seniors Living development obtain a 50% discount of the s.94 Contribution rate for all infrastructure categories, calculated on the number of units. The density and origination of senior housing units or the estimated cost of works of the development would not change the amount of Section 94 contributions applicable.
Cost of Works Report.	The cost of works report originally submitted was reviewed by Council staff and was considered to be satisfactory. An independent assessment of the cost report was not considered to be warranted.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan.
- 2) Schedule of Conditions.
- 3) Planners Assessment Report.

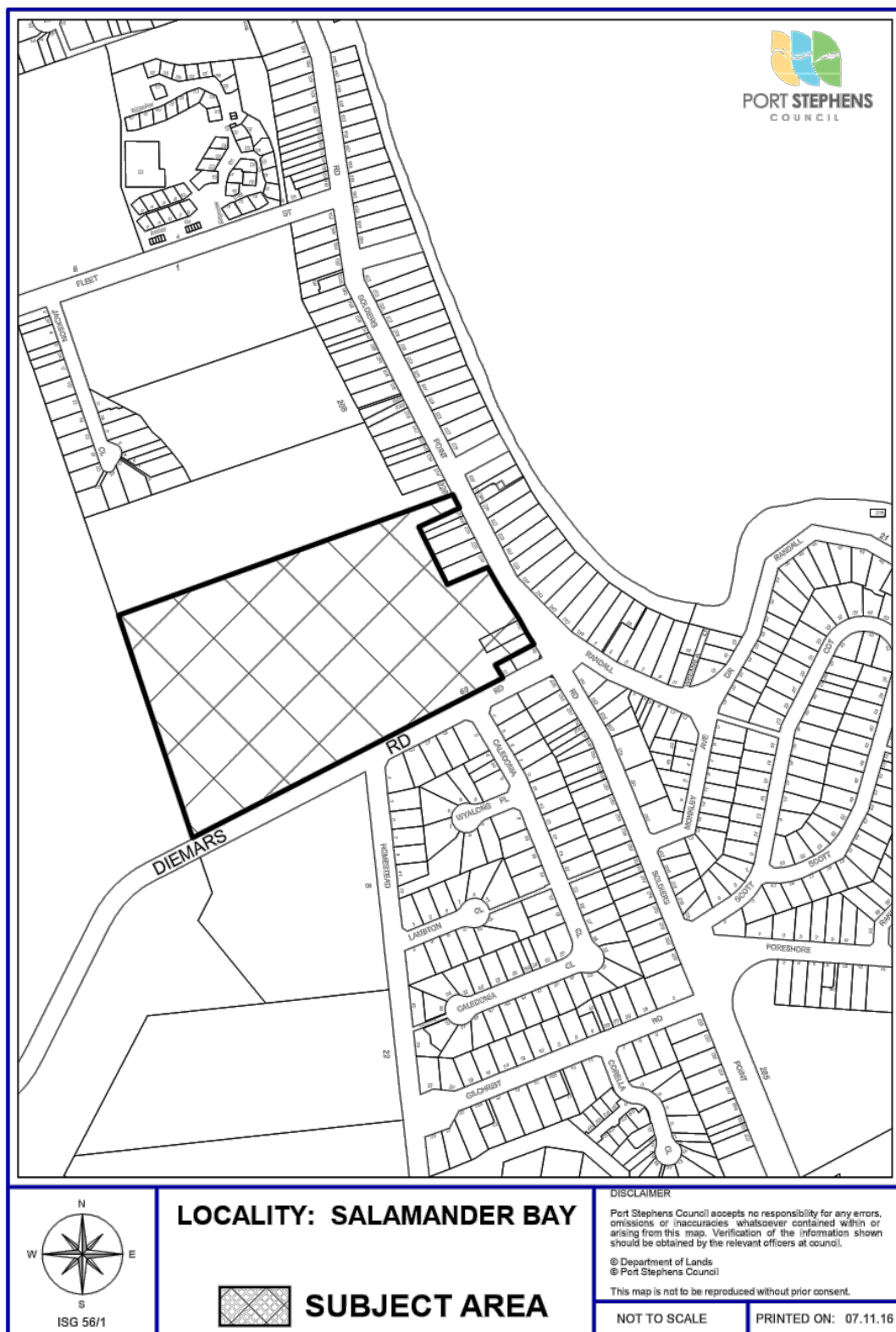
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 LOCALITY PLAN.



ITEM 2 - ATTACHMENT 2 SCHEDULE OF CONDITIONS.**SCHEDULE 1****CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT**

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

Plan/Doc. Title	Plan Ref. No.	Drawing. No.	Rev	Date	Drawn By
Site Plan	14118	A01	B	JULY 2016	Beraldo Design Pty Ltd
Site Analysis Plan	14118	A00	A	Nov 2015	Beraldo Design Pty Ltd
Development Plans	14118	A100, A101, A102, A 103, A104, A200, A201, A202, A300, A408	C	JULY 2016	Beraldo Design Pty Ltd
Landscaping Plans	15/1804	Sheet 1 of 5 to Sheet 5 of 5	E	19.08.2016	Paul Scrivener Landscape Architecture
Stormwater Management Plan	8931	SW-01 to SW-05	2	AUGUST 2015	Marline Newcastle Pty Ltd

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

- 2A. The development shall be undertaken in accordance with the General Terms of Approval by NSW Rural Fire Service referenced D16/2465 and dated 17 August 2016.
3. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.

ITEM 2 - ATTACHMENT 2 SCHEDULE OF CONDITIONS.

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

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

Facility	Per lot/dwelling	Total
Civic Administration	\$575.00	\$24,150.00
Public Open Space, Parks and Reserves	\$1192.00	\$50,064.00
Sports and Leisure Facilities	\$2811.00	\$118,062.00
Cultural and Community Facilities	\$1412.00	\$59,304.00
Road Works	\$317.00	\$13,314.00
Fire & Emergency Services	\$115.00	\$4,830.00
Total		\$269,724.00

Contributions are to be paid **prior to issue of a Construction Certificate or Subdivision Certificate**, whichever occurs first.

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

- Documentary evidence is to be supplied to the Principal Certifying Authority **prior to the issue of the Construction Certificate** indicating that 60 Diemars Road, Salamander Bay (Lot:1 DP: 1074566) and 240 Soldiers Point Road, Salamander Bay (Lot 161 DP27047) have been consolidated and the plan registered with NSW Land & Property Information. Existing Strata Plan SP49188 shall be extinguished.
- A fire safety schedule pursuant to Section 168 of the Environmental Planning & Assessment Amendment Regulation 2000 must be **attached to the Construction Certificate**, which specifies the fire safety measures that should be implemented in the building premises.
- All work required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993.

Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional and constructed in accordance with Council's 'Infrastructure Design and Construction Specification – AUS Spec',

ITEM 2 - ATTACHMENT 2 SCHEDULE OF CONDITIONS.

and Development Control Plan.

The required works to be designed are as follows:

- a) An upgrade of the existing public bus stops on both sides of Soldiers Point Road, adjacent to the development to comply with current Disability Standards for Accessible Public Transport (DSAPT) requirements. This includes provision of concrete hard stand, connecting paths, tactile ground surface indicators (TGSIs), seating or shelters as required.
- b) All redundant vehicular crossings to be removed and the footway formation reinstated with turf and a 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location to match existing footpath along the site frontage.
- c) The piping of stormwater from within the site to Council's drainage system.
- d) Traffic control plans in accordance with the Roads and Maritime Services- Traffic Control at Worksites Manual prepared by an accredited practitioner;
- e) Payment of applicable fees and bonds; and
- f) Contractor's public liability insurances to a minimum value of \$20 million dollars.

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

- 8. A Construction Management Plan shall be submitted and approved by Council, **prior to the issue of the Construction Certificate**. The construction management plan shall specify operational details to minimise any potential impact to adjoining properties. The construction management plan should include but not limited to the following information:- Construction techniques, noise and vibration management, storage of equipment and building materials, hours of work, primary route for truck movements, etc.
- 9. A Soil and Water Management Plan in accordance with "Managing Urban Storm water: Soils and Construction document, Landcom 2004" is to be prepared by an Engineer whose qualifications are acceptable for membership of the Institution of Engineers Australia (or other professional approved by Council) detailing temporary and permanent measures proposed to be installed and maintained. The plan is to include an analysis of the susceptibility of soil to erosion and is to be submitted with the Engineering plans. Details shall be submitted to the Principal Certifying Authority for approval **prior to the issue of the Construction Certificate**.
- 10. A suitable geotechnical report and subsequent Acid Sulfate Soils Management Plan shall be prepared if any footing / excavation works are proposed below a depth of 2 metres or works by which the water table is likely to be lowered more than 2 metres below the natural ground surface are proposed.
- 11. The development shall provide a safe pedestrian connection from the development site to the frontage of Soldiers Point Road. The pedestrian connection shall be separate to that of the vehicle travel path. A 1.2m wide

ITEM 2 - ATTACHMENT 2 SCHEDULE OF CONDITIONS.

footpath shall be constructed from the development and connect to the footpath within the road reserve in Soldiers Point Road. Grades are to be in accordance with State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004. Details shall be submitted and approved by the Certifying Authority **prior to the issue of the Construction Certificate.**

12. Where car spaces are adjacent to obstructions greater than 150mm, a further clearance of 300mm shall be provided in accordance with Australian Standard AS2890.1:2004. Details shall be submitted and approved by the Certifying Authority **prior to the issue of the Construction Certificate.**
13. The stormwater detention/infiltration system shall be designed and built in accordance with the approved concept plan. A system of detention and / or infiltration shall be employed to restrict discharge from the site to that of pre-development flows, for the 100 year Average Recurrence Interval (equivalent to the 1% Annual Exceedance Probability) critical duration storm event. Runoff from impervious areas, including (but not limited to) roof water, shall be discharged into the infiltration drainage system.

A Construction Certificate cannot be issued until a stormwater drainage plan has been provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority. A stormwater drainage plan must include all engineering details relevant to the collection, management and disposal of stormwater from the site. The plan must include pit sizes, infiltration system details, existing site surface levels, finished site surface levels, pipeline sizes, invert levels, pipe grades and supporting calculations.
14. Structural Certification is required for the underground stormwater detention/infiltration system including demonstrating it can handle expected traffic loadings. **A Construction Certificate cannot be issued until full details of the structural certification of the underground detention tanks have been provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.**
15. Water Quality Modelling shall meet Council's targets within the Urban Stormwater and Rural Water Quality Management Plan. An electronic copy of the MUSIC model shall be provided to the Certifying Authority and the Certifying Authority shall be satisfied that the parameters within the model are practical for the lot based assumptions and all other parameters **prior to issue of the Construction Certificate.**
16. **Prior to the issue of the Construction Certificate** the applicant shall submit to the Council a Compliance Certificate under Section 50 of the Hunter Water Corporatisation Act, 1991 from the Hunter Water Corporation. Application for the Compliance Certificate shall be made direct to the Hunter Water Corporation.
17. Fixed privacy screens shall be installed for the entire length of the Diemars Road elevation of Building B, as illustrated on the stamped development plans. The privacy screen shall have a height of at least 1.8m above the finished floor level. The privacy screen shall be constructed of a durable material, appropriately

ITEM 2 - ATTACHMENT 2 SCHEDULE OF CONDITIONS.

integrated and shall be designed so as to prevent direct overlooking to Lot: 2 DP: 1052060 (244 Soldiers Point Road) and Lot: 312 DP: 1029246 (62 Diemars Road).

Amended development plans illustrating the additional fixed privacy screens are to be submitted and be deemed to be satisfactory by Council **prior to the issue of the Construction Certificate.**

18. A Street Tree Planting Plan is to be submitted to and approved by Council **prior to the issue of the Construction Certificate.** The street tree(s) shall be a minimum pot size of 50 litres. The street tree plantings are to be consistent with Port Stephens Council Tree Technical Specifications.
19. **Prior to the issue of the Construction Certificate,** the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.
20. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority **prior to the issue of the Construction Certificate.** All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS1735.12.
21. **Prior to the issue of a Construction Certificate,** the Certifying Authority shall be satisfied that all outdoor lighting with comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lightning and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.
22. **Prior to the issue of any Construction Certificate** construction details shall be provided to the Principal Certifying Authority in relation to the garbage storage area. The following requirements shall be met:
 - a. The garbage washing and bin storage area shall be constructed of, or lined with materials that are durable, impervious to moisture, and capable of being easily cleaned.
 - b. The storage area shall be supplied with hot and cold water, roofed and the floor bunded, graded and drained to a sump, which shall be connected to the sewer in accordance with the requirements of the Hunter Water Corporation.
 - c. Adequate facilities shall be provided in a screened location within the premises for the separate storage of recyclable and non-recyclable material and arrangements shall be made for the regular removal and disposal of those materials.

The Certifying Authority must ensure that the building plans and specifications submitted by the person having the benefit of the development consent,

ITEM 2 - ATTACHMENT 2 SCHEDULE OF CONDITIONS.

referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

23. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
24. 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.
25. 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_{10} 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.
26. 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.
27. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.
28. The demolition and disposal of materials containing asbestos should be carried out in accordance with Workcover Authority Guidelines.
29. Building demolition shall be carried out in accordance with Australian Standard AS2601-2001 - The Demolition of Structures.
30. Prior to demolition, all existing services are to be disconnected, sealed and made safe. The sewer, water and gas service is to be disconnected by a licensed plumber.
31. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
32. The excavation and treatment of all potential and actual acid sulfate soils shall be carried out in strict accordance with the provisions of an approved Acid Sulfate Soils Management Plan prepared for the site.

ITEM 2 - ATTACHMENT 2 SCHEDULE OF CONDITIONS.

33. During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the person having the benefit of the development consent/owner/builder, as the case may be.

34. Certification is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority at the stages of construction indicated:

- a) On completion of ground floor construction, confirmation that the floor levels are in accordance with the Reduced Levels indicated on the approved plan.
- b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with Reduce Levels indicated on the approved plan.
- c) When the roof has been completed, confirmation that the building does not exceed the Reduced Levels as indicated on the approved plan.

Works may not proceed beyond the relevant level should such survey information be unavailable or reveal discrepancies between the approved plans and the works as constructed.

35. Telecommunications infrastructure to services the premises must be installed which complies with the following:

- a. The requirements of the Telecommunications Act 1997 (Cth).
- b. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation.
- c. For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.

36. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

37. Provide to Council a written certification form all relevant service providers that the telecommunications infrastructure is installed in accordance with Condition 35 and Condition 36 and all applicable legislation at the time of construction.

38. 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.

ITEM 2 - ATTACHMENT 2 SCHEDULE OF CONDITIONS.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

39. **Prior to the issue of the Occupation Certificate** the proponent shall upgrade the existing public bus stops on both sides of Soldiers Point Road, adjacent to the development to comply with current Disability Standards for Accessible Public Transport (DSAPT) requirements. This includes provision of concrete hard stand, connecting paths, tactile ground surface indicators (TGSIs), seating or shelters as required.
40. **Prior to the issue of the Occupation Certificate**, the Principal Certifying Authority is to be satisfied that all landscape works have been undertaken in accordance with the approved plans.
41. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
- 42A. The development shall provide 72 on-site car parking spaces, including disabled parking spaces. These spaces shall be separately accessible, clearly line-marked (disabled spaces clearly signposted) and adequately paved and drained in accordance with AS2890 and the Port Stephens Development Control Plan 2014. Car parking must be provided **prior to the issue of the Occupation Certificate**.
43. All redundant lay-backs shall be reinstated to match the adjoining kerb and gutter profile to the satisfaction of Council **prior to the issue of an Occupation Certificate**.
44. All civil engineering works shall be carried out in accordance with the Construction Certificate and Council's Design and Construction Specification, Policies and Standards, to the satisfaction of Council or the Certifying Authority **prior to the issue of the Occupation Certificate**.
45. **Prior to the issue of the Occupation Certificate**, street trees must be planted in accordance with the street tree planting plan, and inspected and approved by Council's Vegetation Management Officer. The tree(s) are to be maintained to maturity through use of mulch and watering to achieve natural height.
46. **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. **656090M_02**, or an amended versions of this certificate, have been complied with.
47. **Prior to issue of any Occupation Certificate**, the Principal Certifying Authority must be satisfied that any damaged public infrastructure (including footpaths, drains, kerb and gutter, and utility services) caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste

ITEM 2 - ATTACHMENT 2 SCHEDULE OF CONDITIONS.

collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council's Development Engineer and at no cost for Council.

48. **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia (National Construction Code) and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.
49. **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall be satisfied that:
- a) the lift design and associated functions are compliant with AS1735.12 & AS1428.2
 - b) the level and direction of travel, both in lift and lift lobbies, is audible and visible
 - c) the controls for lifts are accessible to all persons and control buttons and lettering are raised
 - d) international symbols have been used with specifications relating to signs, symbols and size of lettering comply with AS1428.2
 - e) the height of lettering on signage is in accordance with AS1428.1-1993
 - f) the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods.

CONDITIONS TO BE SATISFIED AT ALL TIMES

50. Outdoor lighting must comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting
51. Vents, antennae, air conditioning units and any plant equipment, are to be located within the basement, chased into the building, or screened so as not to be visible from the street or any public place.
52. Air-conditioning and ventilation systems installed at the premises must be installed and maintained to ensure that no offensive or intrusive noise is created, as defined by the Protection of the Environment Operations Act 1997.
53. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
- a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

ITEM 2 - ATTACHMENT 2 SCHEDULE OF CONDITIONS.

54. The stormwater system, including any water quality, quantity or infiltration components, shall be maintained in perpetuity for the life of the development in accordance with an approved Maintenance Plan. Maintenance shall be undertaken in accordance with a Maintenance Plan to be approved by the Certifying Authority. The plan shall include all relevant requirements such as:
- a) Overall description of system operation.
 - b) Persons responsible for particular actions.
 - c) Requirements for access and confined space access.
 - d) Frequency of periodic inspections.
 - e) Trigger points for exceptional events and required actions.
 - f) Requirements for disposal of debris and sludge etc.
 - g) Description of components and parts list.
55. Motor vehicles are only permitted to enter and leave the site in a forward direction. On site manoeuvring areas are to be kept clear for this purpose.

ADVICES

- a. Consideration to the guidance provided by the Australian Institute of Refrigeration, Air Conditioning and Heating (AIRAH) document Air Conditioning Residential Best Practice Guideline (NSW), which provides general information and appropriate locations for air conditioners to be installed to avoid creating noise nuisance is recommended. This is available at www.airah.org.au/Content/NavigationMenu/Resources/BestPracticeGuide.
- b. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- c. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment and Heritage must be informed accordance with Section 89A of the *National Parks and Wildlife Act, 1974* (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act, 1974*.



PORT STEPHENS
COUNCIL

S96(1A) MODIFICATION APPLICATION ASSESSMENT REPORT

APPLICATION DETAILS

Modification Application Number	16-2015-769-3
Development Description	Consolidation of Two Lots, Demolition of Existing Building and Construction of Two (2) Detached Three and Four Storey Buildings for Seniors Housing, Comprising of 56 Dwellings.
Modification Description	Section 96(1A) - Modify Condition No.4 to Reduce Section 94 Contributions
Applicant	MR G K LINDSAY
Date of Lodgement	06/10/2016

Modification Proposal

The application proposes to modify development consent No.16-2015-769-2, Condition No. 4.

Condition No.4 relates to the payment of Section 94 contributions. Currently the consent requires a total payment of \$359,632.00 prior to the issue of the construction certificate. The s.96 modification application seeks that this amount be reduced to \$269,724.00 for the reasons set out below:

- DA Consent No. 16-2004-1681-1 approved 12 units on the subject site. Section 94 levies were paid on 29 April 2007 for the 12 approved units, however construction did not commence. As a result the applicant is seeking a credit for the 12 units against the new proposal for 56 units.
- DA Consent No. 16-2015-769-2, requires the existing dual occupancy on 240 Soldiers Point Rd to be demolished and the lot consolidated with 60 Diemars Road. As such, a further 2 credits are requested.

Therefore the applicant is requesting credits for 14 units, which will reduce the number of units to which section 94 contributions are to be applied, to 42 units.

PROPERTY DETAILS

Property Address	60 Diemars Road SALAMANDER BAY, 240 Soldiers Point Road SALAMANDER BAY
Lot and DP	LOT: 1 DP: 1074566, LOT: 0 SP: 49188
Zoning	R2 LOW DENSITY RESIDENTIAL
Site Constraints That Affect The Modification	No site constraints affect the request to reduce s94 Contributions.

ASSESSMENT SUMMARY

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

Internal Referrals

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

Section 94 Officer – The s96 application was referred to Councils Section 94 Officer for review. Councils Section 94 Officer supported the reduction in s94 contributions. The following comments were received:

- Section 94 contributions were paid on 29 April 2007 for 12 units approved under DA Consent No.16-2004-1681-1.
- Credits from existing strata titled dual occupancy on 240 Soldiers Point Road are supported.
- Strategic Planning are of the opinion that there is merit in this application for the reduction of Section 94 levies from 56 units to 42 units and as such is supported.
- The application cannot be determined under delegated authority as the application of previously paid Section 94 contributions from unrealised developments, as credits against future development are not specified in Port Stephens Development Contributions Plan 2007. Accordingly the application must be referred to the elected Council for determination.

External Referrals

The proposed modification was referred to the following external agencies in accordance with clause 120 of the regulations:

RFS – The initial application was referred to the RFS as integrated development. As this Section 96 is solely for the purpose of reduction of Section 94 Contributions and will not increase bushfire risk to people, property or the environment this section 96 application has not be referred to RFS.

MODIFICATIONS INVOLVING MINIMAL ENVIRONMENTAL IMPACT – S96(1A)

S96(1A)(a) – Minimal Environmental Impact

The proposed modification has a minimal environmental impact. There are no proposed changes to the built form or configuration of the development, or the manner in which the development will be carried out. For this reason, the modification does not require any further assessment under local or state planning policies or guidelines.

S96(1A)(b) – Substantially The Same Development

The development as modified is substantially the same as the approved development. The s96 modification relates to the reduction in Section 94 contributions from 56 units to 42 units. No

ITEM 2 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

16-2015-769-3

changes to the number or size of approved units, lot layout or ancillary infrastructure are proposed. On this basis, the application is considered substantially the same.

S96(1A)(c) – Notification

The application has been exhibited for 14 days in accordance with Councils Development Control Plan. As a result of this process, one submission was received.

S96(1A)(d) – Submissions

One submission was received relating to the proposed modification. The matters raised in the submissions objecting to the development are discussed in the table below:

Objection	Comments
The use of previous Section 94 Contributions as credits for the proposed seniors housing development	<p>A total of 14 units worth of s.94 contributions have already been paid against previous development approvals on the subject site. The reduced contribution proposed under this modification, when added to the contributions already paid, totals \$329,555.</p> <p>The total s.94 contribution paid as a result of the proposed modification is approximately \$30,000 less than required under the existing condition. However, the contributions collected per unit for the previous consents were comparable to identified expenditure under the Section 94 Plan of that time. In addition, the collected monies was utilised at that time when costs of carrying out items identified in the Section 94 Plan were at a cheaper rate. Accordingly, similar Section 94 outcomes have been achieved.</p>
Different development types should attract different Section 94 Contributions (i.e. two story dwelling as opposed to three and four story unit development)	Councils Section 94 Plan specifies that Seniors Living developments obtain a 50% discount of the s.94 Contribution rate for all infrastructure categories, calculated on the number of units. The density and origination Orientation of senior housing units or the estimated cost of works of the development would not change the amount of Section 94 contributions applicable.
Cost of Works Report	The cost of works report originally submitted was reviewed by Council staff and was considered to be satisfactory. An independent assessment of the cost report was not considered to be warranted.

MODIFIED CONDITIONS**Modified conditions****Original condition No. 4:**

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

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ITEM 2 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

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Facility	Per lot/dwelling	Total
Civic Administration	\$575.00	\$32,200.00
Public Open Space, Parks and Reserves	\$1192.00	\$66,752.00
Sports and Leisure Facilities	\$2811.00	\$157,416.00
Cultural and Community Facilities	\$1412.00	\$79,072.00
Road Works	\$317.00	\$17,752.00
Fire & Emergency Services	\$115.00	\$6,440.00
	Total	\$359,632.00

Contributions are to be paid **prior to issue of a Construction Certificate or Subdivision Certificate**, whichever occurs first.

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

Modified Condition No. 4:

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

Facility	Per lot/dwelling	Total
Civic Administration	\$575.00	\$24,150.00
Public Open Space, Parks and Reserves	\$1,192.00	\$50,064.00
Sports and Leisure Facilities	\$2,811.00	\$118,062.00
Cultural and Community Facilities	\$1,412.00	\$59,304.00
Road Works	\$317.00	\$13,314.00
Fire & Emergency Services	\$115.00	\$4,830.00
	Total	\$269,724.00

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

- a) Subdivision and building work - **prior to the issue of the Construction Certificate, or Subdivision Certificate**, whichever occurs first.

Note: The amount of contribution payable under this condition has been calculated at the time of determination and in accordance with the Port Stephens Section 94 contributions plan. The

ITEM 2 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

16-2015-769-3

contribution amount is valid for twelve months from the consent date. Should payment take place after twelve months the contribution shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

DETERMINATION

The modification application is recommended to be approved under delegated authority, subject to amended conditions as shown above.

SAMUEL HARVEY
Development Planner

ITEM NO. 3

**FILE NO: 16/461471
RM8 REF NO: PSC2006-0815**

PLANNING PROPOSAL - 290 AND 308 TAREAN ROAD, KARUAH

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 (NSW) to rezone Lot 20 and Lot 21 DP 579653 – 290 and 308 Tarean Road, Karuah from RU2 Rural Landscape to part R2 Low Density Residential and part E2 Environmental Conservation.
- 2) Exercise its delegations under Section 59 of the *Environmental Planning and Assessment Act 1979* (NSW) to finalise the plan.

**ORDINARY COUNCIL MEETING - 13 DECEMBER 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor John Morello That the recommendation be adopted.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

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

**ORDINARY COUNCIL MEETING - 13 DECEMBER 2016
MOTION**

353	Councillor Paul Le Mottee Councillor Ken Jordan It was resolved that Council adopt the Planning Proposal (ATTACHMENT 1) to amend the Port Stephens Local Environmental Plan 2013 (NSW) to rezone Lot 20 and Lot 21 DP 579653 – 290 and 308 Tarean Road, Karuah from RU2 Rural Landscape to part R2 Low Density Residential
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MINUTES ORDINARY COUNCIL - 13 DECEMBER 2016

	and part E2 Environmental Conservation. 2) Exercise its delegations under Section 59 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW) to finalise the plan.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

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

BACKGROUND

The purpose of this report is to consider submissions received during the public exhibition period for the planning proposal (the Proposal) to rezone 290 and 308 Tarean Road, Karuah (the site) for residential and environmental purposes.

This approach is consistent with the Karuah Growth Strategy, which seeks to provide land use guidance for the future growth of Karuah. Council previously considered this matter at its meeting on the 12 August 2014, where Council resolved to prepare the planning proposal and forward to the Department of Planning and Environment to seek a Gateway Determination.

Details of the proposal (**ATTACHMENT 1**) is summarised as follows:

Subject land:	290 and 308 Tarean Road, Karuah
Lot and DP:	Lots 20 and 21 DP 579653
Proponent:	HDB Town Planning and Design (on behalf of landowners)
Total Area:	30.4 Hectares
Existing Zoning:	RU2 Rural Landscape
Proposed Amendment to the LEP:	<ol style="list-style-type: none">1. Rezone 290 Tarean Road and part 308 Tarean Road from RU2 Rural Landscape to R2 Low Density Residential,2. Rezone part 308 Tarean Road from RU2 Rural Landscape to part E2 Environmental Conservation,3. Consequential amendments to the lot size map, height of building map and urban release area map.
Potential lot yield:	Preliminary concept plan shows approximately 72 lots.
Delegation:	Council has delegation to make this plan.

In accordance with the Council resolution the proposal was forwarded to the Department of Planning and Environment (the Department) on the 14 August 2014. A conditional Gateway Determination was received on the 18 September 2014.

Part of the Gateway Determination required the southern portion of 308 Tarean Road, which forms part of a green corridor to be included in the planning proposal with an appropriate environmental zone. Council proposed the zone E2 Environmental Conversation.

Additional information was requested during consultation with Public Authorities. A summary of Public Authority submissions is detailed in **(ATTACHMENT 2)**. Key issues raised included:

- Impact on local water supply (Hunter Water Corporation);
- Wastewater transportation (Hunter Water Corporation);
- Impact on Aboriginal Heritage (Office of Environment and Heritage & Worimi Local Aboriginal Land Council);
- Impact on surround agricultural lands (Dept. Primary Industries);
- Management of surrounding noise and odour impacts (Dept. Primary Industries);
- Flooding and Drainage impacts (Karuah Local Aboriginal Land Council);
- Asset Protection Zone requirements (NSW Rural Fire Service);
- Introduction of easements for overhead powerlines (Ausgrid); and
- Stormwater management (Office of Water).

These key matters raised from the submissions can be appropriately addressed at the development application stage. The public authorities raised no objection to the proposal proceeding in principle.

In accordance with the Gateway determination, the Proposal was placed on public exhibition for 28 days from 8 October to 5 November 2015. Additional notification was also given in writing to adjoining landowners during the exhibition stage. One submission was received during the public exhibition period. This submission is outlined in **(ATTACHMENT 2)**. Key issues raised included:

- Pedestrian and cycle link connectivity;
- Site information administrative errors;
- Responsibility for fence construction;
- Minimum lot size discrepancy.

Commentary on the detail of these submissions and the officer's response is included in **(ATTACHMENT 2)**. The submissions have been addressed and do not fundamentally impact on the Planning Proposal.

Additional information was also submitted post-consultation in August 2016 in order to finalise the plan and provide consistency between the reports that support this proposal. The Department of Planning and Environment was consulted post exhibition regarding the adequacy of the additional information. At this point, there are no outstanding information requirements that would inhibit Council in exercising their delegations to make this Plan.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications for Council stemming from the recommendation.

The proponent has paid the relevant rezoning fees in line with the Council's Fees and Charges Policy. In accordance with Council's Fees and Charges 2015-2016, a Stage 3 fee of \$5,250 will be required if the recommendation is supported by Council.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	10,500 21,500 5,250	Stage 1 fees – 28/01/2014; Stage 2 fees –23/01/2015; Stage 3 fees – date to be advised.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or significant risk implications as a consequence of the recommendation before Council.

Environmental Planning and Assessment Act 1979

Council is the relevant planning authority for making the plan under the *Environmental Planning and Assessment Act 1979 (NSW)*. The proposal has followed the following process for amending a LEP, as detailed under that Act.

EP and A Act 1979	Date	Comment
S54 Relevant Planning Authority	12 August 2014	
S55 Planning Proposal	14 August 2014	
S56 Gateway Determination	18 September 2015	

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2016

S57 Community Consultation	October 2015 – November 2015	
S58 Relevant Planning Authority to vary or proceed		Subject to Council Resolution.
S59 Making of Plan		Subject to Council Resolution.

State Environmental Planning Policies (SEPPs)

The proposal (**ATTACHMENT 1**) lists consistency and minor inconsistencies with those applicable SEPPs. As part of the Gateway Determination the Department of Planning and Environment requested additional information and consultation with public authorities for:

- SEPP 44 Koala Habitat Protection;
- SEPP 55 Remediation of Land;
- SEPP 71 Coastal Protection;
- SEPP (Rural Lands) 2008.

The additional information and consultation identified a minor inconsistency with SEPP (Rural Lands) 2008 however was considered of minor significance as the Department of Primary Industries reviewed the Proposal in February 2015 and did not object to the Proposal.

S117 Ministerial Directions

The proposal (**ATTACHMENT 1**) lists consistency and minor inconsistencies with relevant ministerial directions. As per Section 117, the inconsistencies with 1.2 – Rural Zones, 1.3 – Mining, Petroleum Production and Extractive Industries and 1.5 – Rural Lands are of minor significance by the Director-General.

Gateway Determination

The requirements of the Gateway Determination have been satisfied. For further information refer to the proposal (**ATTACHMENT 1**).

Hunter Regional Plan

The Proposal is considered consistent with Goal 2: Protect and connect natural areas and Goal 4: Greater housing choice and jobs. The proposal seeks to protect biodiversity by maintaining and conserving habitat connectivity and local habitat corridors. The Proposal also makes efficient use of existing infrastructure networks and capacity by seeking to develop adjacent to the existing urban footprint.

Port Stephens Planning Strategy

The Strategy states there is considerable potential in expanding residential

development at Karuah and that the Karuah Growth Strategy will direct development. The Planning Strategy identifies future growth areas and part of the subject site is identified as "potential future residential development".

Karuah Growth Strategy 2011

The Proposal is consistent with the Port Stephens, 2011, Karuah Growth Strategy which supports the proposed rezoning as part of the second stage URA. Part 308 Tarean Road being amended to an appropriate environmental zone is consistent with its identification under the Strategy as a 'Primary Biodiversity Corridor'.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that minor inconsistencies with the State Environmental Planning Policies and s117 Ministerial Directions will delay the proposal.	Low	The Department determined the inconsistencies are of minor significance. At this point, there are no information requirements that would inhibit Council in exercising their delegations to make this Plan.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Economic and social impacts are anticipated to be positive. This additional land supply may increase market competition and improve land and housing choice in Karuah.

The proposal has positive environmental benefits. The southern part of 308 Tarean Road is proposed to be rezoned environmental protection to protect the native vegetation of high conservation value.

MERGER PROPOSAL IMPLICATIONS

The Newcastle City Council or Dungog Council and Port Stephens merger proposals are not anticipated to have any implications on the Planning Proposal.

CONSULTATION

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

Internal

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2016

- Internal consultation on the planning proposal was undertaken with Economic Development, Natural Resources and Assets Section. All matters are resolved.

External

- A conditional Gateway Determination was received from the Department of Planning & Environment on the 18 September 2014.
- Hunter Water; Office of Environment and Heritage (OEH); Department of Primary Industries; Trade & Investment (Resources & Energy Division); Worimi Local Aboriginal Land Council; Karuah Local Aboriginal Land Council; Great Lakes Council; NSW Rural Fire Service and Ausgrid were consulted in February 2015 in accordance with the Gateway determination.
- The proposal was placed on public exhibition from 8 October to 5 November 2015 (28 days) during normal business hours in accordance with the Gateway determination. Notification was given in writing to adjoining and adjacent landowners during the exhibition stage.

OPTIONS

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

ATTACHMENTS

- 1) Planning Proposal - 290 and 308 Tarean Road, Karuah. (Provided under separate cover)
- 2) Summary of Public Authority Responses and Public Exhibition Submissions.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 2 SUMMARY OF PUBLIC AUTHORITY RESPONSES AND PUBLIC EXHIBITION SUBMISSIONS.

Summary of Public Authority Responses and Public Exhibition Submission

The following is an overview of the consultation that has been undertaken, in February 2015, in accordance with the Gateway Determination:

Public Authority	Summary of Advice Received	Planning Response
Hunter Water	<p>Hunter Water originally provided advice on the 5 March 2015 based on the development estimate of an additional 33 lots.</p> <p>Because of the inconsistency between the additional information submitted on the proposed additional lots; a request was sent to Hunter Water to provide advice based on the development estimate of an additional 71 lots on the site. Advice was received on the 29 August 2016 which is summarised below.</p> <p>Water Supply The site of the proposed subdivision is located in the Port Stephens Water Supply System, and is supplied from the Karuah 2 Reservoir. The property has frontage to a DN150 AC water main along Tarean Road.</p> <p>There is currently sufficient capacity available in the water network to serve the proposed development, however, capacity availability and system performance varies over time. A detailed analysis will be undertaken upon lodgement of an application for a Notice of Formal Requirements.</p> <p>Wastewater Transportation The site of the proposed subdivision is located in the Karuah 5 Wastewater Pumping Station WWPS catchment area, which pumps into the Karuah 1 WWPS and is within the Karuah Wastewater Treatment Works (WWTW) catchment. The nearest sewer connection point to</p>	The comments can be addressed at development application stage.

ITEM 3 - ATTACHMENT 2 SUMMARY OF PUBLIC AUTHORITY RESPONSES AND PUBLIC EXHIBITION SUBMISSIONS.

	<p>service this development is Manhole H94016, located adjacent to Karuah 5 WWPS. It appears that flows from the development may gravitate to this point; this should be confirmed by a field survey.</p> <p>The sewer network has some spare capacity to cater for approximately 55 lots of the 71 proposed in this application. An upgrade will be required to connect the balance of the lots. A developer-funded servicing strategy will be required to determine the upgrades necessary to Karuah 5 WWPS to service the additional lots.</p> <p>Water supply and wastewater transportation will only be confirmed upon submission of an application with Hunter Water to determine the formal requirements that shall apply.</p>	
Office of Environment and Heritage (OEH)	<p>An Aboriginal Heritage Impact Permit was requested which should include full consultation with the Aboriginal community prior to works occurring. This can be conducted during the development application stage.</p> <p>The original advice from OEH on the 6 of March 2015 requested an addendum to the flora and fauna report to include an assessment of Lot 21 proposed to be rezoned R2 Low Density Residential and suggested an in perpetuity conservation outcome by committing to BioBanking for the proposed E2 zoning within Lot 21 DP 579653 to align with the intent of the Lower Hunter Regional Strategy Green Corridor and the goals of the Lower Hunter Regional Conservation Plan.</p> <p>Subsequently, a Flora and Fauna Assessment was carried out in July 2015 by Joy Hafey Environmental Consultants for 308 Tarean Road (Lot 21 DP 5796530). OEH reviewed</p>	The comments can be addressed at development application stage.

ITEM 3 - ATTACHMENT 2 SUMMARY OF PUBLIC AUTHORITY RESPONSES AND PUBLIC EXHIBITION SUBMISSIONS.

	<p>this addendum on the 21 September 2015 and considered it to be satisfactory for the purposes of a planning proposal.</p> <p>Overall OEH has no objections to the proposed rezoning proceeding.</p>	
Department of Primary Industries	<p>Department of Primary Industries (Agriculture) reviewed the planning proposal (February 2015) and did not object to the proposal. The Department noted a turkey farm on 314 Tarean Road which is currently not operating and a timber business, currently operating, on 312 Tarean Road. As such, the Department of Primary Industries proposed the lot layout should consider boundary interactions alongside Lot 21 DP 579653 to avoid land use conflicts.</p> <p>The Department suggested the best means of mitigation can be from screening and setbacks such as boundary separation and landscaping for conflict avoidance. These issues can be addressed at development application stage, prior to residential development occurring. It is acknowledged that compliance will be required for the relevant controls within the Port Stephens Development Control Plan (such as appropriate agricultural buffers).</p> <p>The Department of Primary Industries also referenced the Department of Environment and Conservation NSW, 2006, Assessment and management of odour from stationary sources in NSW to determine odour buffers for poultry; however, these setbacks are for operational industries. Nonetheless a Level 1 Odour Assessment was conducted on the site derived from the EPA Odour Calculator as discussed in the Department of Environment and Conservation NSW, 2006,</p>	<p>The comments can be addressed at development application stage.</p>

ITEM 3 - ATTACHMENT 2 SUMMARY OF PUBLIC AUTHORITY RESPONSES AND PUBLIC EXHIBITION SUBMISSIONS.

	<p>Assessment and management of odour from stationary sources in NSW. The assessment made assumptions based on the size of the shed and demonstrate that the proposed development will not be impacted on by the existing sheds. The assessment concluded the required separation distance between the shed and would be 212.8sq.m (see assessment calculator under additional information: post-gateway studies). Based on this calculation there is no impact on the proposed residential component of the planning proposal.</p> <p>Consideration should be given to the design of the houses and boundary interactions with adjoining properties and businesses. It should include noise and odour considerations. Screening, setbacks, separation and landscaping may be required to mitigate and avoid landuse conflicts. This should occur before development occurs.</p>	
Trade & Investment (Resources & Energy Division)	No issues with the proposal. It was noted Petroleum Exploration License (PEL) 2 held by Dart Energy (Apollo) Pty Ltd exists over a broad regional area including the subject site.	Comments noted.
Worimi Local Aboriginal Land Council	Strongly requests an invitation to participate in all future site assessments, investigations and reports relating to (but not limited to) the Heritage listed items within the proposal at both sections 7 and 9. The Land Council requested the identified items to remain undisturbed (provided with a buffer zone) or otherwise negatively impacted (e.g. stone flakes are relocated and housed securely (subsurface) within the site). The scar tree is to remain undisturbed in its entirety.	Comments noted. Further consultation will be conducted at development application stage.
Karuah Local Aboriginal Land Council	Requested further information regarding stormwater runoff from the site and the proposal be withheld	Comments noted. Further consultation will be conducted at development

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	<p>until further advice was given. The Land Council was informed the Stormwater and Flooding Assessment includes stormwater quality controls to ensure that the water quality leaving the site meets the guidelines set by Port Stephens Council for residential development and that the development is unlikely to impact on downstream receiving waters.</p> <p>Council's Flooding and Drainage Officer is satisfied the drainage information supplied is sufficient to use for rezoning as it demonstrates a solution can be achieved on the site and can be satisfied at development application stage.</p> <p>It is considered the additional advice given to the Karuah Local Aboriginal Land Council satisfactory addressed the concerns raised. No further issues were raised. Further consultation will be conducted at development application stage.</p>	application stage.
Great Lakes Council	No matters of concern and therefore have no objection.	Comments noted.
NSW Rural Fire Service	<p>Identified some issues, but were satisfied these issues can be addressed in further detail at the development application stage. The proposed rezoning is capable of meeting the requirements of the 117 Ministerial Directions.</p> <p>Additional information will be required at development application stage which includes:</p> <ul style="list-style-type: none"> • Further information in relation to the treatment of the creek line and proposed water sensitive urban design. If the creek line is proposed to be a vegetated riparian zone it may provide a sufficient future hazard for there to be consideration of Asset Protection Zone requirements. The proposed planting densities, 	The comments can be addressed at development application stage.

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	<p>types and maintenance programme for the water sensitive urban design area could pose a hazard typical of a grassland or freshwater wetland.</p> <ul style="list-style-type: none"> • Further information to demonstrate the subdivision satisfies the Rural Fires Act 1997 and the Rural Fires Regulation 2013. • Further information to demonstrate a secondary point of access for the site. <p>An updated bushfire assessment was submitted in August 2016 to satisfy some of the issues raised in the Rural Fire Service submission. The addendum was an update on the bushfire assessment for Lot 20 DP 579653 and part of Lot 21 DP 579653. The supporting addendum shows the development is capable of accommodating the required APZ and capable of providing a secondary point of access.</p>	
Ausgrid	<p>Both affected lots are traversed by 132kV overhead power lines. Easements protect the asset and should be retained after any rezoning and any future development. No structure can be erected within the easement with prior approval of Ausgrid.</p> <p>All rights associated with that easement would also be required to be retained in its notation of the title of the new lots.</p> <p>Ausgrid has no objection, provided easement terms and conditions are respected and noted on title for the newly created lots. Further consideration of this will be given at development application stage.</p>	The comments can be addressed at development application stage.
Office of Water	<p>Was consulted in relation to the waterbody, which determined the waterbody as a dam, downstream end of the drainage feature. The planning proposal proposes a drainage line and if the dam was to</p>	The comments can be addressed at development application stage.

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	<p>be retained it would be for stormwater management purposes, however the exact detail of flooding and drainage would need to be addressed at the development application stage, including hydrological and hydraulic modelling and MUSIC water quality modelling of the proposal.</p> <p>If the dam is to be retained for stormwater management purposes, it may fit the definition of an Excluded Work pursuant to Schedule 1 of the Water Management (General) Regulation 2011; therefore a Water Access License will not be required.</p>	
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Public Exhibition Submission

Summary of Key Issues	Planning Response
The planning proposal proposes a pedestrian and cycle link to facilitate connectivity to the existing residential land on the eastern side of the site. This would mean accessing through a private carriageway. The proponent does not have a right of access over this carriageway to implement this connection.	<p>Part of the original intention of the planning proposal was the creation of a connection to the existing residential area to the east. Acknowledge the concern raised in the submission, however it is not considered critical to the planning proposal given pedestrian connectivity can be provided by an extension to the existing pathway on Tarean Road. The connection point can be provided in the future if circumstances change.</p> <p>A connection from the proposed development to the town centre through the provision of pedestrian and cycling links is recommended and discussed in the planning proposal. It is proposed that these issues will be addressed at the development application stage.</p>
Site information states errors on what is currently sited on Lot 21 DP 579653.	The planning proposal (post-exhibition version) has been amended to correct these errors. This has no implications to the proposal.
Concerns regarding fencing. Requests clarification on who has responsibility to construct the fence around the site boundaries.	This is outside the scope of the planning proposal. Typically Council requires new development to provide fencing. This will be considered and satisfied at the development application stage.
The land proposed to be rezoned E2 Environmental Conservation also is proposed to have a minimum	Under the Port Stephens Local Environmental Plan 2013 the E2 Environmental Conservation Zone has a minimum lot size of

**ITEM 3 - ATTACHMENT 2 SUMMARY OF PUBLIC AUTHORITY RESPONSES
AND PUBLIC EXHIBITION SUBMISSIONS.**

lot size of 40Ha. This is contrary to the actual total size of the lot being 30.4Ha.	40ha. The minimum lot size map ensures the size of any lot resulting from subdivision of land is no less than 40Ha. Whilst no subdivision entitlement will be created as a result of the minimum lot size, this ensures the lot is consistent with the E2 Environmental Conservation Zone objectives by preventing fragmentation of the land.
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ITEM NO. 4

**FILE NO: 16/461537
RM8 REF NO: PSC2016-02354**

PLANNING PROPOSAL - 74 SOUTH STREET, MEDOWIE (LOT 712 DP 1077195)

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal at **(ATTACHMENT 2)** for the purpose of section 55 of the *Environmental Planning and Assessment Act 1979* (NSW) to amend the *Port Stephens Local Environmental Plan 2013* in respect of 74 South St Medowie (Lot 712 DP 7077195) to:
 - a) Amend the Land Zone Map to rezone the subject land from R5 Large Lot Residential to R2 Low Density Residential;
 - b) Amend the Lot Size Map to reduce the minimum lot size from 2,000m² to 900m²; and
 - c) Amend the Height of Building Map to 9m.
- 2) Be consistent with their existing developed minimum lot size and include an additional administrative amendment to the minimum lot size map in respect of 66 South St (Lot 5 DP 280007); 68 South St (Lot 4 DP 280007); 70 South St (Lot 3 DP 280007); and 72 South St (Lot 2 DP 280007) to reduce the minimum lot size shown from 2,000m² to 900m².
- 3) Submit the planning proposal to the NSW Department of Planning and Environment for a gateway determination including a request for the delegation of plan making functions.

Councillor Peter Kafer left the meeting at 06:06pm during debate in Committee of the Whole.

Councillor Peter Kafer returned to the meeting at 06:12pm during debate in Committee of the Whole.

**ORDINARY COUNCIL MEETING - 13 DECEMBER 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Mayor Bruce MacKenzie Councillor Ken Jordan That the recommendation be adopted.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2016

Those for the Motion: Mayor Bruce MacKenzie, Crs Sally Dover, Ken Jordan, Paul Le Mottee, and John Morello.

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

The Motion was carried on the casting vote of the Mayor.

ORDINARY COUNCIL MEETING - 13 DECEMBER 2016 MOTION

354	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt the planning proposal at (ATTACHMENT 2) for the purpose of section 55 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW) to amend the <i>Port Stephens Local Environmental Plan 2013</i> in respect of 74 South St Medowie (Lot 712 DP 7077195) to:<ol style="list-style-type: none">a) Amend the Land Zone Map to rezone the subject land from R5 Large Lot Residential to R2 Low Density Residential;b) Amend the Lot Size Map to reduce the minimum lot size from 2,000m² to 900m²; andc) Amend the Height of Building Map to 9m.2) Be consistent with their existing developed minimum lot size and include an additional administrative amendment to the minimum lot size map in respect of 66 South St (Lot 5 DP 280007); 68 South St (Lot 4 DP 280007); 70 South St (Lot 3 DP 280007); and 72 South St (Lot 2 DP 280007) to reduce the minimum lot size shown from 2,000m² to 900m².3) Submit the planning proposal to the NSW Department of Planning and Environment for a gateway determination including a request for the delegation of plan making functions.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Sally Dover, Ken Jordan, Paul Le Mottee, and John Morello.

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

The Motion was carried on the casting vote of the Mayor.

BACKGROUND

The purpose of this report is to recommend that Council prepare a planning proposal for gateway determination to facilitate a minor two-lot subdivision at 74 South St Medowie and administrative amendment to apply consistent lot size provisions for adjacent existing lots (66, 68, 70, 72 South St Medowie).

Subject land	(ATTACHMENT 1) 74 South St Medowie (Lot 712 DP 1077195) 2,070m ²
Existing zoning and min. lot size:	R5 Large Lot Residential and 2,000m ²
Recommended zoning & min. lot size:	R2 Low Density Residential and 900m ²
Potential lot yield:	One (additional)
Recommended planning proposal:	(ATTACHMENT 2)
Proponent planning proposal:	(ATTACHMENT 3)
Proponent:	Monteath and Powys (on behalf of owner)
Administrative Amendment:	Amend Lot Size map from 2000m ² to 900m ² 66 South Street (Lot 5 DP 280007) 68 South Street (Lot 4 DP 280007) 70 South Street (Lot 3 DP 280007) 72 South Street (Lot 2 DP 280007)

Planning Proposal

The objective of the planning proposal **(ATTACHMENT 2)** is to facilitate minor infill low density residential development (one into two lots) at 74 South Street. The proposal is low impact and consistent with the existing character of the immediate area. The street-front width of future lots will be consistent with the existing development directly opposite and east. The site adjoins smaller 900m² lots on its eastern boundary. Environmental and drainage issues will be resolved at the development application stage.

A further minor administrative component of the planning proposal is to amend the lot size map to 900m² for the adjoining land to the east (66, 68, 70 and 72 South St) to address an existing anomaly. These sites are already developed to a minimum area of 900m² however the lot size map shows a minimum lot size of 2,000m². No additional subdivision will be facilitated by the change (it is administrative only).

Proponent Planning Proposal

The recommended Council planning proposal follows the lodgement of a planning proposal by the proponent for 74 South Street (only) **(ATTACHMENT 3)**. The

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intended outcomes for 74 South Street are consistent between each planning proposal.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes		Future subdivision will be subject to local infrastructure contributions in accordance with the Port Stephens Development Contributions Plan 2007.
External Grants	No		
Other	Yes	\$5,250	Category B Stage 1 – Lodgement (up to gateway) rezoning fee in accordance with Port Stephens Fees and Charges Schedule 2016-2017.

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning and Assessment Act 1979 (NSW)

Council is the relevant planning authority for the preparation of the planning proposal under the *Environmental Planning and Assessment Act 1979* (NSW). If Council resolves to adopt the planning proposal it will be forwarded to the NSW Department of Planning and Environment for a gateway determination including a request for the delegation of plan-making functions.

Regional Planning

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2016

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

Local Planning

The site is within the study area for the purposes of the draft revised Medowie Planning Strategy. It is not specifically identified; however planning proposals for minor infill development are able to be considered on their merits.

Port Stephens Local Environmental Plan 2013

The planning proposal will be implemented through the amendment of *Port Stephens Local Environmental Plan 2013* mapping for land zoning, minimum lot size and building height as recommended.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the NSW Department of Planning and Environment will not issue a gateway determination. recommend that the proposal be considered as part of a 'housekeeping' amendment to the LEP.	low	Resolve to prepare the planning proposal and forward it to the NSW Department of Planning and Environment for a gateway determination (if the planning proposal is considered as part of a housekeeping amendment it could be delayed by other more complex amendments).	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no social, economic and environmental implications for Council in proceeding with the planning proposal. Any environmental implications are suitable to be addressed at the development application stage.

MERGER PROPOSAL IMPLICATIONS

There are no merger implications.

CONSULTATION

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

Internal

The planning proposal has been subject to internal referral with drainage issues to be addressed at the development application stage.

External

Formal consultation requirements will be set by a gateway determination issued by the NSW Department of Planning and Environment. It is only intended to refer the planning proposal to the NSW Rural Fire Service to confirm if a bushfire threat assessment is required.

If the planning proposal proceeds past gateway determination, it will be placed on public exhibition and adjoining landowners, and those landowners affected by the administrative component (66, 68, 70, 72 South St), will be notified in writing.

OPTIONS

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

ATTACHMENTS

- 1) Subject Land.
- 2) Council Planning Proposal.
- 3) Proponent Planning Proposal. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.





ITEM 4 - ATTACHMENT 2 COUNCIL PLANNING PROPOSAL.

SUMMARY

This planning proposal sets out the justification for proposed changes to planning controls to allow additional development on land at 74 South Street, Medowie. It also seeks to undertake an administrative mapping amendment for adjoining land to the east.

Subject land:	74 South Street (Lot 712 DP 1077195)
Subject land area:	2070m ²
Existing zoning and min. lot size:	R5 Large Lot Residential & 2,000m ²
Proposed zoning and min. lot size:	R2 Low Density Residential & 900m ²
Potential lot yield:	One additional (with development consent)
Additional administrative component:	Amend lot size map from 2,000m ² to 900m ² 66 South Street (Lot 5 DP 280007) 68 South Street (Lot 4 DP 280007) 70 South Street (Lot 3 DP 280007) 72 South Street (Lot 2 DP 280007)

The principal subject land is 74 South Street, a vacant and mostly cleared site of 2070m². It is surrounded residential development with 900m² lots at the eastern boundary. The aim is to facilitate the infill low density residential development (one into two lots). The proposal is low impact and consistent with the existing character of the immediate area. Environmental and drainage issues are suitable to be resolved at the development application stage. Streetscape character will be retained with the width of future lots consistent with the existing development directly opposite and adjoining to the east (see Figure 1 *Site Location*).

A further minor administrative component of the planning proposal is to amend the lot size map to 900m² for the adjoining land to the east (66, 68, 70a and 72 South St) to address an existing anomaly. These sites are already developed to a minimum area of 900m² however the lot size map shows a minimum lot size of 2,000m². No additional subdivision will be facilitated by the change (it is administrative only).

The location of the land is shown in Figure 1 *Site Location* and Figure 2 *Strategic Site Location*.

No additional supporting studies are proposed, with the exception of a potential bushfire threat assessment following referral to the Rural Fire Service. Any impacts (vegetation, drainage) are suitable to address at the development application stage.

Figure 1 Site Location



Figure 2 Strategic Site Location



ITEM 4 - ATTACHMENT 2 COUNCIL PLANNING PROPOSAL.**PART 1 – Objective of the proposed Local Environmental Plan**

The objectives of the planning proposal are to permit a two-lot subdivision in order to facilitate low density residential development at 74 South Street and to apply consistent minimum lot size provisions in the immediate area.

PART 2 – Explanation of the provisions to be included in proposed LEP

The objectives of this planning proposal will be achieved by the following amendments to LEP the mapping:

- Amending the Land Zoning Map to rezone 74 South Street (only) from R5 Large Lot Residential (**ATTACHMENT 2**) to R2 Low Density Residential in accordance with the Proposed Land Zoning Map (**ATTACHMENT 3**);
- Amending the Lot Size Map to change the minimum lot size for 74 South Street from 2,000m² (**ATTACHMENT 4**) to 900m² for 74 South Street (and additionally for 66, 68, 70, 72 South Street) in accordance with the Proposed Lot Size Map (**ATTACHMENT 5**); and
- Amending the Port Stephens Local Environmental Plan 2013 Height of Buildings Map (**ATTACHMENT 6**) to 9m for 74 South Street (only) in accordance with the Proposed Height Building Map (**ATTACHMENT 7**).

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal**Is the planning proposal a result of any strategic study or report?**

The planning proposal is not the direct result of any strategic study or report. The planning proposal is a minor infill site located within an urban growth area identified by the Medowie Planning Strategy.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only means to facilitate additional subdivision of 74 South Street at this time. Addressing the lot size anomaly of the adjoining land could potentially be deferred for a general amendment to the LEP.

Is there a community benefit?

There is minor community benefit from the planning proposal by the future provision of one additional allotment.

ITEM 4 - ATTACHMENT 2 COUNCIL PLANNING PROPOSAL.**SECTION B – Relationship to Strategic Planning Framework****4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?****Hunter Regional Plan**

The Hunter Regional Plan was released in late 2016. Although very minor in scale, the proposal is consistent with Goal 4 to create greater housing choice and jobs, including for new housing to be focused in established areas through infill development. It is consistent with Direction 21 to create a compact settlement including the following associated actions:

- Action 21.1 - Promote development that respects the landscape attributes and the character of the metropolitan areas, towns and villages (the proposal is consistent with lots size immediately to the east);
- Action 21.2 - Focus development to create compact settlements in locations with established services and infrastructure (the proposal is for infill development with access to existing services);
- Action 21.4 - Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values (the site is not within the drinking water catchment and does not have high environmental values);
- Action 21.6 - Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield locations (the proposal is for infill development that maintains the character of the character of the area); and
- Action 21.7 - Promote new housing opportunities in urban areas to maximise the use of existing infrastructure (the proposal balances existing character with better use of existing infrastructure).

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?**Port Stephens Community Strategic Plan**

The planning proposal is consistent with Port Stephens Community Strategic Plan direction to balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations and the delivery program to provide strategic land use planning services.

Port Stephens Planning Strategy

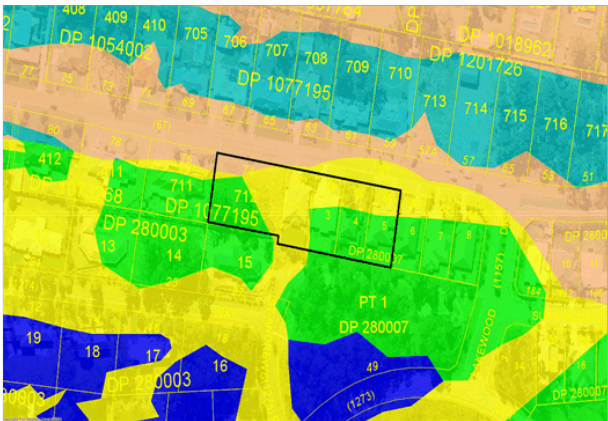
The planning proposal is consistent with the Port Stephens Planning Strategy which identifies Medowie as a priority infill and new release area. The planning proposal facilitates minor infill development.

Medowie Planning Strategy

The site is within an urban growth area for the purposes of the draft revised Medowie Planning Strategy. It is not specifically identified. Planning proposals for minor infill development are suitable for consideration on their own merit.

6. Is the planning proposal consistent with applicable state environmental planning policies?

Table 1 Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
<p>SEPP 44 – Koala Habitat Protection</p> <p>The relevant objectives of the CKPOM are to: evaluate and rank habitat throughout the LGA; identify priority conservation areas and strategies to protect significant habitat and populations; identify threats; provide for the long-term survival of populations by addressing conservation strategies to effectively address each of the threats; provide for restoration of degraded areas; ensure that adequate detail is provided with development applications in order to assess, minimise and ameliorate</p>	<p>The <i>Port Stephens Comprehensive Koala Plan of Management</i> (CKPOM) is applied in Port Stephens for the purposes of implementing SEPP 44.</p> <p>Assessment is that the CKPOM performance criteria for rezoning have limited practical application because of the infill location of the site and minimal vegetation on site and surrounding development. In any case, indicative Council koala habitat mapping from 2006 shows 'Preferred 100m Buffer over Marginal Habitat' (green) and '100m Buffer over Cleared Land' (yellow).</p>  <p>Preliminary assessment based is:</p> <ol style="list-style-type: none"> <i>Not result in development within areas of preferred koala habitat;</i> No impact. <i>Allow only for low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas;</i> No impact. <i>Minimise the removal of any individual preferred koala food trees, where ever they occur on the site;</i> The type of trees on site has not been confirmed.

likely impacts; provide guidelines and development standards to protect koalas and habitat; provide for the effective implementation and monitoring of the CKPOM.	<p>d. <i>Not result in development which would sever koala movement across the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.</i></p> <p>The site is already surrounded by residential development.</p> <p>Under the above circumstances and the characteristics of the site and surrounding development, any inconsistency with the CKPOM performance criteria for rezoning is minor.</p> <p>Any inconsistency of the planning proposal with the CKPOM performance criteria for rezoning is minor.</p>
<p>SEPP 55 – Remediation of Land</p> <p>This SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	<p>This SEPP is relevant because the planning proposal seeks to identify land for minor additional development.</p> <p>The use of the site will remain consistent with the current zoning (i.e. residential). A single additional allotment (only) will be facilitated and the site is not identified on Council's contaminated land register.</p> <p>The planning proposal satisfies the provisions of this SEPP.</p>

ITEM 4 - ATTACHMENT 2 COUNCIL PLANNING PROPOSAL.

7. Is the planning proposal consistent with applicable Ministerial Directions?

Table 2 Relevant Ministerial Directions

Ministerial Direction	Consistency and Implications
<p>2.1 Environment Protection Zones</p> <p>The objective of this direction is to conserve environmentally sensitive areas.</p>	<p>This direction applies whenever a relevant planning authority prepares a planning proposal. It provides that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>The planning proposal satisfies this direction because the site is not environmentally sensitive.</p> <p>The planning proposal is consistent with this direction.</p>
<p>2.3 Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>This direction applies whenever a relevant planning authority prepares a planning proposal. It provides that a proposal must contain provisions that facilitate the conservation of environmental heritage and Aboriginal heritage.</p> <p>There are no items of European heritage on the site or listed in the LEP. Investigations into potential for indigenous heritage have not been undertaken by the proponent.</p> <p>Heritage can be managed through the existing planning instruments, legislation and regulations that apply to the land.</p> <p>The planning proposal is consistent with this direction.</p>
<p>3.1 Residential Zones</p> <p>The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs; make efficient use of infrastructure and services and ensure housing has access to infrastructure and services; minimise impact of residential development on the environment and resource lands.</p>	<p>This direction applies because the planning proposal affects land within an existing residential zone. The planning proposal is consistent with this direction because it will facilitate provision of a single additional lot on an infill site. It will make use of existing infrastructure and minimises impact on the environment.</p> <p>The planning proposal is consistent with this direction.</p>

ITEM 4 - ATTACHMENT 2 COUNCIL PLANNING PROPOSAL.

<p>3.4 Integrating Land Use and Transport</p> <p>The objective of this direction is to ensure that development achieves the following objectives: improving access to housing, jobs and services by walking, cycling and public transport; increasing the choice of available transport and reduce dependence on cars; reducing travel demand including the number trips generated by the development and the distances travelled, especially by car; supporting the efficient and viable operation of public transport services.</p>	<p>This direction applies because the planning proposal will create a zone relating to urban land.</p> <p>The planning proposal is consistent with this direction because it seeks to provide infill development within an existing urban area. It will add to the use of existing transport infrastructure in the area and build upon its.</p> <p>The planning proposal is consistent with this direction.</p>
<p>3.5 Development Near Licensed Aerodromes</p> <p>The objectives of this direction are: to ensure the effective and safe operation of aerodromes; to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and to ensure development for residential purposes of human occupation, if situated within ANEF contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	<p>This direction applies because Medowie is in proximity to RAAF Base Williamtown, Newcastle Airport and the Salt Ash Air Weapons Range. The site is not affected by the ANEF 2012 or 2025 maps – however land outside of ANEF contours can still be affected by aircraft noise and activities.</p> <p>Any inconsistency with this direction is minor and is suitable to be addressed at the development application stage because of the minor infill extent of additional development.</p> <p>Any inconsistency with this direction is minor.</p>
<p>4.1 Acid Sulfate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p>	<p>The site is nominated as Class 5 soils, requiring consent for works within 500m of adjacent soil classes. This is the lowest risk classification. The issue will be managed through existing provisions of the LEP.</p> <p>The planning proposal is consistent with this direction.</p>

ITEM 4 - ATTACHMENT 2 COUNCIL PLANNING PROPOSAL.

<p>4.4 Planning for Bushfire Protection</p> <p>The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.</p>	<p>This direction applies because part of the site is mapped as bushfire prone. The direction provides that, in the preparation of a planning proposal, the relevant planning authority must consult with the Commissioner of the RFS following receipt of a Gateway Determination, and prior to undertaking community consultation, and take into consideration any comments so made.</p> <p>A bushfire threat assessment has not been undertaken. This issue is appropriately addressed subdivision and dwelling application stages. It is proposed to refer the planning proposal to the RFS following a gateway determination, and prior to public exhibition, to seek confirmation whether a bushfire threat assessment is relevant at this time.</p> <p>Consistency of the planning proposal with this direction will be confirmed by referral to the RFS.</p>
<p>5.1 Implementation of Regional Strategies</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p>	<p>This direction refers to the Lower Hunter Regional Strategy which has recently been replaced by the Hunter Regional Plan.</p> <p>The planning proposal is consistent with the relevant goal of the Hunter Regional Plan to create greater housing choice and jobs, including for new housing to be focused in established areas through infill development. It is consistent with the relevant direction to create a compact settlement and the associated actions.</p> <p>The planning proposal is consistent with this direction.</p>

ITEM 4 - ATTACHMENT 2 COUNCIL PLANNING PROPOSAL.**SECTION C – Environmental, Social and Economic Impact**

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is little or no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. There are a small number of native trees on site within an established residential area.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of the planning proposal.

10. Has the planning proposal adequately addressed any social and economic effects?

There are limited or no social and economic effects because of the single additional lot yield.

SECTION D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

Reticulated sewer and water infrastructure is available consistent with existing surrounding urban development. This issue appropriately addressed at the development application stage.

12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

It is only proposed to undertake consultation with the RFS regarding bushfire threat.

Part 4 - Mapping

The proposed mapping amendments to the LEP are included as attachments.

Part 5 - Details of Community Consultation

Community consultation will be undertaken in accordance with the gateway determination. It is proposed to exhibit the planning proposal for 14 days (low-impact proposal) and to notify in writing the adjoining landowners and those landowners affected by the administrative component (66, 68, 70, 72 South St).

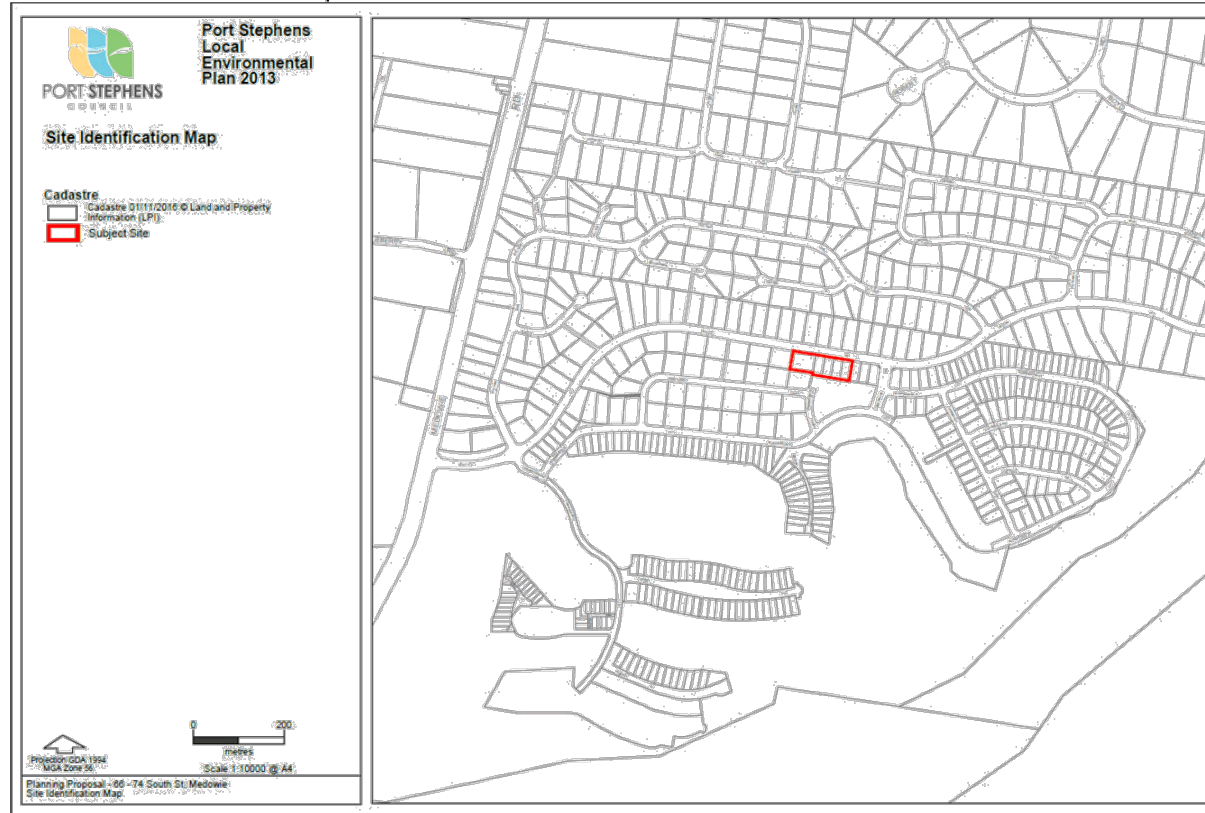
Notice of the public exhibition period will be placed in the local newspaper and exhibition material will be made available on Council's website and during normal business hours at Council's Administration Building in Raymond Terrace.

ITEM 4 - ATTACHMENT 2 COUNCIL PLANNING PROPOSAL.
Part 6 – Project timeline

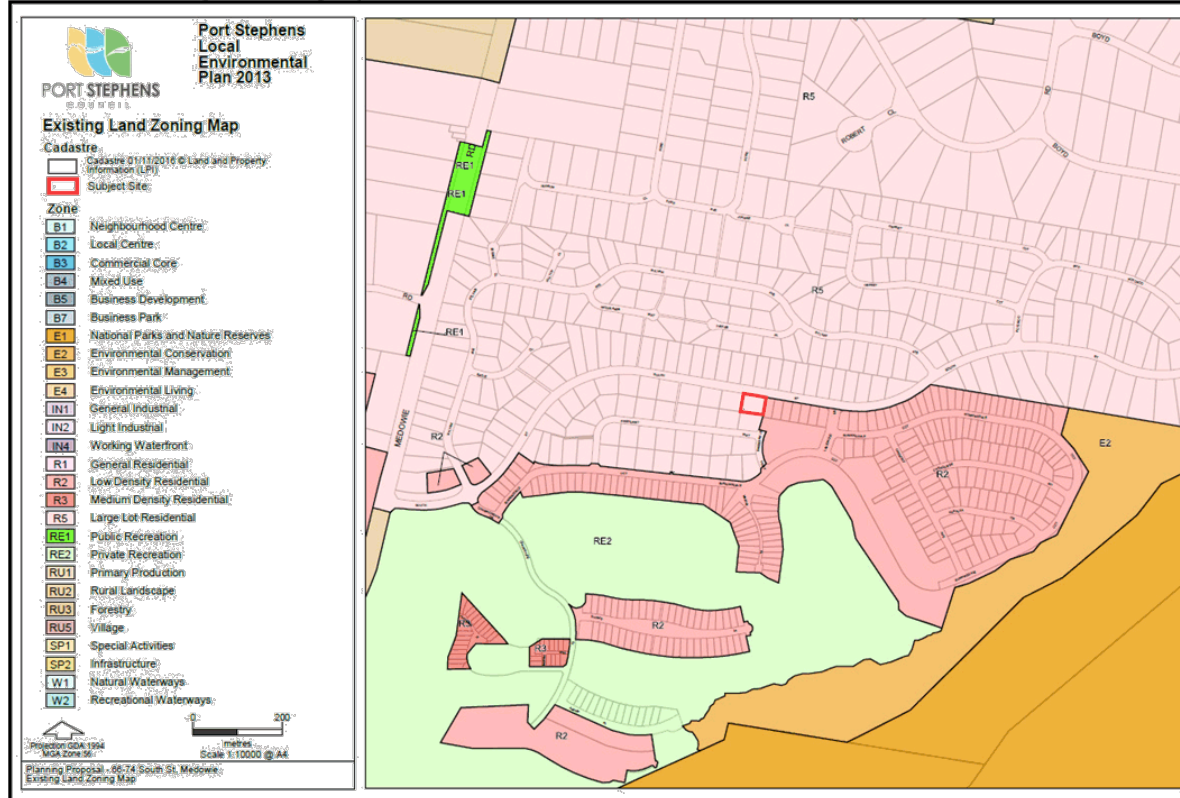
The following timetable is proposed:

	Dec 2016	Jan 2017	Feb 2017	Mar 2017	April 2017	May 2017	June 2017	July 2017	Aug 2017	Sept 2017	Oct 2017	Nov 2017
<i>Council Report</i>												
<i>Gateway Determination</i>												
<i>Agency Consultation</i>												
<i>Public Exhibition</i>												
<i>Review Submissions</i>												
<i>Council Report</i>												
<i>Parliamentary Counsel</i>												

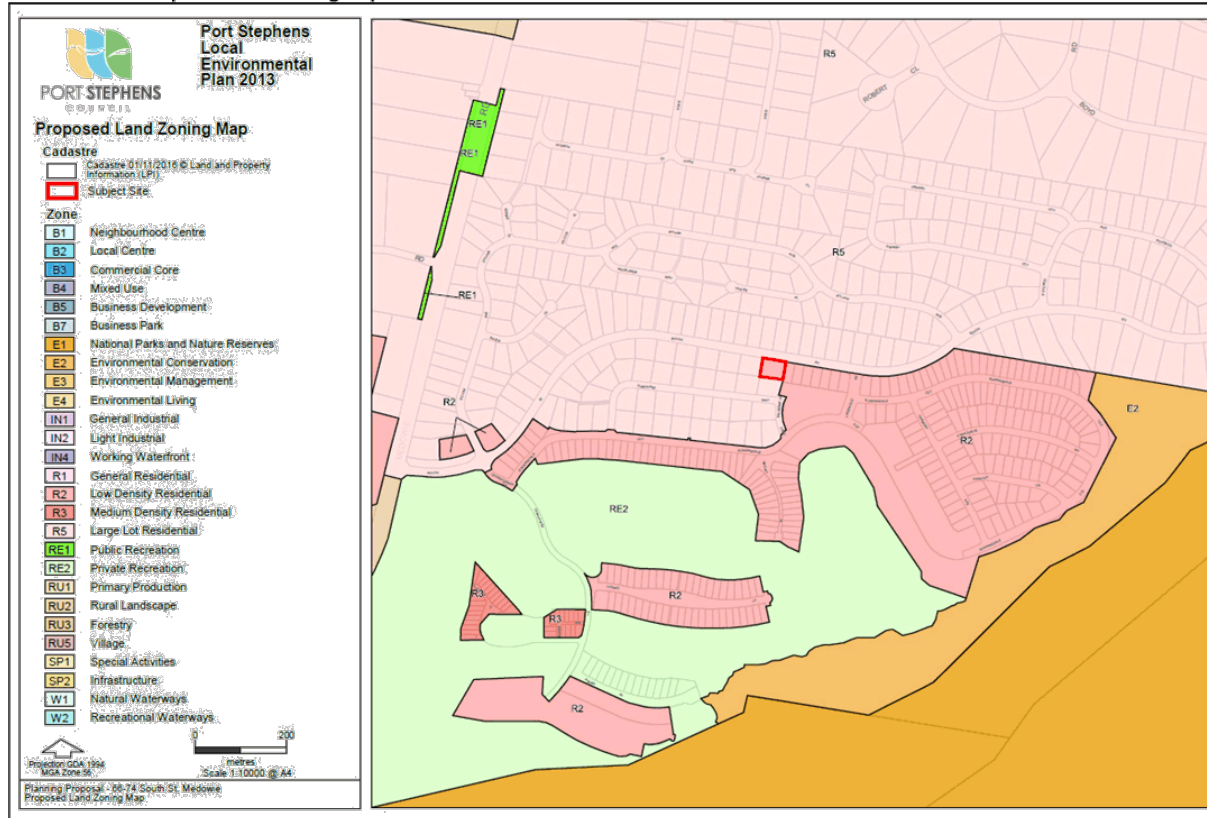
Attachment 1 - Site Identification Map



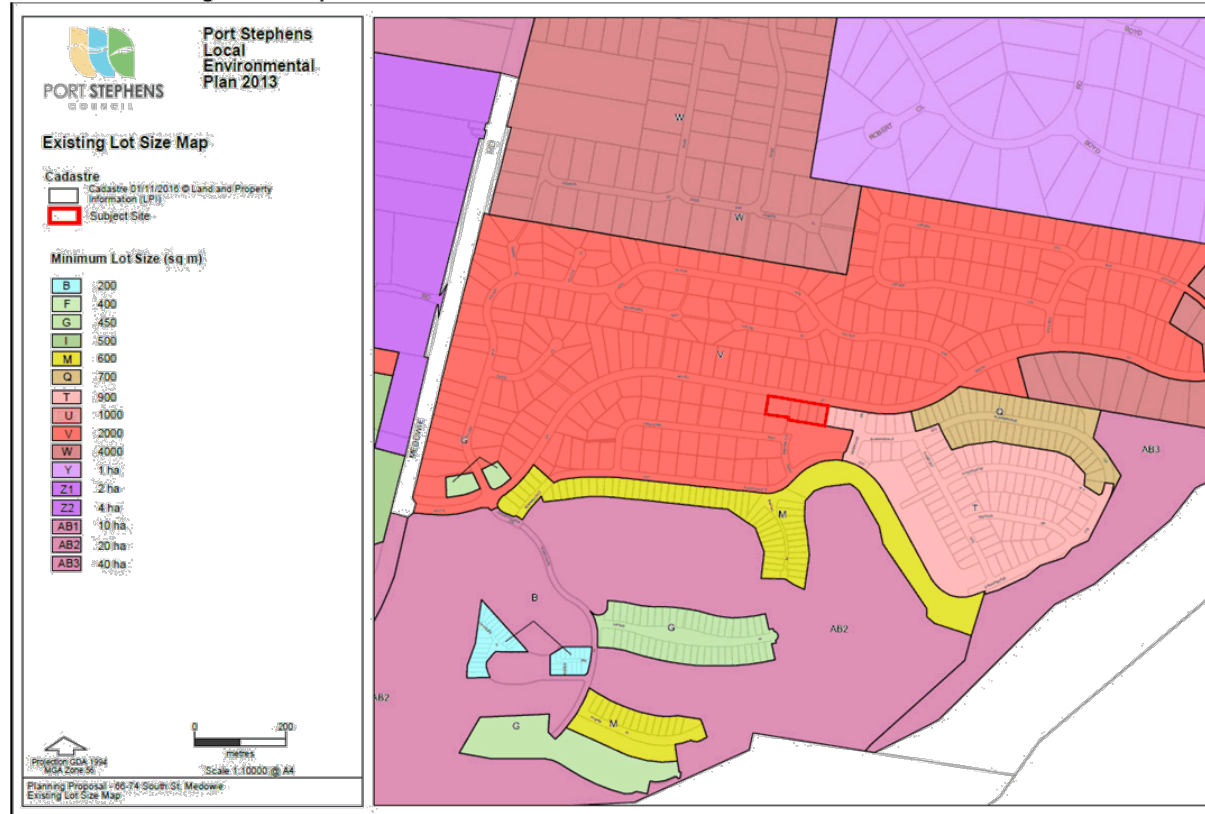
Attachment 2 - Existing Land Zoning Map



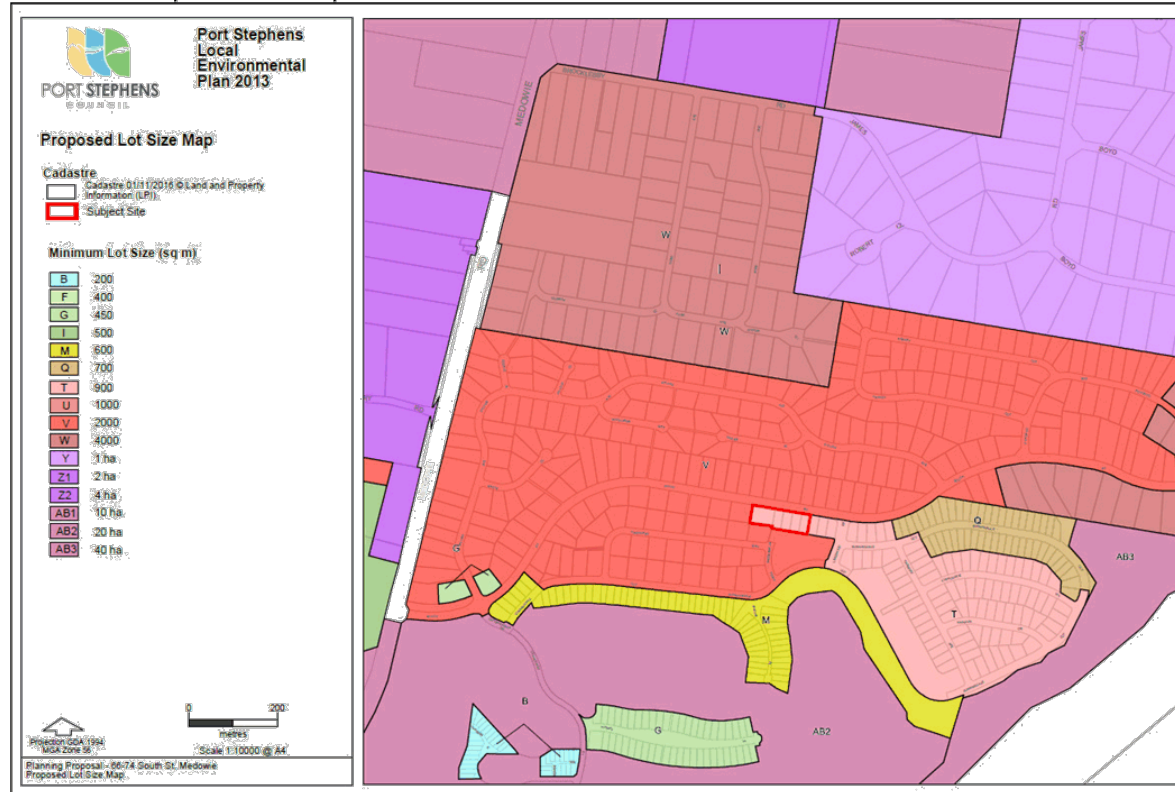
Attachment 3 - Proposed Land Zoning Map



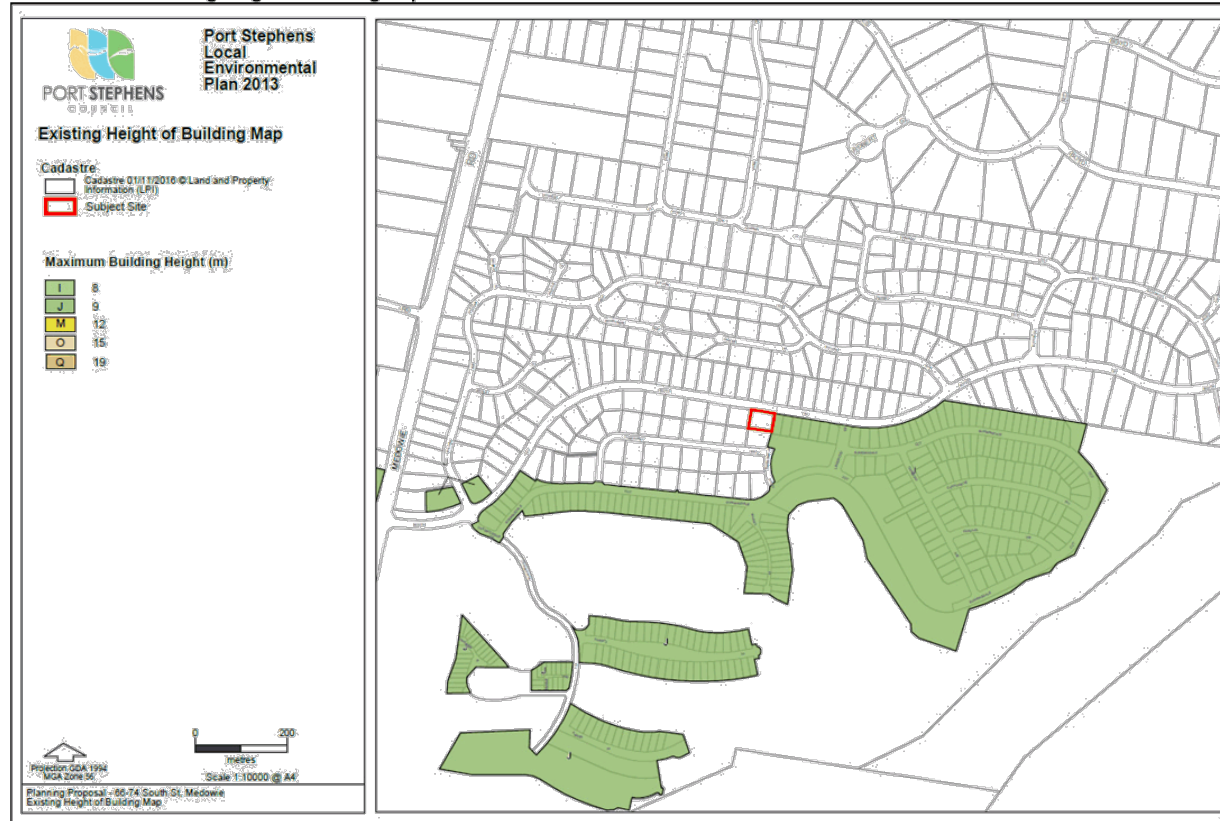
Attachment 4 - Existing Lot Size Map



Attachment 5 - Proposed Lot Size Map



Attachment 6 – Existing Height of Building Map



Attachment 7 - Proposed Height of Building Map

