

DRAFT

MINUTES – 12 MAY 2015

Port Stephens

C·O·U·N·C·I·L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 12 May 2015, commencing at 5.38pm.

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

091	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 14 April 2015 be confirmed.</p>
092	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that the apology from Mayor Bruce MacKenzie, Councillor John Morello and Councillor Geoff Dingle be received and noted.</p>
	<p>Cr Paul Le Mottee declared a pecuniary conflict of interest in Item 1. The nature of the interest is the Le Mottee Group has conducted survey work on the site.</p>

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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2015-01000/167
TRIM REF NO: PSC2015-01247093094

DANGEROUS TREES

THAT COUNCIL:

- 1) Allocate \$100,000 in the 2014-2015 financial year to remove dangerous and/or inappropriate trees from road reserves and open space network. That the funding be provided in the 2014-2015 March 2015 Quarterly budget review.
- 2) Undertake a review of the street tree planting guidelines and prepare a report for Council that addresses potential conflict between trees in the road reserve, built property and utilities.
- 3) Provide a moratorium on the need to obtain pre-approval for the removal of trees or vegetation covered by Council's tree preservation requirements where there is a risk to human life or property for a period of 12 months.

ORDINARY COUNCIL MEETING - 12 MAY 2015 MOTION

095	Councillor Peter Kafer Councillor John Nell It was resolved that Council defer the Mayoral Minute to allow the Mayor to be present.
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BACKGROUND

The purpose of this report is to consider issues associated with dangerous trees arising from the recent storm event.

Councils focus in terms of the public domain is to manage the potential conflict between trees, public safety, built property and utilities.

The preservation of trees or vegetation within the Port Stephens LGA is provided for by the provisions of the Port Stephens Local Environmental Plan 2013 (PSLEP2013) and supporting tree preservation policies. The provisions of the PSLEP 2013 provide that Council can define the species or kinds of trees or other vegetation through the development control plan that these preservation requirements apply, generally through reference to defined species, size, location or other relevant matters.

Council's existing policies broadly require approval for the removal of vegetation for a range of listed species (including threatened species), trees located on significant tree register, trees listed as heritage items or within heritage conservation areas or where tree height exceeds 3m. Council's powers in relation to removing the need for pre-approval would need to have consideration for the relevant provisions of other key legislation and controls relating to vegetation protection and management, including legislation related to threatened species and native vegetation protection, and heritage conservation.

In addition a range of exemptions are currently provided in Council's existing controls including a general exemption for applicable vegetation located within 5 metres of the wall of an approved structure. Moreover the recently introduced 10/50 regulation also provides exemptions for vegetation removal within 10 metres of a habitable dwelling for properties that are located within a defined bushfire prone area.

Furthermore, in circumstances where Council can satisfy itself that there is a risk to human life or property the tree preservation provisions do not apply. Council's current tree preservation policies detail specific processes for when this can occur and relates to circumstances where the imminent risk of failure precludes a landholder from obtaining approval from Council prior to the removal of the vegetation. In these cases the onus of proof of the imminent risk of failure is on the landholder usually through the provision of a Tree Removal Notification post event.

In order to implement the proposed moratorium, Council's existing tree preservation policies would require amendment to ensure that all relevant matters are considered and appropriate weight is given to the consideration of community safety in the management of trees across the LGA.

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: PSC2015-01000/118
TRIM REF NO: PSC2014-00501

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (e) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **ROAD WIDENING - 2143 & 2145 CLARENCE TOWN ROAD, GLEN OAK.**
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - (e) information that would, if disclosed, prejudice the maintenance of law.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

ORDINARY COUNCIL MEETING - 12 MAY 2015 MOTION

096	<p>Councillor John Nell Councillor Sally Dover</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (e) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely ROAD WIDENING - 2143 & 2145 CLARENCE TOWN ROAD, GLEN OAK.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ol style="list-style-type: none">(e) information that would, if disclosed, prejudice the maintenance of law.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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ITEM NO. 2

FILE NO: PSC2015-01000/119
TRIM REF NO: PSC2009-01623

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (e) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **ACQUISITION OF EASEMENTS FOR DRAINAGE AND ACCESS - 661 MEDOWIE ROAD, MEDOWIE.**
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - (e) information that would, if disclosed, prejudice the maintenance of law.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

ORDINARY COUNCIL MEETING - 12 MAY 2015 MOTION

097	<p>Councillor John Nell Councillor Sally Dover</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (e) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely ACQUISITION OF EASEMENTS FOR DRAINAGE AND ACCESS - 661 MEDOWIE ROAD, MEDOWIE.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ol style="list-style-type: none">(e) information that would, if disclosed, prejudice the maintenance of law.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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COUNCIL REPORTS

ITEM NO. 1

FILE NO: PSC2015-01000/122
TRIM REF NO: 16-2014-471-1

**DEVELOPMENT APPLICATION FOR RESIDENTIAL FLAT BUILDING
COMPRISING 14 AFFORDABLE RESIDENTIAL HOUSING UNITS AT NO
40-42 GLENELG STREET RAYMOND TERRACE**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2014-471-1 for a residential flat building comprising 14 affordable housing units, at 40-42 Glenelg Street, Raymond Terrace (Lots 5 & 6 DP6992) **(ATTACHMENT 2)** subject to the conditions contained in **(ATTACHMENT 4)**.

**ORDINARY COUNCIL MEETING - 12 MAY 2015
MOTION**

098	<p>Councillor Ken Jordan Councillor Peter Kafer</p> <p>That Council move into Committee of the Whole.</p>
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COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor Paul Le Mottee left the meeting at 05:45pm.

099	<p>Councillor Ken Jordan Councillor Peter Kafer</p> <p>It was resolved that Council defer Development Application 16-2014-471-1 for a residential flat building comprising 14 affordable housing units, at 40-42 Glenelg Street, Raymond Terrace (Lots 5 & 6 DP6992) (ATTACHMENT 2) subject to the conditions contained in (ATTACHMENT 4) until the next Council meeting to be held on 26 May 2015.</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: Crs Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, John Nell and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING - 12 MAY 2015
MOTION

Councillor Paul Le Mottee left the meeting at 06:13pm.

100	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council defer Development Application 16-2014-471-1 for a residential flat building comprising 14 affordable housing units, at 40-42 Glenelg Street, Raymond Terrace (Lots 5 & 6 DP6992) (ATTACHMENT 2) subject to the conditions contained in (ATTACHMENT 4) until the next Council meeting to be held on 26 May 2015.</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: Crs Chris Doohan , Sally Dover, Ken Jordan , Peter Kafer, John Nell and Steve Tucker.

Those against the Motion: Nil.

Councillor Paul Le Mottee returned to the meeting at 06:14pm.

BACKGROUND

It is noted that this matter was deferred by Council at its 14 April 2015 Council Meeting.

The purpose of this report is to present to Council for determination development application 16-2014-471-1. The application has been called to Council by Councillor Jordan due to overshadowing. A copy of the call up form is included at (**ATTACHMENT 1**).

Proposal

The development proposal relates to a residential flat building comprising 14 affordable housing units. The development comprises 12 one bedroom units and two studio units. The building is two storeys, with units 1-7 having ground floor access and units 8-14 requiring access from internal staircases. Units range in size from 50m² to 53m² for one bedroom units and 38m² for the proposed studio units. Small balconies are provided to first floor units and courtyards form the private open space for ground floor units.

The development involves the demolition of the existing dwelling and garage along with removal of the minor landscape vegetation on site. Two large trees will be

retained to the rear of the site and will form part of the landscaped communal private open space area. Seven uncovered car parking spaces are proposed within a hard stand area that runs along the sites south-east boundary.

A site inspection was held with Councillors on 24 March 2015 and the Mayor on 1 March 2015. The development plans have also been made available within the Councillors room for viewing.

Background

The subject site comprises two torrens title lots with a total area of 1,019m² and currently contains a single storey dwelling with detached garage. The site is rectangular in shape having a 25 metre frontage to Glenelg Street. The Raymond Terrace town centre is located a short distance to the north of the site. The area to the east, west and south of the site comprises established single storey residential development. Development to the north includes higher density single storey unit development. Bailiwick Cottage (Heritage Item 150 PSLEP2013) is located on the opposite side of Glenelg Street, at 70 Irawang Street. Several other local heritage items are located nearby, such as St Brigid's Convent and Church Hall. Boomerang Park and Muree Golf Course is located beyond Irawang Street to the south-east of the site.

The subject land is zoned R3 Medium Density Residential under the Port Stephens Local Environmental Plan 2013 (PSLEP2013). The proposed development is defined under the LEP as a 'residential flat building' as it comprises more than 3 dwellings including a number of dwellings that do not have access at ground level. Residential flat buildings are permissible with consent in the R3 Medium Density Residential Zone. The proposal is considered to be consistent with the zone objectives, by providing affordable residential accommodation within an accessible location. Given the proximity of the site to the Raymond Terrace town centre the site is appropriately located in order to facilitate affordable housing.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed development will consist of 14 affordable rental housing units to cater for low-moderate income households. The application was originally lodged under Division 1 'In-fill affordable housing' SEPP (Affordable Rental Housing) 2009. However, the applicant was advised that division 1 did not apply as the site was not located within 400 metres of land zoned either B2 Local Centre or B4 Mixed Use Zone. The site is located 200 metres from the Raymond Terrace B3 Commercial Core.

The development could have been lodged under Division 5 of the SEPP pertaining 'Residential flat buildings'. This division specifically applies to development located within 400 metres of land zoned B3 Commercial Core in Raymond Terrace. Both the development and subject site satisfy the requirements of Division 5. However the application was not assessed in accordance with this part as a site compatibility statement was not provided.

Whilst the application has not been lodged under the SEPP the site is appropriately located in order to facilitate affordable housing, particularly as a result of its proximity

to the Raymond Terrace Town Centre. The proposed development is permissible under Council's Local Environmental Plan 2013 (LEP2013) and the application has been assessed in accordance with relevant Council policy.

It is noted that the discounted Section 94 rate for affordable housing under Council's Section 94 Plan would no longer apply to the development. The relevant contribution applicable is \$163,344.

16-2014-471-1 Conclusion

Throughout the assessment process Council staff met with both the applicant and objectors to address key issues associated with the development including:

- Car parking
- Design
- Privacy
- Heritage impacts
- Compliance with LEP2013 and DCP2013

As a result of negotiations with the applicant an amended design was submitted by the applicant. The proposal has been sited and designed to minimise impacts to adjoining properties and the streetscape. Further, the development is considered to adequately respond to the heritage character of the locality.

The application has been considered against the provisions of the LEP2013 and the DCP2013 and is recommended for approval. A detailed assessment of the proposed development is provided within **(ATTACHMENT 3)** in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

There are no known financial or resource implications resulting from the recommendation.

If refused the applicant could challenge Council's decision in the Land and Environment Court. Defending Council's determination could have financial implications.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Funds to defend Council's

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			decision are available within the existing budget.
Reserve Funds	No		
Section 94	Yes		A condition has been included for Section 94 contributions.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is generally consistent with Council's Local Environmental Plan and local policies including Development Control Plan 2013 and Section 94 Plan.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused the determination may be challenged in the Land and Environment Court.	Low	Endorse the recommendation for approval of the application.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The development has a positive social impact through the provision of affordable housing stock within the Raymond Terrace town centre which contributes to increased rental affordability within the region. The works will also result in a number of jobs during construction which will have flow on effects within the local economy. Future residents of the development will have a positive impact upon local retail in the area by increasing the local population utilising local goods and services.

There has been concern raised by objectors to the proposal that the development will result in devaluing of local properties. There is no evidence to suggest that the development will adversely impact upon the value of adjoining properties.

CONSULTATION

The original development lodged with Council was advertised and notified to adjoining neighbours for a period of 14 days from 11 August 2014 to 27 August 2014. During this time six submissions were received (including one submission with 13 signatures). The key issues raised included privacy, amenity, heritage, stormwater, lack of car parking, solar access, density, and visual impact.

Following the initial exhibition period and an assessment of the development by Council officers, negotiations were commenced with the applicant to address a

number of concerns including streetscape and building design, privacy, private open space, heritage, engineering, waste management and fencing. As a result of these negotiations, the applicant submitted an amended design and correspondence addressing each of the concerns raised.

The amended development was advertised and notified for a period of 14 days from 26 February 2015 to 12 March 2015. A total of six submissions were received, including two petitions (13 signatures and 93 signatures). The main issues raised during the second exhibition period included:

- Privacy and amenity.
- Impacts to heritage values.
- Car parking.
- Design.

The issues raised within the submissions have been assessed and it is considered that the proposed development is satisfactory. A detailed response to the matters raised during the exhibition period is held within the assessment report at **(ATTACHMENT 3)**.

OPTIONS

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

ATTACHMENTS

- 1) Councillor call to Council form.
- 2) Locality Plan.
- 3) Assessment.
- 4) Conditions.

COUNCILLORS ROOM

- 1) Development plans.
- 2) Statement of Environmental Effects.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 COUNCILLOR CALL TO COUNCIL FORM.

Amy



CALL TO COUNCIL FORM
DEVELOPMENT APPLICATION



I, Councillor Jordan
require Development Application Number 16-2014-471-1
for 14 units 40 Glenelg
Street
at Raymond Terrace

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

Reason:

The reason for this call-up to Council is Over shadowing

Declaration of Interest:

I have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this development application on my part or an associated person. I have a conflict of interest? Yes/No (delete the response not applicable).

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

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

Signed: Date: 26/8/2014

ITEM 1 - ATTACHMENT 2 LOCALITY PLAN.



118 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 4980255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

ITEM 1 - ATTACHMENT 3 ASSESSMENT.

**ATTACHMENT 3
ASSESSMENT**

APPLICATION REFERENCES	
Application No.	16-2014-471-1
Property	40-42 Glenelg Street RAYMOND TERRACE
Lot and DP	Lot: 5 and Lot:6 DP:6992
Description of development	Residential flat building (14 affordable rental housing units)
Applicant	Monteath and Powys Surveyors
Date lodged	29/07/2014
Owners Consent	Provided
Capital Investment Value	\$800,000
Present use	Residential dwelling
Zoning	R3 Medium Density Residential
Site Constraints	Bushfire prone land and Acid Sulfate Soils Level 5
88B Instrument and Deposited Plan	Nothing upon the lot or DP restricts the proposed development.
Submissions	Yes Original proposal: six (one petition included 13 submissions) Amended plans: six (two petitions which 13 signatures and 93 signatures).
Recommendation	Approval
Assessing Officer	Amy Stone

SITE DESCRIPTION

The subject site comprises two torrens title lots with a total area of 1,019m² and currently contains a single storey dwelling with detached garage. The site is rectangular in shape with a 25 metre frontage to Glenelg Street. The Raymond Terrace town centre is located a short distance to the north of the site. As detailed within figure 1 the area to the east, west and south of the site comprises established single storey residential development. Development to the north includes higher density single storey unit development. Bailiwick Cottage (Heritage Item 150 PSLEP2013) is located on the opposite side of Glenelg Street, at 70 Irrawang Street. Several other local heritage items are located nearby, such as St Brigid's Convent and Church Hall. Boomerang Park and Muree Golf Course is located beyond Irrawang Street to the south-east of the site.

ITEM 1 - ATTACHMENT 3 ASSESSMENT.



Figure 1 – Aerial image of site.

PROPOSAL

The development proposal relates to a 14 unit affordable housing development comprising 12 one bedroom units and two studio units. The building is two storeys, with units 1-7 having ground floor access and units 8-14 requiring access from internal staircases. Units range in size from 50m² to 53m² for one bedroom units and 38m² for the proposed studio units. Small balconies are provided to first floor units and courtyards form the private open space for ground floor units.

The development involves the demolition of the existing dwelling and garage along with minor landscape vegetation on site. Two large trees located will be retained and will form part of the landscaped communal private open space area to the rear of the site. Seven uncovered car parking spaces are provided within a hard stand area that runs along the sites south-east boundary.

ITEM 1 - ATTACHMENT 3 ASSESSMENT.**PLANNING ASSESSMENT**

The proposal has been assessed under the relevant matters for consideration detailed in Section 79C(1) of the Environmental Planning and Assessment Act, 1979 as follows:

Section 79C(1)(a)(i) provisions of any environmental planning instrument**Local Environmental Plan 2013****Zoning**

The subject land is zoned R3 Medium Density Residential under the Port Stephens Local Environmental Plan 2013 (PSLEP2013). The proposed development is defined under the LEP as a 'residential flat building' as it comprises more than 3 dwellings including a number of dwellings that do not have access at ground level. Residential flat buildings are permissible with consent in the R3 Medium Density Residential Zone. The proposal is considered to be consistent with the zone objectives, by providing affordable residential accommodation within an accessible location.

Clause 4.3 – Height of buildings

Clause 4.3 prescribes the maximum height of building on land with reference to the adopted height of buildings map. The subject site has a maximum height limitation of 9 metres. The maximum height of the development is 8.38 metres and is compliant with the applicable height limitation.

Clause 5.10 - Heritage conservation

Clause 5.10 seeks to conserve the significance of heritage items and heritage conservation areas including associated fabric, settings and views. The site is located within a heritage conservation area and as such Council is required to consider the effect of the proposed development prior to granting consent. A locally listed heritage item 'Bailliwick' (a Federation Filigree building circa 1900) is located at the corner of Glenelg Street and Irawang Street.

It is acknowledged that Council's Heritage Consultant did raise concerns with the initial development, particularly the removal of the existing dwelling and impacts to the streetscape. Council officers requested the applicant to provide further information addressing these concerns. An addendum to the Heritage Impact Statement was provided addressing the concerns raised and adequately demonstrating there are no significant reasons why the existing dwelling could not be demolished. The information provided argued that the dwelling proposed to be demolished is not of cultural significance and there is no evidence of any associations with historically significant people or events. The dwelling is not a historical record that provides a connection to the community or landscape, furthermore it does not present an important expression of Australian identity and experience. The existing dwelling is not an example of unique architectural design and that Glenelg Street does not have a dominant element, nor a building style of

ITEM 1 - ATTACHMENT 3 ASSESSMENT.

theme that encompasses the overall conservation area (unlike many other streets in the Conservation area such as Hunter Street and Jacaranda Street that have recognised street plantings of significance). Further, a number of existing dwellings within proximity to the site detract from the overall heritage significance of the street as the street comprises dwellings that are reflective of various architectural styles of varied construction date.

The amended design submitted has encompassed changes to the external treatments on the building to ensure the building sits well in its context and is sympathetic to the conservation area and nearby listed heritage items. In order to provide a sympathetic response to heritage values the development: has been designed to appear as a two storey single dwelling from the street; uses traditional materials and colours including facebrick, timber balustrade and vertically proportioned windows; and provides suitable landscaping within the front setback.

Whilst the proposed development is two storeys and surrounding development in close proximity to the site is single storey this does not preclude the development from being of compatible character. The local area is also typified by high-medium density development; including No.31 Glenelg Street and Nos. 181, 179 and 175 Adelaide Street. Further, Glenelg Street includes recent developments and dwellings (Nos.22, 38 and 31) which (due to the heritage character of the locality) have been required to be constructed from face brick or to respond to restrictions relating to building colours and finishes. Similarly, the subject proposal has been designed to be sympathetic to the heritage character of the locality and appears as a two storey dwelling from the street; it uses traditional materials and colours including facebrick, timber balustrade and vertically proportioned windows; and provides suitable landscaping within the front setback. As a result of the design and use of suitable colours and finishes the proposal is in keeping with the existing streetscape character of the locality. In this regard, the demolition of the existing dwelling and construction of the proposed development will not result in adverse impacts to 'Balliwick' or the heritage significance of the Raymond Terrace Conservation Area.

Clause 7.1 - Acid Sulfate Soils

The site is mapped as class 5 acid sulfate soils (ASS) and cl.7.1 identifies that the carrying out of development on land affected by ASS must not disturb, drain or expose soils. The development does not involve extensive work below the natural ground surface and will not result in environmental damage as a result of impact to ASS. The development is satisfactory with regard to cl.7.1.

Clause 7.2 - Earthworks

Clause 7.2 aims to ensure that earthworks for which development consent is required will not have a detrimental impact upon environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The development requires fill to 1.6 metres to the south-west property boundary (to the rear). The effect of the fill to adjoining properties has been considered and the

ITEM 1 - ATTACHMENT 3 ASSESSMENT.

design and siting of the building is assessed as having minimised the extent of cut and fill on site (it is noted that if the development had been 'flipped' so as to orientate the proposed car park adjoining the boundary of No.38 Glenelg Street this would have increased the fill by approximately an additional 500mm). Furthermore, the site was required to be filled to the rear to ensure stormwater drainage requirements could be achieved.

Retaining walls will be constructed on the side boundary and to the rear of the building. The maximum height of the wall is 1.6 metres at the rear of the lot, which then decreases in height. Batter is proposed within the rear landscape area and the visual impact to adjoining properties has been limited. Impacts of the retaining to the south-western property boundary (adjoining No.2 Osborn Cr) has been limited with a setback of one metre provided and retaining being contained within the building footprint. The proposed cut/fill and retaining are acceptable. Subject to conditions of consent, to be imposed during construction, the proposed earthworks shall not have an adverse impact to the environment or surrounding properties.

Clause 7.6 - Essential services

Essential services are available to the development including, water, electricity, sewer, stormwater drainage and vehicular access. Plans have been stamped by Hunter Water Corporation. The development satisfies cl.7.6.

Regional Environmental Plan

There are no Regional Environmental Plans that are relevant to this proposal.

State Environmental Planning Policies**State Environmental Planning Policy (Affordable Rental Housing) 2009**

The SEPP aims to facilitate the effective delivery of new affordable rental housing through incentives and consistent development standards. Under Clause 6 of the SEPP, affordable housing is for low-moderate income households. It is acknowledged that the application was originally lodged under Division 1 'In-fill affordable housing' of the SEPP. However, the applicant has subsequently advised that the proposal is not being considered under the SEPP and therefore the provisions of the SEPP are not applicable. The proposal is therefore considered having regard to Council's LEP2013 and DCP2013. Notwithstanding, as the development remains as affordable rental housing the provisions of the SEPP have provided guidance for elements of the proposal requiring merits assessment, particularly cl.14 (2)(a) and cl.35(4) relating to car parking.

State Environmental Planning Policy No.55 - Remediation of Land

The aim of the policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The development has a history of residential use and a single storey

ITEM 1 - ATTACHMENT 3 ASSESSMENT.

residential dwelling exists upon the site. Further the site is not identified as contaminated land on Council's record system. The proposal is satisfactory having regards to the requirements of the policy and given the nature of the site and the development further investigation or site remediation is not required.

State Environmental Planning Policy No.71 – Coastal Protection

State Environmental Planning Policy No.71 Coastal Protection (SEPP71) aims to ensure that development in coastal areas protects and preserves natural areas of the NSW coast. The site is located within the NSW Coastal Zone as identified under the *Coastal Protection Act 1979* (NSW). As such the provisions of SEPP71 applies to the proposed development. Clause 8 SEPP71 prescribes matters for consideration for a consent authority to address where assessing development located within the coastal zone. The development has been assessed against the provisions of cl.8 and is determined to be satisfactory. The subject site is not located within proximity to the coastline or visible from waterways. The development occurs within an existing residential precinct and does not impact upon coastal foreshores or public access to foreshores. Further, the development does not result in detrimental impacts upon the amenity of the coastal foreshore or to the natural environment.

State Environmental Planning Policy – Building Sustainability Index (BASIX)

A valid BASIX certificate (563350M) was submitted with the application confirming that the proposed development will meet the NSW Government's requirements for sustainability with respect to energy and water reduction targets.

Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

There are no draft Environmental Planning Instruments that are or have been placed on public exhibition that are relevant to this proposal.

Section 79C(1)(a)(iii) any development control plan

The relevant chapters of Port Stephens Development Control Plan 2013 are discussed below:

Part A1 – Introduction

A.1.10 – Developer Contributions

The development attracts developer contributions under s.94 of the *Environmental Planning and Assessment Act 1979*. Fees have been calculated with regards to Council's s.94 policy and the development application will attract a monetary contribution of \$163,344.

ITEM 1 - ATTACHMENT 3 ASSESSMENT.***A.1.9 – Community Participation***

The original development lodged with Council was advertised and notified to adjoining neighbours for a period of 14 days from 11 August 2014 to 27 August 2014. During this time six submissions were received (including one submission with 13 signatures). The key issues raised included privacy, amenity, heritage, stormwater, lack of car parking, solar access, density, and visual impact.

Following the initial exhibition period and an assessment of the development by Council officers, negotiations were commenced with the applicant to address a number of concerns including streetscape and building design, privacy, private open space, heritage, engineering, waste management and fencing. As a result of these negotiations, the applicant submitted an amended design and correspondence addressing each of the concerns raised.

The amended development was advertised and notified for a period of 14 days from 26 February 2015 to 12 March 2015. A total of six submissions were received, including two petitions (13 signatures and 93 signatures). The main issues raised during the second exhibition period included:

- Privacy and amenity;
- Impacts to heritage values;
- Car parking; and
- Design.

The issues raised are considered under Section 79C(1)(d) in this report.

Part B2 – Environmental and Construction Management

The application has been assessed against the provisions of Development Control Plan 2013 (DCP2013), B2 – Environmental and Construction Management and it is identified that controls relating to landfill, vegetation management, erosion and sediment control, and construction waste are applicable to the development. Subject to the inclusion of standard conditions of consent the proposed development is considered satisfactory with regards to the relevant controls of Part B2.

Part B3 Parking and Traffic

Vehicle access is provided to the site from Glenelg Street. Site distances and pedestrian safety have been considered by Council's Development Engineer and has been found to be satisfactory. All other provisions outlined in this section of the DCP have been adequately addressed including line marking, dimensions and visibility and found satisfactory.

Residential flat buildings are required to provide one space per one/two bedroom dwelling and one visitor space per three dwellings. A total of 19 spaces are required for the site (14 resident spaces and five visitor spaces). Affordable rental housing is not separately identified within the DCP. The demand for parking for affordable

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rental housing is generally lower than the rate prescribed within the DCP for residential flat buildings. For example, a rate of at least 0.5 parking spaces are provided for each dwelling containing one bedroom under cl.14(2)(a) of SEPP Affordable Housing pertaining to 'infill housing development'. Further, it is noted that the development could have been lodged under Division 5 'Residential flat buildings – social housing providers, public authority's and joint ventures' with provision of a site compatibility certificate. This division applies to development located within 400 metres of land zoned B3 Commercial Core in Raymond Terrace. Division 5 clause 36(4) provides that car parking is not required to be provided.

As parking requirements for the intended use are not prescribed the development is considered upon its merits. It is noted that a total of seven spaces have been provided for on-site which is compliance with the parking requirements outlined within cl.14(2)(a) of the SEPP. Further, the site is within approximately 400 metres walking distance of Raymond Terrace town centre, and walking/cycling trips will be higher than for normal residential development. Raymond Terrace provides a local hub for bus services and residents will have access to buses that travel within the LGA, Newcastle and Maitland. Overall, it is considered that the proposed motor vehicle trips from the proposed development can be accommodated within the existing road network.

Therefore, whilst the car parking requirements prescribed within cl.14(2)(a) SEPP (Affordable Rental Housing) does not specifically apply to the proposed development the car parking requirements outlined within cl.14(2)(a) indicates a suitable level of car parking provision for affordable housing development.

Vehicle access is provided to the site from Glenelg Street. The entry allows reasonable site distances from nearby intersections and allows sufficient site distances for oncoming traffic and pedestrians using Glenelg Street. Appropriate safety signage will be in place for vehicles leaving the car park to ensure pedestrian safety. Vehicles will be required to give way to pedestrians at all times. The car park entry off Glenelg Street is 4.7 metres wide. The entry is of sufficient width to allow for maneuvering whilst entering and exiting the site.

Although car parking numbers are regulated by State Environmental Planning Policy (Affordable Rental Housing) 2009 (addressed in Section 79C(1)(a)(i) of this report), it is acknowledged that parking space, aisle dimensions and car park geometry meet the requirements of the DCP.

Overall, the proposal is generally consistent with this part of the DCP. Site distances and pedestrian safety has been considered in designing the car park entry off Glenelg Street. All other provisions outlined in this section of the DCP have been adequately addressed including line marking and visibility.

Part B7 Multi Dwelling Housing and Residential Flat Buildings

The application has been assessed against Part B7 Multi Dwelling Housing and Residential Flat Buildings as the development satisfies the definition of a 'residential flat building' under PSLEP2014 but is not captured by State Environmental Planning Policy No.64 Design Quality of Residential Flat Development.

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Controls	Comments
Part B7.2 Streetscape and front setback	<p>Part B7.2 specifies streetscape and front setback requirements to provide for development that is of a scale and appearance that reinforces the existing or desired future character of the street.</p> <p>The proposal provides a six meter front setback from the proposed building line to Glenelg Street. The private open space of unit 1 and unit 8 provide outlook to the street. The balcony area to unit 8 fronts Glenelg Street. The development includes hardstand parking only, no garages form part of the development. Further as not all units have direct street frontage access has been provided via a single driveway.</p> <p>The development has been designed to appear as a two storey single dwelling from the streetscape. Traditional materials and colours have been utilised to harmonise the development within the heritage conservation area, including a combination of red and blue brick incorporated into the façade, timber balustrade detailing and vertical proportioned windows to present a more traditional design. Landscaping treatment is also utilised to integrate the development within the existing streetscape.</p>
Part B7.3 Heritage sites	<p>The development is located within a heritage conservation area. The existing dwelling does not contribute to the heritage conservation of the Raymond Terrace Conservation area as discussed within clause 5.10 discussion under PSLEP2013.</p>
Part B7.4 Bulk and scale	<p>The subject is zoned R3 Medium Density and a maximum site coverage of 75% is allowable under part B7.4. The development includes 78.5% site coverage. The variation is minor and is supported. Adequate landscape provision has been provided and satisfactory arrangements for stormwater and drainage runoff have been provided.</p>
Part B7.5 Cut and fill	<p>The development includes earthworks in excess of one metre (1.6 metres proposed). A retaining wall of 1.5 metres is including within the building footprint (drop edge beam) to the western elevation. A retaining wall of 1.6 metres is proposed to the south-west of the site. Batter is proposed within the rear landscape area. The extent of retaining is generally limited to the rear of the site. In this regard, the visual impact of the retaining to adjoining properties has been limited. Retaining to the south-western property boundary (adjoining No.2 Osborn Cr) has been limited as a setback of one metre has been provided and retaining is contained within the building footprint. Cut and fill has been minimised on site as a result of the siting and design of the development. The proposed cut/fill and retaining are acceptable.</p>
Part B7.6 Height	<p>The development has a maximum height of 8.41 metres (rear south-west corner. A maximum height limit of nine metres applies to the site. The development is satisfactory.</p>
Part B7.7 Side & rear setbacks	<p>Part B7.7 seeks to ensure that appropriate side/rear setbacks are achieved. A 900mm ground floor setback and two metre first floor setback is required to side boundaries. A two metre setback is provided to the north-west property boundary and 16 metre setback to the south-east side boundary. A six metre rear setback is required. The development provides for a one metre rear setback. An existing garage is constructed to the boundary in the location of the proposed building. Further the built form only extends for 50%</p>

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	of the sites width. The variation to the rear setback can be supported.
Part B7.8 Building Design Elements	<p>Part B7.8 seeks to ensure design elements such as 'stepping' or articulation of wall lines, vertical window treatments, highlight materials and colours are incorporated into building design so as to contribute to build character and street identity. The development has been amended during the assessment process to include façade design of high quality materials and detailing. Building elements have been orientated and utilised to respond to environmental conditions such as sun orientation and overlooking.</p> <p>It is noted that discussions were held with the applicant to explore amendments to the design to the extent of 'flipping' the design so that the car park adjoined the north-western property boundary (No.38 Glenelg Street) and the building adjoined the south-eastern boundary (No. 44 Glenelg Street). However, the applicant demonstrated that the proposed siting resulted in a better development outcome on site particularly as the proposal would have resulted in unreasonable solar access impacts to the dwelling at No.44 and existing mature vegetation would not have been able to be retained.</p> <p>Further, the building has been sited so as to minimise the extent of bulk earth works. The alternative design proposal which would have seen the building 'flipped' would have resulted in the development siting 500mm higher on the site. The proposed siting of the development minimises impacts arising to adjoining properties and the streetscape.</p>
Part B7.9 Energy efficiency	Valid BASIX certificates have been provided. The development is satisfactory with regard to energy efficiency.
Part B7.10 Private Open Space	The private open space for each unit is located to the north of the development and is not accessible from the unit bedroom. Approximately 10m ² of private open space is provided for ground floor units and 2.5m ² has been provided to first floor units. However, the applicant has provided an area of 120m ² shared communal private open space in which landscaping and bench seating has been provided. Further, the site is located within close proximity to Boomarang Park. The variation to the private open space controls are supported in this instance.
Part B7.11 Privacy and amenity	Part B7.11 seeks to ensure that consideration is given to the comfort and liveability for both new and existing residents affected by a development proposal. It is preferable that balconies and windows be offset from the private open space/windows of adjoining dwellings. If offsetting cannot be achieved development must provide suitable screening. The balconies of units 8-14 have the potential to overlook the adjoining property located to the north-west (No.38 Glenelg Street). As such the applicant was required by Council to introduce suitable privacy screening to these balconies. Privacy fins have been incorporated into 'elevation 2' and addresses overlooking concerns whilst still enabling sufficient solar access to the proposed units.
Part B7.12 Backyard fences and walls	A brick and timber fence have been proposed to the front setback having a maximum height of 1.5 meters. A planter box is provided forward of the proposed fencing.
Part B7.13 Vehicular access and	Parking has been considered under Part B3 Traffic and Parking DCP2013. Access and parking is considered satisfactory.

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parking	
Part B7.14 Stormwater and greywater	Adequate stormwater provision can be achieved on site the proposal is satisfactory.
Part B7.15 Landscape	Part B8.21 requires that landscape planting be provided to create shade, provide privacy and enhance the local streetscape. The proposed landscaping is satisfactory.
Part B7.16 Site facilities and services	Site facilities and services including garbage bin enclosures and mailboxes have been provided for appropriately on site. Insufficient area exists for each dwelling for open air clothes drying, as the applicant proposes that clothes drying facilities will be provided internally to each unit. Sufficient street frontage is available for the collection of bins.

Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Division 5 of Part 9

Division 5 of Part 9 of the *Environmental Planning & Assessment Regulation 2000* applies to the proposal. The proposal fulfils the fire safety and structural adequacy requirements of the regulations and is therefore considered appropriate. In accordance with the requirements of the regulation, a condition of consent is included requiring the submission of annual fire safety statement from the applicant.

Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposed development is not expected to result in any significant impacts to the natural and built environment, or detrimental social or economic impacts in the locality. The proposal is considered suitable with respect to the existing character of the heritage conservation area and should have positive social and economic impacts. The proposal is suitable for the locality given it will not have significant adverse impacts upon the existing character of the area. The development will make a positive economic and social contribution to the community by offering additional employment opportunities during the construction phase and the opportunity to increase the availability of affordable rental accommodation in Raymond Terrace.

Bushfire prone land

The subject site is mapped as bushfire prone land. An assessment of the development has been undertaken in accordance with s 79BA *Rural Fires Act 1997* and Planning for Bushfire Protection. The bushfire threat from vegetation and slope is low. The subject site is located within an established residential area, surrounded by other residential dwellings. Vegetation is mostly limited to scattered trees and shrubs located within managed land (i.e. residential backyards). Boomarang Park is also located within proximity (75 metres to vegetation) to the site but contains managed grass lands and underscrubbed vegetation. Further, the site is located in an area that

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is generally flat with minimal slope. The bushfire assessment identifies that construction requirements for bushfire are not required and the risk to human life and to property arising from the bushfire threat associated with the development is low.

Building Design and Context

The building presents as a two storey dwelling to the streetscape but provides two floors of affordable residential units. The bulk and scale is generally acceptable, as the building has been carefully articulated to break the mass down through the use of different architectural features, materials and colours. The contrast in building height/scale at the interface with the adjoining single storey dwellings is considered satisfactory. The height limitation of 9 metres prescribed to the site under PSLEP2013 further reinforces from a strategic perspective that two storey development within the locality is acceptable. Appropriate setbacks have been provided to adjoining dwellings and careful use of colours/materials ensures that an acceptable transition to the existing dwellings is achieved.

Traffic

It is expected that the extent of trips will be minimal due to its close proximity within walking distance to the shopping and entertainment facilities within the town centre. The surrounding road system within the locality has the capacity to cater for the traffic generated by the development. Sufficient infrastructure (i.e. lights at Glenelg Street/Adelaide Street and roundabout at Glenelg Street/Irrawang Street). The site is within approximately 400 metres walking distance of Raymond Terrace town centre, and walking/cycling trips will be higher than for normal residential development. Furthermore, Raymond Terrace provides a local hub for bus services and residents will have access to buses that travel within the LGA, Newcastle and Maitland. Overall, it is considered that the proposed motor vehicle trips from the proposed development can be accommodated within the existing road network.

Social & Economic Impact

The development will make a positive economic and social contribution to the community by offering additional employment opportunities during the construction phase and increased availability of affordable rental housing within close proximity of existing services and facilities, including public transport and commercial facilities. Increasing the residential population within the Raymond Terrace Town Centre will benefit local businesses. The development is for affordable housing, which is targeted at households who are employed, but on relatively lower salaries and wages.

Stormwater Management

A Stormwater Management Plan was prepared by Northrop Consulting Engineers for the development. On-site detention has been provided in accordance with Council's DCP2013 requirements. An underground OSD is provided within the front setback area and shall be suitably landscaped. Reuse tanks are provided to each ground floor unit. The development is located within a drainage requirement area. As such the development is required to restrict post development flows to pre-

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development flows for all storm events up to the 1%AEP. This requirement can be satisfied subject to the inclusion of conditions of consent as recommended at **ATTACHMENT 4**. The proposed stormwater measures will suitably mitigate and manage stormwater impacts within and downstream of the subject site.

Erosion and Sediment Control

Erosion and sediment controls will be implemented during the construction phase and include the use of run-off and sediment control measures, as well as limiting site disturbance. Subject to standard conditions of consent the development is satisfactory.

Safety and Security

Crime Prevention through Environmental Design principles have been incorporated into the design of the development. The proposal includes well-defined areas that clearly guide the public and residents to access points through use of appropriate fencing, pavement treatments, landscaping, signage and screening. The design of the development allows for natural surveillance from balcony areas and within common areas to maximise security. Units 1 and 8 front Glenelg Street and provide passive surveillance to the streetscape.

Flora and Fauna

The site contains an existing residential dwelling and associated improvements (detached garage and shed) a landscaped garden surrounds the dwelling. The site located within an existing residential area within proximity to the Raymond Terrace CBD. There is no threatened flora or fauna identified on the site. As such, the development will not impact upon threatened flora or fauna.

Landscaping

A landscape plan was prepared for the proposed development and provides for satisfactory landscaping arrangements on the site. Particular focus has been placed upon the treatment of the front setback area including incorporating planter boxes as a feature.

Utilities

The site is serviced by town water, sewer, electricity, gas and telecommunications. A Section 50 Compliance Certificate will be required from Hunter Water Corporation prior to issue of a construction certificate.

Section 79C(1)(c) the suitability of the site for the development

The general locality comprises predominately residential land uses and includes a number of medium to high density developments within proximity to the site. Given that the subject land is appropriately zoned for the construction of a residential flat building, existing utility services are available and the topography is suitable, the

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proposed development is not expected to create any significant demand on the provision of public amenities or services. The site is located in close proximity to existing commercial services and public transport facilities. The development can be integrated into the locality without any significant adverse impacts.

Section 79C(1)(d) any submissions made in accordance with this act or the regulations

Public Submissions

The development application and accompanying information were placed on public exhibition for a period of 14 days from 11 August 2014 to 27 August 2014. As a result of the notification process during round one, a total of six submissions were received, including one submission that included the signatures of 13 individuals. The key issues raised during the first round of submissions included; privacy, amenity, heritage, stormwater, lack of car parking, solar access, density, and visual impact.

An amended application was received following Council staffs request for design amendments and further information. Following receipt of the amended plans the application was notified from 26 February 2015 to 12 March 2015. A total of six submissions were received, including two petitions (13 signatures and 93 signatures). The main issues raised by the objectors are summarised in the following table and with comment provided in response:

Submission table

Issue	Planners Comment
Privacy and amenity (submission: 4, 5 and 6)	
The outlook of the private open space of the first floor units is located so as to result overlooking of the primary open space and habitable living areas of adjoining properties.	Privacy screens and balustrade treatments have been included to to north-western elevation ensure ongoing privacy for neighbouring properties. Privacy sceens have been located in order to direct views away from the adjoining properties primary private open space. Bedrooms have been located off the balconies instead of living areas in order to maintain the privacy and amenity of the adjoining property owner. Further, the development achieves the required two metre setback.
Heritage (submission: 3,5 and 6)	
The existing dwelling should not be demolished as it has heritage value.	An addendum to the Statement of Heritage Impact (SHI) was prepared for the proposal by LeMotte Group. It is noted that Council's Heritage Consultant did initially raise concerns with the development in particular the removal of the existing dwelling and impacts to the streetscape. Council officers requested that the applicant provide further information addressing these concerns. During the assessment process, Council worked

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	<p>through issues relating to heritage and the design of the building. Changes were made to the external treatments on the building to ensure the building sits well in its context and was sympathetic to the existing conservation area and nearby listed heritage items. The applicant provided an addendum to the Heritage Impact Statement addressing the concerns raised and adequately demonstrating that there were no significant reasons why the existing dwelling could not be demolished (as outlined within this report).</p> <p>The demolition of the existing dwelling and construction of the proposed development will not result in adverse impacts to 'Bailiwick' or the heritage significance of the Raymond Terrace Conservation Area. Following discussions with Council and review of submission received during round one exhibition period the applicant submitted amended design in order to better respond to the heritage values of the locality. In order to provide a sympathetic response to heritage values the development; has been designed to appear as a two storey single dwelling from the street; uses traditional materials and colours including timber balustrade and vertically proportioned windows; and provides suitable landscaping within the front setback.</p>
<p>Car parking (submission: 2, 4 and 6)</p>	
<p>Submissions raise concerns that car parking is inadequate as only seven spaces have been provided for the proposed 14 units.</p>	<p>The parking rates for affordable rental housing is not separately identified within the DCP. As such the required rate of parking has been considered on merit having regard to the relevant provisions (Cl.14(2)(a) and Cl.36(4) of SEPP (Affordable Rental Housing) 2000. Seven spaces have been provided for on-site which is compliance with the parking requirements outlined within cl.14(2)(a) of the SEPP. The assessment undertaken within this report confirms that the car parking requirements outlined within cl.14(2)(a) indicates a suitable level of car parking provision for affordable housing development. Therefore the car parking is adequate.</p> <p>Further, the proposed development is located within walking distance (400 metres) of Raymond Terrace Town Centre which includes access to public transport networks (local bus services). In light of this it can be reasonably assumed that a significant number of residents will walk/cycle to facilities within the town center for their day to day needs given the close proximity of the site to these services and facilities.</p>
<p>Fire safety (Submission 6)</p>	
<p>Proximity of the development to adjoining properties presents a fire safety risk.</p>	<p>The proposal provides satisfactory setbacks and is of brick construction. A condition of consent shall be</p>

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	<p>imposed requiring construction in accordance with the building code of Australia adequate fire separation exists.</p> <p>Assessment has also been undertaken in accordance with s.79BA Rural Fires Act 1997. The subject site is located in a low risk area. The site is classified as managed land and will not present any additional bushfire risk to adjoining properties.</p>
<p>Density (submission: 1,2, 3, 4 and 5)</p>	
<p>A number of submission suggests that the unit sizes are too small and that the density and number of units proposed is not suitable for the locality or the site in general.</p>	<p>The subject site is zoned R3 Medium Density under Port Stephens LEP 2013. Residential flat buildings are permissible within the R3 zone. A floor space ratio (FSR) does not apply to the development, however the floor space ratio of the proposal is 0.67:1. The FSR is consistent with the intended medium density development of the zone, noting that the applicable FSR for multi-dwelling/residential flat development in the R2 Low Density Zone is 0.5:1.</p> <p>The assessment of the application outlined within this report identifies that the scale and density of the development is satisfactory. In this regard, it is not reasonable to request that the proponent amend the design in order to reduce the number of units proposed. Further, the proposal complies with the minimum dwelling size as prescribed under cl.14 SEPP(Affordable Housing), these requirements have been used to guide the assessment of the proposal with regard to density as DCP2013 does not prescribe minimum dwelling size requirements.</p>
<p>Design (submission: 1,2, 3, 4 and 5)</p>	
<p>A number of submissions identified that the development was inconsistent with the character of the existing locality and surrounding development. In particular it was noted that the development is two storeys where the surrounding area is characterised by single storey development. Concerns were also raised with regard to the impact to streetscape and inappropriate setbacks.</p>	<p>The development complies with the required setbacks and as discussed elsewhere within this report provides an appropriate response to the streetscape.</p> <p>Whilst the proposed development is two storeys and surrounding development in close proximity to the site is single storey this does not preclude the development from being of compatible character. The LEP2013 allows for buildings up to 9 metres in height. The local area is also typified by high-medium density development; including No.31 Glenelg Street and Nos. 181, 179 and 175 Adelaide Street. Further, Glenelg Street includes recent developments and dwellings (Nos.22, 38 and 31) which due to the heritage character of the locality have been required to be constructed from face brick or required to respond to restrictions relating to building colours and finishes. Similarly, to these developments the proposal has been designed to be sympathetic to the heritage character of the locality and appears as a two storey single dwelling from the street; uses traditional</p>

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	materials and colours including timber balustrade and vertically proportioned windows; and provides suitable landscaping within the front setback. As a result of the design and use of suitable colours and finishes the proposal is in keeping with the existing streetscape character of the locality.
Overshadowing (submission: 2)	
The development results in impacts to solar access to adjoining properties.	The development has been sited to ensure minimal impact to solar access of adjoining dwellings. Due to the orientation of the site, shadowing predominately occurs towards No. 44 Glenelg Street. However, a 11 metre setback is provided from the development to the adjoining property boundary. This provides sufficient setback to ensure that solar access to the existing dwelling at No.44 can be maintained. Shadow diagrams were provided demonstrating the proposal would not have any unreasonable impacts with respect to solar access.
Social housing (submission: 2 and 3)	
Submissions identified that sufficient social/affordable housing existed within Raymond Terrace and that there was no demand for the development.	There is no evidence to suggest that there is no demand for social housing in the locality. The proposed development is permissible on the subject site and given its proximity to the Raymond Terrace Town Centre is appropriately located for affordable housing provision.
Impact to property values (submission: 4)	
A number of concerns were raised with regard to the provision of affordable housing on the site and potential impacts to property values.	There is no evidence to suggest that the proposed development would impact upon the value of adjoining properties. Further, this is not a matter for Council's consideration under s.79C EP&A Act.

Submissions from public authorities

No submissions were received from any Public Authorities.

Section 79C(1)(e) the public interest

The proposal is considered consistent with the public interest as it is providing affordable housing within proximity to the Raymond Terrace CBD. The housing is within accessible location near existing commercial facilities, public transport and outdoor recreation areas. The development provides employment opportunities during the construction phase. The proposal will also have benefits to local businesses within the Raymond Terrace Local Centre.

ITEM 1 - ATTACHMENT 4 CONDITIONS.

**ATTACHMENT 4
CONDITIONS OF CONSENT**

CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

1. Approval has been granted to a 'Residential Flat Building' comprising 14 affordable housing units, and must be carried out in accordance with the following plans and documentation and endorsed with Council's stamp, except where amended by other conditions of this consent:

Architectural plans rev 02 dwg no. A.01, A.03, A.04, A.05, A.06, A.09 and A.10 (date unstated).

Engineering plans, prepared by Northrop, dated 23/02/15, C01DA and CO2DA Rev B.

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

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

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

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

4. Prior to issue of Construction Certificate a contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Port Stephens Section 94 Contributions Plan and detailed below.

	Per lot	Total
Civic Administration	\$1,134	\$13,608
Open Space	\$2,352	\$28,224
Sports and Leisure Facilities	\$5,548	\$66,576

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Cultural and Community Facilities	\$2,787	\$33,444
Road Works	\$1,566	\$18,792
Fire & Emergency Services	\$225	\$2,700
Total	\$13,612	\$163,344

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

5. Prior to issue of a Construction Certificate, a colour scheme is to be submitted to and approved by Council giving full detail of the colour and character of all external building materials and finishes to be used. The colours and finishes must be sympathetic to the heritage character of the locality; including use of timber features, two-toned face brick, and vertically proportioned windows. The driveway shall be of a dull natural earthy colour.
6. Prior to issue of the Construction Certificate or Occupation Certificate, a certificate of compliance for this development, under Section 50 of the Hunter Water Act 1991, shall be submitted to the Accredited Certifier.
7. Disabled parking shall be designed in accordance with Australian Standard AS2890.6-2009. The shared zone shall be located adjacent to car parking space No.1. **A Construction Certificate cannot be issued** until full details have been provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.
8. The stormwater detention system shall be designed and built in accordance with the approved concept plan and the table provided below. A staged orifice structure shall be provided that restricts site discharge to pre-developed flows as per the minor and major events listed in the table. Full calculations shall be provided demonstrating that the staged discharge rates are achieved (i.e. minor volume up to minor event discharges at minor discharge rate and volume in excess of minor volume discharges at equal to or below major discharge rate).

The construction detail shall also include details of the location and type of detention system, orifice, pipes, pits, major overland flow path and the discharge point to the public drainage system.

Details shall be submitted and certified by a suitably qualified and practising drainage engineer, and approved by the certifying authority prior to issue of the construction certificate.

Average annual rainfall probability	PSD	Storage site specific
	(l/s) per site	(m ³) per site

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5	11.3	15
100	27.6	17

9. The stormwater detention system shall include design features in accordance with **Section 8.11 of Australian Standard AS3500.3:2003. A Construction Certificate cannot be issued** until full details of the stormwater detention system have been provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.

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

10. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.
11. Where any demolition, alteration or renovation works encounter asbestos or products containing asbestos, the materials encountered shall be managed in accordance with the provisions of the A.S 2601-2001 and Workcover Authority Guidelines. Material should be disposed of at a licenced landfill facility.
12. Prior to commencement of building work a contract of insurance must be obtained in accordance with Part 6 of the Home Building Act 1989. Works cannot commence on site until the relevant insurance is in force.
13. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- a. in the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
 - b. in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

ITEM 1 - ATTACHMENT 4 CONDITIONS.

14. All building work must be carried out in accordance with the provisions of the **Building Code of Australia**.
15. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:
 - * Monday to Friday, 7am to 6pm;
 - * Saturday, 8am to 1pm;
 - * No construction work to take place on Sunday or Public Holidays.
16. It is the responsibility of the applicant to erect a PCA sign and to ensure the PCA sign remains in position for the duration of works.
17. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
18. The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving the absence of such notification shall signify that no damage exists and that the applicant will be liable for the cost of the reinstatement of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION CERTIFICATE

19. Prior to issue of an Occupation Certificate, Lots 5 and 6, DP 6992 shall be consolidated.
20. All civil engineering works shall be carried out in accordance with the Construction Certificate and Council's Design and Construction Specification, Policies and Standards, to the satisfaction of Council or the Certifying Authority prior to issue of the Subdivision Certificate or Occupation Certificate.

CONDITIONS TO BE SATISFIED AT ALL TIMES

21. The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.

ADVICES

- a. Any damage to the public road infrastructure caused by the approved works must be repaired in accordance with Council's standards. You are advised to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving the absence of such notification shall signify that no damage exists and that the applicant will be

ITEM 1 - ATTACHMENT 4 CONDITIONS.

liable for the cost of the reinstatement of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation.

- b. Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/the person having the benefit of the development consent to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- c. Should excavation extend below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - i. Protect and support the building, structure or work from possible damage from the excavation, and
 - ii. Where necessary underpin the building, structure or work to prevent any such damage.
- d. Prior to occupying the approved dwelling(s), or Subdivision Certificate release, whichever occurs first contact Council's Mapping Section via email at: addressing@portstephens.nsw.gov.au stating your Development Approval number, address of the property and the assessing officer to obtain the correct house numbering. Be advised that any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.

ITEM NO. 2

**FILE NO: PSC2015-01000/129
TRIM REF NO: PSC2009-08546**

PLANNING PROPOSAL - VARIOUS COUNCIL OWNED LANDS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to support the following deferred matters from the Planning Proposal - **(ATTACHMENT 1)** - that has been publicly exhibited to amend the Port Stephens Local Environmental Plan 2013:
 - a. Reclassify Site 2 - Lot 5, DP 261238 – 9 Rosemount Drive, Raymond Terrace from community to operational land; and
 - b. Reclassify Site 13 - Lot 109, DP 243096 – 1 Lyndel Close, Soldiers Point from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential;
- 2) Request that the Department of Planning & Environment make the Proposal under section 59(1) of the Environmental Planning & Assessment Act 1979.

**ORDINARY COUNCIL MEETING - 12 MAY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

Councillor Paul Le Mottee returned to the meeting at 05:47pm.
Councillor Ken Jordan left the meeting at 05:47pm.
Councillor Ken Jordan returned to the meeting at 05:50pm.

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

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

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 12 MAY 2015
MOTION**

102	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Resolve to support the following deferred matters from the Planning Proposal - (ATTACHMENT 1) - that has been publicly exhibited to amend the Port Stephens Local Environmental Plan 2013: <ol style="list-style-type: none"> a. Reclassify Site 2 - Lot 5, DP 261238 – 9 Rosemount Drive, Raymond Terrace from community to operational land; and b. Reclassify Site 13 - Lot 109, DP 243096 – 1 Lyndel Close, Soldiers Point from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential; 2) Request that the Department of Planning & Environment make the Proposal under section 59(1) of the Environmental Planning & Assessment Act 1979.
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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: Crs Chris Doohan , Sally Dover, Ken Jordan , Peter Kafer, Paul Le Mottee , John Nell and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is for Council to consider two sites deferred from the planning proposal for the reclassification and rezoning of various council owned lands on 14 October 2014 **(ATTACHMENT 2)**. At this meeting, Council resolved to reclassify and/or rezone thirteen of the fifteen sites that were placed on exhibition. The remaining two sites were deferred to allow further information to be provided.

In summary, the planning proposal **(ATTACHMENT 1)** relates to the following:

- Address:** Site 2 - 9 Rosemount Drive, Raymond Terrace (Lot 5, DP 261238)
Site 13 - 1 Lyndel Close, Soldiers Point (Lot 109, DP 243096)
- Classification:** Both sites are to be reclassified from Community to Operational
- Zoning:** Site 13 - 1 Lyndel Close, Soldiers Point is to be rezoned from RE1 Public Recreation to R2 Low Density Residential
- Proponent:** Port Stephens Council

A brief summary of the matters relating to each site is now provided.

9 Rosemount Drive, Raymond Terrace

This matter was deferred by Council at its meeting of 14 October 2014 due to concerns that the eventual disposal of this site may potentially restrict access to the Pacific Highway road reserve for the purposes of bushfire protection. This reserve is controlled by Roads and Maritime Services.

Following the Council Meeting; Councillors, Council Officers and the community inspected the site. Following this inspection, Council Officers raised bushfire and maintenance concerns with the Rural Fire Service and Roads and Maritime Services.

Both the Roads and Maritime Services and Rural Fire Service conducted subsequent site visits. The Rural Fire Service determined that the land does not present a significant bush fire threat at this time.

Council has now received 'in principle' support from Roads & Maritime Services to access their land for the purpose of the maintenance a Council owned Asset Protection Zone (APZ) further to the south (**ATTACHMENT 4**). This would also provide general access to the RMS Road Reserve, if required during emergencies. Council is currently in the process of formalising this access which requires the following works:

- The extension and filling of a drainage culvert and realignment of an open drain within the Pacific Highway Road Reserve.
- Construction of an access track through removing vegetation and importing gravel.
- Installation of a new gate for access at Mount Hall Road.

This is on the basis of an in principle agreement for this alternate access. The matters raised by the community are therefore deemed to have been addressed.

1 Lyndel Close, Soldiers Point

During public exhibition, the community feedback was that 1 Lyndel Close is currently being used by koalas, which was confirmed by data collected by the Council's Natural Resource's Team. In response, additional information was requested from the proponent to determine whether the rezoning would have a significant effect on the koala population under the Threatened Species Conservation Act 1995. The 7 Part Test concluded that the rezoning would not have a significant effect, but would contribute to the loss of koala habitat (**ATTACHMENT 3**):

'the removal of trees on the subject site would contribute to the incremental indirect long term impact on the Koalas that use the area as part of their home range. While not considered a significant impact to result in the extinction of the local population, given the sites use as a habitat linkage, the removal of the trees may result in increased stress for the koala's that include the site as part of their home range'.

Council's Natural Resources Section responded to this conclusion by stating that *'...the loss of a small area of habitat on its own is unlikely to place a viable local*

population of the species at risk of extinction'. Provided that if the removal of this tree will not have a significant effect, then the impetus must be placed back on the original justification for reclassification and rezoning that was provided by the Open Space Consolidation Review 2007.

This Review identified that the site is in excess to the open space needs required by the residents of the Tomaree Peninsula. The Review made it clear that Council does not have the resources to maintain this excess open space. This point is further evidenced by the use of the site as an informal backyard for the neighbouring resident.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The proponent has paid the following rezoning fees.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	48,300 10,500	Stage 1 fees – 7 April 2012 Stage 2 fees – 6 May 2014 (Fees cover all 15 properties in the planning proposal.)
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Open Space Consolidation Review 2007

The Open Space Consolidation Review identified that the subject sites were no longer suitable for recreation purposes due to their location, access and size. This Review provided the strategic justification to prepare a planning proposal and seek that these lands be reclassified to allow greater flexibility in their management.

Port Stephens Integrated Planning Framework

The proposed reclassification will allow for increased flexibility in how the land can be managed. This is reflective of a move from a quantity to quality approach as identified in the Open Space Consolidation Review, which is also consistent with

directions of the Port Stephens Integrated Plans 2014-2024, such as 8.1.1.1 – Maintain parks, reserves, sporting fields and foreshores managed and controlled by Council.

Local Government Act 1993

All public land is classified as either Community or Operational land under the Local Government Act 1993. Compared to Community Land, Operational land has no special restrictions other than those that may apply to any piece of land, such as zoning. In contrast, Community Land cannot be sold, cannot be leased/ licenced for more than 21 years and must have a Plan of Management prepared for it.

Both sites are seeking to be reclassified from Community to Operational Land.

Environmental Planning & Assessment Act 1979

The Proposal has been undertaken to reclassify and rezone those identified sites under the Environmental Planning & Assessment Act 1979 as follows:

- s55 Relevant planning authority to prepare planning proposal;
- s56 Relevant planning authority seeks a gateway determination;
- s57 Community consultation;
 - Public exhibition period of 28 days;
 - Public hearing;
- s58 Relevant planning authority may vary proposal ;
- s59 Making of local environmental plan by Minister .

This Proposal involves the reclassification of land and therefore Council is not able to use its delegations under s59 of the Act. Subject to Council's resolution, Council Officers will liaise with the NSW Department of Planning and Environment as to the making of this Plan, which includes the thirteen other sites as outlined in Council's resolution of 14 October 2014.

Gateway Determination

An explanation of how the conditions of the Gateway Determination were met was considered by Council on 14 October 2014 (**ATTACHMENT 2**).

Public Hearing

An explanation of matters relating to the public hearing was considered by Council on 14 October 2014 (**ATTACHMENT 2**).

LEP Practice Note – PN 09 -003

The Proposal was placed on public exhibition and the public hearing was conducted in accordance with the *LEP Practice Note – PN 09 -003 – Classification and reclassification of public land through a local environmental plan*.

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council has acted in self-interest through the reclassification of these Sites.	Low	The reclassification and rezoning has been conducted in accordance with the legislative requirements, which have been confirmed by an Independent Review. The final determination will be made by the Department as Council does not have delegation to make the Plan.	Yes
There is a risk that the legislative processes have not been followed.	Low	Compliance with the relevant legislative processes have been detailed and confirmed by the Independent Review as detailed in 14 October 2014 Council Report.	Yes
There is a risk that the continued deferral of these matters will result the expiration of the gateway determination.	Low	Resolve to provide a resolution to these matters or seek a further gateway extension from the Department of Planning and Environment.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Proposal is consistent with a more sustainable management approach to open space management. Firstly, Council is seeking to act in the broader public interest by concentrating resources on quality open space and consolidate open space accordingly. Secondly, Council is seeking to be more economically sustainable by reducing expenditure on underutilised sites and redistribute these resources to provide increased quality at more heavily utilised sites. Thirdly, Council is seeking to be more environmentally sustainable by providing an equal distribution of open space based on pedestrian catchments.

The proposal may lead to the removal of trees currently being used by koalas at 1 Lyndel Close, Soldiers Point through a subsequent development application. If this was to occur, it has been identified that this would not have a significant impact under the Threatened Species Conservation Act 1995.

CONSULTATION

At its Meeting on 14 October 2014 Council considered matters relating to the public exhibition period. Following this Meeting, further consultation has taken place with the community, the Rural Fire Service and Roads and Maritime Services. This consultation identified that the land situated behind 9 Rosemount Drive, Raymond Terrace does not present a significant bush fire threat at this time. As outlined above, Roads and Maritime Services have provided in principle support for alternative access to Pacific Highway road reserve to replace access provided by this site.

OPTIONS

- 1) Accept the recommendation.
- 2) Council resolves to support Site 2 – 9 Rosemount Drive, Raymond Terrace, but not support 1 Lyndel Close, Soldiers Point.
- 3) Council resolves to not support Site 2 – 9 Rosemount Drive, Raymond Terrace and 1 Lyndel Close, Soldiers Point.
- 4) Council resolves to support Site 2 – 9 Rosemount Drive, Raymond Terrace and 1 Lyndel Close, Soldiers Point and allocates 20% of the proceeds from the sale of the land from 1 Lyndel Close, Soldiers Point for the purposes of koala habitat protection to be determined by Council's Natural Resource's Section.

ATTACHMENTS

- 1) Planning Proposal.
- 2) Council Report - 14 October 2014.
- 3) 7-Part Test of Significance.
- 4) Alternative Access - Map & In-Principle Correspondence.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



PLANNING PROPOSAL

Proposed amendment to Port Stephens Local Environmental Plan 2013

Various Council Owned Lands

Site 2 - 9 Rosemount Drive, Raymond Terrace – Rosemount Drive Reserve

Site 13 - 1 Lyndel Close, Soldiers Point – Vista Avenue Reserve

Version - Council Report

14 October 2014

Further Information

Strategic Planning

Port Stephens Council

(02) 4980 0326

council@portstephens.nsw.gov.au

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

FILE NUMBERS

Council: PSC2009-08546 – Planning Proposal
PSC2009-01335 – Planning Proposal
PSC2005-3693 – Open Space Consolidation Review

Department: PP_2013_PORTS_001_00

SUMMARY

Subject land: Various Council Owned Lands

Addresses: 9 Rosemount Drive, Raymond Terrace Lot 5, DP 261238
1 Lyndel Close, Soldiers Point Lot 109, DP 243096

Classification: All sites are to be reclassified from community to operational land

Zoning: The following five sites will be rezoned as follows:

- 1 Lyndel Close, Soldiers Point RE1 to R2

BACKGROUND

The subject sites are located within the Port Stephens Local Government Area and were identified by the Open Space Consolidation Review 2007 (The Review) (**Attachment 1**).

This Review identified sites that were considered to be surplus to Council's needs or that required reclassification to facilitate greater flexibility in their management.

Council considered the Review at their 27 November 2007 Meeting (**Attachment 1**) where they resolved as the landowner to prepare a planning proposal.

Council then considered the planning proposal at their 28 July 2009 Meeting where they resolved to reclassify and/or rezone those sites with the exception of 35a Blanch Street, Boat Harbour, which was removed with a subsequent rescission motion (**Attachment 2**).

On 18 April 2013, Council requested a gateway determination under section 56 of the Environmental Planning & Assessment Act 1979. A gateway determination (**Attachment 3**) was issued by the NSW Government – Planning & Infrastructure on the 6 June 2013 and a subsequent extension granted until the 13 December 2014 (**Attachment 4**).

The Proposal was placed on public exhibition from 1 August until 9 September 2013. Three submissions from state agencies (**Attachment 5**) and 27 submissions from the community were received. One of these submissions included 77 signatures.

A public hearing was held on 3 July 2014 in accordance with the Local Government Act 1993. A subsequent independent public hearing report was submitted by the independent chairperson on 24 July 2014 (**Attachment 6**).

Following this, an Independent Review (**Attachment 7**) was submitted on 10 September 2014. This Review was undertaken given the degree of community interest surrounding the lot boundaries of 2A Sunset Boulevard and 9 Mitchell Street, Soldiers Point.

This Proposal contains the following changes from the proposal that was reported to Council on 28 July 2009 and received a gateway determination. These changes are the result of matters raised during the public exhibition period and the recommendations of the Independent Review.

These changes are as follows:

- Removal of all references to the Port Stephens Local Environmental Plan 2000 (PSLEP 2000). The PSLEP 2000 was revoked when the Port Stephens Local Environmental Plan 2013 commenced in February 2014. Both instruments were referenced in the previous planning proposal as they both had application during the public exhibition period.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

- Reduction in the Zone B1 Neighbourhood Centre at 9 Mitchell Street, Soldiers Point as the boundaries of the land reclassification did not align with the zone boundaries of the Zone B1 Neighbourhood Centre.
- Reduction of the proposed Zone B1 Neighbourhood Centre at 2A Sunset Boulevard, Soldiers Point. This reduction brings the proposed boundaries of the B1 Neighbourhood Centre Zone in line with the proposed licence area and ensures public access to Sunset Beach is maintained.
- Replace of R2 Low Density Residential with RE1 Public Recreation across the Sunset Boulevard road reserve to reflect the neighbouring zone.
- Proposed classification of the existing 'Right of Way' at 9 Mitchell Street, Soldiers Point as a 'public road' under the Roads Act 1993. This road classification is in line with the findings of the Independent Review to formalise the current surfaced area.
- Apply a height of building limit of 8.0m for 2A Sunset Boulevard, Soldiers Point. This was implied by the proposed B1 Neighbourhood Centre Zone that was placed on public exhibition, but was not listed in Part 2 – Explanation of Provisions.

A contextual analysis of each site is provided as **(Attachment 9)** and Certificates of Title provided as **(Attachment 10)**.

PART 1 – Objective of the proposed Local Environmental Plan

The objective of this Proposal is to implement the Open Space Consolidation Review 2007 to allow increased flexibility in how these sites are managed by:

- Reclassifying the following fifteen lots from community to operation land; and
- Rezoning six of these sites;

No	Description	Current	Proposed	Sought Outcome
2	9 Rosemount Dr, Raymond Terrace	Community	Operational	Disposal of site
13	1 Lyndel Close, Soldiers Point	Community RE1 Public Recreation	Operational R2 Low Density Residential	Disposal of site

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

The objective of this planning proposal is to be achieved by:

- Amend Land Zone Maps as follows:
 - Amend LZN_005A for 1 Lyndel Close, Soldiers Point from RE1 Public Recreation to R2 Low Density Residential in accordance with **(Attachment 14A & 14B)**
- Amend Lot Size Maps as follows:
 - Amend LSZ_005A for 1 Lyndel Close, Soldiers Point to include a minimum lot size of 500m² in accordance with **(Attachment 17A & 17B)**
- Amend the Height of Buildings Maps as follows:
 - Amend HOB_005A for 1 Lyndel Close, Soldiers Point to include a height of building of 9.0m in accordance with **(Attachment 20A & 20B)**
- Insert the following into Schedule 4 - Classification and reclassification of public land of the Port Stephens Local Environmental Plan 2013:

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

Part 2 – Land classified, or reclassified, as operational land – interests changed		
Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Raymond Terrace, 9 Rosemount Drive	Lot 5, DP 261238	Easement to drain water (3 metres wide) as noted in the Certificate of Title Folio Identifier 14424/5
Soldiers Point, 1 Lyndel Close	Lot 109, DP 243096	Nil

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

This planning proposal seeks to implement the Open Space Consolidation Review 2007 (**Attachment 1**), which identified sites that were considered to be surplus to Council's needs or that required reclassification to facilitate greater flexibility in their management.

This Review took a consistent approach to identify a number of sites that were surplus to Council's open space requirements based on size, location, etc. The Draft Open Space Strategy (2010) (**Attachment 22**) further refined these criteria, which reinforces that the sites included within this planning proposal are the least suited for open space.

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

The proposed re-zonings can only be achieved through an amendment to the Port Stephens Local Environmental Plan 2013 as required under the Local Government Act 1993 to reclassify land through the Local Environmental Plan Amendment process.

SECTION B – Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy

The planning proposal is consistent with the Lower Hunter Regional Strategy (LHRS) and accompanying Lower Hunter Conservation Plan. The Lower Hunter Regional Strategy seeks to encourage residential infill development, which then provides for housing diversity.

All sites are generally located in existing urban areas, with the exception of 15 Enterprise Drive, Tomago. This site is already zoned IN1 General Industrial and no concerns were raised through internal referrals.

The Lower Hunter over the next 20 years: A Discussion Paper

The Lower Hunter over the next 20 years: A Discussion Paper aims to facilitate discussion to feed into the development of a new Lower Hunter Regional Strategy. This Discussion Paper provides guiding planning principles for the Lower Hunter; such as, providing a diversity of housing choices for different budgets and lifestyles. This planning proposal is considered to be consistent with those applicable planning principles listed in this Paper.

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

Community Strategic Plan

The planning proposal is consistent with the following directions of the Port Stephens Integrated Planning Framework:

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

- 2.1.1 Maintain and operate open spaces, children's services, and services for seniors and people with disabilities
- 2.1.3 Maintain the performance, standard and appearance of those leisure facilities across the Local Government Area that are within Council's control
- 2.3.1 Implement the Draft Port Stephens Open Space Strategy.
 - The sites identified within this Planning Proposal do not fit the criteria for open space under the Draft Port Stephens Open Space Strategy (**Attachment 22**).

Port Stephens Planning Strategy

The planning proposal is consistent with the Port Stephens Planning Strategy. The Strategy seeks to ensure that a sufficient supply of diverse housing is provided to achieve the infill dwelling targets under the Lower Hunter Regional Strategy. The development of the sites included in this Proposal will assist in achieving these projections.

General Community Use Plan of Management 2004

This Plan of Management provides a broad policy framework for the future management of land included within this planning proposal. This Plan of Management provides broad aims and objectives for the management of community land, such as 'to assist meeting the recreation needs of both the residents and visitors of Port Stephens'.

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

There are no existing or draft State Environmental Planning Policies that prohibit or restrict the Planning Proposal. An assessment of relevant State Environmental Planning Policies against the Proposal is provided as follows:

SEPP 71 (Coastal Protection)

The provisions of this SEPP are relevant to the following sites:

- 1 Lyndel Close, Soldiers Point
- 9 Mitchell Street and 2A Sunset Boulevard, Soldiers Point

Clause 8 details the matters for consideration when council prepares a draft local environmental plan that applies to land to which this Policy applies. Under clause 8, the most relevant matters include:

- 8(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved
- 8(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability
- 8 (l) measures to protect cultural places, values, customs, beliefs and traditional knowledge of Aboriginals
- 8(n) the conservation and preservation of items of heritage, archaeological or historic significance
- 8(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities

SEPP 55 (Remediation of Land)

Clause 6 requires Council to consider whether the land has the potential to be contaminated as it is development for residential purposes. A review of known information and a short description of the sites past history of sites provides that due diligence, as outlined below:

- 1 Lyndel Close, Soldiers Point

The use of this site is for natural bushland. There is no development history relating to the site and therefore Council is satisfied that the site does not have the potential to be contaminated.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

SEPP 44 (Koala Habitat Protection)

The Port Stephens Comprehensive Koala Plan of Management (CKPoM) implements the provisions of this SEPP. All sites proposed for rezoning have provided consideration to the CKPoM matters for consideration regarding the rezoning of land.

- 1 Lyndel Close, Soldiers Point
 - Several submissions identified the site as being used as koala habitat, despite the site being identified as 'mainly cleared' under the CKPoM. The following information was then requested from the Proponent:
 - A Flora and Fauna Survey to inform the 7-Part Test of Significance to determine whether future development of the Site would pose a significance effect under 5A of the EP&A Act or if development is on land which is, or is part of, critical habitat
 - Statement that addresses the Comprehensive Koala Plan of Management Performance Criteria
 - This additional information identified that *'the removal of trees on the subject site would contribute to the incremental long term impact on the Koalas that use the area as part of their home range. While not considered as a significant impact to result in the extinction of the local population, given the sites use as a habitat linkage, the removal of the trees may result in increased stress for the koala's that include the site as part of their home range'*

Section 117 Ministerial Directions

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

The following s117 Ministerial Directions are applicable to the planning proposal:

- 2.2 Coastal Protection – Inconsistent
- 2.3 Heritage Protection – Consistent
- 3.1 Residential Zones – Consistent
- 3.4 Integrating Land Use and Transport – Consistent
- 3.5 Development near Licensed Aerodromes - Inconsistent
- 4.1 Acid Sulphate Soils – Consistent
- 4.3 Flood Prone Land – Inconsistent
- 4.4 Planning for Bushfire Protection – Consistent
- 5.1 Implementation of Regional Strategies – Consistent
- 6.1 Approval and Referral Requirements – Consistent
- 6.2 Reserving Land for Public Purposes – Consistent

The inconsistencies listed above are considered to be of minor significance. Council seeks the Director General's concurrence for these listed inconsistencies.

2.2 Coastal Protection

The objective of this direction is to implement the principles in the NSW Coastal Policy. The following sites are in the coastal zone and were previously listed as being inconsistent with SEPP 71 (Coastal Protection):

- Site 13 – 1 Lyndel Close, Soldiers Point

The Gateway Determination (**Attachment 3**) stated that his inconsistency is of minor significance and that no further approval is required.

3.1 Residential Zones

The proposal is consistent with this Direction as it seeks to facilitate additional housing within established residential areas.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

3.4 Integrating Land Use and Transport

All sites that are proposed to be 'disposed' are within established residential areas.

3.1 Residential Zones

The proposal is consistent with this Direction as it seeks to facilitate additional housing within established residential areas.

4.1 Acid Sulphate Soils

The Proposal is consistent with this Direction. The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.

4.4 Planning for Bushfire Protection

The objectives of this Direction are to protect life, property and the environment from bushfire hazards by discouraging the establishment of incompatible land uses in bushfire prone areas and to encourage sound management of bushfire prone areas. The Rural Fire Service was consulted during the public exhibition period and raised no concerns or issues in relation to bushfire.

However, the site known as Rosemount Drive, Raymond Terrace was deferred by Council at its meeting of 14 October 2014 due to concerns that the eventual disposal of the site may potentially restrict access to the Pacific Highway road reserve for the purposes of bushfire protection. This reserve is controlled by Roads and Maritime Services.

Following the Council Meeting; Councillors, Council Officers and the community inspected the site. Following this inspection, Council Officers raised bushfire and maintenance concerns with the Rural Fire Services and Roads and Maritime Services.

Both Roads and Maritime Services and the Rural Fire Service conducted subsequent site visits. The Rural Fire Service determined that the land does not present a significant bush fire threat at this time. Council subsequently received 'in principle' support from Roads & Maritime Services to access their land for the purpose of the maintenance of a Council owned Asset Protection Zone (APZ) further to the south. This would also provide general access to the RMS Road Reserve, if required during emergencies. Council is currently in the process of formalising this access which requires the following works:

- The extension and filling of a drainage culvert and realignment of an open drain with the Pacific Highway Road Reserve
- Construction of an access track through removing vegetation and importing gravel
- Installation of a new gate for access at Mount Hall Road

This is on the basis of an 'in principle' agreement for this alternate access. The matters raised by the community are therefore deemed to have been addressed.

5.1 Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. The proposal is not inconsistent with the Lower Hunter Regional Strategy.

6.1 Approval and Referral Requirements

The objective of this direction is to ensure that Local Environmental Plan provisions encourage the efficient and appropriate assessment of development. The planning proposal has been referred to the relevant Stage Agencies listed in the Gateway Determination (**Attachment 3**).

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

6.2 Reserving Land for Public Purposes

The objectives of this direction are as follows:

- To facilitate the provision of public services and facilities by reserving land for public purposes
- To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition

The planning proposal seeks to remove reservations for public purposes over the following:

- 9 Rosemount Drive, Raymond Terrace
- 1 Lyndel Close, Soldiers Point

The Gateway Determination (**Attachment 3**) stated that this inconsistency is of minor significance and that no further approval is required.

SECTION C – Environmental, Social and Economic Impact

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

It is considered that the planning proposal will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats. The majority of sites are within established urban areas and are isolated from any areas of environmental significance. The sites are not located within the Lower Hunter Regional Strategy Green Corridor or areas identified by the Lower Hunter Conservation Plan.

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

No likely environmental effects.

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

Yes. The reclassification seeks to implement the Open Space Consolidation Review 2007 (**Attachment 1**) and is consistent with the wider policy framework.

SECTION D – State and Commonwealth interests

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

The reclassification does not generate a need for public infrastructure.

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

Consistent with the Gateway Determination the planning proposal was referred to the NSW Rural Fire Service, Department of Defence and the NSW Roads and Maritime Services (**Attachment 5**).

SECTION E – Director-General's requirements regarding matters that must be addressed in the justification of all planning proposals to reclassify public land

a. Is the planning proposal the result of a strategic study or report?

The planning proposal is the result of the Open Space Consolidation Review 2007 (**Attachment 1**).

b. Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

The planning proposal is consistent with the relevant directions of the Port Stephens Integrated Planning Framework.

c. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided?

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

A number of options are open to Council should the land be reclassified, including:

- Disposal, being the sale of the site
- Lease or licencing of the site
- Use of the land for a Council operational purpose

The revenue from these options is dependent on a range of factors, including:

- The market value of the tenure agreement
- The proposed use
- The land use zone that applies at the time of the sale/lease/licencing
- The state of the land market at that time
- The presence of any preparatory studies or works that might reduce market risk

In order to adequately address the Director General's requirements regarding matters that must be addressed in the justification of all planning proposals to reclassify public land each site has been discussed in detail as **(Attachment 9)**.

The key points discussed under this heading are as follows:

- Classification
- Zoning
- Why did Council acquire an interest
- Agreements over the land
- Financial implications for Council
- Related asset management objectives
- Any proposal to retain interests in the land
- Justification to extinguish interests

d. The concurrence of the landowner, where the land is not owned by the relevant planning authority

All the Sites are owned by Council as the relevant planning authority. Council as the landowner agreed to prepare a planning proposal to reclassify the land at its 28 July 2009 Council Meeting **(Attachment 2)**.

Part 4 - Mapping

The relevant mapping is listed and included under Attachments. Context maps for each site are also provided as **(Attachment 9)**.

Part 5 - Details of Community Consultation

The public exhibition material incorporating the planning proposal was on display at the following locations during business hours from 1 August to 9 September 2013:

- Council's Administration Building 116 Pacific Highway, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace
- Tomaree Library, Town Centre Circuit, Salamander Bay
- Port Stephens Council Website <www.portstephens.nsw.gov.au>

Three submissions from state agencies and 27 submissions from the community were received – one of these submissions included 77 signatures. The comments detailed in these submissions are addressed throughout this Proposal and a summary is contained in the 14 October 2014 Council Report **(Attachment 8)**.

A public hearing as required by the Gateway Determination **(Attachment 3)** was chaired by an independent chairperson on 3 July 2014. Public notice of the public hearing was placed in the local newspaper: The Examiner 21 days prior and those who made submissions during the public exhibition period were notified by email and letter.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

A further 18 submissions were received following the closure of the public exhibition period and the public hearing. One of these submissions was a pro forma letter with 3 signatures.

A copy of the public hearing report was made available on the Port Stephens Council Website from 16 July 2014. Those who attended the public hearing were notified of its availability as discussed at the public hearing.

Following this, an Independent Review (**Attachment 7**) was submitted on 10 September 2014. This Review was sought given the degree of community interest surrounding the lot boundaries of 2A Sunset Boulevard and 9 Mitchell Street, Soldiers Point.

This Proposal contains the following changes from the proposal that was reported to Council on 28 July 2009 and received a Gateway Determination. These changes are the result of matters raised during the public exhibition period and the recommendations of the Independent Review.

These changes are as follows:

- Removal of all references to the Port Stephens Local Environmental Plan 2000 (PSLEP 2000). The PSLEP 2000 was revoked when the Port Stephens Local Environmental Plan 2013 commenced in February 2014. Both instruments were referenced in the previous planning proposal as they both had application during the public exhibition period.
- Reduction in the Zone B1 Neighbourhood Centre at 9 Mitchell Street, Soldiers Point as the boundaries of the land reclassification did not align with the zone boundaries of the Zone B1 Neighbourhood Centre.
- Reduction of the proposed Zone B1 Neighbourhood Centre at 2A Sunset Boulevard, Soldiers Point. This reduction brings the proposed boundaries of the B1 Neighbourhood Centre Zone in line with the proposed licence area and ensures public access to Sunset Beach is maintained.
- Replace of R2 Low Density Residential with RE1 Public Recreation across the Sunset Boulevard road reserve to reflect the neighbouring zone.
- Proposed classification of the existing 'Right of Way' at 9 Mitchell Street, Soldiers Point as a 'public road' under the Roads Act 1993. This road classification is in line with the findings of the Independent Review to formalise the current surfaced area.
- Apply a height of building limit of 8.0m for 2A Sunset Boulevard, Soldiers Point. This was implied by the proposed B1 Neighbourhood Centre Zone that was placed on public exhibition, but was not listed in Part 2 – Explanation of Provisions.

Part 6 – Project timeline

The following timetable is proposed:

	JUL 13	SEP 13	JUL 14	AUG 14	OCT 14	NOV 14
Gateway Determination						
Public Exhibition						
Public Hearing						
Independent Review						
Council Report						
Parliamentary Counsel						

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

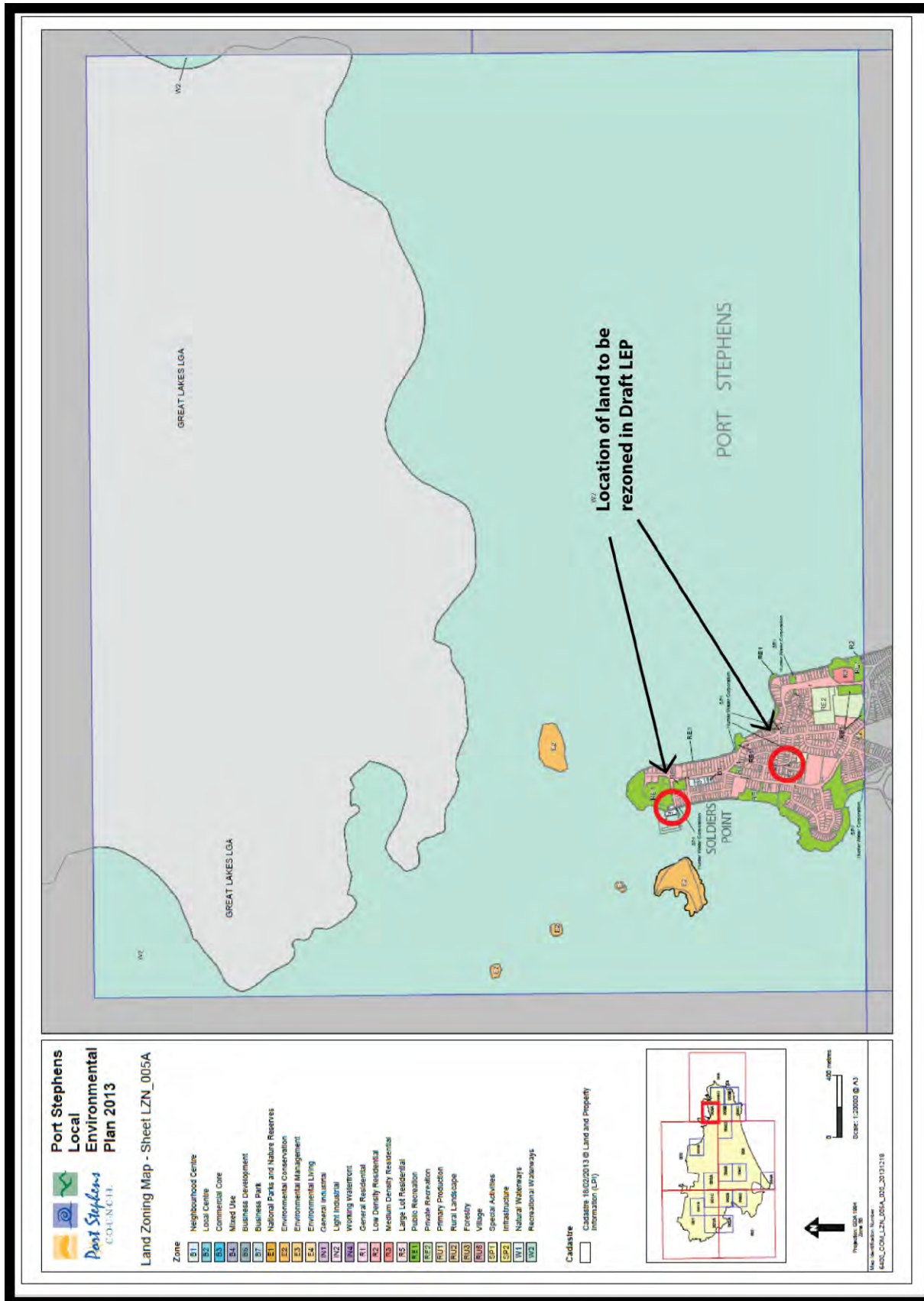
Attachments

The following attachments are supplementary to this planning proposal:

- Attachment 1 – Open Space Consolidation Review 2007
- Attachment 2 – Council Report – 28 July 2009 & Recession Motion – 22 February 2011
- Attachment 3 – Gateway Determination
- Attachment 4 – Gateway Extension
- Attachment 5 – State Agency Submissions
- Attachment 6 – Public Hearing Report
- Attachment 7 – Independent Review
- Attachment 8 – Council Report – 14 October 2014
- Attachment 9 – Supplementary Information - Sites
- Attachment 10 – Certificates of Title
- Attachment 14A – Existing LZN_005A - 1 Lyndel Close
- Attachment 14B – Proposed LZN_005A - 1 Lyndel Close
- Attachment 17A – Existing LSZ_005A - 1 Lyndel Close, Soldiers Point
- Attachment 17B – Proposed LSZ_005A - 1 Lyndel Close, Soldiers Point
- Attachment 20A – Existing HOB_005A - 1 Lyndel Close, Soldiers Point
- Attachment 20B – Proposed HOB_005A - 1 Lyndel Close, Soldiers Point
- Attachment 22 – Draft Open Space Strategy

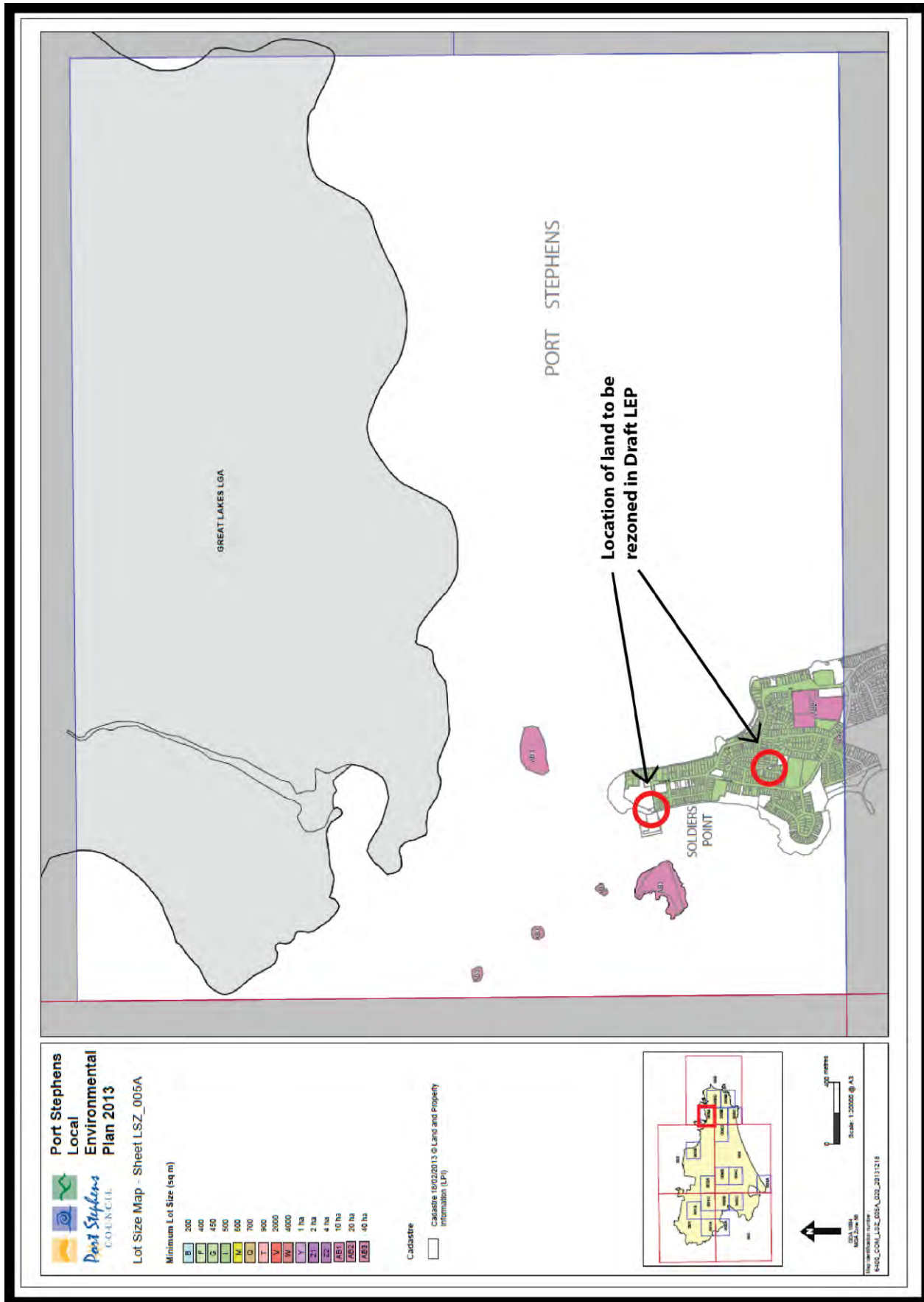
ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

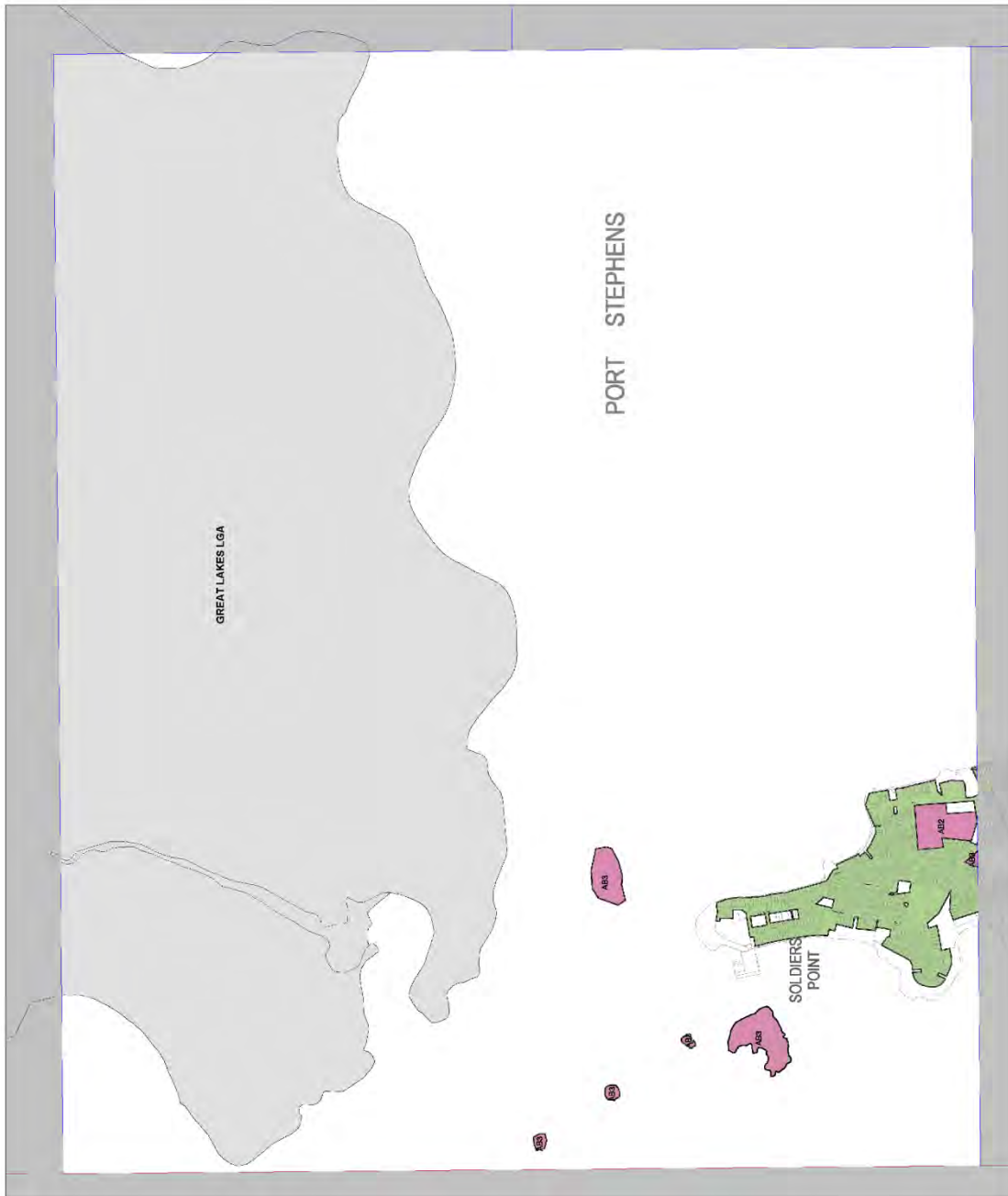
Attachment 14A – Existing LZN_005A - 1 Lyndel Close & 2 Ridgeway Avenue, Soldiers Point



ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

Attachment 17A – Existing LSZ_005A - 1 Lyndel Close, Soldiers Point





Port Stephens
Local
Environmental
Plan 2013
COASTAL

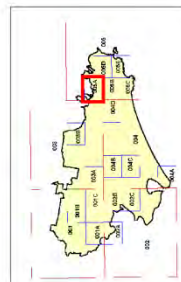
Lot Size Map - Sheet LSZ_005A

Minimum Lot Size (sq m)

B	200
L	400
G	450
M	500
C	600
T	700
U	800
V	1000
W	2000
X	4000
Y	1 ha
Z	2 ha
AB1	4 ha
AB2	10 ha
AB3	20 ha
AB4	40 ha

Coastline

— Cadastre 21/07/2014 © Land and Property Information (LPI)



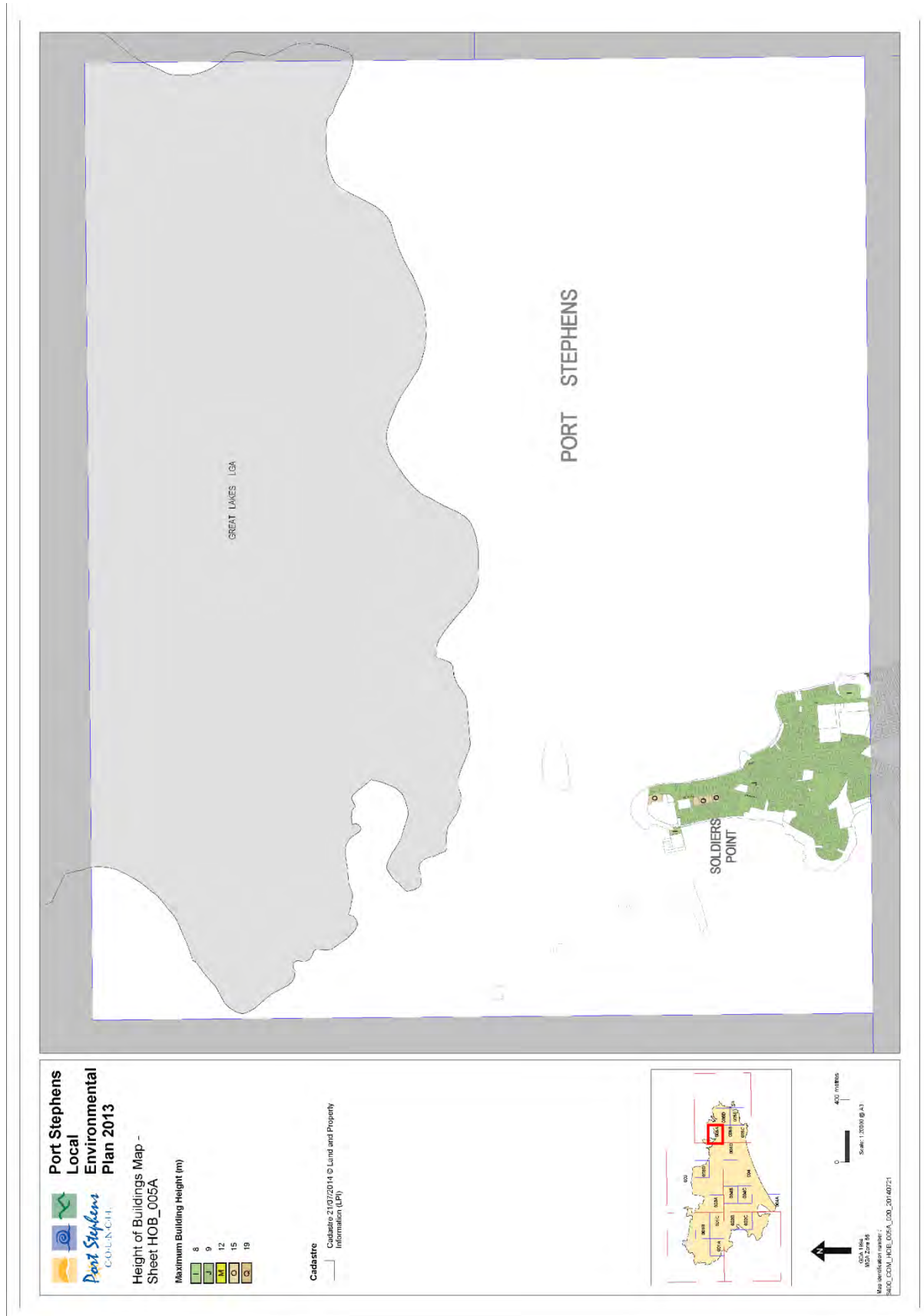
Map File: \\portsteps\GIS\MapDocs\LSZ_005A_20140721
Map: LSZ_005A_003_20140721

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

Attachment 20A – Existing HOB_005A - 1 Lyndel Close, Soldiers Point



Attachment 20B – Proposed HOB_005A - 1 Lyndel Close, Soldiers Point



MINUTES ORDINARY COUNCIL – 14 OCTOBER 2014

ITEM NO. 5

FILE NO: PSC2009-08546

PLANNING PROPOSAL- VARIOUS COUNCIL OWNED LANDS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) [Adopt the Planning Proposal (ATTACHMENT 1) as publicly exhibited to amend the Port Stephens Local Environmental Plan 2013 for the following sites:
 - a. Reclassify Site 1 - Lot 279, DP 740009 – 27 Garden Avenue, Raymond Terrace from community to operational land;
 - b. Reclassify Site 2 - Lot 5, DP 261238 – 9 Rosemount Drive, Raymond Terrace from community to operational land;
 - c. Reclassify Site 3 - Part Lot 1, DP 1093118 – 1 Sketchley Street, Raymond Terrace from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential;
 - d. Reclassify Site 4 - Part Lot 23, DP 843416 – 77 Dawson Road, Raymond Terrace from community to operational land;
 - e. Reclassify Site 5 - Lot 133, DP 246855 – 20 Enterprise Drive, Tomago from community to operational land;
 - f. Reclassify Site 6 - Lot 132, DP 246855 – 15 Enterprise Drive, Tomago from community to operational land;
 - g. Reclassify Site 7 - Lot 34, DP 580267 – 13 School Drive, Tomago from community to operational land;
 - h. Reclassify Site 8 - Lot 10, DP 596640 – 44 Ferodale Road, Medowie from community to operational land;
 - i. Reclassify Site 9 - Lots 38, DP 807956 – 1 Coachwood Drive, Medowie from community to operational land;
 - j. Reclassify Site 10 - Lot 29, DP 807956 – 2 Coachwood Drive, Medowie from community to operational land;
 - k. Reclassify Site 11 - Lot 22, Sect 5, DP 241918 – 8 Garuwa Street, Fingal Bay from community to operational land;
 - l. Reclassify Site 12- Lot 25, Sec 5, DP 247555 – 44B Squire Street, Fingal Bay from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential.
- 2) Adopt the amended Planning Proposal (ATTACHMENT 1) by seeking a revised Gateway Determination and conducting a detailed site survey to accurately.
 - a. Reclassify Site 14 - Part Lot 322, DP 636840 – 9 Mitchell Street, Soldiers Point from community to operational land and rezone from B1 Neighbourhood Centre to RE1 Public Recreation;
 - b. Reclassify Site 15 - Part Lot 2071, DP 852662 - 2A Sunset Boulevard, Soldiers Point from community to operational land and rezone from RE1 Public Recreation to B1 Neighbourhood Centre;

MINUTES ORDINARY COUNCIL – 14 OCTOBER 2014

- c. Classify Part Lot 2071, DP852662, Part Lot 322, DP 636840 and Part Lot 2, DP 211909 as a public road under the Roads Act 1993 (ATTACHMENT 2).
- 3) Defer consideration of Site 13 - Lot 109, DP 243096 – 1 Lyndel Close, Soldiers Point from the Planning Proposal (ATTACHMENT 1) to allow further information to be provided by the Proponent in response to matters raised by the community;
- 4) Request that the Department of Planning & Environment make the Proposal under section 59(1) of the Environmental Planning & Assessment Act 1979.]

**ORDINARY COUNCIL MEETING – 14 OCTOBER 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Nell Councillor Ken Jordan</p> <p>That Council:</p> <p>1) [Adopt the Planning Proposal (ATTACHMENT 1) as publicly exhibited to amend the Port Stephens Local Environmental Plan 2013 for the following sites:</p> <ul style="list-style-type: none"> a. Reclassify Site 1 - Lot 279, DP 740009 – 27 Garden Avenue, Raymond Terrace community to operational land; b. Reclassify Site 3 - Part Lot 1, DP 1093118 – 1 Sketchley Street, Raymond Terrace from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential; c. Reclassify Site 4 - Part Lot 23, DP 843416 – 77 Dawson Road, Raymond Terrace from community to operational land; d. Reclassify Site 5 - Lot 133, DP 246855 – 20 Enterprise Drive, Tomago from community to operational land; e. Reclassify Site 6 - Lot 132, DP 246855 – 15 Enterprise Drive, Tomago from community to operational land; f. Reclassify Site 7 - Lot 34, DP 580267 – 13 School Drive, Tomago from community to operational land; g. Reclassify Site 8 - Lot 10, DP 596640 – 44 Ferodale Road, Medowie from community to operational land; h. Reclassify Site 9 - Lots 38, DP 807956 – 1 Coachwood Drive, Medowie from community to operational land; i. Reclassify Site 10 - Lot 29, DP 807956 – 2 Coachwood Drive, Medowie from community to operational land; j. Reclassify Site 11 - Lot 22, Sect 5, DP 241918 – 8 Garuwa Street, Fingal Bay from community to operational land; k. Reclassify Site 12- Lot 25, Sec 5, DP 247555 – 44B Squire Street, Fingal Bay from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential. <p>2) Adopt the amended Planning Proposal (ATTACHMENT 1) by seeking a revised Gateway Determination and conducting a</p>
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MINUTES ORDINARY COUNCIL – 14 OCTOBER 2014

	<p>detailed site survey to accurately.</p> <ol style="list-style-type: none"> a. Reclassify Site 14 - Part Lot 322, DP 636840 – 9 Mitchell Street, Soldiers Point from community to operational land and rezone from B1 Neighbourhood Centre to RE1 Public Recreation; b. Reclassify Site 15 - Part Lot 2071, DP 852662 - 2A Sunset Boulevard, Soldiers Point from community to operational land and rezone from RE1 Public Recreation to B1 Neighbourhood Centre; c. Classify Part Lot 2071, DP852662, Part Lot 322, DP 636840 and Part Lot 2, DP 211909 as a public road under the Roads Act 1993 (ATTACHMENT 2). <ol style="list-style-type: none"> 3) Defer consideration of Site 13 - Lot 109, DP 243096 – 1 Lyndel Close, Soldiers Point from the Planning Proposal (ATTACHMENT 1) to allow further information to be provided by the Proponent in response to matters raised by the community; 4) Defer consideration of Site 2 - Lot 5, DP 261238 – 9 Rosemount Drive, Raymond Terrace from community to operational land; 5) Request that the Department of Planning & Environment make the Proposal under section 59(1) of the Environmental Planning & Assessment Act 1979.]
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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: Crs Steve Tucker, Paul Le Mottee, Ken Jordan, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Crs Peter Kafer.

MOTION

263	<p>Councillor Ken Jordan Councillor Geoff Dingle</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) [Adopt the Planning Proposal (ATTACHMENT 1) as publicly exhibited to amend the Port Stephens Local Environmental Plan 2013 for the following sites: <ol style="list-style-type: none"> a. Reclassify Site 1 - Lot 279, DP 740009 – 27 Garden Avenue, Raymond Terrace community to operational land; b. Reclassify Site 3 - Part Lot 1, DP 1093118 – 1 Sketchley Street, Raymond Terrace from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential; c. Reclassify Site 4 - Part Lot 23, DP 843416 – 77 Dawson Road,
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MINUTES ORDINARY COUNCIL – 14 OCTOBER 2014

	<p>Raymond Terrace from community to operational land;</p> <p>d. Reclassify Site 5 - Lot 133, DP 246855 – 20 Enterprise Drive, Tomago from community to operational land;</p> <p>e. Reclassify Site 6 - Lot 132, DP 246855 – 15 Enterprise Drive, Tomago from community to operational land;</p> <p>f. Reclassify Site 7 - Lot 34, DP 580267 – 13 School Drive, Tomago from community to operational land;</p> <p>g. Reclassify Site 8 - Lot 10, DP 596640 – 44 Ferodale Road, Medowie from community to operational land;</p> <p>h. Reclassify Site 9 - Lots 38, DP 807956 – 1 Coachwood Drive, Medowie from community to operational land;</p> <p>i. Reclassify Site 10 - Lot 29, DP 807956 – 2 Coachwood Drive, Medowie from community to operational land;</p> <p>j. Reclassify Site 11 - Lot 22, Sect 5, DP 241918 – 8 Garuwa Street, Fingal Bay from community to operational land;</p> <p>k. Reclassify Site 12- Lot 25, Sec 5, DP 247555 – 44B Squire Street, Fingal Bay from community to operational land and rezone from RE1 Public Recreation to R2 Low Density Residential.</p> <p>2) Adopt the amended Planning Proposal (ATTACHMENT 1) by seeking a revised Gateway Determination and conducting a detailed site survey to accurately.</p> <p>a. Reclassify Site 14 - Part Lot 322, DP 636840 – 9 Mitchell Street, Soldiers Point from community to operational land and rezone from B1 Neighbourhood Centre to RE1 Public Recreation;</p> <p>b. Reclassify Site 15 - Part Lot 2071, DP 852662 - 2A Sunset Boulevard, Soldiers Point from community to operational land and rezone from RE1 Public Recreation to B1 Neighbourhood Centre;</p> <p>c. Classify Part Lot 2071, DP852662, Part Lot 322, DP 636840 and Part Lot 2, DP 211909 as a public road under the Roads Act 1993 (ATTACHMENT 2).</p> <p>3) Defer consideration of Site 13 - Lot 109, DP 243096 – 1 Lyndel Close, Soldiers Point from the Planning Proposal (ATTACHMENT 1) to allow further information to be provided by the Proponent in response to matters raised by the community;</p> <p>4) Defer consideration of Site 2 - Lot 5, DP 261238 – 9 Rosemount Drive, Raymond Terrace from community to operational land;</p> <p>5) Request that the Department of Planning & Environment make the Proposal under section 59(1) of the Environmental Planning & Assessment Act 1979.]</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

MINUTES ORDINARY COUNCIL – 14 OCTOBER 2014

Those for the Motion: Crs Steve Tucker, Paul Le Mottee, Ken Jordan, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Crs Peter Kafer.

BACKGROUND

This Report considers submissions received during the public exhibition of a planning proposal to reclassify and rezone 15 individual sites. These sites were identified by the Open Space Consolidation Review 2007 to be surplus to open space requirements.

A brief summary of the Proposal with respect to each Site is provided below. A more detailed explanation of each site provided as (ATTACHMENT 5).

Address:	Site 1 - 27 Garden Av, Raymond Terrace Site 2 - 9 Rosemount Dr, Raymond Terrace Site 3 - 1 Sketchley St, Raymond Terrace Site 4 - 77 Dawson Rd, Raymond Terrace Site 5 - 20 Enterprise Dr, Tomago Site 6- 15 Enterprise Dr, Tomago Site 7 - 13 School Dr, Tomago Site 8 - 44 Ferodale Rd, Medowie Sites 9 & 10 - 1 & 2 Coachwood Dr, Medowie Site 11 - 8 Garuwa St, Fingal Bay Site 12 - 44B Squire St, Fingal Bay Site 13 - 1 Lyndel Cl, Soldiers Point Site 14 - 9 Mitchell St, Soldiers Point Site 15 - 2A Sunset Blvd, Soldiers Point
Classification:	All sites to be reclassified from Community to Operational land
Zoning:	The following five sites will be rezoned as follows: <ul style="list-style-type: none">▪ 1 Sketchley Street, Raymond Terrace RE1 to R2▪ 44B Squire Street, Fingal Bay RE1 to R2▪ 1 Lyndel Close, Soldiers Point RE1 to R2▪ 9 Mitchell Street, Soldiers Point B1 to RE1▪ 2A Sunset Boulevard, Soldiers Point RE1 to B1

Council considered the Proposal at their 28 July 2009 Meeting and resolved to reclassify and/or rezone those sites with the exception of 35a Blanch Street, Boat Harbour, which was removed with a subsequent rescission motion.

On 18 April 2013, Council requested a gateway determination under section 56 of the Environmental Planning & Assessment Act 1979. A gateway determination was issued by the NSW Government – Planning & Infrastructure on 6 June 2013.

MINUTES ORDINARY COUNCIL – 14 OCTOBER 2014

The Proposal was placed on public exhibition from 1 August until 9 September 2013. Three submissions from state agencies and 27 submissions from the community were received – one of these submissions included 77 signatures.

A public hearing was held on 3 July 2014 in accordance with the Local Government Act 1993. A subsequent Public Hearing Report (ATTACHMENT 3) was submitted by the independent chairperson on 24 July 2014.

Following this, an Independent Review (ATTACHMENT 4) was submitted on 10 September 2014. This Review was undertaken given the degree of community interest surrounding the Proposal, particularly in relation to Soldiers Point

In response to matters raised through the Exhibition Process, the Public Hearing and the Independent Review the Proposal (ATTACHMENT 1) has been amended to contain the following changes relating to sites 13, 14 & 15.

- Reduction in the Zone B1 Neighbourhood Centre at 9 Mitchell Street, Soldiers Point as the boundaries of the land reclassification did not align with the zone boundaries of the Zone B1 Neighbourhood Centre.
- Reduction of the proposed Zone B1 Neighbourhood Centre at 2A Sunset Boulevard, Soldiers Point. This reduction brings the proposed boundaries of the B1 Neighbourhood Centre Zone in line with the proposed licence area and ensures public access to Sunset Beach is maintained.
- Replacement of R2 Low Density Residential with RE1 Public Recreation across the Sunset Boulevard road reserve to reflect the neighbouring zone.
- Proposed classification of the existing 'Right of Way' at 9 Mitchell Street, Soldiers Point as a 'public road' under the Roads Act 1993. This road classification is in line with the findings of the Independent Review.
- Apply a height of building limit of 8.0m for 2A Sunset Boulevard, Soldiers Point. This was implied by the proposed B1 Neighbourhood Centre Zone, but was not listed in Part 2 – Explanation of Provisions.
- Deferral of Site 13 Lot 109, DP 243096 – 1 Lyndel Close, Soldiers Point from the Planning Proposal to allow further information to be provided by the Proponent in response to matters raised by the community, which includes:
 - A Flora and Fauna Survey to inform the 7-Part Test of Significance to determine whether future development of the Site would pose a significant effect under 5A of the Environmental Planning & Assessment Act 1979;
 - A Statement that addresses the Comprehensive Koala Plan of Management Performance Criteria for Rezoning Requests (Appendix 2, p.63).

MINUTES ORDINARY COUNCIL – 14 OCTOBER 2014

Further explanation of these changes as they relate to Sites 14 & 15 is provided as (ATTACHMENT 2). The deferral of Site 13 – 1 Lyndel Close, Soldiers Point is to obtain additional information that will be prepared and reported back to Council. The proponent, being Council's Property Services Section is satisfied that this approach will still enable the proposal objectives for Sites 14 & 15 to be achieved, being:

- Maintaining public access to the Foreshore and consolidation of open space;
- Granting of a non-exclusive licence to the Marina for hard-stand access. |

FINANCIAL/RESOURCE IMPLICATIONS

The proponent has paid the following rezoning fees.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	48,300 10,500	Stage 1 fees – 7 April 2012 Stage 2 fees – 6 May 2014
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Open Space Consolidation Review 2007

The Open Space Consolidation Review 2007 identified sites that were no longer suitable for recreation purposes due to their location, access and size. This Review provided the strategic justification to prepare a planning proposal and seek that these lands be reclassified to allow greater flexibility in their management.

Port Stephens Integrated Planning Framework

The proposed reclassification will allow for increased flexibility in how the land can be managed. This is reflective of a move from a quantity to quality approach as identified in the Open Space Consolidation Review, which is also consistent with directions of the Port Stephens Integrated Planning Framework, such as 2.3.1 - Implement the Draft Port Stephens Open Space Strategy.

Local Government Act 1993

All public land is classified as either Community or Operational land under the Local Government Act 1993. Compared to Community Land, Operational land has no special restrictions other than those that may apply to any piece of land, such as zoning. In contrast, Community Land cannot be sold, cannot be leased/ licenced for more than 21 years and must have a Plan of Management prepared for it.

MINUTES ORDINARY COUNCIL – 14 OCTOBER 2014

All fifteen sites are seeking to be reclassified from Community to Operational Land. This is consistent with the adopted Open Space Consolidation Review which no longer identifies these sites for community use.

Environmental Planning & Assessment Act 1979

The Proposal has been undertaken to reclassify and rezone those identified sites under the Environmental Planning & Assessment Act 1979 as follows:

- s55 Relevant planning authority to prepare planning proposal;
- s56 Relevant planning authority seeks a gateway determination ;
- s57 Community consultation;
 - Public exhibition period of 28 days;
 - Public hearing;
- s58 Relevant planning authority may vary proposal ;
- s59 Making of local environmental plan by Minister .

This Proposal involves the reclassification of land and therefore is not required to use its delegations under s59 of the Act. Subject to Council's resolution, Council Officers will liaise with the NSW Government as to the making of this Plan.

Gateway Determination

The Gateway Determination that was provided on 6 June 2013 listed the following specific requirements:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include a project timeline;
 - The planning proposal was amended to include a project timeline.
2. Community Consultation is conducted in accordance with s56 (2) (c) and s57 of the Environmental Planning & Assessment Act 1979;
 - Consultation was conducted in accordance with the relevant sections and is discussed in detail under Consultation of this Report.
3. Consultation with the Rural Fire Service and Department of Defence;
 - The Rural Fire Service raised no concerns or issues in relation to bushfire;
 - The Department of Defence objected to 27 Garden Avenue and 77 Dawson Road, Raymond Terrace due to aircraft noise. This matter is discussed under the Consultation Section of this Report.
4. A public hearing is held in accordance with the Practice Note PN09-003;
 - A Public Hearing took place on 3 July 2014 and an Independent Report submitted by the independent chairperson on 24 July 2013.
5. The timeframe for completing the planning proposal is to be 12 months from the week following the date of the Gateway Determination;
 - An extension was granted until 13 December 2014.

MINUTES ORDINARY COUNCIL – 14 OCTOBER 2014**Public Hearing**

The public hearing was conducted in accordance with the following relevant legislation:

1. Giving notice of the arrangements for the public hearing in a local newspaper;
 - Public notice was provided in the Examiner on 4 June 2014.
2. Giving notice in a letter to each of the persons who requested a public hearing when making a submission 21 days before the date of the hearing;
 - Letters were sent to those who made a submission on 6 June 2014.
3. Not later than 4 days after it has received a report from the person presiding at the public hearing, the council must make a copy available;
 - A copy of the Public Hearing Report was made available on 28 July.
4. The person presiding at the public hearing must be independent;
 - Mr Ian Adams was engaged as the independent chair.

This public hearing provided the community with a further opportunity to discuss matters raised by submissions. A Public Hearing Report (ATTACHMENT 3) identified the following themes from the presentations at the Hearing:

1. Site 7 – 13 School Drive, Tomago;
 - There appear to be no issues with the proposed reclassification.
2. Site 13 – 1 Lyndel Close, Soldiers Point;
 - Doubt as to the stated potential financial return to Council;
 - Belief that the vegetation on the site is important for Koalas.
3. Sites 14 & 15 – 9 Mitchell Street and 2A Sunset Boulevard, Soldiers Point;
 - Distrust of Council over issues relating to the adjoining Marina;
 - Commercial return for use of public land is not considered adequate;
 - Concern with possibilities of sale of the land and further development;
 - Confusion on location of roads and rights of access given the disparity in features on the ground compared to title plans and zoning plans.

LEP Practice Note – PN 09 -003

The Proposal was placed on public exhibition and the public hearing was conducted in accordance with the *LEP Practice Note – PN 09 -003 – Classification and reclassification of public land through a local environmental plan*.

Independent Review

An Independent Review (ATTACHMENT 4) was submitted by Paradigm Planning on the 10 September 2014. The Review was sought due to Council's perceived conflict of interest and community concerns regarding the boundaries of Sites 14 & 15 at

MINUTES ORDINARY COUNCIL – 14 OCTOBER 2014

Soldiers Point. The Review suggested that an improved outcome could be achieved by incorporating the following recommendations:

- a. The creation of a public road containing the existing constructed loop road;
- b. Ensuring no land zoned for business purposes is classified as community land;
- c. Protection of public access to the beach area south of the Marina;
- d. Reduced area to be considered for potential licence for the Marina.

These recommendations have been incorporated into the amended planning proposal as discussed under the Background Section of this Report and provided as (ATTACHMENT 2).

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that Council has acted in self-interest through the reclassification of these Sites.]	[Low]	[The reclassification and rezoning has been conducted in accordance with the legislative requirements, which have been confirmed by an Independent Review. The final determination will be made by the Department as Council does not have delegation to make the Plan.]	[Yes]
[There is a risk that the legislative processes have not been followed.]	[Low]	[Compliance with the relevant legislative processes have been detailed and confirmed by the Independent Review.]	[Yes]
[There is a risk that the boundaries of the proposed zones do not accurately reflect buildings on the ground in respect to Sites 14 & 15.]	[Low]	[A Site Survey of 2A Sunset Blvd and 9 Mitchell St, Soldiers Point will ensure that the lot boundaries are accurately identified.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[The Proposal is consistent with a more sustainable management approach to open space management. Firstly, Council is seeking to act in the broader public interest by concentrating resources on quality open space and consolidate open space accordingly. Secondly, Council is seeking to be more economically sustainable by

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reducing expenditure on underutilised sites and redistribute these resources to provide increased quality at more heavily utilised sites. Thirdly, Council is seeking to be more environmentally sustainable by providing an equal distribution of open space based on pedestrian catchments.]

CONSULTATION**Public Exhibition**

The public exhibition material was on display at the following locations during business hours from 1 August to 9 September 2013:

- Council's Administration Building 116 Pacific Highway, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace
- Tomarcc Library, Town Centre Circuit, Salamander Bay
- Port Stephens Council Website <www.portstephens.nsw.gov.au>

Three submissions from state agencies and 27 submissions from the community were received – one of these submissions included 77 signatures. The comments detailed in these submissions are addressed throughout this Proposal (ATTACHMENT 1) and a summary with planning comment is provided as (ATTACHMENT 6).

A public hearing as required by the gateway determination was chaired by an independent chairperson on 3 July 2014. Public notice of the public hearing was placed in the local newspaper 'The Examiner' 21 days prior and those who made submissions during the public exhibition period were notified by email and letter.

A further 18 submissions were received following the closure of the public exhibition period and the public hearing. One of these submissions was a pro forma letter with 3 signatures. The Independent Review identified these submissions as being largely a restatement of the matters already raised in the submissions to the exhibition period.

A copy of the public hearing report was made available on the Port Stephens Council Website from 16 July 2014. Those who attended the public hearing were notified of its availability.

Following this, an Independent Review was submitted on 10 September 2014. This Review was sought given the degree of community interest surrounding the lot boundaries of Site 14 - 9 Mitchell Street, Soldiers Point and Site 15 - 2A Sunset Boulevard, Soldiers Point.

The recommended Planning Proposal (ATTACHMENT 1) contains changes described in the Background Section of this Report and detailed in (ATTACHMENT 2). These changes are the result of matters raised during the public exhibition period and the recommendations of the Independent Review.

As per the Council recommendation, Site 13 – 1 Lyndel Close, Soldiers Point will be removed from this Proposal if Council resolves to support the recommendation. This

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deferred matter will then be reported back to Council following the assessment of the additional information to be provided by the Proponent.

A summary of key matters raised in submissions is included as (ATTACHMENT 7).]

OPTIONS

- 1) [Council resolves to adopt the recommendation;
- 2) Council resolves to support the 13 sites and defers Site 14 9 Mitchell Street & Site 15 - 2A Sunset Boulevard, Soldiers Point for further investigations;
- 3) Council resolves not to support the revised planning proposal, but to adopt the planning proposal as publicly exhibited;
- 4) Council resolves to adopt the Planning Proposal (ATTACHMENT 1) with Site 13 – 1 Lyndel Close, Soldiers Point included;
- 5) Council resolves to not support the planning proposal and notify the Department of Planning and Environment of this decision to not continue.]

ATTACHMENTS – Provided Under Separate Cover

- 1) [Planning Proposal;
- 2) Explanation of Planning Proposal Change from Public Exhibition;
- 3) Public Hearing Report;
- 4) Independent Review;
- 5) Supplementary Site Information;
- 6) Submission Summary and Planning Response;
- 7) A Summary of Key Matters Raised in Submissions]

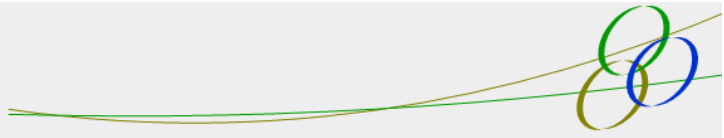
COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.]

EPS



SEVEN PART TEST – *PHASCOLARCTOS CINEREUS*

1 LYNDEL CLOSE

SOLDIERS POINT NSW 2317

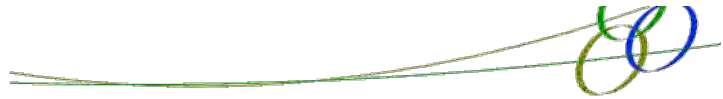
Prepared for Port Stephens Council

Prepared by Environmental Property Services

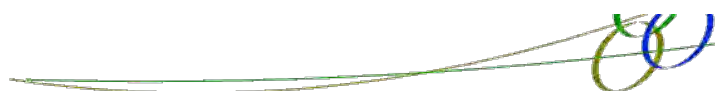
ENVIRONMENTAL PROPERTY SERVICES

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November 2014



Quality Assurance & Version Control Table				
Project: Seven Part Test Phascolarctos Cinereus (Koala) – 1 Lyndel Close Soldiers Point NSW 2317				
Client:	Port Stephens Council			
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V01	06/11/2014	11187 PSC 1 Lyndel Close	S. Jones	S. McCall
Checked by	S. McCall			
Approved by	S. McCall			
ENVIRONMENTAL PROPERTY SERVICES				
Hunter 9 Yacaaba Street, Nelson Bay NSW 2315 (02) 4981 1600		Sydney Level 33, 264 George Street, Sydney NSW 2000 (02) 9258 1985		
Website: www.enviroproperty.com.au				



STATEMENT OF CERTIFICATION

Contact Information and Declaration	
Declaration:	<p>The declaration relates to the submission of this Seven Part Test – <i>Phascolarctos cinereus</i> prepared for Port Stephens council in respect of a proposed zoning changes to 1 Lyndel Close Soldiers Point NSW.</p> <p>The opinions and declarations in this Seven Part Test are ascribed to Environmental Property Services (EPS) and are made in good faith and trust that such statements are neither false nor misleading.</p> <p>In preparing this EA, EPS has considered and relied upon information obtained from the public domain, supplemented by discussions between key EPS staff, representatives from Port Stephens Council and other consultants.</p>
Contact:	<p>Norm Barnes Property Development Coordinator Property Services Section Port Stephens Council Phone: 4980 0389 Fax: 4983 1224 Mobile: 0408 112 516 Email: norm.barnes@portstephens.nsw.gov.au</p>
Prepared by:	<p>Sarah Jones Principal Ecologist Firebirds ecoSultants Pty Ltd in conjunction with Environmental Property Services PO Box 348 NELSON BAY NSW 2315 Ph: 02 4981 1600</p>
Application subject land address:	<p>1 Lyndel Close Soldiers Point NSW 2317</p>

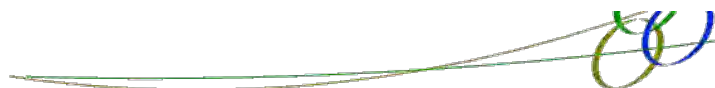


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1 SEVEN – PART TEST – PHASCOLARCTOS CINEREUS (KOALA)

1.1 Commonwealth legislation

Consideration of the effects of the proposed development under the guidelines of Section 5A of the *Environmental Planning and Assessment Act 1979 (EPA Act 1979)* is provided below.

1.2 Seven - Part Tests - Factors of Assessment

(a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction

Phascolarctos cinereus (Koala)

An individual or individuals of *P. cinereus* occur within the subject site on occasion as part of a larger home range. The subject site was inspected by Nicholas Alexander (Ecologist, Firebird ecoSultants Pty Ltd) on 21 October 2014 during daylight hours, and included specific targeted surveys for the Koala including visual inspections of trees and searches for Koala scats around the base of all trees on the site.

No visual observations of Koalas during the inspection were made, however Koala scats were found under several trees across the site with a high concentration around the base of a Forest Red Gum (*Eucalyptus tereticornis*). Other trees on the site include White Mahogany (*Eucalyptus acmenoides*), Grey Ironbark (*Eucalyptus siderophloia*), and *Melaleuca armillaris*.

Evidence of Koala usage was also found on adjacent residential properties along the laneway off Vista Ave leading to the water tower. In Lot 52 DP243096 Koala scats were found at the base of several Broad-leafed Paperbark (*Melaleuca quinquinerva*) trees. This provides some evidence that Koalas visit the subject site from areas of larger remnant vegetation to the south including land east of Soldiers Point Primary School and in the vicinity of the Water Tower.

The location of these trees is illustrated below in Figure 1-1. A photograph of the trees on the site is provided in below in Photo 1-2.



Figure 1-1: Site location and trees



Figure 1-2: Trees on subject site

ITEM 2 - ATTACHMENT 3 7-PART TEST OF SIGNIFICANCE.



Examination of the sites location and the surrounding Soldiers Point area, as illustrated in Figure 1-3, reveals that the site is relatively isolated and surrounded by urban development, although within 100-200m several areas of vegetated land exists, including bushland to the east of Soldiers Point Primary School which has connectivity to the larger Stoney Creek Reserve. The surrounding vegetated reserves in Soldiers Point in proximity to the site covers well over 60ha of vegetated areas, while the area of clearing for the proposed residential development covers several scattered trees over approximately 500m² or less than 0.1% of the adjacent reserve area. It is noted that Stoney Creek Reserve, which under the recent Port Stephens Local Environment Plan 2013 is now zoned E2 Environmental Conservation.

Koalas are a mobile species and suitable habitat exists within the surrounding area. The Port Stephens Koala Habitat Planning Map does not identify the subject site or immediately adjacent properties as Koala habitat. The nearest areas of mapped Preferred Koala Habitat and Supplementary Koala Habitat occur to the east in the vicinity of the Soldiers Point Bowling Club and to the south at Stoney Creek Reserve. The potential for movement between these areas for Koalas is illustrated in Figure 1-3 as red arrows indicating possible wildlife corridor pathways in the Soldiers Point area.

Koalas tend to move little under most conditions, changing trees only a few times each day. There is little evidence for longer movements in most cases (Ellis et al. 2009), though dispersing individuals, mostly young males may occasionally cover distances of several kilometres over land with little vegetation. In south-east Queensland, the average distance between natal and breeding home ranges was similar for males and females, at approximately 3.5 km (Dique et al. 2003b). Maximum dispersal distances were up to about 10 km for males and females (Dique et al. 2003b). Other studies have reported moves of just over 9 km in the outer suburbs of southern Sydney (Ward 2002), up to 11 km in Tucki Tucki Reserve in NSW (Gall 1980), and 16 km in rural south-east Queensland (White 1999). (Department of Environment, Commonwealth Government - website, Species Profile and Threats Database - Phascolarctos cinereus (combined populations of Qld, NSW and the ACT) — Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) accessed 10/4/14.

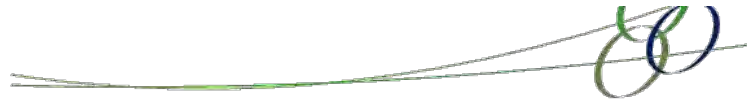


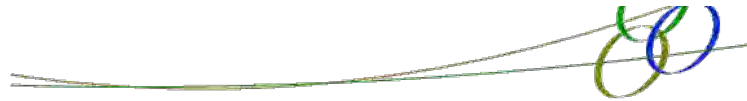
Figure 1-3: Understanding of local vegetated areas and possible wildlife corridors within 800m of the subject site

The *Lower Hunter Koala Study* undertaken by Eco Logical Australia Pty Ltd (June 2013) was commissioned by the Department of Sustainability Environment, Water, Population and Communities under the Sustainable Regional Development program (the program). The program facilitates regional sustainability planning that will lead to a strategic assessment of future urban development and associated infrastructure in the Lower Hunter region. Relevant extracts of the Study are listed below:

Koalas are largely solitary animals, however they are not territorial and individual home ranges may overlap (SEWPac 2012). The size of koala home ranges varies throughout the species distribution, likely due to quality, structure and connectivity of habitat. The expert workshop found that a home range of 10ha is expected to be suitable for supporting a few individuals in high quality habitat in the Port Stephens area.

A dominant male's home range usually overlaps with those of several females, to which he maintains access during the breeding season (Cork et al. 2000a & b).

ITEM 2 - ATTACHMENT 3 7-PART TEST OF SIGNIFICANCE.



Tree use and diet choice by koalas have previously been linked, with varying degrees of support, to tree size and species (Moore et al. 2010). More specifically, this relates to concentrations of nitrogen, phosphorous, potassium, fibre, volatile terpenes, soluble sugars, and moisture within leaves (Moore et al. 2010). Koalas have also been found to visit trees less frequently that contain high foliar concentrations of deterrent plant secondary metabolites known as formulated phloroglucinol compounds (Moore and Foley 2005). There can be variation in the palatability of browse within the same species, and this combined with the spatial context with regards to surrounding trees affects koala tree selection choices (Moore et al. 2010).

*Koalas may also change diet and select different tree species throughout the year to reflect increased energy requirements in winter and increased water requirements in summer (Ellis et al. 1995). Although suitable feed trees are often thought to be the primary factor in koala distribution, the presence of large shady trees used for diurnal shelter may also be important in some areas or during extremes of temperature (Ellis et al. 1995, Ward 2002). Several non-food trees in the Port Stephens LGA are used during the day (including *Angophora costata*, *Eucalyptus signata* and *Corymbia gummifera*) and selected taller trees were used more intensively during summer suggesting their use as shelter (Matthews et al. 2007).*

Koalas feed disproportionately on a small number of tree species in relation to the total number of eucalyptus species across the koala's distribution. These species vary according to location and between different koala populations. The use of feed trees by Koalas in the Port Stephens LGA is directly related to soil fertility. The main geomorphological units preferred by Koalas are Aeolian and Swamp soil landscapes of Quaternary origin. These soil landscapes derive from Nerong and Paterson Volcanics and Transferral and alluvial deposits of Quaternary and Permian origin (Phillips and Callaghan 1996).

Historical estimates of population size suggest well below 1000 individuals distributed over the entire Port Stephens study area and likely between 350-500 animals in total, though it is noted that this population estimate was noted as being "speculative but considered" (Phillips et al. 1996).

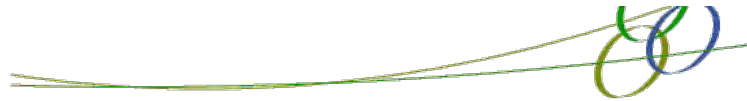
*Whilst recent literature emphasises the role of supplementary tree species for other habitat needs other than food, it is not known if there has been any systematic research whether koalas can survive in areas without supplementary (roost) trees. The expert group concluded that koalas would adapt usage of trees for shelter to the species available to them to complement preferred feed tree species. The use of *Callitris* pine and ironbark species as shelter trees was noted by the expert group.*

The workshop discussions also noted:

- *Most of the available information was from the eastern Port Stephens area; whilst there were knowledge limitations across Cessnock, Maitland, Newcastle and Lake Macquarie areas.*
- *Koalas in urban areas can use different species (i.e. planted species like *E. nicholii*) than those in native woodland areas.*

(Eco Logical Australia Pty Ltd, June 2013)

ITEM 2 - ATTACHMENT 3 7-PART TEST OF SIGNIFICANCE.



The Lower Hunter Koala Study concludes with spatial modelling following input from a panel of experts to prepare and rank Koala Habitat Modelling for the Lower Hunter Region. The Study states:

The four classes across the Lower Hunter study area to determine koala habitat value can be defined as:

- **Lower koala habitat value (0 - 19)** – Areas that have little or no identified mapped values for koala habitat within the landscape. The majority of these areas are highly disturbed, fragmented or urbanised.
- **Moderate koala habitat value (20 - 33)** – Areas that have some mapped koala habitat values within the landscape. In most cases the values within this category will provide supporting habitat for koala in the area.
- **High koala habitat value (34 - 48)** – Areas with priority koala habitat values. These areas will include a large proportion of the criteria for koala habitat and provide an important resource for koalas in the area.
- **Very High koala habitat value (49 - 100)** – An accumulation of priority values for koala habitat. These areas contain the majority of or even all values identified as criteria meeting priority koala habitat within the Lower Hunter area.

(Eco Logical Australia Pty Ltd, June 2013)

As illustrated in Figure 1-4, the site appears to be ranked as low koala habitat with Stoney Creek Reserve shown as high koala habitat.

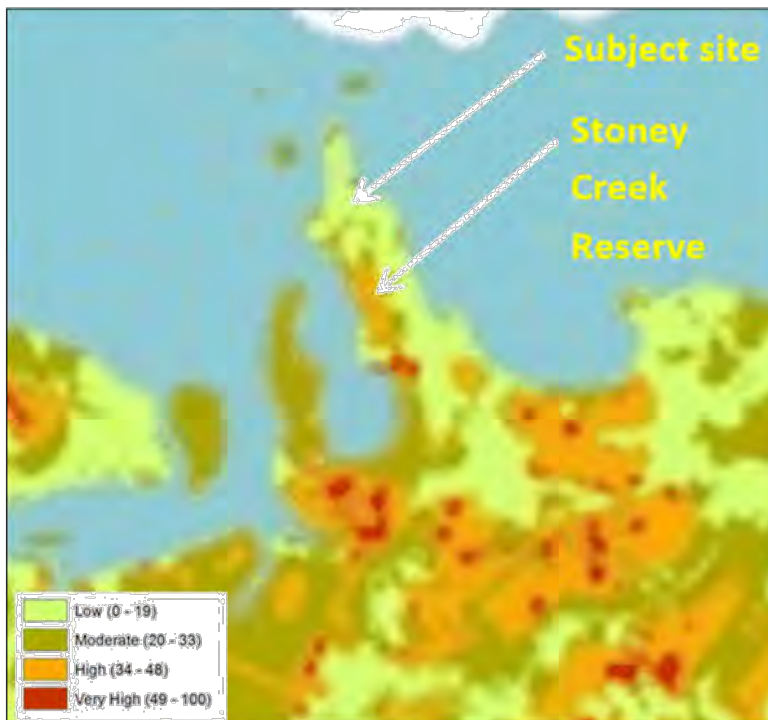
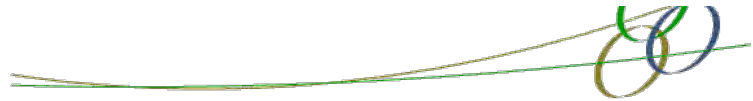


Figure 1-4: Exert from Figure 4 Koala Habitat Value Model (Eco Logical Australia June 2013)



Further examination of the Koala records on the OEH Atlas of NSW Wildlife, as shown in Figure 1-5, demonstrate a relatively robust number of records in the Soldiers Point area and Tomaree & Tilligerry Peninsula's, although these are a listing of all records, not time specific. The records do demonstrate a considerable spatial range that may support the notion that Koalas are able to move through urban areas as well as wildlife corridors around Soldiers Point. The relative spread of records also highlight that most of the Soldiers Point and Salamander Bay areas are suitable in habitat for Koalas.

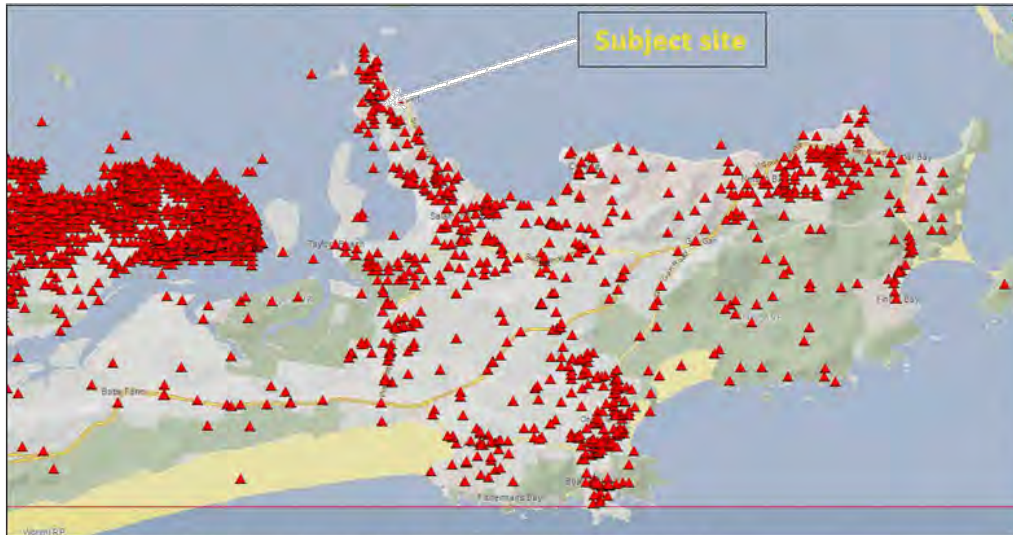


Figure 1-5: Koala recorded sightings registers on OEH Atlas of NSW Wildlife (Accessed 10/4/14)

Consideration of the "Port Stephens Biodiversity Connectivity Mapping" (Ecological 2012) has been undertaken using matters for consideration in the report and GIS plan data provided by Council. Consideration of whether the action proposed is likely to have an adverse effect on the life cycle of the Koala species such that a viable local population of the species is likely to be placed at risk of extinction is based on the information provided above, which in summary includes:

- The site proposed be zoned for urban purposes is already relatively small in area (approx. 500m²), contains several scattered trees which may be used by an individual or individuals of the Koala.
- The site is located within the existing residential area of Soldiers Point and is surrounded by dwelling houses and roads including Lyndel Close and Vista Avenue.
- Existing trees along the laneway leading to the water tower such as Broad-leafed Paperbark (*Melaleuca quinquinerva*) which are known to be used by Koalas will not be impacted by future development on the subject site.
- Areas of remnant vegetation containing known habitat and records of the Koala will be maintained in bushland surrounding the water tower and Soldiers Point Primary School which is located approximately 100-200 metres south of the subject site. Connectivity to this bushland will not be severed by the proposed development.

ITEM 2 - ATTACHMENT 3 7-PART TEST OF SIGNIFICANCE.



- As illustrated in Figure 1-3, this vegetation near the subject site has connectivity to the larger Stoney Creek Reserve to the south. Figure 1-3 also shows other vegetated areas in the locality and possible wildlife corridors interconnecting these areas.
- Stoney Creek Reserve is now zoned E2 Environmental Conservation which provides a conservation status for this large expanse of vegetated area.
- The site is relatively small compared to the scale of the surrounding vegetated areas within the Soldiers Point Area.
- The Port Stephens Koala Habitat Planning Map does not identify the subject site or immediately adjacent properties as Koala habitat.
- Based on the data presented in the Lower Hunter Koala Study undertaken by Eco Logical Australia Pty Ltd (June 2013) Port Stephens Koalas can have a home range of up to 10ha.
- Koalas feed trees species vary throughout the year and are highly influenced by soil fertility. The local area around the site include large vegetated areas to the south west which link to the wider vegetated areas of Salamander Bay and Taylors Beach including Tilligerry Nature Reserve.
- As illustrated in Figure 1-4, the urban areas of Soldiers Point are ranked low koala habitat while Stoney Creek Reserve is shown as high koala habitat.
- Usage of the wider area by Koalas is strongly supported by the Koala records on the OEH Atlas of NSW Wildlife, as shown in Figure 1-5, particularly for Soldiers Point, Salamander Bay and Taylors Beach.

Conclusion

Taking into account the matters listed, it is considered that the life cycle of the Koala is not likely to be disrupted such that a viable population of the Koala is likely to be placed at risk of extinction.

(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction

No endangered populations likely to occur within the subject site. It is noted that north of the site, separated by the waterbody of Port Stephens is the Hawks Nest and Tea Gardens Endangered Koala Population.

The action proposed is not likely to have an adverse effect on the life cycle of the Hawks Nest and Tea Gardens Endangered Koala Population such that a viable local population of the species is likely to be placed at risk of extinction.

(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction

No endangered ecological community are assessed as a relevant part of this seven part test for Koalas.

ITEM 2 - ATTACHMENT 3 7-PART TEST OF SIGNIFICANCE.



(d) in relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and

It is unknown what future urban development will occur on the site and the current proposal is for changing the land use zone to allow residential development. It is considered for this assessment that most or all of the vegetation on site may require removal including individuals of Forest Red Gum (*Eucalyptus tereticornis*), White Mahogany (*Eucalyptus acmenoides*), Grey Ironbark (*Eucalyptus siderophloia*), and *Melaleuca armillaris*.

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

The habitat value of the site is already fragmented and has become somewhat isolated from the wider habitat as a result of residential development. Potential connectivity for Koalas from the subject site and surrounding lots to adjacent areas of bushland such as in the vicinity of the water tower and Soldiers Point Primary School will not be impacted upon.

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality

The current habitat within the site represents potential foraging habitat for Koalas as part of larger home ranges. However, given the small size of the site and its isolation by urbanisation the importance of the habitat has been degraded. The small size of the subject site and area proposed for clearing is relatively small in comparison to the wider home range possibilities for Koalas in the Soldiers Point, Salamander Bay and Taylors Beach areas. The removal of isolated vegetation surrounded by urban development in this circumstance, considering the available habitat opportunities in the local and wider area is considered acceptable in terms of the long-term survival of Koalas in the locality.

(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)

The subject site is not located near any declared areas of critical habitat. The action proposed is not likely to have an adverse effect on critical habitat (either directly or indirectly).

(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan

A recovery plan for the Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) will be developed and is to commence following the expiration of the National Koala Conservation and Management Strategy in 2014. This recovery plan will be for those populations covered by the national threatened species listing. There are a number of conservation instruments, guidelines and plans in place for the Koala across its entire range, in individual states, and for some regional populations.



The NSW Koala Recovery Plan objectives include:

Objective 1: To conserve koalas in their existing habitat.

Objective 2: To rehabilitate and restore koala habitat and populations.

Objective 3: To develop a better understanding of the conservation biology of koalas.

Objective 4: To ensure that the community has access to factual information about the distribution, conservation and management of koalas at a national, state and local scale.

Objective 5: To manage captive, sick or injured koalas and orphaned wild koalas to ensure consistent and high standards of care.

Objective 6: To manage overbrowsing to prevent both koala starvation and ecosystem damage in discrete patches of habitat.

Objective 7: To coordinate, promote the implementation, and monitor the effectiveness of the NSW Koala Recovery Plan across NSW.

The proposal will remove a small area of native vegetation including Koala feed trees in an urban area. The proposed clearing is not directly inconsistent with the objectives of the NSW Koala Recovery Plan and listed sub actions as most are aimed at gathering information and action at a regional scale.

(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process

The proposal may increase the operation of the key threatening process (KTP) "Clearing of vegetation". However, the removal of native vegetation is in an urban area surrounded by residential development and as such we consider that this is a very small contribution to this KTP, when taking into account the areas of vegetation in the Soldiers Point, Salamander Bay & Taylors Beach areas.

Taking into account the matters listed, it is considered that the development is not likely to significantly affect the Koala or its habitat.

1.3 Comment against Comprehensive Koala Plan of Management

In accordance with State Environmental Planning Policy No. 44 - Koala Habitat Protection, Port Stephens Council has prepared a Comprehensive Koala Plan of Management (CKPoM). This means that rather than assessing the presence of "potential" or "core" Koala habitat as defined under SEPP No. 44, the Performance Criteria for Rezoning/Development Applications of the CKPoM must be addressed.

The CKPoM guides the management of koalas in Port Stephens and it describes the Anna Bay area as comprising one of the most significant koala habitats on the Tomaree Peninsula. Clearing has isolated several small sub-populations in the area. The two common vegetation communities present in the area, Swamp Mahogany Paperbark Forest and Coastal Sandy Apple Blackbutt Forest (both of which occur on the site), are identified as preferred and supplementary koala habitat respectively.



1.3.1 Performance Criteria for Rezoning Requests

The Performance Criteria for rezoning requests apply only to circumstances where a request is made of Port Stephens Council to rezone land. Consideration is to be given to the following matters when assessing rezoning requests including any amendment to the Port Stephens LEP. Prior to approving any such rezoning proposal, Council is to take into consideration the likely impacts of the development made possible by the rezoning including environmental impacts on both the natural and built environment, and social and economic impacts on the locality.

In particular Council should be satisfied that the rezoning would:

- a) not result in development within areas of Preferred Koala Habitat or defined Habitat Buffers;
- b) allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas;
- c) minimise the removal of any individuals of preferred koala food trees, where ever they occur on the site; and
- d) not result in development which would sever koala movement across the site. This should include consideration of the need for maximising tree retention on the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.

In response to these Performance Criteria for rezoning requests, the following comments can be made in relation to the subject site:

- a) The proposed rezoning and future possible urban development of the land will not result in development within mapped areas of Preferred Koala Habitat or defined Habitat Buffers under the Koala Habitat Planning Map.
- b) The proposed rezoning and future possible urban development of the land will not result in development within mapped areas of Supplementary Koala Habitat and Habitat Linking Areas under the Koala Habitat Planning Map.
- c) The proposed rezoning and possible future urban development of the land may result in the removal of one preferred Koala feed tree being an individual of the Forest Red Gum (*Eucalyptus tereticornis*). Several White Mahogany (*Eucalyptus acmenioides*) trees will also be removed. This tree is listed as an important tree species for Koalas in the Port Stephens LGA in Appendix 8 of the CKPoM. The small size of the subject site and area proposed for clearing is relatively small in comparison to the wider home range possibilities for Koalas in the Soldiers Point, Salamander Bay and Taylors Beach areas.
- d) The proposed rezoning and possible future urban development of the land will not sever koala movement within the residential areas of Soldiers Point. The habitat value of the site is already fragmented and has become somewhat isolated from the wider habitat as a result of residential development. Potential connectivity for Koalas from the subject site and surrounding lots to adjacent areas of bushland such as in the vicinity of the water tower and Soldiers Point Primary School will not be impacted upon.

Due to the small scale of potential habitat removal within an existing urban area it is considered that the proposal is not inconsistent with the CKPoM Performance Criteria for rezoning requests. If



necessary additional ameliorative or mitigation measures for the Koala can be investigated as part of any future development application over the land.

1.4 Comment against Port Stephens Biodiversity Connectivity Mapping

The Biodiversity Connectivity Report was prepared for Port Stephens Council in June 2012 by Eco Logical Australia Pty Ltd. A summary of relevant components of the report is provide as follows. The reports set outs the scientific methods used to derive maps of landscape connectivity across the Port Stephens Local Government Area (LGA). The methodology required to develop a landscape connectivity map hinges on the habitat and movement requirements of a number of focal species, including the koala (*Phascolarctos cinereus*).

A wide range of data was analysed to develop the report where the Spatial Links Tool was used to inform 'least cost pathways' for each species. The Spatial Links approach considers the biological cost of moving across the landscape based on the mapped distribution of different levels of the preferred habitat. Port Stephens LGA comprises of approximately 60-65% of pre-European extent of native vegetation. This vegetation occurs within a number of large blocks of contiguous habitat and many smaller remnant patches, where it provides a number of species pathways to move across and within the LGA. In addition to mapping these landscape connectivity areas, the report mapping consists of two extra layers developed to map gaps or breakages in connectivity and landscape connections between Port Stephens LGA and adjoining areas.

1.4.1 Landscape Connectivity

Habitat loss and fragmentation are both major causes of biodiversity loss (Harris 1984) as they affect the ability of species to persist in the landscape (Drielsma and Ferrier 2009). Restoration and maintenance of land parcels for landscape connectivity is increasing as an objective with private revegetation efforts and schemes administered by local governments and regional natural resource management groups.

Landscape connectivity has been defined as the degree to which the landscape facilitates or impedes movement among patches (Taylor et al. 1993). This definition is associated with 'functional connectivity' as it relates to the ease with which processes such as species dispersal can operate and is distinguished from 'structural connectivity' which is simply an index of the connectedness of the native vegetation across landscapes (Bélisle 2005).

1.4.2 Importance of connectivity

According to metapopulation theory, the importance of connectivity is through landscape linkages that will allow individuals and/or their genes to disperse between multiple patches allowing these subpopulations to collectively function as a larger more resilient metapopulation (Brown and Kodric-Brown 1997; Doerr et al. 2010; Harrison 1991).



Dispersal of individuals among populations is a critical ecological process as it can maintain genetic diversity, rescue declining populations and re-establish extirpated populations (Calabrese and Fagan 2004). As observed in various empirical studies, the probability of extinction of a local population is greatly determined by its size, which is often approximated by patch area and the colonisation likelihood of an empty habitat patch is mainly determined by its connectivity to existing local populations (Moilanen and Nieminen 2002).

1.4.3 Breakages in landscape connectivity

Lot 109 DP 243096 is not identified as a breakage in connectivity for the koala as found in the Biodiversity Connectivity Report and demonstrated in Figures 1-6 & 1-7.

1.4.4 Addendum Port Stephens Biodiversity Connectivity Mapping

As reported in the Biodiversity Connectivity Report Addendum, the koala's general home range is approximately 1-2ha (based on females in Port Stephens) and the maximum distance travelled between preferred habitat patches is commonly 1km, however Lunney has recorded an extreme record of 12km in one instance. The maximum gap crossing distance for koalas is between 150–200m (1km in a rural setting) and are known to use paddock or suburban trees for both refuge, foraging and home range markers.

Lot 109 DP 243096, 1 Lyndel Close Soldiers Point NSW, (refer to Figure 1-8 and 1-9 below) is situated amongst residential lots with various local and landscaped linkages. The distance between the site local linkage and the nearest local linkage identified by the Biodiversity Connectivity Report habitat linkage mapping, at furthest is approximately 80m, which is well below the maximum gap crossing for koalas across bare ground. Figure 3 & 4 illustrate the site location and a 150m radius has been shown to demonstrate the maximum gap crossing in accordance with the recommendation of the Biodiversity Connectivity Report Addendum.

Consideration of a worst case scenario of all trees on the subject site being removed for future development, the landscape connectivity opportunities within 150m of the site are still considerable. It is recognised from anecdotal evidence from the site neighbours that the trees on the subject site serve as part of the wider landscape connectivity for Soldiers Point. The assessment of the removal of the trees suggests the koalas that utilise the site for connectivity would need to travel between the five other mapped landscape linkage locations around the site. While the removal of any koala trees is not ideal, it is not considered that removal of the site trees would directly significantly impact on the koala population as changes in the tree landscape of the area occurs as a natural process.

However, the removal of the trees on the subject site would contribute to the incremental indirect long term impact on the Koalas that use the area as part of their home range. While not considered a significant impact to result in the extinction of the local population, given the sites use as a habitat

ITEM 2 - ATTACHMENT 3 7-PART TEST OF SIGNIFICANCE.



linkage, the removal of the trees may result in increased stress for the koala's that include the site as part of their home range.

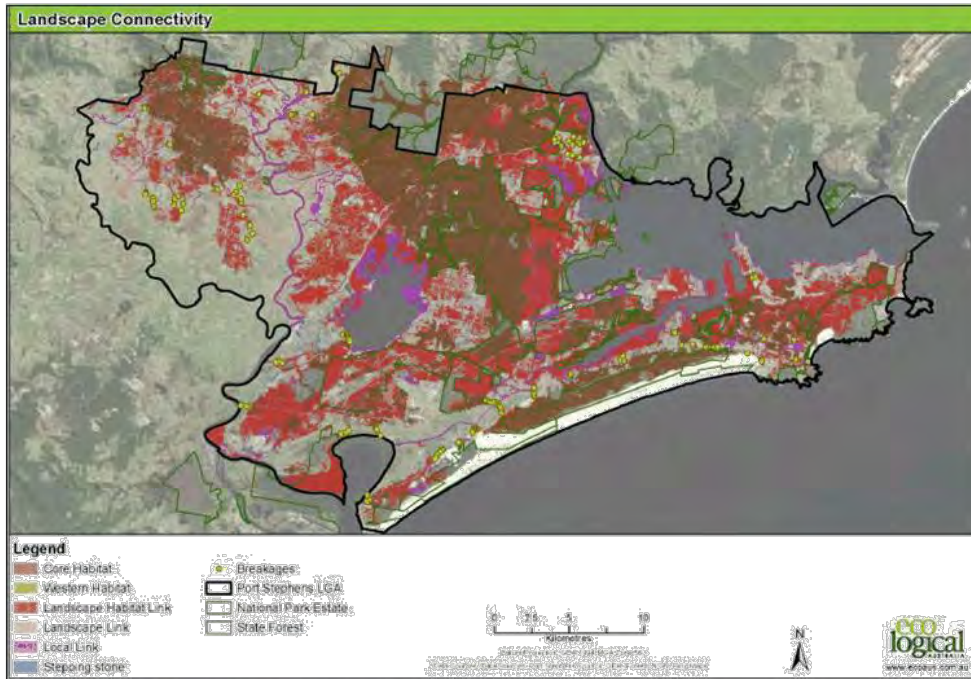


Figure 1-6: Landscape Connectivity, combined species, including breakages



Figure 1-7: Nearest breakage in Landscaped Connectivity and site location

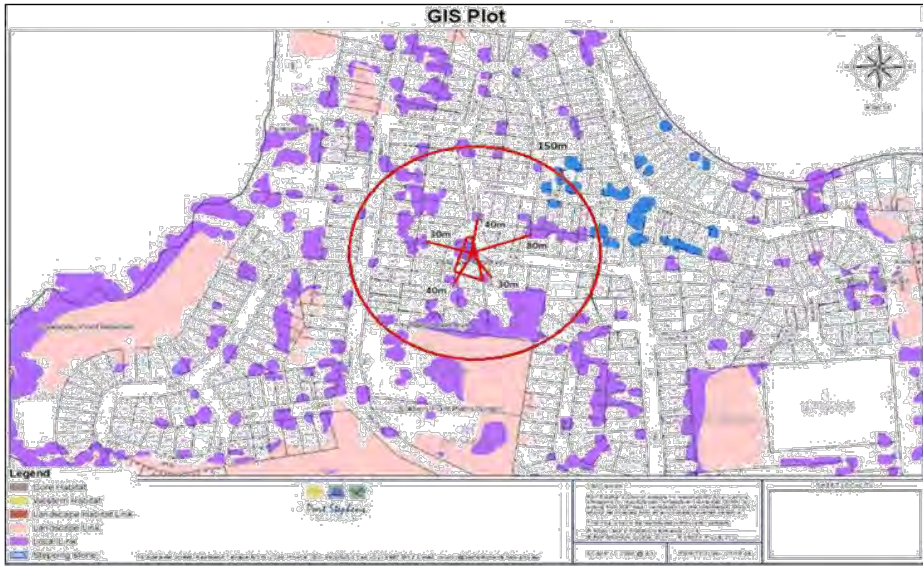
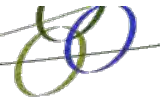


Figure 1-8: Site location with approximate 150m radius and distances between the site and linkages.

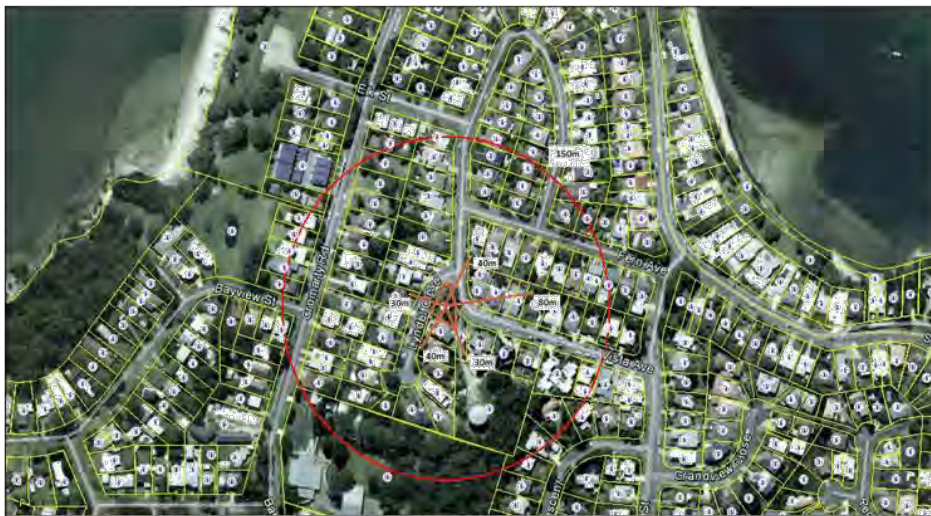
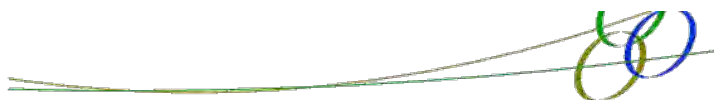


Figure 1-9: Aerial of site location with approximate 150m radius and distances between the site and linkages.



2 CONCLUSION

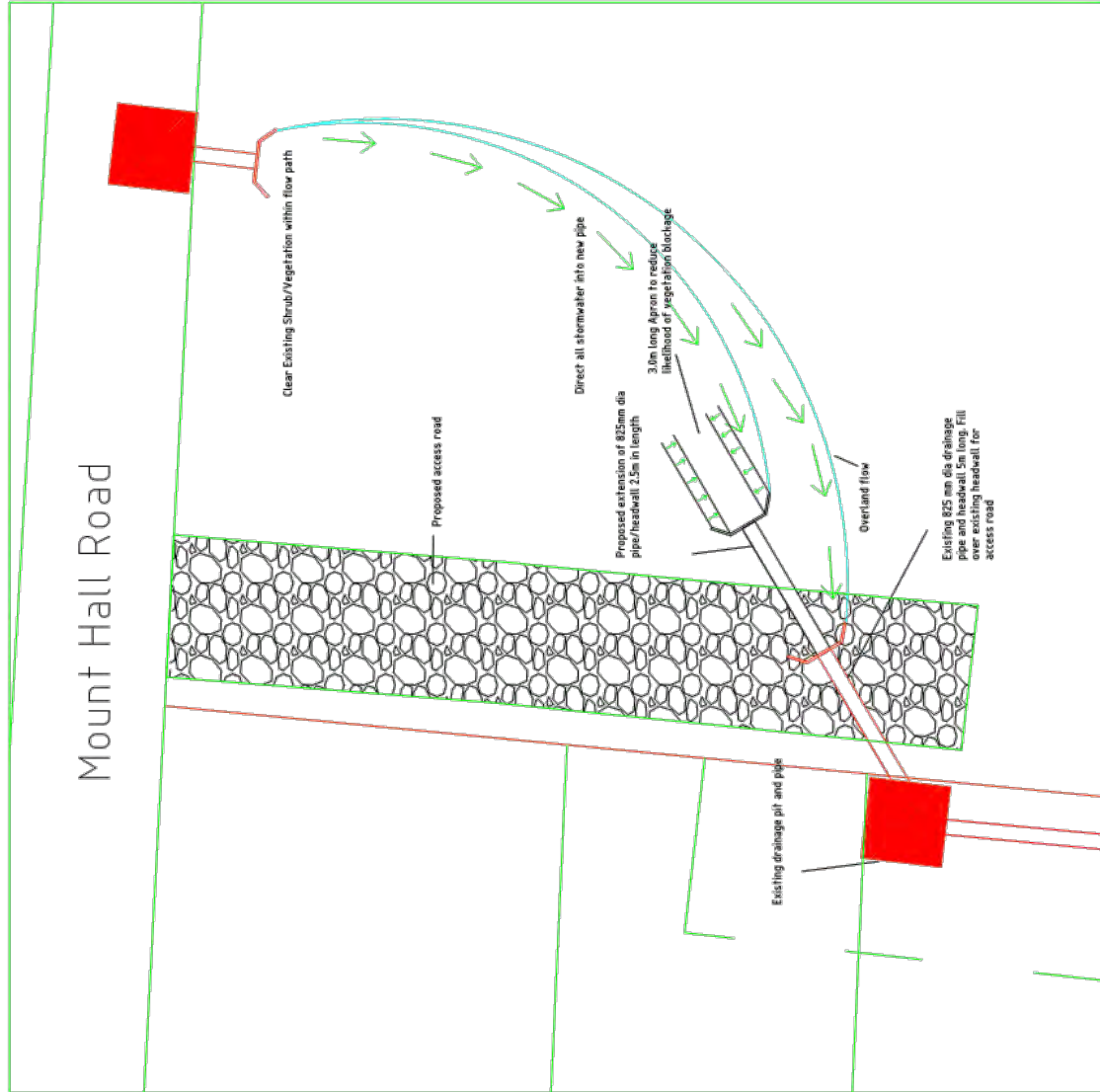
This 7 part test has demonstrated that the possible future development permitted on the subject site which may result in the removal of some or all trees is not likely to significantly affect the Koala or its habitat.

Due to the small scale of potential habitat removal within an existing urban area it is considered that the proposal is not inconsistent with the CKPoM Performance Criteria for rezoning requests. If necessary additional ameliorative or mitigation measures for the Koala can be investigated as part of any future development application over the land.

While the removal of any koala trees is not ideal, it is not considered that removal of the site trees would directly significantly impact on landscape linkages for the koala population as changes in the tree landscape of the area occurs as a natural process.

However, the removal of the trees on the subject site would contribute to the incremental indirect long term impact on the Koalas that use the area as part of their home range. While not considered a significant impact to result in the extinction of the local population, given the sites use as a habitat linkage, the removal of the trees may result in increased stress for the koala's that include the site as part of their home range

ITEM 2 - ATTACHMENT 4 ALTERNATIVE ACCESS - MAP & IN-PRINCIPLE CORRESPONDENCE.



FILE NO	SHEET NO	NO OF SHEETS
PROJECT DESCRIPTION	1	1
DATE	PLANNING	
W/Drainage and Floods/Regional Towns/Blackwater/DVA		

Rosemount Drive Raymond Terrace
Drainage Upgrade Sketch
Drainage and Flooding Unit
PORT STEPHENS COUNCIL



DATE	AMENDMENT	BY

DATE	AMENDMENT	BY

SCALES

DATE	AMENDMENT	BY

ITEM 2 - ATTACHMENT 4 ALTERNATIVE ACCESS - MAP & IN-PRINCIPLE
CORRESPONDENCE.

Steve

Further to phone discussion regarding Port Stephens Council (PSC) APZ access track through Pacific Highway road reserve from Mount Hall Rd per sketch attached, involving;

- the extension and filling over of PSC drainage culvert and realignment of PSC open drain within Pacific Highway road
- construction of access track via slashing vegetation and importing gravel (possibly)
- installation of new gate on Mount Hall Rd

RMS has no objection to and agree in principle with the proposed works subject to the following conditions

- PSC to determine and adhere to all environmental requirements for the proposed works
- PSC will be responsible for all of the proposed works
- Fence/Gate works to be carried out in accordance with RMS R201 specification (attached)
- An RMS lock to be provided on the new gate on Mount Hall Road (to match current access arrangements from Rosemount Drive, please contact RMS Work Supervisor Neil Reynolds Mob: 0417226619 to arrange)

Please don't hesitate to contact me if you have any queries with the above.

Regards,

Mark James

Asset Engineer

Asset Network Management | Journey Management

T 02 4924 0339 M 0428 432 699

www.rms.nsw.gov.au

Every journey matters

Roads and Maritime Services

Level Ground 59 Darby and Queen Sts Newcastle NSW 2300

ITEM NO. 3

FILE NO: PSC2015-01000/113
TRIM REF NO: PSC2011-00189

OPTION LEASE - LEVEL 1, 437 HUNTER STREET, NEWCASTLE - WINE SELECTORS AUSTRALIA

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorise the Mayor and the General Manager to sign and affix the seal of the Council to the Lease documentation including that documentation relating to any further option periods following exercise by the tenant.

**ORDINARY COUNCIL MEETING - 12 MAY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

103	Councillor John Nell Councillor Ken Jordan That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 12 MAY 2015
MOTION**

104	Councillor Paul Le Mottee Councillor Ken Jordan It was resolved that Council authorise the Mayor and the General Manager to sign and affix the seal of the Council to the Lease documentation including that documentation relating to any further option periods following exercise by the tenant.
------------	---

BACKGROUND

The purpose of this report is to advise Council that the existing tenant at Level 1, 437 Hunter Street, Newcastle has exercised its option under the current lease for a further three year term commencing on 1 March 2015. The new rental has been determined (following Market Review) at \$265,000 plus GST per annum.

This activity links directly to Council's Community Strategic Plan at "15.1.2.3 Manage Council's Commercial property portfolio to contribute to non-rate revenue".

The current tenant, Wine Selectors Australia have been a long standing tenant of the premises and have recently undertaken improvements internally upgrading their fitout which is also a benefit to the building owner.

The tenant has sought two further option periods of three years each, therefore Property Services has instructed Harris Wheeler to prepare an amended Lease document to reflect the further option term.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The aim in leasing of the Commercial Property portfolio is to create a secure Lease to a viable tenant thereby ensuring that Council is protected by a secure agreement with known returns over the term of the Lease, guaranteeing ongoing occupation of the Premises and contributing to Council's non-rates income streams thereby reducing the call on rates income.

In having a valid and enforceable Lease, Council is protected and the ability to recover costs means that the property returns funds to Council as opposed to contributing as a liability for rates, maintenance, asset management and other factors.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	Previous rental \$247,584 per annum Reviewed rental \$265,000 per annum Increased rental \$17,416 per	Additional rental (per annum) as a result of the rent review and negotiations undertaken.

MINUTES ORDINARY COUNCIL - 12 MAY 2015

		annum additional rent	
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

In accordance with the provisions of the *Conveyancing Act 1919*, leases in excess of three years total duration, including the option period, are to be registered upon the title of the land to which they apply. Accordingly, if the lease is to be registered the common seal must be affixed upon signing under Clause 400, *Local Government (General Regulation) 2005*.

The seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that by not having a legally enforceable Lease agreement in place a tenant could vacate without notice and a financial loss would be incurred.	High	Accept the recommendation which will formalise the Lease.	Yes
There is a risk that by not entering into a formalised Lease the existing tenant can terminate the current Lease with thirty (30) days' notice under the current holding over provisions.	High	Accept the recommendation which will formalise the Lease.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Renewed Lease Summary:

Agreed rental \$265,000.00 per annum plus GST, represents an increase on the previous rental of \$17,416;

Commencement of this new option term 01/03/2015 to 28/02/2018;

Further option period 1 - 01/03/2018 to 28/02/2021;

Further option period 2 – 01/03/2021 to 28/02/2024;

Rent reviews annually with reference to the Sydney All Groups Index CPI figure;

CPI review at commencement of the first option period;

Market review for the commencement of the second option period.

CONSULTATION

- 1) Group Manager Corporate Services.
- 2) Investment and Asset Manager.
- 3) Tew Property Consultants.
- 4) Harris Wheeler Lawyers.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

FILE NO: PSC2015-01000/139
TRIM REF NO: PSC2005-4217

SPECIAL PURPOSE ANNUAL FINANCIAL REPORTS 2013-2014

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the 2013-2014 Special Purpose Financial Reports presented as **(TABLED DOCUMENT 1)** and accept the Auditor's Report, as submitted by Pitcher Partners.
- 2) Make available to the public the audited Financial Reports for the year ending 30 June 2014, together with the Auditor's Report.

ORDINARY COUNCIL MEETING - 12 MAY 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

105	Councillor Paul Le Mottee Councillor Ken Jordan That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 12 MAY 2015 MOTION

106	Councillor Paul Le Mottee Councillor Ken Jordan It was resolved that Council: <ol style="list-style-type: none">1) Adopt the 2013-2014 Special Purpose Financial Reports presented as (TABLED DOCUMENT 1) and accept the Auditor's Report, as submitted by Pitcher Partners.2) Make available to the public the audited Financial Reports for the year ending 30 June 2014, together with the Auditor's Report.
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BACKGROUND

The purpose of this report is to advise Council that Council Officers have prepared the 2013-2014 Special Purpose Financial Reports in accordance with Australian

MINUTES ORDINARY COUNCIL - 12 MAY 2015

Accounting Standards, the *Local Government Act 1993* (as amended) and associated regulations, and the Local Government Code of Accounting Practice.

The Special Purpose Financial Reports have been reviewed by Council's auditors (Pitcher Partners), and this report is to formally present Council's Special Purpose Financial Reports for the year ending 30 June 2014, together with the Auditor's report to the public in accordance with section 419 of *Local Government Act 1993* (as amended).

Public notice of the presentation of the audited Special Purpose Financial Reports has been advertised in *The Examiner* on 30 April 2015 and copies of the Special Purpose Financial Reports have been made available at the customer service desk, Raymond Terrace Library, Tomaree Library, Mobile Library and on Council's website.

The Special Purpose Financial Reports, including the audit report, have been circulated separately to Councillors for their information.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		External audit fees are covered within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the Special Purpose	Low	The Special Purpose Annual Financial Reports have been	Yes

MINUTES ORDINARY COUNCIL - 12 MAY 2015

Financial Reports contain errors of fact and/or misleading information.		subject to external auditing by Pitcher Partners and they have signed off on the statements.	
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Completion of the Annual Special Purpose Financial Reports provides Council with the information needed to facilitate prudent financial management decision-making which will have a positive impact on the community.

CONSULTATION

- 1) Pitcher Partners (external auditors).
- 2) Office of Local Government.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) 2013-2014 Annual Special Purpose Financial Reports.

ITEM 1 - ATTACHMENT 1 INTERNAL AUDIT TENDER SUBMISSIONS

ITEM NO. 1

**FILE NO: PSC2015-01000/114
TRIM REF NO: T09-2015/PSC2015-
01267**

INTERNAL AUDIT TENDER T09-2015

**REPORT OF: TIMOTHY HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 1 on the Ordinary Council agenda namely INTERNAL AUDIT TENDER T09-2015.
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the INTERNAL AUDIT TENDER T09-2015.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the Local Government (General) Regulation 2005.
- 5) Accept the tender submitted by PKF Lawler Partners for the provision of Internal Audit Services for an initial term of three (3) years plus a three (3) year options based on performance and contract provisions, commencing 1 July 2015.

**ORDINARY COUNCIL MEETING - 12 MAY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

107	<p>Councillor Ken Jordan Councillor Sally Dover</p> <p>That Council accept the tender submitted by PKF Lawler Partners for the provision of Internal Audit Services for an initial term of three (3) years plus a three (3) year options based on performance and contract provisions, commencing 1 July 2015.</p>
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**ORDINARY COUNCIL MEETING - 12 MAY 2015
MOTION**

108	Councillor Paul Le Mottee Councillor Ken Jordan It was resolved that Council accept the tender submitted by PKF Lawler Partners for the provision of Internal Audit Services for an initial term of three (3) years plus a three (3) year options based on performance and contract provisions, commencing 1 July 2015.
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BACKGROUND

The purpose of this report is to provide Council with the information from the tenders received for the Internal Audit Services and to seek Council approval.

The internal audit services have been provided by PKF Lawler for the past five (5) years (2010-2015). The contract will expire on 30 June 2015.

The internal audit services are to be provided in accordance with the applicable Internal Audit Standards and frameworks. The period of this contract is to be for an initial three (3) years with an option to extend for a further three (3) years, subject to the performance of the contractor and subject to the contract.

The contract payments will be in accordance with the schedule of rates and based on the hours performed for the internal audit service. This will be subject to Council's annual budget adoption.

The contract also allows for Council to undertake internal audits outside the approved Audit Plan, as the need arises.

The Governance Manager is responsible for the day to day administration of the Internal Audit contract and will be the primary contact point under the contract.

Tenders were called in February 2015 and closed on Tuesday 24 March 2015, in accordance with Council's procurement process.

Tenders were received from:

- PKF Lawler (Newcastle)
- Governance Insight (Tumbi Umbi)
- Forsyths (Armidale)
- PricewaterhouseCoopers (Newcastle)
- Prosperity (Newcastle)
- Grant Thornton (Sydney)
- InConsult (Sydney)

Tender evaluation

ITEM 1 - ATTACHMENT 1 INTERNAL AUDIT TENDER SUBMISSIONS

The tender submissions have been assessed by an evaluation panel comprising of the General Manager, Financial Services Manager and the Governance Manager using the Value Selection methodology. This method is a weighted point score system that allows both price and non-price attributes to be taken into account in the determination of the most appropriate tender.

The recommended tenderer has provided Council with internal audit services for the past five (5) years and has satisfactorily fulfilled the requirements of the current tender. This was demonstrated when Council sought agreement to exercise the two (2) year extension of the current contract in 2013.

As stated above, the Value Selection methodology was used to determine the recommended tenderer which includes a total number of hours provided by the supplier, for the budgeted amount specified in the tender documentation. The recommended tenderer will provided the highest number of hours and resource the internal audit to support such hours, to conduct the internal audit function. Along with the company meeting all other criteria of the tender and providing the highest number of hours, it is recommended to Council to proceed with the recommendation of this report.

The recommendation has been discussed with the independent members of the Audit Committee, who are in agreement with the recommendation.

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.

FINANCIAL/RESOURCE IMPLICATIONS

Council has an annual budget allocation of \$45,000 to perform the internal audit function.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	45,000	
Reserve Funds			
Section 94			
External Grants			
Other			

LEGAL, POLICY AND RISK IMPLICATIONS

Tenders were called for in accordance with the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulations 2005*.

ITEM 1 - ATTACHMENT 1 INTERNAL AUDIT TENDER SUBMISSIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that without an internal audit function Council processes and compliance will not be reviewed independently which may increase the risk of fraud and corruption and also the lack of efficiencies.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is considered that continuing with the internal audit function significant rigour will be added to Council's governance framework, risk control, compliance and financial reporting, and will enhance Council's reputation, operations and financial sustainability.

CONSULTATION

Tenders were called in local and metropolitan newspapers and by electronic means. Independent members of the Audit Committee.

OPTIONS

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

ATTACHMENTS

- 1) CONFIDENTIAL Internal Audit tender submissions

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6

FILE NO: PSC2015-01000/128
TRIM REF NO: PSC2006-1589

**POLICY REVIEW: REDUCTION OR WAIVING OF OVERDUE LIBRARY
ITEM CHARGES POLICY**

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Reduction or Waiving of Overdue Library Item Charges Policy shown as **(ATTACHMENT 1)**.
- 2) Place the Reduction or Waiving of Overdue Library Item Charges Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as at the close of submissions, without a further report to Council.
- 3) Revoke the Reduction or Waiving of Overdue Library Item Charges Policy dated 22 August 2006 (Min No. 650), shown as **(ATTACHMENT 2)**, should no submissions be received.

**ORDINARY COUNCIL MEETING - 12 MAY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

109	<p>Councillor Peter Kafer Councillor Ken Jordan</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 12 MAY 2015
MOTION**

110	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the Reduction or Waiving of Overdue Library Item Charges Policy shown as (ATTACHMENT 1). 2) Place the Reduction or Waiving of Overdue Library Item Charges Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as at the close of submissions, without a further report to Council. 3) Revoke the Reduction or Waiving of Overdue Library Item Charges Policy dated 22 August 2006 (Min No. 650), shown as (ATTACHMENT
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2), should no submissions be received.

BACKGROUND

The purpose of this report is to endorse the review of the Reduction or Waiving of Overdue Library Item Charges.

Library staff are required to respond to customer requests for the reduction or waiving of overdue charges due to the late return of library items. Generally charges are only reduced or waived as a result of extenuating or unforeseen circumstances such as accident or illness. This policy sets the criteria under which staff may consider and grant reductions or full waivers of overdue library item charges.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has a vibrant cultural life.	Plan for and promote multiculturalism and Port Stephens' heritage, arts and culture.

FINANCIAL/RESOURCE IMPLICATIONS

Overdue library charges account for around 2.5% (or \$40,000) of the cost to run library services. The revenue from these charges assist in funding the library operations. Adopting the recommendation will have a nil effect on the current library finances as it is a business as usual approach. Rejecting the recommendations will impact on finances and resources as without this policy staff will not be authorised to manage these requests and as such all requests for reductions or waivers of library item charges will need to be referred to Council via a business paper, thus creating more paperwork to resolve each request.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Recommendation has a nil effect on existing library revenue.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal impediments to adopting the recommendations. The Local Government Act 1993 is clear in that only Council has the authority to waive an

adopted fee or charge. This authority may be divulged to staff through the adoption of a policy.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the recommendations may lead to library items not being returned resulting in a greater call on general revenue to replenish stock.	Low	Adopt the recommendations.	Yes
There is a risk that not adopting the recommendations may lead to customers being frustrated at the lengthy process required to seek Council endorsement for their request to reduce or waive a charge resulting in reputation damage.	Low	Adopt the recommendations.	Yes
There is a risk that not adopting the recommendations may lead to staff negotiating fee reductions out of the spirit of charity to the customer leading to perceptions of bias by others and resulting in reputation damage and breaches of the Code of Conduct.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Whilst overdue library charges per item are minimal, the overall cost incurred by some customers may impact on their future use of the library services. Overdue charges are designed to discourage users from keeping materials beyond their allocated loan period, which disadvantages other users. Adopting the recommendations will ensure that libraries continue to provide fair access for all people to library resources regardless of financial status.

Adopting the recommendation has no impact on the local economy or ecology.

CONSULTATION

- 1) Library Services Manager.
- 2) Library Staff.

OPTIONS

- 1) Nil.

ATTACHMENTS

- 1) Reduction or Waiving of Overdue Library Item Charges Policy.
- 2) Reduction or Waiving of Overdue Library Item Charges Policy - Adopted 22/8/2006 Min No.650.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 REDUCTION OR WAIVING OF OVERDUE LIBRARY ITEM CHARGES POLICY.

POLICY STATEMENT

1. Initial Requirement

Requests for the reduction or waiving of overdue charges will only be considered once overdue items have been returned to the library.

2. Waiving of Overdue Charges

Overdue charges in an amount that exceeds staff delegation will be waived on the following grounds:

- Serious illness of customer or immediate family member.
- Accident involving customer or immediate family member.
- Death of customer or immediate family member.
- Presentation of Medical Certificate or Statutory Declaration.

3. Reduction of Overdue Charges

There may be additional grounds under which customers can make an application for the reduction or waiver of overdue charges. These criteria are outlined in branch guidelines. Each application will be considered on its merits after library staff or the branch supervisor speaks with the customer.

Staff and supervisors will consider individual circumstances and the customer's explanation for the late return of items. Taking into account all circumstances, two further categories may apply:

1. Library discretion.
2. Library error.

4. Staff Delegations

The following delegation to reduce or waive overdue charges is provided to all relevant library staff via the General Manager. The General Manager currently has delegation to write-off rates and charges under the Local Government (General) Regulations 2005, once approved by Council.

Staff Category	Delegation
General Library Staff (Library Assistants & Library Technicians)	Up to \$20
Branch Librarian (Supervisor)	Up to \$100
Library Manager	Up to \$500

ITEM 6 - ATTACHMENT 1 REDUCTION OR WAIVING OF OVERDUE LIBRARY ITEM CHARGES POLICY.

RELATED POLICIES

"Nil"

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Whilst overdue library charges per item are minimal, the overall cost incurred by some customers may impact on their future use of the library services. Overdue charges are designed to discourage users from keeping materials beyond their allocated loan period, which disadvantages other users. Overdue charges assist in the management and maintenance of library collections and resources, providing equitable access to information and a greater social benefit to the wider community.

ECONOMIC IMPLICATIONS

The library service is not dependant on revenue gained through overdue charges. These charges are designed to encourage users to renew their loans or to return items by the due date so that other customers may access them.

The library provides equal opportunity to all individuals and groups within the community to access resources, regardless of financial status.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this policy.

RELEVANT LEGISLATIVE PROVISIONS

- 1) Local Government Act 1993
- 2) NSW Library Act 1939
- 3) ~~NSW Library Regulation 2005~~

IMPLEMENTATION RESPONSIBILITY

~~Library Services Staff~~

Delete: Nil

Insert: Setting Fees and Charges Management Directive

Delete: NSW Library Regulation 2005

Insert: NSW Library Regulation 2010

Delete: Library Services Staff

Insert: Community Services Section Manager

ITEM 6 - ATTACHMENT 1 REDUCTION OR WAIVING OF OVERDUE LIBRARY ITEM CHARGES POLICY.

PROCESS OWNER

1) Library Services Manager.

REVIEW DATE

April 2017.

ITEM 6 - ATTACHMENT 2 REDUCTION OR WAIVING OF OVERDUE LIBRARY ITEM CHARGES POLICY - ADOPTED 22/8/2006 MIN NO.650.



Adopted: 22/08/2006
Minute No:650

FILE NO: PSC2006-1589

TITLE: REDUCTION OR WAIVING OF OVERDUE LIBRARY ITEM CHARGES

RESPONSIBLE OFFICER: LIBRARY SERVICES MANAGER

BACKGROUND

Library staff are often required to respond to customer requests for the reduction or waiving of overdue charges due to the late return of library items. This policy outlines the criteria under which applications for the reduction or waiving of overdue charges can be made and the circumstances under which applications will be considered. Generally charges will only be reduced or waived as a result of extenuating or unforeseen circumstances such as accident or illness. This policy enables library staff to make decisions based on individual customer circumstances and provides for staff to refer more complex requests to a branch supervisor where necessary.

OBJECTIVE

1. To assist staff when receiving customer requests to reduce or waive overdue library item charges.
2. To provide a framework where customers can apply for a reduction or waiver of overdue library item charges.

PRINCIPLES

- 1) Council will treat all people fairly and consistently under this policy.
- 2) Council will recognise genuine application of this policy and will treat people with respect.
- 3) Council recognises the importance of establishing overdue charges as a management tool for ensuring that all items are returned on time and that all customers have full and equitable access to these items.

POLICY STATEMENT

1. Initial Requirement

Requests for the reduction or waiving of overdue charges will only be considered once overdue items have been returned to the library.

ITEM 6 - ATTACHMENT 2 REDUCTION OR WAIVING OF OVERDUE LIBRARY ITEM CHARGES POLICY - ADOPTED 22/8/2006 MIN NO.650.**2. Waiving of Overdue Charges**

Overdue charges in an amount that exceeds staff delegation will be waived on the following grounds:

- Serious Illness of customer or immediate family member
- Accident involving customer or immediate family member
- Death of customer or immediate family member
- Presentation of Medical Certificate or Statutory Declaration

3. Reduction of Overdue Charges

There may be additional grounds under which customers can make an application for the reduction or waiver of overdue charges. These criteria are outlined in branch guidelines. Each application will be considered on its merits after library staff or the branch supervisor speaks with the customer.

Staff and supervisors will consider individual circumstances and the customer's explanation for the late return of items. Taking into account all circumstances, two further categories may apply:

1. Library discretion
2. Library error

4. Staff Delegations

The following delegation to reduce or waive overdue charges is provided to all relevant library staff via the General Manager. The General Manager currently has delegation to write-off rates and charges under the Local Government (General) Regulations 2005, once approved by Council..

Staff Category	Delegation
General Library Staff (Library Assistants & Library Technicians)	Up to \$20.00
Branch Librarian (Supervisor)	Up to \$100.00
Library Manager	Up to \$500.00

RELATED POLICIES

Nil

SUSTAINABILITY IMPLICATIONS**SOCIAL IMPLICATIONS**

While the overdue charge per item is minimal, the overall cost incurred by customers may impact on their future use of the library service. Overdue charges are designed to discourage borrowers from keeping materials beyond their allocated loan period, which disadvantages other users. Overdue charges assist in the management and maintenance of library collections and resources, providing equitable access to information and a greater social benefit to the wider community.

ITEM 6 - ATTACHMENT 2 REDUCTION OR WAIVING OF OVERDUE LIBRARY ITEM CHARGES POLICY - ADOPTED 22/8/2006 MIN NO.650.

ECONOMIC IMPLICATIONS

The library service is not dependant on revenue gained through overdue charges. These charges are designed to encourage users to renew their loans or to return items by the due date so that other customers may access them.

The library provides equal opportunity to all individuals and groups within the community to access resources, regardless of financial status.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this policy.

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act 1993
NSW Library Act 1939
NSW Library Regulation 2005

IMPLEMENTATION RESPONSIBILITY

Library Services Staff

REVIEW DATE

September 2007

ITEM NO. 7

FILE NO: PSC2015-01000/147
TRIM REF NO: PSC2009-04981

WALLAWA ROAD NELSON BAY - INSTALLATION OF PARKING RESTRICTIONS

REPORT OF: JOHN MARETICH - CIVIL ASSETS SECTION MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the recommendation of the Local Traffic Committee to install formal and restricted parking areas in Wallawa Road as per **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING - 12 MAY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

111	<p>Councillor John Nell Councillor Paul Le Mottee</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 12 MAY 2015
MOTION**

112	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council endorse the recommendation of the Local Traffic Committee to install formal and restricted parking areas in Wallawa Road as per (ATTACHMENT 1).</p>
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BACKGROUND

The purpose of this report is to seek Council's endorsement of the proposed traffic solution to address the ongoing safety concerns raised by the Wallawa Road residents. The proposed solution as per **(ATTACHMENT 1)** introduces areas of formal and restricted parking spaces on Wallawa Rd to encourage residents to park on the road rather than the footpath. This solution will improve pedestrian safety and should introduce a traffic calming effect. The proposed traffic solution has been developed following recent public consultation.

MINUTES ORDINARY COUNCIL - 12 MAY 2015

The issues on Wallawa Road were last formally presented to Council through the Local Traffic Committee Minutes in September 2013 when all Local Traffic Committee Minutes required a resolution of Council.

Council resolved via Minute 272 of September 2013 to:

1. *Develop a footpath plan for Wallawa Road.*
2. *Conduct a parking study for Wallawa Road.*
3. *Conduct an education program to inform residents of their rights and obligations with regard to on-street parking and parking on the footpath.*
4. *Conduct an enforcement campaign with regard to vehicles being parked on the footpath of Wallawa Road, once the above points have been enacted."*

Actions 1 and 2 have been completed and a proposed parking solution was submitted through the Local Traffic Committee process. In November 2014 the Local Traffic Committee recommended to adopt the proposed traffic solution.

The education program as per Action 3 commenced in December 2014 and was completed in January 2015. This education program was undertaken in unison with the public consultation of the proposed traffic solution.

Action 4 will be completed once the proposed formal and parking restrictions have been installed. Ongoing monitoring and enforcement will be required from Council Rangers to ensure compliance with parking road rules.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has an integrated, connected transport system.	Promote sustainable and improved, accessible and flexible transport modes.

FINANCIAL/RESOURCE IMPLICATIONS

The installation of formal and restricted parking areas in Wallawa Road will be funded from the Local Traffic Committee budget with ongoing maintenance covered by the existing traffic facilities maintenance budget. Ranger enforcement will be covered with the existing Development Assessment and Compliance recurrent budget.

The proposed formal and restricted parking areas are a low cost option to assist in improving road safety in Wallawa Road. It is estimated that the works will cost approximately \$5,000.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Funding to come from existing Traffic Facilities Budget and Development Assessment and

MINUTES ORDINARY COUNCIL - 12 MAY 2015

			Compliance Budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Some residents have raised concerns about the dangers to pedestrians created by the current practice of vehicles parking on the footpath. This has resulted in pedestrians having to walk on-road in places to avoid parked cars, boats and trailers. Providing formal sheltered parking areas on-road will encourage vehicles to be parked legally which will improve safety for pedestrians. Enforcement of parking road rules will be required from Council Rangers to deter illegal parking such as parking on the footpath.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that some residents will be dissatisfied with Council's approach leading to Council's reputation suffering as a result.	Medium	Public consultation has shown that the majority of respondents are willing to try the proposed traffic solution. Adopt the proposed traffic solution.	Yes
There is a risk that residents will continue to park on the footpath leading to reduced safety for pedestrians.	Medium	Council will conduct a publicity campaign to explain the legal requirements for parking, and undertake the necessary enforcement of the parking road rules.	Yes
There is a risk that a small proportion of drivers will continue to speed in Wallawa Road leading to potential traffic accidents.	Medium	Install formal and restricted parking areas in Wallawa Road as per Attachment 1 to introduce a road calming effect.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed traffic solution will remove parking from the footpath area, hence improve residential amenity. With on road parking, pedestrians will have free space to walk on the footpath area and reduce the need to use the roadway to walk on. Separating pedestrians from traffic also reduces the potential for accidents that is more common with mixed transport.

The proposed traffic solution will also provide a traffic calming effect, reducing vehicular speed through the residential area. This will also reduce the likelihood of accidents occurring. Slowing moving vehicles on the road pavement will have less vibrations transmitted into properties when compared to faster vehicles.

The proposed traffic solution still allows Wallawa Road to be part of the public bus transport system. The bus system is an integral method of transport for the elderly and those without their own mode of transport.

There are no economical or environmental implications from the proposal.

CONSULTATION

Public consultation was undertaken through mail to provide an on street parking education pamphlet and the proposed traffic solution for comment. The public consultation resulted in 13 submissions being received from a total of 54 properties contacted in Wallawa Road. Of the 13 responses received, 8 responses were in favour of the proposed changes to parking and 5 were opposed to the proposed changes.

The responses received that were opposed to the proposal cited detrimental impacts on property access and loss of parking. Council officers have attempted to contact residents who objected to the proposed parking restrictions to seek further clarification. Discussion with the 2 residents contacted has resulted in minor alterations to the location of the proposed parking restrictions allowing greater access into their driveways. These minor alterations have overcome most of the specific concerns expressed by those residents. This amended plan is the proposed traffic solution in Attachment 1.

The responses received during the public consultation are provided in (**ATTACHMENT 2**).

OPTIONS

- 1) Endorse the recommendation of the Local Traffic Committee to install formal and restricted parking areas in Wallawa Road as per (**ATTACHMENT 1**).
- 2) Do not endorse the recommendation and take no further action with regard to traffic issues in Wallawa Road at this time.

ATTACHMENTS

- 1) Proposed Parking Solution.
- 2) Summary of Consultation Responses.

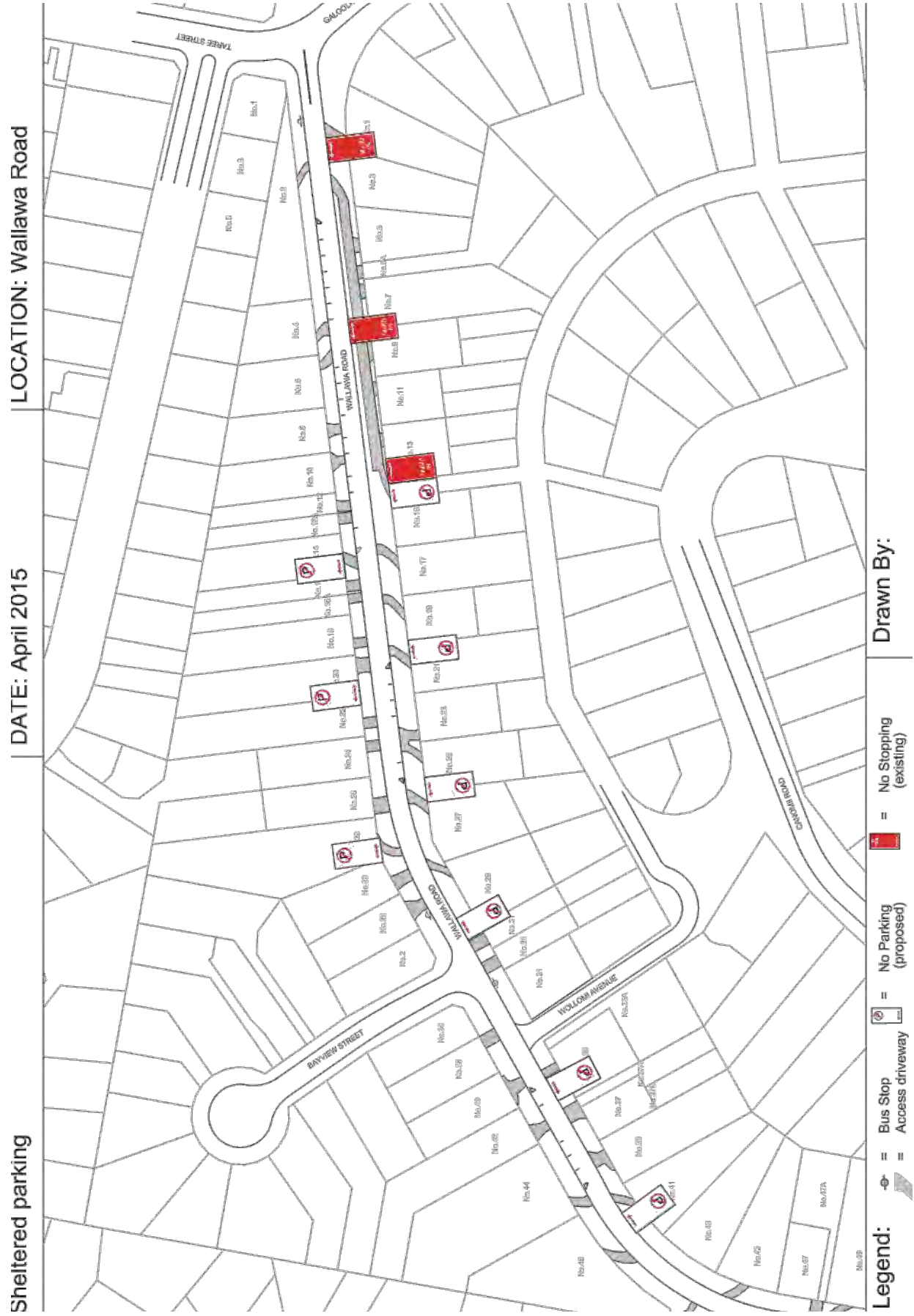
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 PROPOSED PARKING SOLUTION.



ITEM 7 - ATTACHMENT 2 SUMMARY OF CONSULTATION RESPONSES.

ATTACHMENT 1

SCHEDULE OF SUBMISSIONS WITH ASSOCIATED RECOMMENDATIONS

The following table provides details of the submissions received as a result of consultation of Wallawa Road residents for the period 18 December 2014 to 30 January 2015.

No.	Submission made by:	Content of Submission	Recommendation
1	Resident	<p>It's disgusting what is happening to Eastern end of Wallawa Road. Anyone who doesn't think it needs attention must be deaf blind or not reside here Let them reside between Galoola Drive and brick wall I'm sure they would change their minds. Something needs to be done to slow down idiots that use Wallawa Road like Conroy straight (bathurst) I would have no objection to some form of traffic calming near brick wall As for parking on the footpath if it continues there will be no footpath to walk on. Definitely in favour of vehicles parking on the road - Its basic! People on footpath VEHICLES on the road We only live on side of sandhill doesn't take a lot to destabilize Hope something can be done Soon</p>	<ul style="list-style-type: none"> • Install parking restrictions as per the proposed traffic solution in Attachment 2 and enforce road rules
2	Resident	<p>From the very beginning our main focus has been to make Wallawa Road a safer place. We were very happy when the 'speed humps' were installed and it did make a big difference, but as we know it didn't suit everybody. I fully support you and the council with this new proposal and we the residents should all be willing to try anything we can to make our street safer. There are several residents at our end of Wallawa Road (eastern end) who also approve of this new proposal and I hope they have sent emails to you verifying this. I hope a minority of people in this street won't stop this proposal going ahead.</p>	<ul style="list-style-type: none"> • Install parking restrictions as per the proposed traffic solution in Attachment 2 and enforce road rules
3	Resident	<p>I think this is an excellent idea. At times cars virtually fly along Wallawa, fortunately not often but it only needs one idiot to cause an accident. We live in BLANK Wallawa Road but access to our property is via Wollemi Avenue. Entering Wallawa is a nightmare at times because of cars parked on the footpath rather than the road thus obscuring our vision. I think parking on the road would be better though as there would be a gap between the property boundaries and the parked vehicles. While you are at it, cars park persistently on the footpath at the Wallawa end of Wollemi and there is no option but to walk on road when we have to clear our mailbox. Trouble is that because of the narrow width there is barely enough room for cars to pass if there are already cars parked on the street legally.</p>	<ul style="list-style-type: none"> • Install parking restrictions as per the proposed traffic solution in Attachment 2 and enforce road rules

ITEM 7 - ATTACHMENT 2 SUMMARY OF CONSULTATION RESPONSES.

No.	Submission made by:	Content of Submission	Recommendation
4	Resident	<p>I cannot fathom why the council would even consider the parking plan proposed for Wallawa Road when the road is not wide enough to do it. It will create a traffic nightmare because of that fact. The idea to make parking staggered from one side to the other will make it a snaking roadway. Can you see the buses moving comfortably through the street while they zig zag around the sections with marked parking bays? I can't. We have enough issues up our end of the street without them making the whole length of it difficult. We can't park safely on the road, as it is simply not wide enough, so we have to park up on the grass "footpath" which annoys the pedestrians. We can't win. Now they propose to put no parking signs right next to our place, on the boundary with 8A which is a holiday rental. We have 4 cars in our family and nowhere to put them. A no parking sign there will just mean people who stay next door will park right in front of our place and we'll have nowhere to go.</p> <p>I stood with one of the Council's engineers one day and pointed out the issues in the street as they were happening. The problems are so diverse that they are too much for them to solve.</p> <p>Keep it as it is, I'd rather put up with it as it is now than live through another council stuff up. We have cracks in our house from the speed hump they put in front of our place. It probably doesn't matter what the residents want, the council will do whatever they think is best for them. My argument was with the buses coming down it. The roadway is just on 7m wide but two cars struggle to pass each other. Sergeant Baker Drive is over 14m wide, yet buses don't go down it...and it has fixed speed humps...thanks Counsellor NELL, YOUR street is safe. After living here 12 years I am tired of the traffic issues. I don't know the answer, but it isn't this proposal.</p>	<ul style="list-style-type: none"> • The initial proposal has been amended to relocate the 'No Parking' away from this residence. This will allow some on-street parking at this location and neighbouring properties
5	Resident	<p>I think we need to remember why we have campaigned for so many years. Wallawa Rd was never designed to be a feeder road and carry the volume of traffic it does today. The narrowness of the road, lack of pedestrian access and the number of buses using it creates a very definite safety risk to all users. I believe any measure taken to address these issues is a positive move. Yes there may be some inconvenience but if the proposal by the council makes Wallawa Rd a safer environment for all users then I believe it is justified.</p>	<ul style="list-style-type: none"> • Install parking restrictions as per the proposed traffic solution in Attachment 2 and enforce road rules

ITEM 7 - ATTACHMENT 2 SUMMARY OF CONSULTATION RESPONSES.

No.	Submission made by:	Content of Submission	Recommendation
6	Resident	<p>We refer to your letter dated 18 December 2014 outlining a proposal for restricted parking signage and linemarkings aimed at reducing excessive speeding of traffic on Wallawa Road.</p> <p>We are certainly in favour of any action to slow down the numerous inconsiderate drivers who drive at excessive and dangerous speeds on Wallawa Road. Most drivers are careful and considerate, but it is the idiot drivers speeding which cause us concern.</p> <p>We support the proposed signage and linemarking for car parking spaces as a good idea. It should slow down traffic and hopefully, some will divert to a more suitable road.</p> <p>We note that part of the proposal is to “encourage” residents to park on the roadway rather than on the so-called “footpath”. Until a proper footpath is constructed, and having regard to the rough and uneven surface of the “footpath” area, we think that residents will still walk on the roadway because of the smoother surface, particularly when pushing prams (or walking frames!!!!)</p> <p>Also, there are occasions, such as friends or family visiting us, when it is convenient to park temporarily on our driveway. The driveway, like many in Wallawa Road, Council approved, is too steep to park a vehicle on so vehicles are often parked on the “footpath” area of our driveway. We would encourage Council to adopt a lenient approach in relation to the occasional parking on the “footpath” area, particularly during holiday periods and for a reasonable period, following implementation of the proposed works.</p> <p>Thank you for the opportunity to comment on this proposal.</p>	<ul style="list-style-type: none"> • Install parking restrictions as per the proposed traffic solution in Attachment 2 and enforce road rules • A footpath concept plan has been developed however there are some parts of Wallawa Road that are impractical to construct a footpath without major impacts on property access.
7	Resident	<p>Thanks for your recent email.</p> <p>As you recall our committee's main purpose has always been; to reduce traffic speed, reduce the danger to walkers currently forced onto the road by illegal parking and to reduce the number of vehicles using Wallawa Road as their high-speed short-cut.</p> <p>Council's plan for the road, is to use legally parked cars in designated parking spaces, to create the chicane effect that we agreed on as a good strategy. This makes very good sense and is used effectively elsewhere in NSW.</p> <p>We have all seen the dramatic effect on reducing vehicle speeds, when just one Wallawa resident (near to both you and me), leaves a car legally parked on the roadway. Cars slow down. Imagine what additional legally parked cars will achieve for the amenity of all Wallawa Road residents. It will also encourage our short-cutters, to seek an alternative route to our road.</p> <p>I strongly urge you to support Council's proposed action.</p>	<ul style="list-style-type: none"> • Install parking restrictions as per the proposed traffic solution in Attachment 2 and enforce road rules

ITEM 7 - ATTACHMENT 2 SUMMARY OF CONSULTATION RESPONSES.

No.	Submission made by:	Content of Submission	Recommendation
8	Resident	<p>As resident in this street I find this proposal unsatisfactory.</p> <p>There are no footpaths in this street and disabled persons in wheelchairs, mothers with strollers, mobility scooters etc. would be more endangered as they would need to walk in traffic weaving in and out of parked cars.</p> <p>A 40km/h speed limit (enforced) would be much more appropriate.</p> <p>Narrow residential roads in countries such as Canada and many in central Europe are even reduced to 30km/h</p> <p>Making the street a one-way would be my preferred alternative, Buses could be exempt from the one-way restriction.</p>	<ul style="list-style-type: none"> • Wallawa Road does not meet requirements for a 40km/h speed limit. • Speed limits determined by RMS not Council • It is not safe or practical to exempt buses from a one-way traffic flow
9	Resident	<p>Lately I have noticed more traffic along Wallawa Rd. Having to walk the dog in the mornings I now drive down to the Marina which is nearly as dangerous as the bike riders don't have to ring their bells. Because of bad knees I have to walk on the flat.</p> <p>I do hope you can carry out your plans for Wallawa Rd.</p>	<ul style="list-style-type: none"> • Install parking restrictions as per the proposed traffic solution in Attachment 2 and enforce road rules
10	Resident	<p>As a resident of Wallawa Road, let me first say how disappointed I am with Council for removing the speed bumps (that were working very well) due to the complaints of one paranoid and slightly unbalanced resident. Since the traffic-calming devices were removed, the traffic speed has increased dramatically (especially from one frequent-user on a very loud motorbike). Several accidents have occurred involving young children and an elderly man, and two dogs have been killed.</p> <p>Secondly, the proposed parking restrictions are illogical. There is little possibility of pedestrian access on the south side of Wallawa Road (odd-number side) due to various obstacles including the long section of retaining wall at the eastern end of Wallawa. So parking restrictions on that side of the road are totally unnecessary. If you need to create pedestrian off-street access, ban cars from parking on the northern side of the road (even-number side).</p>	<ul style="list-style-type: none"> • Experience has shown that vertical speed control devices such as speed humps, are not suitable in this location • Sheltered parking areas on-road will encourage vehicles to be parked on-road, removing the need for pedestrians to walk on the road

ITEM 7 - ATTACHMENT 2 SUMMARY OF CONSULTATION RESPONSES.

No.	Submission made by:	Content of Submission	Recommendation
11	Resident	<p>The proposed parking restrictions in Wallawa Road will create major problems for our driveway access and are totally unacceptable to us.</p> <p>From our point of view the speed humps were an excellent solution, the noise and vibration produced were far less than the current state where trucks hurtle along the street at 80km/h and some cars and motorbikes treat it as a drag strip.</p> <p>Our driveway is extremely steep, angles to the west; our vision is obstructed in both directions (to the west by a power pole and to the east by a permanently parked boat). Your proposal will have three effects:</p> <ol style="list-style-type: none"> 1. The high speed cars will be shifted to the north side of the single lane Wallawa Road thus making it impossible for us to exit our driveway without a massive increase in the risk of being struck by a speeding vehicle that we are unable to see, due to the visual obstructions. At least 20% of our vehicles must enter the road for us to see oncoming vehicles. 2. Parking cars opposite our driveway will prevent us from reversing into our driveway without complex zig-zagging which will inevitably obstruct the road for considerable periods. 3. We will only be able to exit our driveway to the west as there will be insufficient room to swing our vehicles to the east. <p>Should the Council proceed with this poorly considered proposal, we assume that you will accept legal responsibility for damage and injury caused by car crashes that will inevitably result from the changes. This, of course, would also apply to the vehicles parked on the road which will become de facto chicane speed control devices.</p> <p>If you proceed with this arrangement it will result in major loss of amenity and will require us to seek a legal opinion. A better suggestion would be to install concrete speed humps and lower the speed limit to 40km/h. We note that Council has managed to install such speed control devices on Foreshore Drive (which is wider than Wallawa Road) and Spinnaker Way which is twice the width. Alternatives would be to either restore Wallawa Road as a one-way road with a marked walkway/cycleway or install a permanent speed camera with the speed limit lowered to 40km/h.</p>	<ul style="list-style-type: none"> • The initial proposal has been amended to remove parking from opposite this residence. This will allow the driveway manoeuvring required to access this property • Experience has shown that vertical speed control devices are not suitable in this location due to the topography of Wallawa Road • Wallawa Road does not meet the requirements for a 40km/h speed limit or for a speed camera. • Speed limits are determined by RMS not Council

ITEM 7 - ATTACHMENT 2 SUMMARY OF CONSULTATION RESPONSES.

No.	Submission made by:	Content of Submission	Recommendation
12	Resident	<p>As a long term resident of Wallawa Road I am all too aware of the safety risk and nuisance posed by the amount and type of traffic using Wallawa Road. An albeit subjective assessment of conditions since the speed humps were removed strongly suggest that the incidence of unsafe speeds in the road has risen significantly. I have even had occasion to complain directly to Port Stephens Coaches about the speed of at least one of their bus' past parked cars and fleeing pedestrians.</p> <p>I strongly support any practical measure to alleviate this dangerous situation. The proposed parking restrictions clearly have some potential and at relatively low cost. I will make a number of comments about the proposal:</p> <ul style="list-style-type: none"> • I question the wisdom of using (predominantly) resident's cars to provide a degree of traffic calming that the council are not prepared or unable to provide them. • The beginning and end of each parking area should be delineated by concrete curbs extending at least one metre into the carriageway. • Parking spots should be marked as per the drawing and driveways clearly delineated. • I am sceptical about the potential to 'encourage' residents to park on the road. Parking at least partially on the footpath area has become so entrenched in Wallawa Road to the extent that several residents have 'paved' up to the road edge to facilitate parking 'off road'. • The proposal does little to address the real and compounding problem of drivers ignoring the blind spots at both ends of Wallawa Road. <ul style="list-style-type: none"> ○ The curves at the western end are particularly hazardous. ○ The bus stop at the eastern end of the road on the northern end is too close to the intersection with Galoola Drive and presents a real hazard to traffic and pedestrians entering or leaving Wallawa Road. <p>Having accepted the fact that the risk of traffic accidents probably involving pedestrian(s) is significant and probably unacceptable in Wallawa Road the Council has a moral and indeed legal obligation to ensure that feasible and effective mitigations are implemented without delay. Given the recent (lack) of activity on this issue many residents are highly sceptical that the Council takes these obligations seriously.</p>	<ul style="list-style-type: none"> • Install parking restrictions as per the proposed traffic solution in Attachment 2 and enforce road rules • The beginning and end of each parking area will be delineated by a physical barrier eg. Concrete or rubber island • Parking spaces will be linemarked

ITEM 7 - ATTACHMENT 2 SUMMARY OF CONSULTATION RESPONSES.

No.	Submission made by:	Content of Submission	Recommendation
13	Resident	<p>Thank you for providing information in your letter in relation to proposed parking restrictions for Wallawa Rd. As owners/residents of 2 properties we would like to provide some feedback on your proposal. While this proposal may go some way to achieving the stated aim of “encouraging” residents to park “on road”, thereby freeing up the footpath to increase pedestrian safety, in our view, it is likely to fall well short of this desirable outcome. It would seem to simply lead to more “on road”, “off road” manoeuvring by pedestrians such as ourselves. Additionally, congesting the road with parked cars may well increase vehicle noise with deceleration/ acceleration of road users as they weave in and out of parked “on road” cars.</p> <p>Walking 3 dogs down to Bagnalls Beach via either Trumpeter Circuit or Galoola Drive is an exercise in “running the gauntlet” particularly during peak hour times as many cars simply ignore the 50 km/h speed limit. By forcing more “on road” parking, this may allow for some easier access for pedestrians but not materially so. As Council are aware there is no designated “footpath” along this section of Wallawa road and the hazards of uneven surface areas driveway entrances, and refuse bins the roadside coupled with many overhanging branches and cars/caravans/boats parked randomly, makes it a very hazardous area to walk along. The main issue is on the north side of Wallawa road as the south side is simply too dangerous to walk along for any pedestrians due to lack of off road access or a clear line of sight. On many occasions when walking on the north side, we have come close to either being hit or having our leashed dogs run over by passing traffic (particularly outside our house on the blind corner) and it represents a real concern for us. Seeing young children walking and riding their bikes and others walking their dogs on this section of road is quite unnerving.</p> <p>May we propose Council consider a concrete walkway/footpath along this section of Wallawa Rd with a view to allocating a budget in its capital works program in the near future. We would suggest “no parking” signs be erected along the entire north side from No 2 to 48 Wallawa Rd to give pedestrians a “fighting chance” against the traffic particularly with the increase in traffic for those taking the shortcut from Vantage Estate (and environs) to Nelson Bay road. Other measures may include a “residents only” entry in peak times and or a 40km/h limit to assist. Perhaps a police presence / speed camera vehicle now and then may help. Wallawa Rd is fast becoming a proxy or easy alternative for those who once used Government road and is all the worse for being so. Ultimately a designated concrete footpath is the only answer to this increasingly unsafe situation. We await your response with interest.</p>	<ul style="list-style-type: none"> • Moving parking off the footpath will avoid the need for pedestrians to walk on-road. • Reducing the speed of traffic is one of the key aims of the proposal • Wallawa Road does not meet the requirements for a 40km/h speed limit or for a speed camera. • Speed limits are determined by RMS not Council • A footpath concept plan has been developed however there are some parts of Wallawa Road that are impractical to construct a footpath without major impacts on property access.

ITEM 7 - ATTACHMENT 2 SUMMARY OF CONSULTATION RESPONSES.

No.	Submission made by:	Content of Submission	Recommendation
14	Non-resident	<p>I am not one of the 55 residents who have received direct consultation about this proposal. However I do use the road quite often as a through road to avoid the steep hill from Galoola/Taree down to Government Road. The speed humps were a local joke. Since they have gone it seems to me to be a whole lot safer with vehicles parked half on and off the road.</p> <p>We'll aware of the issues presented in this area for a long long time. However, the proposal to restrict parking on the footpaths seems to me to directly contradict what is happening all over Port Stephens now with the new narrow streets. If you respect your vehicle, you will get it off the road as much as you can. It is much safer for everyone in avoiding rear collisions at night.</p> <p>What you are proposing to me at least seems to be using the vehicles, which will need to be parked fully on the road, as "traffic calmers"!!!!</p> <p>What happens to the buses? Have they been required to seek alternate routes?</p> <p>How many "pedestrians" are we talking about? I don't recall seeing too many on this stretch of road?</p> <p>If you are going to require this "for the safety of pedestrians and to slow traffic down", then Council will need to consider implementing the same for just about every new street in Port Stephens, or in NSW for that matter. Greedy developers have conned us into believing that narrow streets are safer, when really it's all about squeezing more blocks of land into the same space and reducing road widths to maximise their returns.... and leaving us poor residents to live with it! The same warped idea which has been spun to us by planners and developers is that somehow cul de sacs are less safe! All in the same basket of stupid ideas to me!</p> <p>If I was a resident of Wallawa Road with my vehicle parked half on an half off the road (for safety of the vehicle!) then I would be none too happy to be fined when what we witness everywhere is the same thing happening in all new estates. I hope Council intends to double its ranger workforce and start enforcing this everywhere..... or..... better still, leave them all alone!</p> <p>To think this is really because of initial bad planning and we still have not learned from our mistakes of the past!</p>	<ul style="list-style-type: none"> • A valid point raised regarding illegal parking carried out in many other areas of the LGA

ITEM NO. 8

FILE NO: PSC2015-01000/188
TRIM REF NO: PSC2015-01022**INFORMATION PAPERS**REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 12 May 2015.

No:	Report Title	Page:
1	Appointment of green waste receipt and processing contract under emergency provisions of Local Government Act 1993	136
2	QUARTERLY REPORT OF MAYOR AND COUNCILLORS EXPENSES - 2014/2015	137
3	NEWCASTLE AIRPORT DIRECTOR (NON-EXECUTIVE) ROLE	141

**ORDINARY COUNCIL MEETING - 12 MAY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

113	Councillor Peter Kafer Councillor Ken Jordan That the recommendation be adopted.
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114	Councillor Ken Jordan Councillor Chris Doohan That Council move out of Committee of the Whole.
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**ORDINARY COUNCIL MEETING - 12 MAY 2015
MOTION**

115	Councillor Paul Le Mottee Councillor Ken Jordan It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 12 May 2015.
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INFORMATION PAPERS



ITEM NO. 1

**FILE NO: PSC2015-01000/173
TRIM REF NO: PSC2015-01247**

**APPOINTMENT OF GREEN WASTE RECEIPT AND PROCESSING
CONTRACT UNDER EMERGENCY PROVISIONS OF LOCAL
GOVERNMENT ACT 1993**

**REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION MANAGER
GROUP: FACILITIES & SERVICES**

BACKGROUND

The purpose of this report is to advise Council of the recent decision to engage Suez Environnement P/L as a contractor for the receipt and processing of green waste generated by the 21 April 2015 storm and flood event.

The storm of 21 April 2015 created an unprecedented volume of tree waste on public roads, parks and private property. During the emergency response period immediately after the initial storm (Tuesday 21 April to Friday 1 May 2015) the need was identified to act quickly with the removal of tree waste from public roads and the receipt and processing of this waste in a timely manner.

Council staff approached its current waste disposal and future waste collection contractor, Suez Environnement P/L (formally Sita Australia) for a price to set up four sites immediately to receive green waste from Council workers and the general community. Suez Environnement P/L also has a known emergency response team that is able to mobilise quickly to areas where natural disasters have occurred.

Suez Environnement P/L submitted a quote for processing a minimum of 3000 tonnes over a 14 day period effective. Following negotiations, a final price of \$698,467 (ex GST) with a start date of Monday 27 April and a completion date (inclusive of) Sunday 10 May 2015 was agreed. This arrangement was endorsed by the General Manager.

The service resulted in four green waste drop off sites around the local government area operating seven days per week for the 14 day period. The cost of this unplanned expense is to be born equally between the Domestic Waste Management Reserve and the Australian Government "Natural Disaster Relief and Recovery Arrangements".

The decision to assign this contract was made under the emergency provisions of the Local Government Act 1993, specifically Section 55(3)(k) which permits contracts to be awarded outside of the usual tendering requirements in the case of an emergency.

ATTACHMENTS

Nil.

ITEM NO. 2

FILE NO: PSC2015-01000/134
TRIM REF NO: PSC2010-04205

QUARTERLY REPORT OF MAYOR AND COUNCILLORS EXPENSES - 2014/2015

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

BACKGROUND

The purpose of this report is to provide the quarterly expenses of the Mayor and Councillors which have been incurred in accordance with the Payment of Expenses and Provision of Facilities to Councillors policy.

The tables at **(ATTACHMENT 1, ATTACHMENT 2 & ATTACHMENT 3)** also include the total number of meetings attended during this period.

ATTACHMENTS

- 1) Councillors Expenses July - Sept 2014
- 2) Councillors Expenses Oct - Dec 2014
- 3) Councillors Expenses Jan - March 2015

MINUTES ORDINARY COUNCIL - 12 MAY 2015

ITEM 2 - ATTACHMENT 1 COUNCILLORS EXPENSES JULY - SEPT 2014

Quarterly Report - July - Sept 2014

Total Council Meetings Attended (s held)	Limits as per policy										TOTALS	
	5	3	4	4	5	4	4	1	5	5		
Councillor Mobile Rental	\$746.00	\$401.00	\$183.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,330.00
Councillor Mobile Calls	\$0.00	\$2,697.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,017.00
Councillor Landline Phone Rental	\$0.00	\$68.00	\$155.00	\$0.00	\$42.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,657.00
Councillor Landline Phone Calls	\$0.00	\$21.00	\$22.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$43.00
Councillor Fax Rental	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$297.00
Councillor Fax Calls	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$273.00
Councillor Internet	\$0.00	\$273.00	\$174.00	\$0.00	\$0.00	\$0.00	\$85.00	\$0.00	\$0.00	\$0.00	\$0.00	\$492.00
Councillor Intra-state Travel Expenses	\$0.00	\$451.00	\$541.00	\$0.00	\$1,851.00	\$910.00	\$156.00	\$0.00	\$85.00	\$0.00	\$72.00	\$5,416.00
Councillor Intra-state out of pocket expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Intra-state Travel (out of NSW)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Intra-state out of pocket expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Intra-state Accommodation (out of NSW)	\$2,008.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,008.00
Councillor Intra-state Accommodation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Conferences	\$0.00	\$0.00	\$0.00	\$0.00	\$70.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$70.00
Councillor Training	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Partner Expenses	\$339.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$46.00	\$0.00	\$385.00
Councillor Computers	\$785.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,538.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,323.00
Councillor Stationery	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Awards/Ceremonies/Dines	\$70.00	\$0.00	\$68.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$165.00	\$0.00	\$303.00
Councillor Child Care Costs	\$0.00	\$477.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$477.00
Councillor Communications - Bundle Option	\$0.00	\$0.00	\$0.00	\$0.00	\$281.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,126.00	\$0.00	\$1,397.00
Councillor Allowances	\$14,260.02	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$94,002.51
TOTALS	\$18,208.02	\$6,482.51	\$5,615.51	\$4,552.51	\$6,636.51	\$5,992.51	\$7,346.51	\$4,482.51	\$4,482.51	\$6,654.51	\$5,774.51	\$71,102.61

ITEM 2 - ATTACHMENT 2 COUNCILLORS EXPENSES OCT - DEC 2014

Quarterly Report - Oct - Dec 2014

Total Council Meetings Attended (5 held)		Limits as per policy										TOTALS			
		5	4	5	4	4	4	5	4	5	4	5	4	5	5
		Cr Bruce Mackenzie	Cr Chris Doohan	Cr Geoff Dingle	Cr John Morello	Cr John Nail	Cr Ken Jordan	Cr Paul Le Moitte	Cr Peter Kotler	Cr Sally Dover	Cr Steve Tucker				
Councillor Mobile Rental	802.123	\$174.00	\$246.00	\$70.00	\$207.00	\$104.00	\$0.00	\$728.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,251.00
Councillor Mobile Calls	803.123	\$0.00	\$134.00	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$134.00
Councillor Landline Phone Rental	804.123	\$0.00	\$41.00	\$198.00	\$0.00	\$0.00	\$0.00	\$202.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$441.00
Councillor Landline Phone Calls	805.123	\$0.00	\$0.00	\$20.00	\$9.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$11.00
Councillor Fax Rental	807.123	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$394.00
Councillor Fax Calls	808.123	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$344.00
Councillor Internet	806.123	\$53.00	\$144.00	\$164.00	\$109.00	\$0.00	\$0.00	\$273.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$780.00
Councillor Intra-state Travel Expenses	801.123	\$0.00	\$38.00	\$83.00	\$474.00	\$1,780.00	\$399.00	\$1,411.00	\$0.00	\$1,229.00	\$2,468.00	\$0.00	\$0.00	\$0.00	\$1,210.00
Councillor Interstate out of pocket expenses	809.123	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Interstate Travel (out of NSW)	810.123	\$985.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$985.00
Councillor Interstate out of pocket expenses	813.123	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Interstate Accommodation (out of NSW)	811.123	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Intra-state Accommodation	812.123	\$372.00	\$0.00	\$0.00	\$0.00	\$393.00	\$244.00	\$461.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,644.00
Councillor Conferences	814.123	\$1,534.00	\$0.00	\$0.00	\$0.00	\$1,034.00	\$820.00	\$820.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,029.00
Councillor Training	815.123	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Partner Expenses	816.123	\$1,283.00	\$0.00	\$0.00	\$40.00	\$0.00	\$215.00	\$5.00	\$0.00	\$275.00	\$145.00	\$0.00	\$0.00	\$0.00	\$1,943.00
Councillor Computers	817.123	\$1,556.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$65.00	\$88.00	\$0.00	\$0.00	\$0.00	\$2,429.00
Councillor Stationery	818.123	\$0.00	\$103.00	\$0.00	\$13.00	\$0.00	\$18.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$194.00
Councillor Awards/Ceremonies/Diners	819.123	\$1,881.00	\$0.00	\$48.00	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00	\$127.00	\$176.00	\$0.00	\$0.00	\$0.00	\$2,312.00
Councillor Child Care Costs	820.123	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Communications- Bundle Option	821.123	\$0.00	\$0.00	\$0.00	\$0.00	\$483.00	\$200.00	\$0.00	\$0.00	\$963.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,646.00
Councillor Allowances		\$14,260.00	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$44,024.00
TOTALS		\$22,027.02	\$5,553.51	\$5,395.51	\$5,501.51	\$8,226.51	\$6,938.51	\$8,382.51	\$4,482.51	\$7,141.51	\$10,111.51	\$4,482.51	\$7,141.51	\$10,111.51	\$63,785.61

ITEM NO. 3

**FILE NO: PSC2015-01000/142
TRIM REF NO: PSC2013-01853**

NEWCASTLE AIRPORT DIRECTOR (NON-EXECUTIVE) ROLE

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

BACKGROUND

The purpose of this report as per item 6.4(c) of the Newcastle Airport Partnership Deed is to inform Council of the outcome of the Australia-wide advertising campaign to appoint two directors to fill recent vacancies on the Newcastle Airport Pty Limited Board.

A total of 42 expressions of interest were received for the role of Newcastle Airport Director (Non-Executive). The list of applicants was discussed with Newcastle Airport Partnership members (Mayors and General Managers of Port Stephens and Newcastle City Council) and Chair, Newcastle Airport Pty Limited with six candidates subsequently short-listed for formal interview.

The interview panel consisted of Ken Gouldthorp – General Manager Newcastle City Council, Wayne Wallis – General Manager Port Stephens Council, Peter Gesling – Chair Newcastle Airport Pty Limited and Deborah Wright former Newcastle Airport Director (Non-Executive). The interview process included discussion on key challenges, investment opportunities, risk management and other long term opportunities both in aviation and other commercial activities.

The interviews were conducted on Monday 23 February 2015 and Wednesday 11 March 2015 at Newcastle City Council offices, following which two candidates were nominated for appointment to the Board. The two candidates are:

- 1) Jude Munro – with extensive airport and related industry experience and extensive Board experience across multiple public and private sectors.
- 2) Kirby Clark – with extensive aviation experience at CEO and Board level and aviation privatisation experience.

At its meeting held on 31 March 2015, the Newcastle Airport Partnership Board, comprising the Mayors and General Managers of Newcastle City Council and Port Stephens Council resolved to approve the recommendation of the Interview Panel recommending that Newcastle City Council and Port Stephens Council procure the appointment of Jude Munro and Kirby Clark as directors on the Newcastle Airport Pty Limited Board of Directors.

A copy of the resume of Ms Munro and Mr Clark have been circulated to Councillors under separate cover.

ATTACHMENTS

- 1) Resume - Jude Munro. (Provided under separate cover)
- 2) Resume - Kirby Clark. (Provided under separate cover)

CONFIDENTIAL ITEMS



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

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

ORDINARY COUNCIL MEETING – 12 MAY 2015 MOTION

116	Councillor Ken Jordan Councillor Peter Kafer It was resolved that Council Move into confidential session.
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The following Council officers were present for the Confidential Session:

Strategy and Environment Section Manager
Public Relations and Marketing Coordinator

CONFIDENTIAL

ITEM NO. 1

FILE NO: PSC2015-00378/003

TRIM REF NO: PSC2014-00501

ROAD WIDENING - 2143 & 2145 CLARENCE TOWN ROAD, GLEN OAK

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

**ORDINARY COUNCIL MEETING - 12 MAY 2015
MOTION**

117	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Acquires approx. 962 square metres of land from 2143 Clarence Town Road Glen Oak (Lot 1604 DP629738) for road widening purposes;2) Acquires approx. 289 square metres of land from 2145 Clarence Town Road Glen Oak (Lot 1603 DP629738) for road widening purposes;3) Pays compensation to the owner of 2145 Clarence Town Road Glen Oak;4) Lodges plan of proposed acquisition at Land & Property Information (LPI);5) Grants authority to affix Council's Seal and signatures to Transfer documents prior to lodgement and registration at LPI, transferring the parcels created after registration of the survey plan;6) Upon transfer the land will be declared Operational Land;7) After transfer of the parcels to Council, declares them public road via publication in NSW Government Gazette.
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ITEM NO. 2

**FILE NO: PSC2015-00378/013
TRIM REF NO: PSC2009-01623**

**ACQUISITION OF EASEMENTS FOR DRAINAGE AND ACCESS - 661
MEDOWIE ROAD, MEDOWIE**

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

**ORDINARY COUNCIL MEETING - 12 MAY 2015
MOTION**

118	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorses the payment of compensation for the amount contained within the body of the report for the acquisition of easements for drainage and access over 661 Medowie Road, Medowie;2) Authorises the Mayor and the General Manager to sign and affix the seal of Council to any legal documentation required for the process.
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**ORDINARY COUNCIL MEETING – [12 MAY 2015]
MOTION**

119	<p>Councillor Peter Kafer Councillor Chris Doohan</p> <p>It was resolved that Council Move out of confidential session.</p>
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There being no further business the meeting closed at 6.17pm.