

DRAFT

MINUTES – 9 APRIL 2019



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 9 April 2019, commencing at 5.49pm.

PRESENT:

Mayor R Palmer, Councillors G Arnott, C. Doohan, G Dunkley, K. Jordan, J Nell, S Smith, S. Tucker, Acting General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Acting Development Services Group Manager and Governance Section Manager.

074	Councillor Ken Jordan Councillor Chris Doohan It was resolved that the apology from Cr Paul Le Mottee and Cr Jaimie Abbott be received and noted.
075	Councillor Sarah Smith Councillor Steve Tucker It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 26 March 2019 be confirmed.
	There were no Declaration of Interest received.

INDEX

SUBJECT

PAGE NO

COUNCIL REPORTS.....3

1. DEVELOPMENT APPLICATION NO.16-2017-837-1 FOR TWO INTO 39 LOT TORRENS TITLE SUBDIVISION (INCLUDING ONE RESIDUE LOT AND ONE DRAINAGE RESERVE LOT), DEMOLITION OF DWELLING AND CONSTRUCTION OF SEVEN DWELLINGS AT 799 AND 813 MEDOWIE ROAD, MEDOWIE (LOT: A DP404939, LOT: 32 DP1045148)4
2. DEVELOPMENT APPLICATION NO. 16-2018-789-1 - ONE INTO FIVE LOT TORRENS TITLE SUBDIVISION (FOUR COMMERCIAL AND ONE RESIDUE LOT) AT 795 MEDOWIE ROAD, MEDOWIE (LOT 1 DP1215257).....52
3. T01-2018 PORT STEPHENS COUNCIL WASTE RECYCLING PROCESSING74
4. T10-2015 - MANAGEMENT OF AQUATIC AND LEISURE FACILITIES81
5. POLICY REVIEW - RELATED PARTY DISCLOSURES.....86

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 19/4537
EDRMS NO: 16-2017-837-1**

DEVELOPMENT APPLICATION NO.16-2017-837-1 FOR TWO INTO 39 LOT TORRENS TITLE SUBDIVISION (INCLUDING ONE RESIDUE LOT AND ONE DRAINAGE RESERVE LOT), DEMOLITION OF DWELLING AND CONSTRUCTION OF SEVEN DWELLINGS AT 799 AND 813 MEDOWIE ROAD, MEDOWIE (LOT: A DP404939, LOT: 32 DP1045148)

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2017-837-1 for two into 39 Lot Torrens title subdivision (including one residue lot and one drainage reserve lot), demolition of dwelling and construction of seven dwellings at 799 Medowie Road, Medowie and 813 Medowie Road, Medowie (Lot A DP404939 and Lot 32 DP1045148), subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.
-

**ORDINARY COUNCIL MEETING - 9 APRIL 2019
MOTION**

	<p>Councillor Chris Doohan Councillor Sarah Smith</p> <p>That Council approve Development Application DA No. 16-2017-837-1 for two into 39 Lot Torrens title subdivision (including one residue lot and one drainage reserve lot), demolition of dwelling and construction of seven dwellings at 799 Medowie Road, Medowie and 813 Medowie Road, Medowie (Lot A DP404939 and Lot 32 DP1045148), subject to the Recommended Conditions of Consent contained in (ATTACHMENT 3).</p>
--	---

**ORDINARY COUNCIL MEETING - 9 APRIL 2019
AMENDMENT**

076	Councillor Glen Dunkley Councillor John Nell It was resolved that Council defer development Application DA No. 16-2017-837-1 for two into 39 Lot Torrens title subdivision (including one residue lot and one drainage reserve lot), demolition of dwelling and construction of seven dwellings at 799 Medowie Road, Medowie and 813 Medowie Road, Medowie (Lot A DP404939 and Lot 32 DP1045148.
------------	--

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

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The amendment on being put became the motion which was carried.

MOTION

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

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present a development application (DA) 16-2017-837-1 for a two into 39 lot Torrens title subdivision (including one residue lot and one drainage reserve lot), demolition of dwelling and construction of seven dwellings to Council for determination. The application was called to Council as contained in **(ATTACHMENT 4)**.

The subject DA relates to land located on 799 Medowie Road and 813 Medowie Road, Medowie (Lot A DP404939 and Lot 32 DP1045148). A Locality Plan is provided at **(ATTACHMENT 1)**.

Proposal

The application proposes a two into 39 lot Torrens title subdivision. The development includes a number of new roads with connections to both Peppertree Road and Medowie Road. The subdivision will comprise 37 residential lots and includes the following:

- Creation of 29 regular development lots with a range of sizes between 500m² and 815m².
- Demolition of an existing dwelling.
- Seven lots incorporating a dwelling below the minimum lot size, each being approximately 350m². The proposed lots satisfy lot size exemptions. The dwellings incorporate a split level design with the two storey elevation facing the road frontage. The dwellings will incorporate four bedrooms, a combined kitchen/living/dining room, bathroom and ensuite, laundry, and alfresco.
- One large residue development lot with a size of 4,764m² (proposed Lot 11 which will be the subject of future applications).

In addition to the residential component, the proposal also includes:

- A drainage reserve lot with an area of 1645m² to cater for the stormwater drainage of the development.
- A 12,760m², 83 metre wide lot positioned at the rear of the subject site to be revegetated and managed in accordance with the approved Vegetation Management Plan (VMP). The vegetation within the proposed lot is considered to be of high environmental value and provides vegetation connectivity for fauna species including the Koala.
- A 10 metre wide easement on the property adjoining the subject site to the west (6 Wilga Road, Medowie) further increasing the width of the vegetation corridor, as mutually agreed with the landholder.

Site description and history

The development site encompasses two lots with a combined area of approximately 5.5ha. The subject site currently contains one dilapidated dwelling. The site contains a mix of land forms, with cleared areas on the eastern portion of the site with an increase in vegetation towards the western portion. The Flora and Fauna report submitted with the application noted that the existing vegetation on site is of moderate quality, with the highest quality located closer to the western property boundary. The site includes frontage to the public road network at multiple locations, including Peppertree Road and Medowie Road. The local centre of Medowie is positioned to the south, existing residential lots to the east and west and a significantly vegetated lot to the north as detailed in **(ATTACHMENT 1)**.

The subject site has a number of constraints including; Bushfire prone land, Koala habitat, Endangered Ecological Communities and flood prone land. A detailed assessment of the development is contained in the Planners Assessment Report as contained in **(ATTACHMENT 2)**.

Key issues

The key issues that arose during the assessment related to the potential ecological impacts of the proposed development and potential traffic issues, as outlined below. A detailed assessment of the development is in the Planners Assessment Report as contained in **(ATTACHMENT 2)**.

Ecological impacts

The DA is considered a pending development application and therefore the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* applies to the application. In accordance with Clause 28(1) the former planning provisions under the *Threatened Species Conservation (TSC) Act 1995* applies.

The Flora and Fauna report submitted with the application assessed the potential indirect and direct impact of the development on the surrounding environment. The proposal requires the removal of approximately:

- 0.99ha of the EEC Swamp Sclerophyll Forest
- 0.53ha of Smooth-barked Apple-Blackbutt Woodland
- 0.48ha of Forest Red Gum Open Forest
- 2.17ha Cleared Grassland

Approximately 2ha of vegetation to be removed contains koala feed trees. A total of 108 Koala feed trees are to be removed to facilitate the proposed development.

To appropriately mitigate and offset the vegetation removal required to facilitate the development, the following measures have been implemented and appropriately conditioned:

- The creation of a 12,760m², 83 metre wide lot at the rear of the development site. The proposed lot will be revegetated and managed in accordance with the approved VMP. The revegetation is to optimise fauna movement and will require 472 Koala feed trees, 100 scrub species, 50 plant species and 1200 ground cover species to be planted.
- In agreement with the adjacent landholder, the creation of a 10 metre easement on 6 Wilga Road, Medowie, increasing the vegetation corridor width to 93 metres. Koala fencing will be conditioned to maximise vegetation connectivity between the subject site and 6 Wilga Road.

The Planners Assessment Report as contained in **(ATTACHMENT 2)** identified that the environmental impacts have been mitigated to an appropriate level as necessary under the *TSC Act 1995*.

Traffic

The application was submitted with a Traffic Impact Assessment which detailed the Medowie Road intersection design along with the internal road layout and proposed road treatments. The assessment report and layout was considered satisfactory, subject to detailed design requirements imposed as part of the Recommended Conditions of Consent **(ATTACHMENT 3)** will require:

- The intersection on 'Road 1' and Medowie Road to be left in left out. Medowie Road will also be required to be widened in accordance with Austroads and Council requirements; and
- A detailed plan for the four way intersection including regulatory signage to be submitted to and be deemed to be satisfactory by Port Stephens Local Traffic Committee.

Subject to the Recommended Conditions of Consent as contained in **(ATTACHMENT 3)** the additional traffic movements generated by the subdivision will have minimal impact on the surrounding road network and site access will be able to operate with minimal delay. The application is consistent with the requirements of the Roads and Maritime Service (RMS) Guide to Traffic Generating Development, Austroads Guide to Traffic Management and Port Stephens Development Control Plan 2014.

Conclusion

The proposed development is consistent with the relevant environmental planning instruments applicable to the subject site including:

- Section 4.15 of the *Environmental Planning and Assessment Act 1979*
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2014
- State Environmental Planning Policy No. 44 – Koala Habitat Protection
- State Environmental Planning Policy No 55 - Remediation of Land
- Port Stephens Local Environmental Plan 2013 (LEP)
- Port Stephens Development Control Plan 2014 (DCP)

The proposed development will contribute to the housing stock in Medowie. The proposal will stimulate the local economy during the construction phase of the development and support the local economy of Medowie in the longer term through an increase in population. The proposed development is consistent with the adopted Medowie Strategy 2016.

The key issues arising through the assessment of the application have been satisfactorily addressed and supported by sufficient mitigation measures as contained in the Recommended Conditions of Consent (**ATTACHMENT 3**). Accordingly, the proposed development supports and promotes the public interest, and is recommended for approval.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

The application could be potentially challenged in the Land and Environment Court. Defending Council's determination could have financial implications.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is consistent with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that a third party or the applicant may appeal the determination.	Low	Approve the application as recommended. The assessment carried out details the merits of the proposed development.	Yes

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused the ability to provide new residential accommodation will not be realised.	Low	Approve the application as recommended.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposal will provide for the housing needs of the community within a low density residential environment and represents a logical residential extension to the surrounding B2 Local Centre zone land. The proposal creates residential lots located within close proximity to local facilities and services, supporting the local economy of Medowie. The range in proposed lot sizes will diversify the housing stock within the subdivision. This is consistent with the intent and direction of the adopted Medowie Strategy 2016.

The proposed development will have minimal adverse impacts on the built environment. The proposed dwellings and future development will provide a range of designs and styles which positively responds to the future streetscape.

The development will not have a significant impact on the natural environment. The impacts to the natural environment to facilitate the proposed development have been appropriately mitigated as required under the *TSC Act 1995* and Port Stephens Comprehensive Koala Plan of Management (CKPoM). Recommended conditions of consent require the vegetation corridor to be revegetated and managed in perpetuity in accordance with the VMP.

The proposed development includes a stormwater system that manages stormwater in accordance with Councils quantity and quality requirements. In addition, a condition of consent is proposed that requires the installation and maintenance of erosion and sedimentation controls.

CONSULTATION

Internal

Consultation was undertaken with internal officers, including; Engineering, Natural Resources (Vegetation Management and Ecology), Building Surveying, Strategic Planning and Development Contributions. The referral comments from these officers were considered as part of the Planners Assessment Report contained in **(ATTACHMENT 2)** and accordingly in the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

External

Consultation with Hunter Water Corporation (HWC) was undertaken during the assessment of the application as the proposed development falls within a Hunter Water Special Area. Subject to conditions of consent being imposed, HWC identified that the proposal could be supported.

Consultation was also undertaken with the Rural Fire Service (RFS) during the assessment of the application as the proposed development constitutes subdivision in bush fire prone land. General Terms of Approval (GTA's) were received on 27 September 2018. The GTA's have been imposed in the recommended Notice of Determination (NOD).

Public exhibition

In accordance with Council's notification requirements the application was publicly notified and advertised on two occasions for a period of 14 days between:

- 30 November 2017 and 13 December 2017 – three submissions from three individuals were received.
- 19 July 2018 and 2 August 2018 – five submissions from two individuals were received.

A petition was received 29 January 2019 containing 13 signatures. The petition objected to the development based on traffic and access concerns to Medowie Road.

The key issues raised within the submissions included; overdevelopment, traffic and road implications, estimated cost of works, impacts to the natural environment, stormwater and drainage management. These issues have been addressed in detail within the Planners Assessment Report contained in **(ATTACHMENT 2)**.

The assessment of the application has determined that, subject to the recommended conditions of consent, the issues raised within the submissions have been addressed and the proposed development is recommended for approval.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan.
- 2) Planners Assessment Report.
- 3) Recommended Conditions of Consent.
- 4) Call to Council form.

COUNCILLORS ROOM

- 1) Development Plans.
- 2) Submissions.

TABLED DOCUMENTS

Nil.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 48800255 Fax: (02) 48873612 Email: council@portstephens.nsw.gov.au

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.



DEVELOPMENT ASSESSMENT REPORT

APPLICATION DETAILS

Application Number	16-2017-837-1
Development Description	Demolition of dwelling, two into 39 lot Torrens title subdivision (including one residue lot and one drainage reserve lot), demolition of dwelling and construction of seven dwellings
Applicant	TATTERSALL LANDER PTY LTD
Date of Lodgement	16/11/2017
Value of Works	\$10,461,000.00

Development Proposal

The application proposes a two into 39 lot Torrens title subdivision (including one residue lot and one drainage reserve lot), demolition of dwelling and construction of seven dwellings (**Figure 1**). The development includes a number of new roads with connections to both Peppertree Road and Medowie Road. The subdivision will comprise 37 residential lots and includes the following:

- Demolition of the existing dilapidated dwelling;
- Creation of 29 regular development lots with a range of sizes between 500m² and 815m²;
- Seven dwellings positioned on lots below the minimum lot size, each being approximately 350m². The proposed lots satisfy lot size exemptions. The dwellings proposed incorporate a split level design with the two storey elevation facing the road frontage. The dwellings will incorporate four bedrooms, a combined kitchen/living/dining room, bathroom and ensuite, laundry, and alfresco (**figure 2**); and
- One large residue development lot with a size of 4,764m² (proposed Lot 11).

In addition to the residential component, the proposal also includes:

- A drainage reserve lot with an area of 1645m² to cater for the stormwater drainage of the development;
- A 12,760m² lot positioned at the rear of the subject site is to be managed in accordance with the vegetation management plan and restricted under an 88(b) restriction on title. The vegetation in the proposed lot is considered to be of high environmental value and provides vegetation connectivity for fauna species including the Koala; and
- A 10m wide easement on 6 Wilga Road (adjoins the subject site to the west) to further increase the width of the vegetation corridor.



Figure 1 - Proposed subdivision layout

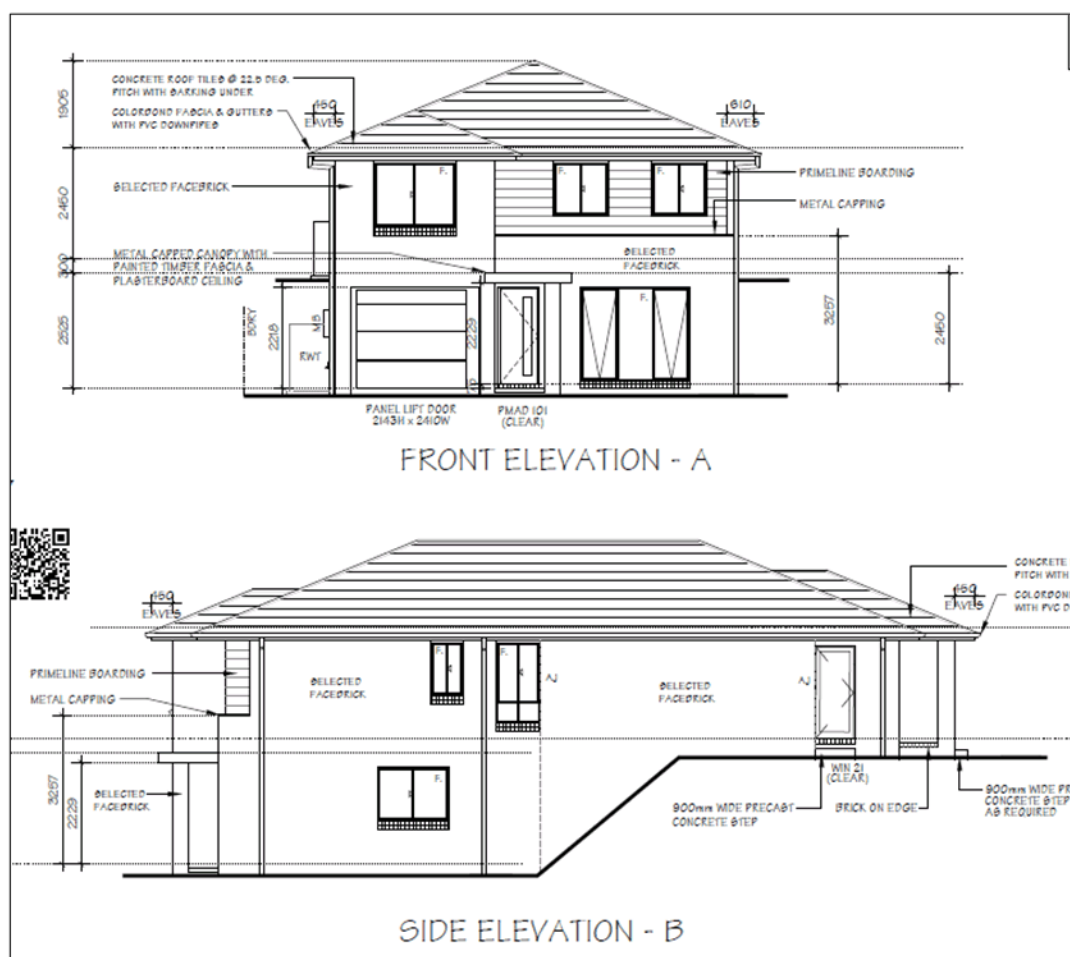


Figure 2 - Front and side elevation of typical proposed dwelling

PROPERTY DETAILS

Property Address	799 Medowie Road MEDOWIE, 813 Medowie Road MEDOWIE
Lot and DP	LOT: A DP: 404939, LOT: 32 DP: 1045148
Current Use	The land is generally vacant excepting for residential land use that has occurred adjacent to Medowie Road.
Zoning	R2 LOW DENSITY RESIDENTIAL
Site Constraints	<ul style="list-style-type: none"> • Bushfire Prone Land • Preferred Koala Habitat • Acid sulfate soils (class 5) • Endangered Ecological Community (Blue Gum High Forest) • Endangered Ecological Community (Swamp Sclerophyll Forest) • Hunter Water Special Area – Grahamstown Dam Catchment • Stormwater Drainage Problem Area • RAAF Bird Strike Group B • Flood Prone Land

Site Description

The development site encompasses two lots with a combined area of approximately 5.5ha. The subject site currently contains one dilapidated dwelling. The site contains a mix of land forms, cleared areas on the eastern portion of the site with an increase in vegetation towards the western portion.

The Flora and Fauna report submitted with the application noted that the existing vegetation on site is of moderate quality with the highest quality located closer to the western (rear) property boundary. The subject site has a number of constraints including; Bushfire prone land, Koala habitat, Endangered Ecological Communities and flood prone land.

The site includes frontage to the public road network at multiple locations, including to Peppertree Road, and to Medowie Road. The Local centre of Medowie is positioned to the south, existing residential lots to the east and west and a significantly vegetated lot to the north (refer to **figure 3** below).

It is noted that No. 813A Medowie Road, Medowie, is located between the subject site and Medowie Road, this land parcel is classified as community land owned by Council. Prior to an operational consent documentation is to be submitted and deemed to be satisfactory by Council demonstrating that legal access to the development site from Medowie Road can be achieved in accordance with the Subdivision Plan (Ref:214274 and dated 09/07/2018). Documentation is to detail that satisfactory arrangements have been made for the incorporation of 813A Medowie Road, Medowie (Lot 4 DP 632334) into Medowie Road.

A photograph of a large, light-colored industrial building with a dark roof, partially obscured by a dark green fence and surrounded by tall grass and trees. The sky is blue with scattered white clouds.

Page 4 of 22



Image 2: Proposed driveway at 813 Medowie Road.



Image 3: South towards the local centre of Medowie



Image 4: Illustrating the road frontage, existing development and the dilapidated dwelling to be demolished.



Image 5: The dilapidated dwelling to be demolished.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-837-1

ASSESSMENT SUMMARY

Designated Development	The application is not designated development
Integrated Development	The application does require additional approvals listed under s.4.46 of the EP&A Act
Concurrence	The application does not 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 section 4.15 Matters for Consideration below.

Development Engineer

Following receipt of additional information provided by the Applicant, the application was supported by Development Engineering subject to conditions of consent. The recommended conditions relate to detailed stormwater design, roads act approval, dilapidation report and required easements.

Building Surveyor

Council's Building Surveyor raised no objections to the proposal subject to the inclusion of recommended conditions of consent.

Natural Resources

Following receipt of additional information provided by the Applicant, the application was supported by Natural Resources subject to conditions of consent. The recommended conditions relate to the creation and implementation of a Construction Environmental Management Plan (CEMP) and a revised Vegetation Management Plan (VMP).

Development Contributions Officer

Council's Development Contributions Officer identified that developer contributions are required for 35 additional lots, after a two lot credit has been applied for the existing lots. The required contributions are to be paid prior to the issue of a subdivision certificate, a recommended condition of consent has been included.

Spatial Services Officer

Council's Spatial Services Officer identified that housing numbering has been provided and has recommended an advice incorporated into the conditions of consent which requires the confirmation of lot numbering prior to issuing of a subdivision certificate.

Strategic Planner

Strategic Planning raised no objection to the proposed development and identified:

- The subject site is located within Precinct B of the Medowie Planning Strategy.
- The Medowie Planning Strategy identifies lot density as 12 dwelling/ ha, equating to 48 dwellings.
- The DA is consistent with the current zoning of the subject lot and will provide housing within the town centre.

Page 7 of 22

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-837-1

- The road network (along the perimeter of the VMP area and through 6 Wilga Road) is inconsistent with the road network illustrated in the Medowie strategy, however would not pose restrictions to it.

Vegetation Management Officer

Council's Vegetation Management Officer raised no objections to the proposed development and did not require the imposition of conditions of consent.

External Referrals

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

Rural Fire Service (RFS)

The application was referred to the RFS as integrated development. On receipt of additional information, General Terms of Approval (GTAs) were issued. Conditions of consent which incorporate the RFS GTAs in to the consent have been recommended.

Hunter Water Corporation (HWC)

The application was referred to Hunter Water Corporation (HWC) for comment. Hunter Water noted that if Council was satisfied with the applicants modelling, HWC had no objection to the development. Council's Development Engineers reviewed the applicants modelling as part of their assessment and subject to the recommended conditions of consent the proposal was found to be satisfactory.

MATTERS FOR CONSIDERATION – SECTION 4.15**s4.15(1)(a)(i) – The provisions of any EPI**Port Stephens Local Environmental Plan 2013 (LEP)**Clause 2.3 – Zone Objectives and Land Use Table**

The subject site is zoned 'R2 Low Density Residential'. The proposed development is defined as subdivision and construction of dwellings and is permissible with consent.

The proposed development meets the objectives of the R2 zone in that it will provide for the housing needs of the community within a low density residential environment within close proximity to the essential facilities and services meeting the day to day needs of residents. The proposed subdivision pattern and density is consistent with the existing subdivision pattern and character of the locality and with the future desired subdivision pattern typical of an urban release area.

Clause 2.6 – Subdivisions - consent requirements

Clause 2.6 of the LEP requires development consent for the subdivision of land and, as a result, a development application has been lodged for the proposal.

Clause 4.1 – Minimum Lot Size

The minimum lot size applicable to the subject site(s) is 500sqm. The resulting lots of the proposed subdivision are as follows:

- Creation of 29 regular development lots with a range of sizes between 500m² and 815m² and will allow for lots sizes that are suitable for its residential purpose;

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-837-1

- Seven dwellings on lots below the minimum lot size, each being approximately 350m² (See Clause 4.1C discussion); and
- One large development lot with a size of 4,764m².

Clause 4.1B – Minimum Lot Sizes for Multi-dwelling housing

The subject site has an area of 5.4ha which exceeds the minimum lot size of 750m² required for the proposed development under this clause.

Clause 4.1C – Exceptions to Minimum Lot Sizes

The proposed subdivision results in seven lots that do not meet the minimum lot size specified under Clause 4.1 of the LEP. However, as the application includes both a subdivision and construction of dwellings and the land is zoned R2, under this clause the resulting lots may be subdivided down to a minimum of 250m². The resulting lots (i.e. lots where dwellings are proposed under this application) are approximately 350m² and exceed the minimum size under this clause and therefore complies with this clause.

Clause 4.3 – Height of buildings

The proposed development has a maximum height of 7.2 metres, which is below the maximum permissible building height of 9m metres specified on the Height of Buildings Map.

Clause 7.1 – Acid sulfate soils

The subject site is mapped as Class 5 Acid Sulfate Soils (ASS) and is located within 200m of adjacent Class 3 ASS. A condition has been incorporated requiring an ASS Management Plan should ASS Soils be encountered during works.

Clause 7.2 – Earthworks

The proposed development will incorporate earthworks by way of general subdivision works, site levelling and basin construction. No significant levels of cut and fill will be required. It is therefore considered that the imposition of erosion and sediment control and fill importation conditions will be sufficient to limit impacts resulting from the proposed earthworks.

Clause 7.3 – Flood Planning

The site is identified as flood prone land as follows:

- High Hazard Floodway identified in the southwest corner (in an area to be managed in the Vegetation Management Plan (VMP) and northern property boundary;
- High Hazard Flood Storage located in area designated under the VMP;
- Low Hazard Floodway, intersect the rear portion of the development site;
- Low Hazard Flood Storage Area located in area designated under the VMP; and
- Low hazard flood fringe area intersects the development site.

The applicant proposes earthworks to ensure a development area above the flood planning level, and to ensure consistency in levels through the development footprint. The proposed dwelling sites are appropriate for the flood category. The flood report lodged with the application outlined that no flood level increase is predicted to occur within or outside the development site from development works.

The application has demonstrated that the development:

- is compatible with the flood hazard of the land,

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-837-1

- will not significantly adversely affect flood behavior resulting in detrimental increases in the potential flood affectation of other development or properties,
- incorporates appropriate measures to manage risk to life from flood,
- will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses; and
- is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The application is consistent with the objectives and matters contained under Clause 7.3.

Clause 7.6 – Essential Services

Access to water and sewer is currently available in this area. A standard condition relating to the receipt of evidence confirming connection of essential services has been imposed on the consent. A condition will be placed on the consent to remove the transpiration area and septic tank, which currently services the existing dwelling.

State Environmental Planning Policies**SEPP (BASIX) 2004**

A BASIX Certificate has been submitted for the proposed development which demonstrates that the proposal can achieve required water and energy saving targets. A condition of consent has been included in the notice of determination requiring the development to be carried out in accordance with the BASIX Certificate.

State Environmental Planning Policy No.44 Koala Habitat Protection

The Koala Habitat Planning Map within the Port Stephens Council Comprehensive Koala Plan of Management (PSC CKPoM), illustrates areas of preferred koala habitat, and buffer areas over cleared and marginal Koala habitat. Ground-truthing submitted with the application revealed patches of preferred Koala Habitat and associated buffer areas. The ground truthed koala mapping provided with the application is illustrated in **figure 4** below.

The proposal will remove koala habitat as follows:

- 108 Preferred Koala feed trees (86 *Eucalyptus tereticornis* and 22 *Eucalyptus robusta*)
- Approximately 1.66ha of preferred koala habitat
- Approximately 0.43ha of preferred 100m buffer over koala habitat
- Approximately 2.14ha of 100m buffer over cleared land
- Approximately 0.05ha of mainly cleared land

Approximately 2ha of vegetation to be removed contains koala feed trees. A total of 108 Koala feed trees are to be removed to facilitate the proposed development.

To appropriately mitigate and offset the vegetation removal required to facilitate the development, the following measures have been implemented and appropriately conditioned:

- The creation of a 12,760m², 83m wide lot at the rear of the development site. The proposed lot will be revegetated and managed in accordance with the approved VMP. The revegetation is to optimise fauna movement and will require 472 Koala feed trees, 100 scrub species, 50 plant species and 1200 ground cover species to be planted; and

Page 10 of 22

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-837-1

s4.15(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.

Section A.12 – Notification and Advertising

In accordance with the requirements of chapter A.12, the development application was exhibited for a period of 14 days. See assessment of submissions at the end of this report.

Section B2 – Natural Resources

The applicant submitted a Flora and Fauna Report with the development application (DA). It is noted that the DA is considered a pending development application and therefore the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* applies to the application. In accordance with Clause 28(1) the former planning provisions under the *Threatened Species Conversation Act 1995* (TSC Act) applies.

The Flora and Fauna report submitted with the application assessed the potential indirect and direct impact of the development on the surrounding environment. The proposal requires the removal of roughly:

- 0.99ha of the EEC Swamp Sclerophyll Forest
- 0.53ha of Smooth-barked Apple-Blackbutt Woodland
- 0.48ha of Forest Red Gum Open Forest
- 2.17ha Cleared Grassland

Approximately 2ha of vegetation is required to be removed which contains koala feed trees. A total of 108 Koala feed trees are to be removed to facilitate the proposed development.

To appropriately mitigate and offset the vegetation removal required to facilitate the development, the following measures have been implemented:

- The creation of a 12760m² lot positioned at the rear of the development site. The proposed lot will be managed in accordance with the approved VMP. The VMP will revegetate the lot to optimise the vegetation corridor (**figure 6**). The width of the proposed lot is 83m.
- Revegetation will encompass 472 Koala feed trees, 100 scrub species, 50 plant species and 1200 ground cover species.
- The creation of a 10m easement on 6 Wilga Road, Medowie, increasing the vegetation corridor width to 93m. Koala fencing will be conditioned to maximise vegetation connectivity between the subject site and 6 Wilga Road.

The application outlined that the environmental impacts have been mitigated to an appropriate level as necessary under the TSC Act.

Figure 5: Illustrating the location of the vegetation corridor including location of easement on 6 Wilga Road, Medowie.



Figure 6: location of the vegetation corridor.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-837-1

Section B3 – Environmental ManagementBushfire Prone

The subject site is classified as bushfire prone land. The NSW RFS has reviewed the application and provided General Terms of Approval, which have been attached to the consent.

Acid Sulphate Soils (ASS)

The development will require the creation and implementation of ASS management if ASS are found on-site.

Section B4 – Drainage and Water Quality

The applicant submitted a Stormwater Management Strategy and Plans with the application. A further information request was issued by Council's Development Engineering Unit with regard to the drainage design and water detention. The development was considered to meet the required water quality parameters. Conditions of consent were recommended by Council's Development Engineering Unit and have been included in the consent.

Chapter B9 – Road Network and Parking

The application was submitted with a Traffic Impact Assessment which detailed the Medowie Road intersection design along with internal road layout and proposed road treatments. The assessment report and layout was considered satisfactory by Council's Traffic Engineering Unit and detailed design requirements have been imposed as part of the conditions of consent.

Section C1 – Subdivision

The layout and orientation of the proposed lots allows for future dwelling(s) to be located on the lots as well as allowing sufficient solar access onto the lots. The proposed lots have direct access to Medowie Road and Peppertree Road. The proposed internal road will facilitate access to proposed lots and also facilitate access to neighbouring properties.

The proposed subdivision has been assessed against appropriate clauses in Chapter C1, as outlined below.

Requirement	Assessment
C1.A Block and Street Layout	The resulting lots have dimensions that are below the prescribed maximum controls and therefore complies with the DCP. A perimeter road is provided to provide a road layout consistent with Planning Bushfire Protection 2006.
C1.B Lot Size and Dimension	Each lot adheres to the minimum lot exception requirement as specified in Clause 4.1C in PSLEP2013. Each proposed lot is capable of supporting a building footprint. Sufficient area is available to site future and proposed buildings, as well as provide sufficient open space and vehicle manoeuvring area on each resulting lot.
C1.C Solar Access	The proposal allows for exposed back yards for all dwellings, ensuring ample access to sunlight for future users. The orientation of the lots is considered acceptable. The proposed lot layout is consistent with existing subdivision patterns in the locality.

Page 14 of 22

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-837-1

C1.E Infrastructure	There is sufficient space for public utilities, such as water and electricity, to be kept within private lot boundaries. The stormwater design submitted with the application is considered to be satisfactory.
---------------------	---

It is considered that the application generally complies with the DCP provisions.

Section C5 – Multi-dwelling housing

Requirements		
C5.1 and C5.3	Landscaping Coverage and Qualities <ul style="list-style-type: none"> 20% of the site area consisting of deep soil planting where the lot is greater than 250m² and zoned R2 – Low Density Residential. 50% of the landscaped area must be located behind the building line to the primary road. Landscape works incorporate adequate screening from the street and adjacent neighbors. Front boundary structures (e.g. fencing and retaining walls) provide visual relief with the use of landscape planting. Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure. 	<p>A landscape plan is to be provided for the seven dwelling sites prior to the issue of a construction certificate. It was confirmed that the requirements of C5.1 can be satisfied, subject to the inclusion of recommended conditions.</p> <p>A street planting plan is required prior to the issue of a constructions certificate. Subject to conditions the objectives of this clause are satisfied.</p>
Requirements		
C5.4	Building Height <ul style="list-style-type: none"> Maximum height limit of 8m or a merit-based approach is taken where no height limit is specified under PSLEP 2013 clause 4.3. 	The proposed development incorporates a maximum building height of 7.2m, which is below the maximum permissible building height.
C5.5	Floor to Ceiling Height <ul style="list-style-type: none"> Minimum floor to ceiling heights of 2.4m 	The proposed dwellings include floor to ceiling heights of 2.5m and therefore complies with this clause.
Requirements		
C5.6	Front Setback <ul style="list-style-type: none"> Minimum 4.5m front setback from the front property line or the existing average building line for 75% of the building façade. 	The front setback of all dwellings complies with the front setback requirement.

Page 15 of 22

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-837-1

C5.11	Side Setbacks <ul style="list-style-type: none"> • Minimum 0.9m side boundary setback for any part of a building at or below 5.5m in height. • Minimum 3m side boundary setback for any part of a building at or below 5.5m in height. 	<p>The upper southern side setback does not comply with the 3m requirement (1.76m) as prescribed under this chapter.</p> <p>It is considered that the design of the dwelling minimises the impact of the setback non-compliance. No habitable rooms are located on the upper story southern elevation and therefore the non-compliances do not have an adverse impact on privacy, solar access and acoustic control.</p> <p>Further, once constructed the dwellings will appear as single dwellings and therefore the 2m side setback as prescribed under Chapter C4 is more appropriate for this development.</p> <p>The development is considered to be consistent with the objectives for setbacks prescribed in PSDCP2014.</p>
C5.14	Rear Setbacks For the ground level (finished), rear setback must not exceed whichever of the following is greater: <ul style="list-style-type: none"> • Minimum 3m from the rear boundary, or • 25% of the average of the length of the side boundaries. 	<p>The proposed dwellings comply with the ground floor rear setback requirements.</p>
Requirements		

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-837-1

5.19 – C5.21	<p>Natural Ventilation</p> <ul style="list-style-type: none"> The buildings orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms. Depths of habitable rooms support natural ventilation. <p>Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:</p> <ul style="list-style-type: none"> Adjustable windows with large effective openable areas; A variety of window types that provide safety and flexibility such as awnings and louvres; and Windows which the occupants can reconfigure to funnel breezes into the dwelling such as vertical louvres, casement windows and externally opening doors. 	<p>Each dwelling within the proposed development is orientated to capture the use of prevailing breezes for natural ventilation, and includes doors / windows of alternative sizes and types to maximize natural ventilation. The proposed development is compliant with this clause.</p>
Requirements		
C5.22	<p>Access</p> <p>Dwellings that have street frontage provide direct and legible pedestrian access from the street to the front entry.</p>	<p>Safe and clear access from the street to each dwelling has been provided in accordance with this clause.</p>
C5.23 – C5.25	<p>Openings</p> <ul style="list-style-type: none"> The front door entrance of each dwelling must be sheltered and be located forward of the designated car parking space Windows and walls are located to avoid noise sources from adjacent lots and streets Windows on the second floor considers impacts on the privacy or amenity of neighbouring buildings 	<p>Openings within each dwelling is logical and well thought out, responding to the context of each site. Each dwelling complies with the requirements of this clause.</p>
C5.27	<p>Colour Schemes</p> <ul style="list-style-type: none"> Building colours should adopt a colour scheme to express building massing, articulation and detailed façade elements. 	<p>Each dwelling has adopted a colour scheme reflective of the environmental context and therefore complies with this clause.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-837-1

C5.29 – C5.31	<p>Façade</p> <ul style="list-style-type: none"> The façade of each dwelling within a building should be identifiable as such to indicate that the building consists of separate dwellings. Subtle changes provide individuality between the proposed dwellings while seeking to maintain pattern continuity of the overall building. 	The proposed development has been designed in accordance with this clause. Although the proposed seven dwelling are similar, once the subdivision is developed the dwellings will be unique in character and style.
Requirements		
C5.37 – C5.41	<p>Driveway Width and Access</p> <ul style="list-style-type: none"> Where a common driveway is to be provided it is to have a minimum width of 3.6m Visual impact of long driveways should be minimised through changing alignments and screen planting 	The proposed driveway meets the requirements of this clause. Conditions have been incorporated into the consent requiring street trees which will further increase the visual interest through the use of landscaping.
Requirements		
C5.43	<p>Private Open Space Dimensions</p> <p>Minimum area of 25m² of ground floor private open space for each dwelling containing three or more bedrooms that:</p> <ul style="list-style-type: none"> has minimum dimensions of 4m x 4m; has direct access from internal living areas; is not located within a front setback; and has a northerly aspect. 	Each dwelling provides sufficient private open space on the ground floor and balconies, satisfying the requirements of this clause.
C5.46 – C5.47	<p>Solar Access</p> <ul style="list-style-type: none"> Minimum of two hours sunlight to the private open space area between the hours of 9am-3pm midwinter Minimum of 50% of private open space of adjoining dwellings is not affected by any shadow for a minimum of three hours between 9am-3pm mid-winter 	The dwellings, which are single storey will have very minimal shading effects and will maintain adequate sunlight to the neighbouring properties and sufficient sunlight to the POS in accordance with this clause.
Requirements		
C5.49	Adequately screened waste storage and recycling area are to be provided behind the building line or setback of a dwelling	Adequate screened waste storage areas have been provided for each dwelling. Waste will be stored in a dedicated space.

Page 18 of 22

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-837-1

C5.50	Mail boxes are adjacent to the major entrance	Mail boxes have been provided on the fence line, fronting the road in accordance with this clause.
C5.52	A suitable open-air area for clothes drying is to be provided for each dwelling behind the building line or setback with a northerly aspect	A suitable open-air area for clothes drying has been provided for each dwelling behind the building line or setback with a northerly aspect, in accordance with this clause.
C5.54	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <ul style="list-style-type: none"> • 6m³ for one bedroom units • 8m³ for two bedroom units • 10m³ for three or more bedroom units 	Sufficient storage has been provided for each dwelling in accordance with clause.

s4.15(1)(a)(iia) – Any planning agreement or draft planning agreement entered into under section 7.4

There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.

s4.15(1)(a)(iv) – The regulations

N/A

s4.15(1)(a)(v) – Any coastal management plan

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

s4.15(1)(b) – The likely impacts of the development**Social and Economic Impacts**

The proposal will provide for the housing needs of the community within a low density residential environment and represents a logical residential extension to the surrounding B2 Local Centre zone land. The proposal creates residential lots located within close proximity to local facilities and services, supporting the local economy of Medowie. The range in proposed lot sizes will diversify the housing stock within the subdivision.

Impacts on the Built Environment

The proposed development will have minimal adverse impacts on the built environment. The proposed dwellings and future development will provide a range of designs and styles which positively responds to the streetscape.

Impacts on the Natural Environment

The development will not have a significant impact on the natural environment. The impacts to the natural environment to facilitate the proposed development have been appropriately mitigated as required under the *Threatened Species Conservation Act 1995* (TSC) and Port Stephens Comprehensive Koala Plan of Management (CKPoM).

Page 19 of 22

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-837-1

Recommended conditions of consent require the vegetation corridor to be revegetated and managed in perpetuity in accordance with the VMP. The proposed development includes a stormwater system that manages stormwater in accordance with Councils quantity and quality requirements.

In addition, a condition of consent is proposed that requires the installation and maintenance of erosion and sedimentation controls.

s4.15(1)(c) – The suitability of the site

The subject site is suitable for the development as the site is located within a reasonable distance to local facilities and services and the proposed lots are of sufficient size to allow future residential dwellings. The subject site will reinforce the future desired residential character of the locality represented through the R2 low density residential zoning of the subject site.

s4.15(1)(d) – Any submissions

In accordance with Council's notification requirements the application was publically notified and advertised on two occasions for a period of 14 days between:

- 30 November 2017 and 13 December 2017 – three submissions from three individuals were received.
- 19 July 2018 and 2 August 2018 – five submissions from two individuals were received.

A petition was received 29 January 2019 containing 13 signatures. The petition objected to the development based on traffic and access concerns to Medowie Road.

The key issues raised within the submissions are discussed below.

Concerns	Comments
<ul style="list-style-type: none"> - Easements exist on site which may prohibit proposal. - Access to existing dwellings during construction - Impacts of proposed road to 811 Medowie Road 	<p>No easement was identified which would prohibit the development application. It is noted that there is a right of access easement placed over the subject site for 811 Medowie Road to gain vehicle access.</p> <p>Conditions specify that suitable vehicle access arrangements to 811 Medowie Road, Medowie (Lot: 31 DP1045148) during construction be available at all times.</p> <p>Once the development has been constructed, vehicle access will be available. In accordance with clause 1.9A of PSLEP2013 a covenant that restricts carrying out of that development does not apply to the extent necessary to serve that purpose.</p>
Noise and dust during construction	Conditions require a Construction and Environment Management Plan which will require the implementation of noise and dust mitigation measures to be implemented during construction.

Page 20 of 22

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-837-1

Property Boundary Fencing	The erection of dividing fences under this consent does not affect the provisions of the <i>Dividing Fences Act 1991</i> . Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s.
Increase pedestrian usage between Wilga road and shopping precinct and to Yulong Oval Public Reserve. Formal paths are requested to minimise impact of increase pedestrian traffic	No pedestrians foot paths are proposed or considered required. It is noted that potential footpaths would cross multiple properties and is not a DA consideration. Subject to road upgrades conditioned under this consent no concerns have been identified with the increase in lots utilising Medowie Road.
Increase water to flow on neighbouring properties.	The stormwater plans submitted with the application satisfy requirements and objectives outlined in Chapter B4 – Drainage and water Quality of PSDCP2014. The stormwater design will not cause unacceptable impact to neighbouring properties.
Increase bushfire risks to adjoining properties	The subdivision will require compliance with Planning for Bushfire Protection. Compliance with PBP 2006 and clearing of vegetation on the eastern portion of the site will decrease the bushfire risk to existing properties.
Inconsistent with CKPOM	Subject to conditions of consent which require the implementation of a VMP and onsite vegetation plantings. The application is consistent with the objectives of PSCKPoM.
Tagging of vegetation prior to determination of Development Application	The tagging of vegetation to assist in preparing Flora and Fauna reports is required and is required to conduct fauna and flora assessments.
Access to the development and potential for traffic accidents Internal Layout and impact to existing properties	Access to the development has been assessed and considered satisfactory. No safety concerns have been raised subject to conditions of consent. Medowie Road is to be widened in accordance with Austroads and Council requirements to accommodate a basic right turn (BAR) type intersection. Additional regulatory signage will also be required to be implemented. The internal road layout is considered satisfactory and will not have an unacceptable impact on existing properties.

Page 21 of 22

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-837-1

Requirement of a Species Impact Statement	The development is considered to not have a significant impact on a threatened species and therefore no concurrence from the Office of Heritage is required.
---	--

s4.15(1)(e) – The public interest

The proposal is a permissible land use within the R2 Low Density Residential Zone. The application has been assessed in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and other relevant planning considerations. As such, the approval of the application is considered to be within the public interest as it provides for future housing opportunities in a suitable location.

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



Recommended Conditions of Consent.

SCHEDULE 2

PART A – CONDITIONS OF DEFERRED COMMENCEMENT APPROVAL

Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, these are deferred commencement conditions. The consent is not to operate until the Applicant satisfies the Council that:

1. **Prior to the issue of the operational Development Consent**, documentation is to be submitted and deemed to be satisfactory by Council demonstrating that legal access to the development site from Medowie Road can be achieved in accordance with the Subdivision Plan (Ref:214274 and dated 09/07/2018). All costs incurred in achieving compliance with this condition shall be borne by the applicant. Documentation is to detail that satisfactory arrangements have been made for the incorporation of 813A Medowie Road, Medowie (Lot:4, DP632334) into Medowie Road.

The Applicant shall satisfy the deferred commencement conditions listed in Part A, within **2 years** from the date of issue of the deferred commencement consent. The consent will lapse if the conditions are not satisfied within this period. Upon satisfaction of the matters listed under Part A, and written confirmation from Council to that effect, the consent shall become operative from the date of endorsement included in the written notification subject to the conditions listed in Part B.

PART B – CONDITIONS OF CONSENT APPLICABLE AFTER SATISFACTION OF DEFERRED COMMENCEMENT CONDITION(S)**CONDITIONS THAT IDENTIFY APPROVED PLANS**

1. The development shall be carried out in accordance with the stamped approved plans and documentation as listed below, except where modified by any condition of this consent or as shown in red colour on the plans.

Plan/Doc.Title	Plan Ref. No	Sheet.	Date	Drawn By
Proposed Subdivision Overall Layout	214274	1 of 1	09/07/2018	Tattersall Lander Pty Ltd
Subdivision Detail Plans (3 Sheets)	214274	2,3,4	21/01/2019	Tattersall Lander Pty Ltd
Bulk Earthworks Plan	214274	5	21/01/2019	Tattersall Lander Pty Ltd
Cut and Fill Plan	214274	18	21/01/2019	Tattersall Lander Pty Ltd

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



PORT STEPHENS
COUNCIL

Recommended Conditions of Consent.

Tree Removal Plan	214275	20	21/01/2019	Tattersall Lander Pty Ltd
Lot 15 dwelling plans (5 Sheets)	A00	02 to 06	04.10.17	Rawson Homes
Lot 16 dwelling plans (5 Sheets)	A00	02 to 06	04.10.17	Rawson Homes
Lot 17 dwelling plans (5 Sheets)	A00	02 to 06	04.10.17	Rawson Homes
Lot 18 dwelling plans (5 Sheets)	A00	02 to 06	04.10.17	Rawson Homes
Lot 19 dwelling plans (5 Sheets)	A00	02 to 06	04.10.17	Rawson Homes
Lot 20 dwelling plans (5 Sheets)	A00	02 to 06	04.10.17	Rawson Homes
Lot 21 dwelling plans (5 Sheets)	A00	02 to 06	04.10.17	Rawson Homes

Note 1: In the event of any inconsistency between the:

- Approved plans and the conditions, the conditions will prevail; or
- Approved plans and supplementary documentation, the plans will prevail.

Note 2: The consent relates only to those works indicated as proposed on the approved plans. No assessment has been undertaken of those structures marked as existing, and this consent does not extend to include any such structures.

Note 3: Modifications to the approved plans will require the lodgement and consideration by Council of a modification application pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

- The development shall be undertaken in accordance with the General Terms of Approval (GTA) and conditions by NSW Rural Fire Service D19/73 and dated 30 January 2019. A copy of the GTAs is attached to this notice.

CONDITIONS THAT IDENTIFY OTHER APPROVALS REQUIRED

- Prior to the issue of a Construction Certificate / commencement of works**, a Driveway Construction Application is to be lodged with Council as the Roads Authority.

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



Recommended Conditions of Consent.

4. **Prior to issue of the Construction Certificate and/or Subdivision Certificate (whichever occurs first)**, a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Principal Certifying Authority.

CONDITIONS THAT IDENTIFY CONTRIBUTIONS AND FEES

5. A monetary contribution is to be paid to Council for the provision of 35 additional lots, pursuant to section 4.17(1) of the *Environmental Planning and Assessment Act 1979*, section 7.11 of the *Environmental Planning and Assessment Act 1979*, and the Port Stephens Council Development Contributions Plan towards the provision of the following public facilities:

Facility	Per lot/dwelling	Total
Civic Administration, plan management	\$748.00	\$26,180.00
Civic Administration, works depot	\$457.00	\$15,995.00
Public Open Space, Parks and Reserves	\$2,640.00	\$92,400.00
Sports and Leisure Facilities	\$7,129.00	\$249,515.00
Cultural and Community Facilities	\$2,543.00	\$89,005.00
Road Works	\$1,679.00	\$58,765.00
Fire & Emergency Services	\$232.00	\$8,120.00
Medowies, Traffic and Transport	\$2,626.00	\$91,910
Total		\$631,890.00

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

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

The following conditions are to be complied with, to the satisfaction of the Certifying Authority, prior to the issue of the Construction Certificate.

6. **Prior to issue of a Construction Certificate**, detailed design plans of any retaining wall required to support the approved development, that do not meet the

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.**Recommended Conditions of Consent.**

requirements for exempt development, shall be submitted to the Certifying Authority for approval.

7. **Prior to the issue of a Subdivision Certificate and/or Construction Certificate and/or vegetation clearing works (whichever occurs first),** a Construction Environmental Management Plan (CEMP) must be prepared by a suitably qualified and experienced consultant in the preparation of such plans in accordance with the most recent version of the NSW Department of Planning and Environment's Guidelines for preparation of a CEMP. Additionally, the CEMP must include:
- a. A methodology for a preclearance fauna survey conducted by a suitably qualified and experienced ecologist and where dams are to be drained a suitably qualified and experienced aquatic ecologist and requirement for the report to be provided once complete;
 - b. A requirement for a suitably qualified and experienced ecological to:
 - i. Supervise the removal of all trees and vegetation and advise the site manager and tree clearing staff of any habitat potential and precautions necessary;
 - ii. Ensure the felling of trees occurs away from any adjoining habitats;
 - iii. Set traps for several nights to allow fauna to relocate from any trees or hollows proposed for removal. Non-threatened native fauna found or trapped in hollows, nests or non-hollow bearing trees must be relocated by a licensed wildlife carer or consultant.
 - iv. Provide a minimum 48 hour window to vacate for any threatened fauna species to vacate. If the fauna does not vacate in this time, a Plan of Management (POM) for the relocation of the species must be submitted to Council for review. Works cannot continue on site until Council has provided written correspondence that the POM is satisfactory;
 - v. Any hollows or nests that can be salvaged from the clearing process must be mounted on the existing trees on the subject site. Salvaged hollows shall be used in preference to the use of nest boxes. If hollows cannot be salvaged suitably sized nest boxes at a ratio of two nest boxes for one hollow removed, specific to the fauna species identified onsite, shall be attached firmly to existing trees. The nest boxes shall be positioned at a suitable height off the ground as per the individual species habitat preferences as directed by the ecologist on-site.
 - c. Requirements for the construction footprint to be delineated and clearly marked no go zones established under the guidance of a suitably qualified and experienced ecological consultant. The tree and vegetation fencing shall:
 - i. Be a minimum height of 1.2 metres;

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.**Recommended Conditions of Consent.**

- ii. Incorporate steel star pickets at a maximum distance of 2 metres between pickets;
 - iii. Include a minimum of 3 strands of steel wire;
 - iv. Include orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter; and
 - v. Be maintained for the duration of the works and only be removed once the site has been stabilized.
- d. Requirements for any damage to vegetation within the tree and vegetation protection areas or outside the construction footprint to have remedial action carried out by a suitably qualified and experienced ecologist.
- e. Prohibition of the storage or disposal of materials within the fenced tree protection areas.
- f. Prohibition of the placement of soil or fill material within the dripline of a tree such that a change of more than 50mm to the surface level does not occur or that the soil is not to be compacted and including the requirement that any soil fill must not be finer than that being covered in situ, e.g. clay must not be placed over loam soil.
- g. Salvaging of useable trees and shrubs which are felled for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation and non-salvageable material such as roots and stumps to be disposed of at an approved site.
- h. A requirement for any soil, mulch and plants brought onto the site to be certified as free of weeds and weed seeds.
- i. Suitable vehicle access arrangements to 811 Medowie Road, Medowie (Lot: 31 DP1045148) during construction is to be available at all times.
- j. Construction noise and dust suppression mitigation measures.

The issue of a Subdivision Certificate and/or Construction Certificate and/or vegetation clearing works (whichever occurs first), shall not occur until Council has provided written correspondence that the CEMP is satisfactory.

8. **Prior to the issue of a Subdivision Certificate, Construction Certificate or vegetation clearing works (whichever occurs first),** a revised Vegetation Management Plan (VMP) is to be prepared by a suitably qualified and experienced ecologist and submitted to Council within 14 days of completion. The VMP must be prepared in accordance with the latest versions of the approved VMP and approved Flora and Fauna Assessment, prepared by Wildthing Environmental Consultants and Council's, Port Stephens Council Technical Specification Vegetation – May 2014, NSW Rural Fire Service General Terms of Approval and any other relevant Commonwealth or NSW State Government guidelines or requirements. The VMP must include the rehabilitation and ongoing maintenance and monitoring requirements for the area of vegetation to be conserved. The VMP must also include:

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.**Recommended Conditions of Consent.**

- a. Details of any permanent protection measures such as barriers or signage and associated operational maintenance requirements;
- b. A maintenance and monitoring schedule that includes submission of monitoring reports to Council after initial clearing works are completed; then annually for a period of five years post issuing of the subdivision certificate and thereafter once every five years for the life of the development;
- c. Details of any training or awareness activities such as environmental site inductions and environmental emergency response training relevant to the operation of the development and;
- d. A description of appropriate contingencies to be implemented, if management measures are identified as being ineffective and/or result in environmental harm.

The issue of a Subdivision Certificate and/or Construction Certificate and/or vegetation clearing works (whichever occurs first), shall not occur until Council has provided written correspondence that the VMP is satisfactory.

9. **Prior to the issue of a Construction Certificate**, a detailed landscape plan is to be prepared for proposed lots 15 to 21 in accordance with Council's Tree Technical Specification and submitted to the Certifying Authority for approval. This plan is to indicate the location of all paved and landscaped areas, vegetation to be removed and/or retained, type of species to be planted, and is to state the mature height and spread of all proposed vegetation.
10. **Prior to issue of a Construction Certificate**, a Street Tree Planting plan consistent with Port Stephens Council Tree Technical Specifications shall be submitted to, and approved by the Principal Certifying Authority with a copy provided to Council's Vegetation Management Officer within seven days of submission to the Principal Certifying Authority.
11. **Prior to the issue of the Construction Certificate**, a dilapidation report on the visible and structural condition of the surrounding public infrastructure must be provided to Council. The dilapidation report is to be prepared by a practising Structural / Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the applicant.
12. **Prior to the issue of a Construction Certificate**, a Works on Public Infrastructure Application under Section 138 of the *Roads Act 1993* is to be lodged with Council as the Roads Authority. The application is to be accompanied by:
 - a. Plans for all civil works within a road reserve, approved by the Roads Authority and consistent with this condition;

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.**Recommended Conditions of Consent.**

- b. Plans detailing the intersection of road 1 and Medowie road designed as left in – left out in accordance with AustRoads Guide to Road Design and RMS supplements;
- c. A detailed plan of the 4-way Intersection of road 1, 2, 4 and Peppertree Road, including regulatory signage and line marking shall be submitted to and approved by the Port Stephens Local Traffic Committee;
- d. A detailed plan of any required regulatory signage & line marking prepared and approved by the Port Stephens Local Traffic Committee;
- e. Any associated works to ensure satisfactory transitions to existing infrastructure;
- f. Concrete footpath 1.2 metres wide connecting the development to public infrastructure within peppertree road and Medowie road;
- g. Concrete pad to cater for a bus stop compliant with the Disability Discrimination Act and Council Standard Drawings within Medowie road adjacent to 799 & 805 Medowie Road Medowie;
- h. Traffic control plans in accordance with the Roads and Maritime Services– Traffic Control at Worksites Manual prepared by an accredited practitioner;
- i. Payment of applicable fees and bonds; and
- j. Contractor's public liability insurances to a minimum value of \$20 million dollars.

The above works are to be completed **prior to the issue of a Subdivision Certificate**, with a compliance certificate obtained from Council as the Roads Authority.

13. **Prior to issue of a Construction Certificate**, a detailed stormwater drainage plan is to be submitted to the Certifying Authority. The detailed plans are to be in accordance with the applicable Port Stephens Council Development Control Plan and Infrastructure Specification as well as the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council), approved DRAINS and MUSIC modelling and include the following information:
- a. On-Site Stormwater Detention & Water Quality System with supporting calculations for a system capable of catering for a range of rainfall scenarios up to and including the 1% AEP Rainfall Event;
 - b. Inter-allotment drainage catering for all flows up to and including 1% AEP;
 - c. Water quality control devices that comply with the approved plans and modelling;
 - d. Conveyance where necessary, of stormwater through the site from upstream catchments, roads and adjoining properties and catch drains on top of retaining walls;
 - e. Overland flow for major storm events, catering for a range of rainfall scenarios up to and including the 1% AEP Rainfall Event, that is directed to the public drainage system;
 - f. Detailed pavement finished surface levels, to ensure stormwater runoff is directed into the stormwater system;

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.**Recommended Conditions of Consent.**

- g. A minimum 300mm freeboard should be provided within the drainage channel banks adjacent to road 1, whilst maintaining 500mm freeboard to all residential lots;
- h. All earthworks/batters within public reserve to have a maximum slope of 1:4;
- i. Metal kerb adaptors (or alternative) within the kerb adjacent to each approved lot not serviced by an inter-allotment drainage line, extended to within the boundaries of each respective property by a 100mm SN8 grade pipe;
- j. Exclusion fencing around water quality and detention basins within drainage reserve to Australian Standard AS1926 and include a minimum 5.5m wide gated opening to the satisfaction of the Principal Certifying Authority;
- k. Advisory signs shall be prominently located adjacent to the stormwater detention area detailing the purpose of the system, the depth indicators and warning of the dangers associated with the detention basin;
- l. Scour protection to be provided where the upstream natural drainage path connects to the diversion channel on the northern side of the development; and
- m. Evidence of Council (or relevant authority) approval for stormwater connection to the public system, with the above supporting details endorsed, under Section 68 of the Local Government Act 1993 or Section 138 of the Roads Act 1993.

The above works are to be completed **prior to the issue of a Subdivision Certificate.**

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATIONS OR CONSTRUCTION

The following conditions are to be complied with prior to the commencement of works on the subject site(s).

- 14. **At least two days prior to the commencement of works**, the applicant shall submit to Council a "Notice of Commencement and Appointment of Principal Certifying Authority" form.
- 15. **Prior to the commencement of works**, certification that includes evidence in writing or photographs by a suitably qualified and experienced ecologist that all pre construction requirements within the approved Construction Environmental Management Plan and Vegetation Management Plan were implemented.
- 16. **Prior to the commencement of works**, 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 4.55 Modification Application and/or modified Construction Certificate Application should be lodged.
- 17. **Prior to the commencement of works**, the applicant is required to notify Council in writing of any existing damage to public infrastructure (including landscaping) within

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.**Recommended Conditions of Consent.**

the vicinity of the development, the absence of such notification signifies that no damage exists.

18. **Prior to works commencing** all contractors, sub-contractors, and personnel shall be notified of vegetation protection requirements detailed in this consent. Site inductions for all personnel and visitors in accordance with the vegetation management plan approved by Council shall be provided by a suitably qualified ecologist during construction.
19. **Prior to works commencing** an assessment in accordance with the EPBC Act (Commonwealth Environmental Protection and Biodiversity Conservation Act 1999) referral guidelines for the vulnerable koala (2014) and Significant Impact Guidelines 1.1 – Matters of National Environmental Significance (2013) should be undertaken to determine the risk of a significant impact and need to refer the action for EPBC Act approval.
20. **Prior to the commencement of works**, a 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people. No materials, waste or the like are to be stored on the all-weather access at any time except with the agreement of the Principle Certifying Authority.
21. **Prior to the commencement of works**, a waste containment facility is to be established on site. The facility is to be regularly emptied, and maintained for the duration of works. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site shall be cleared of all building refuse and spoil immediately upon completion of the development.
22. **Prior to the commencement of works**, the property 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 and must be regularly maintained for the duration of works and until the site is stabilised by vegetation or the like.

CONDITIONS TO BE SATISFIED DURING WORKS

The following conditions are to be complied with during works.

23. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.
24. All works shall occur in accordance with the approved Construction Environmental Management Plan and Vegetation Management Plan.

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.**Recommended Conditions of Consent.**

25. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001. All waste materials are to be either recycled, or disposed of to a licenced waste facility.

Any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility. Evidence is to be provided to the Certifying Authority demonstrating

26. The Principal Contractor (or Owner/Builder) shall erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work. The sign shall also display the name, address and telephone number of the Principal Contractor for the work (or Owner/Builder) and shall state that unauthorized entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed.
27. All building work must be carried out in accordance with the provisions of the Building Code of Australia and where applicable the Disability (Access to Premises – Buildings) Standards 2010
28. A temporary toilet(s) shall be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided shall be one toilet per 20 persons or part thereof employed on the site at any one time. The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.
29. Unless otherwise approved by Council in writing, all general building/demolition work shall be carried out between the hours of:
- a. 7.00am to 5.00pm Monday to Saturday
 - b. No construction is to be carried out at any time on a Sunday or a public holiday.

Any work performed outside the abovementioned hours or on a public holiday that may cause offensive noise, as defined under the *Protection of the Environment Operations Act 1997*, is prohibited.

30. No building materials, plant, equipment, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath or outside the boundaries of the development site unless approved by Council in writing. Where building activity cannot avoid occupation of the public road reserve, (such as, for the erection of hoarding, scaffolding, partial closure) separate approval from Council for the use of the road reserve is required.
31. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.**Recommended Conditions of Consent.**

32. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the surrounding land and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.
33. The only fill material that may be received at the development site is:
 - a. Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act 1997 (POEO)*; or
 - b. Any other waste-derived material the subject of a resource recovery exemption under s.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.

Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

34. All associated excavations and backfilling associated with the development must be executed safely and in accordance with the appropriate professional standards, and must be properly guarded and protected to prevent them from being dangerous to life or property.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to the issue of either an Interim or Final Occupation Certificate (as specified within the condition).

35. **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent. No occupational use is permitted until the Principal Certifying Authority issues an Occupation Certificate.
Note: The Principal Certifying Authority must submit a copy of the Occupation Certificate to Council, with all associated documentation, within two days of it being issued.
36. **Prior to the issue of a Final Occupation Certificate for the respective dwelling**, the commitments listed in BASIX Certificate No's. 853923S_03 (proposed Lot 15), 853924S_03 (proposed Lot 16), 853925S_03 (proposed Lot 17), 853926S_03 (proposed Lot 18), 853927S_03 (proposed Lot 19), 853928S_03 (proposed Lot 20), 853929S_03 (proposed Lot 21), (or an amended version of this certificate, or a replacement certificate particular to the approved development) are to be installed in the development. Should an amended or replacement certificate be issued, a copy is to be forwarded to the principle certifying authority immediately following its issue.

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.**Recommended Conditions of Consent.**

37. All retaining walls, including all footings, drainage and backfill are to be located wholly within the property boundaries, and are to include a sub-surface drain that connects to a stormwater disposal system in accordance with the requirements of Councils DCP.
38. **Prior to issue of any Occupation Certificate for any dwelling**, all landscape works on proposed lot 15-21 as detailed on the approved landscape plan (Condition No.10) shall be installed. All landscaped areas shall be kept free of parked vehicles, stored goods, garbage or waste material and the like at all times.

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

The following conditions are to be complied with prior to the issue of a Subdivision Certificate by Council.

39. **Prior to issue of the Subdivision Certificate**, one signed original copy of the original plans and/or documents, and final plan of survey/title, shall be submitted to Council. A USB containing an electronic copy of all relevant documents must also be provided.
40. **Prior to issue of a Subdivision Certificate**, the street tree plantings are to be completed in accordance with the approved Street Tree Planting plan.
41. **Prior to the issue of any Subdivision Certificate**, access to the water quality and detention basin including all associated infrastructure is to be completed.
42. **Prior to the issue of any Subdivision Certificate**, the applicant shall rectify any new damage to public infrastructure to the satisfaction of the Council as the Roads Authority.
43. **Prior to the issue of any Subdivision Certificate**, 813A Medowie Road, Medowie (Lot: 4, DP632334) is to be incorporated into Medowie Road. Evidence that this condition has been satisfied is to be provided with the subdivision certificate application. All costs incurred in achieving compliance with this condition shall be borne by the applicant.
44. **Prior to the issue of a Subdivision Certificate**, works-as-executed plans and an accompanying report prepared and certified by a Chartered Professional Engineer, recognised under the National Engineering Register (NER) confirming all stormwater drainage systems are constructed in accordance with the approved plan shall be submitted to the Principal Certifying Authority for assessment.
45. **Prior to the issue of a Subdivision Certificate, the following is to be provided:**
 - a. Road construction plans in CAD format;
 - b. Works-as-executed drawings and CAD files of all engineering works; and

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.**Recommended Conditions of Consent.**

- c. CAD files which include all lot and road boundaries, lot numbers and easements.

All CAD files shall be supplied in AutoCAD or compatible format in a known coordinate system (preferably GDA94 or MGA56)

- 46. **Prior to the issue of a Subdivision Certificate**, a Registered Surveyor shall provide certification to the satisfaction of the Principal Certifying Authority that all structures and services (e.g. drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services.
- 47. **Prior to the issue of a Subdivision Certificate**, an Operation and Maintenance Plan for the stormwater system, prepared by a suitably qualified and experienced person, detailing a regular maintenance programme for the stormwater management system.
- 48. **Prior to the issue of a Subdivision Certificate**, the dividing fence between the subject site and 6 Wilga Road, Medowie (Lot: 411, DP706650) shall be installed, incorporating koala friendly fencing.
- 49. **Prior to occupying the development or Subdivision Certificate Release**, whichever occurs first, Council's Spatial Services Team should be contacted via email at: addressing@portstephens.nsw.gov.au to obtain correct property addressing details. Please state your Development Approval number and property address in order to obtain the correct house numbering.
- 50. The deposited plan and 88B instrument submitted with the subdivision certificate application is to include details of encumbrances under Section 88B of the *Conveyancing Act 1919*, required to carry out the approved development. In particular, the title of the respective approved lots shall be endorsed with the following:
 - a. Restriction on the Lot titled 'Public Res' to be managed in accordance with the approved VMP;
 - b. Easements for stormwater drainage;
 - c. Easements for provision of services;
 - d. Rights of access shall be provided over each temporary turning head, in favour of Port Stephens Council and the general public with council being named as a party needed to authorise the release, vary or modification of the restriction;
 - e. Maintenance responsibilities; and
 - f. Restriction as to user preventing any structure built within a drainage easement (catering for inter-allotment drainage) that obstructs flows or diverts flows outside the easement for all flows up to and including the 1% AEP or divergence outside of the

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.**Recommended Conditions of Consent.**

The authority to release, vary or modify the above restrictions shall be listed as the owner of the lot(s) benefitted, but only with the agreement of Port Stephens Council.

51. **Prior to the issue of a Subdivision Certificate**, a 10m wide easement restricting vegetation removal is to be created on 6 Wilga Road, Medowie (Lot: 411, DP706650) is to be created. The authority to release, vary or modify the above restrictions shall be listed as the owner of the lot(s) benefitted, but only with the agreement of Port Stephens Council.
52. **Prior to the issue of a Subdivision Certificate:**
- a. The dwellings on proposed lots 15-21 shall have a satisfactory frame inspection undertaken; and
 - b. A report/plan shall be provided from a Registered Surveyor showing that:
 - i. The setback of the buildings from the adjacent and proposed boundaries meets the requirements of the BCA; and
 - ii. All service lines are wholly contained within their respective lots, or an appropriate Easement or Easements have been shown on the plan of survey and suitably described in the 88B instrument.
53. **Prior to the issue of a Subdivision Certificate**, evidence is to be provided to Council demonstrating that the following reticulated services are available to each lot:
- a. Telecommunications;
 - b. Electricity;
 - c. Gas;
 - d. Water; and
 - e. Sewer.
- Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.
54. **Prior to the issuing of the Subdivision Certificate**, certification that includes evidence in writing or photographs by a suitably qualified and experienced ecologist that all the requirements within the approved Construction Environmental Management Plan and Vegetation Management Plan were implemented.

CONDITIONS TO BE SATISFIED AT ALL TIMES

The following conditions are to be complied with at all times.

55. At all times, all collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties. The discharge location shall be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



Recommended Conditions of Consent.

56. **At all times** the development must limit vehicle speeds through the development to forty kilometers per hour or less and koala crossing signage must be maintained on roads throughout the development and include visible fauna rescue numbers.
57. Landscaping shall be maintained in accordance with the approved plan in a healthy state, and in perpetuity, by the existing or future owners and occupiers of the development. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

ADVISORY NOTES

The following advice is limited in scope and should not be understood to encompass all areas of responsibility of the consent holder, relating to the development.

- A. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
- B. Before any excavation work starts, contractors and others should phone the "Dial Before You Dig" service to access plans/information for underground pipes and cables. www.dialbeforeyoudig.com.au
- C. You are advised that, in accordance with the EP&A Act, (Section 6.8) payment of the building industry Long Service Leave levy, where applicable, must be paid **prior to the issue of any Construction Certificate**.
- D. The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate

ITEM 1 - ATTACHMENT 4 CALL TO COUNCIL FORM.



CALL TO COUNCIL FORM
DEVELOPMENT APPLICATION

I, Councillor Arnott

require Development Application Number 16-2017-837-1

for Two (2) into Fifty (50) Lot Torrens Title Subdivision - Forty Nine (49)
Dwelling Lots and Seventeen (17) Dwellings

at 799 & 813 Medowie Rd Medowie NSW 2318

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

Reason:

The reason for this call-up to Council is Koala habitat (environmental concerns),
planned site visit for all Crs in 2018 with a neighbouring resident,
community concerns over development

Declaration of Interest:

I have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this development application on my part or an associated person.

I have a conflict of interest? ~~Yes~~/No (delete the response not applicable).

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

.....
.....
.....
.....

Signed: [Redacted Signature] Date: 15/12/17

ITEM NO. 2

**FILE NO: 19/28737
EDRMS NO: 16-2018-789-1**

**DEVELOPMENT APPLICATION NO. 16-2018-789-1 - ONE INTO FIVE LOT
TORRENS TITLE SUBDIVISION (FOUR COMMERCIAL AND ONE RESIDUE LOT)
AT 795 MEDOWIE ROAD, MEDOWIE (LOT 1 DP1215257)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2018-789-1 for a Torrens title subdivision – One into five lots (four commercial and one residue lot) at 795 Medowie Road, Medowie (LOT: 1 DP: 1215257) subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 9 APRIL 2019
MOTION**

077	<p>Councillor John Nell Councillor Chris Doohan</p> <p>It was resolved that Council approve Development Application DA No. 16-2018-789-1 for a Torrens title subdivision – One into five lots (four commercial and one residue lot) at 795 Medowie Road, Medowie (LOT: 1 DP: 1215257) subject to the Recommended Conditions of Consent contained in (ATTACHMENT 3).</p>
------------	--

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

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present Development Application (DA) 16-2018-789-1 to Council for determination. The DA has been reported to Council in accordance with Council's Development Application to be reported to Council Policy as the land on which the development is to be carried out is owned by Port Stephens Council.

The subject DA relates to land located at 795 Medowie Road, Medowie (LOT: 1 DP: 1215257) (the 'subject site'). A Locality Plan is provided at **(ATTACHMENT 1)**.

Proposal

The application proposes a one into five lot Torrens title subdivision, including four commercial lots and one residue lot. The proposed subdivision aims to formalise the three currently divided sections of the subject site which have been separated as a result of the construction of Peppertree Road and Muir Street. The following lots are proposed:

- Lot 1 - 2008 m²
- Lot 2 - 1000 m²
- Lot 3 - 1769 m²
- Lot 4 - 1.22 ha
- Lot 5 - 3.69ha (residue lot)

Utility services are proposed to be installed for lots 1 to 4 including sewer, water, electricity and telecommunications to enable future development of the sites.

No vegetation removal is proposed as part of the application. The proposed subdivision is illustrated in the Planners Assessment Report contained in **(ATTACHMENT 2)**.

Site description and history

The subject site is 53 ha in size and is currently vacant. The lot is physically separated into three areas by the construction of Muir Street and Peppertree Road. The area to the west of Peppertree Road is heavily vegetated, while the area to the east is cleared grassland. The subject site is located on land identified within the adopted Medowie Strategy 2016 which provides local direction for land use planning and sustainable growth in the next 20 years. Within the Medowie Strategy 2016 the subject site is identified as an area for future commercial use, mixed use, villas and town houses. Proposed lots 1 to 4 are zoned B2 Local Centre and proposed lot 5 is zoned part R2 low Density Residential and Part RE1 Public Recreation.

The subject site has a number of constraints including; bushfire prone land, flood prone land, acid sulfate soils – class 5, endangered ecological communities (Blue Gum High Forest, Swamp Sclerophyll Forest), koala habitat – preferred.

Key Issues

The key issue that arose during the assessment related to the management of stormwater drainage of the proposed lots. A detailed assessment of the development is contained in the Planners Assessment Report contained in **(ATTACHMENT 2)**.

Stormwater Management

Council's mapping system identifies the location as a stormwater drainage problem area. To ensure that stormwater is appropriately managed for each of the proposed lots and does not exacerbate the existing stormwater drainage situation, the development has been required to provide inter-allotment drainage so each of the proposed lots can drain stormwater to a legal point of discharge. Conditions relating to inter-allotment drainage and creation of easements over the drainage structures have been included in the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

Conclusion

The proposed development is consistent with the relevant environmental planning instruments applicable to the subject site including:

- Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- State Environmental Planning Policy No 55 - Remediation of Land.
- Port Stephens Local Environmental Plan 2013 (LEP); Clause 2.3 – Zone objectives and land use table, Clause 2.6 – Subdivisions – consent requirements, Clause 4.1 – Minimum subdivision lot size, Clause 7.1 – Acid sulfate soils, Clause 7.2 – Earthworks, Clause 7.3 – Flood Planning, Clause 7.6 – Essential services and Clause 7.8 – Drinking water catchments.
- Port Stephens Development Control Plan 2014 (DCP); Section B4 – Drainage and water quality and Section C1 – Subdivision.

The proposal will provide additional lots suitable for future commercial and residential development, in a location that is in close proximity to existing local facilities. The proposal is consistent with the future desired character of the area set out in the adopted Medowie Strategy 2016 and would not result in any adverse impact to the built environment.

The key issues arising through the assessment of the application have been satisfactorily addressed and supported by sufficient mitigation measures as outlined within the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**. Accordingly, the proposed development supports and promotes the public interest, and is recommended for approval. The application is being reported to Council for resolution as the development occurs on Council Operational Land and a resolution of Council is required to grant approval to the application.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Support the amenity and identity of Port Stephens. Provide land use plans, tools and advice that sustainably support the community. Enhance public safety, health and liveability through use of Council's regulatory controls and services.

FINANCIAL/RESOURCE IMPLICATIONS

The application could potentially be challenged in the Land and Environment Court. Defending Council's determination could have financial implications.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Fixed development contributions (\$7.12)	Yes		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application, subject to the Recommended Conditions of Consent (**ATTACHMENT 3**) with the objectives of the applicable environmental planning instruments, being; State Environmental Planning Policy No 55 - Remediation of Land, Port Stephens Local Environmental Plan 2013 (LEP) and Port Stephens Council Development Control Plan 2014 (DCP). A detailed assessment against these requirements are contained within the Planners Assessment Report contained in (**ATTACHMENT 2**).

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the application may be challenged at the Land and Environment Court.	Low	Approve the application in line with the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Impacts

The proposal will result in a positive economic and social impact in the locality by providing additional lots suitable for commercial and residential development that cater for long term population increases in Medowie. The construction phase of future development on the lots would stimulate the local economy resulting in positive economic impact.

Impacts on the Built Environment

The proposed subdivision development will result in lots of an appropriate size to facilitate commercial and residential development that is consistent with the future desired character of the area set out in Council's Medowie Planning Strategy.

Impacts on the Natural Environment

No vegetation removal is proposed and the development will not have a significant impact on the natural environment. The proposed development includes a storm water management system (subject to conditions of consent) that will manage stormwater in accordance with Council's quantity and quality requirements.

CONSULTATION

Internal

Consultation was undertaken with internal officers, including; Engineering and Development Contributions. The referral comments from these officers were considered as part of the Planners Assessment Report (**ATTACHMENT 2**) and accordingly within the Recommended Conditions of Consent contained in (**ATTACHMENT 3**).

External

Consultation with Hunter Water Corporation (HWC) was undertaken during the assessment of the application as the proposed development falls within the Grahamstown Dam Special Area. HWC identified that the proposal could be supported.

Consultation was also undertaken with the Rural Fire Service (RFS) during the assessment of the application as the proposed development constitutes the subdivision of bushfire prone land that could lawfully be used for residential purposes for the purposes of the *Rural Fires Act 1997*. Subject to the requirements specified within the Bushfire Safety Authority (BSA) and General Terms of Approval (GTA) issued on 31 January 2019, RFS supported the proposal.

Public Exhibition

In accordance with Council's notification requirements the application was publicly notified (for an extended period due to the Christmas break) between 12 December 2018 and 10 January 2019. During the exhibition period no submissions were received.

OPTIONS

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

ATTACHMENTS

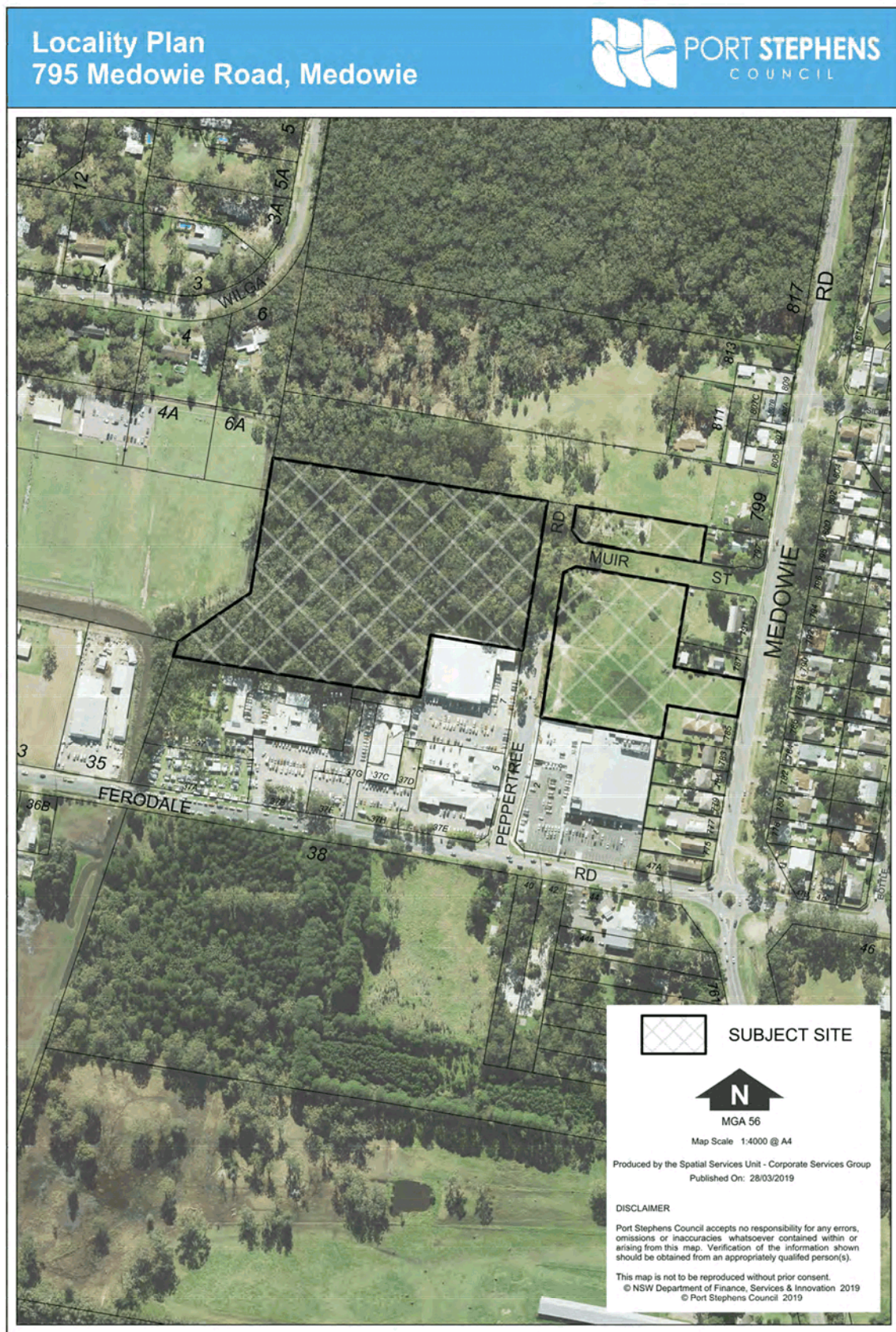
- 1) Locality Plan.
- 2) Planners Assessment Report.
- 3) Recommended Conditions of Consent.

COUNCILLORS ROOM

- 1) Development Plan.

TABLED DOCUMENTS

Nil.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au



DEVELOPMENT ASSESSMENT REPORT

APPLICATION DETAILS

Application Number	16-2018-789-1
Development Description	Torrens title subdivision – One into five lots (four commercial and one residue)
Applicant	RPS AUSTRALIA EAST PTY LTD
Date of Lodgement	27/11/2018
Value of Works	\$250,000

Development Proposal

The application proposes a one into five lot Torrens title subdivision, including four commercial lots and one residue lot (**Figure 1**). The proposed subdivision aims to formalise the three currently divided sections of the subject site which have been separated as a result of the recent construction of Peppertree Road and Muir Street (**Figure 2**). As a result of the subdivision, the following Lots will result:

- Lot 1 measuring 2008 m²
- Lot 2 measuring 1000 m²
- Lot 3 measuring 1769 m²
- Lot 4 measuring 1.22 ha
- Lot 5 (residue lot) measuring 3.69ha

Utility services are proposed to be installed for lots 1 to 4 including sewer and water, electricity and telecommunications to enable future development of the sites.

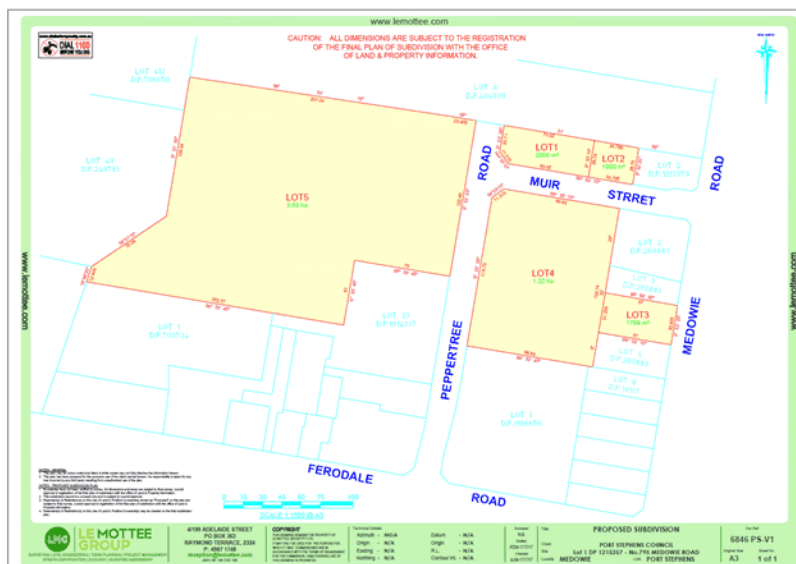


Figure 1: Subdivision Plan

PROPERTY DETAILS

Property Address	795 Medowie Road MEDOWIE
Lot and DP	LOT: 1 DP: 1215257
Current Use	Vacant
Zoning	B2 LOCAL CENTRE / PART R2 LOW DENSITY RESIDENTIAL / PART RE1 PUBLIC RECREATION
Site Constraints	Bushfire Prone Land Category 1, 2 and buffer Acid Sulfate Soils Class 5 Koala habitat (preferred) Wildlife Atlas (koala) Endangered Ecological Community- Blue Gum High Forest and Swamp Sclerophyll Forest Flood Prone Land (high hazard storage, low hazard storage, low hazard fringe, high hazard floodway) Bird Strike Group B DoD height trigger map – 45m Grahamstown Dam Special Area (Hunter Water) Prime agricultural land (Class 1-3) OEH biodiversity values map Stormwater drainage problem area

Site Description

The subject site, legally identified as Lot 1 DP 1215257 measures 53 ha in size. The lot is physically separated into 3 areas by the recently constructed Muir Street and Peppertree Road (**Figure 2**). The area to the west of Peppertree Road is heavily vegetated while the area to the east is vacant cleared land. The lot is located within the Medowie Planning Strategy which provides local direction for land use planning and sustainable growth in the next 20 years. Within the Planning strategy the subject site is identified as an area for future commercial use, mixed use, villas and town houses. Proposed lots 1 to 4 are zoned B2 Local Centre and proposed lot 5 is zoned part R2 low Density Residential and Part RE1 Public Recreations.



Figure 2: Satellite Image Overview

ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2018-789-1

Site History

The site was previously subdivided in 2015 under DA 16-2015-6006-1 to enable the extension of Peppertree Road and Muir Street, resulting in the current lot configuration. There are a number of additional historic application records relating to the parent lot dating back to 1983. However, no historic approvals or past compliance matters were identified which would prohibit the proposed development.

The site has previously been subject to a rezoning via amendment of the LEP (Amendment No. 26) and was gazetted on 13 September 2018. The amendment rezoned part of the subject site from R2 Low Density Residential to B2 Local Centre. The objective of the rezoning was to facilitate potential commercial development of the land consistent with the Medowie Planning Strategy.

Site Inspection

A site inspection was carried out on 26 February 2019. The subject site can be seen in images 1-4 below:



Image 1: Vegetation on proposed lot 5 (to the west).



Image 2: Proposed lot 4 and 3 (to the east).



Image 3: View toward proposed lot 4 and 5 (to the west).



Image 4: Proposed lots 1 and 2 (to the north east).

ASSESSMENT SUMMARY**Designated Development**

The application is not designated development

Integrated Development

The application does require additional approvals listed under s.4.46 of the EP&A Act

Page 3 of 8

ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2018-789-1

Concurrence

The application does not 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 S4.15 Matters for Consideration below.

Traffic Engineer

The application was assessed by the traffic engineer and is supported unconditionally. No roadworks are proposed or required as infrastructure has already been constructed.

Drainage and Flooding Engineer

The flooding engineer noted that flooding impacts would be assessed under any future development application over each individual Lot.

Development Engineer

The development engineer assessed the application and requested additional information in relation to the provision of inter-allotment drainage over proposed Lot 4 and a drainage easement of proposed Lot 5. The applicant submitted additional information in the form of a stormwater drainage plan demonstrating an inter-allotment drainage line can be constructed within lot 4 to facilitate drainage from lots fronting Medowie Road. A condition of consent has been recommended for this drainage line to be built and covered with an easement. The submitted information also demonstrates an easement catering for 1% AEP flows can be created over the existing drainage structure and flow path on Lot 5 to formalise drainage to Council's open drain on the western boundary and has been recommended as a condition of consent.

Development Contributions Officer

The application has been assessed under the Port Stephens Development Contributions Plan and a development contributions levy has been recommended as a condition of consent.

External Referrals

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

Rural Fire Service (RFS)

The application was referred to the RFS as integrated development requesting a Bushfire Safety Authority (BFA) under Section 100B of the *Rural Fires Act 1997* and General Terms of Approval (GTA) under Division 4.8 of the *Environmental Planning and Assessment Act 1979*. The BFA and GTAs were issued on 31 January 2019, specifying required asset protection zones and water and utility requirements. The requirements have been attached to the draft conditions of consent.

Hunter Water Corporation (HWC)

The subject site is located in the Hunter Water Special Area and requires referral to HWC in accordance with Section 51 of the *Hunter Water Act 1991*. A formal response was received from HWC, confirming that no objection was made in relation to the proposal. The proposal demonstrates Neutral or Beneficial Effect on water quality and any future development of the site will require review from HWC. Standard requirements relating to water quality have been attached to the draft conditions of consent.

Page 4 of 8

MATTERS FOR CONSIDERATION – SECTION 4.15**s4.15(1)(a)(i) – The provisions of any EPI****State Environmental Planning Policies****State Environmental Planning Policy No 55 - Remediation of Land**

State Environmental Planning Policy No.55 – Remediation of Land ('SEPP No.55') provides a State-wide planning approach to the remediation of contaminated land. The provisions of SEPP No.55 provide that a consent authority must not consent to the carrying out of development on land unless it has given consideration to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated. The subject site has a history of use as a range of commercial uses and there is no evidence that contaminating activities have historically occurred on site. Furthermore, it is noted that much of the site, including the location of proposed lot 5 is heavily vegetated and clear of any historic land uses. As such, the land is unlikely to be subject to contamination and does not warrant further investigation. The subject site is suitable for the proposed development and the objectives of SEPP No.55 have been satisfied.

State Environmental Planning Policy No 44 – Koala Habitat Protection

The site is above 1 hectare in area and is identified as koala habitat. No vegetation is being removed as part of this proposal and impacts will be assessed under future development applications.

Local Environmental Plan**Port Stephens Local Environmental Plan 2013 (LEP)****Clause 2.3 – Zone Objectives and Land Use Table**

The proposed development meets the objectives of the B2 Local Centre zone and will provide additional lots suitable for a range of retail, business, entertainment and community uses and is permissible with consent. The residue lot (Lot 5) within the R2 and RE1 meets the objectives of these zones by creating an allotment for residential development and public recreation, subject to assessment under a future application. The proposed subdivision pattern and density is consistent with the existing subdivision pattern and character of the locality and with the future desired subdivision pattern.

Clause 2.6 – Subdivisions - consent requirements

Clause 2.6 of the LEP requires development consent for the subdivision of land and, as a result, a development application has been lodged for the proposal.

Clause 4.1 – Minimum subdivision lot size

Proposed lots 1 to 4 do not have a minimum lot size allocated on the lot size map under the LEP, however they are considered of an appropriate size and scale for the B2 Local Centre zone and therefore are consistent with the objectives of this clause. Proposed lot 5 measures 3.69 ha in size which is in excess of the 500m² minimum lot size applicable to the lot. It is noted that proposed lot 5 is a residue lot that would require further assessment to enable residential development in the future.

Clause 7.1 – Acid Sulfate Soils

ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2018-789-1

The subject site is mapped as Class 5 acid sulfate soils (ASS). The proposed earthworks are for the installation of essential services, however no works are proposed within 500m of adjoining Class 1, 2, 3 or 4 land that is below 5 metres Australian height Datum. As such, no further ASS assessment is required.

Clause 7.2 – Earthworks

The proposed development will incorporate earthworks by way of the installation of essential services. Civil works have already occurred, including the extension of Peppertree Road and Muir Street and associated lighting, drainage and kerb and gutter. No significant levels of cut and fill will be required and it is therefore considered that the imposition of erosion and sediment control and fill importation conditions will be sufficient to limit impacts resulting from the proposed earthworks.

Clause 7.3 – Flood Planning

The western half of proposed lot 5, is located within flood prone land including high hazard storage, low hazard storage, low hazard fringe, high hazard floodway. It is noted that lot 5 is a residue lot and further development within the area would be subject to separate approval and further assessment of flood constraints.

Clause 7.6 – Essential Services

The proposal includes the provision of essential services including sewer and water, electricity and telecommunications to proposed lots 1 to 4. Civil works have already occurred, including the extension of Peppertree Road and Muir Street and associated lighting, drainage and kerb and gutter. Each proposed lot maintains a direct frontage to Peppertree Road, Muir Street and Medowie Road.

Clause 7.8 – Drinking water catchments

The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storage areas. The proposed development falls within the Grahamstown Dam Special Area as gazetted in the *Hunter Water Regulation 2015*, and was therefore referred to Hunter Water Corporation (HWC) for review and comment. In response, no objection was made in relation to the proposal. Water quality requirements have been recommended within the draft conditions of consent.

s4.15(1)(a)(ii) – Any draft EPI

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

s4.15(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.

Section A.12 – Notification and Advertising

In accordance with the requirements of chapter A.12, the development application was notified between 13 December 2018 and 10 January 2019.

Section B4 – Drainage and Water Quality

The development is located within a stormwater drainage problem area. Upon review of the stormwater management strategy submitted with the application, it is noted that an inter-allotment drainage line can be constructed within lot 4 to facilitate drainage from lots fronting Medowie Road. An easement catering for 1% AEP flows can be created over the existing drainage structure and flow path on Lot 5 to formalise drainage to Council's open drain on the western boundary. Subject to the recommended conditions attached relating to these requirements, Section B4 has been satisfied.

Page 6 of 8

ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2018-789-1

Section C1 – Subdivision

The layout and orientation of the proposed Lots allows for a range of future retail, business, entertainment and community uses. The proposed lots have direct access from Peppertree Road, Muir Street and Medowie Road. An assessment against the appropriate Clauses of Section C1, are outlined below.

Requirement	Assessment
C1.A Block and Street Layout	The proposed development would not result in the alteration of existing block sizes or the creation of new blocks as the roads have already been constructed.
C1.B Lot Size and Dimension	Proposed lots 1 to 4 do not have a minimum lot size indicated on the minimum lot size map and are of an appropriate size and scale for the B2 zone. Proposed lot 5 is subject to a minimum lot size of 500m ² and the lot is in excess of this size. Sufficient area is available to site the buildings, as well as provide sufficient open space and vehicle manoeuvring area on each resulting lot.
C1.E Infrastructure	There is sufficient space for public utilities within the road reserve and private property, including water and sewer, electricity and telecommunications as illustrated in the servicing report provided with the application. The applicant has contacted all necessary infrastructure service providers and has confirmed the availability of extending the required services to the proposed lots. The stormwater design submitted with the application is considered to be satisfactory.
C1.F Public Scale Drainage	The proposal demonstrates that each lot can be gravity drained through the drainage system to public drainage. A condition of consent has been recommended requiring inter allotment drainage be provided over proposed lot 4, benefitting the lots fronting Medowie Road. The application also demonstrates an easement can be created over the existing drainage structure and flow path on Lot 5 to formalise drainage to Council's open drain on the western boundary.

s4.15(1)(a)(iia) – Any planning agreement or draft planning agreement entered into under section 7.4

There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.

s4.15(1)(a)(iv) – The regulations

There are no regulations applicable to the proposed development.

s4.15(1)(b) – The likely impacts of the development**Social and Economic Impacts**

The proposal will result in a positive economic and social impact in the locality by providing additional lots suitable for commercial and residential development that cater for long term population increases in Medowie. The construction phase of future development on the lots would stimulate the local economy resulting in positive economic impact.

Impacts on the Built Environment

ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2018-789-1

The proposed subdivision development will result in lots of an appropriate size to facilitate commercial and residential development that is consistent with the future desired character of the area set out in the Medowie Planning Strategy.

Impacts on the Natural Environment

No vegetation removal is proposed and the development will not have a significant impact on the natural environment. The proposed development includes a stormwater water system that subject to conditions of consent manages stormwater in accordance with Councils quantity and quality requirements.

s4.15(1)(c) – The suitability of the site

The subject site is suitable for the proposed development as the site is located within close proximity to existing local facilities and services and the proposed lots are of sufficient size to allow future residential dwellings and commercial developments. The site features adequate vehicle access with three road frontages and is capable of providing connection to all essential services.

s4.15(1)(d) – Any submissions

No submissions have been received in relation to the proposed development.

s4.15(1)(e) – The public interest

The proposal will provide additional lots suitable for future commercial and residential development in a location that is in close proximity to existing local facilities. The proposal is consistent with the future desired character of the area set out in the Medowie Planning Strategy and would not result in any adverse impact to the built environment. The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and other relevant planning considerations. As such, the approval of the application is considered to be within the public interest as it provides for future housing and commercial business opportunities in a suitable location.



Notice of Determination

Under Section 4.16, 4.17, 4.18(1)(a) and Schedule 1, Clause 20(2) of the Environmental Planning and Assessment Act 1979 (NSW).

SCHEDULE 1

CONDITIONS THAT IDENTIFY APPROVED PLANS

- The development shall be carried out in accordance with the stamped approved plans and documentation as listed below, except where modified by any condition of this consent or as shown in red colour on the plans.

Plan/Doc.Title	Plan Ref. No	Sheet.	Date	Drawn By
Proposed Subdivision	6846 PS-V1	1 of 1	17/7/2017	Le Mottee Group

Note 1: In the event of any inconsistency between the:

- Approved plans and the conditions, the conditions will prevail; or
- Approved plans and supplementary documentation, the plans will prevail.

Note 2: The consent relates only to those works indicated as proposed on the approved plans. No assessment has been undertaken of those structures marked as existing, and this consent does not extend to include any such structures.

Note 3: Modifications to the approved plans will require the lodgement and consideration by Council of a modification application pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

CONDITIONS THAT IDENTIFY LIMITATIONS OF CONSENT

- The development shall be undertaken in accordance with conditions specified by the NSW Rural Fire Service (referenced D18/8490 and dated 31 January 2018). A copy of the General Terms of Approval is attached to this determination notice.

CONDITIONS THAT IDENTIFY OTHER APPROVALS REQUIRED

- Prior to issue Subdivision Certificate**, a Compliance Certificate under Section 50 of the *Hunter Water Act 1991*, for this development, shall be submitted to the Principal Certifying Authority.

CONDITIONS THAT IDENTIFY CONTRIBUTIONS AND FEES

- A monetary contribution is to be paid to Council, pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Port Stephens Council Fixed Development Contributions Plan, related to the Capital Investment Value (CIV) of the development as determined in accordance with clause 25j of the *Environmental Planning and Assessment Regulation 2000* and outlined in the table below.

Capital Investment Value

Levy Rate (% of CIV)

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

16-2018-789-1

Page 1 of 7

ITEM 2 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



Notice of Determination

Under Section 4.16, 4.17, 4.18(1)(a) and Schedule 1, Clause 20(2) of the Environmental Planning and Assessment Act 1979 (NSW).

Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

The payment of the fixed development consent levy is to be accompanied by a Cost Summary Report Form setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Council Fixed Development Contributions Plan. Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a registered Associate member or above, of the Australian Institute of Quantity Surveyors. This condition cannot be taken to be satisfied until a payment has been made in accordance with the CIV stated on a cost summary report submitted to Council in accordance with this condition.

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.

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

The following conditions are to be complied with, to the satisfaction of the Certifying Authority, prior to the issue of the Construction Certificate.

5. **Prior to issue of any Construction Certificate or Subdivision Certificate** (whichever occurs first), a detailed stormwater drainage plan is to be submitted to the Certifying Authority. The detailed plans are to be in accordance with the applicable Port Stephens Council Development Control Plan and Infrastructure Specification as well as the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council), and include the following information:
 - a. Conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties);
 - b. Interallotment drainage within proposed Lot 4 servicing properties 791, 787 and 785 Medowie Road Medowie and proposed Lot 3, catering for up to and including the 1% AEP Rainfall Event.
 - c. An Operation and Maintenance Plan for the stormwater system, prepared by a suitably qualified and experienced person, detailing a regular maintenance programme for the stormwater management system, a copy of which shall be supplied to the owner; and
 - d. Evidence of Council (or relevant authority) approval for stormwater connection to the public system, with the above supporting details endorsed, under



Notice of Determination

Under Section 4.16, 4.17, 4.18(1)(a) and Schedule 1, Clause 20(2) of the Environmental Planning and Assessment Act 1979 (NSW).

Section 68 of the Local Government Act 1993 or Section 138 of the Roads Act 1993.

The above works are to be completed **prior to the issue of the Subdivision Certificate.**

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATIONS OR CONSTRUCTION

The following conditions are to be complied with prior to the commencement of works on the subject site(s).

6. **At least two days prior to the commencement of works**, the applicant shall submit to Council a "Notice of Commencement and Appointment of Principal Certifying Authority" form.
7. **Prior to the commencement of works**, the applicant is required to notify Council in writing of any existing damage to public infrastructure (including landscaping) within the vicinity of the development, the absence of such notification signifies that no damage exists.
8. **Prior to the commencement of works**, a waste containment facility is to be established on site. The facility is to be regularly emptied, and maintained for the duration of works. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site shall be cleared of all building refuse and spoil immediately upon completion of the development.
9. **Prior to the commencement of works**, the property 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 and must be regularly maintained for the duration of works and until the site is stabilised by vegetation or the like.

CONDITIONS TO BE SATISFIED DURING WORKS

The following conditions are to be complied with during works.

10. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.
11. The Principal Contractor (or Owner/Builder) shall erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work. The sign shall also display the name, address and telephone number of the Principal Contractor for the work (or Owner/Builder) and shall state that unauthorized entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed.



Notice of Determination

Under Section 4.16, 4.17, 4.18(1)(a) and Schedule 1, Clause 20(2) of the Environmental Planning and Assessment Act 1979 (NSW).

12. All building work shall be carried out in accordance with the requirements of the Building Code of Australia.
13. A temporary toilet(s) shall be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided shall be one toilet per 20 persons or part thereof employed on the site at any one time. The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.
14. Unless otherwise approved by Council in writing, all general building/demolition work shall be carried out between the hours of:
 - a. 7.00am to 5.00pm Monday to Saturday
 - b. No construction is to be carried out at any time on a Sunday or a public holiday.

Any work performed outside the abovementioned hours or on a public holiday that may cause offensive noise, as defined under the *Protection of the Environment Operations Act 1997*, is prohibited.
15. No building materials, plant, equipment, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath or outside the boundaries of the development site unless approved by Council in writing. Where building activity cannot avoid occupation of the public road reserve, (such as, for the erection of hoarding, scaffolding, partial closure) separate approval from Council for the use of the road reserve is required.
16. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.
17. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the surrounding land and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.
18. All associated excavations and backfilling associated with the development must be executed safely and in accordance with the appropriate professional standards, and must be properly guarded and protected to prevent them from being dangerous to life or property.

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

The following conditions are to be complied with prior to the issue of a Subdivision Certificate by Council.



Notice of Determination

Under Section 4.16, 4.17, 4.18(1)(a) and Schedule 1, Clause 20(2) of the Environmental Planning and Assessment Act 1979 (NSW).

19. **Prior to the issue of the Subdivision Certificate**, the Principal Certifying Authority shall be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
 20. **Prior to the issue of the Subdivision Certificate**, works-as-executed plans and an accompanying report prepared and certified by a Chartered Professional Engineer, recognised under the National Engineering Register (NER) confirming all stormwater drainage systems are constructed in accordance with the approved plans shall be submitted to Council for assessment.
 21. **Prior to issue of the Subdivision Certificate**, one signed original copy of the original plans and/or documents, and final plan of survey/title, shall be submitted to Council. A USB containing an electronic copy of all relevant documents must also be provided.
 22. **Prior to the issue of a Subdivision Certificate**, a Registered Surveyor shall provide certification to the satisfaction of the Principal Certifying Authority that all services (e.g. drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services.
 23. **Prior to the issue of a Subdivision Certificate**, the deposited plan and 88B instrument submitted with the subdivision certificate application are to include details of encumbrances under Section 88B of the Conveyancing Act 1919, required to carry out the approved development. In particular, the title of the respective approved lots shall be endorsed with the following:
 - a. Easements for stormwater drainage on Lot 4 benefitting properties 791, 787 and 785 Medowie Road Medowie and proposed Lot 3 connecting to the downstream Council public drainage system;
 - b. Easement for stormwater drainage on lot 5 covering the existing drainage outlet and overland flow path providing a connection point to the existing open drain on the western boundary; and
 - c. Easements for provision of services.
- The authority to release, vary or modify the above restrictions shall be listed as the owner of the lot(s) benefitted, but only with the agreement of Port Stephens Council.
24. **Prior to the issue of a Subdivision Certificate**, evidence is to be provided to Council demonstrating that the following reticulated services are available to each lot:
 - a. Electricity;
 - b. Gas;
 - c. Water; and
 - d. Sewer.



Notice of Determination

Under Section 4.16, 4.17, 4.18(1)(a) and Schedule 1, Clause 20(2) of the Environmental Planning and Assessment Act 1979 (NSW).

Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.

ADVISORY NOTES

The following advice is limited in scope and should not be understood to encompass all areas of responsibility of the consent holder, relating to the development.

- A. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
- B. Before any excavation work starts, contractors and others should phone the "Dial Before You Dig" service to access plans/information for underground pipes and cables. www.dialbeforeyoudig.com.au
- C. In the event of any aboriginal artefact, object or structure being unearthed, all work must cease immediately in the affected area, and the Office of Environment and Heritage (OEH) shall be informed of the discovery. Work must not recommence until the material has been inspected and permission has been given by OEH to proceed.
- D. **Prior to the Subdivision Certificate Release**, whichever occurs first, Council's Spatial Services Team should be contacted via email at: addressing@portstephens.nsw.gov.au to obtain correct property addressing details. Please state your Development Approval number and property address in order to obtain the correct house numbering. Note: any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.
- E. You are advised that, in accordance with the EP&A Act, (Section 6.8) payment of the building industry Long Service Leave levy, where applicable, must be paid **prior to the issue of any Construction Certificate**.
- F. The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.

SCHEDULE 2

RIGHT OF APPEAL

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

16-2018-789-1

Page 6 of 7



Notice of Determination

Under Section 4.16, 4.17, 4.18(1)(a) and Schedule 1, Clause 20(2) of the Environmental Planning and Assessment Act 1979 (NSW).

If you are dissatisfied with this decision:

- a review of determination can be made under Section 8.2 of the Act, or
- a right of appeal under Section 8.7 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 4.20 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 4.53 of the Environmental Planning and Assessment Act 1979.

ITEM NO. 3

**FILE NO: 19/73275
EDRMS NO: T01-2018**

T01-2018 PORT STEPHENS COUNCIL WASTE RECYCLING PROCESSING

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

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the *Local Government Act, 1993*, the Council resolves to close to the public that part of its meetings to discuss Item 3 on the Ordinary Council agenda namely T01-2018 PORT STEPHENS COUNCIL WASTE RECYCLING PROCESSING.
 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the T01-2018 PORT STEPHENS COUNCIL WASTE RECYCLING PROCESSING.
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
 - 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the *Local Government (General) Regulation 2005*.
 - 5) That Council accept the tender submitted from SUEZ Recycling and Recovery Pty Ltd for an estimated total contract value of \$7,680,048, based on current annual volumes for the tendered service of: Recycling Receival and Processing Services;
 - 6) That the contract will commence on 1 July 2019 terminating on 30 June 2027;
 - 7) There are no options with this contract;
 - 8) Accept the conforming tender submission from SUEZ Recycling and Recovery Pty Ltd.
-

ORDINARY COUNCIL MEETING - 9 APRIL 2019
MOTION

078	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Accept the tender submitted from SUEZ Recycling and Recovery Pty Ltd for an estimated total contract value of \$7,680,048, based on current annual volumes for the tendered service of: Recycling Reveal and Processing Services;2) That the contract will commence on 1 July 2019 terminating on 30 June 2027;3) There are no options with this contract;4) Accept the conforming tender submission from SUEZ Recycling and Recovery Pty Ltd.
------------	--

BACKGROUND

Port Stephens Council requires a suitably qualified and experienced contractor to accept and process the dry recycling waste collected by Council's contractors across Port Stephens from the kerbside yellow bins, holiday park skip bins and at the Salamander Bay Waste Transfer Station.

A new tender of these services was required due to the expiration of:
T12-2014 Waste Services: Part B – Reveal and Processing of Recyclables.

The purpose of this report is to recommend the acceptance of **SUEZ Recycling and Recovery Pty Ltd** (SUEZ) for this tendered service.

The tender was advertised and closed on 5 February 2019 with a total of three (3) conforming submissions and two (2) non-conforming tenders (alternate submissions both by SUEZ).

List of tenderers:

- Solo Resource Recovery
- Stop Waste Pty Ltd
- SUEZ Recycling & Recovery Pty Ltd

List of submissions (and conformity):

- Solo Resource Recovery (conforming)
- Stop Waste Pty Ltd (conforming)
- SUEZ Recycling & Recovery Pty Ltd. (conforming)
- SUEZ Recycling & Recovery Pty Ltd. (non-conforming – Option 1)
- SUEZ Recycling & Recovery Pty Ltd. (non-conforming – Option 2)

Conforming tender review:

The evaluation panel first reviewed all conforming tenders on the non-price criteria:

- Confidence in the contractor
- Environmental performance; and
- Facility.

SUEZ scored the highest in review of the non-price criteria. Following the non-price review; the pricing portion of the conforming tenders were then evaluated. The proposal from SUEZ was still the preferred tender when comparing all conforming tenders. The next stage of the evaluation process was to compare the relevant non-conforming tenders to the best conforming tender.

Non-conforming tender review:

The non-conforming tender submissions from SUEZ (Options 1 and 2) were then reviewed. The tender evaluation panel then took into consideration the first non-conforming tender (Option 1) that allowed for a reduced rate if Council accepted a number of alterations to the contract documents.

The non-conforming tender from SUEZ - Option 2 was not considered, as this was identified as too high risk to Council. This was directly related to the commodity market fluctuations, where Council do not have sufficient experience or specialist persons being able to monitor the waste indices. To this effect, the final evaluation was to compare SUEZ's conforming tender versus SUEZ's non-conforming tender (Option 1).

The Option 1 non-conforming tender from SUEZ, presented to Council opportunity to decrease the annual cost by approximately \$62,000. This however comes with commercial risks; there are 15 clause departures and amendments were suggested: the main issues were public liability, insurance risk, WHS, and special conditions of contract.

Councils' Legal Services and Corporate Risk conducted a detail review of these commercial departures. In summary, the non-conforming offer presented litigation risk that far outweighed the financial benefit over the term of the contract.

Tender panel evaluation and final recommendation:

Councils' final recommendation is to accept SUEZ's conforming offer. This evaluation and final scoring is summarised as **(ATTACHMENT 1)**.

This is supported by the detailed independent Tender Evaluation Report which was facilitated and prepared by *Impact Environmental* which reviewed: the evaluation process and methodology, price calculations and comparative offer review **(ATTACHMENT 2)**.

COMPANY BACKGROUND:

SUEZ has been operating in the waste management for over 150 years, currently operating across five continents; and are a significant market leader in Australia. They are specialists in the areas of waste collection, waste processing and waste water management. In total SUEZ employee approximately 90,000 people worldwide processing in excess of 3.4 million tonnes of waste per annum, generating an annual financial turnover of AUD\$25 billion.

SUEZ comply the quality requirements as expected for the industry and government. They possess and maintain an integrated Environment, Quality and Safety (EQ&S) Management System which meets the requirements of:

- ISO 14001:2015 – Environmental Management Systems;
- ISO 9001:2015 – Quality Management Systems; and
- AS/NZS 4801:2001 – Occupational Health and Safety Management.

Council currently engage SUEZ for waste collection services (*T12-2014 – Waste Services: Part A – Waste Collection Services* and *T12-2014 – Waste Services: Part C – Waste Haulage Service*). This existing contract has been in effect for the past three (3) years and is due to expire in 29 June 2025.

Council also engage SUEZ for the residual waste processing contract (*Waste Disposal Agreement*); this has been in place for the past 19 years and has been endorsed by council (File: 17/78000) through to 31 August 2027.

In providing these services, SUEZ have continued to deliver the contracted services to Council in a professional manner, high quality of service and the supplier relationship between Council and SUEZ is excellent.

In the last three financial years, Council has spent approximately \$2.5 million on this service under the current contract (*T12-2014 Waste Services: Part B – Receiving and Processing of Recyclables*) that will expire on 30 June this year.

The weightings agreed for this tender were:

Criteria	Weighting (%)
Price	30
Confidence in the Tenderer	20
Environmental Performance	25
Facility	25
Total	100

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

There are no significant financial or resource implications.

Based on annual tonnes of recycling the forecasted annual cost is approximately \$960,006; with a projected overall contract cost over an eight (8) year agreement of approximately \$7,680,048.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	850,000	Funded from the Domestic Waste Management Charge.
Reserve Funds	Yes	110,006	Balance of funds will be drawn from the domestic waste reserve for the initial year and a correction to the reasonable cost calculation will be made for future years to cover the correct amount.
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no significant legal, policy or risk implications.

SUEZ's non-conforming (Option 1) tender contract clause departures were reviewed by Councils' Legal Services and Corporate Risk sections; but the litigation risk far outweighed the financial benefit. The final recommendation is to accept SUEZ's conforming tender.

Tender documents Section 2 - Part 3 - formal instrument of agreement.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if this tender is not awarded then Council's delivery of recycling services will be affected.	High	Award the tender.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant social, economic or environmental implications.

SUEZ is a worldwide company and one of a few big players in the waste industry with over 150 years' experience. The Australasian branch of SUEZ has over 100 sites across Australia including the Newcastle and Spring Farm site proposed to be used in this tender submission.

CONSULTATION

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

The consultation within this project was focused around the development of the tender and contract documents to ensure they would be fit for purpose and the subsequent review of the tender submissions was conducted in accordance with all probity requirements.

Internal

- Legal Services.
- Risk Management.
- Financial Services.

External

- Impact Environmental.
- PKF Australia.

OPTIONS

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

ATTACHMENTS

- 1) CONFIDENTIAL T01-2018 Recycling Receival and Processing Services 08 Weighted Criteria Methodology Summary.
- 2) CONFIDENTIAL Tender Evaluation Report PSC Recycling Processing Services.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

**FILE NO: 19/54598
EDRMS NO: T10-2015**

T10-2015 - MANAGEMENT OF AQUATIC AND LEISURE FACILITIES

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

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the *Local Government Act 1993*, the Council resolve to close to the public that part of its meetings to discuss Item 4 on the Ordinary Council agenda namely T10-2015 - Management of Aquatic and Leisure Facilities;
 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the T10-2015 - Management of Aquatic and Leisure Facilities;
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts;
 - 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the *Local Government (General) Regulation 2005*;
 - 5) That Council accept the contract extension proposal submitted from Belgravia Leisure Pty Lt. for \$7,135,721 for the provision of management of aquatic and leisure facilities;
 - 6) That the contract term has been amended to: 14 September 2018 through to 30 June 2025.
-

**ORDINARY COUNCIL MEETING - 9 APRIL 2019
MOTION**

079	Councillor Steve Tucker Councillor Ken Jordan It was resolved that Council: 1) Accept the contract extension proposal submitted from Belgravia Leisure Pty Ltd. for \$7,135,721 for the provision of management of aquatic and leisure facilities; 2) That the contract term has been amended to: 14 September 2018 through to 30 June 2025.
------------	--

BACKGROUND

The purpose of this report is to recommend the acceptance of a contract extension proposal received from Belgravia Leisure Pty Ltd for \$7,135,721 for the provision of management of aquatic and leisure facilities.

Belgravia Leisure Pty Ltd is the incumbent and existing supplier in managing Councils' aquatic leisure centres situated at Lakeside, Tomaree and Tilligerry. These essential sporting facilities provide Port Stephens residents and guests a range of aquatic leisure activities.

Council adopted tender T10-2015 on 11 August 2015 (Min. 238) which included a contract term of five years with a five year option at Council's absolute discretion. Negotiations with the contractor during 2018 as to the guaranteed subsidy for year four and year five of the initial term have resulted in a proposal to initiate the five year option now. The rationale for bringing the option forward is to initiate capital and operational investment from the contractor that may not otherwise eventuate in a shorter term contract.

The proposed capital and operational investments include:

- Community Development Coordinator: Belgravia to fund and employ this position full time with a view to developing relationships and programs that support access and inclusion for people with disabilities, disadvantaged people and people from culturally diverse backgrounds.
- Utilities efficiency and sustainability project: Belgravia to fund and undertake an energy audit with a view to introducing key performance indicators to reduce energy and utility costs.
- Capital investment proposal: Partner to fund site improvements with a focus on reception areas, café spaces, outdoor dry play spaces, landscaping and signage.
- Aqua float fitness equipment: Partner to fund equipment to run aqua float fitness programs.

MINUTES ORDINARY COUNCIL - 9 APRIL 2019

- Hunter Training Program: Partner to fund purchase of equipment and roll out of Belgravia led training programs that focus on CPR, First Aid, Bronze Medallion and Lifeguarding training.

COMPANY BACKGROUND:

Belgravia Leisure Pty Ltd is a leading service provider of the management of aquatic leisure facilities. They manage over 170 locations and have over 5,500 employees. The company has a diverse portfolio: holiday parks, health and wellness centres, aquatic leisure centres, and sports facilities.

They have over \$2 billion of assets under their management with an annual turnover in excess of \$160 million. Council continues to have a strong strategic partnership with Belgravia Leisure, who continue to deliver and meet the KPI's as expected with the management of councils' aquatic facilities.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Provide recreational and leisure services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no significant financial or resource implications.

Adopting the recommendations secures the management of Council's three inland pools until 2025. The financial implications are limited to a predictable rate of increase on the base contract costs plus any variations in utility costs (electricity, water, gas) over the agreed unit cost base rate.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	7,135,721	General Revenue.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments from adopting the recommendations.

A Deed of Amendment to Contract will be the legal mechanism that implements the recommendations.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that adopting the recommendations may lead to questions from other suppliers as to due process being followed resulting in legal challenge.	Low	Adopt the recommendations in the knowledge that the contract extension is legally permissible and the contract terms have been thoroughly negotiated.	Yes
There is a risk that adopting the recommendations may lead to customers being dissatisfied that there is no recommendation to provide an enclosed program pool at Tomaree resulting in reputation damage.	Low	Adopt the recommendation in the knowledge that any decision to build a separate enclosed program pool at Tomaree is subject to an asset management business case that falls beyond the capacity of a centre management contract.	Yes
There is a risk that not adopting the recommendations may lead to contract dispute resulting in legal challenge, reputation damage and service interruption.	Medium	Adopt the recommendations in the knowledge that negotiations that have led to this point have been exhaustive and based on best value return for Council and fair return to the contractor.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations will secure a greater focus on social inclusion at Council's pools through the employment of a Community Development Coordinator. The redevelopment of reception, café and outdoor play areas will increase social interaction at the pools thereby generating opportunity for community building. An investment in aqua float fitness equipment will expand each pool's capacity to deliver fun and challenging fitness programs, thus improving community wellbeing.

Adopting the recommendations secures a focus on energy efficiency performance criteria in the contract with a view to driving down operational costs associated with rising utility fees.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section during most of 2018. Key negotiation workshops were held in February, May, June and December 2018 with follow up discussions conducted via email and telephone conferences. The negotiation process has been exhaustive and prolonged as the nature of the contract is complex and therefore the details of the contract extension needed to be thoroughly examined to ensure best value.

The objective of the consultation has been to ensure the best value outcome for Council for the management of aquatic and leisure facilities.

Internal

- Legal Services Team – advice and review of proposals.
- Community and Recreation Assets Team – advice relating to capital investment and alignment with Council's Asset Management Plan.
- Contracts and Services Team – contract negotiations.
- Financial Services Section – forensic accounting, contract negotiations, procurement advice.
- Governance Section Manager – probity advice.

External

- Belgravia Leisure Pty Ltd – contract negotiations.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5

**FILE NO: 19/77404
EDRMS NO: PSC2009-02488**

POLICY REVIEW - RELATED PARTY DISCLOSURES

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Related Party Disclosures Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the revised Related Party Disclosures Policy on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted without a further report to Council.
 - 3) Revoke the Related Party Disclosures Policy dated 9 May 2017, Minute No. 104 should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 9 APRIL 2019
MOTION**

080	<p>Councillor John Nell Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Related Party Disclosures Policy shown at (ATTACHMENT 1).2) Place the revised Related Party Disclosures Policy on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted without a further report to Council.3) Revoke the Related Party Disclosures Policy dated 9 May 2017, Minute No. 104 should no submissions be received.
------------	--

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Related Party Disclosure Policy ('Policy'). Minor formatting changes have been applied.

No other material changes have been made.

This policy aims to ensure compliance with disclosure requirements concerning key management personnel, their close family members and entities controlled or jointly controlled by any of them stipulated under the Australian Accounting Standard AASB 124 Related Party Disclosures and the Australian implementation guidance for not-for-profit public sector entities (AASB 124).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that non-compliance with the Accounting Standard would lead to a qualified Annual Financial Report.	Medium	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

To ensure compliance with Australian Accounting Standards and transparency of related party transactions.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Finance Section.

Internal

- Senior Leadership Team.

In accordance with local government legislation the revised Related Party Disclosures Policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Related Party Disclosures Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 5 - ATTACHMENT 1 REVISED RELATED PARTY DISCLOSURES
POLICY.****Policy**

FILE NO: PSC2009-02488
TITLE: RELATED PARTY DISCLOSURES
POLICY OWNER: FINANCIAL SERVICES SECTION MANAGER

1. PURPOSE:

- 1.1 The Related Party Disclosure Policy aims to ensure compliance with disclosure requirements concerning key management personnel, their close family members and entities controlled or jointly controlled by any of them stipulated under the Australian Accounting Standard AASB 124 Related Party Disclosures and the Australian implementation guidance for not-for-profit public sector entities (AASB 124).

2. CONTEXT/BACKGROUND:

- 2.1 The *Local Government Act 1993* section 413, requires Council to prepare its general purpose financial report in compliance with the publications issued by the Australian Accounting Standards Board. AASB 124 comes into effect for annual reporting periods beginning on or after 1 July 2016, Council will disclose in its general purpose financial statements the information specified in AASB 124 regarding related party transactions during the period covered by the financial statements.
- 2.2 A related party relationship could influence the normal business operations of Council. In some instances, Council may enter into transactions with a related party that unrelated parties would not. For example, goods are supplied to Council on terms that might not be offered to other customers. Also, transactions between related parties may not be made on the same terms as between unrelated parties.
- 2.3 For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with related parties) may affect assessments of Council's operations by users of financial statements, including assessments of the risks and opportunities facing Council, this is the background regarding the release of AASB 124.

3. SCOPE:

- 3.1 This policy applies to related parties of Council including key management personnel and their related party transactions with Council (as defined in the definitions section of this policy).

Policy

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



ITEM 5 - ATTACHMENT 1 REVISED RELATED PARTY DISCLOSURES POLICY.

Policy



4. DEFINITIONS:

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

Related party	<p>A person or entity that is related to Council pursuant to the definition contained in the AASB 124, paragraph 9. Examples of related parties of Council are:</p> <ul style="list-style-type: none">a) key management personnelb) close family members of key management personnelc) entities that are controlled or jointly controlled by key management personnel or their close family members.
Key management personnel	<p>Person(s) having authority and responsibility for planning, directing and controlling the activities of Council. Specifically, key management personnel of Council are:</p> <ul style="list-style-type: none">a) Mayorb) Councillorsc) General Managerd) Group Managerse) Section Managers.
Close family members	<p>A close family member includes:</p> <ul style="list-style-type: none">a) that person's children and spouse or domestic partnerb) children of that person's spouse or domestic partnerc) dependants of that person or that person's spouse or domestic partner. <p>Close family members could include extended members of a family (such as, without limitation, parents, siblings, grandparents, uncles/aunts or cousins) if they could be expected to influence, or be influenced by, the key management person in their dealings with Council.</p>
Related party transaction	<p>A transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged.</p> <p>Examples of related party transactions are:</p> <ul style="list-style-type: none">a) purchases or sales of goodsb) purchases or sales of property and other assetsc) rendering or receiving of services

Policy

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



ITEM 5 - ATTACHMENT 1 REVISED RELATED PARTY DISCLOSURES POLICY.

Policy



- d) rendering or receiving of goods
- e) leases
- f) transfers under licence agreements
- g) transfers under finance arrangements (example, loans)
- h) provision of guarantees (given or received)
- i) commitments to do something if a particular event occurs or does not occur in the future
- j) settlement of liabilities on behalf of Council or by Council on behalf of that related party.

Ordinary citizen transactions

Transactions that an ordinary citizen would undertake with Council, which is undertaken on arm's length terms and in the ordinary course of carrying out Council's functions and activities.

Examples of ordinary citizen transactions assessed to be not material in nature are:

- a) paying rates and utility charges
- b) using Council's public facilities after paying the corresponding fees.

Materiality

The assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

Key Management Personnel remuneration

Council shall in its annual financial statements disclose key management personnel remuneration (compensation) in total and for each of the following categories:

- a) short-term employee benefits
- b) post-employment benefits
- c) other long-term benefits
- d) termination benefits.

5. POLICY STATEMENT:

- 5.1 Key management personnel (as defined in the definitions section of this policy) must provide a Related Party Transactions Notification in the form set out in **(ATTACHMENT 1)** notifying of any existing related party transactions (as defined in the definitions section of

Policy

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



**ITEM 5 - ATTACHMENT 1 REVISED RELATED PARTY DISCLOSURES
POLICY.**

Policy



this policy) between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members to the Financial Services Section Manager by no later than 15 July for each financial year ended 30 June.

5.2 Some examples of the types of transactions that may need to be captured for analysis to be included in the related party disclosure in Council's annual financial statements are as follows:

5.2.1 From Council:

- a) Grants paid by Council to related parties of Council.
- b) Donations, contributions and assistance paid by Council to related parties of Council.
- c) Charges for goods or services paid to related parties of Council from Council.

5.2.2 To Council:

- a) Fees and charges paid to Council from related parties of Council that are out of the ordinary.
- b) Infrastructure contributions and development application fees paid to Council from related parties of Council.

5.3 Non-monetary transactions between Council and related parties of Council also need to be captured.

5.4 The notification requirements do not apply to:

- a) related party transactions that are ordinary citizen transactions (as defined in the definitions section of this policy) not assessed as being material; and
- b) for Councillors, expenses incurred and facilities provided to a Councillor during the financial year, under Council's Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy.

5.5 Council will disclose the following information in Council's general purpose financial statements:

- a) the nature of the related party relationship
- b) the amount of the transactions
- c) the amount of outstanding balances, including commitments
- d) their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement
- e) details of any guarantees given or received
- f) provisions for doubtful debts related to the amount of outstanding balances

Policy

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



ITEM 5 - ATTACHMENT 1 REVISED RELATED PARTY DISCLOSURES POLICY.

Policy



- g) the expense recognised during the period in respect of bad or doubtful debts due from
- h) related parties.

6. POLICY RESPONSIBILITIES:

- 6.1 Council's key management personnel are responsible for complying with the Related Party Disclosures Policy.
- 6.2 The Financial Services Section Manager is responsible for providing advice regarding the Related Party Disclosures Policy and will make the decision whether a related party transaction is disclosed in Council's financial statements.

7. RELATED DOCUMENTS:

- 7.1 *Local Government Act 1993*, section 413.
- 7.2 Australian Accounting Standard AASB 124 Related Party Disclosures.
- 7.3 Australian implementation guidance for not-for-profit public sector entities for AASB 124.

CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
EDRMS container No	PSC2009-02488	EDRMS record No	17/7917 19/45351
Audience	Key management personnel		
Process owner	Financial Services Section Manager		
Author	Financial Services Section Manager		
Review timeframe	Two years	Next review date	
Adoption date	9 May 2017		

Policy

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



ITEM 5 - ATTACHMENT 1 REVISED RELATED PARTY DISCLOSURES POLICY.

Policy

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	09/05/2017	Financial Services Section Manager	Original document. Adopted by Council on 9 May 2017.	104
2.0		Financial Services Section Manager	No changes to content of policy. Updated into new template and updated EDRMS Record no. in Version History. Attachment 1 - Change 2016-2017 to 'current'.	

Policy

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



Page: 6 of 6

ITEM 5 - ATTACHMENT 1 REVISED RELATED PARTY DISCLOSURES POLICY.



PORT STEPHENS
COUNCIL

RELATED PARTY TRANSACTION
NOTIFICATION

This notification is only required to be completed by Key Management Personnel (KMP)

KMP are person(s) having authority and responsibility for planning, directing and controlling the activities of Council. Specifically, KMP of Council are:

- a) Mayor
- b) Councillors
- c) General Manager
- d) Group Managers
- e) Section Managers

NAME OF THE KEY MANAGEMENT PERSONNEL	ROLE/POSITION OF THE KEY MANAGEMENT PERSONNEL

Please complete the table below **for each related party transaction with Council** that you or a close member of your family, or an entity related to you or a close member of your family:

- a) has previously entered into **and** which will continue in the 2016-2017 **current** financial year; or
- b) has entered into in the 2016-2017 **current** financial year.

ITEM 5 - ATTACHMENT 1 REVISED RELATED PARTY DISCLOSURES POLICY.

Related Party's Name (Individual's or entity's name)	Related Party's Relationship/ Reasons why related	Description of Related Party Transaction
	<p>A person or entity that is related to Council pursuant to the definition contained in AASB 124, paragraph 9.</p> <p>Examples of related parties of Council are:</p> <ul style="list-style-type: none"> a) key management personnel; b) close family members of key management personnel; c) entities that are controlled or jointly controlled by key management personnel or their close family members. 	<p>A related party transaction is a transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged. Examples of related party transactions are:</p> <ul style="list-style-type: none"> a) purchases or sales of goods; b) purchases or sales of property and other assets; c) rendering or receiving of services; d) rendering or receiving of goods; e) leases; f) transfers under licence agreements; g) transfers under finance arrangements (example, loans); h) provision of guarantees (given or received); i) commitments to do something if a particular event occurs or does not occur in the future; j) settlement of liabilities on behalf of Council or by Council on behalf of that related party. <p>The notification requirements do not apply to:</p> <ul style="list-style-type: none"> a) related party transactions that are ordinary citizen transactions not assessed as being material and b) for councillors, expenses incurred and facilities provided to a councillor during the financial year, under Council's Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy.

ITEM 5 - ATTACHMENT 1 REVISED RELATED PARTY DISCLOSURES POLICY.

I notify that, to the best of my knowledge, information and belief, as at the date of this notification, the above list includes all existing related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the 2016-2017 **current** financial year.

I make this notification after reading the Related Party Transactions Policy.

I permit the use the information for the purposes specified in the Related Party Transactions Policy.

SIGNATURE OF THE NAMED KMP: _____ **Date:** _____

This notification is due by 15 July, please send completed notification to the Financial Services Section Manager.

There being no further business the meeting closed at 6.06pm.