

DRAFT

MINUTES – 27 AUGUST 2019



PORT STEPHENS COUNCIL

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 27 August 2019, commencing at 5.41pm.

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

196	Councillor John Nell Councillor Chris Doohan It was resolved that the apology from Cr Ken Jordan be received and noted.
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Note: Cr Ken Jordan entered the meeting at 6pm.

197	Councillor Jaimie Abbott Councillor Sarah Smith It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 13 August 2019 be confirmed.
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	Cr Paul Le Mottee declared a pecuniary conflict of interest in item 4. The nature of the interest is the Le Mottee Group has a client affected by this change.
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MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

Cr Jaimie Abbott declared a pecuniary conflict of interest in Mayoral Minute - item 1 and Council reports - item 6. The nature of the interest is Cr Abbott works at RAAF Base Williamtown and employment depends on it.

Cr Giacomo Arnott declared a pecuniary conflict of interest in item 6. The nature of the interest is Cr Arnott owns a property in the 2012 ANEF zone.

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MAYORAL MINUTE

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Councillor Jaimie Abbott left the meeting at 5:43pm.

MAYORAL MINUTE

ITEM NO. 1

**FILE NO: 19/234002
EDRMS NO: PSC2015-01024**

WILLIAMTOWN SAND SYNDICATE PTY LIMITED - ACKNOWLEDGEMENT DEED

THAT COUNCIL:

- 1) Authorises the Mayor and General Manager to affix the Council Seal and sign all documents associated with 398 Cabbage Tree Road, Williamtown.

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

198	Mayor Ryan Palmer Councillor Glen Dunkley It was resolved that Council authorises the Mayor and General Manager to affix the Council Seal and sign all documents associated with 398 Cabbage Tree Road, Williamtown.
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Cr Giacomo Arnott requested his voted against the motion be recorded.

BACKGROUND

The purpose of this report is to seek approval to affix the Council seal to a National Australia Bank (NAB) Acknowledgement Deed.

Williamtown Sand Syndicate Pty Limited (WSS) entered into an Agreement for Lease in July 2013 for a sand extraction facility at 398 Cabbage Tree Road, Williamtown.

The NAB has requested the Seal of Council be affixed to an Acknowledgement Deed for equipment that is being purchased by WSS for the operations of the sand quarry. The bank is requesting that Council acknowledge that any equipment associated with the NAB is not considered a fixture and remains the property of the NAB. The bank would not accept signatures under delegation insisting on the Seal which requires a specific resolution of Council.

Upon the granting of all approvals from authorities and completing any outstanding conditions precedent, Council and Williamtown Sand Syndicate will enter into a Lease for 15 years.

ATTACHMENTS

Nil.

COUNCIL REPORTS

Councillor Jaimie Abbott returned to the meeting at 5:45pm.

ITEM NO. 1

**FILE NO: 19/196357
EDRMS NO: 16-2019-220-1**

**DEVELOPMENT APPLICATION NO:16-2019-220-1 - SERVICE STATION
(CONVENIENCE STORE, CAR PARKING, LANDSCAPING & SIGNAGE) AT 15
BAGNALL BEACH ROAD, SALAMANDER BAY (LOT 9 DP1239352)**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2019-220-1 for a Service Station (convenience store, car parking, landscaping and signage) at 15 Bagnall Beach Road, Salamander Bay (Lot 9 DP 1239352) subject to the recommended Conditions of Consent contained in **(ATTACHMENT 2)**.
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**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

199	<p>Councillor Chris Doohan Councillor Jaimie Abbott</p> <p>It was resolved that Council approve Development Application DA No. 16-2019-220-1 for a Service Station (convenience store, car parking, landscaping and signage) at 15 Bagnall Beach Road, Salamander Bay (Lot 9 DP 1239352) subject to the recommended Conditions of Consent contained in (ATTACHMENT 2).</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present to Council for determination Development Application (DA) 16-2019-220-1 for the construction of Service Station (incorporating a convenience store, car parking, landscaping and signage) at 15 Bagnall Beach Road, Salamander Bay. A Locality Plan is provided in **(ATTACHMENT 1)**.

The DA is being reported to Council for determination, in accordance with the Development Applications to be reported to Council Policy, as the development is located on land which is owned by Port Stephens Council.

Proposal

The application proposes a new Mobil service station and will comprise 4 double sided fuel bowsers, fuel storage tanks, a convenience store (191m²) and associated car parking. Fuel storage tanks will be installed towards the Bagnall Beach Road frontage and will consist of 5 underground fiberglass tanks, with a total capacity of 180kL. The development also includes stormwater quality measures and landscaping along the frontages.

Two way access is proposed from Bagnall Beach Road (left-in and left-out) and Terminus Parade (Centre Circuit) (left-in and left-out). Customer parking (11 spaces) is provided to the east of the convenience store.

Notwithstanding, the Local Traffic Committee did not support the exit to Terminus Parade (Centre Circuit) due to the risk of conflict with traffic queued at the traffic signals. Removal of the exit to Terminus Parade (Centre Circuit) has been included in the Recommended Conditions of Consent provided at **(ATTACHMENT 2)**.

The proposed hours of operation will be 24 hours / 7 days a week and the service station will have a maximum of 2 employees at any one time. The convenience store contains a service counter, display shelving and fridges. A public toilet has been provided, accessed from inside the store.

The development includes a number of signs comparable with existing service stations in the locality. An 8.15 metre high pylon sign is to be erected in the south-eastern corner of the site.

Site Description

The subject site is located on a corner lot between Terminus Parade (Centre Circuit) and Bagnall Beach Road. The site is known as 15 Bagnall Beach Road, Salamander Bay, legally identified as Lot 9 DP 1239352. The site comprises a regular shaped level allotment, cleared of vegetation, with an area of 2,000m². It has a frontage of 37 metres on Bagnall Beach Road and 41 metres on Terminus Parade (Centre Circuit).

The site is located within the Salamander Bay Shopping Centre Precinct with commercial forms of development in the immediate locality. The public domain is well established, with a number of street trees planted along the periphery of the adjoining road reserves. The surrounding lots to the north and east are currently vacant, although identified for future commercial development, benefiting from previous subdivision works with road access and infrastructure readily available. To the east of the site, beyond Bagnall Beach Road are low density forms of residential development. The adjacent lot to the south supports a free standing McDonalds premises with grade parking and access via Terminus Parade (Centre Circuit).

Key Issues

The subject site is zoned B3 Commercial Core under the Port Stephens Local Environment Plan 2013 (LEP 2013). The proposed development meets the objectives of the B3 zone in that the proposal will provide ongoing business activity and employment opportunities in an accessible location in the Salamander Bay area.

The development application was assessed against relevant controls and objectives as specified under LEP 2013 and the Port Stephens Development Control Plan 2014 (DCP 2014). The development is considered to be generally compliant with relevant controls and objectives. A detailed assessment of the proposal against the provisions of s.4.15 Environmental Planning and Assessment Act 1979 (EP&A Act) is provided at **(TABLED DOCUMENT 1)**. The key issues associated with the proposal relates to traffic and access to the proposed development.

Access to the proposed development

Two way access is proposed from Bagnall Beach Road (left-in and left-out) and Terminus Parade (Centre Circuit) (left-in and left-out). The application was referred to Council's Traffic Engineer for review of the access arrangements from Terminus

Parade (Centre Circuit) and Bagnall Beach Road. The assessment raised concern in allowing an egress onto Terminus Parade (Centre Circuit) that would potentially result in vehicles leaving the service station queuing across the left turn lane on Terminus Parade (Centre Circuit) in an attempt to enter the right turn lane onto Bagnall Beach Road.

The applicant submitted additional traffic advice from Intersect Traffic (dated 28 May 2019) advising the likelihood of queuing occurring on Terminus Parade (Centre Circuit) would be minor as there are other more convenient routes out of the service station to head south along Bagnall Beach Road.

The application was referred to Council's Local Traffic Committee for review of the proposed access arrangements. The Local Traffic Committee was not supportive of the exit from the site to Terminus Parade (Centre Circuit). It was recommended the Terminus Parade (Centre Circuit) access point be restricted to entry only. Council's Local Traffic Committee also recommended the Bagnall Beach Road frontage be

MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

required to have 'No Stopping' installed, from the traffic signals to the north side of the driveway, to improve sight distance for drivers exiting the site.

To address access and traffic concerns, conditions have been included in the Recommended Conditions of Consent (**ATTACHMENT 2**) requiring removal of the Terminus Parade (Centre Circuit) exit and the installation of 'No Stopping' signage from the traffic signals to the north side of the driveway.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no anticipated financial or resource implications as a result of the proposed development.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.12)	Yes		Fixed Development Consent contributions are applicable to the development.
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 commercial development in Salamander Bay will not be realised.	Low	Approve the application as recommended.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed development is anticipated to have positive social and economic impacts through the creation of viable employment and economic activity through both the construction of the development and provide a modern service station facility available to local residents. The development is consistent with surrounding developments and the objectives of B3 zoned land.

The development is not anticipated to have significant impact to the natural environment. The subject site is cleared of vegetation and the inclusion of landscaping and mature plantings will augment the environmental value of the site. Additionally, the development includes appropriate stormwater management systems ensuring the surrounding water quality and quantity leaving the subject site is in accordance with the DCP2014.

CONSULTATION

Consultation with key stakeholders has been undertaken, including through the public notification and advertising process.

Internal

The application was referred to Councils Development Engineer, Building Surveyor, Environmental Health and Contributions Officer. Each internal staff member assessed the relevant portion of the original application and where necessary requested additional information.

The application was referred to the Local Traffic Committee, which provided Recommended Conditions of Consent as detailed in **(ATTACHMENT 2)**.

Following receipt of amended plans and additional information, the application was referred back to the internal staff members for review. No objections were raised by any internal staff to the amended design and relevant conditions have been incorporated into the Recommended Conditions of Consent provided at **(ATTACHMENT 2)**.

External

The application was referred to the NSW Police for comment in accordance with the Memorandum of Understanding (MOU) between Council and Police. No objections were received within 21 days, therefore it is assumed NSW Police raises no objection to the DA.

Public Consultation

In accordance with the requirements of the DCP 2014, the development application was notified for a period of 14 days, ending 2 May 2019. No submissions were received in relation to the proposed development.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan.
- 2) Recommended Conditions of Consent.

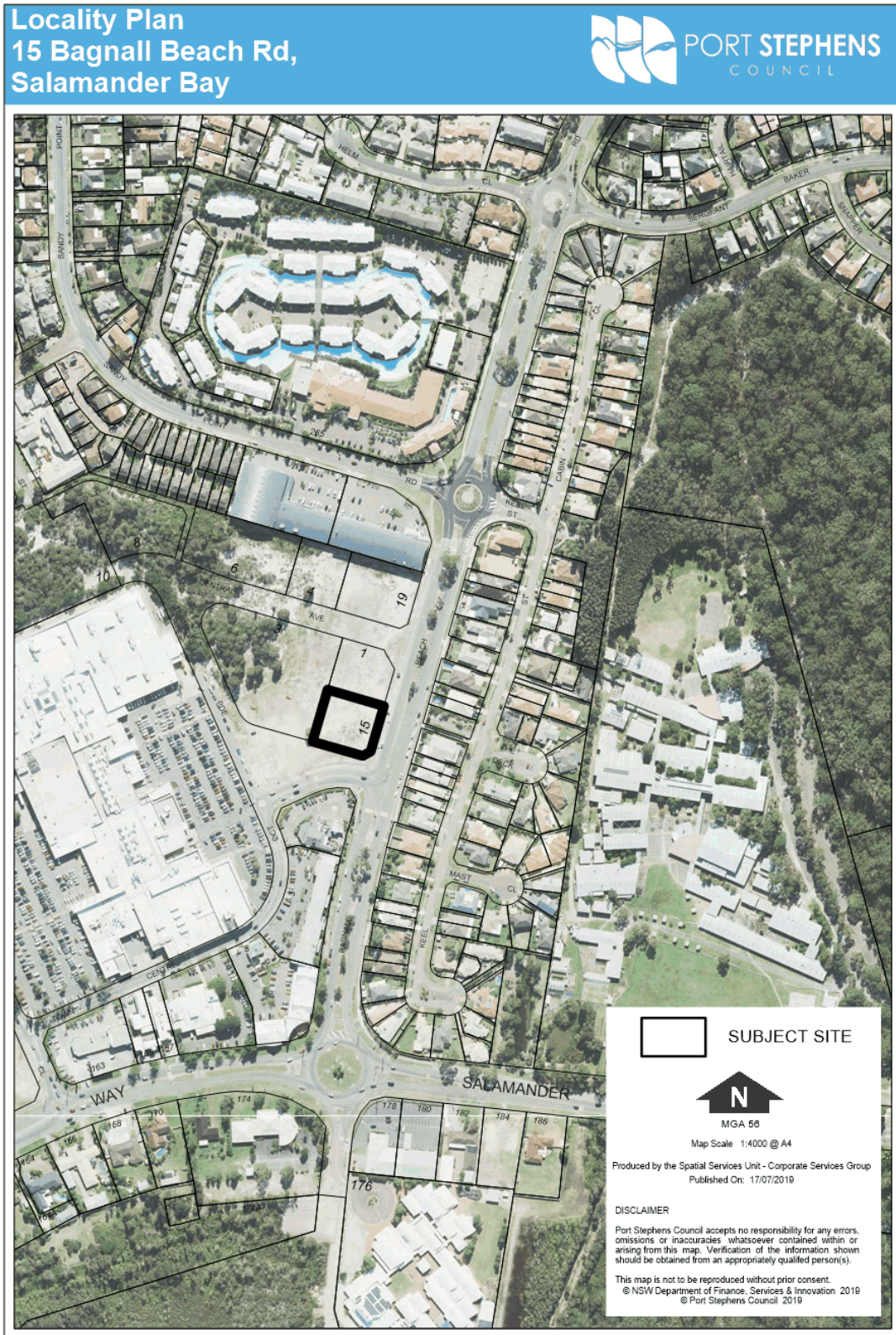
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Planners Assessment Report.

ITEM 1 - ATTACHMENT 1 LOCALITY PLAN.



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



Recommended conditions of consent

SCHEDULE 1

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; Port Stephens Local Environmental Plan 2013 (PSLEP), State Environmental Planning Policy No 55 - Remediation of Land, State Environmental Planning Policy No. 64 – Advertising and Signage and State Environmental Planning Policy 33 – Hazardous or Offensive Development.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Port Stephens Council Development Control Plan 2014 (PSDCP).
- Subject to the recommended conditions the proposed development will be provided with adequate essential services required under the PSLEP.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

- confirm and clarify the terms of Council's Approval;
- identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing management of the development.



Recommended conditions of consent

SCHEDULE 2

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Name of Plan	Plan Reference/Drawing No.	Prepared by	Date
Concept Stormwater / Civil Works Plan Set	Sheet C01-C09 Revision B	Eclipse Consulting Engineers	25-03-19
Proposed Site Plan	Dwg No. 1 Rev 6	Brown Commercial Building	15-7-19
Proposed Layout Plan	Dwg No. 3 Rev 6	Brown Commercial Building	15-7-19
Proposed Elevations and Signage	Dwg No. 4 Rev 6	Brown Commercial Building	15-7-19
Delivery Vehicle Swept Paths	Dwg No. 5 Rev 6	Brown Commercial Building	15-7-19
Customer Vehicle Swept Paths	Dwg No. 6 Rev 6	Brown Commercial Building	15-7-19
Customer Vehicle Swept Paths	Dwg No. 7 Rev 6	Brown Commercial Building	15-7-19
Landscape Plan	Dwg No. 2	JK Garden Creations	22-2-19
Dangerous Goods Plan	2317 – F02	Myros Design	03-19

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

- Approved plans and the conditions, the conditions will prevail; or



Recommended conditions of consent

- 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 OTHER APPROVALS REQUIRED

2. **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.

CONDITIONS THAT IDENTIFY CONTRIBUTIONS AND FEES

3. 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)
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:
Building work only - prior to issue of the Construction Certificate.



Recommended conditions of consent

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.

4. The development shall be modified as follows:
 - a) Concept Stormwater / Civil Works Plan Set Sheet C01-C09 shall be modified to demonstrate that stormwater generated by the development site will be restricted so that flow leaving the site in the 1% AEP event is no greater than 0.102m³/s.
 - b) Driveway from Terminus Parade is restricted to entry only vehicle movements and shall comply with Australian Standard AS2890.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.

5. **Prior to the issue of a Construction Certificate**, civil engineering plans prepared by a qualified Engineer, indicating drainage, roads, accessways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications.

Details demonstrating compliance must be provided to the Certifying Authority.

6. **Prior to the issue of a Construction Certificate**, an application must be made for a Roadworks Permit under Section 138B of the Roads Act 1993. The following information must be provided to Council as the Roads Authority with the Roads Act application:
 - a) Bagnall Beach Road frontage is required to have 'No Stopping' signs installed, from the traffic signals to the north side of the driveway.
 - b) Driveway from Terminus Parade restricted to entry only vehicle movements and shall comply with Australian Standard AS2890.

Note: Approval from Port Stephens Local Traffic Committee is required for regulatory signage to cater for the development.

The above information must be provided to the Certifying Authority with the Construction Certificate application.

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



Recommended conditions of consent

7. **Prior to the issue of a Construction Certificate**, a geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Potential Acid Sulfate Soils (ASS). Should ASS be encountered within the zone of works, an ASS Management Plan is to be prepared by a suitably qualified Geotechnical Engineer and submitted to the Certifying Authority.

The recommendations and/or mitigation measures contained within the ASS Management Plan must be complied with during works.

8. **Prior to the issue of a Construction Certificate**, a certificate must be prepared by a qualified Structural Engineer certifying the structural adequacy of the onsite detention tank and its ability to withstand the proposed structural loads, must be provided to the satisfaction of the Certifying Authority.
9. **Prior to the issue of a Construction Certificate**, an Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Council's Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.
10. **Prior to the issue of a Construction Certificate**, a Construction Environmental Management Plan (CEMP) is to be submitted to the Certifying Authority. The required CEMP must outline the sequence and construction methodology and specify mitigating measures to ensure all works are carried out in accordance with appropriate guidelines and standards and with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management.

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).

11. Notice must be given to Council at least two days prior building works commencing in accordance with Clause 103 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the Registered number and date of issue of the relevant development consent;
 - d) the name and address of the Principal Certifying Authority (PCA), and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.



Recommended conditions of consent

12. Notice must be given to Council at least two days prior to building works commencing in accordance with Clause 104 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the Registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the Principal Certifying Authority to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
13. **Prior to the commencement of works**, a sign must be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
 - c) the name, address and telephone number of the Principal Certifying Authority.
- The sign must be maintained while the work is being carried out and must be removed upon the completion of works.
14. In accordance with the provisions of Section 6.7 of the *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)*, construction works approved by this consent must not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the *EP&A Act 1979*; and
 - c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
15. **Prior to the commencement of works**, the site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
16. **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.



Recommended conditions of consent

No materials, waste or the like are to be stored on the all-weather access at any time.

17. **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.
18. **Prior to the commencement of works**, soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

CONDITIONS TO BE SATISFIED DURING WORKS

The following conditions are to be complied with during works.

19. 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.
20. All building work shall be carried out in accordance with the requirements of the Building Code of Australia.
21. 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.
22. All work (including delivery of materials) must be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
23. 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.
24. 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 (POEO Act 1997)*; or
 - b) Excavated natural material (ENM) within the meaning of the *POEO Act 1997*; or



Recommended conditions of consent

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.

Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to Council officers or the Principal Certifying Authority on request.

25. The design, construction and fit-out of the food premises and/or food storage area must comply with all applicable Acts, Regulation, codes and standards including:
- a) the *Food Act 2003*;
 - b) the *Food Regulation 2004*;
 - c) The food Standards Australia and New Zealand, Food Standards Code 3.2.3 and Food standards and Equipment;
 - d) AS 1668 'The Use of Ventilation and Air Conditioning in Buildings'; and
 - e) AS 4674 'Design, Construction and Fitout of Food Premise.

Details demonstrating compliance must be provided to the Certifying Authority.

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).

26. **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.

27. **Prior to issue of any Occupation Certificate**, evidence that the following requirements - and those specified under Part 2 of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014* have been met must be provided to the Principle Certifying Authority:



Recommended conditions of consent

- a) The UPSS must be appropriately designed, installed and commissioned by duly qualified persons in accordance with the UPSS Regulation.
 - b) The UPSS must have minimum mandatory pollution protection equipment installed, consistent with the Regulation.
 - c) The UPSS must have groundwater monitoring wells installed in accordance with the Regulation.
 - d) The UPSS must have a certificate showing that an equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons.
28. **Prior to issue of any Occupation Certificate**, all landscape works detailed on the approved landscape plan shall be installed. Landscaping shall be maintained in perpetuity. All landscaped areas shall be kept free of parked vehicles, stored goods, garbage or waste material and the like at all times.
 29. **Prior to issue of any Occupation Certificate**, all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the *Roads Act* Approval to the satisfaction of the Council as the Roads Authority.

Note: A Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of such works.
 30. **Prior to issue of any Occupation Certificate**, the applicant must rectify any new damage to public infrastructure to the satisfaction of the Council as the Roads Authority.
 31. **Prior to the issue of any Occupation Certificate**, an Environment Protection Plan (including procedures for early leak detection and rectification and loss monitoring procedures) must be in place and maintained/updated throughout the life of the Underground Petroleum Storage System).
 32. **Prior to the issue of any Occupation Certificate**, all stormwater and drainage works required to be undertaken in accordance with this consent must be completed. The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.
 33. **Prior to the issue of any Occupation Certificate**, Works As Executed Plans must be prepared and provided to the Principal Certifying Authority in accordance with Council's Infrastructure Specifications confirming all stormwater drainage systems are constructed in accordance with the approved plans/documentation.
 34. **Prior to the issue of any Occupation Certificate**, bicycle parking racks to accommodate 2 bicycles must be installed in accordance with the approved plans.
 35. **Prior to the issue of any Occupation Certificate**, a minimum of 11 car parking spaces including 1 disabled car parking spaces are to be provided in accordance with AS2890 and the approved plans.



Recommended conditions of consent

36. **Prior to the issue of any Occupation Certificate**, loading / unloading facilities must be constructed in accordance with the approved plans. The extent of the loading bay must be permanently marked on the pavement surface.
37. **Prior to the issue of the Final Occupation Certificate**, 'No Stopping' signage is to be installed in accordance with the approved Roadworks Permit under Section 138B of the Roads Act 1993.
38. **Prior to the issue of any Occupation Certificate**, certification is to be submitted to the Principal Certifying Authority to certify that the construction of the development complies with the recommendations of the Acoustic Assessment Report No. 19-2298-R1, prepared by Reverbs Acoustics dated March 2019.

CONDITIONS TO BE SATISFIED AT ALL TIMES

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

39. The recommendations of the Acoustic Assessment Report No. 19-2298-R1 dated March 2019 must be complied with at all times.
40. The Waste Management Plan dated 27 March 2019 prepared by Brown Commercial Building must be complied with at all times.
41. If leak and repair work is undertaken to the UPSS, the system cannot be recommissioned unless the tanks satisfy the requirements outlined in the UPSS Regulation.
42. Fuel bowsers and service areas shall be covered and bunded so as to prevent entry of rainwater and surface water into the sumps. Any water collected within the bunded area is to be directed to a trade waste system, under an agreement with Hunter Water Corporation.
43. The approved signs must be maintained in a presentable and satisfactory state of repair.

The level of illumination and/or lighting intensity used to illuminate the sign/s must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.

44. Proposed parking areas, service bays, truck docks, driveways and turning areas must be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/ unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.



Recommended conditions of consent

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

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 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. 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.



Recommended conditions of consent

SCHEDULE 3

RIGHT OF APPEAL

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.

SCHEDULE 4

APPROVAL UNDER SECTION 4.12(3)

Nil

SCHEDULE 5

APPROVAL UNDER SECTION 4.46

Nil

ITEM NO. 2

**FILE NO: 19/190103
EDRMS NO: 16-2019-284-1**

DEVELOPMENT APPLICATION NO. 16-2019-284-1 - OFFICE PREMISES (TWO STOREY), SIGNAGE, CAR PARKING, LANDSCAPING, FENCING AND ASSOCIATED SITE WORKS 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. 16-2019-284-1 for an office premises (two storey), signage, car parking, landscaping, fencing and associated site works at 795 Medowie Road, Medowie (on proposed Lot 2 – currently Lot 1 DP1215257) subject to the recommended Conditions of Consent contained in **(ATTACHMENT 3)**.
-

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

200	<p>Councillor Chris Doohan Councillor Glen Dunkley</p> <p>It was resolved that Council approve Development Application DA No. 16-2019-284-1 for an office premises (two storey), signage, car parking, landscaping, fencing and associated site works at 795 Medowie Road, Medowie (on proposed Lot 2 – currently Lot 1 DP1215257) subject to the recommended Conditions of Consent contained in (ATTACHMENT 3).</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present Development Application (DA) 16-2019-284-1 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 two storey office building, ancillary parking, landscaping and signage to be situated on land at 795 Medowie Road, Medowie. It is noted that a 5 lot Torrens title subdivision was approved by Council on 9 April 2019 under DA 16-2018-789-1, however it is yet to be formalised via a subdivision certificate. The proposal will be situated on proposed Lot 2 under the approved subdivision, which is approximately 1000m² in area.

The proposal incorporates a two storey office building with 288m² of usable space on each level. Level 1 of the building will include a large open office space, reception desk for a second storey office and associated amenities, allowing for a separate tenant to occupy the space. Level 2 will include an open office space, reception, 6 office rooms, conference/board room, kitchenette and storage and printing areas.

The second floor of the development will be utilised by Murray Consulting (proponent and applicant), with the intent to lease out the ground floor of the development to another business.

Site description and history

The subject site (parent lot) is 53 hectares in size and is currently vacant. The lot is physically separated into 3 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 site is identified as an area for future commercial use, mixed use, villas and town houses. The proposed development will be located on future Lot 2 of the recently approved 5 lot subdivision, which is zoned B2 Local Centre, and is clear of vegetation.

There are a number of constraints that impact the land including; bushfire prone land, acid sulfate soils – class 5, koala habitat – preferred over cleared land, Hunter Water Corporation – Grahamstown Special Area and RAAF Base Williamtown – Bird Strike Group B.

Key Issues

The key issue that arose during the assessment relates to the proposed stormwater drainage design. A water quality solution is proposed which is an alternative to the adopted Port Stephens Development Control Plan 2014 (DCP 2014) requirements. Other minor variations were also requested in respect to shading of car parking areas and setback requirements. The variations are all considered satisfactory and are discussed in this report and in detail in the Planners Assessment Report provided at **(ATTACHMENT 2)**.

Road network and parking

The proposal includes 15 onsite parking spaces (inclusive of 1 accessible parking space) of which is an oversupply of parking as per Council's DCP 2014.

The road network is considered to have sufficient capacity to accommodate this development, factoring future growth in Medowie consistent with the adopted Medowie Strategy 2016.

Stormwater drainage design

The site drains to the street-frontage (south-western corner) and the proposed development will have an impervious area which is under the 100% maximum outlined in the DCP 2014.

The development was required to achieve Council's and Hunter Water Corporation's water quality provisions as it is located within a Hunter Water (Grahamstown Dam) Special Area. The stormwater drainage design demonstrates compliance with these provisions through the use of a Spel Hydrosystem water quality device. Conditions requiring detailed engineering designs prior to construction and ongoing maintenance provisions have been included in the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

Variation to setbacks and building siting

The proposed office building seeks minor variations to setback requirements and building siting as specified under Chapter C2 Commercial of the DCP 2014. The non-compliances can be attributed to the building orientation, which has been designed to mitigate any potential or perceived impacts to the rear of the site (which is subject to a residential zoning and recent residential subdivision approval). The proposed commercial building includes a rear setback of 1.75 metres from the property boundary, which is non-compliant with the 5 metres requirement under this chapter. The proposal is considered suitable in this instance, noting this non-compliance only occurs for approximately 12 metres of the 35 metres allotment width (34%), and the applicant had provided landscaping and fencing to mitigate and minimise impacts to potential future land holders. The residential land is also situated to the north of the site, which avoids any potential future overshadowing impacts. Further, the office

building has been designed with appropriate façade treatments to be sympathetic to the existing character of the area, as well as creating interaction and interest with the streetscape. As such, the proposed variations to building setbacks and siting are acceptable and the proposal meets the intent of the setback requirements to minimise impacts upon adjoining properties.

Conclusion

The proposed development is consistent with the relevant environmental planning instruments including:

- Section 4.15 of the Environmental Planning and Assessment Act 1979.
- State Environmental Planning Policy No. 55 - Remediation of Land.
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
- State Environmental Planning Policy No. 64 - Advertising and Signage.
- Port Stephens Local Environmental Plan 2013 (LEP 2013); Clause 2.3 – Zone objectives and land use table, Clause 4.3 – Height of Buildings, Clause 7.1 – Acid sulfate soils, Clause 7.2 – Earthworks, Clause 7.6 – Essential services and Clause 7.8 – Drinking water catchments.
- Port Stephens Development Control Plan 2014 (DCP 2014); Section B3 – Environmental Management, B4 – Drainage and water quality, Section B6 – Essential Services, Section B7 – Williamtown RAFF Base Aircraft Noise and Safety, Section B9 – Road Network and Car Parking, Section C2 – Commercial, and Section C8 – Signage.

The proposal will facilitate a commercial office building, inclusive of ancillary car parking, landscaping and signage. The development is sympathetic to the surrounding neighbourhood amenity and facilitates good design outcomes. The design takes into account the future desired character of the area, as 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 determination as the development occurs on Council owned 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	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		
Developer Contributions (\$7.12)	Yes		Fixed development consent contributions are applicable to the development.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application, subject to the Recommended Conditions of Consent (**ATTACHMENT 3**) is consistent with the objectives of the applicable environmental planning instruments and guidelines, being; State Environmental Planning Policy No. 55 - Remediation of Land, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, State Environmental Planning Policy No. 64 - Advertising and

Signage; Port Stephens Local Environmental Plan 2013 (LEP 2013) and Port Stephens Council Development Control Plan 2014 (DCP 2014). A detailed assessment against these requirements are contained within the Planners Assessment Report provided at (**ATTACHMENT 2**).

Risk	Risk Ranking	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 social and economic impact, engaging future employment opportunities and business use to the newly subdivided local centre in Medowie (that cater for long term population increases in the area). The proposal

engages a range of commercial land uses, and is considered to be of positive social and economic impact.

Impacts on the Built Environment

The development of the currently vacant site will result in enhanced built environment and associated visual amenity of the area. The development is consistent in terms of height, bulk and scale with existing and envisaged future development in the area. The proposal incorporates modern building designs and techniques of which seek to increase interest within the streetscape.

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. A landscape plan has been provided of which demonstrates compliance with Council's controls and utilises species endemic to the local area. The proposal will not have a detrimental impact on the natural environment.

CONSULTATION

Internal

Consultation was undertaken with internal officers, including; Engineering, Building Surveyors, Vegetation Management Officer and Development Contributions. The referral comments from these officers were considered as part of the Planners Assessment Report provided at **(ATTACHMENT 2)** and are reflected in the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

External

Consultation with Department of Defence was undertaken, noting the development is located within a Bird Strike Group B area. The application was supported subject to recommendations for management of organic waste on site, which have been incorporated in the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

The proposal was notified for a period of 14 days from 15 May 2019 to 29 May 2019. No submissions were received during the notification period.

OPTIONS

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

ATTACHMENTS

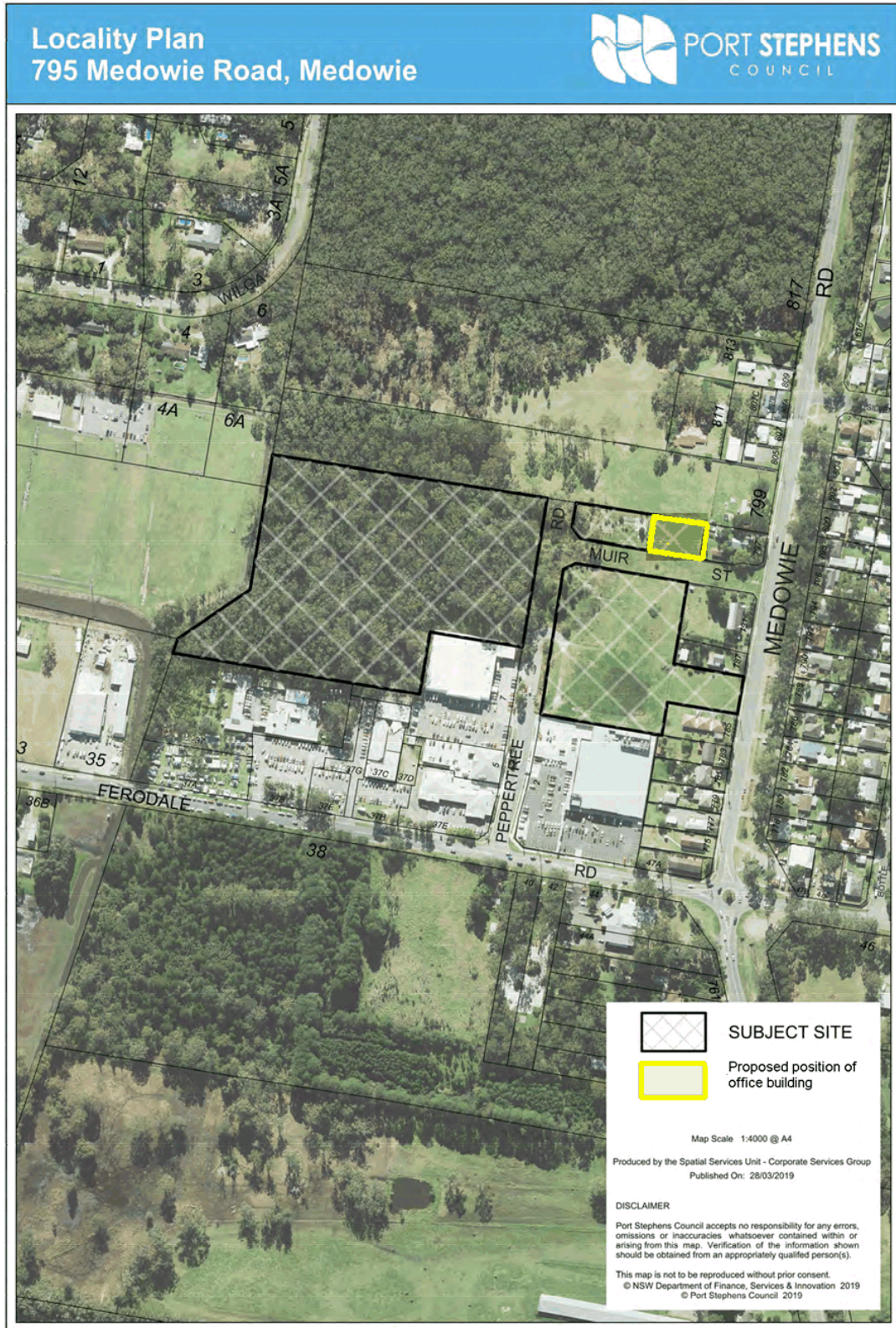
- 1) Locality Plan.
- 2) Planners Assessment Report.
- 3) Recommended Conditions of Consent.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 46800255 Fax: (02) 46873612 Email: council@portstephens.nsw.gov.au

 **PORT STEPHENS COUNCIL** **DEVELOPMENT ASSESSMENT REPORT**

APPLICATION DETAILS

Application Number	16-2019-284-1
Development Description	Office premises and signage – construction of two storey office premises, signage, car parking, landscaping, fencing, and associated site works.
Applicant	MURRAY CONSULTING SOLUTIONS PTY LTD
Date of Lodgement	03/05/2019
Value of Works	\$1,200,000.00

Development Proposal

The application proposes a two storey office building, ancillary parking, landscaping and signage to be situated on future lot 2 of 795 Medowie Road Medowie (see **figure 1**). It is noted that a five (5) lot Torrens title subdivision was approved by Council on 9 April 2019 under DA 16-2018-789-1 but is yet to be formalised via a subdivision certificate. Resulting lot 2 will measure approximately 1,000m².

The proposal consists of a two storey office building, to include 288m² of usable space on each level, including an open office space, reception desk for second storey office, and male female and accessible toilets, on the ground floor. The second floor will include an open office space, reception, and 6 office rooms, conference/board room, kitchenette and storage and printing areas. The second floor of the development will be utilised by Murry Consulting (proponent and applicant), with the intent to lease out the ground floor of the development to another business.

The proposal is supported with 15 car spaces, outdoor seating, landscaping and signage.



Figure 1 – Perspective image of proposed office building, view from Muir Street.

PROPERTY DETAILS	
Property Address	795 Medowie Road MEDOWIE
Lot and DP	LOT: 1 DP: 1215257
Current Use	Vacant land – mixed zone
Zoning	B2 LOCAL CENTRE / PART R2 LOW DENSITY RESIDENTIAL / PART RE1 PUBLIC RECREATION
Site Constraints	Bushfire prone land, category 3 (buffer); Acid sulfate soils, class 5; Koala Habitat Planning Map, preferred habitat over cleared land; Hunter Water Corporation, Special Area (Grahamstown); RAAF Base Williamtown, height trigger map (45m); RAAF Base Williamtown, bird strike group B; SEPP (Vegetation in Non-Rural Areas) 2017.

Site Description

The subject site is situated at 795 Medowie Road Medowie, legally identified as LOT: 1 DP: 1215257, and measures a total of 53,272m². The lot is physically separated into 3 areas by the recently constructed Muir Street and Peppertree Road (see **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. Approved 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.

It is noted that this proposal seeks approval for an office building to be situated on future lot 2 of this land (highlighted blue in **Figure 2** below). The subject site, once subdivided under DA 16-2018-789-1, will measure a total of 1000m², benefit from direct access to Muir Street, and maintain a cleared site with a slight slope towards the west.

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

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.



Figure 2 – GIS aerial image, approximate location of the subject site highlighted in red and black hatching.

Site Inspection

A site inspection was carried out on Thursday 11th July 2019. The subject site can be seen in the image below.



Figure 3 – Subject site view from Peppertree road.

ASSESSMENT SUMMARY	
Designated Development	The application is not designated development
Integrated Development	The application does not 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 S4.15 Matters for Consideration below.

Development Engineer – The proposed development will be accessed by Muir Road. Currently, there is a shared footpath on the southern side of Muir Street, with a shared footpath on the northern side (development side) proposed within the PSC Pathways Plan. The development will be required to construct this shared footpath along the property frontage. The site is located within the Hunter Water Drinking Water Catchment (Grahamstown – Special Area). A MUSIC model has been provided of which demonstrates compliance with NorBE and Council’s stripping targets. The development is considered compliant with Council objectives and supported with standard conditions of consent relating to approved plans and Roads Act Approval.

Building Surveyor – No objections were made to the proposal and no DA building issues noted. The submitted plans demonstrate that compliance with the BCA can be achieved. Standard and prescribed conditions have been recommended. No Construction Certificate has been lodged with Council.

Vegetation Management Officer – The landscape plans provided do not achieve 30% shading over car park areas as specified in Council’s DCP, and it was recommended the applicant change the proposed Waterhousia with Lophostemon to ensure shading is achieved and increase species survival. Upon review, concerns were raised by the applicant noting potential impact of Lophostemon on footing and building stability. As such, the original landscape plan was deemed appropriate in this instance, noting the building itself generates substantial shading over car parking areas during afternoon periods.

Development Contributions - This development would trigger s7.12 contributions in accordance with Council’s Fixed Development Contribution Plan 2007. It should be noted that there are no exemptions that apply to the proposal pursuant to clause 2.10 of the contribution plan. Therefore a condition of consent is recommended, of which outlines the monetary contributions payable to Council. Given the scale of development, it is not recommended that Council look to enter into any other form of contributions agreement. Therefore the proposal is considered acceptable, subject to one recommended condition.

External Referrals

Department of Defence – The application was referred to the Department of Defence, noting the subject sites location within a Bird Strike zone. The development was supported with one standard

recommended condition requiring suitable storage and disposal of organic waste on site, to limit potential vermin and bird activity in the area. It was further noted that due to the proximity of the subject site to the RAAF Base and flight paths, it is likely that the development may be subject to minor levels of aircraft noise. The Department of Defence response state that it will not accept liability for any aircraft related noise impacts.

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 proposed development is defined as Commercial Premises (Office) and is permissible with consent. The development addresses the objectives of the B2 zone by providing a business premises to service the needs of the community, increasing employment opportunities, and encouraging further connectivity and access within the town centre.

Clause 4.3 – Height of Buildings

The subject site is subject to a maximum height limit of 8m under the Port Stephens Local Environmental Plan 2013. The development includes a maximum height of 7.4m of which remains compliant with this Clause. Further, the proposal is considered consistent with the aims and objectives of this Clause, and is typical within the surrounding neighbourhood context.

Clause 7.1 – Acid Sulfate Soils

The subject site is mapped as containing potential class 5 Acid Sulfate Soils. The development is not within 500m of adjacent classes, and works are not proposed below 5m AHD whereby the water table would likely to be lowered on adjacent classes. As such, the proposal is considered to meet the objectives of this Clause, noting no impact is anticipated as a result of Acid Sulfate Soils.

Clause 7.2 – Earthworks

Minor earthworks, by way of balanced cut and fill, are proposed to achieve a level building platform on site. The proposed works will not disrupt or have any detrimental effects on drainage patterns or soil stability. The development will not impact on neighbouring properties. Standard conditions of consent will be included to ensure appropriate sediment and erosion controls are in place, and the applicant has noted within the submitted Statement of Environmental Effects that an Environmental Management Plan will be provided at Construction Certificate stage, to minimise any potential or perceived impacts as a result of the earthworks. Noting this, the proposal is considered compliant with the provisions and objectives of this Clause.

Clause 7.6 – Essential Services

The subject site is located within a recently approved commercial subdivision and benefits from access to reticulated water, sewer, and electricity. Evidence of this connection is to be provided prior to the occupation of the office building. Further, the development proposal includes a stormwater drainage system of which achieves water quality and quantity measures for stormwater drainage and disposal. The development maintains direct access for stormwater drainage and vehicular manoeuvrability via the public infrastructure along Muir Street, with direct connectivity to Medowie Road. Noting the above, the proposal is considered to meet the requirements and objectives of this Clause.

Clause 7.8 – Drinking Water Catchment

The subject site is located within the Grahamstown Dam – Special Area, of which requires consideration under this clause. It is considered that the development is located a fair distance

ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-284-1

away from any water way that feeds into the Grahamstown Dam, and does not propose a land use whereby use, storage and disposal of chemicals is likely to occur. Further, the proposal includes a stormwater drainage system of which meets NorBE and MUSIC guidelines with regards to water quality measures. The development has been design to consider the 'avoid, minimise and mitigate' framework to ensure limited to no impact on the Grahamstown Dam and surrounding water ways occur. Noting this, the development is considered to meet the objectives and requirements of this Clause.

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. 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 (Vegetation in Non-Rural Areas) 2017

The subject site is identified under the SEPP, noting its location within the B2 – Local Centre zone. The development does not propose the removal of trees, noting the site as existing is relatively clear of vegetation.

It is noted that the portion of the allotment located towards the west of Peppertree road is heavily vegetation, of which was satisfactorily addressed in the recently approved subdivision application. Once the subdivision is finalised, subject Lot 2 will be situated separately from the residue land, which will be subject to further vegetation removal and/or management.

Noting the above, the subject site does not seek the removal or intent to impact on vegetation in this area, and therefore the SEPP is not applicable.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development incorporates six business identification signs in the form of projecting wall signs, as follows:

Elevation	Measurements
East elevation	0.9m height x 3.0m width (2.7m ²)
East elevation	0.9m height x 3.0m width (2.7m ²)
East elevation	0.9m height x 3.0m width (2.7m ²)
East elevation	0.9m height x 3.0m width (2.7m ²)
South elevation	0.9m height x 4.1m width (3.69m ²)
South elevation	0.9m height x 3.0m width (2.7m ²)

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An assessment against the aims of the SEPP is included in the table below:

Clause	Compliant	Notes
6	<input checked="" type="checkbox"/> Development proposes advertising or signage which is not exempt development and is visible from any public place or reserve.	As noted above, the proposed signage is not classified as exempt development.
8	<input checked="" type="checkbox"/> Development complies with the objectives as set out in Clause 3(1)(a); AND, <input checked="" type="checkbox"/> The proposal is consistent with the requirements as specified in Schedule 1.	<p>The proposed business identification signage (six wall signs) is consistent with the objectives of the SEPP and satisfies the assessment criteria specified in Schedule 1 of the Policy. The proposed signage in terms of its type and size is compatible with the character of the area and does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas. The proposed signage does not obscure or compromise important views, dominate the skyline or reduce the quality of vistas and respects the viewing rights of other advertisers.</p> <p>The proposed scale, proportion and form of the proposed signage is appropriate for the streetscape, setting and landscape and does not protrude above buildings, structures or tree canopies in the area. The proposed signage is compatible with the scale, proportion and other characteristic of the site and buildings and respects important features of the site and buildings. The proposed signage does not reduce the safety of any public road, pedestrians, cyclists or children by obscuring sightlines from public areas.</p> <p>No illuminated signage is proposed.</p>
9 & 10	<input checked="" type="checkbox"/> The signage is a business identification sign, building identification sign, signage that falls under exempt development or signage on vehicles; AND, <input checked="" type="checkbox"/> Is not prohibited under Clause 10.	Part 3 Clause 9 does not apply as the proposed development includes business identification signage.
13	<input type="checkbox"/> The proposed advertisement is consistent with the objectives and Schedule 1 of the SEPP, together with the relevant section of Part 3.	Part 3 Clause 13 does not apply as the proposed development includes business identification signage and not advertising signage.
14	<input type="checkbox"/> Condition of consent for advertisement granted under Part 3 is restricted to 15 years from the date of	Part 14 relates to an advertisement which is a sign, notice, device or representation in the nature of an advertisement, and excludes business identification signage (Clause 9(1)). As the

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	consent or a lesser period as justified.	proposed development includes business identification signage, clause 14 does not apply.
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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.

Chapter A.12 – Notification and Advertising

In accordance with the requirements of chapter A.12, the development application was notified for a period of 14 Days, from the 15 May 2019 to 29 May 2019. No submissions were received during the notification period.

Chapter B3 – Environmental Management

B3.A - Acid Sulfate Soils

The subject site is mapped as containing potential class 5 acid sulfate soils. As per the assessment against Clause 7.1 of the LEP above, The development is not within 500m of adjacent classes, and works are not proposed below 5m AHD whereby the water table would likely to be lowered on adjacent classes. No impacts are anticipated as a result of ASS.

B3.D – Earthworks

Minor earthworks, by way of balanced cut and fill, are proposed to achieve a level building platform on site. The proposal does not include cut below 2m, more than 100m² of fill, nor is within 40m of a riparian corridor. The applicant has noted the provision of an Environmental Management Plan at Construction Certificate stage, to adequately manage any potential or perceived impacts. The development will be conditioned accordingly, including provisions for VENM or ENM, should fill be imported on site. The proposal is considered to meet the requirements and objectives of this chapter.

Chapter B4 – Drainage and Water Quality

The site drains to the street-frontage (south-western corner) and the proposed development will have an impervious area which is under the 100% maximum outlined in the DCP.

The proposal includes drainage of hard stand areas and any overflow from the 2x5kL rainwater tanks (roof runoff) to a Spel Hydrosystem at the western corner of the subject site, with overflow directed to the public system along Muir Street.

The site is located within the Hunter Water Drinking Water Catchment (Grahamstown – Special Area). As per Figure BF in Council's DCP, the water quality outcomes should achieve NorBE or Council's water quality stripping targets (whichever achieves the better water quality outcome). The MUSIC model provided demonstrates compliance with these objectives.

Noting the above, the proposed stormwater drainage design is compliant with the requirements and objectives of this Chapter and is supported with standard conditions recommended by Council's Development Engineers.

Chapter B6 – Essential Services

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As per the assessment against Clause 7.6 of the LEP above, the subject site is located within a recently approved commercial subdivision and benefits from access to reticulated water, sewer, and electricity. The development proposal includes a stormwater drainage system of which achieves water quality and quantity measures for stormwater drainage and disposal. The development maintains direct access for stormwater drainage and vehicular manoeuvrability via the public infrastructure along Muir Street, with direct connectivity to Medowie Road. As such, the development meets the requirements and objectives of this chapter.

Chapter B7 – Williamstown RAAF Base – Aircraft Noise and Safety

The subject site is located within the Bird Strike Group B area. The development proposes an office building, a use of which is not listed under Group B as land uses to avoid. A condition of consent, as recommended by the Department of Defence, is to be included, of which requires the appropriate management and disposal of organic waste on site to limit the attraction of vermin and birds within the area. The development is considered to meet the requirements and objectives of this chapter.

Chapter B9 – Road Network and Parking

The development proposes a Commercial premises (office building) of which requires the following on-site parking provisions under Council’s Development Control Plan:

Development Type	Parking Requirements	Accessible Parking	Proposed Floor Area	Required Parking Spaces
Office premises and business premises	<ul style="list-style-type: none"> 1 car space per 40m² floor area 1 bike space per 200m² floor area 	<ul style="list-style-type: none"> 1 car space per 30 parking spaces 	576m ²	14 onsite parking spaces

The proposal includes 15 onsite parking spaces (inclusive of 1 accessible parking space) of which is an oversupply of parking as per Council’s DCP requirements listed under Figure BT. The development ensure enough space for at least two bike parks, where required. The development has demonstrated a six (6) metres wide driveway, and compliance with access requirements under Council’s DCP and AS2890.1. Driveway gradients are to comply with AS 2890.1 and parking dimensions appear to comply with AS2890 requirements (including blind aisle AS2890.1 CI 2.4.2(c)). A street sign will need to be relocated as it is in the proposed driveway location. The development is considered compliant with the aims and objectives of this Chapter.

Chapter C2 – Commercial

Reference	Requirement	Comment
C2.1	Building height is provided in accordance with PSLEP2013 clause 4.3.	The subject site is subject to a maximum height limit of 8m under the Port Stephens Local Environmental Plan 2013. The development includes a maximum height of 7.4m of which remains compliant with this Clause, and therefore meets the requirements of this chapter.
C2.2 - C2.3	Minimum ground floor to ceiling height for all new development within a commercial zone is 3.5m. Minimum first floor to ceiling height for all new development within a	As per the plans provided, the proposal includes a minimum floor to ceiling height of 2.7m of which is non-compliant with this provision. It is noted that the subject site is limited to a total height of 8m, and the office

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	commercial zone is 3.5m.	building has been design to meet the requirements of the LEP height limit. The non-compliance of ceiling height is considered suitable in this instance, as it will not impede on or restrict potential future uses, and is considered consistent with surrounding commercial premises. The proposal is considered to meet the objectives of this chapter and therefore considered suitable in this instance.
C2.7 - 2.10	Development is built to the front property line for ground and first floor. Parts of building may give variation in setback to provide design articulation.	Although the building does not contain a zero setback from the front property boundary, the location of the built form within the site is considered appropriate for the subject site and surrounds. It is noted that the building has been designed to minimise impacts on neighbouring land uses, and provide substantial landscape interest. The building setback is not varied however use of window frame, entrance awning and continuation of large pain window design has been utilised to articulate the front of the building and engage the streetscape, as noted in C2.18 below.
C2.11	Development should be built to the side boundary to maximum continuous activated street frontage except where side access is provided.	As noted above, the site is not located in an area that requires a continuous activated street frontage, and has been design to minimise impacts on adjoin land uses. The proposal includes a setback of 3m from the western boundary, whereby two side access points are proposed. Further the proposed car park is to be situated within the eastern portion of the site, resulting in a side setback of approximately 20m from the eastern boundary. This car parking area will benefit from landscape screening along the development frontage to ensure activated streetscape is achieved, meeting the objectives of this chapter.
C2.12	Commercial premises adjacent to a lot that is zoned or used for residential purposes is to provide a minimum rear setback of 5m, plus an additional 0.5m for each meter of the height of the building that exceeds 8m.	The rear boundary of the subject site abuts a residentially zoned allotment of which was recently approved for a 39 lot Torrens title subdivision. The proposed commercial building includes a rear setback of 1.75m from the property boundary, of which is non-compliant with this chapter. The proposal is considered suitable in this instance, noting this non-compliance only occurs for approximately 12m of the 35m allotment width (34%), and the applicant had provided landscaping and fencing mitigate and minimise impacts to potential future land holders. Noting the


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		residential land is situated to the north of the site, the building has been orientated to avoid any potential overshadowing impacts. Noting this, the non-compliance is considered acceptable in this regard.
C2.15 – C2.16	Building mass does not result in unreasonable loss of amenity to adjacent properties or public domain Building proportion is complimentary to the form, proportions and massing of existing building patterns.	The proposed development, although non-compliant with setback provisions, has been designed to reduce and mitigate any potential impacts to neighbouring properties by way of building mass and form, and potential overshadowing. The proposal will not result in an unreasonable loss of amenity, and is considered to be of benefit and interest to the current streetscape.
C2.17 – C2.21	Building facades use materials, colours and architectural elements to reduce bulk and scale that are complimentary to existing built-form and natural setting Development provides continuity of an active street frontage for localities where business premises predominantly face the street. An active street frontage provides the following: <ul style="list-style-type: none"> • Maximum unarticulated wall is 2m in length • Maximum 50% of ground floor front is windows, which does not include false windows Development incorporates CPTED principles by providing passive surveillance to public spaces through building design and orientation Development provides pacing to the public footpath for the entire length of the development street frontage	The proposed building façade utilises architectural elements, including framed windows, fillet lines, signage and suitable colour pallet to actively engage the streetscape, reduce bulk and scale, and be complementary to the natural setting. The development provides an active street frontage, does not include unarticulated walls beyond 2m in length, and does not exceed 50% widow coverage along the frontage. CPTED principles have been suitability integrated, and passive surveillance of the streetscape is readily achieved. Currently, there is a shared footpath on the southern side of Muir Street, with a shared footpath on the northern side (development side) proposed within the PSC Pathways Plan. The development will be required to construct this shared footpath along the property frontage, in accordance with the requirements of this Chapter.
C2.22	Awnings must be provided over pedestrian pathways	An awning is proposed to wrap from the front elevation, along the eastern elevation of the building, allowing for continuous sheltered pedestrian access to the building entrance. Awnings are not proposed over the public footpath.
C2.23 - C2.24	Provide a recognisable entry from the primary street	The subject site is clearly and reasonably accessible and identifiable from the streetscape, through use of wrap around windows on the first floor, and a continuous awning of which guides the pedestrian tracking to the main entrance along the eastern elevation.

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<p>C2.31</p>	<p>Landscaping is provided as follows:</p> <ul style="list-style-type: none"> • 10% of the site area consisting of deep soil planting <p>30% shading over car park areas</p>	<p>The development is supported with a landscape plan of which utilises 10% deep soil planting. Concerns were raised by Council's Vegetation Management Officer, noting the development does not achieve 30% landscape shading over car park areas. A number of alternative species were considered, however it is noted that Waterhousia remains the preferred species to be utilised on site. Further, noting the building orientation, the car parking area is reasonably shaded by the proposed office building, mitigating any areas of which cannot be appropriately shaded by landscaping provisions (see figure 4 below). As such, the development is considered acceptable in this instance.</p>  <p>Figure 4 – Shadow Diagram (21 June)</p>
<p>C2.32</p>	<p>The landscaped area must be at least 1.5m wide and 3m long</p>	<p>The proposed a landscape plan demonstrates compliance with this objective.</p>
<p>C2.33</p>	<p>Landscaping is in accordance with the following:</p> <ul style="list-style-type: none"> • Works incorporate adequate screening from the street and adjacent neighbours • Tree and landscape planting shall be of a scale and extent that reflects the scale of the proposed development's buildings and pavement areas • Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure 	<p>The proposed a landscape plan demonstrates compliance with this objective.</p>
<p>C2.35</p>	<p>Landscape species are to be selected in accordance with the Landscape Technical Specification</p>	<p>The proposed a landscape plan demonstrates compliance with this objective.</p>

C8 – Signage

The proposed development incorporates six signs, noting under SEPP 64 above. As discussed, the signage is compatible with the existing character of the area and industrial zone, contributing to the aesthetics of the streetscape. The proposed signage does not protrude above buildings, structures or tree canopies nor interfere with the features of the site and building. No illumination is proposed. The requirements of this section are considered to be met in this regard. A condition requiring the signs to be kept in a reasonable condition has been attached to the notice of determination.

s4.15(1)(a)(iiiia) – 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

Not applicable.

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

The proposal will result in a positive social and economic impact, engaging future employment opportunities and business use to the newly subdivided local centre in Medowie, that cater for long term urban growth in the area. The proposal engages a range of commercial land uses, and is considered to be of positive social and economic impact.

Impacts on the Built Environment

The development of the currently vacant site will result in enhanced built environment and associated visual amenity of the area. The development is consistent in terms of height, bulk and scale with existing development in the area, and will not cause harm to adjacent land uses. The proposal incorporates modern building designs and techniques of which seek to increase interest within the streetscape.

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. A landscape plan has been provided of which demonstrates compliance with Council's controls and utilises species endemic to the local area. The proposal will not have a detrimental impact on the Natural Environment.

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

The subject site is within an existing, and recently subdivided, commercial areas of which makes good use of available space. The proposal is deemed physically suitable for the scale of the office building and associated parking/vehicle movements, and landscaped areas. The development will

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enhance the commercial presence within the local centre of Medowie and is considered suitable for the subject site.

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 is in the public interest as it provides additional services, economic development and job opportunities in the local area and surrounds. There are no anticipated detrimental impacts to the environment and the development of the vacant site will result in enhanced visual amenity. The proposed development is therefore considered to be in the public interest.

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Draft conditions of consent

SCHEDULE 1

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; Port Stephens Local Environmental Plan 2013 (PSLEP), State Environmental Planning Policy No 55 - Remediation of Land.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Port Stephens Council Development Control Plan 2014 (PSDCP).
- The proposed setback and landscape shadowing variation to the PSDCP is considered to be acceptable in the particular circumstances of this case as the variation will not impede on privacy of adjoining development or amenity of the wider area, and is generally consistent with surrounding developments.
- Subject to the recommended conditions the proposed development will be provided with adequate essential services required under the PSLEP.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- Council has given due consideration to community views when making the decision to determine the application.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

- confirm and clarify the terms of Council's Approval;
- identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing management of the development.



Draft conditions of consent

SCHEDULE 2

GENERAL CONDITIONS OF CONSENT

1. Development must be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
BC0054 (Rev 6) Sheet 1 of 8	Proposed Site Plan	Brown Commercial Building	20/03/2019
BC0054 (Rev 5) Sheet 2 and 3 of 8	Ground Floor Layout Plan, First Floor Layout Plan	Brown Commercial Building	01/03/2019
BC0054 (Rev 4) Sheet 4 of 8	Elevations	Brown Commercial Building	01/03/2019
BC0054 (Rev 5) Sheet 5 of 8	Elevations	Brown Commercial Building	05/03/2019
9884 (Rev D) C01 to C10	Proposed office building – Concept stormwater/civil works	Eclipse Consulting Engineers	07/06/2019
BC0054 (Rev 2) Sheet 1 to 3 of 3	Site Analysis Plan, Landscape Plan, Specification Plan	JK's Garden Creations	21/03/2019

Document Title	Prepared by	Date
Water Cycle Management Plan	Eclipse Consulting Engineers	17 June 2019

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

2. No consent is given or implied for any form of illumination or floodlighting to any sign.
3. As the subject site is located in an area mapped by the Department of Defence as "Birdstrike Group B", organic waste and/or the storage of bins associated with any future development must be covered and/or enclosed and limited on-site.



Draft conditions of consent

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

4. Civil engineering plans prepared by a qualified Engineer, indicating drainage, roads, accessways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications.

Details demonstrating compliance must be provided to the Certifying Authority.

Note. Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

5. Detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council).

Details demonstrating compliance must be provided to the Certifying Authority.

Note. Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

6. An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Council's Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.
7. For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138B of the *Roads Act 1993*.
8. The following information must be provided to Council as Roads Authority with the Roads Act application:
- Design plans for a 2.5 metre wide shared pathway across the full frontage of the development site within Muir Street.
 - Details of any required regulatory signage approved by the Local Traffic Committee and consistent with this condition.
 - Any associated works to ensure satisfactory transitions to existing infrastructure.
9. A Section 49 Application under the *Hunter Water Act 1991* must be lodged with Hunter Water Corporation (HWC) and details of the Notice of Compliance from HWC must be provided to the Certifying Authority.
10. Written evidence from all relevant servicing authorities that adequate servicing provisions have been provided to the approved development, are to be provided to the Certifying Authority.



Draft conditions of consent

CONDITIONS THAT IDENTIFY CONTRIBUTIONS AND FEES

- 11. 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)
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. Building work only - **prior to issue of the Construction Certificate.**

- 12. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any works that cost \$25,000 or more.

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS

- 13. The owner or contractor must take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works.

Evidence of this Policy must be provided to Council and the Certifying Authority.

- 14. Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 103 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;



- c) the Registered number and date of issue of the relevant development consent;
 - d) the name and address of the Principal Certifying Authority (PCA), and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
15. Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 104 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the Registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the Principal Certifying Authority to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
16. A sign must be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
 - c) the name, address and telephone number of the Principal Certifying Authority.
- The sign must be maintained while the work is being carried out and must be removed upon the completion of works.
17. In accordance with the provisions of Section 6.7 of the *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)*, construction or subdivision works approved by this consent must not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the *EP&A Act 1979*; and
 - c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
18. The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.



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19. Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)' and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

20. 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.

21. Where not already available, 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 must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.

CONDITIONS TO BE SATISFIED DURING WORKS

22. All work (including delivery of materials) must be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
23. Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must 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.
24. All building work must be carried out in accordance with the requirements of the Building Code of Australia.
25. All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:

- a. preserve and protect the building from damage; and
- b. if necessary, underpin and support the building in an approved manner; and



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- c. give at least seven days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

26. Following the installation of any roof, collected stormwater runoff from the structure must be connected to an approved stormwater quality improvement device such as an infiltrating raingarden in accordance with Council's Standard Drawing S161 (or latest revision of this drawing).

27. Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.

Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.

28. Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant Environmental Protection Agency and Australian and New Zealand Environment and Conservation Council standards for water quality discharge.
29. Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.
30. Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

31. All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.



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32. All work must not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the nearest property boundary.
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 (POEO Act 1997)*; or
 - b. Excavated natural material (ENM) within the meaning of the *POEO Act 1997*; or
 - c. 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.

Any fill, soil, mulch and plant bought onto the site must be certified as free of weeds and weed seeds.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

34. An Occupation Certificate must be obtained prior to any use or occupation of the development.

The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
35. The Subdivision Certificate for DA 16-2018-789-1 must be registered with Land Registry Services. Proof of registration of the land must be provided to the Principle Certifying Authority.
36. A Fire Safety Certificate must be provided to the PCA in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.
37. A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.
38. A footpath crossing and driveway must be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.



Draft conditions of consent

Note: A Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of such works.

39. Evidence is to be provided to Council demonstrating that the following reticulated services are available to each lot:
- a. Electricity;
 - b. Water; and
 - c. 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.

40. All stormwater and drainage works required to be undertaken in accordance with this consent must be completed.

The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.

41. The applicant must rectify any new damage to public infrastructure to the satisfaction of the Council as the Roads Authority.
42. All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the *Roads Act* Approval to the satisfaction of the Council as the Roads Authority.
43. All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent.
44. The following tree species must be planted at no cost to Council and in the location(s) specified on the Landscape Plan, along the nature strip adjoining the subject site:
- a. Two (2) *Cupaniopsis anacardioides* (Tuckeroo) trees, minimum pot size of 45L, taller than 1.2m at the time of planting.

Details demonstrating compliance must be provided to the Certifying Authority.

45. A minimum of 15 car parking spaces including 1 disabled car parking spaces are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface.

CONDITIONS TO BE SATISFIED AT ALL TIMES

46. All vehicles must enter and exit the site in a forward direction.
47. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.



Draft conditions of consent

- 48. The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday to Friday	7am to 7pm
Saturday	9am to 1pm
Sunday and Public Holidays	N/A

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

- 49. The approved signs must be maintained in a presentable and satisfactory state of repair.
- 50. All access crossings and driveways must be maintained in good order for the life of the development.
- 51. At all times, the loading, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.
- 52. At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building and a copy forwarded to the Commissioner of New South Wales Fire Brigades in accordance with the Environmental *Planning & Assessment Regulations 2000*.
- 53. Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.

If any of the vegetation 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.
- 54. The business must be conducted, and customers controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.

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.



Draft conditions of consent

- 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.
- C. It is the Applicants responsibility to ensure compliance with the requirements of the *Disability Discrimination Act 1992* (DDA). Note: Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.
- D. The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act.
- E. 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.

SCHEDULE 3

RIGHT OF APPEAL

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: 19/198732
EDRMS NO: 16-2019-8-1**

DEVELOPMENT APPLICATION 16-2019-8-1 SOLDIERS POINT MARINA - ALTERATIONS AND ADDITIONS TO EXISTING MARINA, LANDSCAPING, SITE PREPARATION WORKS INCLUDING PARTIAL DEMOLITION OF EXISTING SLIPWAY AND EARTHWORKS AT SUNSET BOULEVARDE AVENUE, RIDGEWAY AVENUE AND MITCHELL STREET, SOLDIERS POINT (LOT 2071 DP852662, LOTS 321 & 322 DP636840, LOT 539 DP823769 AND LOTS 1 & 2 DP1058490)

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2019-8-1 for Soldiers Point Marina – Alterations and additions to existing marina at Sunset Boulevard Avenue, Ridgeway Avenue and Mitchell Street, Soldiers Point (Lot 2071 DP852662, Lots 321 & 322 DP636840, Lot 539 DP823769, and Lots 1 and 2 DP1058490) subject to the recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

ORDINARY COUNCIL MEETING - 27 AUGUST 2019

	Item 3 was withdrawn with the consent of the Chair.
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BACKGROUND

The purpose of this report is to present a Development Application (DA) 16-2019-8-1 to Council for determination. The DA has been reported to Council in accordance with Council's Development Applications to be reported to Council Policy as the land on which the development is to be carried out is partly owned by Port Stephens Council.

The land which comprises the development site is owned by either Council or Crown Land and subject to lease agreements from their respective owners. The following land titles and deposited plans comprise the development site:

- 2A Sunset Boulevard Avenue, Soldiers Point (Lot 2071 in DP 852662)
- 2A Ridgeway Avenue, Soldiers Point (Lot 321 in DP 636840)

- 2C Ridgeway Avenue, Soldiers Point (Lot 539 in DP 823769)
- 2E Ridgeway Avenue, Soldiers Point (Lot 1 in DP 1058490)
- 2F Ridgeway Avenue, Soldiers Point (Lot 2 in DP 1058490)
- 9 Mitchell Street, Soldiers Point (Lot 322 in DP 636840)

The subject site is zoned W2 Recreational Waterways and part B1 Neighbourhood Centre. A Locality Plan is provided at **(ATTACHMENT 1)**. Noting that the proposed development relates to a small portion of the site as identified in **(ATTACHMENT 2)**.

Proposal

The applicant seeks approval for alterations and additions to the existing marina known as the Soldiers Point Marina. The proposed works are to be located in the area lying directly to the north, which is currently used as a slipway. Key features of the proposed development include:

- Site preparation work including partial demolition of the existing slipway, minor earthworks and the driving of pier foundations.
- Construction of a two-storey addition to the marina, to measure 994.0m² in size.

The key features of the development include:

- Members Lounge
- Gymnasium
- Swimming pool and spa with a shaded pool lounge and patio
- 3 storage rooms
- Bathroom facilities
- Infrastructure and plant room
- Decking with associated stairwells
- Enhancement landscaping

Site description and history

The subject site is irregular in shape and encompasses 16,360m² of land and waterways. The site contains the existing Marina, comprising 90 berths, a dual slip way, concrete hardstand area and a marina building including administration offices, restaurant, café, 2 boat sales offices, workshop, laundry, sauna/massage rooms and amenities. Existing berths are also being utilised for wedding functions and a floating café.

The site has a number of constraints including; Flood prone land – high hazard flood fringe, Acid Sulfate Soils, Port Stephens – Great Lakes Marine Park (Special Purpose Zone), LEP 2013 – Wetlands which have been considered and addressed in detail within the Planners Assessment Report **(TABLED DOCUMENT 1)**.

A number of development approvals have been considered since the original approval for a 130 berth marina in 1981. However, not all stages of the original development were completed and the marina includes only 90 berths. Subsequent to the granting of the original approval, a number of applications comprising alterations/additions and redesign of marina berths, as well as modification of the marina building have been approved. In 2017 the Land and Environment Court upheld a refusal of a development application (DA 16-2015-586-1) on the site for a

proposed extension to the existing marina comprising an additional 59 berths, relinquishment of seven swing moorings and car parking.

Key Issues

The key issues that arose during the assessment of the DA related to potential ecological impacts of the proposed development and car parking. A detailed assessment of the development is contained in the Planners Assessment Report **(TABLED DOCUMENT 1)**.

Ecological Impacts

The subject site is positioned on the water's edge within the Port Stephens Great Lakes Coastal Marine Park. Due to the coastal location of the proposed development, consideration was given to environmental impacts to both aquatic and terrestrial flora and fauna. The key environmental constraints included protected seagrass and threatened shorebirds.

The application included the submission of an aquatic assessment, seagrass impact assessment and threatened shorebirds assessment of significance. The assessment of the application found that the proposed development would not result in any significant impacts to the biophysical and ecological environment, or any natural coastal processes, as detailed within the Planners Assessment Report **(TABLED DOCUMENT 1)**. The proposal includes appropriate mitigation measures, including adequate stormwater and erosion and sediment controls to prevent impact to the adjacent waterway. As a result, the application has been recommended for approval subject to conditions.

Recommended conditions relating to the preparation of a Construction Environmental Management Plan, protection and monitoring of seagrass, erosion and sediment control and stormwater controls have been included in the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

Car parking

The proposed development incorporates an extension of the existing marina. The DCP car parking requirements for marinas is based on the number of moorings and as there are no additional moorings proposed, no additional car parking is required by the DCP.

The proposed changes are not expected to generate additional employment with the lounge and gym facilities being self-managed and will operate in a similar manner to those provided in a hotel / motel. Further, the facilities are proposed to be used by only those customers of the marina who have their boats moored and a condition of consent has been recommended to enforce this as detailed in **(ATTACHMENT 3)**.

The proposed development is not a generator of additional traffic or parking having regard to the DCP and the proposed use of the premises and therefore no additional car parking is required to support the proposed development.

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.
- Section 4.66 of the Environmental Planning and Assessment Act 1979.
- State Environmental Planning Policy No 55 - Remediation of Land.
- State Environmental Planning Policy (Coastal Management) 2018.
- State Environmental Planning Policy No.62 (Sustainable Aquaculture) (SEPP No.62).
- Port Stephens Local Environmental Plan 2013 (LEP 2013); Clause 5.2 Classification and reclassification of public land, Clause 5.10 – Heritage conservation, Clause 7.1 – Acid sulfate soils, Clause 7.2 – Earthworks, Clause 7.3 – Flood Planning, Clause 7.6 – Essential services, Clause 7.8 – Drinking water catchments and Clause 7.9 – Wetlands.
- Port Stephens Development Control Plan 2014 (DCP 2014); Section B2 – Natural Resources, Section B3 – Environmental management, Section B4 – Drainage and water quality, Section B5 – Flooding, Section B6 – Essential Services, Section B8 – Heritage, Section B9 – Road network and car parking and Section C2 - Commercial.

The proposed development provides ancillary and improved services to existing customers of the marina. The key issues arising through the assessment of the application have been satisfactorily addressed and supported by sufficient mitigation measures as detailed 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.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live.	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

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 (S7.12)	Yes		Fixed Development Consent contributions are applicable to the development.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application, subject to the Recommended Conditions of Consent (**ATTACHMENT 3**) is consistent with the objectives of the applicable environmental planning instruments, being; State Environmental Planning Policy No 55 - Remediation of Land, State Environmental Planning Policy (Coastal Management) 2018, State Environmental Planning Policy No.62 (Sustainable Aquaculture) (SEPP No.62), Port Stephens Local Environmental Plan 2013 (LEP 2013) and Port Stephens Council Development Control Plan 2014 (DCP 2014). A detailed assessment against these requirements are contained within the Planners Assessment Report (**TABLED DOCUMENT 1**).

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and economic impacts

The proposal is considered to have positive social and economic impacts. The development provides ancillary and improved services to existing customers of the marina. It will assist in providing short-term employment during the construction phase and long-term job security for existing staff associated with the servicing of the development once constructed.

Impacts on the Built Environment

The proposed development is an appropriate type and design for the coastal location. The proposal maintains the existing use of the site as a marina and the extension provides a sustainable built form which ensures that the visual amenity of the coast is protected. The building envelope and size of the development is also compatible with the natural setting and will not adversely impact views.

Impacts on the Natural Environment

The proposed development involves no significant impacts to the biophysical and ecological environment, or any natural coastal processes. The application demonstrates that any impacts resulting from the proposal can be adequately managed during construction and ongoing operation of the development subject to the Recommended Conditions of Consent (**ATTACHMENT 3**).

CONSULTATION

Internal

Consultation was undertaken with internal officers, including; Engineering, Natural Resources (Coastal and Estuary), Building Surveying, Environmental Health, Property Services and Development Contributions. The referral comments from these officers were considered as part of the Planners Assessment Report (**TABLED DOCUMENT 1**) and accordingly conditioned in the Recommended Conditions of Consent contained in (**ATTACHMENT 3**).

External

Consultation was undertaken with the Department of Primary Industries (DPI) – Fisheries, Water, Crown Lands and Marine Parks. No objections were raised to the proposed development and concurrence was granted, subject to conditions by DPI Marine Parks as the proposal is located within the Port Stephens Great Lakes Marine Park. This has been incorporated into the Recommended Conditions of Consent contained in (**ATTACHMENT 3**).

Consultation was also undertaken with the Department of Planning, Industry and Environment (DPIE) (formerly Office of Environment and Heritage) and Worimi Local Aboriginal Land Council due to the proximity of the proposed development area to Aboriginal artefacts and Aboriginal place of significance. In response, no objection was made to the development by DPIE and no comment was received from the Worimi Local Aboriginal Land Council.

Public exhibition

The application was originally notified and advertised for a period of 14 days between 24 January 2019 and 7 February 2019.

The application was re-advertised for a period of 14 days between 14 February 2019 and 28 February 2019. During the combined advertising and notification period, 40 submissions with a total of 44 signatures were received.

The key issues raised within the submissions included community consultation and notification, public access issues, ecological impacts and car parking. All issues raised in the submissions have been addressed in detail within the Planners Assessment Report (**TABLED DOCUMENT 1**).

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan.
- 2) Subject Area.
- 3) Recommended Conditions of Consent.

COUNCILLORS ROOM

- 1) Copy of submissions.

TABLED DOCUMENTS

- 1) Planners Assessment Report.

ITEM 3 - ATTACHMENT 1 LOCALITY PLAN.



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

ITEM 3 - ATTACHMENT 2 SUBJECT AREA.





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 2

GENERAL CONDITIONS OF CONSENT

- Development must be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan/Doc. Title	Plan Ref. No	Sheet.	Date	Drawn By
Architectural Plans	18002 Revision B	04, 06, 101, 102, 103, 201, 202, 203,	19/12/18	CKDS Architecture
Concept Stormwater and Erosion and Sediment Control Plans	NL182309	C02DA, C03DA, C04DA	14/03/2019	Northrop

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

- Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the Principal Certifying Authority for the work, the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised 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.

- The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

- Department of Primary Industries – Fisheries, ME19/7 and 6 February 2019

A copy of the General Terms of Approval is attached to this determination notice.

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.



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).

Capital Investment Value	Levy Rate (% of CIV)
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) Building work only - **prior to issue of the Construction Certificate.**

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. Detailed design plans of any retaining wall required to support the approved development, that do not meet the requirements for exempt development, shall be submitted to the Certifying Authority for approval.
- 6. A Dilapidation Report prepared by a qualified Structural/Civil Engineer must be submitted to the Certifying Authority.

The report must include a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site.

All costs incurred in achieving compliance with this condition must be borne by the applicant.

Details demonstrating compliance must be provided to the Certifying Authority.

- 7. An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Council's Infrastructure Specifications.

Details demonstrating compliance must be provided to the Certifying Authority.



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).

8. An ASS Management Plan is to be prepared by a suitably qualified Geotechnical Engineer and submitted to the Certifying Authority. The recommendations and/or mitigation measures contained within the ASS Management Plan must be complied with during works.
9. Civil engineering plans prepared by a qualified Engineer, indicating drainage, roads, accessways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications, and include the following:
 - a) Water Quality modelling is to be provided to demonstrate compliance with Stripping rates as set out in Councils Development Control Plan and MUSIC Link requirements.

Details demonstrating compliance must be provided to the Certifying Authority.

Note. Under the Roads Act 1993, only the Roads Authority can approve commencement of works within an existing road reserve.

10. A Construction Traffic Management plan is to be provided to the certifying authority to demonstrate how construction works will not impact on the surrounding road network.
11. A Flood Risk Management Plan prepared a qualified Flood Engineer must be provided to the Certifying Authority demonstrating compliance with the following:
 - a) The design must show that the proposed development is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact and loading from debris up to and including the 1% Annual Exceedance Probability (AEP) event.
 - b) Finished Floor level for the Ground Floor is to be at or above 3.3m AHD.
 - c) Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
 - d) Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces.
12. An Operation and Maintenance Plan for the stormwater system must be prepared by a qualified engineer detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal. Details demonstrating compliance must be provided to the Certifying Authority.



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).

13. Approval to remove existing vegetation for removal is not to occur until the issue of the Construction Certificate. No vegetation or natural landscape features other than that authorised for removal, pruning by this Consent must be disturbed, damaged or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval.
14. A construction environmental management plan (CEMP) must be prepared in accordance with the approved plans, and submitted to Council for approval prior to works commencing on site. The CEMP must include the following:
 - a) Monitoring of the seagrass extent and condition within 50m of the construction footprint must occur upon practical completion of construction Phase 1.2, Phase 1.4 and 1.5 as detailed in the Construction Methodology by Stevens Construction, dated May 2019, to confirm no impacts to seagrasses have occurred.

Monitoring reports must be prepared and submitted to Council for approval.
 - b) A silt curtain and oil boom is required to be installed along the perimeter of the impact area, to ensure any potential hydrocarbon spills or turbidity impacts from pile driving are contained within the impact area. Silt curtains are not to be installed within seagrass areas at any time and must be subject to daily inspection to ensure effective control.
 - c) Pile driving must not be undertaken during the breeding period of threatened shorebirds – including the Beach-Stone Curlew, which occurs during October-March.
15. A Construction Noise Management Plan must be provided to the Certifying Authority and include the following:
 - a) Noise mitigation measures.
 - b) Noise and/or vibration monitoring.
 - c) Use of respite periods.
 - d) Complaints handling.
 - e) Community liaison and consultation.
16. **Prior to the issue of any Construction Certificate**, the applicant must enter into a licence agreement with Council for the occupation of Council owned lands known as Lot 2071 DP 852662 (part) and Lot 322 DP 636840 (part) for the purposes of car parking, pedestrian access and landscaping.



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).

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).

17. The owner or contractor must take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works.

Evidence of this Policy must be provided to Council and the Certifying Authority.

18. Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 103 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:

- a) a description of the work to be carried out;
- b) the address of the land on which the work is to be carried out;
- c) the Registered number and date of issue of the relevant development consent;
- d) the name and address of the Principal Certifying Authority (PCA), and of the person by whom the PCA was appointed;
- e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
- f) a telephone number on which the PCA may be contacted for business purposes.

19. Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 104 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:

- a) the name and address of the person by whom the notice is being given;
- b) a description of the work to be carried out;
- c) the address of the land on which the work is to be carried out;
- d) the Registered number and date of issue of the relevant development consent and construction certificate;



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).

- e) a statement signed by or on behalf of the Principal Certifying Authority to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
20. A sign must be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
 - c) the name, address and telephone number of the Principal Certifying Authority.
- The sign must be maintained while the work is being carried out and must be removed upon the completion of works.
21. In accordance with the provisions of Section 6.7 of the *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)*, construction or subdivision works approved by this consent must not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the *EP&A Act 1979*; and
 - c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
22. The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
23. 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.
24. Where not already available, 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 must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.



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).

25. Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)' and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

26. Evidence of certification demonstrating that the following flood related design precautions have been adhered to in the design must be submitted to the Principal Certifying Authority:
- a) In sewerred areas some plumbing fixtures may be located below the Flood Planning Level (FPL). Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge;
 - b) All materials stored at the site and capable of causing harm to the environment must be stored at a level not less than the FPL or suitable bunding must be placed around such materials to a minimum of the FPL;
 - c) All building materials, equipment, ducting, etc., below the FPL must be flood compatible and ducting must be provided with openings for drainage and cleaning;
 - d) All main power supply, heating and air conditioning service installations, including meters must be located above the FPL. All electrical equipment installed below the FPL must be capable of disconnection by a single plug from the power supply;
 - e) All electrical wiring below the FPL must be suitable for continuous submergence in water. All conduits below the FPL must be self-draining. Earth core leakage systems or safety switches are to be installed;
 - f) Wherever possible, the premises must be designed to ensure that plant, equipment, storage tanks or other fixtures or fittings liable to damage by floods are located above the FPL or be moveable to levels above the FPL. Should this not have the ability to occur, they shall be suitable for submergence in water and securely anchored to overcome buoyancy and movement. All storage tanks must be vented to an elevation above the FPL.



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).

CONDITIONS TO BE SATISFIED DURING WORKS

The following conditions are to be complied with during works.

27. 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.
28. 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.
29. All building work shall be carried out in accordance with the requirements of the Building Code of Australia.
30. Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must 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
31. All work (including delivery of materials) must be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
32. 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.
33. All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:

- a) preserve and protect the building from damage; and



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).

- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying

34. 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) Excavated natural material (ENM) within the meaning of the POEO Act 1997; or
 - c) 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

35. Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

36. All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.



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).

37. All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.
38. All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
39. All operations must be carried out in accordance with the recommendations contained in the approved Construction Noise Management Plan.
 - a) Noise mitigation measures.
 - b) Noise and/or vibration monitoring.
 - c) Use of respite periods.
 - d) Complaints handling.
 - e) Community liaison and consultation.
40. The swimming pool or spa must be fenced so that the pool is effectively isolated from the dwelling and adjoining lands. The swimming pool fence & gate must:
 - a) Strictly adhere to the design and location approved with the development consent, and any conditions of the development consent.
 - b) Strictly comply with AS1926 'Swimming Pool Safety' – Part 1: Safety barriers for swimming pools.
 - c) Have a minimum effective height of 1.2m.
 - d) Be self-closing and self-latching. All gates must open outwards from the swimming pool enclosure.
 - e) The filtration equipment including any cover, housing or pipe work, must not be located within a distance of 900mm from the outside face of the swimming pool safety fencing enclosure, nor within 300mm from the inside of the swimming pool safety fencing enclosure (where footholds are possible).
 - f) Boundary fencing forming part of the swimming pool safety fencing must maintain a minimum effective height of 1.8m and a 0.9m non climbable zone (measured from the top of the inside of the barrier).

The swimming pool safety fencing must be installed prior to the swimming pool being filled with water. The Principal Certifying Authority, or an accredited certifier must inspect the swimming pool safety fencing.



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).

41. All swimming pool waste water must be disposed of as follows:
- a) Where a Hunter Water sewer is available – waste water must be drained or pumped to the sewer.
 - b) Where a Hunter Water sewer is not available (such as rural areas) – waste water must be disposed of as follows:
 - Chlorinated pool waste water:
 - i) Discharging to a rubble pit measured 600mm wide x 600mm deep x 3m long, located not less than 3m from any structure or property boundary; or
 - ii) Discharging to a tail out drain to disperse the water over a large grassed area or paddock, provided that the land fall does not direct water to buildings on the subject or adjoining properties, or create a nuisance to an adjoining property owner.
 - Saltwater pool waste water:
 - iii) Discharging as per point (ii) above.
 - All pool types:
 - iv) Must not be discharged to a septic tank or an on- site sewage management installation or disposal area;
 - v) Must not be discharged into a reserve, watercourse, easement or storm water drainage system
42. Protection of trees to be retained must be in accordance with AS490 'Protection of Trees on Development Sites' and the following:
- a) No existing nature strip(s), street tree(s), tree guard(s), protective bollard(s), garden bed surrounds or root barrier installation(s) must be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.
43. All works must be undertaken in accordance with the approved Flora & Fauna Reports:
- a) Seagrass Impact Assessment for the Soldiers Point Marina Slipway Redevelopment, (Kleinfelder, 2019).
 - b) Soldiers Point Marina Slipway Redevelopment, Threatened Shorebirds
 - c) Assessments of Significance (gunninah, 2019)
 - d) Soldiers Point Marina Slipway Redevelopment Threatened Shorebirds Potential Impacts and Amelioration (gunninah, 2019)



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).

- e) Soldiers Point Marina proposed alterations and additions Aquatic Assessment (Coast Ecology, 2018)

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).

44. An Occupation Certificate must be obtained prior to any use or occupation of the development.
- The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
45. A Fire Safety Certificate must be provided to the PCA in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.
46. The applicant must rectify any new damage to public infrastructure to the satisfaction of the Council as the Roads Authority.
47. Works As Executed Plans must be prepared and provided to the Principal Certifying Authority in accordance with Council's Infrastructure Specifications confirming all stormwater drainage systems are constructed in accordance with the approved plans/documentation.
48. All power points, fittings, electrical connections and the incoming meter box are to be located above the Flood Planning Level (FPL) which is RL 3.3m AHD. Switches, light fittings and power points may be located below the FPL provided they are capable of being isolated by a single Residual Current Device (RCD) protected switch that is located above the FPL. Certification of these works are to be provided to the Principal Certifying Authority.
49. A Certificate of Compliance prepared by a suitably qualified Flood engineer must be provided to the Principal Certifying Authority stating that all aspects of the Flood Risk Management Plan have been completed and/or implemented in accordance with the approved Plan.
50. In accordance with Part 3A of the Swimming Pools Act 1992, all swimming pools (including spas) are required to be Registered on the NSW Swimming Pools Register.

Prior to the issue of any Occupation Certificate, you are required to provide evidence in the form of the Certificate of Registration to the Principal Certifying Authority.



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).

51. A warning notice complying with the provisions of Clause 10 of the Swimming Pools Regulation 2008, must be displayed and maintained in a prominent position in the immediate vicinity of the swimming pool, in accordance with Section 17 of the Swimming Pools Act 1992.

The Principal Certifying Authority must ensure that this warning notice is provided and displayed prior to the issue of the Occupation Certificate.

Council also recommends that all owners and/or users of swimming pools obtain a copy of the 'Cardiopulmonary Resuscitation Guideline' known as "Guideline 7: Cardiopulmonary Resuscitation" published by the Australian Resuscitation Council.

52. Landscaping of the swimming pool enclosure and surrounds including the provision of outdoor furniture, construction of barbecues and pergolas must not reduce the effectiveness of the swimming pool safety fencing.

All landscaping, furniture, and other similar structures must be located at least 900mm from the outside of the pool safety fencing.

53. The owner or occupier of the premises must apply to Council to register the Public Swimming Pool. Council is to conduct an inspection of the completed fit out.

CONDITIONS TO BE SATISFIED AT ALL TIMES

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

54. 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.
55. The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the Protection of the Environment Operation Act 1997 and must comply with the NSW Industrial Noise Policy 2000 (as amended).
56. The swimming pool/spa must comply with:
- a) the *Swimming Pools Act 1992*;
 - b) the *Swimming Pools Regulation 2008*;
 - c) AS 1926.1 'Swimming Pool Safety' Part 1: Safety barriers for swimming pools;



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).

- d) AS 3500.2 'Plumbing and Drainage' – Sanitary plumbing and drainage';
 - e) AS1926.3 'Water Recirculation Systems'; and
 - f) the BCA.
57. At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building and a copy forwarded to the Commissioner of New South Wales Fire Brigades in accordance with the Environmental Planning & Assessment Regulations 2000.
58. The development is only to be used by guests of the marina who use the berth and mooring facilities. Any change of this use would be subject to a separate Development Application.

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. 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**.

MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

Councillor Paul Le Mottee left the meeting at 5:53pm.

ITEM NO. 4

**FILE NO: 19/186472
EDRMS NO: PSC2018-00670**

DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 (AMENDMENT NO. 9) - CHAPTER D13 REES JAMES ROAD, RAYMOND TERRACE

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the submissions received during the public exhibition period (**ATTACHMENT 1**).
- 2) Approve the Port Stephens Development Control Plan 2014 (Amendment No. 9) (**TABLED DOCUMENT 1**).
- 3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

201	<p>Councillor Giacomo Arnott Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receives and notes the submissions received during the public exhibition period (ATTACHMENT 1).2) Approve the Port Stephens Development Control Plan 2014 (Amendment No. 9) (TABLED DOCUMENT 1).3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to seek Council approval for the Port Stephens Development Control Plan 2014 (Amendment No. 9) (DCP 2014) (**TABLED DOCUMENT 1**), which will replace the current Chapter D13 – Rees James Road and make minor amendments such as altering page numbers.

Chapter D13 relates to Rees James Road at Raymond Terrace, which is identified as an Urban Release Area under the Port Stephens Local Environmental Plan 2013 (LEP 2013). The proposed amendment seeks to update the indicative road connections for future development as shown in Figure DX of the DCP 2014, as well as make amendments to reflect recent large scale subdivision approvals and to include precinct specific development requirements that give effect to the aims of the LEP 2013.

Key features of the amendment include:

- Update Figure DX to include the lot layout of recently approved subdivisions.
- Update Figure DX to show the constructed road layout and indicative road connections to existing roads, including a substantially constructed bus route.
- Additional requirements that relate to road connectivity to ensure the efficient movement of traffic and the orderly and economic development of the precinct. It also ensures that future development applications take into consideration constructed road connections with adjoining subdivisions.
- Additional transport network provisions, including public transport requirements, shared paths and road widening.
- Adopted Hunter Water requirements for stormwater and drainage. This will improve transparency for landowners with upfront identification of Hunter Water specifications for new development in the precinct. It is also expected that this will streamline the development assessment process.
- The identification of open space in the precinct, as well as landscaping requirements along Rees James Road.

Shared pathways, upgrades to Rees James Rd, and critical intersection treatments consistent with the draft DCP 2014 are included in the draft local infrastructure contributions plan currently being prepared.

On 26 February 2019, Council resolved to exhibit the draft DCP 2014 for 28 days, from 14 March 2019 to 11 April 2019. During public exhibition 3 submissions were received, 2 from landholders within the area subject to the DCP 2014. The submissions are summarised in (**ATTACHMENT 1**).

Following consultation, amendments have been made to respond to the matters raised in submissions, including new provisions to provide greater certainty and clarity for landholders by specifying that a development application may provide alternative road connections if the objectives of the DCP 2014 and other relevant requirements are satisfied.

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

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

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

There are no known significant legal, policy or risk implications resulting from the proposed recommendation.

Environmental Planning & Assessment Act 1979 (EP&A Act)

Section 3.42 of the EP&A Act sets out that a development control plan provides guidance to applicants proposing to carry out development and does not contain statutory requirements. In response to the submissions, the DCP 2014 has been amended to include provisions that confirm the purpose and status of DCP 2014 controls consistent with the EP&A Act. The amendments confirm that a development application may be made that varies the DCP 2014 controls, if the variation will achieve the DCP 2014 objectives and satisfy other requirements of the DCP 2014.

The DCP 2014 has been exhibited in accordance with the process set out in the EP&A Act.

Environmental Planning & Assessment Regulations (EP&A Regulations)

Division 2 of Part 3 of the EP&A Regulations specifies the requirements for public participation. The recommendation is in accordance with the provisions of the EP&A Regulations.

Port Stephens Local Environmental Plan 2013 (LEP 2013)

The DCP 2014 is necessary to provide precinct specific development requirements that give effect to the aims of the LEP 2013. Furthermore, given the subject area is located in an Urban Release Area, the DCP 2014 includes improved objectives and provisions that will satisfy Clause 6.3 of the LEP 2013. Overall the DCP 2014 would not affect the operation of the LEP 2013.

Port Stephens Development Control Plan 2014 (DCP 2014)

Chapter D13 of the DCP 2014 is a site-specific chapter relating to the Urban Release Area at Rees James Road. The DCP 2014 will replace the current Chapter D13 and the general controls of the comprehensive DCP 2014 will still apply, where appropriate, to manage all other relevant matters relating to development. This will avoid the unnecessary duplication of development controls.

Current Development Applications

Following exhibition of the draft DCP 2014, a development application was lodged in April 2019 for land in the Rees James Road Urban Release Area at 4 Kuranga Avenue, Raymond Terrace. The application is for a 1 into 12 lot subdivision (DA 16-2019-266-1) and the proposed subdivision plan includes a road layout that is inconsistent with the existing constructed and approved roads and indicative road connections for future development shown in Figure DX of the DCP 2014. It is also inconsistent with the planned and substantially constructed bus route for the urban release area. It is noted that other roads in the release area do not meet the current specifications for bus routes. If Council approves the DCP 2014, it will apply to the determination of this application.

If DA 16-2019-266-1 is determined prior to Council approving the DCP 2014, the application will be assessed against the requirements of the current DCP 2014, including the existing controls that set objectives for road connections and the orderly and economic use of land that are consistent with the draft DCP 2014. Given this, a decision to approve the DCP 2014 is considered likely to have a minimal impact on the assessment of this application.

It should be noted that, in accordance with the EP&A Act, a DCP is only a guidance document. Should the DCP 2014 be approved, it will not introduce new statutory requirements and it remains open to the applicant to submit alternative road layouts that meet the objectives of the DCP 2014. No amendments to the indicative road layout is proposed at this stage due to the location of the bus route, which was

MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

formed in consultation with Council’s Engineering Services, the bus company and the major developer in the URA. Nonetheless, the draft DCP 2014 has also been amended following exhibition to expressly specify that that a development application may be made showing an alternative road layout that meets the objectives and any other relevant requirements of the DCP 2014.

Therefore the draft DCP 2014 is not considered to have a material impact on the assessment and determination of DA 16-2019-266-1.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
<p>There is a risk that the amendments are not made and future subdivisions result in unfavourable lot and street layouts, adversely impacting on the urban environment, including future residents of the Rees James Road Urban Release Area.</p> <p>Good connectivity in the Urban Release Area will ensure residents have access to bus routes and Council services, such as garbage trucks, can access properties more efficiently.</p>	Medium	Adopt the recommendations.	Yes
<p>There is a risk that the DCP 2014 will impact the assessment and determination of current applications.</p>	Low	<p>As set out above, current applications are already subject to assessment against requirements in the existing DCP 2014 that are consistent with the objectives of the draft DCP 2014.</p> <p>The draft DCP 2014 will not introduce new legislative requirements and alternative road layouts may be submitted if they can satisfy the objectives of the DCP 2014.</p>	Yes

MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk the amendment to the DCP 2014 will be subject to legal challenge.	Low	The amendment to the DCP 2014 has been prepared in accordance with the planning legislation. Council has undertaken notification of relevant landowners over and above the statutory minimum.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The DCP 2014 will provide updated precinct specific guidance, which will result in greater certainty for landowners and better development outcomes. Furthermore, the lot and street layout, as well as infrastructure provisions, will have benefits for future residents by providing better connectivity with Raymond Terrace. The indicative road connections have been designed to provide equitable public transport routes through the Urban Release Area and to ensure efficient access for garbage trucks and other maintenance vehicles. Therefore positive social and economic implications are expected.

Adopting water quality requirements set by Hunter Water in the DCP 2014 will protect the nearby water sensitive waterways and streamline the development assessment process. As a result, positive environmental and economic implications are expected.

CONSULTATION

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

Internal

Internal consultation has been undertaken with the Development Assessment and Compliance, Engineering Services and Natural Resources teams and the DCP 2014 has been prepared with their support. Consultation was undertaken with the Planning and Developer Relations team in relation to the draft DCP 2014 and the assessment of DA 16-2019-266-1. No objections to the DCP 2014 have been made by internal stakeholders.

External

The draft DCP 2014 was placed on public exhibition from 14 March to 11 April 2019. The consultation was undertaken in accordance with the requirements of the EP&A Regulations. Copies were made available at Council's Administration Building and on Council's website. Public notice of the exhibition was published in the Port Stephens Examiner and landholders within the precinct were individually notified by letter.

Hunter Water Corporation was consulted and provided requirements with respect to water quality given the location of nearby sensitive Hunter Water land. Hunter Water also made a submission during exhibition which has been addressed at **(ATTACHMENT 1)**.

Two submissions were received during exhibition from landholders or their representatives. A summary of the submissions, as well as Council's response, is shown in **(ATTACHMENT 1)**.

To address the matters raised in the submissions, minor changes were made to the DCP 2014, including express provisions to provide greater certainty and clarity for landholders on the status of the DCP 2014 by specifying that a development application may be made showing alternative road connections if the objectives of the DCP 2014 and other relevant requirements are satisfied.

OPTIONS

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

ATTACHMENTS

- 1) Summary of Submissions Table.

COUNCILLORS ROOM

- 1) Copy of submissions.

TABLED DOCUMENTS

- 1) Draft Development Control Plan 2014 (Amendment No. 9) – Chapter D13 Rees James Road, Raymond Terrace.

DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 (AMENDMENT NO. 9) – AMENDED CHAPTER D13 REES JAMES ROAD, RAYMOND TERRACE

Public Exhibition Submissions Summary and Response Table

No.	Author of submission	Submission Summary	Council response
1	Land holder	<p>Concerns were raised in the submission over a potential road shown as located through the property in the indicative road layout in the draft DCP.</p> <p>In particular there is a safety concern over the indicative intersection with an approved (but as yet unbuilt) section of road connected with the existing "Potters Lane" development.</p> <p>An alternative road layout was put forward in the submission.</p> <p>The submission outlined that the indicative road layout does not provide a fair distribution between lands. Furthermore it does not take into consideration stormwater easements.</p> <p>A number of other issues were raised relating specifically to the road layout and the land holder's portion of land.</p>	<p>The indicative road connections in Figure DX of the draft DCP are conceptual and demonstrate one option to achieve the objectives of the draft DCP.</p> <p>Detailed studies (such as surveys) or designs that consider matters such as safety have not been undertaken in relation to the indicative road connections shown in the draft DCP.</p> <p>This level of design detail will be assessed with future development applications in the precinct. To provide greater certainty and clarity around this and the status of the DCP and the indicative road connections an amendment to the DCP is proposed to specify that that a development application may be made showing an alternative road layout if it can demonstrate that it meets the objectives of the DCP and any other relevant requirements of the DCP. This is consistent with Section 3.42 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act).</p> <p>The amendment will expressly permit variations to the indicative road connections where they achieve the objectives of the Chapter and other requirements of the DCP.</p> <p>As above, the indicative road connections in Figure DX of the draft DCP are conceptual and demonstrate one option to achieve the objectives of the draft DCP. Detailed design matters will be considered with future development applications in the precinct. The DCP is proposed to specify that that a development application may be made showing an alternative road layout if it can demonstrate that it meets the objectives of the DCP and any other relevant requirements of the DCP. This is consistent with Section 3.42 of the EP&A Act.</p> <p>The amendment will expressly permit variations to the indicative road</p>

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			connections where they achieve the objectives of the Chapter and other requirements of the DCP.
		The submission identified that the boundaries of the map that was prepared to accompany the exhibition do not correlate with the aerial image.	Council prepared a map to assist landholders during exhibition in identifying the indicative road connections in relation to existing boundaries and structures. The map was for exhibition purposes only and does not form part of the draft DCP. Minor inaccuracies between the aerial image and the boundary overlay in the map are acknowledged, however this is not considered to be material to the content of the draft DCP.
		It was noted in the submission that development may not be realised in the near future, and that, by the time the land is developed, other forms of subdivision or a varied layout may be more desirable.	As above, the indicative road connections in Figure DX of the draft DCP are conceptual and demonstrate one option to achieve the objectives of the draft DCP. Detailed design matters will be considered with future development applications in the precinct. The future lots in the Urban Release Area will be assessed against the Port Stephens Local Environmental Plan and DCP. Variations from the DCP can be submitted and will be assessed on their merits during the development application process. The DCP is proposed to specify that that a development application may be made showing an alternative road layout if it can demonstrate that it meets the objectives of the DCP and any other relevant requirements of the DCP. This is consistent with Section 3.42 of the EP&A Act. The amendment will expressly permit variations to the indicative road connections where they achieve the objectives of the Chapter and other requirements of the DCP.
2	Solicitor representing a landholder.	The submission states that any amendment to the existing DCP was not shown on the Section 10.7 Planning Certificate when the land was purchased. Subsequently the property was purchased without the knowledge of indicative street layout. On the other hand, it was acknowledged that there was an existing indicative road layout in the current DCP Chapter D.13 and a proposed subdivision application	Schedule 4 of the <i>Environmental Planning and Assessment Regulations</i> 2000 (EP&A Regulations) outlines the information required in a Section 10.7 Planning Certificate. There is no requirement in the EP&A Regulations to identify draft DCPs on a Planning Certificate and therefore the planning certificate issued for the relevant land contained correct information at the time of issue. Council notified relevant land owners at the time the draft DCP was exhibited

		<p>was being prepared pursuant to that requirement.</p>	<p>and the draft DCP was exhibited in accordance with the requirements in the EP&A Regulations.</p> <p>A subdivision proposal has been prepared relating to the relevant land and the development application is currently being assessed by Council.</p> <p>Council officers met with the applicant prior to lodgement and provided the draft DCP.</p> <p>The indicative road connections in the draft DCP will connect with the approved roads on neighbouring properties in the Urban Release Area.</p> <p>The proposed subdivision is not inconsistent with the indicative road connections shown in the existing DCP, however even if the draft DCP amendment is not made by the time the application is determined, the subdivision would still have to meet the requirements of the EP&A Act for orderly and economic development and would have to meet other controls in the existing DCP relating to road connectivity with adjacent subdivisions (Chapter C.1.).</p> <p>The draft DCP is consistent with the existing controls in the DCP and ensures these requirements are met in the Urban Release Area.</p> <p>Given this, the draft DCP is considered to have a minimal impact on the assessment of the current application for subdivision for the relevant land.</p> <p>It is also noted that it remains open to an applicant to submit a subdivision layout that varies from the draft DCP if there is adequate justification that the objectives of the DCP can be satisfied. The draft DCP has been amended to expressly specify that that a development application may be made showing an alternative road layout if it can demonstrate that it meets the objectives of the DCP and any other relevant requirements of the DCP.</p>
		<p>It was considered that the draft DCP would radically alter the indicative road layout from the current DCP and ignores the existing pattern of subdivisions in the locality.</p>	<p>The indicative road connections shown in the current DCP will be replaced and it is acknowledged that there is a significant divergence in the indicative road layout. The applicant was provided with the draft DCP at a pre-lodgement meeting with Council. The draft DCP is also consistent with other</p>

			<p>objectives related to connectivity that already apply.</p> <p>The draft DCP has been prepared taking into account approved subdivisions in the Urban Release Area and in particular the approved subdivision and road connection in the 'Potters Lane' development adjacent to the relevant land.</p> <p>The draft DCP has also been prepared taking into account future public transport routes through the Urban Release Area and Council's infrastructure specifications which ensure efficient access for garbage trucks and other vehicles.</p> <p>Should future development meet the objectives of the draft DCP, development outcomes considered beneficial to the Urban Release Area and the broader public interest will be facilitated.</p>
		<p>It was considered that, if the roads were to be constructed as shown in the draft DCP there would be:</p> <ul style="list-style-type: none"> • a reduction in the area of the relevant property of over 30%; • Demolition of existing buildings would be required; and, • Demolition of recent improvements on adjoining land would be required. <p>It was suggested that Council may wish to compulsorily acquire the land to construct the roads.</p>	<p>The construction of roads generally reduces the amount of land for other purposes, such as residential lots. Notwithstanding this, road access is a principal requirement for all new subdivisions and is an inherent requirement and cost of developing greenfield land release areas.</p> <p>Council does not consider the acquisition of land if a road is needed to facilitate a single proposed development. Costs related to roads are usually offset by the uplift gained when greenfield land is developed.</p> <p>The indicative road connections as shown in the draft DCP is located over structures on the relevant land and other properties.</p> <p>Council cannot predict when land will be developed and has prepared the indicative road connections in the draft DCP based on a high level analysis. Detailed road designs can be assessed at the time a relevant development application is lodged.</p> <p>As set out above, it remains open to an applicant to submit a subdivision layout that varies from the draft DCP if there is adequate justification that the objectives of the DCP can be satisfied. The draft DCP has been amended to expressly specify that that a development application may be made showing an alternative road layout if it</p>

MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

			can demonstrate that it meets the objectives of the DCP and any other relevant requirements of the DCP.
		The submission highlighted that a development application is currently being assessed by Council and the requirements of this draft DCP should not be taken into consideration during the assessment.	<p>A development application for subdivision has been lodged that is contrary to the indicative road connections in the draft DCP.</p> <p>The draft DCP was discussed with the applicant during a pre-lodgement meeting with Council officers and the other requirements in the existing DCP that set objectives for road connections and the orderly and economic use of land remain relevant to the assessment of the application.</p> <p>As set out above, given there are existing controls in the DCP consistent with the objectives of the draft DCP, it is anticipated that the draft DCP will have a minimal impact on the assessment of the current application should it be adopted prior to the determination of the application.</p>
		The submission raised a number of issues relating specifically to the assessment of the current development application.	These matters are not considered to be relevant to the draft DCP and therefore have not been addressed in this report.
3	Hunter Water	The submission notes that clause D13.15 specifying water quality stripping targets would apply to subdivisions greater than three lots or development with an impervious area greater than 60% of the site area. However it is proposed that the criteria for smaller scale development is unclear.	<p>The intent of clause D13.15 is to ensure that the enhanced water quality stripping targets only apply to larger scale subdivisions. Smaller scale development is not intended to be burdened by similar requirements given it may render development unfeasible and subdivisions smaller than four lots generally do not include roads, which have a greater impact on water quality. Furthermore, this is consistent with the approach taken in other chapters of the DCP relating to water quality.</p> <p>No amendments to the draft DCP are proposed to address this submission.</p>
		The submission states that the outcome of the run-off from the drainage reserve is unclear.	<p>It should be noted that the drainage reserve indicated in Figure DX has already been constructed, with water from this drainage reserve discharging to Irrawang Swamp. Water quality measures have already been taken into consideration as part of carrying out these works and no modifications to these existing works, including new outlets, are expected to occur.</p> <p>Therefore no amendments to Figure DX or the draft DCP are considered necessary to address this issue.</p>

MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

Councillor Paul Le Mottee returned to the meeting at 5:56pm.

ITEM NO. 5

FILE NO: 19/202008
EDRMS NO: PSC2018-03515

PROPOSED TEMPORARY SUSPENSION OF THE ALCOHOL FREE ZONE (AFZ) IN NELSON BAY DURING THE 'LOVE SEAFOOD TASTES PORT STEPHENS' FESTIVAL

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the temporary suspension of part of the Nelson Bay Alcohol Free Zone (AFZ) (**ATTACHMENT 1**) during the 'Love Seafood Tastes Port Stephens' Festival on 31 August 2019 and 1 September 2019 in accordance with section 645 of the Local Government Act 1993 (NSW) (LG Act).
- 2) Publicly notify the temporary suspension by publishing a notice in the Port Stephens Examiner prior to the event for the purposes of satisfying section 645(1) of the LG Act.
- 3) Implement the requirements for signage in accordance with the Ministerial Guidelines Alcohol Free Zones 2009.

Cr Jordan entered the meeting at 6pm.

ORDINARY COUNCIL MEETING - 27 AUGUST 2019 **MOTION**

202	<p>Councillor John Nell Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Approve the temporary suspension of part of the Nelson Bay Alcohol Free Zone (AFZ) (ATTACHMENT 1) during the 'Love Seafood Tastes Port Stephens' Festival on 31 August 2019 and 1 September 2019 in accordance with section 645 of the Local Government Act 1993 (NSW) (LG Act).2) Publicly notify the temporary suspension by publishing a notice in the Port Stephens Examiner prior to the event for the purposes of satisfying section 645(1) of the LG Act.3) Implement the requirements for signage in accordance with the Ministerial Guidelines Alcohol Free Zones 2009.
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BACKGROUND

The purpose of this report is to inform Council that a request has been received from Tomaree Business Chamber to temporarily suspend part of the Nelson Bay Alcohol Free Zone (AFZ). The request to suspend part of this AFZ is for the purpose of the annual 'Love Seafood Tastes Port Stephens' Festival in Nelson Bay.

It is proposed to suspend the AFZ at Magnus Street between Yacaaba and Stockton Streets and Stockton Street between Victoria Parade and Donald Street on 31 August 2019 from 10am to 6.00pm and 1 September 2019 between 10am and 4.30pm (**ATTACHMENT 1**).

Under the Local Government Act 1993 (NSW) (LG Act), Council may resolve to temporarily suspend a particular AFZ to, among other purposes, accommodate short term community events. The LG Act includes a requirement to give public notice in a manner that is likely to bring the notice to the attention of members of the public in the area as a whole or in a part of the area that includes the AFZ concerned.

Other process requirements for suspending an AFZ are outlined in the Ministerial Guidelines Alcohol Free Zones 2009 (the Guidelines), including specific requirements for signage as detailed below.

Note the proposed suspension will not impact the term of the current Nelson Bay AFZ (4 years).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

FINANCIAL/RESOURCE IMPLICATIONS

As the event organiser, Tomaree Business Chamber will be responsible for the costs associated with meeting the public notice requirements and the amendments required to signage during the event.

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

MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

Source of Funds	Yes/No	Funding (\$)	Comment
Other	Yes		The event organiser will be charged by Council for all associated costs incurred by Council, including the temporary covers for AFZ signage.

LEGAL, POLICY AND RISK IMPLICATIONS

The existing AFZ restricts alcohol in the declared area 24 hours, 7 days a week (**ATTACHMENT 1**). Council has the power to suspend the AFZ under section 645 of the LG Act for any reason, however the Guidelines specify that a suspension would not usually be appropriate for any period longer than 1 month, and generally would be of a much shorter duration (eg to accommodate a specific event). The suspension is proposed for 2 days to facilitate the holding of an outdoor event.

The LG Act includes a requirement to give public notice in a manner that is likely to bring the notice to the attention of members of the public in the area as a whole or in a part of the area that includes the AFZ concerned. Council has previously issued public notice for the suspension of the Nelson Bay AFZ through publishing a notice in the Port Stephens Examiner.

The Guidelines require the existing alcohol restriction signage within the affected Nelson Bay AFZ event area to be amended for the temporary suspended period and reinstated following the event. The existing signs restricting alcohol use in the area will be covered over with a material bag during the event and uncovered following the event.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that visitors to Nelson Bay will drink within the existing AFZ area that has not been suspended.	Medium	NSW Police have supported the temporary suspension of alcohol in the Nelson Bay AFZ for this event and will resource the area and surrounds as required.	Yes
There is a risk that broken glass and litter could accumulate and be left behind from the event.	Medium	Relevant sections in Council have been notified of the event and Council will increase the waste management in place if necessary.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Appropriate waste management will address any potential environmental impacts that could result. The temporary suspension of the AFZ will assist to support a successful local event which will promote economic benefits within the local community.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategic Planning Unit.

Internal

The Strategic Planning Unit has notified relevant sections in Council and discussed the requirements arising from a temporary suspension of the AFZ and the potential impacts, including impacts related to waste management.

External

The Strategic Planning Unit has liaised with the Port Stephens Hunter Police District Licensing Officer to discuss the proposed event, NSW Police resourcing, alcohol licensing conditions and the proposed temporary suspension of the AFZ.

NSW Police support the temporary suspension of the AFZ and have stated that they will adequately resource the event.

If endorsed, notification will also be available via Council's website.

OPTIONS

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

ATTACHMENTS

- 1) Proposed temporary suspension of AFZ for Love Seafood Tastes Port Stephens Festival 2019.

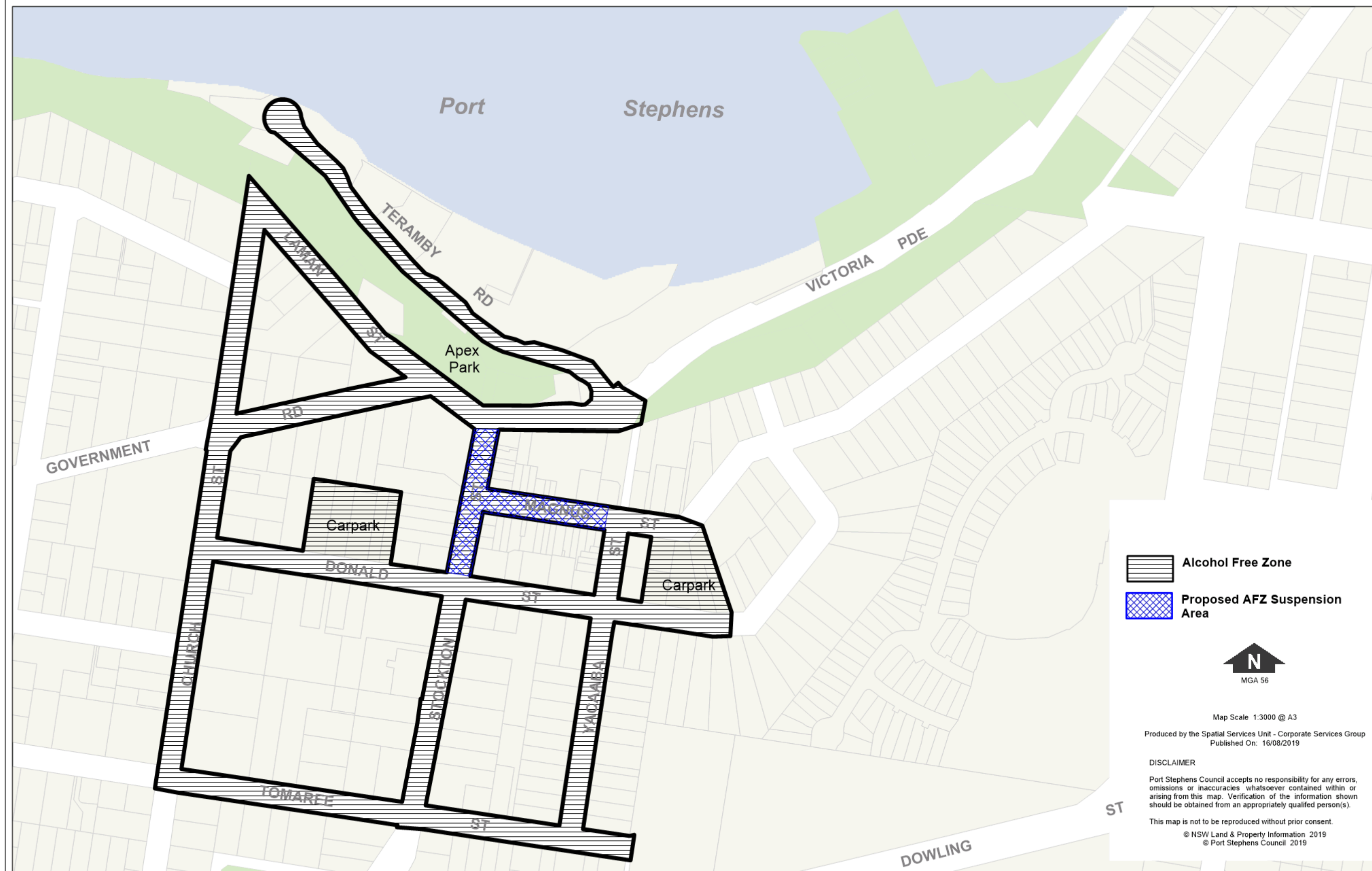
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Proposed temporary suspension of Alcohol Free Zone (AFZ) for 'Love Seafood Tastes Port Stephens' Festival



 Alcohol Free Zone

 Proposed AFZ Suspension Area


N
MGA 56

Map Scale 1:3000 @ A3
Produced by the Spatial Services Unit - Corporate Services Group
Published On: 16/08/2019

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MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

Councillor Giacomo Arnott left the meeting at 6:02pm.
Councillor Jaimie Abbott left the meeting at 6:02pm.

ITEM NO. 6

FILE NO: 19/182190
EDRMS NO: PSC2006-0038

POLICY REVIEW: AIRCRAFT NOISE POLICY

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Aircraft Noise Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Aircraft Noise Policy on public exhibition for a period of 28 days, and should no submissions be received, the policy be adopted as amended without a further report to Council.
- 3) Revoke the Aircraft Noise Policy adopted by Council on 25 October 2016, Minute No. 311, should no submissions be received.

ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION

203	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Aircraft Noise Policy shown at (ATTACHMENT 1).2) Place the revised Aircraft Noise Policy on public exhibition for a period of 28 days, and should no submissions be received, the policy be adopted as amended without a further report to Council.3) Revoke the Aircraft Noise Policy adopted by Council on 25 October 2016, Minute No. 311, should no submissions be received.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is for the consideration and exhibition of the revised Aircraft Noise Policy (the revised policy) (**ATTACHMENT 1**).

The policy was first adopted by Council in 2011 and was last reviewed on 25 October 2016. The revised policy aims to provide a framework for planning decisions and other Council programs relating to aircraft noise. It provides information about aircraft noise and guidance for planning proposals and planning certificates.

Following the review, and in consideration of recent amendments to the Port Stephens Development Control Plan 2014 (DCP 2014), the following revisions have been proposed:

- Reformatting the policy into the new policy template.
- Administrative amendments to update references to legislation and other relevant documents.
- Amendments to remove duplication of requirements in the Port Stephens Local Environmental Plan 2013 (LEP 2013) and DCP 2014 in relation to the assessment of development applications.
- Administrative amendments to align the policy with other Council policies and Council's style guide.

The proposed revisions are complementary to the recent amendments made to the Port Stephens Development Control Plan 2014 (DCP 2014). The DCP 2014 was amended to refer to the 2025 Australian Noise Exposure Forecast (ANEF) for the purpose of assessing development applications. Previously the DCP had included both the 2012 ANEF and 2025 ANEF in a combined 'Aircraft Noise Planning Area' Map.

As the aeroplanes flying under the 2012 ANEF are gradually being phased out over the next 10 years, it was appropriate to amend the map in the DCP for the purposes of new development applications.

The revised policy continues to apply the Aircraft Noise Planning Area Map for the purposes of providing adequate notification of affected land on planning certificates issued to prospective purchasers of land and as a consideration in planning proposals. Council's Aircraft Noise Policy is noted on planning certificates in compliance with clause 7 of schedule 4 to the Environmental Planning and Assessment Regulation 2000 (requirement to list Council and other public authority policies on hazard risk restrictions). This ensures that Council utilises good faith in the notification of future landowners that the property may be affected by aircraft noise until the phase out of current aircraft (expected to be approximately 2023). The need to consider the Aircraft Noise Planning Area in planning proposals is consistent with the established Memorandum of Understanding (MoU) between Port Stephens Council and the Department of Defence dated 23 September 2015.

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

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

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

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

Legal advice has been sought which reinforced the need for Council to exercise good faith in the notification of matters that may affect parcels of land to prospective purchasers. This advice relies on previous legal precedent for matters that involved Council in the past [*Port Stephens Shire Council v Booth and Others*; *Port Stephens Shire Council v Gibson and Another* [2005] NSWCA 323 (**Booth**)].

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the revised policy does not align with other Council policies and planning legislation.	Low	The revised policy ensures planning certificates provide prospective purchasers of current hazard risk restrictions. The policy is reviewed periodically and the mapping will be able to be updated to be consistent with the DCP when the aeroplanes flying under the 2012 ANEF have been phased out.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The revised policy will continue to have positive social, economic and environmental implications through the provision of a framework for land use planning, provision of information about aircraft noise and guidance for planning proposals and planning certificates.

CONSULTATION

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

Internal

The review was informed by the consultation recently undertaken in relation to the amendment to the DCP Aircraft Noise Planning Area Map. This included internal consultation with the Development Assessment and Compliance Section and the Legal Services team.

The Executive Team has been consulted to seek management endorsement.

External

If Council endorses the revised policy for community consultation, it will be placed on public exhibition for a minimum 28 days in accordance with local government legislation.

Targeted consultation with the Commonwealth Department of Defence will be undertaken during the public exhibition period in accordance with the requirements of the established Memorandum of Understanding (MoU) between Port Stephens Council and the Department of Defence dated 23 September 2015.

OPTIONS

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

ATTACHMENTS

- 1) Revised Aircraft Noise Policy.

COUNCILLORS ROOM

- 1) Revised Aircraft Noise Guideline.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC 2006-0038
TITLE: PORT STEPHENS AIRCRAFT NOISE POLICY
POLICY OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

1.1 The purpose of this policy is to give effect to the Port Stephens Aircraft Noise Guideline for the purposes of land use planning decisions related to planning proposals and the issue of planning certificates, provide a framework for land use planning decisions and other Council programs relating to aircraft noise. It sets out principles to guide planning proposals, development assessment, provision of aircraft noise information and efforts to initiate aircraft noise amelioration programs. It sets out the basis for local policy directions for managing aircraft noise issues to:

- a) ~~Protect the RAAF Base Williamtown and Newcastle Airport.~~
- b) ~~Protect the community.~~
- c) ~~Respond to local circumstances and expectations.~~
- d) ~~Exercise due care and diligence.~~
- e) ~~Inform the public.~~
- f) ~~Promote cooperation.~~

1.2 The policy should be read in conjunction with the Port Stephens Aircraft Noise Guideline (consistency with the guideline constitutes consistency with the policy).

2. CONTEXT/BACKGROUND:

2.1 Aircraft noise is not a new issue for the LGA due to the community's long-standing coexistence with RAAF Base Williamtown, Newcastle Airport, and the Salt Ash Air Weapons Range. To limit aircraft noise impacts, Council has for many years applied controls on new development in aircraft noise affected areas. These controls are based on Australian Noise Exposure Forecast (ANEF) maps and Australian Standard 2021-2015- Acoustics-Buidling siting and construction (AS 2021-2015). This policy sets out the basis and local policy directions for managing aircraft noise issues. Aircraft noise in Port Stephens originates from the RAAF Base Williamtown, Newcastle Airport, and the Salt Ash Air Weapons Range. Aircraft noise has the potential to cause adverse amenity impacts on surrounding land uses.

Policy

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Policy



2.2 To address potential aircraft noise impacts, provisions in Council's statutory planning instruments apply to relevant development applications (ie the Port Stephens Local Environmental Plan 2013 (LEP 2013) and the Port Stephens Development Control Plan 2014).

2.3 Council has also executed a Memorandum of Understanding (MOU) with the Commonwealth Department of Defence for the purposes of exercising planning functions for development located within the Aircraft Noise Planning Area identified in the Port Stephens Aircraft Noise Guideline. The MOU sets out procedures for notification and consultation with the Commonwealth Department of Defence in relation to relevant land use planning decisions.

3. SCOPE:

3.1 The policy relates specifically to the following Council functions:

- a) Consideration of planning proposals (rezoning requests).
- b) Issuing planning certificates.
- c) Assessment of development applications.
- d) Information management (including planning certificates).

3.2 The policy and Port Stephens Aircraft Noise Guideline affects those properties and landowners that are located within the Aircraft Noise Planning Area identified in that guideline.

4. DEFINITIONS:

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

<p>Planning certificate</p>	<p>A certificate issued under Section 10.7 of the Environmental Planning and Assessment Act 1979 containing planning and other information about the relevant land. Planning certificates are required to be attached to a contract for the sale of land under the conveyancing legislation.</p>
<p>Planning proposal (rezoning request)</p>	<p>A request to make an amendment to the LEP 2013. Amendments may include changes to permissible land uses, building heights or minimum lot sizes.</p>

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ITEM 6 - ATTACHMENT 1 REVISED AIRCRAFT NOISE POLICY.

2012 ANEF	2012 Australian Noise Exposure Forecast. This forecast was made in 2003 and is based upon predicted conditions in 2012. It reflects the operation of existing Hawk and Hornet aircraft and is expected to continue to at least 2018.
2025 ANEF	2025 Australian Noise Exposure Forecast. This forecast was made on 10 August 2011 and is based on predicted conditions in 2025. It reflects the operation of Joint Strike Fighter combat aircraft after 2018 and the continued operation of the Hawk aircraft.
ANPA	Aircraft Noise Planning Area the area of land subject to aircraft noise related development controls. It comprises all properties that are wholly or partly within the ANEF 20 contour on 'relevant ANEF maps' and includes land that is within ANEF contours of 20 and greater (note:- the ANPA is a composite of the 2012 ANEF and the 2025 ANEF).
AS 2021-2015	<i>Australian Standard 2021-2015 Acoustics Aircraft Noise Intrusion Building Siting and Construction.</i> This is a nationally recognised standard for development affected by aircraft noise.

5. POLICY STATEMENT:

5.1 The policy aims to:

- a) Recognise the fundamental significance of RAAF Base Williamtown, Newcastle Airport and Salt Ash Air Weapons range at the nation, State, regional and local levels.
- b) Protect the long-term operation of those facilities by preventing encroachment of incompatible activities that are sensitive to aircraft noise.
- c) To ensure that aircraft noise impacts on the community are within acceptable limits.
- d) Allow a merit-based framework that is responsive to local expectations, weighs up potential costs and benefits to the community, and promotes approaches that are cost-effective, equitable and affordable.
- e) Ensure that planning proposal functions and functions related to the issue of planning certificates and information management functions are exercised with a reasonable standard of care and diligence.
- f) Facilitate the issue of planning certificates that provide information about the likelihood of aircraft noise provision of information to the public about aircraft noise that is accurate and meaningful, and that enables people to make appropriate decisions.

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ITEM 6 - ATTACHMENT 1 REVISED AIRCRAFT NOISE POLICY.

- g) To Promote a cooperative framework in which all interested stakeholders can contribute to the future planning of RAAF Base Williamtown – Newcastle Airport and its environs.

6. POLICY RESPONSIBILITIES:

- 6.1 Strategic Planning team (policy review and planning proposal assessment and planning certificates).
- 6.2 Development Assessment and Compliance Section (development application assessment)

7. RELATED DOCUMENTS:

- 7.1 Environmental Planning and Assessment Act 1979 (NSW).
- 7.2 ~~Local Planning Direction 3.5 Development Near Licensed Aerodromes.~~ Local Planning Direction 3.5 Development Near Regulated Airports and Defence Airfields.
- 7.3 Port Stephens Local Environmental Plan 2013.
- 7.4 Port Stephens Development Control Plan 2014.
- 7.5 Port Stephens Aircraft Noise Guideline (attached).

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No	PSC 2006-0038	EDRMS record No	17/100053-54 TBA
Audience	General		
Process owner	Strategy and Environment Section		
Author	Strategy and Environment Section Manager		
Review timeframe	Two years	Next review date	25/10/2018 August 2021
Adoption date	23/08/2011		

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VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	23/08/11	Group Manager, Sustainable Planning	N/A	292
1.1	25/10/16	Strategy and Environment Section Manager	Provide policy in corporate template. Amend title of previous 'Port Stephens Aircraft Noise Policy 2010' to 'Port Stephens Aircraft Noise Guideline' and attach as supporting document. Key updates include reference to: Port Stephens Local Environmental Plan 2013 (LEP 2013); Port Stephens Development Control Plan 2014 (DCP); Australian Standard 2021-2015 Acoustics – Aircraft noise intrusion – building siting and construction (AS2021- 2015); and the Memorandum of Understanding (MOU) between Council and the Commonwealth (Department of Defence) 23 September 2015.	311

Policy

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ITEM 6 - ATTACHMENT 1 REVISED AIRCRAFT NOISE POLICY.

1.2	TBA	Strategy and Environment Section Manager	<p>Policy reviewed and a draft prepared with amendments to adopt the new template for Council policies.</p> <p>1.1 Update to clarify the purpose of the Policy and avoid duplication of other Council instruments that apply to the assessment of impacts of aircraft noise.</p> <p>2.1-2.2-2.3 Update to clarify the background and context of the Policy and to include reference to the other Council instruments that address aircraft noise impacts.</p> <p>3.1 Amendments to simplify the language of the Policy.</p> <p>3.2 Amendments to clarify that the Policy and Port Stephens Aircraft Noise Guideline only apply to land.</p> <p>4.1 Updates to remove references to terms not used in the Policy and to add definitions for 'planning certificate' and 'planning proposal'.</p> <p>5.1. Amendment to clarify the aims of the Policy related to planning certificates and planning proposals.</p> <p>6.2 Update to remove reference to the Development and Compliance Section as they do not exercise functions related to planning proposals and planning certificates.</p> <p>7.2 Update reference to Local Planning Direction 3.5 Development Near Regulated Airports and Defence Airfields.</p>	XX
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Policy

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MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

Councillor Giacomo Arnott returned to the meeting at 6:03pm.
Councillor Jaimie Abbott returned to the meeting at 6:03pm.

ITEM NO. 7

FILE NO: 19/198096
EDRMS NO: PSC2016-01484

KOALA SANCTUARY - REQUEST FOR ADDITIONAL FUNDING

REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorises an additional \$1.6 million funding for the Koala Sanctuary.
- 2) Authorises the General Manager to obtain external loan funds up to \$4 million.
- 3) Authorises the Mayor and General Manager to affix the Council Seal and sign all the documents necessary to secure the loan.

ORDINARY COUNCIL MEETING - 27 AUGUST 2019 MOTION

204	<p>Councillor John Nell Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Authorises an additional \$1.6 million funding for the Koala Sanctuary.2) Authorises the General Manager to obtain external loan funds up to \$4 million.3) Authorises the Mayor and General Manager to affix the Council Seal and sign all the documents necessary to secure the loan.
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BACKGROUND

Port Stephens Council (PSC) was approached by Port Stephens Koalas (PSK) in early 2016 with a view to establishing a rehabilitation centre at Council's accommodation property currently known as Treescape. PSK had received \$124,000 from NSW Government Community Building Partnership Fund to construct a small rehabilitation facility as the Koala carer's homes were at capacity and more room was required.

Further conversations between PSC and PSK resulted in a proposal to partner in a business relationship to construct a Koala Hospital, tourism and accommodation facility. Since the reopening of the accommodation after being rebranded 'Treescape' the business was performing in accordance with the business case that was prepared however future profits were going to be at the lower end of the scale.

On 14 June 2016 (Minute No. 152), Council approved a request for funding for a feasibility study (**ATTACHMENT 1**) to be conducted to determine if a tourism business would be profitable and generate returns to Council and to PSK to support the ongoing care of the Koala's.

Council applied for a \$3 million grant under the NSW Government Regional Growth – Environment and Tourism Fund and in 2018 was successful in obtaining the grant. Further design works were completed as well as a review of operational matters which resulted in change in the outlay of the park. This increased the cost of the facility considerably and Council agreed to match the State funding of \$3 million.

A Development Application (DA) was prepared and in December 2018 the DA was approved by Council. Additionally, BKA Architects were engaged by Council to undertake the detailed design of the facility.

As that process progressed some further issues were identified:

- The at-grade part of the walkway would cause environmental issues and therefore an elevated walkway to the boardwalk would be required.
- The materials for the walkway were changes to reduce noise and potential impact on the koalas.
- A 'Diuris Arenaria Orchid' was also identified and as it only flowers in September, 7 of the Glamping Tents will need to be constructed in November 2019, adding costs through the need for a further environmental review and the staging of the construction of the tents.
- Additional site costs are required due to utilising landscaping/berm to deter visitors walking off the designated walkways.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maximise non-rate revenue and investment to support Council services.

FINANCIAL/RESOURCE IMPLICATIONS

Due to the additional costs, a loan of \$4 million (previously \$3 million was approved by Council on 10 July 2018, (Minute No. 219) (**ATTACHMENT 2**)) will be required to construct the facility. The loan repayments will be furnished by the profits derived from the park.

Extensive modelling has been carried out and even with very conservative projections on visitor numbers, the project is expected to be operationally profitable in the first 4 years of the project. Under the previous modelling the project was to be profitable in the first 2 years of operations.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	\$600k	Property Reserve Funds.
Developer Contributions (\$7.11)	No		
External Grants	Yes	\$3m	Regional Growth - Environment and Tourism Fund.
Other	Yes	\$4m	External loan.

LEGAL, POLICY AND RISK IMPLICATIONS

Council currently has a commercial lease with Crown Land for the site until 2029.

A Licence Agreement has been issued to PSK so they can undertake carer’s duties onsite at Treescape. A Governance Agreement has also been prepared and is currently under review by PSK. The agreement outlines the roles and responsibilities of both PSC and PSK, as well as volunteer management and funding outcomes.

Council is in negotiation with Crown Lands to either enter into a long term lease or if possible purchase the site. Once an agreement is reach between the Crown and Council a sub-lease will be issued to PSK.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that all approvals will not be obtained in time resulting in a delay in opening the facility.	Medium	Accept the recommendations.	Yes
There is a risk that the facility will not be constructed by December 2019, missing peak season revenue.	Medium	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Port Stephens Local Government Area is the home to one of the last remaining koala populations on the East Coast of Australia. The construction of the Koala Sanctuary will not only enhance the rehabilitation and care of the Port Stephens koalas but also provide education, research and tourism opportunities.

The Koala Sanctuary will be an international drawcard for the region and will encourage overnight stays through the provision of the 20 eco tents within the Sanctuary.

The Sanctuary business will also provide an income stream to Port Stephens Koala's to enable the volunteer organisation to continue to provide care for injured koalas.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Office of the Group Manager to ensure confidence in the data for modelling and viable building design.

Internal

- Holiday Parks Section Manager.
- Financial Services Section Manager.
- Facilities and Services Group Manager.
- Capital Works Manager.

External

Consultation with the following key external stakeholders has been undertaken throughout the course of the project:

- Port Stephens Koalas (PSK).
- Department of Premier and Cabinet Hunter Office.
- Department of Primary Industry Crown Lands.
- Department of Primary Industry.
- Destination Port Stephens.
- Inbound tourism operators.

OPTIONS

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

ATTACHMENTS

- 1) Minute No. 152 - Koala Sanctuary Feasibility Study - 14 June 2016.
- 2) Minute No. 219 - Koala Sanctuary - 10 July 2018.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 7 - ATTACHMENT 1 MINUTE NO. 152 - KOALA SANCTUARY
FEASIBILITY STUDY - 14 JUNE 2016.**

MINUTES ORDINARY COUNCIL - 14 JUNE 2016

ITEM NO. 6

FILE NO: 16/335107
RM8 REF NO: PSC2016-01484

**FUNDING REQUEST - FEASIBILITY STUDY INTO KOALA HOSPITAL AND
TOURIST FACILITY AT TREESCAPE**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves funding of \$64,000 to undertake the required feasibility study into the co-location of the proposed Koala Hospital and Tourist Facility at Treescape Holiday Park.
- 2) Confirms a financial contribution from The Hunter Koala Preservation Society towards the expense of the feasibility study.

**ORDINARY COUNCIL MEETING - 14 JUNE 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

This item was not considered in Committee of the Whole.

**ORDINARY COUNCIL MEETING - 14 JUNE 2016
MOTION**

152	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Notes the additional information in the report.2) Approves funding of \$64,000 to undertake the required feasibility study into the co-location of the proposed Koala Hospital and Tourist Facility at Treescape Holiday Park.3) Confirms a financial contribution from The Hunter Koala Preservation Society towards the expense of the feasibility study.4) Write to the State Government requesting assistance to secure funding to update the current and historical breadth and depth of distribution of koala populations across the Local Government Area.
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**ITEM 7 - ATTACHMENT 1 MINUTE NO. 152 - KOALA SANCTUARY
FEASIBILITY STUDY - 14 JUNE 2016.**

MINUTES ORDINARY COUNCIL - 14 JUNE 2016

BACKGROUND

The purpose of this report is to inform Council of a proposal from The Hunter Koala Preservation Society to establish a Koala Hospital at Treescapes Holiday Park and to seek approval for the necessary funding to undertake a feasibility study.

The Society formed in 1987 and has 120 members, 20 of which are active. The Society is licensed by the Office of Environment and Heritage to rescue, treat and release injured and ill koalas. The Society is supported by local veterinary services, and is partnered by several universities, including Newcastle, in research projects that are seeking to improve the future of koala populations in Port Stephens.

The current Port Stephens koala population is estimated to be between 250 and 400, with 149 confirmed deaths between 2013 and 2015. The koala population in the area is in advanced decline and there is currently a proposition in effect that the Port Stephens koala classification be lifted from vulnerable to endangered.

The Society currently cares for koalas in need via private residences of active members. Due to resourcing requirements, the Society recognises that this is not a sustainable arrangement moving forwards. Structural change is required to ensure that koalas receive the medical treatment that they require when injured or fall ill, that appropriate facilities are available for graduated rehabilitation for release, and a breeding population is created and cared for to bolster the population and ensure local species survival.

In January 2016 The Hunter Koala Preservation Society approached staff to discuss the concept of a Koala Hospital facility to treat, rehabilitate and release, and breed koalas. The Society had undertaken their own site feasibility analysis and, after considering a number of possible locations for the facility, identified Treescapes as being their preferred option. The primary reason for Treescapes being identified as the preferred site for the facility was that it was centrally located within the geographic area of concern, that it had existing infrastructure, and the Society realised the potential to partner with Council to deliver the facility.

Staff have met with the Society on a number of occasions to discuss the concept and how it could be successfully co-located at Treescapes. The proposal from The Society seeks contributions from both parties to the establishment and operation of the facility, and the split in future revenue. The Society has pledged \$120,000 of capital funding to establish the facility and is seeking a similar figure from Council.

The preliminary concept has been developed between staff and representatives of the Society to a point where a footprint for the facility has been identified that does not interrupt the activities of the Park (**ATTACHMENT 1**), and immediate logistical and operational issues such as access and security have been discussed and possible solutions identified.

The proposed concept has also been modified to incorporate an eco-tourism component where resident koalas can be shown to the public in their natural habitat.

**ITEM 7 - ATTACHMENT 1 MINUTE NO. 152 - KOALA SANCTUARY
FEASIBILITY STUDY - 14 JUNE 2016.**

MINUTES ORDINARY COUNCIL - 14 JUNE 2016

Preliminary calculations suggest that such a facility would have high visitation and would return funds to the hospital itself ensuring its viability, but also to the Park through year round accommodation packages and profit share from visitation. The facility would be unique to the area and would be a significant addition to Port Stephens tourism. In examining the popularity of comparative facilities, The Port Macquarie Koala Hospital attracts over 80,000 visitors a year.

Discussions have been held with Crown Lands, Office of Environment and Heritage, and National Parks and Wildlife to establish levels of support for the project and identify any immediate impediment to the concept being examined further. All agency responses have been extremely positive and general support has been offered by all.

In order to proceed with the facility, it is recommended that a feasibility study be undertaken that will;

- Calculate the capital investment required to establish the facility;
- Examine staged development versus one-off construction;
- Develop a surveyed site plan for the facility including access and utilities;
- Establish cost and staff resource allocations for the Society and Council;
- Forecast operating costs, expected revenue, and net results for the facility;
- Identify third party processes and licenses required, such as sub-lease arrangements;
- Identify grant funding opportunities for the establishment and continued operation of the facility;
- Identify additional amenities and facilities to service the facility;
- Identify revenue, brand and product offerings for the facility.

The cost of the process has been calculated at \$50,000 and comprises of:

• Site clearing of footprint	\$ 6,000
• Site survey	\$ 7,000
• Planning and economic analysis	\$ 9,000
• Environmental consultants	\$ 5,000
• Architectural services	\$10,000
• Quantity surveying	\$20,000
• Traffic and engineering analysis	\$ 7,000
• Total	\$64,000

A further business paper will be prepared at the completion of the feasibility study.

**ITEM 7 - ATTACHMENT 1 MINUTE NO. 152 - KOALA SANCTUARY
FEASIBILITY STUDY - 14 JUNE 2016.****MINUTES ORDINARY COUNCIL - 14 JUNE 2016****COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2013-2017
Port Stephens has a sustainable and diversified economy.	Provide processes and services that deliver benefit to tourism in Port Stephens. Provide Economic Development services to local business.

FINANCIAL/RESOURCE IMPLICATIONS

The feasibility study has been estimated to cost around \$64,000 for all anticipated services and consultants. It is proposed to allocate this from the Restricted Property Reserve. The HKPS has been approached for a contribution towards the cost of undertaking the feasibility study. Discussions have been positive, but any decision to make a contribution has not yet been approved by the Society.

Whilst not the subject of this report and recommendation, should the facility be developed, future cost implications will include the capital investment to construct the facility and all associated infrastructure works, and the forward operational expenditure to run the facility. In terms of positive implications, there will be expected revenue for the facility, Treescape and the wider tourism industry from visitors.

The feasibility work will seek to identify funding and grant options that may be applied to the development and operation of the hospital.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	64,000	There are funds available in the reserve.
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development will require a sub-lease arrangement or similar to enable the facility to exist on the Treescape site. Crown Lands have indicated they have no opposition to this and there is the option to do so under the existing lease conditions.

**ITEM 7 - ATTACHMENT 1 MINUTE NO. 152 - KOALA SANCTUARY
FEASIBILITY STUDY - 14 JUNE 2016.****MINUTES ORDINARY COUNCIL - 14 JUNE 2016**

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that developing the facility without due diligence may not be financially viable.	High	Undertake proposed feasibility study and establish business case.	As applied for
There is a risk that the koala populations will continue to decline.	High	Undertake proposed feasibility study and establish business case.	As applied for

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Together Port Stephens Council and The Hunter Koala Preservation Society have an opportunity to provide a facility that will appropriately accommodate animals needing medium to long-term care prior to release, shelter and care for animals displaced because of natural disaster as a prerequisite for translocation/release, provide uniform species management and population recovery via controlled breeding and release programs, and facilitate consistent and linked scientific research, veterinary research and veterinary training into koalas and their survival. This is an important regional initiative not only from an environmental perspective but also from an economic development perspective offering a sustainable tourism model.

NSW received nearly 25.3 million international and domestic nature based visitors - up by 10.5% on the year ending December 2014. Visitors spent nearly 115.9 million nights in the State - up by 8.6% on year end December 2014. This is one of the fastest growing tourism market segments, with nature based travellers representing 82.9% of visitors and 89.0% of nights by all international travellers to NSW. International nature based visitors stayed an average of 26.9 nights in NSW. This was longer than the average for all visitors to the State (25.1 nights).

By establishing an eco-tourism function, income can be generated and reinvested back into the running of the facility. Additionally, Treescape will be able to create accommodation and koala experience packages that will potentially be a profitable offering all year round to the market. School groups are a future target market for Treescape to drive mid-week off peak bookings. The koala facility has synergy with this target market in providing environmental educational opportunities.

MERGER PROPOSAL IMPLICATIONS

There are no known implications of undertaking the feasibility study. Any decision to move forward with the development of the facility will be made following the announcements of any mergers.

**ITEM 7 - ATTACHMENT 1 MINUTE NO. 152 - KOALA SANCTUARY
FEASIBILITY STUDY - 14 JUNE 2016.**

MINUTES ORDINARY COUNCIL - 14 JUNE 2016

CONSULTATION

Consultation with key stakeholders has been undertaken by the Property Services Section with the multiple agencies involved in the concept, and the appropriate staff of Council.

Internal

Consultation has been undertaken with staff in tourism, ecological and sustainability, and management of Treescape Holiday Park in order to seek technical input into whether or not the proposed facility could realistically be located at Treescape, the need for such a facility, and the value of the facility as a tourist attraction. The feedback from these key staff informed the decision to advance with the recommendation to undertake the feasibility study.

External

Consultation has been undertaken with the Hunter Koala Preservation Society, Crown Lands, Office of Environment and Heritage, and National Parks and Wildlife to establish any immediate issues that may be insurmountable, to seek technical input as per each agencies mandate, and to establish levels of support. No impediments were established and support was provided for the concept. The feedback from these key agencies informed the decision to advance with the recommendation to undertake the feasibility study.

OPTIONS

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

ATTACHMENTS

- 1) Koala Hospital Footprint.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 MINUTE NO. 152 - KOALA SANCTUARY FEASIBILITY STUDY - 14 JUNE 2016.

ITEM 6 - ATTACHMENT 1 KOALA HOSPITAL FOOTPRINT.



MINUTES ORDINARY COUNCIL - 10 JULY 2018

CONFIDENTIAL

ITEM NO. 1

**FILE NO: 18/106833
EDRMS NO: PSC2016-01484**

KOALA SANCTUARY

**REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES**

**ORDINARY COUNCIL MEETING - 10 JULY 2018
MOTION**

219	<p>Councillor John Nell Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorses option 4 as the preferred option on the basis on financial viability, risk management and optimal economic, environmental and community outcomes.2) Authorises the General Manager/Mayor to secure loan funding up to \$3M for the Port Stephens Koala Sanctuary.3) Grants authority to affix the Council Seal to any documents necessary to secure the loan and any other relevant documentation.
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Councillor Ken Jordan left the meeting at 7.37pm, prior to confidential item 2.
Councillor Jaimie Abbott left the meeting at 7.37pm, prior to confidential item 2.

ITEM NO. 8

**FILE NO: 19/176466
EDRMS NO: PSC2019-02364-001**

**PORT STEPHENS COUNCIL COMMUNITY SATISFACTION SURVEY 2019
REPORT**

REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive the Port Stephens Council Community Satisfaction Survey Report 2019 (**TABLED DOCUMENT 1**).

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

205	Councillor Glen Dunkley Councillor Ken Jordan It was resolved that Council receive the Port Stephens Council Community Satisfaction Survey Report 2019 (TABLED DOCUMENT 1).
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BACKGROUND

The purpose of this report is to provide to Council the outcomes of a survey of a sample of residents of the Port Stephens local government area (LGA) pertaining to facilities, services and general perceptions of Port Stephens Council's performance.

This year the community satisfaction survey comprised questions about satisfaction with overall and individual Council facilities and services, participation in Council programs and facilities, communication with Council, community participation in activities, perception of places and access to services and infrastructure and the vision for Port Stephens.

Separate surveys are conducted which target active library users and children's services, with data from these surveys noted and included in the Community Satisfaction Survey 2019.

To determine statistical validity, with 95% confidence, 1052 survey responses were required for the Community Satisfaction Survey, with 1,208 responses received. The survey sample size is statistically valid, however it is not representative of the Port Stephens population in terms of demographics.

Overall satisfaction with Council's services was 76%, which is down from 2018 levels of 85% and below the ambitious new corporate target of 80%, however remains above historical targets of 75% which Council has had for many years. This result follows a trend where overall satisfaction results have buffered between 75% and 87% since 2012 (**ATTACHMENT 1**).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

The community satisfaction survey is routinely conducted as part of Council's commitment to continuous improvement and to ensure Council's services are at an acceptable level.

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

Although community satisfaction surveys are not mandated by legislation, the Office of Local Government recommends in its Integrated Planning and Reporting Manual (page 32) such surveys as a valuable tool to gauge the community's views on how councils are performing in such areas as service delivery of facilities and governance.

Port Stephens Council commenced formal community satisfaction surveys in 2007 using external providers, until 2011 when as a result of the sustainability review process the decision was made to continue the survey but to conduct it in house. Since then the survey methodology has been enhanced to expand the reach of the survey.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the statistical sample could be inadequate to support the findings in the Survey Report.	Low	The National Statistical Service recommended response rate for the Port Stephens population should be 1,052 with a confidence level of 95% and 3% relative standard. The actual response was 1,208.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Port Stephens Council conducts its operations across the spectrum of social, economic and environmental indicators. The 2019 Community Satisfaction Survey was designed to ensure that Council is aware of the level of community satisfaction with all aspects of its operations. Whilst the report (**TABLED DOCUMENT 1**) demonstrates overall satisfaction, there are also opportunities to enhance Council's operations and service delivery.

As part of Council's commitment to continuous improvement Council will build on the feedback provided in this survey and continue to consult with the community in reviewing the Community Strategic Plan and related Council integrated plans over the coming year.

CONSULTATION

To ensure that the opportunity to participate was afforded to the largest number of residents and/or service users, the following channels were employed:

- email out to > 11,000 residents
- email out to > 4,000 active library users
- Facebook and Twitter
- media releases, promotion and advertisements in the Port Stephens Examiner
- promotion on Council's website, Council libraries and the Administration Building
- hard copies of the survey instrument were provided at Council libraries, the Administration Building and upon request.

The survey design was reviewed by the Senior Leadership Team prior to commencement.

OPTIONS

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

ATTACHMENTS

- 1) Overall Community Satisfaction since 2011.

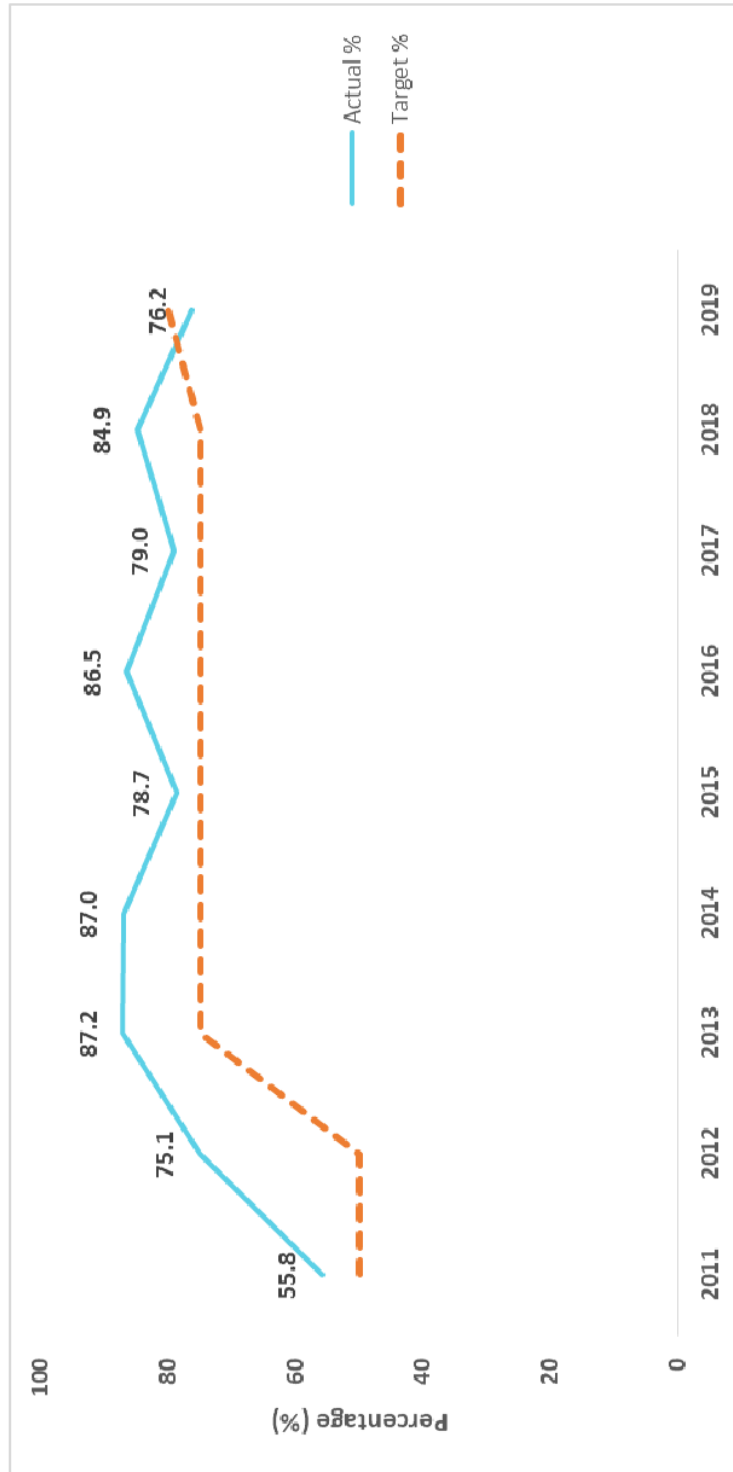
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Port Stephens Council Community Satisfaction Survey report 2019.

ITEM 8 - ATTACHMENT 1 OVERALL COMMUNITY SATISFACTION SINCE 2011.



ITEM NO. 9

**FILE NO: 19/176460
EDRMS NO: PSC2011-02657**

SIX MONTHLY REPORT JANUARY TO JUNE 2019 AGAINST PORT STEPHENS COUNCIL DELIVERY PROGRAM 2018-2021

REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Six-Monthly Report January to June 2019 on the progress of Council's Delivery Program 2018-2021.

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

206	Councillor Chris Doohan Councillor Sarah Smith It was resolved that Council adopt the Six-Monthly Report January to June 2019 on the progress of Council's Delivery Program 2018-2021.
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BACKGROUND

The purpose of this report is to provide Council and the community with an update of the progress of Council's Delivery Program 2018-2021.

This is the second progress report of the Delivery Program 2018-2021 which was adopted by Council in June 2018.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

This Six-Monthly Report (**TABLED DOCUMENT 1**) is generated from a combination of information and data provided from across Council's operations. There are no financial or resource implications in providing this report.

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

Section 404(5) of the Local Government Act 1993 stipulates that: 'The General Manager must ensure that regular progress reports are provided to the Council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every six months'.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not adopt the Six-Monthly report January to June 2019 placing Council in breach of legislation leading to reputational loss.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Community Strategic Plan, Delivery Program and Operational Plans are founded on a basis of social, economic, environmental and governance through four focus areas Our Community, Our Place, Our Environment and Our Council. The report reflects these factors and provides a comprehensive progress report according to each focus area along with a scorecard of Council's key result measures.

Council has achieved its targets for service delivery, governance, risk management and financial sustainability with some improvements required to our employee engagement score of 68% (against an ambitious target of 70%) and community satisfaction score of 76% (against an aspirational target of 80%). Whilst below the corporate target, employee engagement Council still remains above the target of an 'engaged workforce' and for community satisfaction above Council's historical target of 75%.

CONSULTATION

The Six- Monthly report January to June 2019 has been compiled from information and data provided across Council's operations and reviewed by both the Senior Leadership and Executive Teams of Council.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Six-Monthly report January to June 2019.

ITEM NO. 10

**FILE NO: 19/220844
EDRMS NO: PSC2019-00121**

DONALD STREET EAST CAR PARK - NELSON BAY

REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes Options 1 (**ATTACHMENT 2**) and 2 (**ATTACHMENT 3**) and the Hypothetical Development Report (**CONFIDENTIAL ATTACHMENT 5**).
- 2) Authorises the General Manager to provide a report into alternate at-grade parking sites on the Nelson Bay CBD periphery.

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

207	<p>Councillor John Nell Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Notes Options 1 (ATTACHMENT 2) and 2 (ATTACHMENT 3) and the Hypothetical Development Report (CONFIDENTIAL ATTACHMENT 5).2) Authorises the General Manager to provide a report into alternate at-grade parking sites on the Nelson Bay CBD periphery.
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BACKGROUND

The Donald Street East (DSE) car park at Nelson Bay is a multi-storey public car park infrastructure covering part of the site with the balance being unsealed (**ATTACHMENT 1**). The area of the land is approximately 3,432m² and is classified operational and is zoned 'B2 Local Centre'. In total it provides 205 car spaces however only the lower level of the car park is now available for public use as the two top levels of the car park were closed in 2014 due to structural concerns. Additionally public amenities are located within the building.

In the last 15 years, Council has gone to the market 3 times with a view to redevelop the site whilst retaining the public car parking component. The proponents (Challenger, Nelson Bay Projects and Veritas) were unable to make the development succeed from a financial perspective and the developments did not progress.

A report by Hill PDA (Valuers and Property Consultants) noted that to develop the site and provide the same amount of public car parks within the development footprint and also within the proposed heights under the current Local Environmental Plan (LEP) and Development Control Plan (DCP) provisions would not be viable.

Council staff have undertaken a hypothetical development on 2 options **(ATTACHMENTS 2 AND 3)** of development for the site under the provisions of the endorsed Nelson Bay Strategy.

As at August 2019, the Nelson Bay Strategy is the subject of a formal Planning Proposal process being considered by the NSW Department of Planning Infrastructure and Environment (DPIE). The Planning Proposal is being considered for a Gateway Determination with formal making of the LEP in accordance with the Strategy estimated in Q4 2020.

Option 1 (ATTACHMENT 2)

Estimated Maximum Building Footprint: 2,543m²
Estimated Gross Floor Area: 1,780m²
FSR: 2.94 : 1

Option 1 proposes 175 public car spaces in 2 levels of basement car parking and 1 level above ground, 2 levels of retail frontage to the street and car spaces internally, 2 levels of commercial space and 3 levels of residential accommodation. The estimated construction costs fall within the broad range of \$52,186,475 to \$65,233,094.

Market Values (Gross Realisation) falls within the range of \$58,259,425 to \$64,085,368 including public, commercial and retail car parking spaces (285) at \$25,000 per space or \$7,125,000 but excluding residential car parking spaces (54).

Adopting the market values (midpoint of range)	\$61,172,396
Adopting a 20% Profit and Risk	\$10,195,399
Sub Total	\$50,976,997
Less Estimated Construction Costs (midpoint of range)	\$58,709,784
Residual Land Value	(\$7,732,788)

The high-level residual land value calculation above deduces a negative residual land value. The proposed development is not commercially viable.

Option 2 (ATTACHMENT 3)

Estimated Maximum Building Footprint: 2,543m²
Estimated Gross Floor Area: 1,780m²
FSR: 2.94 : 1

Option 2 proposes 246 public car parking spaces in 3 levels of basement car park and 1 level above ground, 2 levels of retail frontage to the street and car spaces internally, 2 levels of commercial space and 3 levels of residential accommodation. The estimated construction costs fall within the broad range of \$56,422,025 to \$70,527,531.

Market Values (Gross Realisation) falls within the range - \$60,034,425 to \$66,037,868 including public, commercial and retail car parking spaces (356) at \$25,000 per space or \$8,900,000 but excluding residential car parking spaces (54). The value of the residential car spaces is assumed as included in the value assigned for the marketable residential unit equivalent.

Adopting the market values (midpoint of range)	\$63,036,146
Adopting a 20% Profit and Risk	\$10,506,024
Sub Total	\$52,530,122
Less Estimated Construction Costs (midpoint of range)	\$63,474,778
Residual Land Value	(\$10,944,656)

The high-level residual land value calculation above deduced a negative residual land value. The proposed development is not commercially viable.

Both Options 1 and 2 have returned a negative residual land value and are not commercially viable.

The cost to construct basement car parking to provide public car parking and car parking required for the development in Option 1 is \$10.5 million for 175 public car spaces and in Option 2 is \$15.8 million to provide 246 public car spaces.

To provide public car parking on the site with the proposed FSR and height limits in the Council endorsed strategy makes any development of the site commercially unviable.

Should similar parking provisions be provided at-grade or in an above ground structure the cost would be:

175 car spaces at-grade = \$1.4 million
175 car spaces above ground = \$3.1 million

246 car spaces at-grade = \$1.9 million
246 car spaces above ground = \$4.4 million

Both options are considerably less than the cost to construct basement car parking and an at-grade solution would provide the best financial outcome for Council.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maximise non-rate revenue and investment to support Council services.

FINANCIAL/RESOURCE IMPLICATIONS

The capital required to undertake a development on the Donald Street East Car Park, Option 1 would be \$52 million to \$65 million (\$8.4 to \$10.5 million for car park construction cost) and for Option 2 would be \$56 million to \$70 million (\$12.7 to 15.8 million for car park construction cost).

Council would need to enter into a partnership, joint venture or similar to be able to develop the site.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Significant developments similar to what is proposed can provide yields over 20% due to the high risk involved in the development process. Considerable capital will be required to undertake the development therefore to minimise Council's exposure an equity partner would be preferable.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the site is not developed it remains an underutilisation of the site.	Medium	Council enters into a legal agreement with another party to progress the development.	Yes

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if Council invests in this site, it will place a strain on current and future financial resources impacting on Council's financial sustainability and ratios.	High	Council partners with another equity entity to ensure the development is appropriately financed.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

DSE has been structurally unsound for some time and is an unappealing structure in a very prominent area of the Nelson Bay CBD. The development of the site would provide retail, commercial and residential development enhancing the CBD and generating employment throughout the construction period and ongoing employment in the commercial and retail areas of the development. The residential component will provide 2 and 3 bedroom dwellings for permanent residents which will contribute to a vibrant town centre.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Office of the Group Manager – Corporate Services.

Internal

- Executive Team.
- Property Services Section Manager.
- Financial Services Section Manager.
- Two Way Conversation with Councillors.

External

- TEW Property Valuers.

OPTIONS

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

ATTACHMENTS

- 1) Locality Map.
- 2) Option 1.
- 3) Option 2.
- 4) Notice of Motion - Donald Street East Car Park - Min No. 437 - 25 June 2019.
- 5) CONFIDENTIAL Hypothetical Development Report.

COUNCILLORS ROOM

- 1) Nil.

TABLED DOCUMENTS

Nil.

Donald St East Car Park



ITEM 10 - ATTACHMENT 2 OPTION 1.

Option 1

Level	Gross Building Area m ²	Usable Car Parking Area m ²	Estimated Carparking Spaces @ (25m ² /space)	Saleable Retail Area m ²	Saleable Commercial Area m ²	Saleable Residential Area m ²	Estimated Car Spaces Required	Accommodation
Basement 2	2265	1780	71					Car parking (71 spaces)
Basement 1	2265	1780	71					Car parking
Ground	2265	1580	63	200			10	Retail + Car parking (63 spaces)
Upper Ground	2265	1580	63	200			10	Retail + Car parking (63 spaces)
1	2265	1780	71					Car parking (71 spaces)
2	2265				1780		45	Commercial office
3	2265				1780		45	Commercial office
4	2265					1780	18	Residential Units
5	2265					1780	18	Residential Units
6	2265					1780	18	Residential Units
Totals	22650	8500	339	400	3560	5340	164	
Site Area	3633	Total Car Spaces Provided	339					
Total	m ²	Cars Spaces Required (estimated)						
Retail	400	20						
Commercial	3560	90						
Residential	5340	54						
		164	164					
		Public Car Spaces Available	175					

ITEM 10 - ATTACHMENT 3 OPTION 2.

Option 2

Level	Gross Building Area m ²	Usable Car Parking Area m ²	Estimated Carparking Spaces @ (25m ² /space)	Saleable Retail Area m ²	Saleable Commercial Area m ²	Saleable Residential Area m ²	Estimated Car Spaces Required	Accommodation
Basement 3	2265	1780	71					Car parking (71 spaces)
Basement 2	2265	1780	71					Car parking (71 spaces)
Basement 1	2265	1780	71					Car parking
Ground	2265	1580	63	200			10	Retail + Car parking (63 spaces)
Upper Ground	2265	1580	63	200			10	Retail + Car parking (63 spaces)
1	2265	1780	71					Car parking (71 spaces)
2	2265				1780		45	Commercial office
3	2265				1780		45	Commercial office
4	2265					1780	18	Residential Units
5	2265					1780	18	Residential Units
6	2265					1780	18	Residential Units
Totals	24915	10280	410	400	3560	5340	164	
Site Area	3633	Total Car Spaces Provided	410					
Total	m2	Cars Spaces Required (estimated)						
Retail	400	20						
Commercial	3560	90						
Residential	5340	54						
		164	164					
		Public Car Spaces Available	246					

ITEM 10 - ATTACHMENT 4 NOTICE OF MOTION - DONALD STREET EAST CAR PARK - MIN NO. 437 - 25 JUNE 2019.

MINUTES ORDINARY COUNCIL - 25 JUNE 2019

NOTICE OF MOTION

ITEM NO. 2

**FILE NO: 19/164813
EDRMS NO: PSC2017-00019**

DONALD STREET EAST CAR PARK, NELSON BAY.

COUNCILLORS: JOHN NELL
GLEN DUNKLEY
JAIMIE ABBOTT
RYAN PALMER
SARAH SMITH

THAT COUNCIL:

- 1) Support the revitalisation of the derelict Donald Street East car park in Nelson Bay by:
 - a. Demolishing the old car park and seal the area for car parking by the end of March 2020.
 - b. Seeking government grants and partnerships:
 - i. to replace the 205 car parking spaces in the old car park with a minimum of 300 Council owned public car parking spaces in the new building.
 - ii. to develop the commercial and residential component of the car park, which would have to provide the required car parking spaces over and above the 300 public car parking spaces.
- 2) Request the General Manager to prepare a report on the feasibility of various development and funding options on the Donald Street East car park and present the report back to Council in August 2019.

**ORDINARY COUNCIL MEETING - 25 JUNE 2019
MOTION**

137	<p>Councillor John Nell Councillor Sarah Smith</p> <p>1) It was resolved that Council support the revitalisation of the derelict Donald Street East car park in Nelson Bay by:</p> <ol style="list-style-type: none">a. Demolishing the old car park and seal the area for car parking by the end of March 2020.b. Seeking government grants and partnerships:<ol style="list-style-type: none">i. to replace the 205 car parking spaces in the old car park with a minimum of 300 Council owned public car parking spaces in the new building.
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ITEM 10 - ATTACHMENT 4 NOTICE OF MOTION - DONALD STREET EAST CAR PARK - MIN NO. 437 - 25 JUNE 2019.

MINUTES ORDINARY COUNCIL - 25 JUNE 2019

	<p>ii. to develop the commercial and residential component of the car park, which would have to provide the required car parking spaces over and above the 300 public car parking spaces.</p> <p>2) Request the General Manager to prepare a report on the feasibility of various development and funding options on the Donald Street East car park and present the report back to Council in August 2019.</p>
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BACKGROUND REPORT OF: CARMEL FOSTER – CORPORATE SERVICES GROUP MANAGER

BACKGROUND

The Donald Street East (DSE) is a multi-storey public car park infrastructure covering part of the site with the balanced is unsealed. The area of the land is approximately 3,432m² and is classified operational and is zoned 'B2 Local Centre'. In total it provides 205 car spaces however only the lower level of the car park is now available for public use as the two top levels of the car park were closed in 2014 due to structural concerns. Additionally Public amenities are located within the building.

In the last 15 years Council has gone to the market 3 times with a view to redevelop the site whilst retaining the public car parking component. The successful proponents (Challenger, Nelson Bay Projects and Veritas) were unable to make the development work from a financial perspective and the developments did not progress.

A report by Hill PDA (Valuers and Property Consultants) noted that to develop the site and provide the same amount of public car parks within the development footprint and also within the proposed heights under the Nelson Bay Strategy that any development would not be financially viable.

An estimate of 1.4 Million has been provided by Assets to demolish and rebuild an at grade car park and an amenities building within the CBD.

An alternate funding model and feasibility options report will be prepared by Council staff and submitted back to Council in August 2019 for consideration.

ATTACHMENTS

Nil.

There being no further business the meeting closed at 7.10pm.

ITEM NO. 11

**FILE NO: 19/205066
EDRMS NO: PSC2015-01244**

COMMUNITY PROJECTS FUND - FRIENDS OF TOMAGO HOUSE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Re-allocate \$2,000 to Friends of Tomago House for conservation purposes.
-

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

208	Councillor Giacomo Arnott Councillor Ken Jordan It was resolve that Council re-allocate \$2,000 to Friends of Tomago House for conservation purposes.
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BACKGROUND

The purpose of this report is to seek Council's approval to re-allocate Community Projects Fund grant funding to another project for Friends of Tomago House.

Council originally resolved to grant \$2000 to Friends of Tomago House in July 2015 – Minute 199 (**ATTACHMENT 1**). Advice was then received that the Friends of Tomago House wished to change the purpose of the grant to allow for the purchase of display panels. Council agreed to this request in July 2016.

Now Council has been advised that due to changes to the committee at Tomago House, the original project did not proceed and the funds have not been expended.

Friends of Tomago House is now seeking Council's approval to re-allocate the funds to conservation works at Tomago House in lieu of the original projects.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community Partnerships	Support financially creative and active communities.

FINANCIAL/RESOURCE IMPLICATIONS

These funds have already been provided to Friends of Tomago House therefore there is no impact on the current budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	2,000	Funds already provided to Friends of Tomago House. There is no impact on current budget.
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The funding was originally provided under Section 356 of the Local Government Act 1993.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the funding will not be expended in accordance with the Council resolution.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adoption of this recommendation will allow Friends of Tomago House to undertake conservation works at the historic Tomago House. This would allow the group to continue to operate the museum and function centre providing a benefit to the local community.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Community Grants - June 2015 - Minute No. 199 - 14 July 2015.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 14 JULY 2015

ITEM NO. 11

**FILE NO: PSC2015-01000/469
TRIM REF NO: PSC2015-01244**

COMMUNITY GRANTS - JUNE 2015

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from Ward Funds as detailed below:

EAST WARD

- a) St. Philip's Christian Education Foundation – contributions towards an education development program - \$900.
- b) Bay Area Boardriders Club – contribution towards housing a trailer - \$1,000.
- c) Nelson Bay Netball Association Inc. – contribution towards equipment - \$1,500.
- d) Corlette Parks Reserves and Landcare Group – contribution towards new exercise stations - \$750.
- e) Nelson Bay Baptist Church Playtime – contribution towards a play area modification - \$1,000.
- f) Hunter Region Botanic Gardens Ltd – contribution towards upgrades to the volunteer communal area - \$666.

CENTRAL WARD

- g) Medowie Assembly of God Inc. Food Way – contributions towards operating costs - \$2,000.
- h) Sailability NSW (Port Stephens Branch) – contribution towards replacement of sails - \$1,668.60.
- i) Williamtown/Salt Ash Rural Fire Brigade – contribution towards equipment - \$775.88.
- j) Hunter Region Botanic Gardens Ltd – contribution towards upgrades to the volunteer communal area - \$667.

WEST WARD

- k) Friends of Tomago House – National Trust of Australia NSW – contribution towards purchase of equipment - \$2,000.
- l) Hunter Region Botanic Gardens Ltd – contribution towards upgrades to the volunteer communal area - \$667.

MINUTES ORDINARY COUNCIL - 14 JULY 2015**ORDINARY COUNCIL MEETING - 14 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Paul Le Mottee
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	That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

199	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act from Ward Funds as detailed below:</p> <p>EAST WARD</p> <ul style="list-style-type: none"> a) St. Philip's Christian Education Foundation – contributions towards an education development program - \$900. b) Bay Area Boardriders Club – contribution towards housing a trailer - \$1,000. c) Nelson Bay Netball Association Inc. – contribution towards equipment - \$1,500. d) Corlette Parks Reserves and Landcare Group – contribution towards new exercise stations - \$750. e) Nelson Bay Baptist Church Playtime – contribution towards a play area modification - \$1,000. f) Hunter Region Botanic Gardens Ltd – contribution towards upgrades to the volunteer communal area - \$666. <p>CENTRAL WARD</p> <ul style="list-style-type: none"> g) Medowie Assembly of God Inc. Food Way – contributions towards operating costs - \$2,000. h) Sailability NSW (Port Stephens Branch) – contribution towards replacement of sails - \$1,668.60. i) Williamtown/Salt Ash Rural Fire Brigade – contribution towards equipment - \$775.88. j) Hunter Region Botanic Gardens Ltd – contribution towards upgrades to the volunteer communal area - \$667. <p>WEST WARD</p>
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ITEM 11 - ATTACHMENT 1 COMMUNITY GRANTS - JUNE 2015 - MINUTE NO. 199 - 14 JULY 2015.

MINUTES ORDINARY COUNCIL - 14 JULY 2015

	k) Friends of Tomago House – National Trust of Australia NSW – contribution towards purchase of equipment - \$2,000.
	l) Hunter Region Botanic Gardens Ltd – contribution towards upgrades to the volunteer communal area - \$667.

BACKGROUND

The purpose of this report is to provide the recommendations of the Community Grants Assessment Panel to Council.

Council called for Community Grant applications from 7 May 2015 to 7 June 2015. All applications received are shown at (**ATTACHMENT 1**). A total of 12 applications were received.

The total value of the Grants received is:

East Ward	\$ 8,150.00 – shown in blue in attachment
Central Ward	\$ 4,444.48 – shown in yellow in attachment
West Ward	\$ 3,500.00 – shown in green in attachment
Whole of LGA	\$ 2,000.00 – shown in white in attachment
	\$ 18,094.48

It should be noted that item 1 has been withdrawn and considered through an alternate process.

The panel comprising of Councillors Dover, Doohan and Jordan, in accordance with the criteria under the Financial Assistance Policy, assessed the applications received.

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the *Local Government Act 1993*. This would mean that the financial assistance would need to be included in the Community Strategic Plan or Council would need to advertise for 28 days of its intent to grant approval. No grant applications were received from an individual. Council can make donations to community groups.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

ITEM 11 - ATTACHMENT 1 COMMUNITY GRANTS - JUNE 2015 - MINUTE NO. 199 - 14 JULY 2015.

MINUTES ORDINARY COUNCIL - 14 JULY 2015

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward funds are the funding source for all financial assistance. Council has provided for \$36,000 per year, with \$18,000 being available on each occasion Grants are called. These Grants are limited to \$2,000 per grant.

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

LEGAL, POLICY AND RISK IMPLICATIONS

To qualify for assistance under Section 356(1) of the *Local Government Act 1993*, the purpose must assist the Council in the exercise of its functions. Functions under the Act include the provision of community, culture, health, sport and recreation services and facilities.

The policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function which it, the Council, would otherwise undertake;
- b) the funding will directly benefit the community of Port Stephens;
- c) applicants do not act for private gain.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be liable for capital projects on land other than community land should Council provide funding for such works.	Low	Council's current policy restricts such provision of funding.	Yes
There is a risk that Council will not comply with Section 356 of the <i>Local Government Act 1993</i> .	Low	Council's current policy provides specific requirements for compliance.	Yes

MINUTES ORDINARY COUNCIL - 14 JULY 2015

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The provision of the Community Grants allows organisations and groups to build relationships and provide events to the local community whilst further developing the cultural, social and economic aspects of the local government area.

CONSULTATION

Council called for applications from 7 May to 7 June 2015, through advertisements in the Port Stephens Examiner and the Council website.

The Assessment Panel was convened at the close of applications, and recommendations were made as detailed in this report.

Council officers were consulted on any application made where a Council owned/managed property or asset was involved.

OPTIONS

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

ATTACHMENTS

- 1) Summary of Community Grant application.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 12

**FILE NO: 19/211481
EDRMS NO: A2004-1312**

PSC2020 PROPOSED COMMUNITY PROJECTS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Submit the projects as listed in d) Ancillary Minor Works for public exhibition and invite submissions.
- 2) Should no submissions be received as a result of the public exhibition, the Ancillary Minor Works projects will be endorsed and funding sourced as outlined within the report.
- 3) Formally vote budget allocations and source of funding as included in this report to complete the works listed at a) East Ward, b) Central Ward and c) West Ward.
- 4) Authorises the General Manager to secure loan funding up to \$5 million for the works identified in this report.
- 5) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to secure the loan.

Crs Arnott/Le Mottee – extension of time granted to Cr Arnott of 3 minutes.

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

209	<p>Mayor Ryan Palmer Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Submit the projects as listed in d) Ancillary Minor Works for public exhibition and invite submissions.2) Should no submissions be received as a result of the public exhibition, the Ancillary Minor Works projects will be endorsed and funding sourced as outlined within the report.3) Formally vote budget allocations and source of funding as included in this report to complete the works listed at a) East Ward, b) Central Ward and c) West Ward.4) Authorises the General Manager to secure loan funding up to \$5 million for the works identified in this report.
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- | | |
|--|---|
| | 5) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to secure the loan. |
|--|---|

BACKGROUND

The purpose of this report is to request endorsement to complete the works identified.

During the community consultation program in 2018, a number of projects were identified to be added to the Capital Works Plus Program. The Special Rate Variation was identified as a funding source for these projects to proceed, however this application was unsuccessful. Council considered a Notice of Motion at its meeting of 25 June 2019 and the subsequent public engagement and consultation program has reiterated the community desire for these works to be undertaken.

The projects to be completed across Port Stephens are:

a) East Ward

- Amenities replacement - George Reserve, Salamander Bay \$150,000.
- Foreshore improvements – Conroy Park, Corlette \$178,000.
- Amenities replacement – Little Beach, Nelson Bay \$180,000.
- Revetment work – Soldiers Point, \$200,000.
- Ancillary works (paths / drainage) – Shoal Bay Foreshore, Shoal Bay \$550,000.
- Road upgrade – Foreshore Drive, Corlette \$400,000.
- Stage 1, East Donald Street Carpark demolition and at grade car parking including amenities replacement – Nelson Bay \$1,400,000.
- Tomaree Sports Complex amenities replacement – Salamander Bay \$2,000,000.

Sub total: \$5.058m

b) Central Ward

- Town centre improvements – Anna Bay \$350,000.
- Town centre improvements (including amenities) – Medowie \$450,000.
- Shared pathway – Waropara Road, Medowie \$500,000.
- Shared pathway – Avenue of the Allies, Tanilba Bay \$700,000.
- Shared pathway – Gan Gan Road (missing links) Anna Bay \$700,000.
- Shared pathway – Lemon Tree Passage road, Mallabula to Lemon Tree Passage (missing link) \$800,000.
- Shared pathway – Medowie Road (Ferodale Road to South Street) Medowie \$850,000.

MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

- Town Centre works – Lemon Tree Passage / Tanilba Bay \$600,000.

Sub total: \$4.95m

c) West Ward

- Amenities replacement – Longworth Park, Karuah \$120,000.
- Bus interchange – Seaham \$250,000.
- Shared pathway – Levee bank, Raymond Terrace \$300,000.
- Road upgrade – Mustons Road, Karuah \$500,000.
- Shared paths – Fern Bay \$1,000,000.
- Town Centre improvements (road upgrade and streetscape) – William Street, Raymond Terrace \$1,000,000.
- Road upgrades – Duns Creek Road, Forest Road, Swan Bay Road \$1,000,000.
- Amenities/clubhouse upgrade – Stuart Park, Hinton \$1,200,000.

In addition to the large capital works identified above, a number of smaller maintenance requirements have been identified.

Sub total: \$5.37m

d) Ancillary Minor Works

- Tree Works Karuah & Raymond Terrace - \$70,000.
- Bill Strong Irrigation - \$70,000.
- Nelson Bay Tennis Club Lighting - \$50,000.
- Supporting Park Infrastructure for Medowie Skate Park - \$30,000.
- Medowie Playground Fencing - \$20,000.
- Raymond Terrace Dog Park - \$40,000.
- Lemon Tree Passage Road Roundabout Beautification (Avenue of Allies) - \$20,000.
- Nelson Bay Road/Port Stephens Drive Roundabout Entrance Beautification - \$50,000.
- Salt Ash Hall Outside Toilet - \$70,000.
- Event Signage Nelson Bay Road, Nelson Bay - \$20,000.
- King Park Irrigation – \$60,000.

Sub total: \$500,000

Grand total: \$15.878m

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	No		
Reserve Funds	Yes	\$2.0m	There is a current allocation in the Councillor ward funds of \$544,000 from the net proceeds of the Salamander Way commercial development. It is appropriate to utilise these funds for this asset renewal program. In addition, it is proposed that funding to be received from the Anna Bay oval sale be allocated to this asset renewal program.
Developer Contributions (S7.11)	Yes	\$8.9m	Council would be aware of the new Section 7.11 developer contribution plan that is proposed to be formally implemented towards the end of December 2019. This will mean that funds already received under the current plan will be repealed and will need to be allocated. As the majority of works suggested in this latest list of community projects are directly linked to the current Section 7.11 plan it is considered prudent to utilise this source of funding.
External Grants	No		

MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

Source of Funds	Yes/No	Funding (\$)	Comment
Other	Yes	\$5.0m	It is proposed to borrow loan funds up to \$5.0 million over a 15 year period with current indicative interest rate of 3.0% - 4.0%. In addition, it is proposed to allocate revenue received from the Sand Extraction Project to be set aside to repay the external debt.

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if Council does not complete these projects then community expectations will not be met.	Medium	That Council applies for loan funding through various sources to obtain the funds required to complete these projects.	Yes
There is a risk that revenue from the sand extraction project may not meet expectations.	Medium	Additional funding sources will need to be identified.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

This asset renewal program will see numerous works completed to meet the expectations of many communities.

CONSULTATION

Internal

Internal consultation was undertaken at the Councillor Strategy Day in July 2019 and with Executive Team.

External

Throughout July 2019 Council ran 6 information and feedback sessions across the LGA with a focus to build community awareness and to gain insights around the priority projects identified in Council's previous resolution of 25 June 2019 (**ATTACHMENT 1**).

A total of 254 residents attended these face to face sessions and provided their priorities. The largest session was at Nelson Bay where 80 people attended. There were a total of 662 visits to the dedicated webpage and 253 people completed an online survey. For further information refer to the Councillor Information Sessions Engagement Report July 2019 (**ATTACHMENT 2**).

Whilst it is acknowledged that the projects included in a), b) and c) have previously been included in Strategic Asset Management Plans and therefore have been publicly exhibited with submissions invited, the maintenance projects listed in d) will need to be submitted for a public exhibition period of 28 days and submissions invited.

OPTIONS

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

ATTACHMENTS

- 1) Notice of Motion - Funding for Proposed Community Projects - Minute No. 136 - 25 June 2019.
- 2) Councillor Information Sessions Engagement Report - July 2019.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 12 - ATTACHMENT 1 NOTICE OF MOTION - FUNDING FOR PROPOSED COMMUNITY PROJECTS - MINUTE NO. 136 - 25 JUNE 2019.

MINUTES ORDINARY COUNCIL - 25 JUNE 2019

NOTICE OF MOTION

ITEM NO. 1

**FILE NO: 19/164652
EDRMS NO: PSC2017-00019**

FUNDING FOR PROPOSED COMMUNITY PROJECTS

MAYOR: RYAN PALMER

THAT COUNCIL:

- 1) Acknowledge that the vast majority of the \$130m plus worth of projects proposed by the community for the Special Rate Variation Program can't be completed under our current budget and/or works program.
- 2) Support the following list of indicative projects across Port Stephens to be funded:
 - a. East Ward:
 - Amenities replacement – George Reserve, Salamander Bay \$150,000.
 - Foreshore improvements – Conroy Park, Corlette \$178,000.
 - Amenities replacement – Little Beach, Nelson Bay \$180,000.
 - Revetment work – Soldiers Point \$200,000.
 - Shared pathway – Shoal Bay Foreshore, Shoal Bay \$250,000.
 - Drainage works – Shoal Bay \$300,000.
 - Road upgrade – Foreshore Drive, Corlette \$400,000.
 - Stage 1, East Donald Street Carpark demolition and at grade car parking including amenities replacement – Nelson Bay \$1,400,000.
 - Tomaree Sports Complex amenities replacement – Salamander Bay \$2,000,000.
 - b. Central Ward:
 - Town centre improvements – Anna Bay \$350,000.
 - Town centre improvements (including amenities) – Medowie \$450,000.
 - Shared pathway – Waropara Road, Medowie \$500,000.
 - Shared pathway – Tanilba Bay Town Centre \$500,000.
 - Shared pathway – Gan Gan Road (missing links) Anna Bay \$700,000.
 - Shared pathway – Lemon Tree Passage Road, Mallabula to Lemon Tree Passage (missing link) \$800,000.
 - Shared pathways – Lemon Tree Passage Foreshore (Henderson park to Rudd Reserve) \$800,000.

ITEM 12 - ATTACHMENT 1 NOTICE OF MOTION - FUNDING FOR PROPOSED COMMUNITY PROJECTS - MINUTE NO. 136 - 25 JUNE 2019.

MINUTES ORDINARY COUNCIL - 25 JUNE 2019

- Shared pathway – Medowie Road (Ferodale Road to South Street) Medowie \$850,000.
- c. West Ward:
- Amenities replacement – Longworth Park, Karuah \$120,000.
 - Bus interchange – Seaham \$250,000.
 - Shared pathway – Levee bank, Raymond Terrace \$300,000.
 - Road upgrade – Mustons Road, Karuah \$500,000.
 - Shared paths – Fern Bay \$1,000,000.
 - Town Centre improvements – (road upgrade and streetscape) William Street, Raymond Terrace \$1,000,000.
 - Road upgrades – Duns Creek Road, Forest Road, Swan Bay Road \$1,000,000.
 - Amenities/clubhouse upgrade – Stuart Park, Hinton \$1,200,000.
- 3) That the proposed list of indicative projects be funded from a proposed mixture of investment income, developer contributions, borrowings, sale of property assets and potential grant funding.
- 4) Undertake further community consultation throughout the month of July to validate the priorities put forward throughout consultation held at the end of 2018. Once completed a final list of projects and defined funding sources come back to Council for endorsement at the Council meeting held on the 27 August 2019.
- 5) Request the General Manager investigate options as per above for the renewal/replacement of the Raymond Terrace works depot.

**ORDINARY COUNCIL MEETING - 25 JUNE 2019
MOTION**

136	<p>Mayor Ryan Palmer Councillor John Nell</p> <p>It was resolved that Council:</p> <p>1) Acknowledge that the vast majority of the \$130m plus worth of projects proposed by the community for the Special Rate Variation Program can't be completed under our current budget and/or works program.</p> <p>2) Support the following list of indicative projects across Port Stephens to be funded:</p> <p>a. East Ward:</p> <ul style="list-style-type: none">• Amenities replacement – George Reserve, Salamander Bay \$150,000.• Foreshore improvements – Conroy Park, Corlette \$178,000.
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ITEM 12 - ATTACHMENT 1 NOTICE OF MOTION - FUNDING FOR PROPOSED COMMUNITY PROJECTS - MINUTE NO. 136 - 25 JUNE 2019.**MINUTES ORDINARY COUNCIL - 25 JUNE 2019**

	<ul style="list-style-type: none"> • Amenities replacement – Little Beach, Nelson Bay \$180,000. • Revetment work – Soldiers Point \$200,000. • Shared pathway – Shoal Bay Foreshore, Shoal Bay \$250,000. • Drainage works – Shoal Bay \$300,000. • Road upgrade – Foreshore Drive, Corlette \$400,000. • Stage 1, East Donald Street Carpark demolition and at grade car parking including amenities replacement – Nelson Bay \$1,400,000. • Tomaree Sports Complex amenities replacement – Salamander Bay \$2,000,000. <p>b. Central Ward:</p> <ul style="list-style-type: none"> • Town centre improvements – Anna Bay \$350,000. • Town centre improvements (including amenities) – Medowie \$450,000. • Shared pathway – Waropara Road, Medowie \$500,000. • Shared pathway – Tanilba Bay Town Centre \$500,000. • Shared pathway – Gan Gan Road (missing links) Anna Bay \$700,000. • Shared pathway – Lemon Tree Passage Road, Mallabula to Lemon Tree Passage (missing link) \$800,000. • Shared pathways – Lemon Tree Passage Foreshore (Henderson park to Rudd Reserve) \$800,000. • Shared pathway – Medowie Road (Ferodale Road to South Street) Medowie \$850,000. <p>c. West Ward:</p> <ul style="list-style-type: none"> • Amenities replacement – Longworth Park, Karuah \$120,000. • Bus interchange – Seaham \$250,000. • Shared pathway – Levee bank, Raymond Terrace \$300,000. • Road upgrade – Mustons Road, Karuah \$500,000. • Shared paths – Fern Bay \$1,000,000. • Town Centre improvements – (road upgrade and streetscape) William Street, Raymond Terrace \$1,000,000. • Road upgrades – Duns Creek Road, Forest Road, Swan Bay Road \$1,000,000. • Amenities/clubhouse upgrade – Stuart Park, Hinton \$1,200,000. <p>3) That the proposed list of indicative projects be funded from a proposed mixture of investment income, developer contributions, borrowings, sale of property assets and potential grant funding.</p>
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ITEM 12 - ATTACHMENT 1 NOTICE OF MOTION - FUNDING FOR PROPOSED COMMUNITY PROJECTS - MINUTE NO. 136 - 25 JUNE 2019.

MINUTES ORDINARY COUNCIL - 25 JUNE 2019

- | | |
|--|--|
| | <p>4) Undertake further community consultation throughout the month of July to validate the priorities put forward throughout consultation held at the end of 2018. Once completed a final list of projects and defined funding sources come back to Council for endorsement at the Council meeting held on the 27 August 2019.</p> <p>5) Request the General Manager investigate options as per above for the renewal/replacement of the Raymond Terrace works depot.</p> |
|--|--|

Councillor Sarah Smith and Councillor Steve Tucker moved that the motion be put.

The motion on being put was carried.

Councillor Giacomo Arnott requested his vote be recorded against the motion to have the motion put.

BACKGROUND REPORT OF: GREG KABLE – FACILITIES & SERVICES GROUP MANAGER

BACKGROUND

During the community consultation in 2018 a number of projects were identified to be added to the Capital Works Plus Program.

The Special Rate Variation was identified as a funding source for these projects to proceed.

Following the unsuccessful Special Rate Variation application there is still a call to undertake these projects and Council still has a desire to complete these projects.

At present these projects are currently unfunded and Council is investigating funding models.

ATTACHMENTS

Nil.

ITEM 12 - ATTACHMENT 2 COUNCILLOR INFORMATION SESSIONS
ENGAGEMENT REPORT - JULY 2019.

Councillor Information Sessions Engagement Report July 2019

Following a Notice of Motion at the 25 June 2019 Council meeting, a series of community information and feedback sessions were held about the proposed priority projects. The sessions aimed to;

- Raise awareness and inform the community of current Council major projects, grant success and proposed projects using additional funds.
- Gain insights into community priorities and test whether the proposed projects reflected these priorities.

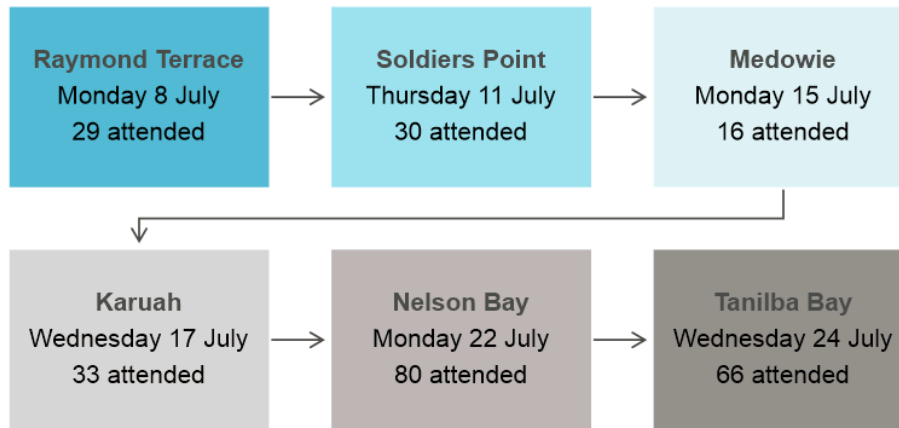


Methodology

Engagement Approach and Participation

Engagement was delivered face to face and online. The approach was designed to provide equal opportunity for residents across Post Stephens to participate.

Six information sessions were held in July. A total of 254 residents attended the face to face sessions held at 6 locations across the wards.

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Community could also provide feedback online via a dedicated webpage at Port Stephens Council (PSC) Have Your Say. There were a total of 662 unique visits to the webpage and 253 completed the survey online.

Promotion

The process was promoted through:

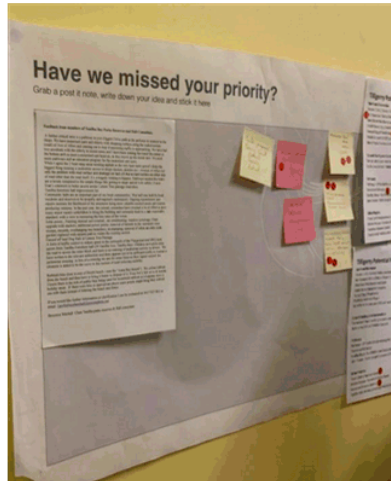
- Media release
- Social media – 8 posts reaching 24,000 with over 1450 engagements
- Port Stephens Examiner — advertisements and editorial
- News of the Area — Mayoral column
- Informe eNewsletter
- Council website
- Council's engagement site Have Your Say
- Email to key stakeholder mailing lists (including sports councils, conservation crew and Have Your Say members).

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Findings

Face to Face Sessions

Each information session commenced with a presentation from the Mayor outlining current projects, grant success and new proposed priority projects. Attendees were then invited to nominate their priority project or projects (using two sticky dots). If their project was not listed they were able to write their new idea or priority down.



The data collected through the dot voting system is presented in Figure 1 (Central ward), 2 (East) and 3 (West). A total of 430 dot votes were recorded across all site.

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Figure 1 Central Ward dots (face to face)

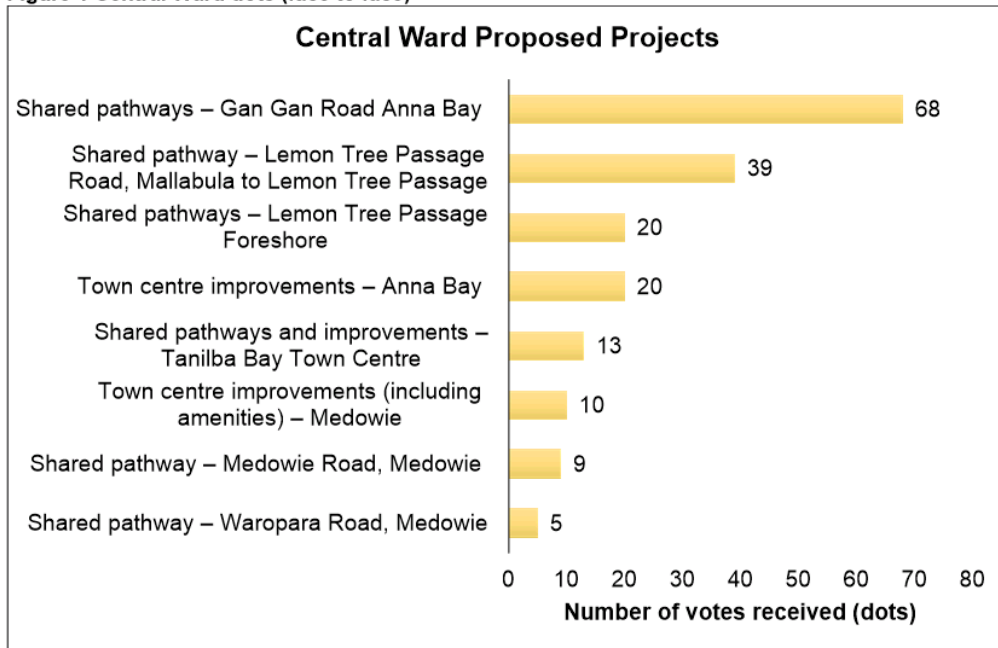
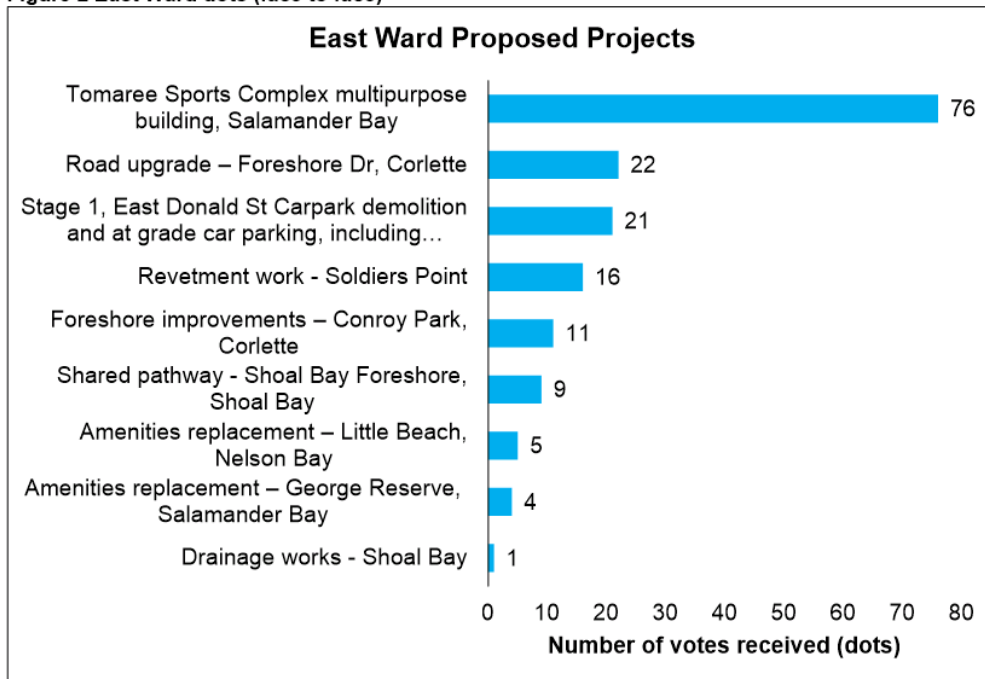


Figure 2 East Ward dots (face to face)



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Figure 3 West Ward dots (face to face)

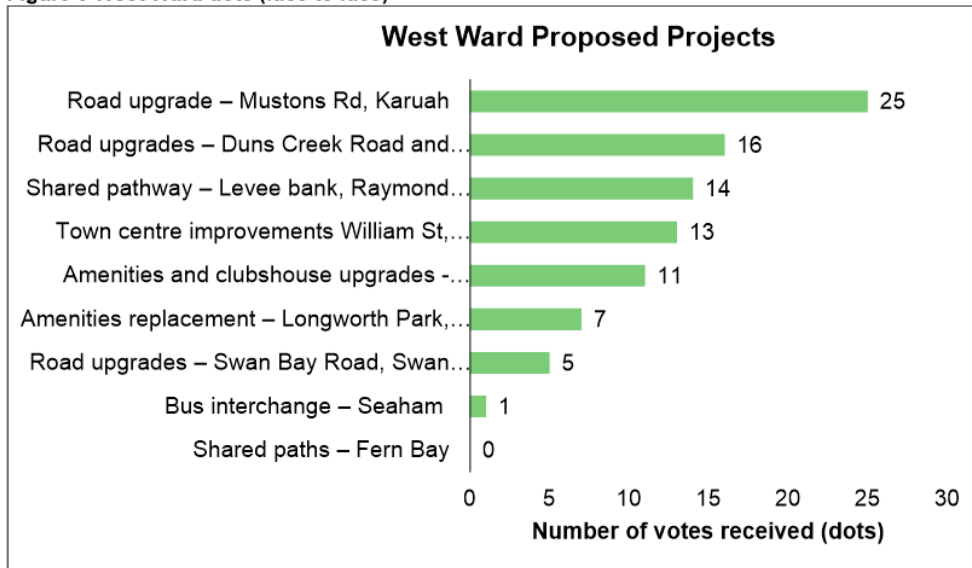


Table 1 presents a snapshot of the new ideas and suggestions recorded at each session. A full list of responses can be found at Appendix I.

Table 1 – What we missed

Raymond Terrace	Soldiers Point
6 comments received	6 comments received
<ul style="list-style-type: none"> Road and Footpaths upgrades (3) Drainage Sports and community centre refurbish 	<ul style="list-style-type: none"> Recycled public art Traffic controls Erosion footpaths
Medowie	Karuah
8 comments received	34 comments received
<ul style="list-style-type: none"> Fix Campvale drain (3) Outdoor gym (4) Advocate for police station 	<ul style="list-style-type: none"> Seal gravel part of Swan Bay Rd (14) Tree trim in Johnson Ave (4) Upgraded play equipment at Memorial/Longworth park (3)
Tomaree	Tanilba Bay
30 comments received	45 comments received
<ul style="list-style-type: none"> Prioritise and implement Nelson Bay Public Domain Plan (12) Tomaree headland need for future improvements (4) Sport and Rec upgrades (3) Tidy up/hide Anna Bay 'Beirut' Resort eyesore (2) 	<ul style="list-style-type: none"> Upgrade Mallabula Skate Park (14) New multipurpose court at Mallabula (14) Funding for Lemon Jam music events (6) Upgrade Avenue of the Allies – road and footpath (5)

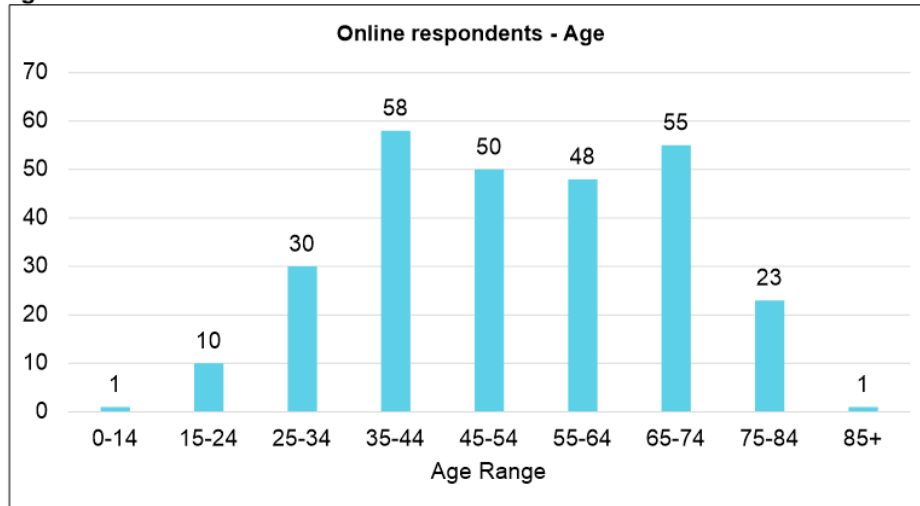
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Online Survey

Throughout the engagement period a total of 662 people visited the webpage and 253 people completed the survey.

When asked online where respondents lived, the most common responses were; Anna Bay 26% (72), Medowie 15% (42), Nelson Bay 11% (29). Figure 4 shows the age breakdown of responses online.

Figure 4



Participants were asked to select their top two priorities in each ward within the listed projects. Voting online is captured by ward in Figure 5 (central), 6 (east) and 7 (west).

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Figure 5

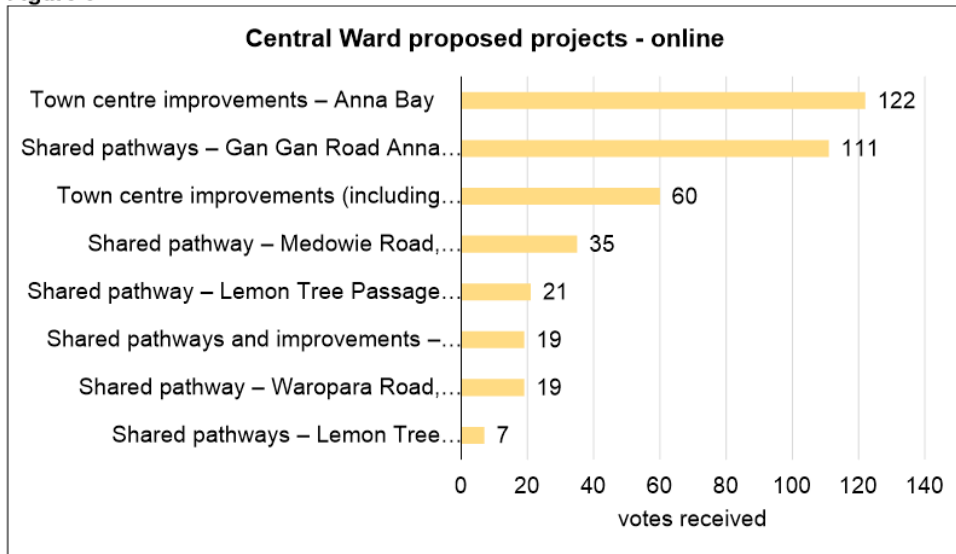
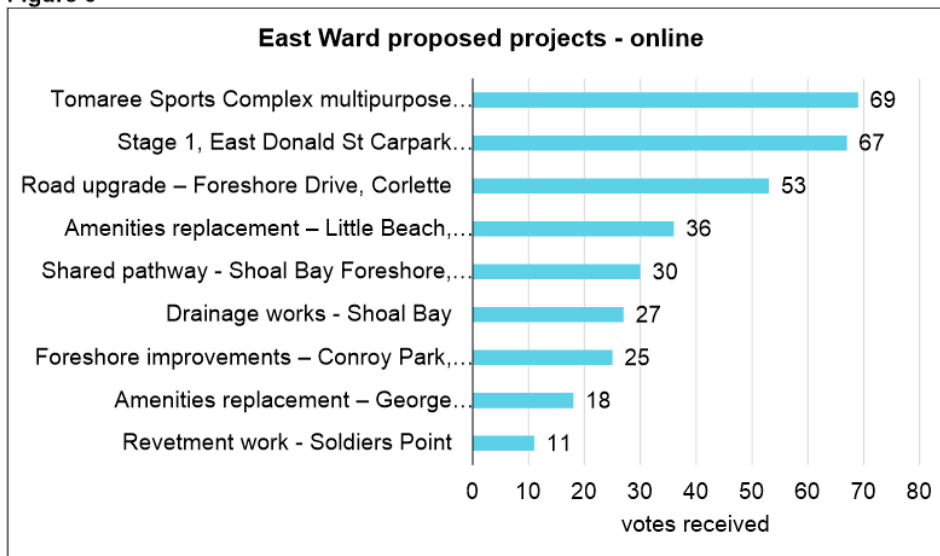
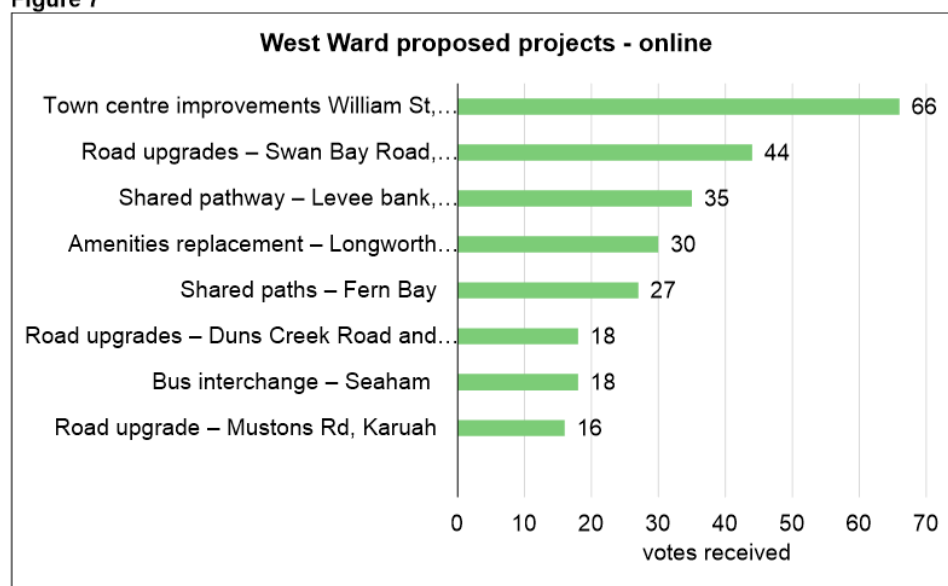


Figure 6



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Figure 7



Note: due to an administrative error, the option to vote for the Stuart Park amenities Hinton was omitted online. There were no comments received relating to the project.

Participants were also given the option to provide a comment or new idea. Following data analysis a number of key themes were identified and are contained in Table 3. A total of 119 comments were received online. The full list of responses can be found at Appendix II.

Table 3

Theme	Description	Count
Roads		33
Community and Recreation facilities	Playgrounds, parks, public toilets and sporting facilities	28
Footpaths	Shared paths and links	23
Planning	Town centre renewal and other planning issues (including building heights, development and parking)	16

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Summary and key insights

- Some projects were highly supported at the face to face session, but not online. Equally some projects received a high number of votes online, but not at the face to face sessions. Utilising multiple methods of engagement meant we could reach more community members.

Table 3 – Top projects LGA wide

	Top five online projects	Top five face to face projects	Top five combined
1	Town centre improvements Anna Bay (122)	Tomaree sports complex multipurpose building (76)	Shared pathways – Gan Gan Road Anna Bay (179)
2	Shared pathways – Gan Gan Road Anna Bay (111)	Shared pathways – Gan Gan Road Anna Bay (68)	Tomaree sports complex multipurpose building (145)
3	Tomaree sports complex multipurpose building (69)	Shared pathway – Lemon Tree Passage Road (39)	Town centre improvements, Anna Bay (142)
4	Stage 1, East Donald St carpark demolition (67)	Road upgrade – Foreshore Drive, Corlette (22)	Stage 1, East Donald St carpark demolition (88)
5	Town centre improvements William St, Raymond Terrace (66)	Stage 1, East Donald St carpark demolition (21)	Town Centre improvements Raymond Terrace (79)

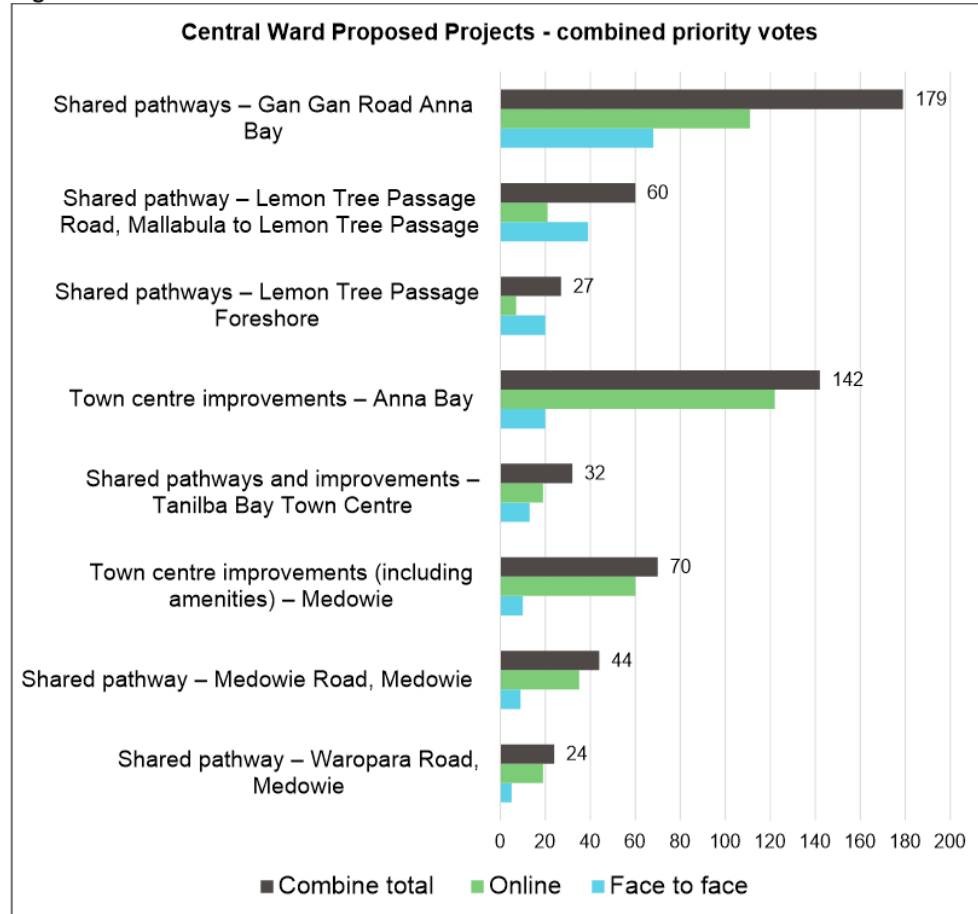
- Online comments represented a greater demographic mix, specifically a younger respondents. The vast majority of face to face attendees were observed to be within the older age demographic. This suggests online options are essential to engaging a younger and more diverse mix of residents.
- Beyond capturing community priorities, the sessions were an opportunity for residents to talk with Councillors and Council staff face to face. Many attendees commented that this was a valuable exercise and served to strengthen the relationship between Council and the community.

Central Ward

Central Ward projects received the most engagement with 578 priority votes in total received (online and face to face). Shared pathways on Gan Gan Road in Anna Bay and Anna Bay town centre improvements were the most popular responses.

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Figure 7

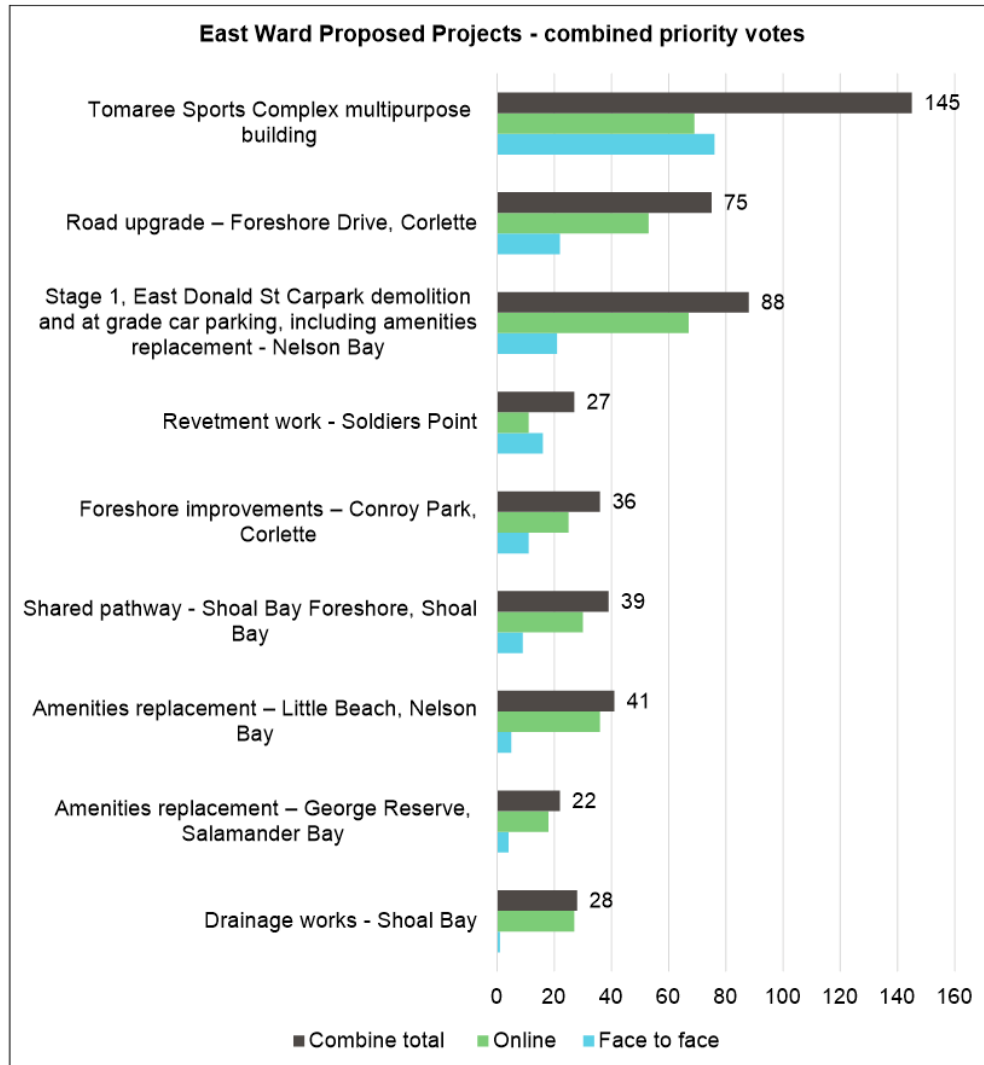


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East Ward

A total of 501 priority votes were received in total. The most popular project was the Tomaree Sports complex multipurpose building.

Figure 8

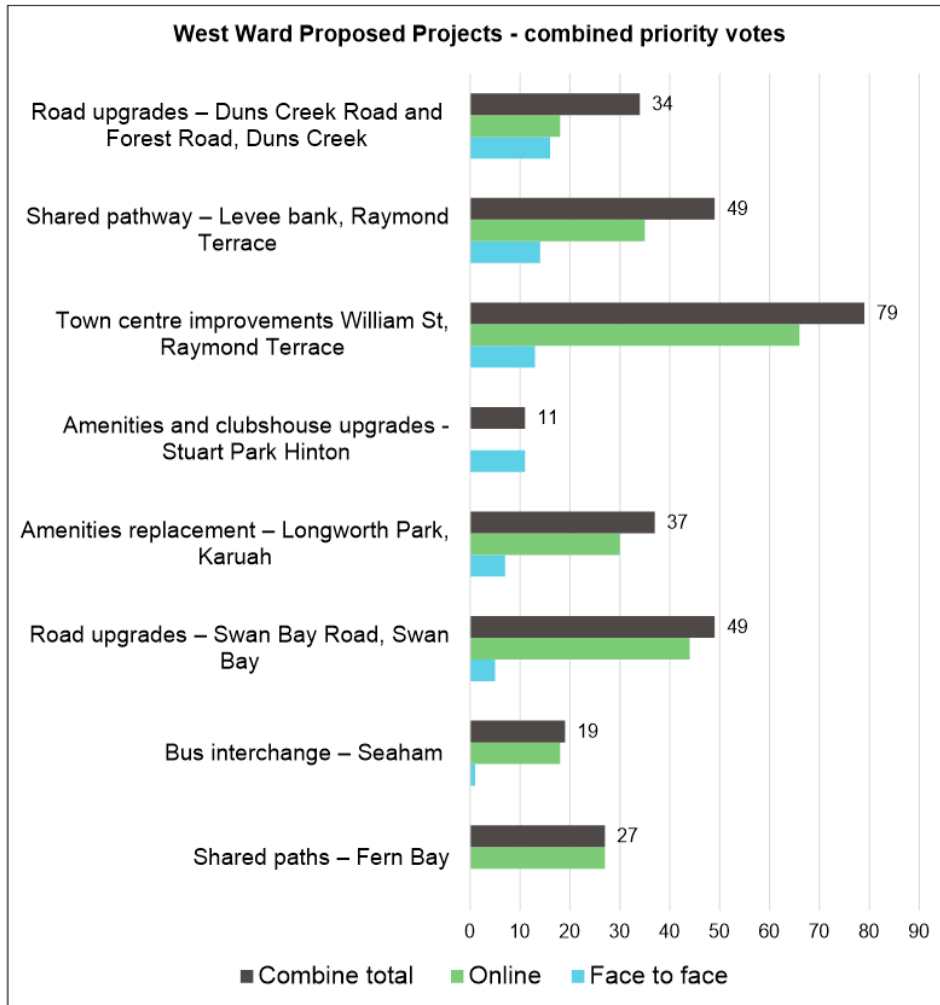


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West Ward

A total of 346 priority votes were received in total. The most popular project was town centre improvements in Raymond Terrace.

Figure 9



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Appendix I

Verbatim Responses Face to Face Sessions	Count
Raymond Terrace	
Road upgrades to Newline road	1
Footpath paved from Jacaranda Av to Sturgeon St	1
Extend footpath from Hunter River High along to pacific caravan park opposite Bunnings	1
footpath from end of Adelaide St to the Traffic lights at Hank St Heatherbrae	1
Better drainage on vacant lots around the town centre to enable residential development for seniors living	1
Raymond terrace sports and community centre - refurbish back to community	1
Soldiers Point	
Recycled public art project	1
Relocate tourist info to salt ash	1
What is PSC doing about homeless accomodation	1
Please consider Wanda Ave when putting in traffic controls in Foreshore Drive	1
Erosion control Sunset Beach South.	1
Wide footpath on Gan Gan Road between Gordon Close and James Paterson St	1
Medowie	
Fix the campvale drain according to the Medowie floodplain risk management study	3
Outdoor gym at skate park in Medowie	4
Advocate for a Police Station in Medowie	1
Karuah	
Maintenance - lawn mowing wider along Swan Bay rd	1
Seal gravel part of Swan Bay Rd	14
Road maintenance swan bay	1
Rowing/Aquatic Club at Karuah	2
Outdoor exercise equipment at Longworth Park	1
Upgraded play equipment at memorial/longworth park - for diverse needs and ages	3
Cleaning of drains	1
Street lights not working at entrance of Wattle road	1
Trees trimmed in Johnson Avenue	4
Amenities replacement in memorial park	2
Develop a multi recreational reserve on Engel Ave	2
Safety fencing at Longworth park to stop people falling on rocks	1
Finish Boat ramp as advised in community update	1
Nelson Bay	
Wayfinding Nelson Bay high priority need	1
Start the Public Domain upgrade in Nelson Bay	1
Tomaree Head need for additional car park on Hospital site to compliment NPWS Coastal Walk	1
Need a conference centre in Nelson Bay	1

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Demolition of Nelson Bay CBD Car Park building should be Council's no. 1 priority.	1
Need sense of arrival into Nelson Bay	1
Public Domain Projects Nelson Bay - these should have higher priority eg., upgrade of Stockton Street with Street Trees	1
TAFE in Nelson Bay? Why, when existing TAFE kitchens at Tomaree Education Centre only being used by High School students.	1
Donald Street Car Park - question proposed demolition now and investment in temporary grade lots. This will be wasted if we then proceed to longer town development.	1
Please update Anna Bay Master Plan :-)	1
Irrigation upgrade for Bill Strong Oval upgrade Amenities opposition change room for players male and femal and refs room. Toilet block upgrade.	1
New walkway to Tomaree Peark - make a loop walk	1
Money needed for Nelson Bay Public Domain Plan	1
Dedicated space for passive recreational activities/clubs ie., bridge, mahjong, chess	1
The remainder of the Tomaree Sports Centre upgrade	1
Nelson Bay Car Park - action excacise - blight on town - a more permanent solution preferable	1
More resources put into environmental projects	1
Amenities needed at Tomaree Headland	1
Tomaree Head - parking; amenities; aquarium	1
Fly Point amenities (separate from existing)	1
Central Ward: Suggest make pathway to Anna Bay via Gan Gan Road double width. Very elderly folk at Birubi Sands.	1
Donald Stret East Car Park Demolition is NOT the priority for Nelson Bay Town Centre - signage, trees etc instead.	1
Tidy up Beirut in Anna Bay. This is the gateway to do so much more parking at Little Birubi	1
Gan Gan Lookout mountain bike park	1
Nelson Bay entry point beautification - a sense of arrival	1
Conroy Park amenities (disabled access)	1
To cover the eyesore resort Gan Gan Road plant shrubs to hide it	1
Connect dinghy rack path with Anzac Park, Shoal Bay	1
Nelson Bay revitalisation	1
Car parking at Tomaree Headland	1
	1
Tanilba Bay	1
See Cr Tucker list 'Tilligerry Potential Projects' (results grouped with other commentary)	Attachment III
See 'Feedback from members of Tanilba Bay Parks Reserves and Halls Committees	Attachment IV
Mallabula Skatepark - tap; toilets; lights; fix ramps	14
Multipurpose Tennis/Netball/Futsal Courts	5
Multi purpose Futsal tennis netball court	2
Multi purpose court - tennis, netball, futsal	2

**ITEM 12 - ATTACHMENT 2 COUNCILLOR INFORMATION SESSIONS
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Tilligerry Tennis Club Multi purpose court (futsal, hockey, w/c tennis)	3
Multi purpose Tennis Court Netball Futsal	1
Multi purpose tennis Court	1
Soccer/LA's/Cricket Toilets and Amenities	5
Soccer ground toilets	2
Fenced dog off lead area	2
More Rangers to increase safety regarding dogs off-leash and dogs barking	1
Uncontrolled dogs and their owners are a problem on the peninsula. Lack of general policing. Presence of Council rangers.	1
Rockwork at Peace Park and foreshore BBQ etc	1
Seal boat ramp carparks	1
Drainage - there isn't any	1
What about Tanilbay Bay ROADS - they are disgraceful	1
Roadworks - Fix Fairlands Road, Mallabula Road and Whychwood Road, Mallabula	1
Road that needs fixing - Fairlands Road and Mallabula Road, Mallabula	1
Roundabout!	1
Avenue of Allies Road Upgrade. Footpath.	1
Tar seal etc of Avenue of Allies - present state danger and too late if accident	2
Safety concerns with Avenue of the Allies - footpath	1
Footpath - Avenue Allies	1
School/habitat Car park	1
LTP Township - Increase carparks near shops - reduce speed through shopping area (has been requested before)	1
Foreshore pathways	1
Town centre improvements	1
Foreshore erosion control	1
Healthy Community - exercise equipment to go with the shared pathway (proposed)	1
Foreshore exercise equipment LTP	1
Ageing population - outdoor gym along Lemon Tree foreshore (along new pathway please)	2
Funding for Lemon Jam	1
Funding for Lemon Jam	1
Return of Lemon Jam included with Lions Club	1
Lemon Jam up and running	1
Lemon tree passage - Koala Park to Caravan Park - Replace Lilly Pilly steps with ramp (?) accessible to push chairs, bikes and electric vehicles AND private a toilet halfway!	1
Community connectivity - boardwalk from Lilly Pili Park LTP, head west to join back with pathway. Timber steps too much for older people, prams and wheelchairs.	1
BBQs on waterfront	1
Shade sail deck at LTP pool	2

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TAG 1. Gutter guard to replace gutter 2. Roller doors - motorised for ease of opening 3. Leaking Roof - place roof on replacement list 4. Future - large workshop area (re: Shed) out back with covered walkway to link xxx (messy area)	1
Tanilba Bay Seniors - Car park to link to Foreshore Hall car park (traffic is a xxxxx the road for Buses)	1
Revitalise Anna Bay's Recreation Area near Iris Moore and Scout Hall (Our Kids Need a safe Place to Play!)	2
Environmental/Sustainability - water bottle refill	1
Improve air quality especially from wood-burning fires/heaters. Health Priority.	1

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Appendix II

Online Comments Verbatim - n=119
What have we missed? Tell us your priority.
Addressing climate change by replanting. I would love to be involved in that or starting community gardens in Raymond Terrace
Ferodale Road badly needs resurfacing near Kindlebark Dr
Cycle Lane from Fern Bay to Williamtown/Medowie
Rigney Street Shoal Bay. School Zone better signage. Speed humps outside the school or a one way system to open up space for more car parking and safer use for Students, families and residents.
Roundabout at lemon tree passage road and Nelson bay road
Upgrade to Tomaree Pool into an indoor swimming and recreational centre.
Guttering on avenue of the allies Tanilba bay
We do not need a fenced in area of the LTP waterfront for our dogs. Maybe a different area in LTP, but not the waterfront areas.
Extend the pathway from Robinson street l'll the way up to Gan Gan Road. It's a main main to the beach and have to push pram on the road.
Are these projects being carried out at the best available price at a great result. Recent discussions with local contractors feel council workforce are getting an unfair advantage in contracts as they are more expensive and delivering poor results.
Stop anymore high rise
The Fingal Bay link road pleeeeeeeeeaaaaassee!!!!
A decent park in Karuah, would love to see one next to skate park. Curve and guttering to make road wider and safer in wattle street, Karuah
Footpath Salamander Way
Curb and guttering on Kent Gardens so we can stop flooding as soon as it rains
Fixing the collapsing beach permanently at Nelson beach. It's the 1st impression for tourists and locals alike. It has tiger tape 6 months of every year. The erosion needs a permanent fix that is forward thinking and visually appealing
A decent park that cater for a range of ages of children that better fits community needs
Long worth park needs an upgrade. From amenities to the playground & shaded area. It is an area that is used extensively by not only locals but people travelling through using it as a rest stop area. 2 new estates added population growth facilities upgrade
Better road maintenance in Fingal Bay, Shoal Bay, Nelson Bay, Salamander Bay
Keeping building heights low and maintain roads
Upgrade to Tarean rd all the way from bypass at both ends but particularly the bit near the golf club and the Main Street.
Priorities should refocus on road upgrades and maintenance along all major bus routes, as they tend to be where locals drive and not just where tourists drive, which seem to get the attention
My priority is to stop any high rise development within Port Stephens
When you do that car park think 20 years ahead and make it massive! Just like the bridge at Kota gang island - don't want to build another one 5 years later because the first was not big enough.
Boat Harbour parks

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Footpath upgrades around Salamander Bay and soldiers point.
the people in Brown street has asked for a couple speed bumps to slow the cars down as there will be an accident and possibly injury someone as they fly around the corner from Banks street and accelerate up Brown Street
Shoal Bay Foreshore improvements...Master Plan ...what has happened to this ?
Properly seal government road.
The drainage around Lemon Tree Passage is a disgrace. The run off from the drainage near the intersection off Cook Rd and Marine Drive is now washing away the foreshore and flooding the dog off lead area
develop inter connected walking trails
Water stations throughout the Tilligery peninsula
I would love to see a water play park and access for non motorised water sports on Graemestown dam.
A supermarket at Fern Bay to service us as well as Fullerton Cove, Williamstown, Salt Ash etc. The land is available now. Stop waiting for Newcastle Council to MAYBE do something in Stockton in 20 years time! We need it now!!
Maintenance of roads - boring but necessary, esp Foreshore Drive. Decisions on Tomaree Disability Facility - a great opportunity for a great community facility in an iconic location.
Fern Bay needs a town centre, service station, grocery store, public toilets, and for Port Stephens to look after the Seaside Estate. They charge exorbitant fees and leave us with minimal maintenance :(
I would like to be able to move around (commute) without being in the line of fire of cars and trucks. Please link up & widen the pathways.
The speed limits need to be increased. At 50kph people are not concentrating. Drivers just talk more or nod off crashing into shops.
More BBQ and Picnic facilities along the waterfront reserves, including more covered/shaded tables. Footpaths, kerb, and guttering for roads around Shoal Bay. guttering
Amenities replacement Fly Point Nelson Bay
I would like to see ecotourism opportunities explored in regard to our flying fox camps. A viewing platform near the Raymond Terrace camp, signage regarding the bats importance ecologically and no touch no risk safety .Improved community feeling results.
shared pathway Gan Gan rd Anna Bay
Tanilba Bay School parking
I would really like to see foreshore beautification in Karuah along the river. To include longer walking path along the river and native plantings. An upgrade to the playground in Longworth park would be well used
Anna Bay Park redevelopment
VERY DISAPPOINTED WITH APPROVAL FOR EXCESSIVE HIGH RISE IN NELSON BAY
Seal the Grave road section of Swan Bay road
The need to seal Swan Bay road
Council should listen to the ratepayers of PS; we didn't want an SRV and we don't want public parks and land sold/turned into caravan or camping park extensions.
Birubi beach bus parking interchange
Repairs to road surface Tomaree Road, Shoal Bay

**ITEM 12 - ATTACHMENT 2 COUNCILLOR INFORMATION SESSIONS
ENGAGEMENT REPORT - JULY 2019.**

Develop or clear abandoned shopping centre Tanilba Bay. Expand playground Tanilba Bay waterfront. Repair Mallabula boat ramp. Connect cycleway existing at Tanilba Bay public school to cycle path on foreshore. Nelson Bay Rd & Lemon tree passage rd upgrades
An Aged Crossing on Nelson Bay Road. Outside Anna Bay Village & opposite Bus Stop. There was a safety rail crossing there but with no signage. This was destroyed by a speeding motorist some 18 months ago. There are 2 retirement villages that need this.
Town water and sewer in Taylors Beach
Mowing and beautification of all parks and beaches
Swan Bay Road is dangerous. Council has a duty of care to upgrade this road. Fix Swan Bay Road is your priority.
Speed humps for foreshore drive, pedestrian crossing for bagnals beach road for safe crossing for the aged and children from park to pond. make native grass habitats for nesting birds on roundabouts next to rock church and keel st.
Birubi Beach is a massive tourist attraction for the area. It's always packed with happy tourists in holiday times and weekends but the approach to Anna Bay is shabby, run down and shameful. We need to lift our game to beautify this outstanding jewel.
Shared pathway Kirrang Drive and Kula Road between Medowie and Waropara Roads.
Fairlands Road Medowie. Disgusting state of disrepair!
It would be great to see a youth centre down at the skate park. Somewhere for the youth to hang out. Listening to music & socialising with friends
RSL club for Medowie as it is a services area and the service men & women deserve to be recognised for their service to our country
Shared pathway Kirrang Dr Medowie. Public toilets near grahamstown dam path. Road repair corner Kirrang Dr/Lewis Dr.
Parks bike tracks road repairs
Upgrade King St Raymond Terrace. Complete shared pathway from Medowie / Lakeside/ under bypass/through Boomerang Park to Raymond Terrace CBD.
Where is the transparency that was promised from Ryan Palmer. The latest rate rise submission was a joke. Council decided to ignore everything they were being told by the electorate
Pathway in Gan Gan Road which has been talked about for nearly 20 years and also do something about THAT SO CALLED RESORT there has to be laws that it shouldn't be there go back to its natural environment
It is terrible to walk from our village down GAN GAN Road. Besides having to negotiate all the traffic walking on such uneven surface for 80 and 90 year olds is dangerous and yet many of the older folk have to do this regularly. A pathway is a no-brainer.
Fairlands Road Medowie needs resurfacing / repair. A lot of traffic including heavier vehicles use this as thoroughfare to Medowie town centre.
Cut grass that is over a metre high on side of RD, more rock on waterfront, waterfront road, mark centre lines on swan bay road ,stop telling us you have not got enough money to fix our problems etc, slow down signs swan bay Rd to let visitors know dangers
Shared pathways in Medowie in general! We still have dangerously exposed drains on Kula/Kirrang Roads!
Proper repairs to old swan bay rd and the bridge before someone is killed
Shared pathway kirrang drive ferodale to medowie road

**ITEM 12 - ATTACHMENT 2 COUNCILLOR INFORMATION SESSIONS
ENGAGEMENT REPORT - JULY 2019.**

Footpath along kirrang from oval to medowie road for kids to ride to school safely. Pedestrian island refuge at kirrang drive by ferodale road for safety when crossing the road especially for those with whSpeed bump in front of yulong oval, kirrang drive
Ferodale rd,not just a patch up. It has been like this for 30 years
Shared pathway from Pacific Dunes to town centre
Boyd Oval upgrade
Shared pathway Abundance Road from Lisadell Road to Ferodale Road Medowie (including joining the pathway from Fairlands Road.) There are allot of primary school kids and elderly on this road and it is main connection to Medowie town centre
Medowie. South Street Dual/shared bicycle /walking carriageway to allow the community to access the town centre is the most refreshing, innovative and forward thinking proposal which I never expected to see proposed from this council...that I don't trust!
Shared pathway or bike lane from Ferodale Rd, Medowie to Air Port.
The pathway is important because of traffic danger to older walkers but more important to electric wheelchair uses. Please we all need to keep healthy a pathway is urgent. I Don't want to die on the side of GanGan road!
WHALE COUNT More vitality FEATURE DANCE one year. Music busted look up on Facebook . Wedding Dances (30th April) Eg mother and son dancing through the decades (23rdJune) Eg Hokey Pokey for the grannies out the
Pensioners are not allowed on the road with a electric wheel chair. They have no access to do their shopping without a footpath down GAN GAN Road.
Wattle street karuah road needs widening and curve and guttering, make it safe for 2 cars to pass each other without running off the road, specially when road is used by school bus. Also a upgraded park for karuah, every town deserves 1 decent park
Don't give Council approval for any buildings over 5 storeys in Nelson Bay town centre, as it will ruin the village atmosphere of Nelson Bay and set a precedent for future unsuitable high rise developments there, which will only benefit developers.
Shared pathway between Federation Drive and Kindlebark Drive, Medowie
Upgrade amenities at Korora Oval
No buildings over 5 stories in Nelson Bay town centre
FORSHORE DRIVE IS A MUST FIX
Beautiful Anna Bay!
Revitalise recreation area near Iris Moore reserve in Anna Bay, including new amenities building
Improving our foreshores paths, walking tracks & amenities. Toilet block near dutchies beach playground. Tomaree mountain walking track improved.
Bicycle laneways all over the LGA. Great for tourism and urgently needed for safety. Promotes good health & environmental benefits
Parking nelson bay, road upgrades not main roads
Tomaree sports complex is a disgrace considering the high traffic flow for all sports
Carparking
Nelson Bay Touch Club House
Connection of pavement along Creighton Dr, Medowie from park to the preschool (approx 200m). With nowhere to walk safely there are so many children on the road during school drop off when there's also a large number of cars, it really is a safety issue.
Stop the Brandy Hill quarry expansion so it continues at current level.

**ITEM 12 - ATTACHMENT 2 COUNCILLOR INFORMATION SESSIONS
ENGAGEMENT REPORT - JULY 2019.**

On the Tomaree peninsula the main priorities should be upgrading roads and providing a safe and continuous shared pathway that encompasses the whole peninsula without the current need to travel on or across roads which is a safety hazard for all involved
Footpaths Fingal bay, shoal Bay, little beach for safety of all. Try walking a baby, toddler or dog in roads with traffic !!!
Cleaning of beachside amenities blocks. Especially George Reserve and One Mile.
Would be great to have a water park facility in Raymond Terrace on the river or at the old sand mine dam near Heatherbrea round about with some cafes and a nature walk, would be a good rest stop for people traveling and for the locals
The Tomaree oval complex should include some outdoor basketball courts or at least multi court system of basketball and netball. I'd love to be involved in a basketball club in Nelson Bay Area. Pycy hardly allow access. An outdoor court would be incredible
Increased access & ability to contact rangers to respond to issues 7 days a wk - owners of dogs on beaches & in national parks, broken glass outside of the SBCC periphery throughout the year. Also, increased public garbage collection during peak seasons.
Addressing coastal erosion. Preserving habitats
Address the number of empty shop fronts in the Nelson Bay town centre, offer shop owners incentives perhaps. Seems crazy to build new buildings with shop bottoms when existing shops are empty
High school for Medowie - is this being considered in the near future?
Improvements to Marsh Road. Improvements to the drainage along Marsh Road.
Sealing of all dirt roads in Karuah, particularly Riverside Drive. After heavy rains the road is in terrible condition and summer dust is a health risk.
Spend in Fern Bay the millions in S.94's raised from Fern Bay! Maintain/replace Seaside Estate trees & plants in road reserve, replace missing/broken street signs, provide bus shelters, implement foreshore embellishment & district park per Contrib. Plan
Spend in Fern Bay the millions in S.94's raised from Fern Bay! Maintain/replace Seaside Estate trees & plants in road reserve, replace missing/broken street signs, provide bus shelters, implement foreshore embellishment & district park per Contrib Plan
Footpaths in Anna bay. Recreation area Anna bay, or just anything in Anna bay.
As a resident of tallean rd , something has to be done about the nelson bay rd tallean rd and galola drive intersection is dangerous and takes up to 25 mins in holiday time to exit the street
Finalization of Land Use Strategy and include rezoning of 42 Fullerton Cove Rd. Fullerton Cove to Commercial and approve application which has been in Council since middle of last year.
Avenue if the Allies - Tanilba Bay - facilities for pedestrians/mobility scooters
We need an education and University hub in the CBD of Nelson Bay, you need to address the needs of our youth .
Improvement to Gan Gan Road One Mile - between Blanche Street and Frost Road
Upgrades to the entry of The Tomaree Peninsula. As a major tourist destination, upon arrival you are not greeted with much. A little bit more care around the town with gardens in roundabouts and maintained nature strips would go a long way

Appendix III

Tilligerry Potential Projects

Sport and Recreation

Soccer / LA's / Cricket Toilets and Amenities
Multipurpose Tennis/Netball/Futsal Courts
New Skate Park Ramps and Seats
Adult Fitness Equipment in parks
Fenced Dog off-lead area
Shade Sail deck at LTP pool
More Picnic Shelters and BBQs on waterfront

Carpark Sealing and Construction

Tar seal and repair existing carparks and boat ramps
Build a new School / Habitat Carpark

Pathways

Pathway – LTP to Mallabula missing link
Foreshore Pathways
Tanilba Shops - Bus Shelter and Footpaths
John Parade - Toilet on path between LTP and Koala Shores

Other Projects

Town Centre Improvements
Marine Rescue - Foreshore Radio Room
Foreshore Erosion Control
Tanilba Hall, Mallabula Hall and TAG Gallery upgrade

**ITEM 12 - ATTACHMENT 2 COUNCILLOR INFORMATION SESSIONS
ENGAGEMENT REPORT - JULY 2019.**

Appendix IV

Feedback from members of Tanilba Bay Parks Reserves and Hall Committee.

A further critical item is a pathway to join Diggers Drive path at the archway to connect to the shops. We have motorised carts and elderly with shopping trolleys using the sealed section (road) of Ave of Allies and causing car to stop if oncoming traffic is approaching. We have had two accidents with the elderly in recent times and I have been coming the round the corner at the bottom arch to meet a motorised cart head on, as they travel up the inside lane. We need more pathways and an education program for the motorised cart users.

While I agree the 2 boat ramp areas needing asphalt or the very least more gravel I think the biggest thing missing is pedestrian access to shops doctors, dentists etc - Avenue of Allies not only the problem with road surface and drainage (or lack of) but no hard surface on either side of road other than the road itself. It's a tragedy waiting to happen. Pathways around the water are a luxury compared to the simple things like getting to shops and dr's etc safely (I note Fran's comment re better access across Lemon Tree passage road also).

Tanilba foreshore hall improvement list

Community halls are an important part of our local communities. This hall was built by local residents and deserves to be properly and regularly maintained. Ongoing maintenance and repairs increase the likelihood of the structures being more valuable council assets and income producing ventures. In the past year, the current committee have invested a lot of effort to have many minor repairs undertaken to bring the building and surrounds back to a more reasonable standard, with a view to increasing the hire rates of the venue.

Solar power, Painting internal and external , air conditioning, window coverings, Chair upgrade with stackers, additional power points, removal of hazards in the surrounds (tree stumps, mounds, overhanging tree branches), re-stumping, removal of white ant risks (side garden) replaced with cement path to widen the existing section.

Fenced off lead Dog Park at Lemon Tree Passage.

A form of traffic control to reduce speed in the surrounds of the Playground and BBQ area across from Tanilba Foreshore hall (39 Tanilba Ave, Tanilba Bay). Children and adults cross the road to access the toilet block and there is no warning of pedestrian activity to drivers. We have written to the relevant authorities and there appears not to be sufficient traffic to warrant a pedestrian crossing, in lieu of a crossing we ask for some form on flow /speed control, the situation is added to be the curve in this section of road reducing visibility.

Rubbish bins close to exit of Birubi beach (near the "Anna Bay Resort"). We collect rubbish from the beach and then have to bring it home to dispose of it. If our bin's full we're in trouble. I know there is the risk of public bins being used for household rubbish as it happens now in holiday areas. IF there were bins in appropriate places more people might bring their rubbish out with them instead of littering the beach and dunes.

If you would like further information or clarification I can be contacted on 0417 823 862 or email. Tanilbaforeshorehall@portstephens.net

Bronwyn Mitchell Chair Tanilba parks reserves & Hall committee

ITEM NO. 13

**FILE NO: 19/220325
EDRMS NO: PSC2018-03304**

SERVICE REVIEW - ASSETS SECTION

REPORT OF: GREGORY KABLE - FACILITIES AND SERVICES GROUP
MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Assets Section service package as outlined, to deliver the required level of service to meet the organisations future needs.
-

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

210	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>It was resolved that Council endorse the Assets Section service package as outlined, to deliver the required level of service to meet the organisations future needs.</p>
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BACKGROUND

The purpose of this report is to endorse the Assets Section service package.

The Asset section is within the Facilities and Services Group in Council and is responsible for the strategic asset management of the Council's community assets. To manage these assets the section has 29 FTE to provide the services to the external and internal customers. These services include:

- Assets Systems - Provide systems and frameworks that include asset management module, data management in other systems, forward works plan framework, GIS asset data and accounting modelling.
- Civil Assets Planning - Provide a strategic approach to managing civil and fleet assets.
- Civil Projects Engineering - Provide an interface between Asset Section and Capital Works Sections on civil projects.
- Community and Recreation Planning - Provide strategic approach to managing the community and recreation assets.

MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

- Engineering Services - Provide an engineering consultancy to provide technical engineering advice, referrals, certification, studies, investigation and design.

The previous 2015 Service Review had seen a large change to the way the Assets Section operates and the services provided. Since the 2015 Service Review, a number of changes have occurred to the external environment, legislation, proposed Crown lands transfers and technological assets now under our control and the desires of our customers and suppliers. These changes have resulted in the 2015 review outcomes being outdated and hence needing change. This 2019 Service Review has addressed these changes and proposes to modify the sections services to meet the demands of legislation, our customers and suppliers.

In summary the proposed changes to the Asset Section services will:

- Further meet the recently changed legislative requirements in inspecting and managing our community assets as well as the introduction of lands previously held by NSW Crown.
- Provide an overarching integrated management of our assets and shift the responsibility to the Asset Section.
- Reduce the need for contractors to undertake annual work that Council has the skills and qualifications to complete.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Infrastructure and Facilities	Plan civil and community infrastructure to support the community.

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

There are no legal or policy impediments from endorsing the recommendation.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not endorsing the recommendation will lead to reduces service levels that results in Council not meeting the local government act asset custodian duties.	High	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations will ensure Council is managing our Council assets in accordance with our duty in accordance with the Local Government Act principles of local government. This in turn provides assets that are safe for the community, visitors and users. The benefits of managing Council’s assets are detailed in Council’s Strategic Asset Management Plan.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Assets Section. The consultation formed part of the cyclical service review process.

Internal

- Consultation using interviews, surveys, presentations and desk top analysis has involved an array of internal stakeholders from across the whole organisation.

External

- Consultation using interviews, surveys and presentations has involved external customers and stakeholders from across the service packages under review.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 14

**FILE NO: 19/221850
EDRMS NO: PSC2013-01853;
PSC2018-03540**

NEWCASTLE AIRPORT COMPANIES - DEEDS OF INDEMNITY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the provision of a deed of indemnity between Port Stephens Council and each Officer of Newcastle Airport Pty Limited and Greater Newcastle Aerotropolis Pty Limited.
- 2) Grants authority to affix Council's seal to the deeds.

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

211	<p>Councillor Paul Le Mottee Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopts the provision of a deed of indemnity between Port Stephens Council and each Officer of Newcastle Airport Pty Limited and Greater Newcastle Aerotropolis Pty Limited.2) Grants authority to affix Council's seal to the deeds.
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BACKGROUND

The purpose of this report is seek Council adoption of the provision, as required from time to time, of deeds of indemnity between Port Stephens Council and Officers of Newcastle Airport Pty Limited (NAPL) and Greater Newcastle Aerotropolis Pty Limited (GNAPL) respectively.

In December 2004, Council adopted the provision of a deed of indemnity between the Council and each Officer of the entity known then as Newcastle Airport Limited (Minute No. 417, 21 December 2004). Newcastle City Council also adopted the provision of and was a party to the deeds.

Following the 2013 corporate restructure of Newcastle Airport, the deed was updated. It was similar in form and content to the deed adopted by Council in 2004. Council adopted the provision of the deed for Officers of NAPL, Minute No. 007, 11 February 2014, shown at **(ATTACHMENT 1)**.

With the establishment of GNAPL, Council now needs to provide a deed of indemnity to each Officer of the new company. The form and content of the deed mirrors that of the deed for Officers of NAPL. City of Newcastle will also be a party to the deeds for Officers of both companies.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

There is no financial cost associated with the deeds. The deeds function in a retrospective manner to cover any potential claims. It is expected that the Directors and Officers Indemnity Insurance Policy for NAPL or GNAPL would cover the costs of a legal claim.

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

Section 22 of the Local Government Act 1993 provides that Council has the functions imposed on it by any other Act or law. As a statutory corporation, Council has the power to enter into the deeds of indemnity given it is necessary for and incidental to the exercise of its functions.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Newcastle Airport Pty Limited and Greater Newcastle Aerotropolis Pty Limited will not attract and keep suitable Officers if the Officers of the companies are not provided with the protection of deeds of indemnity.	Medium	Council adopts the proposed provision of deeds of indemnity.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Newcastle Airport operates successfully to provide civil air services for the Region. Growth of the Airport facilities continues, which in turn provides both economic and social benefits to the Region.

CONSULTATION

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

Internal

Legal Services Manager has reviewed the proposed deed.

OPTIONS

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

ATTACHMENTS

- 1) Extract - Minutes 11 February 2014.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

MINUTES ORDINARY COUNCIL – 11 FEBRUARY 2014

ITEM NO. 3

FILE NO: PSC2013-01853

NEWCASTLE AIRPORT PTY LIMITED – DEEDS OF INDEMNITY

REPORT OF: WAYNE WALLIS – GROUP MANAGER CORPORATE SERVICES
 GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the provision of a deed of indemnity between Port Stephens Council and each Officer of Newcastle Airport Pty Limited;
- 2) Grant authority to affix Council's seal to the deeds.

**ORDINARY COUNCIL MEETING – 11 FEBRUARY 2014
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	Mayor Bruce MacKenzie Councillor Chris Doohan
	That the recommendation be adopted.

MOTION

007	Councillor Paul Le Mottee Councillor Chris Doohan
	It was resolved that Council: <ol style="list-style-type: none"> 1) Adopts the provision of a deed of indemnity between Port Stephens Council and each Officer of Newcastle Airport Pty Limited; 2) Grant authority to affix Council's seal to the deeds.

BACKGROUND

The purpose of this report is to seek Council adoption of the provision of deeds of indemnity between Port Stephens Council and Officers of Newcastle Airport Pty Limited.

In December 2004, Council adopted the provision of a deed of indemnity between the Council and each Officer of the entity known then as Newcastle Airport Limited (Minute #417, 21 December 2004). Newcastle City Council also adopted the provision of and was a party to the deeds.

Given the recent corporate restructure of Newcastle Airport, the deed has been updated. It is similar in form and content to the deed adopted by Council in 2004,

MINUTES ORDINARY COUNCIL – 11 FEBRUARY 2014

with the addition of a clause dealing with the effect of any previous indemnity provided under the 2004 document.

The provision of the deed relates to item 15.1 of Council's Community Strategic Plan - a Sustainable Council - Port Stephens Council's services and assets are sustainable in the longer term.

FINANCIAL/RESOURCE IMPLICATIONS

There is no initial direct financial impact. The deeds function in a retrospective manner to cover any potential claims.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Section 22 of the *Local Government Act 1993* provides that Council has the functions imposed on it by any other Act or law. As a statutory corporation, Council has the power to enter into the deed of indemnity given it is necessary for and incidental to the exercise of its functions.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Newcastle Airport Pty Limited will not attract and keep suitable Officers if the Officers of the company are not provided with the protection of deeds of indemnity.	Medium	Council adopt the proposed deed of indemnity.	Yes

MINUTES ORDINARY COUNCIL – 11 FEBRUARY 2014

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Newcastle Airport operates successfully to provide civil air services for the Region. Growth of the Airport facilities continues, which in turn provides both economic and social benefits to the Region.

CONSULTATION

- 1) Legal Services Manager.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 15

**FILE NO: 19/217819
EDRMS NO: PSC2017-00178**

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayor and Ward Funds to the following:
 - a. Mallabula Panthers Rugby League Football Club Inc. – Mayoral Funds - \$2000 donation towards purchase of clubroom stackable chairs and tables.
 - b. Rotary Club of Raymond Terrace – Mayoral Funds - \$2000 donation towards renewal of traffic control permits for 4 Rotary Club members.
 - c. Port Stephens Sister Cities Committee – Mayoral Funds - \$300 donation towards attendance at the annual 2019 Sister Cities Association Conference.
 - d. Raymond Terrace Marketplace – Mayoral Funds - \$5000 – donation towards 2019 Christmas Spectacular event.
 - e. Port Stephens Sailing & Aquatic Club – Mayoral Funds - \$1700 donation towards purchase and installation of security cameras at Club House.
 - f. 1st Anna Bay Scouts – Central Ward Funds - \$500 donation towards purchase of flag poles, flags and banners.
 - g. Medowie Cricket Club – Central Ward Funds - \$500 donation towards purchase of training equipment.

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

212	<p>Mayor Ryan Palmer Councillor Jaimie Abbott</p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayor and Ward Funds to the following:</p> <ol style="list-style-type: none">a. Mallabula Panthers Rugby League Football Club Inc. – Mayoral Funds - \$2000 donation towards purchase of clubroom stackable chairs and tables.b. Rotary Club of Raymond Terrace – Mayoral Funds - \$2000 donation towards renewal of traffic control permits for 4 Rotary Club members.c. Port Stephens Sister Cities Committee – Mayoral Funds - \$300 donation towards attendance at the annual 2019 Sister Cities Association Conference.
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MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

	<p>d. Raymond Terrace Marketplace – Mayoral Funds - \$5000 – donation towards 2019 Christmas Spectacular event.</p> <p>e. Port Stephens Sailing & Aquatic Club – Mayoral Funds - \$1700 donation towards purchase and installation of security cameras at Club House.</p> <p>f. 1st Anna Bay Scouts – Central Ward Funds - \$500 donation towards purchase of flag poles, flags and banners.</p> <p>g. Medowie Cricket Club – Central Ward Funds - \$500 donation towards purchase of training equipment.</p>
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BACKGROUND

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by the Mayor and or Councillors as deserving of public funding. The Grants and Donations Policy gives the Mayor and Councillors a wide discretion either to grant or to refuse any requests.

Council's Grants and Donations Policy provides the community, the Mayor and Councillors with a number of options when seeking financial assistance from Council. Those options being:

1. Mayoral Funds
2. Rapid Response
3. Community Financial Assistance Grants – (bi-annually)
4. Community Capacity Building

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the *Local Government Act 1993*. This would mean that the financial assistance would need to be included in the Operational Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

The requests for financial assistance are shown below:

MAYORAL FUNDS – Mayor Palmer

Mallabula Panthers Rugby League Football Club Inc.	A local not for profit sporting organisation.	\$2000	Donation towards purchase of clubroom stackable chairs and tables.
Rotary Club of Raymond Terrace.	A network of local business, professional and community leaders.	\$2000	Donation towards renewal of traffic control permits for 4 Rotary Club members.

MINUTES ORDINARY COUNCIL - 27 AUGUST 2019

Port Stephens Sister Cities Committee.	A local committee created to strengthen partnerships between Australia and international communities to increase global cooperation at the local level.	\$300	Donation towards attendance at the annual 2019 Sister Cities Association Conference.
Raymond Terrace Marketplace	Retail shopping complex that provides a venue for local community, sporting and charity groups to meet with the wider community.	\$5000	Donation towards 2019 Christmas Spectacular event.
Port Stephens Sailing and Aquatic Club.	A local sailing club on the eastern shores of Soldiers Point in Port Stephens.	\$1700	Donation towards purchase and installation of security cameras for Club House.

CENTRAL WARD – Councillors Doohan, Smith and Tucker

1 st Anna Bay Scouts.	A NSW youth organisation providing young Australians with fun and challenging opportunities to grow through adventure.	\$500	Donation towards purchase of flag poles, flags and banners.
Medowie Cricket Club	A local not for profit sporting organisation.	\$500	Donation towards purchase of training equipment.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community Partnerships	Support financially creative and active communities.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

To qualify for assistance under Section 356(1) of the *Local Government Act 1993*, the purpose must assist the Council in the exercise of its functions. Functions under the Act include the provision of community, culture, health, sport and recreation services and facilities.

The Policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function, which it, the Council, would otherwise undertake.
- b) the funding will directly benefit the community of Port Stephens.
- c) applicants do not act for private gain.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may set a precedent when allocating funds to the community and an expectation those funds will always be available.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the General Manager's Office.

Consultation has been taken with the key stakeholders to ensure budget requirements are met and approved.

OPTIONS

- 1) Accept the recommendation.
- 2) Vary the dollar amount before granting each or any request.
- 3) Decline to fund all the requests.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 16

**FILE NO: 19/222417
EDRMS NO: PSC2017-00015**

INFORMATION PAPERS

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 27 August 2019.

No: Report Title:

- 1 COUNCIL RESOLUTIONS
 - 2 DESIGNATED PERSONS' RETURN
 - 3 JULY 2019 CASH AND INVESTMENTS
 - 4 PETITION: SAVE THE OCEAN AVENUE, ANNA BAY PUBLIC TOILET FROM DEMOLITION
-

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

213	<p>Councillor Chris Doohan Councillor Jaimie Abbott</p> <p>It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 27 August 2019.</p> <hr/> <p>No: Report Title:</p> <ol style="list-style-type: none">1 COUNCIL RESOLUTIONS2 DESIGNATED PERSONS' RETURN3 JULY 2019 CASH AND INVESTMENTS4 PETITION: SAVE THE OCEAN AVENUE, ANNA BAY PUBLIC TOILET FROM DEMOLITION
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INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 19/213984
EDRMS NO: PSC2006-6531**

JULY 2019 CASH AND INVESTMENTS

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

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 July 2019.

ATTACHMENTS

- 1) July 2019 - Cash and Investments.
- 2) July 2019 - Cashflow Report.

CASH AND INVESTMENTS HELD AS AT 31 JULY 2019

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
BANK OF US	CURVE	BBB	TD	2.90%	338	8-Aug-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.84%	362	21-Aug-19	1,500,000	1,500,000
QBANK	FARQUHARSON	BBB	TD	2.90%	364	30-Aug-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.84%	373	5-Sep-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.85%	384	18-Sep-19	1,500,000	1,500,000
ICBC	RIM	A	TD	2.84%	342	3-Oct-19	1,000,000	1,000,000
ARAB BANK	FARQUHARSON	BB+	TD	2.95%	369	16-Oct-19	1,250,000	1,250,000
SOUTH WEST CREDIT UNION CO-OP	RIM	BBB	TD	2.90%	378	30-Oct-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.83%	377	13-Nov-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.86%	453	27-Nov-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.87%	399	11-Dec-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.88%	391	18-Dec-19	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.70%	241	2-Jan-20	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.70%	248	9-Jan-20	1,000,000	1,000,000
BOC	CURVE	A	TD	2.88%	412	9-Jan-20	1,000,000	1,000,000
AUSTRALIAN MILITARY BANK	LAMINAR	NR	TD	3.01%	420	22-Jan-20	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.40%	182	28-Jan-20	2,000,000	2,000,000
DNISTER UKRANIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	362	5-Feb-20	1,000,000	1,000,000
ARAB BANK	FARQUHARSON	BB+	TD	2.95%	359	19-Feb-20	1,000,000	1,000,000
JUDO BANK	CURVE	NR	TD	2.50%	245	19-Feb-20	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.95%	373	13-Mar-20	1,000,000	1,000,000
ICBC	RIM	A	TD	2.93%	509	1-Apr-20	1,000,000	1,000,000
ARAB BANK	RIM	BB+	TD	2.97%	502	20-Apr-20	1,500,000	1,500,000
BOC	CURVE	A	TD	2.88%	512	28-Apr-20	1,000,000	1,000,000
JUDO BANK	LAMINAR	NR	TD	2.70%	369	13-May-20	1,000,000	1,000,000
JUDO BANK	CURVE	NR	TD	2.65%	375	9-Jun-20	1,000,000	1,000,000
DNISTER UKRANIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	525	5-Aug-20	1,000,000	1,000,000
SUB TOTAL (\$)							29,750,000	29,750,000
INVESTMENTS TOTAL (\$)							29,750,000	29,750,000
CASH AT BANK (\$)							2,494,556	2,494,556
TOTAL CASH AND INVESTMENTS (\$)							32,244,556	32,244,556
CASH AT BANK INTEREST RATE				1.40%				
BBSW FOR PREVIOUS 3 MONTHS				1.37%				
AVG. INVESTMENT RATE OF RETURN				2.83%				
TD = TERM DEPOSIT								
AC = AT CALL CASH ACCOUNT								
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								

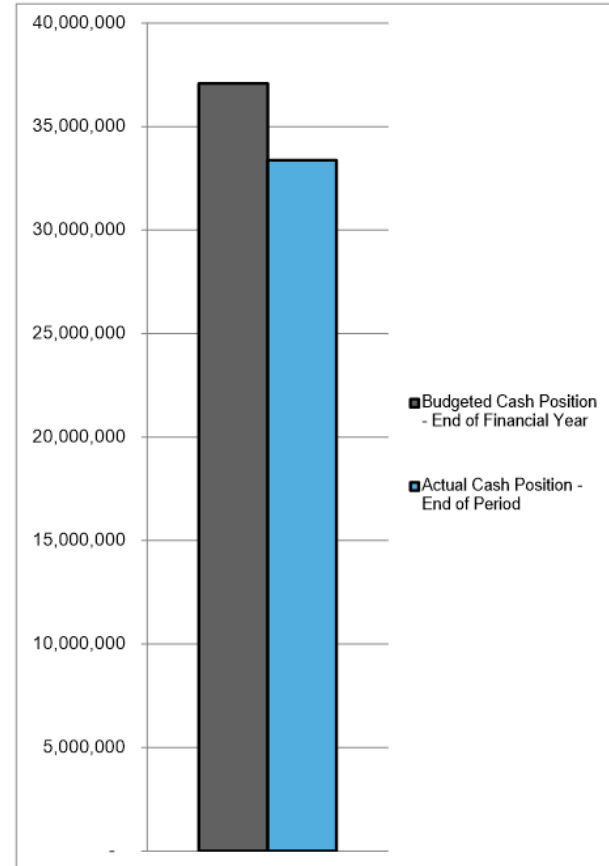


**Cash flow analysis
31/07/2019**

CASHFLOW STATEMENT

Opening Cash and Investment 1 July 2019
Closing Cash and Investment 30 June 2020
Movement in cash

	YTD	Notes
Opening Cash and Investment 1 July 2019	35,653,769	
Closing Cash and Investment 30 June 2020	33,381,774	
Movement in cash	(2,271,996)	
Movement in cash represented by:		
<u>Operating Activities</u>		
Receipts from ratepayers, customers and government authorities	8,502,798	
Payments to suppliers & employees	(9,352,396)	
Interest received	72,203	
Interest paid	(68,742)	
Total	(846,137)	
<u>Investing Activities</u>		
Receipts from sale of Infrastructure, Property, Plant & Equipment	-	
Payments for Property, Plant & Equipment	(856,499)	
Total	(856,499)	
<u>Financing Activities</u>		
Payment of loans	(569,359)	
Receipt of new loans	-	
Total	(569,359)	
Total Cash Movement	(2,271,996)	
Plus: Opening Cash and Investment 1 July 2019	35,653,769	
Closing Cash and Investment 30 June 2020	33,381,775	
Budgeted Cash Movement for the Financial Year	1,435,231	
Plus Opening Cash and Investment 1 July 2019	35,653,769	
Budgeted Cash and Investment Position 30 June 2020	37,089,000	
In front / (behind) on budget	(3,707,226)	1

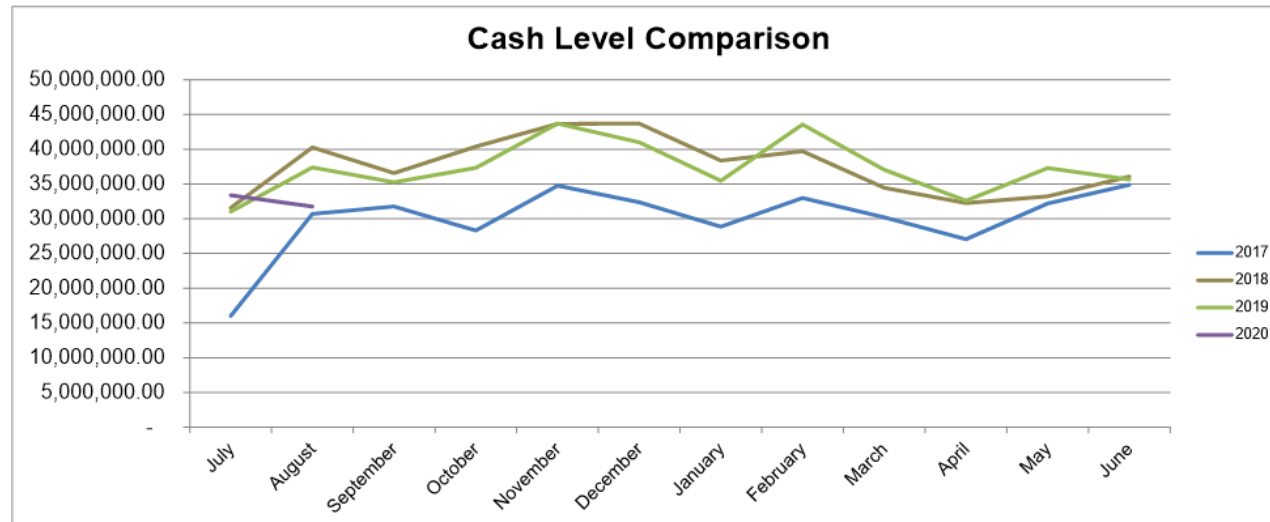


Notes

- 1 Council's cash position is behind on the budgeted year end position by \$3.7M predominately due to the following reasons:
- a) The proceeds from recent State Roads project work is yet to be received which is approx \$700K
 - b) Advance receipt of the Federal Assistance Grant for the 2020 financial year was actually received in the 2019 year.

Significant future cash inflows expected in next few months include 2019 1st quarter rates, state road program service charges and new financial year operating grants.

Significant future cash outflows expected in next few months include: Medowie Sport and Community Facility project, Halifax and Shoal Bay amenities upgrade, Koala Sanctuary, Riverside park seawall replacement, Tomaree road upgrade, Bagnall Beach East playground upgrade and plant purchases.



ITEM NO. 2

**FILE NO: 19/219373
EDRMS NO: PSC2015-03017**

PETITION: SAVE THE OCEAN AVENUE, ANNA BAY PUBLIC TOILET FROM DEMOLITION

REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES

BACKGROUND

The purpose of this report is to present to Council a petition received with 219 signatures that relates to the Ocean Avenue, Anna Bay public toilets as seen in **(ATTACHMENT 1)**.

The Ocean Avenue public amenities building is planned for removal as part of the Robinson Reserve upgrade works. The building is to be replaced with a beach shower and drinking water station, with a new public amenities facility to be constructed approximately 180m away from the current facility. The new facility will be constructed to meet current access standards and will be co-located with the new recreation facilities (playground and skate park).

The current amenities building was constructed over 40 years ago and has deteriorated significantly in condition during this time. The building is brick construction and is suffering from cracking in the structural walls and members. Due to the proximity to the ocean, the building has corrosion in most components. The structure also has asbestos containing material in the roof lining, eaves, waterproofing and switchboard. Photos demonstrating the current building condition can be seen at **(ATTACHMENT 2)**. Based on recent asset inspections, it is considered unviable to undertake a major renovation. The combined maintenance and cleaning costs for the existing building are in the order of \$15,000 per year. The retention of deteriorated assets impacts on Council's ability to clean, repair and maintain facilities for the wider community.

As noted in Council's Recreation Strategy and Strategic Asset Management Plan, the number of public amenities (provision rates) have been developed using best practice asset and lifecycle management methodology with the aim that Council operates as efficiently as possible within our resources. In comparison to other local government areas, Port Stephens Council currently provides an excess of public amenities. As new facilities are constructed and provision rates are met, Council removes the old facilities so that maintenance and cleaning resources can be managed more effectively across the wide range of community assets.

The direction for this decision was resolved by Council through the adoption of the following documents;

- The Birubi Point Aboriginal Place Masterplan (28 November 2017 Council Meeting Ref: 17/211499) – ‘new amenities building to be provided adjacent to recreation facilities. Old amenities building to be removed in the future and replaced with beach shower and drinking water station’.
- The Birubi Point Aboriginal Place Management Plan (10 July 2018 Council Meeting Ref: 18/94533) – ‘relocate toilet block (construct new amenities block)’ and ‘install new public toilet near playground/skatepark’.
- Recreation Strategy (13 November 2018 Council Meeting Ref: 18/155923) – ‘district park - quality amenities with disability access toilets’ and provision rates of 1 public amenities building per district park facility.
- Strategic Asset Management Plan 2019-2029 (29 January 2019 Ref: 19/6885) – ‘benchmarking demand of one public amenity per 2000 people’ and 2016 Port Stephens LGA Census Population of 69,556 divided by 2000 persons = a demand of 34.6 public amenities. 45 public amenities are currently provided; 3 in Anna Bay (population 3,846).

ATTACHMENTS

- 1) Petition Save the Ocean Avenue Anna Bay public toilet from demolition.
- 2) Condition photos.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 PETITION SAVE THE OCEAN AVENUE ANNA BAY PUBLIC TOILET FROM DEMOLITION.

Please help South Tomaree Community Association Inc.
Save the Ocean Ave Anna Bay Public Toilet from Demolition



219 signatures

South Tomaree Community Association Inc. and the Anna Bay Community request Port Stephens Council reconsider the demolition of the toilet block at the reserve on Ocean Ave.

This VITAL facility is a VERY NECESSARY facility for the whole community and for people enjoying and visiting the following areas.

- Birubi Point Beach.**
- Irls Moore Reserve.**
- Our historic Cemetery.**
- Tomaree National Park Walkway.**
- 1 of 2 toilets coastal , servicing 3846 population plus an influx of vacationers**

This is a solid brick clean building that is one of only two public toilets in Anna Bay and we therefore urge the PSC to reconsider its proposed demolition. The community would NOT be served well by losing these toilets.

DATE	NAME/ADDRESS	SIGNATURE
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Figure 1 – Asbestos roof lining through out current building



Figure 2 – Asbestos eave lining through out current building



Figure 3 – Significant corrosion to switchboard. Asbestos backing board within switchboard.



Figure 4 – Significant vertical and horizontal cracking in wall structure.



Figure 5 – Vandalised ceramic toilet currently out of commission.



Figure 6 – Horizontal cracking in wall structure with clear daylight between brickwork.



Figure 7 – Corroded roofing screws. Failing roof battens beneath sheeting.

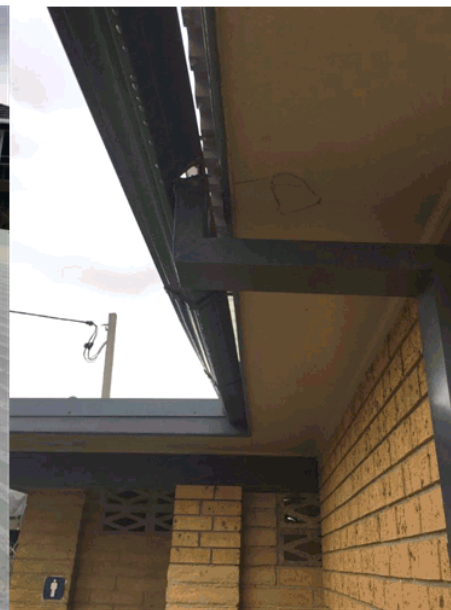


Figure 8 – Disconnected and corroded roof guttering.

ITEM NO. 3

**FILE NO: 19/189291
EDRMS NO: PSC2017-00105**

COUNCIL RESOLUTIONS

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to inform Elected Members of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

ATTACHMENTS

- 1) Corporate Services Report.
- 2) Development Services Report.
- 3) Facilities & Services Report.
- 4) General Manager's Office Report.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES REPORT.



Outstanding **Division:** Corporate Services **Date From:**
Committee: **Date To:**
Officer: **Printed: Monday, 19 August 2019**
Action Sheets Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2016	Meyn, Janet	Proposed Subdivision and sale of 112 Adelaide Street, Raymond Terrace	31/12/2019	25/05/2016	
1		Foster, Carmel				16/339517
146						
15 Aug 2019						
A structure plan is currently being prepared.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/11/2017	Meyn, Janet	Ground Lease over Part of 4 Leisure Way, Raymond Terrace for Telecommunications Facility	31/10/2019	29/11/2017	
1		Foster, Carmel				17/236078
297						
13 Aug 2019						
The Lease has been executed by both parties and is currently awaiting registration with Lands Registry Services.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Hitchcock, Vanessa	Compulsory Acquisition of an Easement for access over Part of 6 Government Road, Shoal Bay	31/12/2019	28/03/2018	
13		Foster, Carmel				18/66656
066						
15 Aug 2019						
Council is still awaiting approval from the Office of Local Government.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/07/2018	Meyn, Janet	398 Cabbage Tree Road, Williamtown	31/12/2019		
2		Foster, Carmel				18/151411
221						
15 Aug 2019						
Revised Target Date: 31 Dec 2019 Reason: Delayed another month due to Roads Maritime and Services approvals.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/08/2018	Hitchcock, Vanessa	Proposed Partial Road Closure - The Close, Raymond Terrace for future Development of Terrace Central Shopping Centre	31/10/2019	15/08/2018	
1		Foster, Carmel				18/179364
254						
15 Aug 2019						
Council is still awaiting registration of the subdivision by Land Registry Services.						

ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES REPORT.



Outstanding	Division: Corporate Services	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: Monday, 19 August 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/02/2019	Meyn, Janet	King Street, Raymond Terrace Easements	31/05/2020	14/02/2019	
3		Foster, Carmel				19/39843
15 Aug 2019 Council is awaiting approval from the Office of Local Government.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/05/2019	Meyn, Janet	Debt Recovery	24/12/2019	15/05/2019	
1 099		Foster, Carmel				19/136619
15 Aug 2019 Debt recovery is underway.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Meyn, Janet	Proposed Acquisition of former Fire Station Site - 51 William Street, Raymond Terrace	29/11/2019	29/05/2019	
5 109		Foster, Carmel				19/148388
15 Aug 2019 Council is awaiting approval from the Office of Local Government.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Meyn, Janet	Compulsory Acquisition of part of Victoria Parade Reserve Nelson Bay for Road Purposes	29/11/2019	29/05/2019	
6 110		Foster, Carmel				19/148388

ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES REPORT.



Outstanding	Division: Corporate Services	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: Monday, 19 August 2019

15 Aug 2019
The application has been lodged with the Office of Local Government. The Property Team are following statutory regulations and processes.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/06/2019	Meyn, Janet	Naming of Reserve - Bower Reserve, Medowie	27/09/2019	12/06/2019	
3		Foster, Carmel				19/160026
121						
15 Aug 2019						
The paperwork will go to the Geographical Naming Board meeting on 10 September 2019.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/06/2019	Meyn, Janet	Sale of Biobanking Credits from the Karuah Biobanking Site	30/08/2019	12/06/2019	
4		Foster, Carmel				19/160026
122						
15 Aug 2019						
The executed document is with the purchaser whom is required to make payment to Council and process Transfer paperwork with Office of Environment and Heritage.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/06/2019	Foster, Carmel	Donald Street East car park, Nelson Bay.	31/08/2019		
2		Foster, Carmel				19/171142
137						
15 Jul 2019						
Options Report will be presented to Council in August 2019.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Hazell, Tim	COMMUNITY PROJECTS FUND 2019-2020	9/09/2019		
8		Foster, Carmel				19/186501
148						
19 Aug 2019						
Revised Target Date changed to: 09 Sep 2019						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Hazell, Tim	REVIEW LOCAL PROCUREMENT PRACTICES	30/12/2019		
3		Foster, Carmel				19/186501
156						
15 Aug 2019						
Consultation is ongoing. Progress updates will be provided.						

ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES REPORT.



Outstanding	Division: Corporate Services	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: Monday, 19 August 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Meyn, Janet	Sale of 2 Jessie Road, Anna Bay (formerly Anna Bay Oval)	30/11/2019		
1		Foster, Carmel				19/186501
158						
13 Aug 2019 Council are awaiting Lawyers to send copy of draft contract.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Meyn, Janet	Grant of Easements in Favour of AGL – Punt Road, Tomago	30/09/2019		
7		Foster, Carmel				19/200498
169						
Revised Target Date changed to: 30 Sep 2019 Reason: awaiting AGL.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Meyn, Janet	Road Dedication for Future Road widening- 813A Medowie Road, Medowie	30/09/2019		
8		Foster, Carmel				19/200498
170						
19 Aug 2019 Revised Target Date changed to: 30 Sep 2019 Reason: Awaiting correspondence from applicant.						

ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES REPORT.



Outstanding **Division:** Development Services **Date From:**
Committee: **Date To:**
Officer:
Action Sheets **Printed: Monday, 19 August 2019**
Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/02/2019	Peart, Steven	Draft Amendment to the Port Stephens Development Control Plan 2014 - Chapter D13 Rees James Road, Raymond Terrace	27/08/2019	27/02/2019	
2		Crosdale, Timothy				19/54534
<p>19 Aug 2019 Submission received - Report scheduled for Council meeting on 27 August 2019.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Peart, Steven	Draft Fern Bay and North Stockton Strategy	22/10/2019	29/05/2019	
1 105		Crosdale, Timothy				19/148388
<p>19 Aug 2019 It was resolved that Council defer Item 1 at the request of City of Newcastle Council. Councillor workshop held on 8 August 2019. Report scheduled for Council meeting on 22 October 2019.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Peart, Steven	Electric Vehicle Charging Points for new Developments	22/10/2019		
1 154		Crosdale, Timothy				19/186501
<p>19 Aug 2019 Council Report is scheduled for the meeting on 22 October 2019.</p>						

ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES REPORT.



Outstanding **Division:** Facilities & Services **Date From:**
Committee: **Date To:**
Officer:
Action Sheets **Printed: Monday, 19 August 2019**
Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/05/2015	Maretich, John	Illegal Foreshore Structures in Port Stephens	31/12/2020	27/05/2015	
1		Kable, Gregory				PSC2015- 00864/004
143						
19 Aug 2019 To form part of the Coastal Management Reform.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/02/2018	Maretich, John	Sports Ground Irrigation Systems	30/11/2019	14/02/2018	
2		Kable, Gregory				18/32353
026						
27 Jun 2019 Revised Target Date changed From: 30 Jun 2019 To: 30 Nov 2019 Reason: Irrigation assets to be reviewed as per the Strategic Asset Management Plan.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Malloy, Aaron	Lease of grounds of 43, 45, 47 and 47A Tanilba Avenue Tanilba Bay (Lot 238, Lot 270 and Lot 271 DP753194, Lot 342 DP704442) to Calvary Retirement Communities Hunter- Manning Limited ACN 102625212.	30/12/2019	28/03/2018	
14		Kable, Gregory				18/66656
067						
15 Jul 2019 Once approval from Crown Lands comes through it then has to go to both the Worimi Land Council and the NSW Local Aboriginal Council as both have land claims on this parcel of land. Revised Target Date changed From: 30 Sep 2019 To: 30 Dec 2019						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/04/2018	Maretich, John	Bobs Farm Drainage	31/12/2020	11/04/2018	
2		Kable, Gregory				18/75830
084						
27 Jun 2019 It was proposed that the SRV were to fund taking ownership of these assets. Currently examining funding options to determine if Council can adopt these as public assets.						

ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES REPORT.



Outstanding	Division: Facilities & Services	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: Monday, 19 August 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/06/2019	Kable, Gregory	Funding for Proposed Community Projects	30/09/2019		
1		Kable, Gregory				19/171142
136						
29 Jul 2019						
Revised Target Date changed From: 30 Aug 2019 To: 30 Sep 2019						
Reason: Further report to go to Council on 27 August 2019.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Maretich, John	Rock Revetment at Kangaroo Point, Soldiers Point	31/07/2020		
2		Kable, Gregory				19/186501
155						
15 Jul 2019						
Council staff will seek to identify grant funding opportunities for this project.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/08/2019	Kable, Gregory	Reversal of Bill - NSW Emergency Services Levy	27/08/2019		
1		Kable, Gregory				19/223851
181						
19 Aug 2019						
Action to be undertaken.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/08/2019	Maretich, John	Policy Review - Contribution to Works for Kerb and Gutter Construction	31/10/2019		
5		Kable, Gregory				19/223851
186						
19 Aug 2019						
Contribution to Works for Kerb & Gutter Policy is out on Public Exhibition until Monday 16 September 2019.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/08/2019	Malloy, Aaron	Policy Review - Provision and Management of Cemeteries	31/10/2019		
6		Kable, Gregory				19/223851
187						
19 Aug 2019						
Provision and Management of Cemeteries Policy to be placed on Public Exhibition for 28 Days.						

ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES REPORT.



Outstanding	Division: Facilities & Services	Date From:
	Committee:	Date To:
Action Sheets Report	Officer:	Printed: Monday, 19 August 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/08/2019	Maretich, John	Anna Bay 7 Day Makeover Program	27/08/2019		
4		Kable, Gregory				19/223851
194						
19 Aug 2019						
As per Council resolution to proceed with this project requires Council adoption of proposed funding on the 27 August 2019.						

ITEM 3 - ATTACHMENT 4 GENERAL MANAGER'S OFFICE REPORT.



Outstanding	Division: General Manager's Office	Date From: 26/09/2017
Action Sheets	Committee: Ordinary Council	Date To: 12/08/2019
Report		Printed: Monday, 19 August

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 30/07/2019	MARSHALL, LISA	2 Dowling Street, Nelson Bay	30/11/2019		
1		Wallis, Wayne				19/208838
176						
12 Aug 2019 Deed of Settlement progressing.						

ITEM NO. 4

**FILE NO: 19/210756
EDRMS NO: PSC2019-02300**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

The purpose of this report is to table Designated Persons' Return/s (Return) submitted by new Council employees.

In accordance with the Part 4 – Pecuniary Interest of the Code of Conduct, all new employees are required to submit a Return within three (3) months of commencement. Returns are to be tabled at the first Council meeting after the lodgement date.

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

- Facilities Manager (PSC725)

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

**FILE NO: 19/215954
EDRMS NO: PSC2017-00019**

AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013

COUNCILLOR: RYAN PALMER

THAT COUNCIL:

- 1) Investigate amending the Port Stephens Local Environmental Plan 2013 (LEP) to enable dwellings to be erected on land in certain rural, residential and environment protection zones where:
 - a. The lot does not meet the minimum lot size; and
 - b. The lot has been created following a boundary adjustment under clause 4.1E of the LEP; and
 - c. The lot would have satisfied the criteria listed in clause 4.2B (3)(a) and (b) of the LEP, had it not been affected by more than a minor realignment of its boundaries that did not create an additional lot.
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**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

214	<p>Mayor Ryan Palmer Councillor Sarah Smith</p> <p>It was resolved that Council investigate amending the Port Stephens Local Environmental Plan 2013 (LEP) to enable dwellings to be erected on land in certain rural, residential and environment protection zones where:</p> <ol style="list-style-type: none">a. The lot does not meet the minimum lot size; andb. The lot has been created following a boundary adjustment under clause 4.1E of the LEP; andc. The lot would have satisfied the criteria listed in clause 4.2B (3)(a) and (b) of the LEP, had it not been affected by more than a minor realignment of its boundaries that did not create an additional lot.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Dohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**BACKGROUND REPORT OF: STEVEN PEART – STRATEGY & ENVIRONMENT
SECTION MANAGER**

BACKGROUND

Clause 4.2B of the Port Stephens Local Environmental Plan 2013 (LEP) enables the replacement of lawful dwelling houses, e.g. due to destruction (fire), or where the land no longer enjoys a dwelling entitlement due to changes to the planning provisions applying to the land.

The proposed amendment would expand the operation of clause 4.2B to permit dwelling houses on lots that do not meet the minimum lot size in additional circumstances.

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

**FILE NO: 19/229498
EDRMS NO: PSC2017-00019**

INVESTIGATE INSTALLATION OF A DIALYSIS UNIT AT TOMAREE HOSPITAL

COUNCILLOR: RYAN PALMER

THAT COUNCIL:

- 1) Make representations to the NSW Health Minister requesting that the NSW Government investigate the installation of a dialysis unit at the new Health One Facility at the Tomaree Hospital.

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019
MOTION**

215	<p>Mayor Ryan Palmer Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Make representations to the NSW Health Minister requesting that the NSW Government investigate the installation of a dialysis unit at the new Health One Facility at the Tomaree Hospital.2) Copy the Member for Port Stephens, Kate Washington MP in to the correspondence.
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**BACKGROUND REPORT OF: STEVEN BERNASCONI – COMMUNICATIONS
SECTION MANAGER**

BACKGROUND

Renal dialysis patients on the Tomaree Peninsula are travelling to and from Raymond Terrace or Newcastle up to 3 times a week for treatment with dialysis taking longer than 5 hours each time. This can mean up to 6 hours of driving and 15 hours of treatment each week.

Given the nature of the treatment, many patients rely on family or community transport to access this service. In some cases each dialysis day is a full day affair. All of which places a stress on local families that could be ameliorated with the addition of more dialysis services in Port Stephens, particularly on the Tomaree Peninsula.

ATTACHMENTS

Nil.

There being no further business the meeting closed at 7.18pm.