

# DRAFT

## MINUTES – 26 JULY 2016



# PORT STEPHENS

## COUNCIL

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 26 July 2016, commencing at 5.30pm.

**PRESENT:**

Mayor B MacKenzie, Councillors G. Dingle, S. Dover, J. Morello, J Nell, S. Tucker, General Manager, Corporate Services Group Manager, Acting Facilities and Services Group Manager, Development Services Group Manager and Governance Manager.

<b>215</b>	<b>Councillor John Nell</b> <b>Councillor Sally Dover</b>
	It was resolved that Council that the apologies from Cr Chris Doohan, Cr Ken Jordan, Peter Kafer and Cr Paul Le Mottee be received and noted.
<b>216</b>	<b>Councillor Steve Tucker</b> <b>Councillor John Nell</b>
	It was resolved that Council that the Minutes of the Ordinary Meeting of

<b>MINUTES ORDINARY COUNCIL - 26 JULY 2016</b>
--

	Port Stephens Council Ordinary Council held on 12 July 2016 be confirmed.
--	---

	There were no Declaration of Interests received.
--	--

# INDEX

**SUBJECT** **PAGE NO**

---

**MAYORAL MINUTES ..... 4**

1. FREEMAN OF PORT STEPHENS AWARD .....5

**COUNCIL REPORTS ..... 7**

1. DEVELOPMENT APPLICATION NO. 16-2016-41-1 FOR TOURIST AND VISITOR ACCOMMODATION - ALTERATIONS AND ADDITIONS TO EXISTING 'FINGAL BAY HOLIDAY CENTRE' INCLUDING LANDSCAPE WORKS, SWIMMING POOL AND BBQ SHELTER AT 48 MARINE DRIVE FINGAL BAY (LOT 336 DP 753204) .....8
2. SECTION 96 APPLICATION TO MODIFY DETERMINATION NO: 16-2014-122-1 FOR A SINGLE DWELLING SHED AND ASSOCIATED EARTH MOUND AT NO: 218 SEAHAM RD, NELSONS PLAINS.....29
3. AMENDMENT TO DEVELOPMENT CONTROL PLAN 2014 CHAPTER B5 - FLOODING .....45
4. PLANNING PROPOSAL - 108 MAGNUS STREET, NELSON BAY .....67
5. 2015-2016 GENERAL PURPOSE FINANCIAL REPORTS.....86
6. 355C COMMITTEES ANNUAL FINANCIAL STATEMENTS 2015.....91
7. END OF TERM REPORT 2012-2016 .....99
8. REQUEST FOR FINANCIAL ASSISTANCE .....102
9. INFORMATION PAPERS .....107

**INFORMATION PAPERS ..... 109**

1. CASH AND INVESTMENTS HELD AS AT 30 JUNE 2016 .....110
2. DESIGNATED PERSONS' RETURN .....114
3. QUARTERLY REPORT OF MAYOR AND COUNCILLORS EXPENSES 2015-2016.....115

**NOTICES OF MOTION ..... 117**

1. INCREASE THE COUNCIL CONTRIBUTION TO THE ANNA BAY DRAINAGE UNION.....118

# MAYORAL MINUTES

**MAYORAL MINUTE**

**ITEM NO. 1**

**FILE NO: 16/371029  
RM8 REF NO: PSC2016-00103**

**FREEMAN OF PORT STEPHENS AWARD**

---

**THAT COUNCIL:**

- 1) Present the Freeman of Port Stephens Award to Mr Eric Holliday of Shoal Bay for his significant contribution to the Port Stephens Community.

---

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
MOTION**

<b>217</b>	<p><b>Mayor Bruce MacKenzie Councillor John Nell</b></p> <p>It was resolved that Council present the Freeman of Port Stephens Award to Mr Eric Holliday of Shoal Bay for his significant contribution to the Port Stephens Community.</p>
------------	---

**BACKGROUND**

The purpose of this report is to present a Freeman of Port Stephens Award to Mr Eric Holliday.

As Council is aware nominations are called for the Freeman of Port Stephens in accordance with the Port Stephens Annual Awards policy. Under the current merger circumstances, it is unlikely that the annual awards will be held in Port Stephens, if the merger proposals proceed. On this basis, I propose that Council present the Freeman of Port Stephens Award to Mr Eric Holliday for his outstanding years of service to the community.

Mr Holliday has been a valued member of the community throughout his life of 95 years. Mr Holliday's contribution started with his work on his family farm at the age of seven and for many years he operated the famous rose farm on Marsh Road.

Mr Holliday has received an Order of Australia Award, he was an advocate for the Port Stephens and Veterans Aged Care Committee, held the position of National President of the Vegetables Association and was a prominent member of the Vegetables Association, was a Justice of the Peace and mentor to many students at Tocal Agricultural College.

To recognise the contribution given to the local community by Mr Holliday, I request Council resolve to present the Freeman of Port Stephens Award to Eric Holliday.

**MERGER PROPOSAL IMPLICATIONS**

There are no merger implications associated with this Mayoral Minute.

# COUNCIL REPORTS

**MINUTES ORDINARY COUNCIL - 26 JULY 2016**

**ITEM NO. 1**

**FILE NO: 16/352581  
RM8 REF NO: 16-2016-41-1**

**DEVELOPMENT APPLICATION NO. 16-2016-41-1 FOR TOURIST AND VISITOR ACCOMMODATION - ALTERATIONS AND ADDITIONS TO EXISTING 'FINGAL BAY HOLIDAY CENTRE' INCLUDING LANDSCAPE WORKS, SWIMMING POOL AND BBQ SHELTER AT 48 MARINE DRIVE FINGAL BAY (LOT 336 DP 753204)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application No. 16-2016-41-1 for Tourist and Visitor Accommodation - Alterations and Additions to existing 'Fingal Bay Holiday Centre' including landscape works, swimming pool and BBQ shelter at No.48 Marine Drive, Fingal Bay (LOT 336 DP 753204) subject to the conditions contained in (**ATTACHMENT 2**).

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
MOTION**

<b>218</b>	<b>Councillor Steve Tucker Councillor Sally Dover</b>  It was resolved that Council that Council move into Committee of the Whole.
------------	--

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Nell Councillor Sally Dover</b>  That the recommendation be adopted.
--	---

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.



**ORDINARY COUNCIL MEETING - 26 JULY 2016  
MOTION**

<b>219</b>	<p><b>Councillor Steve Tucker</b> <b>Councillor John Morello</b></p> <p>It was resolved that Council approve Development Application No. 16-2016-41-1 for Tourist and Visitor Accommodation - Alterations and Additions to existing 'Fingal Bay Holiday Centre' including landscape works, swimming pool and BBQ shelter at No.48 Marine Drive, Fingal Bay (LOT 336 DP 753204) subject to the conditions contained in <b>(ATTACHMENT 2)</b>.</p>
------------	--

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

**BACKGROUND**

The purpose of this report is to present to Council for determination Development Application (No. 16-2016-41-1) for Tourist and Visitor Accommodation - Alterations and Additions to existing 'Fingal Bay Holiday Centre' including landscape works, swimming pool and BBQ shelter at No. 48 Marine Drive Fingal Bay (LOT 336 DP 753204). The Manager Development Assessment & Compliance elected to report this application to Council for determination due to significant community interest received during the assessment process.

**The Site**

The site is located at No. 48 Marine Drive, Fingal Bay (LOT 336 DP753204) and is known as 'Fingal Bay Holiday Centre', refer to the locality plan at **(ATTACHMENT 1)**. The site is situated adjacent Fingal Bay Surf Lifesaving Club. The site is irregular in shape with a 127 metre wide street frontage to Marine Drive, a 171 metre wide street frontage to Rocky Point Road and a 231 metre rear boundary. The site is generally flat with a moderate rise towards the rear boundary, which is shared with the residences on Lentara Street. There are 14 buildings currently on the site, inclusive of accommodation units, manager's residence, laundry and amenities. Ancillary development also exists including paths, driveways, BBQ areas and playgrounds.

**Proposed Development**

Consent is sought for Tourist and Visitor Accommodation - Alterations and Additions to existing 'Fingal Bay Holiday Centre' including landscape works, swimming pool and

BBQ shelter. The proposed works are located within the site's existing parking area and road between Block E and the site's reception building. This area is centralised within the park and the close proximity to the reception and manager's office, ensuring surveillance of the area. Further, the existing Blocks E and H provide increased acoustic and visual barriers to the adjoining residences located along the sites rear boundary. An acoustic assessment has been completed and submitted to support the proposed development.

The supervision of the pool during daylight hours and after hours will be via a CCTV system. The manager will continue the practice of conducting a walk-around when locking the laundry building at 10pm. The pool hours of operation are confined to the following times:

- December to March- 8am to 9pm;
- April to September – 8am to 5:30pm; and
- October to November – 8am to 7:30pm.

The proposed development also includes the addition of landscaping and private decks to units to improve the general amenity of the park.

### **Key Issue – Public Interest**

The key issue arising out of the assessment of the development application was the public interest generated by the proposal, largely due to potential acoustic impacts. The application was placed on public exhibition on two occasions. The first round notification commenced from 27 January 2016 for a period of 14 days and 13 submissions were received. The submissions objecting to the application raised concerns with:

- Design;
- Acoustic impacts; and
- Proposed location of the pool, splash pad, volley ball courts and BBQ area.

Following the exhibition period Council staff attended an on-site meeting with adjoining property owners and additional information / amended plans were requested from the applicant to address concerns relating to acoustic impacts. The applicant acknowledged that the original development proposal could have resulted in potential acoustic impacts on the adjoining properties due to the location of the swimming pool, volley ball courts and BBQ areas. The proposed location in this instance was also out of sight from park management, decreasing the ability for regulation to occur.

The applicant submitted amended plans which included the re-location of the swimming pool and BBQ area away from the rear property boundary line to the center of the Holiday Park between two existing accommodation blocks and next to the management office. The proposed volley ball courts were also removed from the application. Given the extent of the amendments the application was re-notified for a period of 14 days commencing 15 June 2016.

## MINUTES ORDINARY COUNCIL - 26 JULY 2016

In response to second exhibition period, three submissions were received including one petition which included 16 signatures. The issues raised within the second round of submissions included:

- Acoustic impacts (noise pollution) and hours of operation of the proposed swimming pool;
- Concerns with validity of the acoustic report as the monitoring did not include monitoring of school holidays;
- Need for a management plan for the park (resident regulation); and
- Proposed location of the swimming pool and BBQ area.

The acoustic assessment submitted with the amended design demonstrated that the acoustic impact of the proposed development would be satisfactory subject to conditions of consent including compliance with the submitted management plan, *Protection of the Environment Operations Act 1997* and the 'NSW Industrial Noise Policy'. Further, the proximity to the manager's residence and reception area will ensure management of the pool area and signage and hours of operation shall also assist in the management of acoustic impacts. In this regard, the amended design has significantly decreased the negative acoustic impacts on the adjoining neighbours and contributes to a positive impact on the use and amenity of the subject site.

The subject site is suitable for development as it complies with the objectives of the zone, is consistent with the approved use on the subject site and creates an additional recreational use for the patrons visiting the site. On this basis the proposed development has been recommended for approval. A detailed assessment of the proposed development is provided at (**ATTACHMENT 3**) in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

### COMMUNITY STRATEGIC PLAN

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

### FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications that result from the recommendation of this report.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		The proposed development

## MINUTES ORDINARY COUNCIL - 26 JULY 2016

			does not generate s.94 levies.
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

The proposed development is generally consistent with the objectives and requirements of the *Port Stephens Local Environmental Plan 2013* (LEP) and *Port Stephens Development Control Plan 2014* (DCP). A detailed assessment is provided at (**ATTACHMENT 2**).

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the development application will be challenged at the Land and Environment Court.	Low	Approved the application as recommended.	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposal will result in a positive social impact through the provision of an additional recreational use on the subject site and increased amenity and privacy of each unit. Acoustic impacts from the proposed BBQ area and swimming pool can be managed through compliance with approved operation hours, park management and compliance with the *Protection of the Environment Operations Act 1997* and Environmental Protection Authority 2000 'NSW Industrial Noise Policy'.

It is likely that the proposal will also result in positive economic impacts as the holiday centre will be able to draw a higher number of patrons to the site during holiday periods. Further, the proposed development will involve minimal impact on the natural environment through the implementation of the swimming pool and BBQ area as no permeable areas are to be affected during construction. The proposed landscaping will positively contribute to the natural environment and amenity of the locality.

### MERGER PROPOSAL IMPLICATIONS

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

### CONSULTATION

Consultation with key stakeholders has been undertaken by the Development Assessment and Compliance Section. The application was exhibited in accordance

with Council policy on two occasions due to amendments made to the application during assessment (which aimed to reduce the impact on the adjoining neighbours and locality). The first exhibition period was for a period of 14 days commencing on 27 January 2015, during which 13 submissions were received. The second round of notification commenced on 15 June 2016 and three submissions were received including one petition of 16 signatures. The submissions received have been discussed within the 'Key Issue – Public Interest' section of this report (above) and are further considered within (**ATTACHMENT 3**).

#### Internal

Internal referrals were made to specialist units within Council as follows:

- Development Engineer;
- Building Surveyor;
- Vegetation Management Officer (Landscape); and
- Environmental Health (Acoustic and Public Health).

#### External

No external referrals were required.

#### **OPTIONS**

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

#### **ATTACHMENTS**

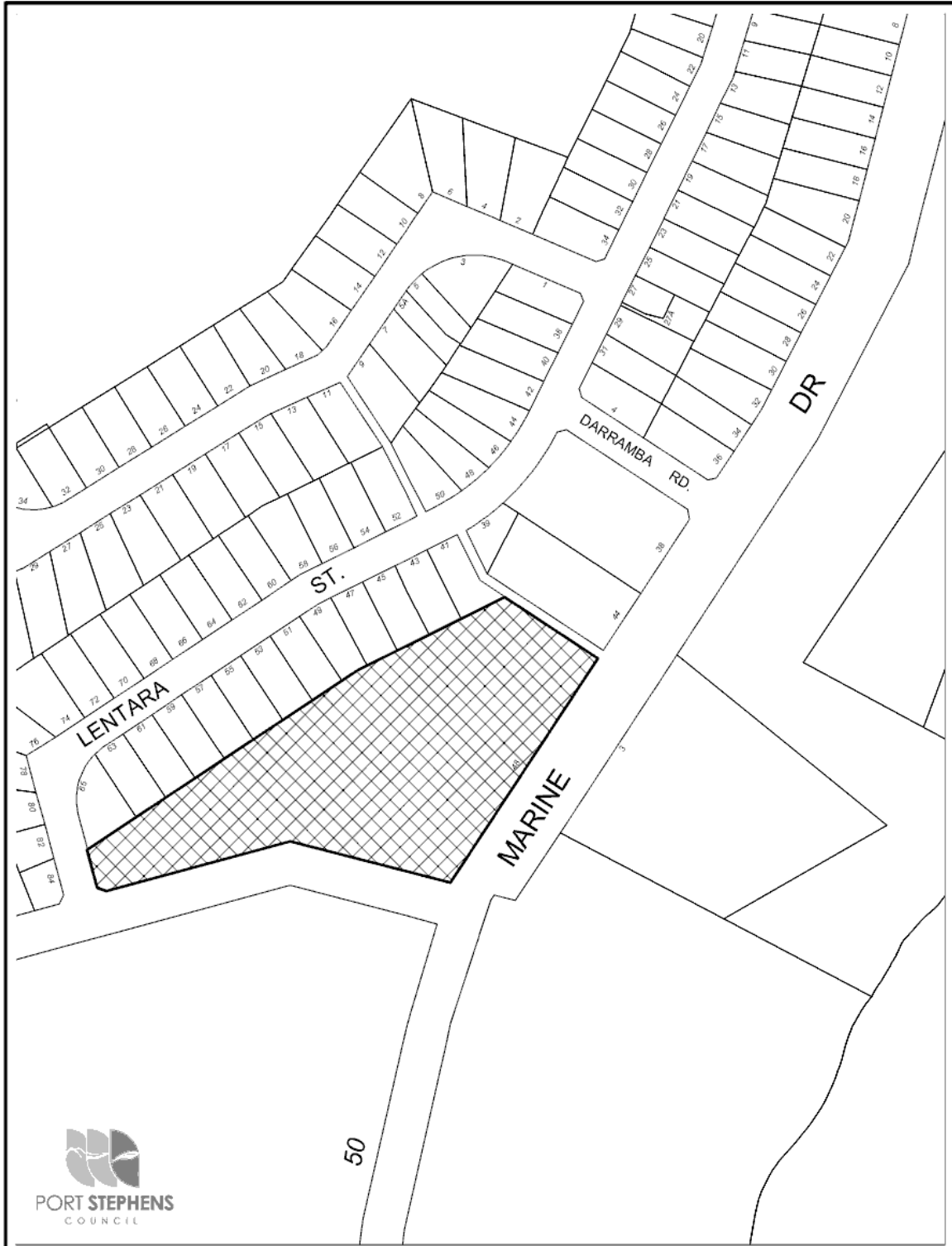
- 1) Locality Plan
- 2) Conditions of Consent
- 3) Development Assessment Report

#### **COUNCILLORS ROOM**

- 1) Development Plans.

#### **TABLED DOCUMENTS**

Nil.



**LOCALITY: FERN BAY**



**SUBJECT AREA**

**DISCLAIMER**

Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained by the relevant officers at council.

© Department of Lands  
© Port Stephens Council

This map is not to be reproduced without prior consent.

NOT TO SCALE

PRINTED ON: 20.06.16

**ITEM 1 - ATTACHMENT 2      CONDITIONS OF CONSENT**



**CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT**

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

Plan/Doc. Title	Plan Ref.	Sheet.	Date	Drawn By
Development Plans	3508	DA1003, DA1004, DA1100	29 April 2016	SHAC Architecture
Landscaping Plans	Fingal Bay Holiday Centre	LP01-LP03	May 2016	MOIR Landscape Architecture

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

2. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.

**CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION**

3. Erosion and sediment control measures shall be put in place to prevent the movement of soil by wind, water or vehicles onto any adjoining property, drainage line, easement, natural watercourse, reserve or road surface, in accordance with *Managing Urban Stormwater – Soils and Construction, Volume 1* (Landcom, 2004).

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

4. **Prior to the issue of the construction certificate**, details of the proposed stormwater drainage design and its interface with existing infrastructure onsite, including associated calculations, must be submitted to the Certifying Authority.



5. **Prior to the issue of the construction certificate**, design details of on-site car parking, access and manoeuvring areas are to be submitted to the certifying authority in accordance with Council's Development Control Plan and AS 2890.

The design requirements include:

- a. Access and manoeuvring areas for swept path clearances for the 85th percentile vehicle & waste collection vehicle to the waste collection points as per AS 2890.1 2004;
  - b. At least three (3) Disabled parking spaces in accordance with AS 2890.6 2009, located in proximity to the building disabled access and be clearly linemarked and signposted; and
  - c. Loading/unloading areas are to be separated from parking and storage areas. Loading areas must be designed to accommodate appropriate turning paths in accordance with AS 2890.2 2002.
6. **Prior to the issue of the construction certificate**, plans identifying a minimum of 60 on-site car parking shall be submitted to the certifying authority, set out generally in accordance with AS 2890.2 2002.

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

7. All building work must be carried out in accordance with the provisions of the Building Code of Australia and the Disability (Access to Premises – Buildings) Standards 2010.
8. 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.
9. 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.

It is the responsibility of the applicant to erect a PCA sign and ensure the PCA sign remains in position for the duration of works.

10. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. Council may issue 'on the spot' fines for pollution/littering offences under the *Protection of the Environment Operations Act 1997*.



ITEM 1 - ATTACHMENT 2 CONDITIONS OF CONSENT



PORT STEPHENS  
COUNCIL

11. Building demolition shall be carried out in accordance with Australian Standard AS2601-2001 - The Demolition of Structures.
12. The demolition and disposal of materials containing asbestos should be carried out in accordance with Workcover Authority Guidelines. Material should be disposed of at a licenced landfill facility.
13. The swimming pool is to be fully enclosed with fencing and gates to comply with the *Swimming Pool Act 1992* and *Swimming Pools Regulation 2008*.
14. All backwash/pool waste water is to be piped/drained to the sewer of the Hunter Water Corporation in accordance with the requirements of the Hunter Water Corporation.
15. The swimming pool water recirculation and filtration system installation shall comply with AS 1926.3 – 2010 and/or AS 2610.2 - 2007. Incorporating this safety measure may assist in avoiding entrapment of/or injury to young children.

**CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

16. The swimming pool and splash back are considered 'public swimming pools' under the *Public Health Act 2010* and *Public Health Regulation 2012*. As such, the pool operator is required to register the pools with Council. This can be done by completing the form found at the following link:  
<http://www.portstephens.nsw.gov.au/live/resident-services/environmental-health-and-compliance/Public-swimming-pool-and-spa-inspections>
17. The pool shall be equipped with an effective water circulation system, filter and continuous automatic disinfectant dosing control system in accordance with the *Public Health Regulation 2012*. Automatic control and dosing refers to a continuous dosing system activated and controlled by feedback from electrical chemical sensing equipment and does not include the use of a dissolving chemical floating dispenser.

**CONDITIONS TO BE SATISFIED AT ALL TIMES**

18. The Management Policy – Recreation Activities area, prepared by the Federation of Community and Sporting Workers Club Inc, dated 28 April 2016 must be adhered to **at all times**.
19. The pool hours of operation are confined to the following times:
  - December to March- 8am to 9pm;
  - April to September – 8am to 5:30pm; and
  - October to November – 8am to 7:30pm.

ITEM 1 - ATTACHMENT 2      CONDITIONS OF CONSENT



PORT STEPHENS  
COUNCIL

20. Pool plant and equipment shall be sited or enclosed in a sound absorbing enclosure to minimise any potential offensive noise impacts to adjoining neighbours as defined under the *Protection of the Environment Operations Act 1997*.
21. A durable resuscitation instruction chart is to be displayed in a prominent position in the pool at all times.
22. Activities relating to the swimming pool (including users of the pool and all plant/equipment associated with it) must not give rise to any offensive noise as defined by the *Protection of Environment Operations Act 1997*.
23. The stormwater system, including any water quality, quantity or infiltration components, shall be maintained in perpetuity for the life of the development.
24. At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

**ADVICE**

- a) Development consent shall be obtained from Council prior to the erection of any advertising structures or signs on the site. This requirement does not apply to any exempt, complying, or previously approved signage



**APPLICATION DETAILS**

<b>Application Number</b>	16-2016-41-1
<b>Development Description</b>	Tourist and visitor accommodation – Alterations and Additions to existing 'Fingal Bay Holiday Centre' including landscape works, swimming pool and BBQ shelter
<b>Applicant</b>	MR J DE CARLE
<b>Date of Lodgement</b>	22/01/2016
<b>Value of Works</b>	\$400,000.00

**Development Proposal**

The application proposes alterations and additions to existing 'Fingal Bay Holiday Centre' including landscape works, swimming pool and BBQ shelter.

The development application was lodged on 22 January 2016 and initially proposed the construction of a swimming pool, splash pad, volley ball court and BBQ shelter, located in the open turfed space within the holiday park along the rear property boundary. This area was first considered due to it being the last real developable and open space remaining in the park grounds, and is free of existing structures. This area forms part of the existing dedicated kids play area and BBQ shelter, which has been in use for the last 30 years. However, as a result of neighbour concerns and acoustic impacts, the location for the proposed development was altered.

Another five options for the location of the proposed development were investigated; however the final chosen location is within the existing parking area and road between Block E and reception building. This area is centralised within the park, with good links to the reception and manager's office, providing convenience to park patrons and equitable access from all units. The existing blocks E and H provide increased acoustic and visual barriers to neighbours along the NW boundary. This option is both visible from Marine Parade which offers patrons outside of the park a glimpse of the new facilities available and also does not affect the existing stormwater drainage infrastructure. This option does not require the removal of any gardens, turf or other permeable areas and will allow for the existing kids play area, BBQ shelter and turfed area to remain intact and unchanged. The removal of non-permeable surfaces will not affect the overall provision of on-site car parking and vehicle manoeuvring. Due to the area limitations in the revised location, the applicant has chosen to remove the proposal for a volley ball court.

An acoustic assessment has been completed and submitted to support the proposed development and revised location.

Park management have confirmed that supervision of the pool during daylight hours and after hours will be via a CCTV system. The manager will continue the practice of conducting a walk-around when locking the laundry building at 10pm.

The pool hours of operation are confined to the following times:

- December to March- 8am to 9pm;
- April to September – 8am to 5:30pm; and
- October to November – 8am to 7:30pm.

**ITEM 1 - ATTACHMENT 3 DEVELOPMENT ASSESSMENT REPORT**

16-2016-41-1

The proposed development also includes the addition of landscaping and private decks to improve the general amenity of the park within the current streetscape and community, and experiences of guests at the park.

**PROPERTY DETAILS**

<b>Property Address</b>	48 Marine Drive FINGAL BAY
<b>Lot and DP</b>	LOT: 336 DP: 753204
<b>Current Use</b>	Fingal Bay Holiday Centre
<b>Zoning</b>	RE2 PRIVATE RECREATION
<b>Site Constraints</b>	Bush Fire Prone Land Category 3; Acid Sulfate Soils Class 4 and 5; and SEPP 71 Coastal Protection.

**Site Description**

The subject site is located at 48 Marine Drive, Fingal Bay (LOT 336 DP 753204). The subject site is mostly triangular in shape with a 127m wide street frontage to Marine Drive (East), a 171m wide street frontage to Rocky Point Road (South) and a 231m long rear boundary (North East). The site is situated directly across from Fingal Bay Surf Lifesaving Club and Council owned reserve. The site is generally flat with a moderate rise towards the rear boundary, which is shared with the residences on Lentara Street to the North East. The site currently consists of fourteen (14) buildings inclusive of accommodation units, manager's residence, laundry and amenities. Ancillary paths, driveways, BBQ areas and playgrounds also reside on the site.

**Site History**

The site has previously had approvals for the following:

- 7-1981-574-1 – Residential Flat Building (4 Holiday Units) approved 17/07/1981
- 7-1987-3510-1 – Eight Holiday Units – approved 22/06/1987
- 7-1984-2228-1 – Residential Flat Building (8 units) – approved 27/04/1984
- 7-1987-3510-1 – eight holiday units – approved 04/05/1987
- 7-1990-60481-1 – 9 flats – approved 28/06/1990
- 7-1991-60244-1 – 35 units and play area – approved 23/04/1991
- 7-1992-60320-1 – managers residence and replace laundry and office – approved 14/04/1992
- 16-2005-925-1 – extension to managers residence, shade sails and guest laundry – approved 10/10/2005

The subject site has been used as a holiday centre and has subsequent approvals for over 35 years and as such does not pose any compliance issues for the proposed development.

**Site Inspection**

A site inspection was carried out on 25 February 2016 to investigate the proposed location of the swimming pool, volley ball court and BBQ shelter. A meeting with the adjoining residents was also

**ITEM 1 - ATTACHMENT 3 DEVELOPMENT ASSESSMENT REPORT**

16-2016-41-1

conducted on this date to discuss the concerns raised by the proposed development. The subject site can be seen in **figures 1, 2 and 3** below from the balcony of an adjoining property and from the subject site.



**Figure 1** – view from 55 Lentara Street Fingal Bay



**Figure 2** – proposed location of swimming pool, BBQ area and volley ball courts (looking towards 52 Lentara Street Fingal Bay)



**Figure 3** – Existing BBQ area



**ITEM 1 - ATTACHMENT 3 DEVELOPMENT ASSESSMENT REPORT**

16-2016-41-1

During the assessment of the application a number of concerns were raised in relation to the location of the proposed development and associated acoustic impacts. The applicant has taken those concerns into account and has elected to re-design the proposal including the re-location of the swimming pool and BBQ area. The proposed development no longer incorporates volleyball courts. Due to this, an additional site inspection was undertaken on 7 June 2016 to investigate the new location of the proposed development (see **Figure 4, 5 and 6** below).



**Figure 4** – alternate location (amended from original application)



**Figure 5** – existing BBQ and hardstand area between blocks B, E and managers residence



Figure 6 – proposed location of pool and splash area (angle from entrance to park)

**ASSESSMENT SUMMARY**

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

**Internal Referrals**

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

Development Engineer – No objections were made to the proposed development, conditions of consent have been attached relating to stormwater, car parking and construction works.

Building Surveyor – No objections were made to the proposed development. General conditions have been attached relating to demolition and construction requirements, as well as pool operation requirements.

Vegetation Management Officer – Initial objections were made to the choice of vegetation as they were not effective in providing outdoor screening nor match the landscape identity of the area. In response to the request for amended landscaping plans to reduce the pot size of the plants and tripling the number to achieve a greater outcome over a 5 year period, the applicant noted that this was not feasible. Reason being that the intent of the finished landscaping works was to create an immediate impact on the subject site and locality to screen the existing building facades upon

completion. Changing the chosen vegetation will also increase the cost of works significantly, of which cannot be achieved due to budget constraints for the works. Through reviewing this response from the applicant and Moir Landscaping, council's vegetation officer has elected to support the chosen vegetation as it will add to a positive impact on the surrounding locality and cosmetics of the holiday park.

Environmental Health Officer – No objections were made to the proposed development with specific reference to the acoustic impacts the proposed development may generate. In order to mitigate potential negative acoustic impacts, conditions of consent have been attached in accordance with the POEO Act 1997 and Environmental Protection Authority 2000 'NSW Industrial Noise Policy'. Conditions have also been attached relating to registering the pool with council in accordance with the Public Health Act 2010 and Public Health Regulation 2012.

#### **External Referrals**

The proposed modification was not required to be referred to external agencies for comment.

### **MATTERS FOR CONSIDERATION – SECTION 79C**

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

##### Port Stephens Local Environmental Plan 2013 (LEP)

#### **Clause 2.1 – Land Use Zones**

The proposed development is defined as RE2 Private Recreation and is permissible with consent. The development addresses the objectives of the zone through enabling the land to be used for recreational purposes and providing a range of activities within the holiday park for patron use. The proposed development is consistent with the original approval of the subject site and does not deter away from the objectives of the zone.

#### **Clause 5.5 – Development within the Coastal Zone**

The proposed development is located within the coastal zone and is considered to meet the principles of the NSW Coastal Policy. There are no anticipated adverse impacts on the local ecology or water quality as the proposal incorporates a stormwater quality control system and erosion and sediment control devices. The proposal is sufficiently separated from the waterway that there are no anticipated impacts on the access to the foreshore. The proposed development is in keeping with the character of the locality and is not anticipated to have any negative impacts on views to or from the waterway.

#### **Clause 7.1 – Acid Sulfate Soils**

The subject site is identified as containing class 4 and 5 acid sulfate soils. No works are proposed below 3m of the natural ground level therefore an acid sulfate soil or geotechnical report is not required as part of the proposed development.

#### **Clause 7.6 - Essential Services**

The subject site is serviced by reticulated water, electricity and sewer. In addition, the application has demonstrated that stormwater drainage resulting from the hard stand areas can be catered for in accordance with Councils requirements. The existing site entry and exit points will remain unchanged as a result of the proposed development. Further, the removal of hardstand road and pavement areas will increase the safety of the site.

#### SEPP 71 Coastal Protection

The proposed development is located in the coastal zone and accordingly the matters for consideration under clause 8 of this policy apply. The proposed development is not anticipated to have an adverse impact on the ecology, culture or amenity of the foreshore and coastal waters as



the development is recreational in nature and sufficiently separated from the waterway. In addition, given the separation of the development from the waterway, there are no anticipated impacts on access to, or views to or from the waterway and foreshore area. There are no anticipated conflicts between the proposed land use and the use of the waterway, rather the provision of additional recreational opportunities is considered to support the further use of the foreshore. The proposed development has been considered against the matters for consideration under the SEPP and is acceptable in this regard.

**s79C(1)(a)(ii) – Any draft EPI**

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

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

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

**Chapter A.12 – Notification and Advertising**

In accordance with the requirements of chapter A.12, the development application was notified. It was initially notified on 27 January 2016 for a period of 14 days (closing 9 February 2016), which received a large number of submissions regarding the proposed location of the development and associated acoustic impacts in response. As a result of these concerns the applicant elected to re-design the proposal extensively, resulting in a re-notification of the application on the 6 May 2016 for a period of 14 days (closing 19 May 2016).

**Chapter B1 – Tree Management**

No vegetation is required to be removed as part of the proposed development. The chosen landscaping features are suitable and consistent with the surrounding amenity. Refer to comments made under the internal referral section of this report.

**B3 Environmental Management****B3.E Noise**

- *To identify potentially offensive noise to ensure it is managed within the relevant legislative requirements.*

An acoustic assessment has been prepared by Robert Carr and Associates as requested by Council following a large number of submissions received regarding noise concerns.

An attended noise survey was undertaken adjacent to the north western boundary of the property over a 1 hour period in the mid-afternoon on Sunday 27<sup>th</sup> March 2016. The survey was arranged to coincide with a typical holiday period in order to be representative of existing conditions within the holiday centre.

An un-attended noise monitoring survey was undertaken between 4pm on the 24<sup>th</sup> March 2016 to 12:15pm on the 4<sup>th</sup> April 2016 on-site adjacent to the north western boundary of the premises. The total period of acoustic testing ran for 1.5 weeks.

The sound emission spectrum used for the noise sources (children playing, BBQ functions and swimming) was in accordance with AS1055. The equivalent continuous sound level for each source was determined from the data measured on site and a noise model was constructed and calibrated for the existing conditions.

In the modelling for the new conditions it is assumed the pool areas will be more attractive and able to accommodate more children playing than the existing facility.

**ITEM 1 - ATTACHMENT 3 DEVELOPMENT ASSESSMENT REPORT**

16-2016-41-1

The model representing the new operating condition has 5 times the equivalent sound emission sources as the model representing the existing conditions, and is therefore considered to be a worst case operating condition.

The report confirms that the existing Unit Blocks E and H provide an effective acoustic buffering element between the proposed facilities and the neighbours to the North-West, and that no other noise mitigation devices are required to control emissions from the proposed pool and BBQ facilities.

The acoustic report was reviewed by Council's Environmental Health Officer whom raised no concerns in relation to noise as a result. Conditions of consent have been attached in accordance with the POEO Act 1997 and Environmental Protection Authority 2000 'NSW Industrial Noise Policy'.

**B3.G – Waste**

The proposed development will be connected to the reticulated sewerage system provided by Hunter Water Corporation currently servicing the site.

The proposed development incorporates the relocation of the existing waste enclosure station, currently located in the centre of the park. Two new waste enclosure stations will be provided at each end of the site, where the garbage collection trucks can enter and leave from the same location and avoid entering the pedestrian spaces in the centre of the holiday park. This proposal has been discussed with the current contractor Remondis, who have given approval, advice and their support for the changes.

**B4 Drainage and Water Quality**

Councils Development Engineers raised no concerns with regard to drainage and water quality amendments as a result of the proposed development. Conditions of consent have been attached in relation to the maintenance of stormwater systems and registration of pool with Council to ensure water quality is managed.

**B9 Road Network and Parking**

As part of the proposed development, existing hardstand areas inclusive of footpaths and driveways are to be removed in order to facilitate the implementation of the swimming pool and BBQ area. The aim of this is to increase pedestrian safety in the centre of the park and to create more direct paths which link and direct pedestrians past the front office to the established safe crossing points on both Marine Drive and Rocky Point Road.

Due to removing these hardstand areas, the waste station location in the centre of the park is required to be removed. Further, the large garbage collection trucks are currently required to enter the park from Marine Drive and drive through the park to exit on Rocky Point Road. This poses substantial safety issues, therefore by amending the park layout and location of the waste stations, safety concerns will be mitigated.

3 car parking spaces are proposed to be removed for the purpose of the development. The current orientation of the site includes 56 units, therefore requiring 56 car parking spaces in accordance with Figure B Chapter B9 of the DCP2014 (1 car space for each accommodation unit). The site currently provides 61 car parking spaces plus 30 visitor car parking spaces. The removal of 3 car parking spaces will therefore not impose a negative impact on the park or surrounding streets as sufficient on-site parking is provided for holiday letters, visitors and employees. Conditions have been attached with regard to vehicle manoeuvring.

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

**ITEM 1 - ATTACHMENT 3 DEVELOPMENT ASSESSMENT REPORT**

16-2016-41-1

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

**s79C(1)(a)(iv) – The regulations**

N/a

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

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

**s79C(1)(b) – The likely impacts of the development****Social and Economic Impacts**

The proposal will result in a positive social impact through the provision of an additional recreational use on the subject site and increased amenity and privacy of each unit. Acoustic impacts from the proposed BBQ area and swimming pool can be managed through abiding by operation hours, park management and compliance with the POEO Act 1997 and Environmental Protection Authority 2000 'NSW Industrial Noise Policy' to reduce any associated negative impacts on the adjoining neighbours. Economic impacts will also be positive through drawing a higher number of patrons to the site during holiday periods due to the additional recreational use on the site.

**Impacts on the Built Environment**

The proposed development will have minimal impact on the built environment. Conditions of consent have been attached to regulate works during construction.

**Impacts on the Natural Environment**

The proposed development will involve minimal impact on the natural environment through the implementation of the swimming pool and BBQ area as no permeable areas are to be affected during construction. The proposed landscaping will positively contribute to the natural environment and amenity of the locality. Acoustic impacts from the proposed BBQ area and swimming pool can be managed through abiding by operation hours, park management and compliance with the POEO Act 1997 and Environmental Protection Authority 2000 'NSW Industrial Noise Policy' to reduce any associated negative impacts to air quality.

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

The subject site is suitable for development as it complies with the objectives of the zone, is consistent with the approved use on the subject site and creates an additional recreational use for the patrons visiting the site. Any negative impacts associated with acoustic impacts are to be managed by the park management office, signage and hours of operation (attached to the conditions of consent).

**s79C(1)(d) – Any submissions**

The adjoining neighbours were notified on 27 January 2016 of the proposed development. During the assessment of the application, a number of concerns were raised by the adjoining neighbours in relation to the design, acoustic impacts and location of the proposed pool, splash pad, volley ball courts and BBQ area. Following an on-site meeting with the adjoining property owners, additional information was requested from the applicants to address these concerns.

In response, the applicant took the concerns into account and elected to re-design the proposal (including the re-location of the swimming pool and BBQ area, and removal of the volley ball courts). The proposed development was re-notified to the adjoining neighbours on 6 May 2016 due to the significant changes made to the proposed development.

In response to the re-notification, a number of concerns were still raised by the adjoining neighbours including:

- Noise pollution and hours of operation of the swimming pool;
- Request for compilation of management plan by park managers with regard to resident regulation;
- Questioned validity of acoustic report as the device was removed prior to the school holidays commencing; and
- Location of the swimming pool and BBQ area.

**Response to Concerns**

The proposed development will have significant positive impact on the amenity of the holiday park and surrounding area through the addition of landscaping and ancillary use to the park. The development as initially proposed posed substantial negative impacts on the adjoining properties due to the location of the swimming pool, volley ball courts and BBQ areas and associated acoustic impacts. The proposed location in this instance was also out of site from park management, decreasing the ability for regulation to occur. As a result of these concerns raised by the neighbours and Council, additional information was requested from the applicant to address the concerns. An acoustic impact was conducted, whereby the model representing the new operating condition had 5 times the equivalent sound emission sources as the model representing the existing conditions, which therefore considers the worst case operating condition. Further, a management plan was compiled by the Federation of Community and Sporters Working Club, of which must be abided by in accordance with the conditions of consent. The re-location of the swimming pool and BBQ area has significantly decreased the negative acoustic impacts on the adjoining neighbours and contributes to a positive impact on the use and amenity of the subject site. The hours of operation of these areas have also been conditioned.

**s79C(1)(e) – The public interest**

The proposal is in the public interest due to the applicant conducting an acoustic impact assessment and significantly altering the proposed development inclusive of the swimming pool and BBQ area location to mitigate concerns raised by the public.

ITEM NO. 2

FILE NO: 16/368525  
RM8 REF NO: 16-2014-122-2

**SECTION 96 APPLICATION TO MODIFY DETERMINATION NO: 16-2014-122-1  
FOR A SINGLE DWELLING SHED AND ASSOCIATED EARTH MOUND AT NO:  
218 SEAHAM RD, NELSONS PLAINS**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse the application for the determination of DA 16-2014-122-2 (Dwelling, shed and associated earth mound) for the following reasons:
  - a) Insufficient information provided in relation to the amended fill foot print to the originally approval by Council to determine any potential further adverse impact on the local flooding environment and whether a flooding report would be required to support the application.
  - b) Given the likely significant adverse impacts on the flood behaviour, property and environment that may result from the approval, the development is not in the public interest (s79C(e) EP&A Act 1979).
  - c) The development fails to satisfy cl.7.3 Port Stephens Council (PSC) *Local Environmental Plan 2013* (LEP) as the development is not compatible with the flood hazard of the land (s.79C(1)(a)(i) EP&A Act 1979).

---

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Mayor Bruce MacKenzie Councillor Steve Tucker</b></p> <p>That Council approve the application for the determination of DA 16-2014-122-2 (Dwelling, shed and associated earth mound) in accordance with the Conditions of Consent detailed in <b>ATTACHMENT 3</b> of the report.</p>
--	---

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Sally Dover, John Morello and Steve Tucker.

Those against the Motion: Crs Geoff Dingle and John Nell.

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
MOTION**

<b>220</b>	<p><b>Mayor Bruce MacKenzie Councillor Steve Tucker</b></p> <p>It was resolved that Council approve the application for the determination of DA 16-2014-122-2 (Dwelling, shed and associated earth mound) in accordance with the Conditions of Consent detailed in <b>ATTACHMENT 3</b> of the report.</p>
------------	---

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Sally Dover, John Morello and Steve Tucker.

Those against the Motion: Crs Geoff Dingle and John Nell.

**BACKGROUND**

The purpose of this report is to present the Section 96 (s.96) to Council. The development application (DA) relates to land located at No. 218 Seaham Rd, Nelsons Plains which is identified as Lot: 31 DP 609041 ('the subject site') The application has been called to Council by Mayor MacKenzie on the basis that one house previously approved by Council in flood zone – request now is to raise up and extend and is attached as **(ATTACHMENT 1)**.

**DA No. 16-2014-122-1 (original approval)**

The original approval was assessed under *Port Stephen Council LEP 2013* and Development Control Plan (DCP) 2012. Approval was granted by elected Council (with a staff recommendation of refusal) for the construction of a four bedroom dwelling, farm shed and associated earth mound. The dwelling is a single storey structure with a wraparound veranda having a total footprint of 355m<sup>2</sup>, the associated shed was 220m<sup>2</sup> with a height of 5.88m. The earth mound, dwelling and shed are located approximately 90m from the banks of the Williams River and 410m from Seaham Rd. The original proposal was approved with a Flood Planning Level (FPL) with a finished floor level (FFL) of 5.3m AHD.

**16-2014-122-2 (the s96)**

Although the flooding chapter of the DCP is currently being reviewed, it has not been exhibited or endorsed by Council as yet. The s.96 application is subject to the current DCP and will be assessed on merit.

The proposed modifications are permissible within the RU1 Primary Production zone however the key issues with the development subject to review relate to flooding as

the site is classed as high hazard floodway. The high floodway classification of the property has not changed, however elected Council has already deemed it appropriate for a dwelling in this location by approving the original DA.

The s.96 application seeks to amend the dwelling design to significantly increase the footprint of the house and shed. In association with the increased dwelling size, the fill mound has been increased along with the Flood Planning Level (FPL) of the dwelling to 5.75m AHD, 450mm higher to that previously approved by Council.

### **Architectural Modifications**

The modifications to the approved dwelling incorporate an additional office space, media room, store room, double garage, two walk in robes and increased corridor/hall spaces. It is noted that the design remains as a four bedroom dwelling with no further increase in occupation. The internal floor areas have been increased from 199m<sup>2</sup> to 392m<sup>2</sup> (97% increase), external areas increased from 137.2m<sup>2</sup> to 203m<sup>2</sup> (48% increase), roof area increase from 355m<sup>2</sup> to 645m<sup>2</sup> (82% increase) resulting in a total dwelling footprint increase from 336.2m<sup>2</sup> to 595m<sup>2</sup> increase. The modifications to the shed design increase the footprint from 260m<sup>2</sup> to 324m<sup>2</sup> (25% larger).

The assessment has been lodged under s.96(2) *Other modifications* of the EP&A Act 1979. In accordance with cl.96(2)(a) despite the significant increase in the footprint size of the dwelling and shed and the architectural changes the intent and the use of the proposed modifications is substantially the same development as the development for which consent was originally granted.

The architectural design modifications to both the house and shed have been assessed against Section C4 (*Dwelling houses, Dual Occupancy & Ancillary Development*) of the PSC DCP 2013 under cl.79c(1)(a)(iii). The design changes show a greater articulation and respond well to the local environmental context. The location of the dwelling and shed provided the opportunity for the increased building footprint to be supported without having any major visual, acoustic or privacy impacts on the local context environment. The architectural modifications are considered to be suitable development under the above mentioned legislation and therefore can be supported.

### **Fill Mound Modifications**

The modifications indicated that the fill mound has been increased in height of approximately 300-500mm, varying across the fill pad. The height of the mound will assist in providing a higher FPL level for the dwelling and shed, although minimal details have been provided showing the changes between the approved mound and the proposed modifications. Under the current flooding data and policies the development would still be deemed unsuitable as dwellings in high hazard flood ways are not supported or viewed as good planning practice.

Before full assessment can be made, the applicant needs to provide further detail in relation to the amended fill footprint in comparison to the approved footprint as it is not clear from the plans provided. This information was requested however, we were advised by the owners/applicant the information would not be provided and the DA was called to Council.

Depending on whether the footprint is different will determine whether a flood report is necessary (to assess the impact of the fill on the local flooding environment). This is particularly relevant as there are dwellings located on both adjacent properties approximately 200m away and flood conditions may be affected by an amended fill footprint and its reasonable these property owners are aware of the impacts.

An assessment against cl7.3 Flood Planning of the PSC LEP under (s.79C(1)(a)(i) *EP&A Act 1979*) cannot be undertaken to determine the impacts and risks associated with the increased fill mound until the additional information is provided to Council to support the development application assessment.

Reasons for Refusal

- 1) Insufficient information provided in relation to the amended fill foot print to the originally approval by Council to determine any potential further adverse impact on the local flooding environment and whether a flooding report would be required to support the application.
- 2) Given the likely significant adverse impacts on the flood behaviour, property and environment that may result from the approval, the development is not in the public interest (s79C(e) *EP&A Act 1979*).
- 3) The development fails to satisfy cl.7.3 Port Stephens Council (PSC) Local Environmental Plan 2013 (LEP) as the development is not compatible with the flood hazard of the land (s.79C(1)(a)(i) *EP&A Act 1979*).

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

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



<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		There is scope within Council's existing budget to defend Council's determination if challenged.
Reserve Funds	No		
Section 94	No		The proposed does not trigger the application if challenged.
External Grants	No		
Other	No		

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

The development application is not consistent with the relevant planning instruments, flood development guidelines and studies including; *Environmental Planning and Assessment Act 1979* (EP&A Act), PSC LEP2013, DCP2014, the Port Stephens Council "Areas Affected by Flooding and/or Inundation" Policy, Floodplain Risk Management Policy the Paterson River Floodplain Risk Management Study and Plan 2001, and the NSW Floodplain Development Manual 2005.

Section 733 *Local Government Act 1993* provides Council with a general exemption from liability with respect to flood liable land only if the necessary studies and works are carried out in accordance with the principles contained in the NSW Floodplain Development Manual 2005. Endorsement of this development would be contrary to these principles. A decision contrary the planning framework may negate the good faith immunity provisions in *Local Government Act 1993*. This could result in individual Councillors being personally accountable and responsible for any subsequent implications resulting from the decision. Further, in the event of any future claim Council's insurers may determine not to cover Council should the application be approved contrary to the recommendation.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the Council's decision will be ultra-vires as cl.7.3 LEP2013 has not been satisfied.	Medium	Determine the application in line with the recommendation.	Yes
There is a risk that in approving the application Council will be increasing the risk to	Medium	Determine the application in line with the recommendation.	Yes

life and property in flood events.			
------------------------------------	--	--	--

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The flooding constraints of the site and insufficient information to support the fill mound and assess the impact of the fill on the local flooding environment. This is particularly relevant as there are dwellings located on both adjacent properties and flood conditions may be affected by an amended fill footprint.

**MERGER PROPOSAL IMPLICATIONS**

The determination of the s.96 application is not anticipated to have any implications upon the proposed Council merger.

**CONSULTATION**

In accordance with Council’s Notification Policy, the proposed development was not required to be notified or advertised.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Call to Council form.
- 2) Locality map.
- 3) Conditions of consent.
- 4) Assessment Report.

**COUNCILLORS ROOM**

- 1) S96 Plan Set – 218 Seaham Rd Nelsons Plains.
- 2) Shed Plans – 218 Seaham Rd Nelsons Plains.

**TABLED DOCUMENTS**

Nil.

ITEM 2 - ATTACHMENT 1 CALL TO COUNCIL FORM.



CALL TO COUNCIL FORM  
DEVELOPMENT APPLICATION

I, Councillor BRYCE MACKENZIE

require Development Application Number 16-2014-122-2

for S16 Modification to Approved Single Storey Dwellings,  
Farm Shed & Earth Mound

at 218 Seaham Road, Nelsons Plains

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

**Reason:**

The reason for this call-up to Council is

I house previously approved by Council in  
Flood zone - request now is to raise up  
& extend

**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: 13/7/16



**CONDITIONS WITHOUT PREJUDICE**

**SCHEDULE 1**

**APPROVAL UNDER SECTION 78A(3)**

1. Nil Required

**SCHEDULE 2**

**CONDITIONS OF APPROVAL:**

1. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.

3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

4. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-

- \* Monday to Friday, 7am to 6pm;
- \* Saturday, 8am to 1pm;
- \* No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L10 level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

5. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
6. Approved toilet accommodation for all tradespersons on the building site is to be provided from the time work commences until the building is complete. The toilet shall not be placed on the road reserve, without separate approval from Council.

**ITEM 2 - ATTACHMENT 3      CONDITIONS OF CONSENT.**

7. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. **Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.**

8. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders may be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

**Note:** Erosion and sediment control measures prepared in accordance with the Erosion and Sediment Control Regional Policy and Code of Practice or Managing Urban Stormwater – Soils and Construction produced by Landcom 2004, need to be maintained at all times. A copy of Landcom 2004 bluebook may be purchased by calling (02) 98418600.

9. Prior to the commencement of work, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.

10. The development shall take place in accordance with the stated values of the BASIX certificate submitted with the application. **Prior to the issue of any occupation certificate** an appropriately qualified person shall certify compliance with these requirements, as applicable. Where minor changes to the development occur (eg. colours and the like) these changes shall be referred to Council **prior to the changes being made.**

11. The principal certifying authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the principal certifying authority issues an Occupation Certificate. Note: if an accredited certifier approves occupation of a dwelling the accredited certifier is to immediately notify Council in writing.

12. Collected stormwater runoff shall be piped to designated onsite stormwater tanks.

13. All collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties.

The discharge location shall be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.

14. **Prior to the issue of any Occupation Certificate** the proposed earth mound shall be fully turfed, the landscaping shall be maintained for the life of the development.



**ITEM 2 - ATTACHMENT 3      CONDITIONS OF CONSENT.**

15. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM may require an EPA licence for use as a landfill. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited. Council will insist on the removal of any prohibited material.
16. The following measures shall be implemented to minimise soil erosion:
- a) All available topsoil shall be stockpiled and re-used at the completion of the earthworks.
  - b) The area of disturbance shall be kept to a minimum.
  - c) All stockpiles shall be spread and compacted within 4 weeks of placement on site.
  - d) The fill shall be progressively rehabilitated and stabilised with any partially completed filling areas being rehabilitated and stabilised if left untouched for more than 3 months.
  - e) All disturbed areas shall be stabilised within 14 days of completion of the filling operations with topsoil being spread evenly and lightly rolled prior to grass cover by either turfing or seeding.
17. Upon completion of the landfill activities, submit a survey plan prepared by a registered surveyor confirming that the landfilling has been undertaken in accordance with the approved plans and documentation. Council will insist on the removal of excessive fill.
18. **Prior to the issue of the Construction Certificate** a separate wastewater application for the installation of a waste treatment device/human waste storage facility shall be approved by Council. The wastewater management system proposed for the development shall be in accordance with Councils On-site Sewage Management Policy and the Local Government Act, 1993. The application is to be accompanied by full details of the proposed system and site assessment complying with the relevant section of the Development Assessment Framework (DAF).
19. **Prior to the issue of the Occupation Certificate** an Approval to Operate shall be obtained by Council in accordance with the Local Government Act, 1993 (Section 68A) following the satisfactory installation of the waste treatment device/human waste storage facility.
20. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005).
- The Flood Planning Level for this development is 5.3 metres AHD.
- Flood Compatible Building Materials are listed in the attached Schedule 5.

**ITEM 2 - ATTACHMENT 3      CONDITIONS OF CONSENT.**

The following design precautions must be adhered to:-

- a) The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level. **ORDINARY COUNCIL – 26 AUGUST 2014 PORT STEPHENS COUNCIL 25**
  - b) In sewerred areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge.
  - c) No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods.
  - d) All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible.
  - e) All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level.
  - f) All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed.
  - g) All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
  - h) Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level.
  - i) All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.
21. The Designated flood is the 1 % AEP Flood. A structural engineer shall design and provide certification to Council that all building structures and earth mounds are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1% AEP Flood prior to the issue of the Construction Certificate.
22. A flood management plan which covers evacuation, a demonstrated practical understanding of predicted flood levels and impact to access to/from the site including flood level and duration of inundation, the provision of emergency food, medical supplies, power/communication, water and effluent disposal, etc.



**ITEM 2 - ATTACHMENT 3 CONDITIONS OF CONSENT.**

incorporating the State Emergency Services Business Floodsafe Toolkit, shall be submitted and approved by Council prior to the issue of the Construction Certificate.

23. Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level.
24. Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level.
25. **Prior to the commencement of works** any approval required under the Water Management Act 2000 is to be attained.

**SCHEDULE 3 – APPROVED PLANS AND DOCUMENTATION**

<b>Plan/Doc. Title</b>	<b>Plan Ref. No.</b>	<b>Sheet</b>	<b>Date</b>	<b>Drawn By</b>
<b>Cover Page, Plans, Elevations, Sections, Basix &amp; NCC safety Notes</b>	<b>3655 Rev CC1</b>	<b>1-8</b>	<b>9/06/2016</b>	<b>Advantage</b>
<b>Shed Plans &amp; Elevations</b>		<b>Sheet 1-2</b>		

**ITEM 2 - ATTACHMENT 4 ASSESSMENT REPORT.**

<b>S.96 MODIFICATION – BUILDING SURVEYORS ASSESSMENT FORM</b>	
<b>File No:</b>	16-2014-122-2
<b>Proposal:</b>	S.96(2) Modification to Approved Single Storey Dwelling, Farm Shed & Earth Mound - Amend Design of Dwelling & Farm Shed
<b>Parcel No:</b>	14498
<b>Property:</b>	LOT: 31 DP: 609041 218 Seaham Road NELSONS PLAINS
<b>Applicant:</b>	HILL TOP PLANNERS PTY LTD PO BOX 469 MAITLAND NSW 2320

	<b>YES</b>	<b>NO</b>	<b>See Comments</b>
Is this additional detail/amended plan required by development consent PCA condition?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Have you superseded all copies of appropriate plans?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is an Amended Construction Certificate required to be issued by Council?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is an Amended Construction Certificate Required to be issued by Private Certifier?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<b>COMMENTS</b>
<p>The assessment has been lodged under s.96(2) Other modifications of the EP&amp;A Act 1979. In accordance with cl.96(2)(a) despite the significant increase in the footprint size of the dwelling and shed and the architectural changes the intent and the use of the proposed modifications is substantially the same development as the development for which consent was originally granted.</p> <p>Section 96 – Key changes Variations:</p> <ul style="list-style-type: none"> <li>• Finished Floor Level - increase by 450mm (5.3m AHD to 5.75m AHD) from the originally approved</li> <li>• Associated Fill increase by 450mm – approx. 2000-3000m<sup>3</sup> No details of additional fill were provided including any proposed batters, this calculation is only assumed. No additional flooding report was submitted to accompany the application as the proposal will alter the flood waters due to the increased fill. Compliance with the DCP would have to be demonstrated.</li> <li>• Dwelling Changes – Floor area has been increased             <ul style="list-style-type: none"> <li>- Internal areas 199m<sup>2</sup> to 392m<sup>2</sup> (197% of original size or 97% larger) Including new rooms – Office , media room, store room, double garage, 2 x walk in robes, Corridor/hall space</li> <li>- Roof area – 355m<sup>2</sup> to 645m<sup>2</sup> (182% of original size or 82% larger)</li> <li>- External areas from – 137.2m<sup>2</sup> to 203m<sup>2</sup> (148% of original size or 48% larger) Including new Portico to the entry</li> <li>- <b>Total increase in footprint is 336.2m<sup>2</sup> to 595m<sup>2</sup> (177% increase or 77% larger)</b></li> <li>- Shed increase from 260m<sup>2</sup> to 324m<sup>2</sup> (25% larger)</li> </ul> </li> </ul>

ITEM 2 - ATTACHMENT 4 ASSESSMENT REPORT.

External Changes – Entry Gable and dormer windows to the front elevations, The whole elevations have been re-designed to suite the new planning layout and increases building size.

Floor plans have total changed in design, It was argued that the same amount of occupants can reside in the house therefore it is not a radical departure although the development has been completely re designed architecturally. The only similarity is the use of the structure being a residence.

The architectural design modifications to both the house and shed have been assessed against Section C4 (Dwelling houses, Dual Occupancy & Ancillary Development) of the PSC DCP 2013 under cl.79c(1)(a)(iii). The design changes show a greater articulation and respond well to the local environmental context. The location of the dwelling and shed provided the opportunity for the increased building footprint to be supported without having any major visual, acoustic or privacy impacts on the local context environment. The architectural modifications are considered to be suitable development under the above mentioned legislation and therefore can be supported.

**Flooding Information**

As per the original application in 2014, the proposed development is still inappropriate for a high hazard floodway. This is due to a number of factors including the risk to life of occupants of the dwelling as well as emergency services personnel amongst many other concerns as detailed in the flood referral for the original DA in 2014. The original DA was not supported by staff due to the flooding constraints of the site.

As a Section 96 Application, however, this assessment is based on the amendments to the existing approval.

From the application provided, the amendments consist of:

- A higher and potentially larger fill pad. Fill increasing from 5.1m AHD to 5.4m - 5.6m AHD
- A larger house (approx. double the m2 in footprint) but still comprising 4 bedrooms
- FFL of the house from 5.3m AHD to 5.75m AHD

The application also needs to be considered in relation to our current DCP requirements for building on flood prone land. As such, the development triggers the need for:

- An onsite flood refuge above the PMF (the PMF level is approx. 9.7m AHD) – *Determined that the PMF is not applicable as the policy is still being developed.*
- Construction to withstand hydraulic loading due to flood events up to the PMF- *Considered at the issuing of the Construction Certificate.*

Before an assessment can be made, the applicant needs to provide more detail in relation to the amended fill footprint in comparison to the approved footprint. Depending on whether the footprint is different will determine whether a flood report is necessary (to assess the impact of the fill on the local flooding environment). This is particularly relevant as there are dwellings located on both adjacent properties and flood conditions may be affected by an amended fill footprint.

Previous advice from the original flooding report allowed a concession on the FPL as a FPL was provided to the applicant 300mm lower than what the current data indicated at the time of the application. Please find comment below as of 12<sup>th</sup> July 2014

*' The Flood Planning Level for the development:*

- 5.6m AHD
- *However, previous advice given was that the 1% AEP was 4.8m AHD and therefore the FPL was 5.3m AHD. Therefore a concession for this level should be considered.'*

**ITEM 2 - ATTACHMENT 4 ASSESSMENT REPORT.**

**Conclusion:**  
 Before full assessment can be made, the applicant needs to provide further detail in relation to the amended fill footprint in comparison to the approved footprint as it is not clear from the plans provided.

An assessment against cl7.3 Flood Planning of the PSC LEP under (s.79C(1)(a)(i) EP&A Act 1979) cannot be undertaken to determine the impacts and risks associated with the increased fill mound until the additional information is provided to Council to support the development application assessment.

The design changes would be supported in principle as the changes would have no negative on the surrounding properties, local environment and community. The only confirmation required.

Recommended reason for refusal:

- 1) *Insufficient information provided in relation to the amended fill foot print to the originally approval by Council to determine any potential further adverse impact on the local flooding environment and whether a flooding report would be required to support the application.*
- 2) *Given the likely significant adverse impacts on the flood behaviour, property and environment that may result from the approval, he development is not in the public interest (s79C(e) EP&A Act 1979)*
- 3) *The development fails to satisfy cl.7.3 Port Stephens Council (PSC) Local Environmental Plan 2013 (LEP) as the development is not compatible with the flood hazard of the land (s.79C(1)(a)(i) EP&A Act 1979)*

**AMEND / DELETE CONDITION/S**

*(Please detail the conditions to be amend, deleted or no changes to be made)*

**APPROVED PLANS/DOCUMENTS TO BE INCLUDED IN THE CONSENT**

Plan/Doc. Title	Ref. No.	Sheet.	Date	Prepared by	STAMP WITH	
					DA	CC
Cover Page, Plans, Elevations, Sections, Basix & NCC safety Notes	3655 Rev CC1	1-8	9/06/2016	Advantage	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shed Plans & Elevations		Sheet 1-2			<input checked="" type="checkbox"/>	<input type="checkbox"/>

**MODIFICATION RECOMMENDATION**

Recommended that the Section 96 application be:

Approved       Refused

Assessing Officer: **Ryan Bridges**      Date: \_\_\_\_\_

**ITEM NO. 3**

**FILE NO: 16/306993  
RM8 REF NO: PSC2016-00770**

**AMENDMENT TO DEVELOPMENT CONTROL PLAN 2014 CHAPTER B5 -  
FLOODING**

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft Development Control Plan 2014 Chapter B5 – Flooding at **(ATTACHMENT 1)** and place on public exhibition for a minimum period of 28 days.
- 

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>RECOMMENDATION:</b></p> <p>The General Manager advised that Item 3 has been withdrawn from the agenda.</p>
--	--

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
MOTION**

	<p><b>RECOMMENDATION IS THAT COUNCIL:</b></p> <p>The General Manager advised that Item 3 has been withdrawn from the agenda.</p>
--	--

**BACKGROUND**

The purpose of this report is to seek Council's endorsement to place *Draft Chapter B5 Flooding of Development Control Plan 2014 (the Draft DCP)* **(ATTACHMENT 1)** on public exhibition for a minimum period of 28 days. The Draft DCP aims to provide greater clarity and consistency in the determination of development applications on flood prone land and achieve alignment with Council's other flood management tools.

The draft DCP aligns with the new Floodplain Risk Management Policy and aims to ensure that the impact of flooding on life and property is adequately considered in the planning and assessment of development on Flood Prone Land, while providing

consistency in the decision making process. This includes consistency with the *PSLEP 2013* and Flood Hazard Maps.

The draft DCP provides performance and prescriptive criteria for development on flood prone land. Key features of the draft DCP are:

- The introduction of Table 2: Building Site Acceptability Based on Flood Hazard, which clearly identifies what development types are appropriate in each flood hazard category and summarises the relevant provisions and information required to be submitted with a development application;
- The removal of the confusing Flood Hazard Categories Cross Section diagram, which was difficult to interpret;
- The introduction of requirements for livestock flood refuge mounds;
- Engineering requirements for sheds and garages proposed in Floodways;
- Clearly stated requirements for development applications submitted on flood prone land; and
- Clearer and concise provisions that are less open to interpretation, to provide applicants with greater certainty.

On 8 March 2016, Council adopted the Floodplain Risk Management Policy and Flood Hazard Maps. The Policy and maps have been prepared in accordance with the State Government's Floodplain Development Manual 2005 and were developed using data from a number of flood studies undertaken throughout the LGA. The draft DCP does not seek to alter Flood Hazard Maps.

The proposed DCP amendment is one of a suite of tools being delivered to bring Council's flood management controls in line with the Floodplain Development Manual 2005 and provide greater certainty based on the flood hazard risks.

Other initiatives include removing the Flood Planning Map from the *PSLEP 2013* in order to rely on the adopted Flood Hazard Maps, and introducing Flood Certificates that deliver a more customer focused service by providing site specific flood information on which development decisions can be based.

## **COMMUNITY STRATEGIC PLAN**

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

There are no foreseen financial or resource implications for Council as a consequence of the proposed recommendation. The development of the proposed plan has been managed within the existing budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The planning proposal will be progressed under existing resources in accordance with Council's resolution.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the draft DCP is not adopted and development on flood prone land continues in an ad-hoc manner.	Medium	Endorse the revised draft DCP.	Yes
There is a risk that council approves inappropriate development on flood prone land.	Medium	Endorse the revised draft DCP to provide a consistent decision making framework.	Yes

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

The draft DCP has been prepared in accordance with Section 74C of the *EP&A Act 1979*.

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

This regulatory framework provides further guidance to the form, structure and subject matter to a DCP. Council will need to achieve the following milestones during the drafting, exhibition and adoption of the draft plan.

EP&A Regulation 2000	Date	Comment
S16 Preparation.	April – July 2016	The draft DCP has been prepared internally.
S18 DCP Public Exhibition/ S19 Copies available / S20 Submissions.	August 2016	28 days public exhibition period required with copies made available to interested parties.

**MINUTES ORDINARY COUNCIL - 26 JULY 2016**

		Submissions on the draft DCP will be accepted during the exhibition period.
S21 Approval.	October 2016	The draft DCP will be reported to Council for adoption following the public exhibition period.
S22 DCP Repeal of Existing.	October 2016	The existing Chapter B.5 Flooding will be repealed upon adoption of the draft DCP. A public notice will be placed in the <i>Port Stephens Examiner</i> advising of Council's decision.

**NSW Floodplain Development Manual 2005**

The Floodplain Risk Management Policy and Flood Hazard Maps were prepared in accordance with the requirements of the NSW Floodplain Development Manual 2005. In accordance with Section 733 of the *NSW Local Government Act 1993*, Council's policies must be consistent with the Manual in order for Council to obtain immunity from legal risk.

Council's Flood Hazard Maps were prepared having regard to several Flood Studies undertaken throughout the LGA over a number of years. These flood studies have generally been prepared in accordance with the NSW Floodplain Development Manual 2005.

The Draft DCP, together with other initiatives, will align Council's flood management tools with the NSW Floodplain Development Manual 2005.

**Port Stephens Local Environmental Plan 2013 (PSLEP 2013)**

The Draft DCP will give effect to Clause 7.3 Flood Planning of *PSLEP 2013*. Development on flood prone land must satisfy the provisions of Clause 7.3 Flood planning of the *PSLEP 2013*, which seeks:

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
- (c) to avoid significant adverse impacts on flood behaviour and the environment.

A planning proposal was endorsed by Council on 24 May 2016 which aims to amend Clause 7.3 by removing reference to 'Flood Planning Map' and deleting the 'Flood Planning Map' from the suite of LEP maps. Council will instead rely on the adopted Flood Hazard Maps and proposed DCP amendment to identify flood prone land.



## **Floodplain Risk Management Policy and Flood Hazard Maps**

On 8 March 2016, Council adopted the Floodplain Risk Management Policy and Flood Hazard Maps. The Policy and maps have been prepared in accordance with the State Government's Floodplain Development Manual 2005 and were developed using data from a number of flood studies undertaken throughout the LGA.

The draft DCP aligns with the new Policy and aims to ensure that the impact of flooding on life and property is adequately considered in the planning and assessment of development on Flood Prone Land, while providing consistency in the decision making process.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The draft DCP aims to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property.

The draft DCP recognises that flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding appropriate development. The draft DCP also seeks to ensure that economic costs which may arise from damage to property from flooding is not greater than that which can reasonably be managed by the property owner and general community.

Development on flood prone land can have detrimental environmental implications. The DCP aims to ensure that development on flood prone land does not have an unreasonable environmental impact by significantly altering the flooding behaviour.

### **NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

The draft DCP will need to be reviewed in a merged council environment.

### **CONSULTATION**

#### Internal

The draft DCP has been prepared in collaboration with Council's Flooding & Drainage Engineers, Development Assessment Officers and Strategic Planners.

#### External

Public exhibition - In accordance with the *EP&A Regulation 2000*, the Draft DCP will be placed on exhibition for a period of 28 days following endorsement by Council.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Draft Chapter B5 Flooding of Development Control Plan 2014.
- 2) Matrix - detailed - draft Chapter B5 Flooding of Development Control Plan 2014.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM 3 - ATTACHMENT 1 DRAFT CHAPTER B5 FLOODING OF DEVELOPMENT CONTROL PLAN 2014.

**B5**

FLOODING

**B5 Flooding**

Application	
<p>This Part applies to development on <b>Flood Prone Land</b>.</p> <p>Note: Development applications to which this part applies must satisfy the performance and prescriptive criteria contained in this Part. Table 2 Development Suitability Table summarises where certain development is appropriate and specific requirements for development to satisfy the DCP provisions, having regard for the <b>Flood Hazard Maps</b> (available on Council's website).</p>	

Objectives – performance criteria		
B5.A	<b>Flood Planning</b>	<ul style="list-style-type: none"> <li>▪ To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property.</li> <li>▪ To recognise <b>flood prone land</b> as a valuable resource that should not be sterilised by unnecessarily precluding appropriate development.</li> <li>▪ To ensure that the use and development of <b>flood prone land</b> has risk consequences that are acceptable to the community, takes into account the full spectrum of flood risks that can be managed and recognises the social, economic and environmental values of <b>flood prone land</b>.</li> <li>▪ To implement the principles of the <b>NSW Government 'Floodplain Development Manual' 2005</b> and Council's <b>Floodplain Risk Management Policy and Flood Hazard Maps</b> into new development</li> <li>▪ To ensure development satisfies the provisions of PSLEP2013 Clause 7.3.</li> <li>▪ To enable flood risk to be considered as early as possible in the planning and development process, based on the best available flood information.</li> </ul>

Requirements – performance criteria		
B5.1	<b>Risk to life</b>	<p>The proposed development incorporates measures to manage risk to human life from flooding. This includes:</p> <ul style="list-style-type: none"> <li>i) Access for evacuation from an area affected by floods to an <b>area free of risk from flooding</b>, and includes access restrictions during times of flooding;</li> <li>ii) Warning times and procedures to make people</li> </ul>

ITEM 3 - ATTACHMENT 1 DRAFT CHAPTER B5 FLOODING OF DEVELOPMENT CONTROL PLAN 2014.

**B5**

FLOODING

		<p>aware of the need to evacuate;</p> <ul style="list-style-type: none"> <li>iii) Consideration of the current and potential future occupants;</li> <li>iv) Consistency with any Council adopted Flood Study or <b>Floodplain Risk Management Study</b> that has been undertaken for the site; and</li> <li>v) Consistency with Table 2: Development Suitability Table</li> </ul>
B5.2	<b>Risk to property</b>	<p>The additional economic and social costs which may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general community.</p> <p>The proposed development will not increase the potential flood effects on other development or properties, either individually or through the cumulative impact of development that is likely to occur in the same floodplain. In determining any potential increase, Council will consider:</p> <ul style="list-style-type: none"> <li>i) Flood levels during the <b>1% AEP flood</b> and for more frequent and less frequent events;</li> <li>ii) Flow velocity during the <b>1% AEP flood</b> and for more frequent and less frequent events;</li> <li>iii) Loss of <b>flood storage</b> in the immediate floodplain; and</li> <li>iv) Consistency with any Council adopted Flood Study or <b>Floodplain Risk Management Study</b> that has been undertaken for the site</li> </ul>
B5.3	<b>Flood Hazard Capability</b>	<p>The proposed development must be compatible with the <b>flood hazard</b> of the land or include mitigation measures or offsets to improve the <b>flood hazard</b>. In determining any potential increase, Council will consider:</p> <ul style="list-style-type: none"> <li>i) Depth of flood inundation on the site and the adjacent land;</li> <li>ii) Flow velocity on the site as well as upstream and downstream from the site;</li> <li>iii) Suitability of design so that the development does not become isolated by high hazard floodwaters during a flood event; and</li> <li>iv) Consistency with any Council adopted Flood</li> </ul>

ITEM 3 - ATTACHMENT 1 DRAFT CHAPTER B5 FLOODING OF DEVELOPMENT CONTROL PLAN 2014.

**B5**

FLOODING

		Study or <b>Floodplain Risk Management Study</b> that has been undertaken for the site.
<b>Objectives</b>		
B5.B		<ul style="list-style-type: none"> <li>To provide detailed controls for the assessment of development applications lodged in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and land affected by flooding.</li> <li>To manage the risk to human life and risk to property caused by flooding by ensuring that development is appropriately sited and designed to withstand the flood environment on land affected by potential floods.</li> <li>To promote flood compatible building design;</li> <li>To ensure that development does not adversely impact on adjoining properties.</li> </ul>
<b>Requirements – Prescriptive provisions</b>		
B5.4	<b>Development other than that detailed in Table 2: Development Suitability Table</b>	<p>Development other than that listed in Table 2: Development Suitability Table is subject to a merits based assessment against the objectives of the DCP and Clause 7.3 of the LEP.</p> <p>A Flood DCP compliance report will be required.</p> <p>Note: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 allows certain development to be undertaken without consent.</p>
B5.5	<b>Land subject to further investigation</b>	Land designated as 'Flood Prone Land subject to further investigation' on the <b>Flood Hazard Map</b> will be considered as 'High Hazard Flood Storage'.

ITEM 3 - ATTACHMENT 1 DRAFT CHAPTER B5 FLOODING OF DEVELOPMENT CONTROL PLAN 2014.

**B5**

FLOODING

B5.6	<b>Flood compatible design</b>	<p>All proposed development on <b>flood prone land</b> must be of a flood-resistant design and construction.</p> <p>The design must take into account the hydrostatic actions, hydrodynamic actions, debris actions, wave actions, erosion and scour.</p> <p>Materials used for structural purposes and located below the <b>flood planning level</b> must:</p> <ul style="list-style-type: none"> <li>• Be capable of resisting damage, deterioration, corrosion or decay;</li> <li>• Consider the amount of time that the material is likely to be in contact with flood water; and</li> <li>• Consider the amount of time it will take for the material to dry out.</li> </ul> <p>Note: Materials should be consistent with the:</p> <ul style="list-style-type: none"> <li>• <i>Construction of Buildings in Flood Hazard Areas – Standard</i>, Australian Building Codes Board; and</li> <li>• <i>Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas</i>, Hawkesbury-Nepean Floodplain Management Steering Committee, 2006</li> </ul>
B5.7	<b>Subdivision</b>	Subdivision that creates the ability to erect a dwelling under clause 4.2B of the LEP is to indicate building envelopes above the <b>flood planning level</b> and access above the <b>1% AEP flood level</b> .
B5.8		All lots capable of erecting a dwelling under Clause 4.2B of the LEP should have Low Hazard access (or maximum depth of flooding of 0.3m or less in the <b>1% AEP flood</b> ) externally to the site.
B5.9	<b>Minimum finished floor levels</b>	The minimum finished floor level of residential development, commercial and industrial development, garages and sheds must meet the finished floor levels specified in Table 2: Development Suitability Table and be at least 300mm above natural ground level.
B5.10	<b>Electrical features</b>	All incoming main commercial power service equipment, including all metering equipment, and all electrical fixtures, such as power points, light fittings, switches, heating, ventilation, plumbing, air conditioning equipment, heating, ventilation & air conditioning ductwork, and other service facilities are to be located above the <b>flood planning level</b> , or where possible above the <b>probable maximum flood</b> .
B5.11	<b>Ongoing flood</b>	Where the proposed development facilitates ongoing flood adaption (i.e. where the design enables the future raising of

ITEM 3 - ATTACHMENT 1 DRAFT CHAPTER B5 FLOODING OF DEVELOPMENT CONTROL PLAN 2014.

**B5**

FLOODING

	<b>adaptation</b>	the building, such as pier and beam housing design) a reduced flood <b>planning horizon</b> of 50 years from the date of application will be accepted.
B5.12	<b>Minor extensions to existing development</b>	Where the proposed extension to any existing residential building is less than 40m <sup>2</sup> of the originally approved building, a finished floor level lower than the <b>flood planning level</b> , but not lower than the existing floor, will be considered. Any additional flood risk must include mitigation measures to reduce the overall flood risk of the development.
B5.17	<b>Driveways and access</b>	Driveways are to have a minimum finished level of that specified in Table 2: Development Suitability table and the flood immunity of the connecting public road. Preferably pedestrian and vehicular access will be provided above the <b>1% AEP flood level</b> .  <b>Note:</b> All earthworks must satisfy the provisions of Clause 7.2 of the LEP and Clause B3.6 of the DCP.
B5.18	<b>Onsite flood refuge</b>	If evacuation egress to flood free areas cannot be achieved via a route that is flood free, <b>Low Hazard</b> or where the maximum depth of flooding is 0.3m or less in the <b>1% AEP flood event</b> , Council will consider the proposal provided that it includes an onsite flood refuge that meets the following criteria: <ul style="list-style-type: none"> <li>i) be located above the <b>probable maximum flood</b> level;</li> <li>ii) be intrinsically accessible to all people on the site, plainly evident and self-directing;</li> <li>iii) be accessible in sufficient time for all occupants to access the onsite refuge with fail safe access provided with no reliance on elevators;</li> <li>iv) have external access which must remain unobstructed for emergency boat access during flooding;</li> <li>v) cater for the number of persons that could reasonably be expected to be on-site (approx. 2m<sup>2</sup> per person);</li> <li>vi) have natural lighting and ventilation; and</li> <li>vii) contain sufficient clean water, a first aid kit, portable radio with spare batteries and a torch with spare batteries.</li> </ul>

ITEM 3 - ATTACHMENT 1 DRAFT CHAPTER B5 FLOODING OF DEVELOPMENT CONTROL PLAN 2014.

**B5**

FLOODING

B5.19	<b>Fencing</b>	Fencing on <b>flood prone land</b> should be stable in events up to the <b>1% AEP flood event</b> and not obstruct the flow of floodwater.  Note: Fencing in a <b>floodway</b> is generally not appropriate except for permeable / open type fences.
B5.20	<b>Potentially polluting material</b>	The storage of hazardous or potentially hazardous materials, potentially polluting material or material that could be washed from site and cause harm downstream must be above the <b>flood planning level</b> with appropriate bunding.
B5.21		Items that can potentially be washed away during flood events (eg rainwater tanks, hot water tanks, gas cylinders, shipping containers) are to be elevated above 1% AEP flood level (without <b>freeboard</b> ) or anchored to resist buoyancy and impact forces.
B5.22	<b>Open car parking and carports</b>	The finished surface of open space car parking should be designed with regards to vehicle stability, including consideration of depths and velocity during inundation by flood waters.
B5.23	<b>Farm sheds</b>	The design of a <b>farm shed</b> in a <b>flood hazard</b> area must comply with design requirements set out in the Construction of Buildings in Flood Hazard Areas – Standard, Australian Building Codes Board. The design must include openings in any enclosure below the <b>1% AEP flood level</b> to allow for automatic entry and exit of floodwater for all floods up to the <b>1% AEP flood level</b> (flood water below the 1% AEP flood level must be allowed to enter and leave the enclosure to equalise the hydrostatic pressure on both sides of the external walls).
<b>Objectives – Submission requirements</b>		
B.5C	<b>Information to be submitted with development application</b>	<ul style="list-style-type: none"> <li>To ensure consistency and clarity the submission of development applications on <b>Flood Prone Land</b></li> <li>To ensure that the proposal is supported by adequate information to assess the impact of the proposal on flood behaviour, flood affectation and risk to life and property associated with the use of the land.</li> </ul>
<b>Requirements – Submission requirements</b>		
B5.24	<b>Table 2: Development Suitability</b>	The information submitted with a development application is consistent with Table 2: Development Suitability Table



ITEM 3 - ATTACHMENT 1 DRAFT CHAPTER B5 FLOODING OF DEVELOPMENT CONTROL PLAN 2014.

**B5**

FLOODING

	Table	
B5.25	<b>Survey details</b>	Plans must be submitted in metres Australian Height Datum (AHD). A site plan of the proposed development including natural ground levels, modified ground levels and proposed finished floor levels is required. Levels relating to an arbitrary assumed datum are not acceptable.
B5.26	<b>Flood DCP Compliance Report</b>	All development applications on a property at or below the <b>Flood Planning Level</b> , as indicated by Council's Floodplain Risk Management Policy and Flood Hazard Mapping, requires a report showing compliance with the DCP, and includes both of the following: <ul style="list-style-type: none"> <li>i) <b>Flood Certificate</b>; and</li> <li>ii) <b>Flood Risk Assessment Report</b></li> </ul>
B5.27	<b>Flood Evacuation Response Plan</b>	A flood evacuation response plan must: <ul style="list-style-type: none"> <li>• detail the proposed evacuation route during times of flooding;</li> <li>• detail when and how it will be implemented, given the nature of flooding in the location, flood levels and velocities;</li> <li>• provide an evacuation route via Low Hazard flood areas; and</li> <li>• identify the source of the flood information used to prepare the Plan.</li> </ul>
B5.28		Development applications that include an onsite refuge or any development in a <b>floodway</b> (except for fill or a subdivision where no additional dwelling can be erected under clause 4.2B of the LEP) must be accompanied by a report certifying the structural stability of the structure.  The Structural Report is to be prepared by a Chartered Professional Engineer recognised under the National Engineers Register (NER) in the area of practice of Structural Engineering. The Report must certify that the proposed structural components can withstand the forces of floodwater in the PMF, including hydrostatic pressure, the hydrodynamic pressure, the impact of debris and buoyancy forces.

ITEM 3 - ATTACHMENT 1 DRAFT CHAPTER B5 FLOODING OF DEVELOPMENT CONTROL PLAN 2014.

**B5**

FLOODING

B5.29	<b>When a flood study is required</b>	<p>A flood study must be submitted for development applications if:</p> <ul style="list-style-type: none"> <li>• it is identified by Table 2: Development Suitability Table as Unsuitable development,</li> <li>• it is located on 'Flood Prone Land subject to further investigation' land on Council's <b>Flood Hazard Maps</b>; or</li> <li>• Council deems it necessary.</li> </ul> <p>The flood study must be certified by a Chartered Professional Engineer recognised under the National Engineers Register (NER) in this field or who has at least 15 years' experience in hydraulics or floodplain management. The full name of the person who certified the report, relevant qualifications and registration number are to be provided on the front page of the report.</p>
B5.30		<p>A Flood Study may not be required for fill located in <b>Flood Storage</b> Areas if the net volume of fill does not exceed 20% of the <b>flood volume</b> of the lot in the <b>1% AEP flood event</b> (this includes consideration of previous fill volumes).</p> <p>Fill in <b>Flood Storage</b> Areas greater than this volume can be offset by <b>flood storage</b> in other lots if consolidation is proposed.</p>
B5.31	<b>Flood study requirements</b>	<p>The Flood Study will:</p> <ol style="list-style-type: none"> <li>i) Be a comprehensive document that includes numerical flood modelling of the proposed development area;</li> <li>ii) Ensure that the extent of the study adequately assesses all flooding characteristics and impacts of the development in the area;</li> <li>iii) Be consistent with any existing Flood Study or <b>Floodplain Risk Management Plan</b> undertaken for Council for the subject site. Where there is deviation from the Council adopted studies, the Flood Study must detail and justify the deviations.</li> <li>iv) Be consistent with the Floodplain Development Manual and the current version of Australian Rainfall and Runoff and determine the existing flooding characteristics and assess the impacts of the proposal, including assessment of design flood events including 10% AEP, 5% AEP, 1% AEP and <b>probable maximum flood</b> for existing conditions, 2050 and 2100; and</li> <li>v) assess <b>flood storage</b> impacts, flood levels,</li> </ol>

ITEM 3 - ATTACHMENT 1 DRAFT CHAPTER B5 FLOODING OF DEVELOPMENT CONTROL PLAN 2014.

**B5**

FLOODING

		velocity (including direction), hazard and hydraulic categories.										
B5.32	<b>Livestock flood refuge mounds</b>	<p>Fill in a <b>Floodway</b> for the purpose of a <b>livestock flood refuge mound</b> may be considered exempt from submitting a Flood Study where they meet following criteria:</p> <p>i) The fill volume/size relates to the appropriate zone of influence (determined by the nearest property boundary) as per the table below (or linearly interpolated between these values):</p> <table border="1"> <thead> <tr> <th>Size of mound</th> <th>Distance from nearest property</th> </tr> </thead> <tbody> <tr> <td>20m x 20m (0.3m below 1% AEP flood level)</td> <td>&gt;155m</td> </tr> <tr> <td>20m x 20m (1.5m below 1% AEP flood level)</td> <td>&gt; 25m</td> </tr> <tr> <td>40m x 40m (0.3m below 1% AEP flood level)</td> <td>&gt;980m</td> </tr> <tr> <td>40m x 40m (1.5m below 1% AEP flood level)</td> <td>&gt;205m</td> </tr> </tbody> </table> <p><b>Table 1: Size and location requirements for livestock flood refuge mounds</b></p>	Size of mound	Distance from nearest property	20m x 20m (0.3m below 1% AEP flood level)	>155m	20m x 20m (1.5m below 1% AEP flood level)	> 25m	40m x 40m (0.3m below 1% AEP flood level)	>980m	40m x 40m (1.5m below 1% AEP flood level)	>205m
Size of mound	Distance from nearest property											
20m x 20m (0.3m below 1% AEP flood level)	>155m											
20m x 20m (1.5m below 1% AEP flood level)	> 25m											
40m x 40m (0.3m below 1% AEP flood level)	>980m											
40m x 40m (1.5m below 1% AEP flood level)	>205m											
B5.33		In the event of a <b>livestock flood refuge mound</b> being proposed that does not comply with Table 1, a Flood Study is required.										
B5.34		<p>The size of the mound is appropriate, having regard for the agricultural capacity of the land. The appropriate size of the mound shall be determined by the Department of Primary Industries (Agriculture) 'Primefacts: Livestock flood refuge mounds (October 2009)'</p> <p><b>Note:</b> The design of the <b>livestock flood refuge mound</b> should be consistent with the Department of Primary Industries (Agriculture) 'Primefacts: Livestock flood refuge mounds (October 2009)'.</p>										
B5.35	<b>Farm sheds in floodway</b>	Development applications that include <b>farm shed</b> in a floodway must be accompanied by a report certifying the structural stability of the structure. The Structural Report is to be prepared by a Chartered Professional Engineer recognised under the National Engineers Register (NER) in										

ITEM 3 - ATTACHMENT 1 DRAFT CHAPTER B5 FLOODING OF DEVELOPMENT CONTROL PLAN 2014.

**B5**

FLOODING

		the area of practice of Structural Engineering. The Report must certify that the proposed structural components (including foundations and footings) can withstand the forces of floodwater up to the <b>PMF</b> , including hydrostatic pressure, the hydrodynamic pressure, the impact of debris and buoyancy forces and a combination of actions.
--	--	--

**Definitions**

- **1% AEP flood event** – the design flood based on statistical analysis of flood and rainfall data that has a 1% probability of being equalled or exceeded within any year.
- **AHD (Australian Height Datum)** – a common national survey level datum, approximately corresponding to mean sea level set in the mid to late 1960s.
- **Annual Exceedance Probability (AEP)** – the chance of a flood of a given or larger size occurring in any one year (for example, the 1% AEP event has a 1% chance of occurring every year; the 5% AEP event has a 5% chance of occurring every year).
- **Area free of risk from flooding** – land above the probable maximum flood
- **Farm shed** - means a single *storey* Class 7 or 8 building located on land primarily used for farming –
  - a) that is— used in connection with *farming*; or
    - (ii) used primarily to store one or more *farm vehicles*; or
    - (iii) a combination of (i) and (ii); and
  - b) occupied neither frequently nor for extended periods by people; and
  - c) in which the total number of persons accommodated at any time does not exceed 2; and
  - d) with a total *floor area* of more than 500 m<sup>2</sup> but not more than 2000 m<sup>2</sup>.
- **Freeboard** – is a safety margin applied to the estimation of flood levels to compensate for uncertainties due to factors such as wave action, localised hydraulic behaviour (eg flow path blockages caused by natural and urban debris such as trees, ‘wheelie’ bins, cars, containers) and changes in rainfall patterns and ocean water levels as a result of the changing climate
- **Floodway** - are those areas where a significant volume of water flows during floods and are often aligned with obvious natural channels. They are areas that, even if only partially blocked, would cause a significant increase in flood levels and/or a significant redistribution of flood flow, which may in turn adversely affect other areas
- **Flood Certificate** – A Council prepared Flood Certificate not more than 12 months old
- **Flood Fringe Area** – “Flood Fringe” is the remaining land in the Flood Planning Area after the Floodway area and Flood Storage area have been defined
- **Flood Hazard** – a source of potential harm or a situation with a potential to cause loss
- **Flood Hazard Maps** – Visual representation of the hazard categories referenced in the Floodplain Risk Management Policy. Available on Council’s website.
- **Flood Planning Area** – REMOVE existing definition
- **Flood Planning Level** – defines the area of land below the 1% AEP flood event in the year 2100 plus 0.5 metre freeboard and is the area of land subject to

ITEM 3 - ATTACHMENT 1 DRAFT CHAPTER B5 FLOODING OF DEVELOPMENT CONTROL PLAN 2014.

**B5**

FLOODING

flood-related development controls. The Flood Planning Level defines the minimum floor level for habitable rooms.

- **Flood Prone Land** – land that is likely to be inundated by the probable maximum flood (PMF)
- **Flood Prone Land subject to further investigation** – refers to the area of land susceptible to flooding where a comprehensive technical investigation of flood behaviour (to define the variation over time of flood levels, extent, velocity, flood hazard and the Flood Planning Level up to and including the probable maximum flood) has not yet been carried out (refer Flood Manual Appendix F).
- **Flood Risk Assessment Report** – REMOVE existing definition
- **Flood Risk Management Report** – REMOVE existing definition
- **Flood storage** - areas are those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood. The loss of storage areas may increase the severity of flood impacts by reducing natural flood attenuation
- **Flood Study** - REMOVE existing definition
- **Flood Volume** –the volume of water occupying a site at the peak of a flood event. The 1% AEP flood volume is the difference between the peak flood height in the 1% AEP flood event and the natural surface level.
- **Floodplain Risk Management Plan** – developed from the Floodplain Risk Management Study and details how flood prone land within the study areas is to be managed. The primary aim of the Plan is to reduce the flood hazard and risk to people and property in the existing community and to ensure future development is controlled in a manner consistent with flood hazard now and in the future. The Plan consists of prioritised and costed measures for implementation.
- **Floodplain Risk Management Policy** – Council's adopted policy outlining the management of risk associated with flooding on lands across the Local Government Area in accordance with State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.
- **Floodplain Risk Management Study** – a study of the risks across the floodplain and evaluates management options for both existing and proposed development. A floodplain risk management study needs to be developed in accordance with the principles and guidelines contained in the NSW Floodplain Management Manual.
- **Habitable Room** – in a residential situation is a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom; in an industrial or commercial situation is an area used for offices or to store valuable possessions susceptible to flood damage
- **High hazard** – flood area is the area of flood which poses a possible danger to personal safety, where the evacuation of trucks would be difficult, where able-bodied adults would have difficulty wading to safety or where there is a potential for significant damage to buildings
- **Livestock Flood Refuge mound** – An artificial mound of land that provides temporary refuge for livestock during flood events.
- **Low hazard flood area** – the area of flood where, should it be necessary, a truck could evacuate people and their possessions or an able-bodied adult would have little difficulty in wading to safety
- **Flood Hazard Maps** – the visual representation of the flood hazard and hydraulic categories referenced in Council's Floodplain Risk Management Policy. They are available on Council's website.
- **Minimal Risk Flood Prone Land** – land on the floodplain that is above the Flood Planning Level. This means that there are no flood-related development controls that apply to residential development, but critical emergency

ITEM 3 - ATTACHMENT 1 DRAFT CHAPTER B5 FLOODING OF  
DEVELOPMENT CONTROL PLAN 2014.

## B5

### FLOODING

response and recovery facilities, such as evacuation centres and vulnerable development types, such as aged care and child care facilities, may not be appropriate in this location.

- **NSW 'Floodplain Development Manual' 2005** – State Government manual relating to the development of flood liable land for the purposes of section 733 of the Local Government Act 1993
- **Planning Horizon** – the length of time into the future for the risk to be managed. In floodplain risk management this includes consideration of climate change impacts and the planning horizon is typically 2100.
- **Probable Maximum flood (PMF)** – the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation, and where applicable, snow melt, coupled with the worst flood producing catchment conditions.



**B5**  
FLOODING

	High Hazard Floodway	Low Hazard Floodway	High Hazard Flood Storage	Low Hazard Flood Storage	High Hazard Flood Fringe	Low Hazard Flood Fringe	Minimal Risk Flood Fringe	Not Flood Prone
Residential development			1+2 7+8	1+2 7	1+2 7+8	1+2 7		
Commercial premises			1+3 7+8	1+3 7	1+3 7+8	1+3 7		
Industry			1+2 7+8	1+3 7	1+3 7+8	1+3 7		
Garages			5 7	- 7	5 7	- 7		
Farm Sheds	11	11	5 7	- 7	5 7	- 7		
Open car parking spaces and carports			4 7	- 7	4 7	- 7		
Driveways (not driveways between car parking spaces and the connecting public roadway)			4 7	4 7	4 7	4 7		
Fill (including fill associated with other development types)	10	10	- 7+8	- 7+8	- 7	- 7		
Subdivision (where additional dwelling entitlement is created)			1 7+8	1 7+8	1 7+8	1 7+8		
Development vulnerable to emergency response (eg aged care, group homes, residential care facilities, child care, schools, evacuation centres and routes, hospitals, major utility facilities, caravan parks, tourist and visitor accommodation or any other development deemed vulnerable)			5 7+8	5 7+8	5 7+8	5 7+8	5 7+8	

Key	
	Unsuitable land use
	Flood related development controls apply
	Flood related development controls do not apply

- Minimum Finished Levels**
- 1 Minimum finished floor level for development that meets "habitable room" definition is the FFL (i.e. "Flood Planning Level" on PSC Flood Certificates)
  - 2 Minimum finished floor level for development that does not meet "habitable room" definition is the 1% AEP flood level plus 0.5m at 50 years from application date (i.e. "Adaptable minimum floor level" on PSC Flood Certificates)
  - 3 Minimum finished floor level for development that does not meet "habitable room" definition is the 5% AEP flood level plus 0.5m at 50 years from application date (i.e. "Minimum onsite wastewater level" on PSC Flood Certificates, plus 0.5m)
  - 4 Minimum finished level of 0.3m below the current day 1% AEP flood level (i.e. "Current day 1% AEP flood level" on PSC Flood Certificates, minus 0.3m)
  - 5 Minimum finished level of 0.3m below the 1% AEP flood level at 10 years from application date (i.e. "Adaptable minimum floor level" on PSC Flood Certificates, minus 0.3m)
  - 6 Minimum finished floor level of PMF level (i.e. "Probable maximum flood level" on PSC Flood Certificates)
- Submission Requirements**
- 7 Flood DCP Compliance Report (see Clause B5.26)

Table 2 Development Suitability Table

- 10 Fill for livestock flood refuge uses only, Flood Study required unless meets requirements in Clause B5.32
- 11 Farm Sheds must comply with Clause B5.23





	High Hazard Floodway	Low Hazard Floodway	High Hazard Flood Storage	Low Hazard Flood Storage	High Hazard Flood Fringe	Low Hazard Flood Fringe	Minimal Risk Flood Prone	Not Flood Prone
Residential development			1+2 7+8	1+2 7	1+2 7+8	1+2 7		
Commercial premises			1+3 7+8	1+3 7	1+3 7+8	1+3 7		
Industry			1+3 7+8	1+3 7	1+3 7+8	1+3 7		
Garages			5 7	- 7	5 7	- 7		
Farm Sheds	11	11	5 7	- 7	5 7	- 7		
Open car parking spaces and carports			4 7	- 7	4 7	- 7		
Driveways (incl driveways between car parking spaces and the connecting public roadway)			4 7	4 7	4 7	4 7		
Fill (including fill associated with other development types)	10	10	- 7+9	- 7+9	- 7	- 7		
Subdivision (where additional dwelling entitlement is created)			1 7+8	1 7+8	1 7+8	1 7+8		
Development vulnerable to emergency response (eg aged care, group homes, residential care facilities, child care, schools, evacuation centres and routes, hospitals, major utility facilities, caravan parks, tourist and visitor accommodation or any other development deemed vulnerable)			6 7+8	6 7+8	6 7+8	6 7+8	6 7+8	

Key	
	Unsuitable land use
	Flood related development controls apply
	Flood related development controls do not apply

**Minimum Finished Levels**

- 1 Minimum finished floor level for development that meets "habitable room" definition is the FPL i.e. "Flood Planning Level" on PSC Flood Certificates
- 2 Minimum finished floor level for development that does not meet "habitable room" definition is the 1% AEP flood level plus 0.5m at 50 years from application date i.e. "Adaptable minimum floor level" on PSC Flood Certificates
- 3 Minimum finished floor level for development that does not meet "habitable room" definition is the 5% AEP flood level plus 0.5m at 50 years from application date i.e. "Minimum onsite wastewater level" on PSC Flood Certificates, plus 0.5m
- 4 Minimum finished level of 0.3m below the current day 1% AEP flood level i.e. "Current day 1% AEP flood level" on PSC Flood Certificates, minus 0.3m
- 5 Minimum finished level of 0.3m below the 1% AEP flood level at 50 years from application date i.e. "Adaptable minimum floor level" on PSC Flood Certificates, minus 0.8m
- 6 Minimum finished floor level of PMF level i.e. "Probable maximum flood level" on PSC Flood Certificates

**Submission Requirements**

- 7 Flood DCP Compliance Report (see Clause B5.26)
- 8 Flood Evacuation Response Plan (see Clause B5.27)
- 9 Flood Study (see Clause B5.29) unless meets requirements in Clause B5.30
- 10 Fill for livestock flood refuge uses only, Flood Study required unless meets requirements in Clause B5.32
- 11 Farm Sheds must comply with Clause B5.23



**ITEM NO. 4**

**FILE NO: 16/345287  
RM8 REF NO: PSC2013-05184**

**PLANNING PROPOSAL - 108 MAGNUS STREET, NELSON BAY**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Submit the Planning Proposal at **(ATTACHMENT 1)** to the Department of Planning and Environment requesting a Gateway Determination.
- 2) Request Written Authorisation to Exercise Delegation under section 59 of the *Environmental Planning and Assessment Act, 1979* in the making of the draft Local Environmental Plan.

---

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor John Nell Councillor Sally Dover</b></p> <p>That Council take no action on the Planning Proposal at 108 Magnus Street, Nelson Bay.</p>
--	---

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, John Morello and John Nell.

Those against the Motion: Cr Steve Tucker.

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
MOTION**

<b>221</b>	<p><b>Councillor Steve Tucker Councillor John Morello</b></p> <p>It was resolved that Council take no action on the Planning Proposal at 108 Magnus Street, Nelson Bay.</p>
------------	---

## MINUTES ORDINARY COUNCIL - 26 JULY 2016

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, John Morello and John Nell.

Those against the Motion: Cr Steve Tucker.

### BACKGROUND

The purpose of this report is to seek Council's endorsement to submit the Planning Proposal at **(ATTACHMENT 1)** to the Department of Planning and Environment, requesting a Gateway Determination.

Subject land:	Lot 71 DP 573006, 108 Magnus Street, Nelson Bay
Proponent:	Port Stephens Council
Proposed Changes:	Rezone the subject land from SP2 Infrastructure to B2 Local Centre

The aim of the planning proposal is to implement a recommendation of the Nelson Bay Town Centre & Foreshore Strategy, adopted by Council on 24 April 2012, by facilitating the future development of the site at 108 Magnus Street, Nelson Bay. Council's adopted vision for the extension of Yacaaba Street to Victoria Parade includes a component of commercial development at 108 Magnus Street, Nelson Bay. The concept plan for the Yacaaba Street Extension was adopted by Council on 24 June 2014 **(FIGURE 1 in ATTACHMENT 1)**.

In order to achieve this outcome, the planning proposal seeks to rezone the site from SP2 Infrastructure to B2 Local Centre.

The site was previously zoned for commercial purposes under the Port Stephens *Local Environmental Plan 2000*, which was repealed and replaced by the Port Stephens *Local Environmental Plan 2013* (PSLEP 2013) on 22 February 2014. The PSLEP 2013 zoned the site SP2 Infrastructure for the purpose of extending a local road. The land has since been acquired and the endorsed concept design includes a component of commercial development to be established on part of the subject site.

The portion of the site identified on the concept plan for public road will be dedicated as a road upon future development of the site. In accordance with the Department of Planning and Environment's *LEP Practice Note PN08-002*, roads should be zoned the same as the adjacent land use zone, which in this case will be B2 Local Centre.

At its meeting held on 25 February 2014, Council resolved the following:

'Resolve to rezone 108 Magnus Street, Lot 71, DP 573006 from SP2 Infrastructure to B2 Local Centre in a future housekeeping amendment to the Port Stephens Local Environmental Plan 2013'

In order to accelerate the rezoning process and allow commercial development to occur on the site, in conjunction with the proposed road, in a timely manner, Council is seeking to progress the planning proposal ahead of the upcoming housekeeping LEP and the recommended resolution will allow this to occur.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

The planning proposal is a Council initiative and therefore does not attract Rezoning Fees.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		The planning proposal is being progressed under existing budget allocation.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

**Nelson Bay Town Centre and Foreshore Strategy 2012**

The Nelson Bay Town Centre and Foreshore Strategy provides urban design guidance for the Nelson Bay Town Centre. The planning proposal facilitates the intended use of the site as adopted by Council.

**Port Stephens Development Control Plan 2014**

The Port Stephens DCP 2014 contains site specific provisions for development in the Nelson Bay Centre that seek to improve urban design outcomes in the locality. The Nelson Bay Centre DCP was prepared having regard for the Nelson Bay Town and Foreshore Strategy. The planning proposal is consistent with the aims and objectives of the DCP.

**Port Stephens Local Environmental Plan 2013**

108 Magnus Street, Nelson Bay fronts Victoria Parade and is zoned SP2 Infrastructure under the PSLEP. Under Clause 5.1 of this Plan, the site can only be developed for the purpose of a Local Road. In order to allow the envisaged commercial development and activate the street frontage, the site must be rezoned to B2 Local Centre.

The Port Stephens LEP 2013 zoned the site SP2 Infrastructure, for the purpose of compulsorily acquisition for a local road. The land has since been acquired and the endorsed concept design (**FIGURE 1 in ATTACHMENT 1**) includes commercial premises. The land subject to the proposed rezoning is surplus to Council's needs and the rezoning is required in order for Council to achieve the adopted vision for the site. The portion of the site identified on the concept plan for public road will be dedicated as a road upon future development of the site. In accordance with the Department of Planning and Environment's *LEP Practice Note PN08-002*, roads should be zoned the same as the adjacent land use zone, which in this case will be B2 Local Centre.

Given that the site has been acquired, the Land Reservation Acquisition Map will also be amended to remove the site.

**Port Stephens Planning Strategy**

The Planning Proposal is consistent with the directions adopted by the Port Stephens Planning Strategy (PSPS) as it will build upon the existing commercial land in Nelson Bay and further enhance the role of Nelson Bay as a Centre.

**Port Stephens Integrated Planning and Reporting Framework**

The Integrated Planning and Reporting Framework is intended to provide an integrated approach to various planning and reporting processes of Council in order to strengthen its strategic focus. For example, infrastructure is to align with budget allocation, which aligns with the community goals of the Community Strategic Plan.

The Planning Proposal is a statutory planning document, which either directly or indirectly addresses a board range of measures contained within Council's integrated plans, such as Direction 11.1.1.2 – Prepare and review statutory plans. The Draft Plan is a product of the review of the Existing Plan, which will be repealed and replaced by the Draft DCP in accordance with Regulations.

**Lower Hunter Regional Strategy**

The planning proposal is of minor local planning significance and consistent with the Lower Hunter Regional Strategy.

**Draft Hunter Regional Plan 2015**

The planning proposal is consistent with the Draft Hunter Regional Plan.

**Environmental Planning and Assessment Act 1979**

Part 3 of the Act requires Council to endorse the plan in order for it to be submitted to the Department of Planning for a Gateway Determination.

**Consistency with relevant Ministerial 117 directions and SEPP's**

The planning proposal is consistent with relevant Ministerial 117 directions and relevant State Environmental Planning Polices.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council's reputation will be damaged by failing to complete the development in a timely manner.	Low	Endorse the planning proposal to enable commercial development on the site.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposal will not have any environmental implications on the locality.

The proposal has positive social and economic benefits as it will encourage commercial use of the site by enabling its development.

**MERGER PROPOSAL IMPLICATIONS**

The proposed merger is not anticipated to have any implications on the planning proposal.

**CONSULTATION**

Consultation on the planning proposal will be undertaken when a Gateway Determination is received from the Department of Planning & Environment.

Internal

Consultation with Councillors, Council Officers and the community contributed towards the development of the concept plan for the Yacaaba Street extension. The concept plan was adopted by Council at its meeting dated 24 June 2014, following an exhibition period of 32 days.

Council's Property Section has been liaising with Strategic Planning on this matter.

External

Public exhibition of the planning proposal will be undertaken in accordance with the Gateway Determination. Notice of the public exhibition period will be placed in the

## **MINUTES ORDINARY COUNCIL - 26 JULY 2016**

local newspaper: The Examiner. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace
- Tomaree Library, Town Centre Circuit, Salamander Bay

The planning proposal will also be available on Council's website.

Adjoining and adjacent property owners and other stakeholders, such as the Nelson Bay Business Association, Tomaree Residents and Ratepayers Association and community members who made a submission to the concept plan, will be notified when the planning proposal is exhibited.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Planning proposal - 108 Magnus Street, Nelson Bay

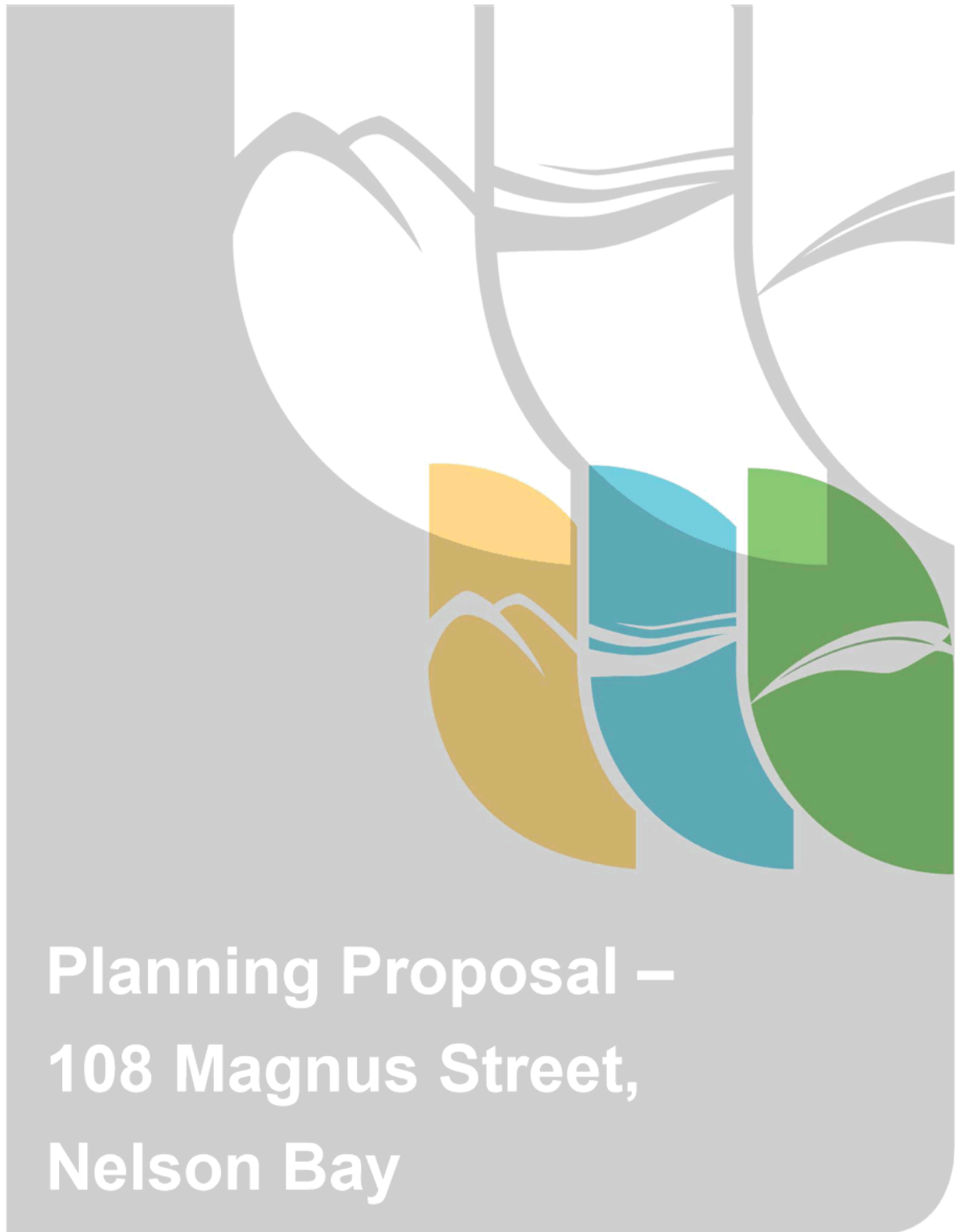
### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.





**Proposed amendment to Port Stephens Local  
Environmental Plan 2013**  
Rezoning of Lot 71 DP 573006, 108 Magnus Street,  
Nelson Bay from SP2 to B2



**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL - 108 MAGNUS STREET, NELSON BAY**

**FILE NUMBERS**

---

**Council:** PSC2013-05184  
**Department:** To be provided at Gateway Determination.

**SUMMARY**

---

**Subject land:** Lot 71 DP 573006, 108 Magnus Street, Nelson Bay  
**Proponent:** Port Stephens Council  
**Proposed Changes:** Rezone the subject land from SP2 Infrastructure to B2 Local Centre

**BACKGROUND**

---

The planning proposal will implement a recommendation of the Nelson Bay Town Centre & Foreshore Strategy, adopted by Council on 24 April 2012 by facilitating the development of the site. Council's adopted vision for the site includes the extension of Yacaaba Street to Victoria Parade in order to connect the Foreshore to the Town Centre, and a component of commercial development at 108 Magnus Street, Nelson Bay. The concept plan for the Yacaaba Street Extension was adopted by Council on 24 June 2014 (Figure 1).

In order to achieve this outcome, the planning proposal seeks to rezone the site from SP2 Infrastructure to B2 Local Centre.

The site was previously zoned for commercial purposes under the Port Stephens Local Environmental Plan 2000, which was repealed and replaced by the Port Stephens Local Environmental Plan 2013 on 22 February 2014. The new LEP zoned the site SP2 Infrastructure for the purpose of compulsorily acquisition for a local road. The road has since been acquired and the endorsed concept design (Figure 1) includes a component of commercial development to be established on part of the subject site. The commercial development will activate the street in that area and provide passive surveillance to the Yacaaba Street extension.

The portion of the site identified on the concept plan for public road will be dedicated as a road upon future development of the site. In accordance with the Department of Planning and Environment's *LEP Practice Note PN08-002*, roads should be zoned the same as the adjacent land use zone, which in this case will be B2 Local Centre.

**SITE**

---

The planning proposal relates to the Nelson Bay Town Centre and Foreshore as identified by the Nelson Bay Town Centre and Foreshore Strategy.

**Figure 2– 108 Magnus Street, Nelson Bay** (p. 3) identifies the subject site.

FIGURE 1 – Yacaaba Street Extension

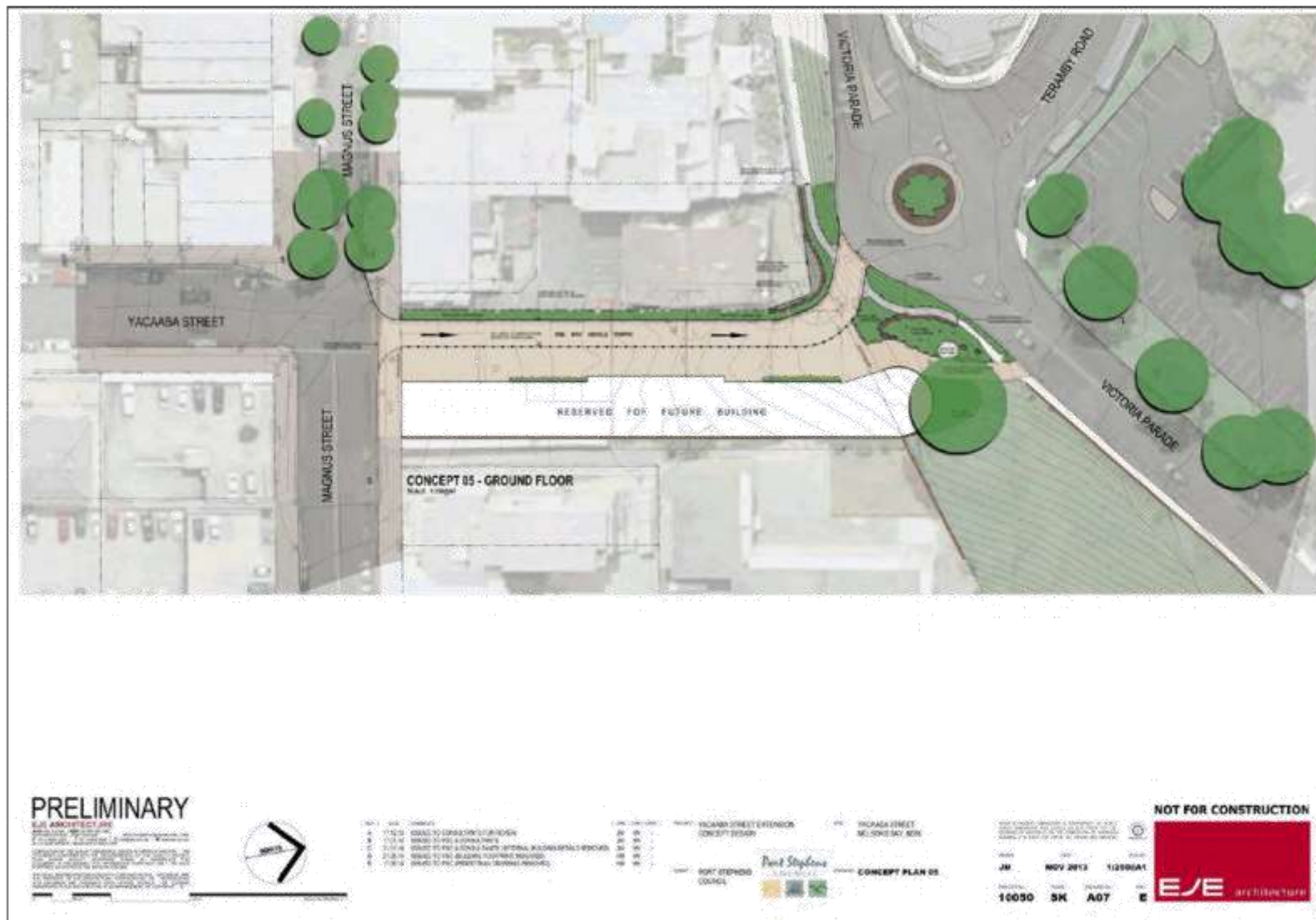
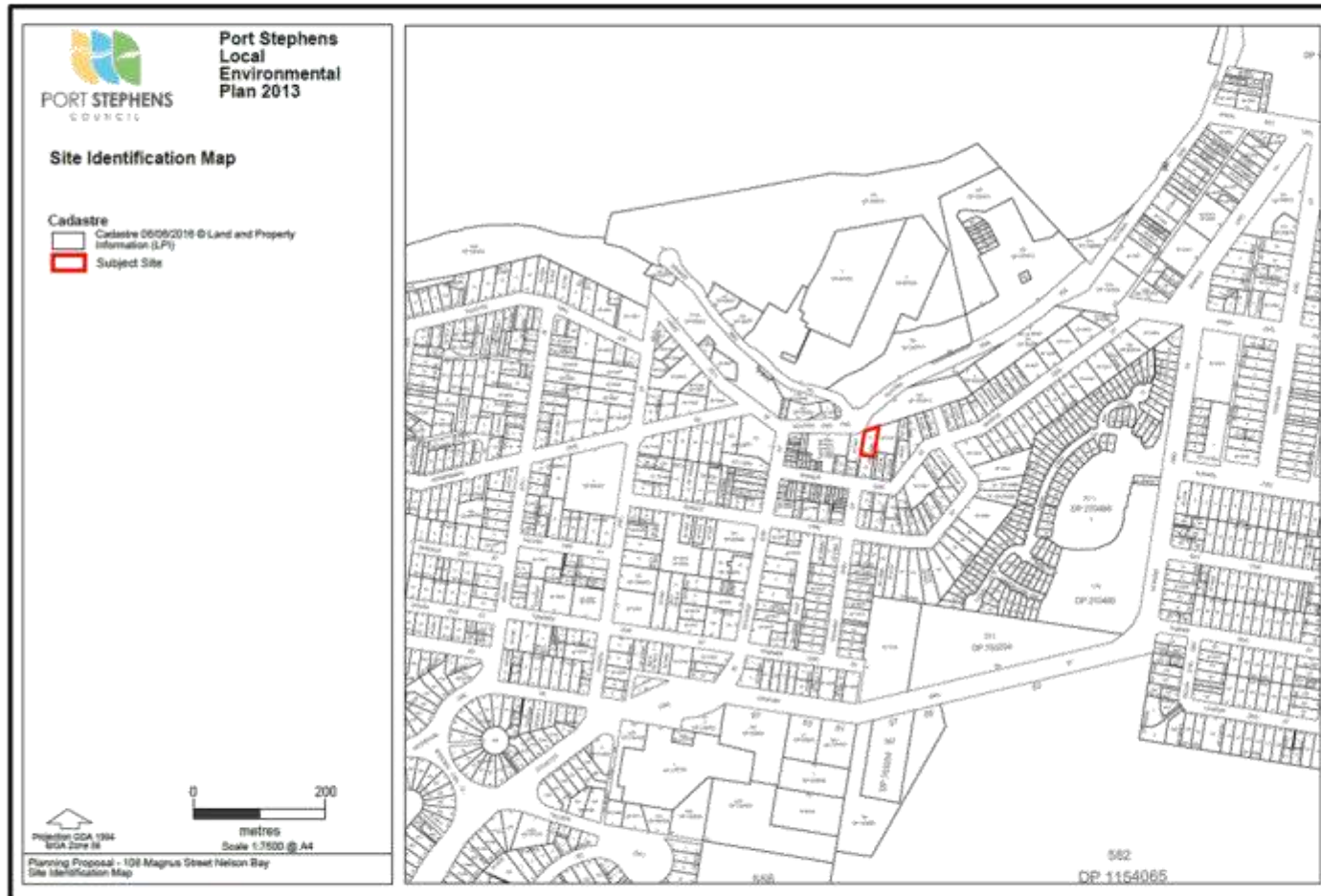


FIGURE 2 – 108 Magnus Street, Nelson Bay



**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL - 108 MAGNUS STREET, NELSON BAY**

**PART 1 – Objective of the proposed Local Environmental Plan**

The Planning Proposal seeks to achieve the following outcomes:

- Supporting Council's adopted vision for the extension of Yacaaba Street by supporting commercial development at 108 Magnus St, Nelson Bay

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

The objective of this planning proposal is intended to be achieved by the following amendments to the Port Stephens Local Environmental Plan 2013:

- Amend LZN\_005D for 108 Magnus Street, Lot 71 DP 573006 from SP2 Infrastructure to B2 Local Centre in accordance with **Attachment 2**
- Amend LRA\_005D for 108 Magnus Street, Lot 71 DP 573006 to remove the site in accordance with **Attachment 4**

**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 is the result of the Nelson Bay Town Centre and Foreshore Strategy that was adopted by Council on 24 April 2012 and is an outcome the comprehensive review of the development control plan that has led to the development of the Port Stephens Development Control Plan 2014.

The planning proposal will enable Council to achieve the concept plan for the site as adopted by Council on 24 June 2014.

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

This planning proposal is only means to amend the *Port Stephens Local Environmental Plan 2013*.

**Is there a community benefit?**

The planning proposal seeks to improve the public domain by implementing an action of the Nelson Bay Town Centre and Foreshore Strategy.

**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.

Draft Hunter Regional Plan 2015

**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL - 108 MAGNUS STREET, NELSON BAY**

The planning proposal is consistent with the Draft Hunter Regional Plan.

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

Integrated Planning and Reporting Framework

The Planning Proposal is a statutory planning document, which either directly or indirectly addresses a board range of measures contained within Council's integrated plans, such as Direction 11.1.1.2 – Prepare and review statutory plans.

Port Stephens Planning Strategy

The Planning Proposal is consistent with the directions adopted by the Port Stephens Planning Strategy (PSPS). For example, the PSPS provides a centre hierarchy and then describes the role and services of each centre within that hierarchy (i.e. Nelson Bay). The Planning Proposal seeks to assist the PSPS by implementing the relevant action of the relevant Strategy, such as the Nelson Bay Town Centre and Foreshore Strategy.

Nelson Bay Town Centre and Foreshore Strategy

The Nelson Bay Town Centre and Foreshore Strategy provides urban design guidance for the Nelson Bay Town Centre. The planning proposal facilitates the intended use of the site as adopted by Council.

**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 proposed development as outlined in this planning proposal.

**Section 117 Ministerial Directions**

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

An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

**Table B: Relevant s.117 Ministerial Directions**

Ministerial Direction	Aim of Direction	Consistency and Implications
<b>1. EMPLOYMENT AND RESOURCES</b>		
<b>1.1 Business and Employment Zones</b>	Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the	Consistent. The planning proposal will facilitate the development of business use of the site that is consistent with Council's intended use of the site.

**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL - 108 MAGNUS STREET, NELSON BAY**

	viability of identified strategic centres.	
<b>2. ENVIRONMENT AND HERITAGE</b>		
<b>2.2 Coastal Protection</b>	The objective of this direction is to implement the principles in the NSW Coastal Policy.	Consistent.
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
<b>3.4 Integrating Land Use and Transport</b>	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport	The planning proposal assists in the implementation of Council's intended use of the site, which includes better access from the town centre to the foreshore and Marina.
<b>5. REGIONAL PLANNING</b>		
<b>5.1 Implementation of Regional Strategies</b>	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	Consistent. The planning proposal supports the role of the Nelson Bay Town Centre.
<b>6. LOCAL PLAN MAKING</b>		
<b>6.2 Reserving Land for Public Purposes</b>	The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and 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 the site from the PSLEP 2013 Land Reservation Acquisition Map as the site has been acquired.

**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?**

No.

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

**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL - 108 MAGNUS STREET,  
NELSON BAY**

No.

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

The planning proposal has positive social and economic benefits in terms of encouraging commercial development by enabling its permissibility.

**SECTION D – State and Commonwealth interests**

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

Yes.

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

Consultation with relevant State and Commonwealth Agencies will be undertaken following a Gateway Determination. However, given the local nature of the proposal, there is unlikely to be any agency consultation.

**Part 4 - Mapping**

---

The following amendments to the Port Stephens Local Environmental Plan 2013 Mapping are proposed:

- Amend LZN\_005D for 108 Magnus Street, Lot 71 DP 573006 from SP2 Infrastructure to B2 Local Centre in accordance with **Attachment 2**
- Amend LRA\_005D for 108 Magnus Street, Lot 71 DP 573006 to remove the site in accordance with **Attachment 4**

**Part 5 - Details of Community Consultation**

---

Consultation on the planning proposal will be undertaken when a Gateway Determination is received from the Department of Planning & Environment.

Internal

Consultation with Councillors, Council Officers and the community contributed towards the development of the concept plan for the Yacaaba Street extension. The concept plan was adopted by Council at its meeting dated 24 June 2014, following an exhibition period of 32 days.

Council's Property Section has been liaising with Strategic Planning on this matter.

External

Public exhibition of the planning proposal will be undertaken in accordance with the Gateway Determination. Notice of the public exhibition period will be



**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL - 108 MAGNUS STREET, NELSON BAY**

placed in the local newspaper: The Examiner. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace
- Tomaree Library, Town Centre Circuit, Salamander Bay

The planning proposal will also be available on Council's website.

Adjoining and adjacent property owners and other stakeholders, such as the Nelson Bay Business Association, Tomaree Residents and Ratepayers Association and community members who made a submission to the concept plan, will be notified when the planning proposal is exhibited.

Due to the local nature of the planning proposal, it is unlikely that the Gateway will require consultation with external government agencies.

**Part 6 – Project timeline**

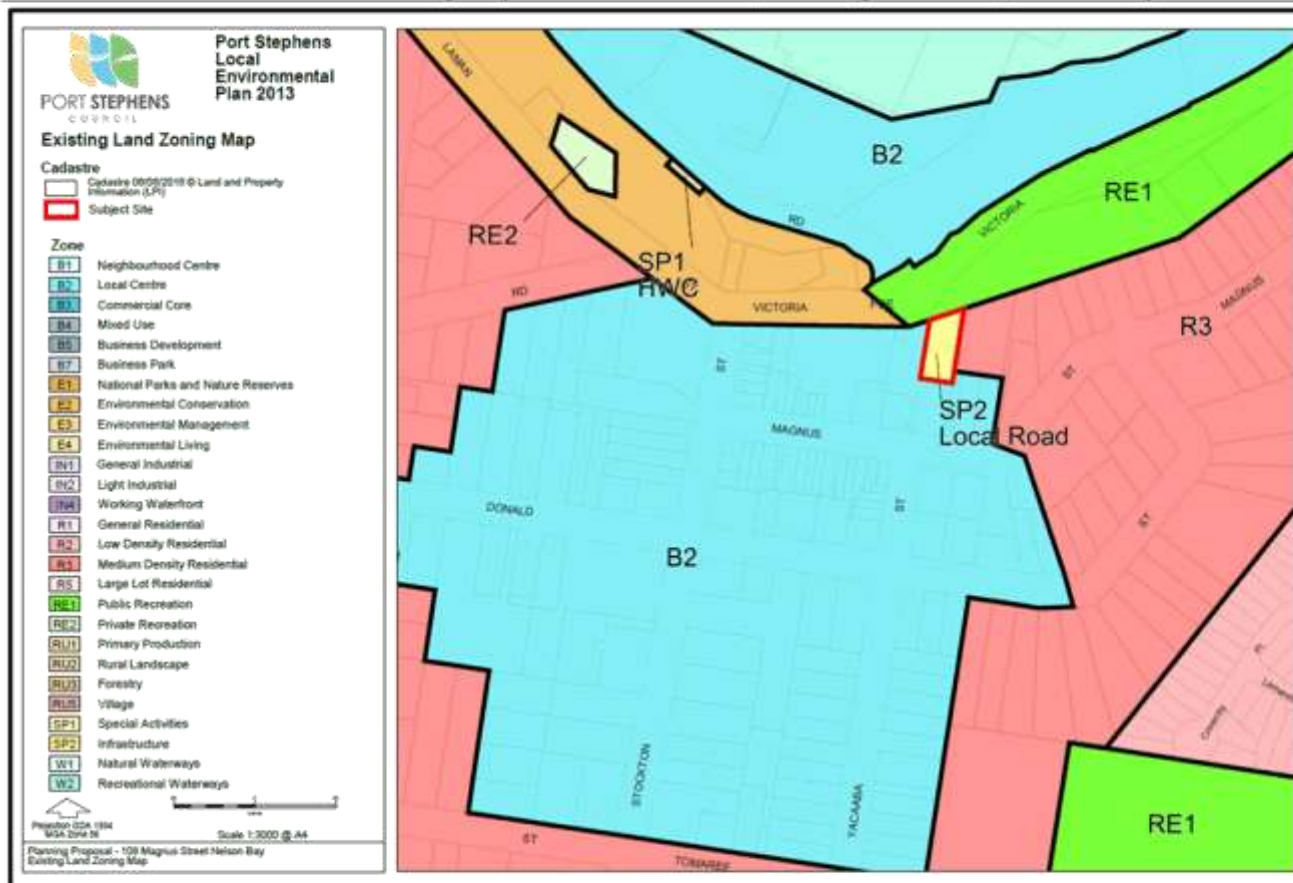
---

The planning proposal is expected to be reported to Council following the completion of the public exhibition period.  
The following timetable is proposed:

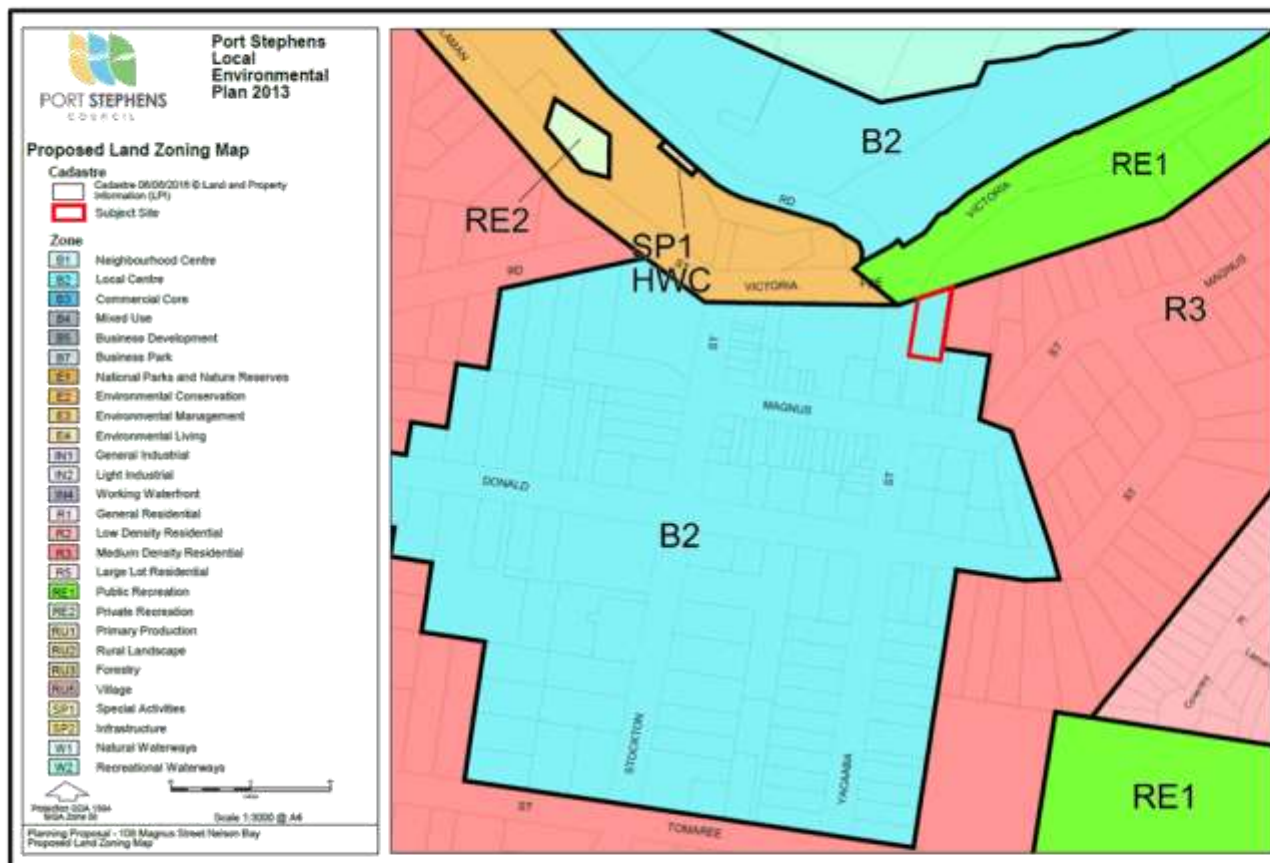
	July 16	Aug 16	Sept 16	Oct 16	Nov 16	Dec 16
<b>Gateway Determination</b>						
<b>Pre-Exhibition Consultation</b>						
<b>Public Exhibition</b>						
<b>Council Report</b>						
<b>Parliamentary Counsel</b>						

---

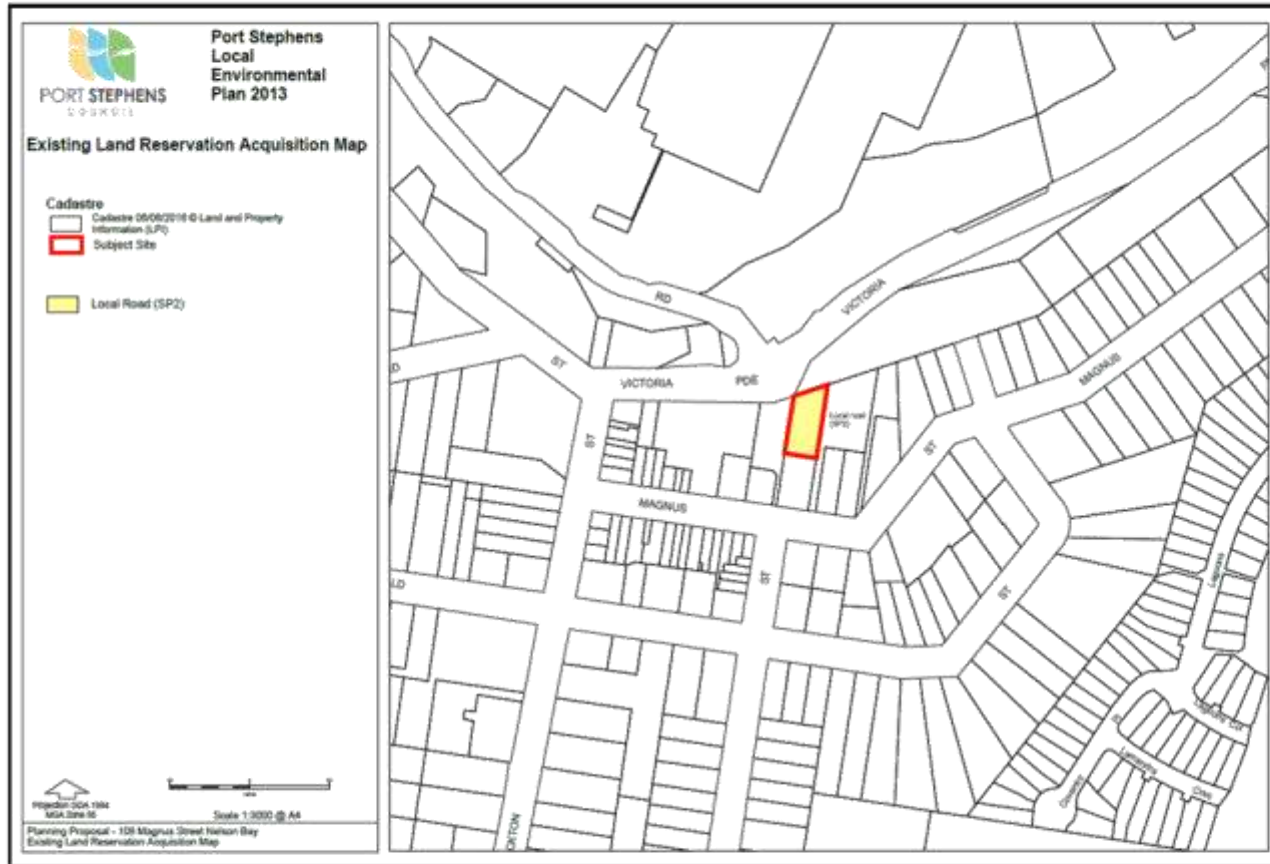
Attachment 1 – Current Land Zoning Map - Lot 71 DP 573006, 108 Magnus Street, Nelson Bay



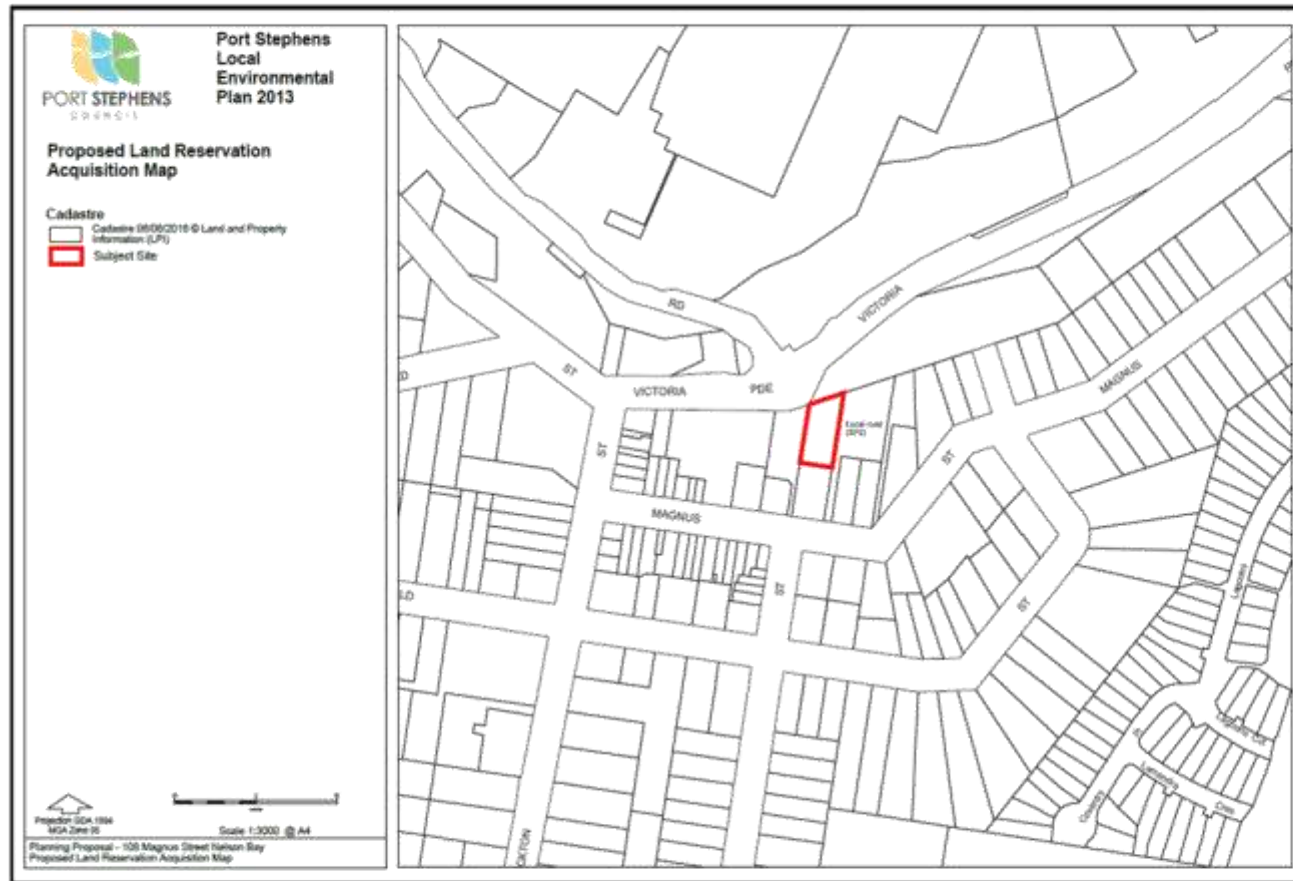
Attachment 2 – Proposed Land Zone Map – Lot 71 DP 573006, 108 Magnus Street, Nelson Bay



Attachment 3 – Current Land Reservation Acquisition Map - Lot 71 DP 573006, 108 Magnus Street, Nelson Bay



Attachment 4 – Proposed Land Reservation Acquisition Map - Lot 71 DP 573006, 108 Magnus Street, Nelson Bay



**ITEM NO. 5**

**FILE NO: 16/359099  
RM8 REF NO: PSC2005-4217**

**2015-2016 GENERAL PURPOSE FINANCIAL REPORTS**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Ratifies the referring of the draft 2015-2016 General Purpose Financial Reports for audit.
  - 2) Signs the statement on the General Purpose Financial Reports.
- 

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor John Nell Councillor Steve Tucker</b></p> <p>That the recommendation be adopted.</p>
--	---

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
MOTION**

<b>222</b>	<p><b>Councillor Steve Tucker Councillor John Morello</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Ratifies the referring of the draft 2015-2016 General Purpose Financial Reports for audit.</li><li>2) Signs the statement on the General Purpose Financial Reports.</li></ol>
------------	---

**BACKGROUND**

The purpose of this report is to advise that the draft General Purpose Financial Reports for the period ended 30 June 2016 have been prepared and the audit is due to commence Monday 19 September 2016.

Under Section 413 of the *Local Government Act 1993*, Council is required to submit, with the General Purpose Financial Reports, a Statement by Councillors and Management as to its opinion on the reports (**ATTACHMENT 1**).

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

The 2015-2016 General Purpose Financial Reports have been prepared in compliance with the *Local Government Act 1993*, the *Local Government Code of Accounting Practice and Financial Reporting* and the *Australian Accounting Standards*.

All revenues for 2015-2016 have been recognised together with any revenues due but not yet received, which have been raised as debtors for the period.

All expenditure incurred for the period has been recognised.

Provision has been made for all unpaid creditors.

Funds received for specific purposes but not expended during the period have been identified as either an external or internal restriction.

All known assets of Council have been recognised and brought to account.

All known assets acquired during the period have been recognised at actual cost, or at fair value in line with Fair Value Accounting for assets.

All known liabilities incurred during the period have been recognised at actual or committed cost.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		All activities are managed within existing resources.
Reserve Funds	No		
Section 94	No		
External Grants	No		

**MINUTES ORDINARY COUNCIL - 26 JULY 2016**

Other	No		
-------	----	--	--

**LEGAL, POLICY AND RISK IMPLICATIONS**

Signing of the statement giving Council's opinion on the financial reports will comply with Section 413 of the *Local Government Act 1993*.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that failure to sign the General Purpose Financial Reports will result in non-compliance with legislative requirements leading to potential reputational and financial loss.	Low	Adopt the recommendations and sign the General Purpose Financial Reports.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no significant sustainability implications.

**MERGER PROPOSAL IMPLICATIONS**

There are no known merger proposal implications.

**CONSULTATION**

No consultation is required as this is a statement by Councillors and management that the General Purpose Financial Statements have been prepared in accordance to applicable regulations.

Internal

Nil.

External

Nil.



**OPTIONS**

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

**ATTACHMENTS**

- 1) General Purpose Financial Statements - Statement by Councillors and Management.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 5 - ATTACHMENT 1      GENERAL PURPOSE FINANCIAL STATEMENTS -  
STATEMENT BY COUNCILLORS AND MANAGEMENT.**

Financial Statements 2016

Port Stephens

**General Purpose Financial Statements**  
for the financial year ended 30 June 2016

**Statement by Councillors and Management**  
made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

**The attached General Purpose Financial Statements have been prepared in accordance with:**

- The Local Government Act 1993 (as amended) and the Regulations made thereunder,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

**To the best of our knowledge and belief, these Financial Statements:**

- present fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

**We are not aware of any matter that would render the Reports false or misleading in any way.**

**Signed in accordance with a resolution of Council made on 26 July 2016.**

\_\_\_\_\_  
Bruce MacKenzie  
**MAYOR**

\_\_\_\_\_  
**COUNCILLOR**

\_\_\_\_\_  
Wayne Wallis  
**GENERAL MANAGER**

\_\_\_\_\_  
Tim Hazell  
**RESPONSIBLE ACCOUNTING OFFICER**

**ITEM NO. 6**

**FILE NO: 16/352298  
RM8 REF NO: PSC2005-3572**

**355C COMMITTEES ANNUAL FINANCIAL STATEMENTS 2015**

REPORT OF: AARON MALLOY - ACTING COMMUNITY SERVICES SECTION  
MANAGER  
GROUP: FACILITIES & SERVICES

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive the 355(c) Committees Annual Financial Statement for the period 1 January 2015 to 31 December 2015.
- 2) Note that most 355(c) Committees and Sports Councils have received the annual operating subsidy.

---

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Mayor Bruce MacKenzie Councillor John Nell</b></p> <p>That the recommendation be adopted.</p>
--	---

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
MOTION**

<p><b>223</b></p>	<p><b>Councillor Steve Tucker Councillor John Morello</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Receive the 355(c) Committees Annual Financial Statement for the period 1 January 2015 to 31 December 2015.</li><li>2) Note that most 355(c) Committees and Sports Councils have received the annual operating subsidy.</li></ol>
-------------------	---

**BACKGROUND**

The purpose of this report is to recommend to Council the receipt of the 355(c) Committees Annual Financial Statements for 2015 and to note the disbursement of the annual operating subsidies to eligible committees and Sports Councils.

## MINUTES ORDINARY COUNCIL - 26 JULY 2016

The 355(c) Committees Annual Financial Statement for the period 1 January 2015 to 31 December 2015 is a summary of closing balances of all committees and the annual operating subsidy paid in 2016 (**ATTACHMENT 1**).

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
The community is a partner in developing the future of the local government area.	Council will engage its citizens in developing plans for the future of the Port Stephens local government area.

### FINANCIAL/RESOURCE IMPLICATIONS

The total amount of funds held by the 43 committees and Sports Councils as at 31 December 2015 was \$925,853, an increase of \$38,335 from 31 December 2014 (**ATTACHMENT 1**).

- Ten committees held over \$20,000 (total value of \$621,893.98) of which the Sports Councils and Salt Ash Sports Ground Committee held a total of \$437,259.05.
- Eleven committees held between \$10,000 and \$20,000 (total value of \$177,213.46)
- Twenty one committees held less than \$10,000 (total value of \$126,746.55)

*Note: One (1) committee ceased to operate in 2015 (Port Stephens Community Bands Committee).*

Payment of the annual operating subsidies to all eligible committees and Sports Councils was made in July 2016. The Tomaree Cemeteries Committee has not yet received this payment as the committee has not fulfilled their 2015 financial reporting requirements.

The use of committee funds should be in line with Council's strategic directions and be committed to the objectives of each committee's constitution. A focus on maintenance and renewal of facilities will ensure the long-term sustainability of these community facilities.

Council's Assets Section works with Hall Committees and Sports Councils to allocate committee funds to projects that assist in maintaining or upgrading Council's assets. For example, in the past year the following large investments by committees include:

1. Tomaree Sports Council:
  - a. Pressure Cleaning of Netball Courts at Tomaree Sports Complex - \$1,050.
  - b. New Soccer Goal posts installed on field 2 & 3, plus sleeves installed on field 5 for old goal posts to be used at Tomaree Sports Complex - \$6,500.
  - c. Storage Shed for Croquet club at Nelson Bay Croquet Club - \$2,600.
  - d. Storage Shed proposal for Nelson Bay Strikers Baseball Club at Don Waring Oval - \$6,000.
  - e. Hockey Kitchen Renovation at Salamander Sports Complex - \$6,000.
  - f. Installation of picnic tables at Tomaree Sports Complex - \$2,160.

## MINUTES ORDINARY COUNCIL - 26 JULY 2016

- g. Oversowing of Soccer and Rugby League fields 50% contribution - \$9,000.
- h. New fence installed in between field 5 and Netball courts at Tomaree Sports Complex - \$2,000.
  
- 2. West Ward Sports Council:
  - a. Hinton Wallalong Pony Club Generator \$5,785.
  - b. Funding allocated to Karuah RLFC Lionel Morten field upgrades for 2016/2017- \$10,000.
  
- 3. Medowie Sports Council:
  - a. Yulong Oval surface works contribution - \$5,000.
  - b. Paediatric Defibrillators pads for each sports facility - \$1,275.
  
- 4. Tilligerry Sports Council:
  - a. Over sowing of rugby league and soccer fields 50% contribution - \$6,192.
  - b. Contribution to construction of doorway for Tilligerry Tennis- \$1,000.
  - c. Surface improvements to back training field- \$1,000.
  - d. Player dugout seating and line marker for Senior and Junior Rugby League- \$10,000.
  - e. Contribution to construction of an awning at soccer grounds- \$4,972.
  - f. Contribution to Athletics long jump concrete base repairs- \$5,000.
  
- 5. Tanilba Bay Parks Reserve and Hall Committee:
  - a. New pathway at Tanilba Bay Sailing Club Foreshore and at Foster Park - \$13,950.
  
- 6. Raymond Terrace Senior Citizens:
  - a. Installed security cameras - \$3,600.
  
- 7. Mambo Wanda Wetlands, Reserves & Landcare 355(c) Committee:
  - a. Construction and installation of a standard shelter over existing table \$2,600.

The Medowie and Tomaree Sports Councils have also identified major upgrades that they will be contributing to in the next few years; these being the Ferodale Sports Complex upgrade and the construction of a new touch football and football (soccer) building at Tomaree Sports Complex. These projects are currently being scoped to determine costs and committee contribution.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	90,000.00	Total cost of the Operational Subsidy for 355(c) Committees & Sports Councils from the 2016-2017 budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	925,853.99	Funds held in individual bank

<b>MINUTES ORDINARY COUNCIL - 26 JULY 2016</b>
--

			accounts by 355(c) Committees & Sports Councils as at 31 December 2015.
--	--	--	---

## LEGAL, POLICY AND RISK IMPLICATIONS

Section 355(c) of the *Local Government Act 1993* allows Council to delegate certain functions. A Section 355(c) Committee is an entity of Port Stephens Council and as such is subject to the same legislation, accountability and probity requirements as Council.

All funds and assets held by the Committee belong to Council. The Committee is responsible for the care and control of these funds.

Funds administered by 355(c) Committees must meet Council's standards of compliance, management and transparency and committees are required to comply with standard record keeping practices, including submission of reports by due dates.

355(c) Committees use a cashbook style financial record keeping system (format supplied by Council in the form of a carbonised book or Excel spreadsheet). The cash book is completed each month and the totals of each month are entered into the Annual Summary Reporting page, which is forwarded to Council annually.

The system was developed in line with recommendations/requirements of Council's auditors to provide a uniform format and transparent auditing of committee financial transactions, which meet the requirements for accountability and GST reporting. The system provides committees with a simplified financial process and staff support.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that funds held in 355(c) Committee bank accounts may be subject to fraudulent acts resulting in legal, financial and reputation damage.	Medium	This risk will be reduced by ensuring Council is noted on individual bank accounts, and ensuring two Council staff signatories to enable access to committee accounts. The 355(c) Committee Terms of Reference and Appendix clearly outlines committee responsibilities with regard to recording and reporting on committee funds. Also developed recently for committees is an Agenda and Minute Template and Meeting Guidelines, as well as Guidelines for Financial Record	Yes

**MINUTES ORDINARY COUNCIL - 26 JULY 2016**

		Keeping and Reporting. These will assist committees demonstrate transparent and compliant management of Council funds.	
There is a risk that funds held in 355(c) Committee bank accounts are not used to contribute to cost of asset renewal resulting in greater drain on ratepayer revenue.	Low	This risk will be reduced as staff work with committees to combine asset and community input to develop asset management plans with agreed funding contributions from the facility income.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Council establishes community committees to undertake projects and to assist in the management of parks, reserves, open space, services and facilities. This is part of Council's commitment to community partnerships and provides opportunities for the community to be involved with the management of the facilities they use. Society as a whole benefits when people are engaged in meaningful and resourced volunteering services.

The delivery of these activities ensures that Council is providing facilities and services that the community values in the best ways possible. Some of these funds will be used in the local area through contractors and the like, thus adding to the local economy.

Park and Reserve Committees operate under direction from Council staff with the majority of projects being asset beautification and environmental rehabilitation projects.

The focus for all committees is to ensure projects are undertaken in accordance with recognised practices and to deliver ongoing sustainable projects.

**MERGER PROPOSAL IMPLICATIONS**

There are no merger proposal implications the receiving of the 2015 355(c) Committee Annual Financial Statements and noting payment of the annual operating subsidy to eligible Committees and Sports Councils.

355(c) Committees in the Port Stephens geographical area will continue to operate in their current format until such time that amendments are made by a new Council.

One committee, the Tomaree Cemeteries Committee, has not fulfilled their 2015 financial reporting requirements, and as such, was not paid the annual operating subsidy in July 2016. In the event that a merger is realised, it is understood that

## **MINUTES ORDINARY COUNCIL - 26 JULY 2016**

payment of the 2016 annual subsidy to Tomaree Cemeteries Committee may have to be considered by the new entity.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Community Services Section to ensure the provision of relevant and accurate information.

- 1) Executive Leadership Team.
- 2) 355(c) Committees and Sports Councils.
- 3) Volunteers Coordinator.
- 4) Community and Recreation Assets Coordinator.
- 5) Finance Officer – Organisational Support.
- 6) Facilities and Services Projects Officer.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) 355(c) Committees Annual Financial Summary for 2015.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.



**ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES ANNUAL FINANCIAL SUMMARY FOR 2015.**

**ATTACHMENT 1**

**355(c) Committees Annual Financial Statement Summary  
for period 1 January to 31 December 2015**

<b>355(c) Committee</b>	<b>Opening Balance including Investments 1/1/2015</b>	<b>Closing Balance including Investments 31/12/2015</b>	<b>Annual Operating Subsidy to be paid in 2016</b>
Anna Bay , Birubi Point Reserves, Hall and Tidy Town Committee	7,566.96	7,113.51	1,500.00
Boat Harbour Parks & Reserves Committee	8,478.98	7,534.34	1,500.00
Bobs Farm Public Hall Committee	8,042.49	8,103.38	1,000.00
Corlette Headland and Hall Committee	19,089.099	17,732.88	1,500.00
Corlette Parks, Reserves & Landcare Group	2,205.24	2,037.96	1,500.00
Fern Bay Public Hall, Reserves and Tidy Towns Committee	6,657.35	7,869.15	1,500.00
Fingal Bay Parks & Reserves Committee	4,767.79	5,855.21	1,500.00
Hinton School of Arts Committee	14,285.75	16,979.53	1,000.00
Karuah Community Hall Committee	6,313.15	8,941.87	1,000.00
Karuah Tidy Towns / Parks / Reserves and Wetlands Committee	9,719.54	11,189.96	1,500.00
LTP Parks & Reserves Committee	3,984.35	5,428.78	1,500.00
Mallabula Community Centre Committee	31237.40	34,564.12	1,000.00
Mallabula Parks & Reserves Committee	8,716.30	3,643.61	1,500.00
Mambo Wanda Wetlands, Reserves & Landcare 355(b) Committee	5,722.00	8,108.10	1,500.00
Medowie Community Centre Committee	43,015.28	37,689.51	1,000.00
Medowie Sports Council	39,923.55	52,194.01	9,000.00
Medowie Tidy Town & Cycleway Committee	5,514.09	5,219.30	1,500.00
Nelson Bay Australia Day 355(c) (Sub) Committee <sup>1</sup>	18,219.33	19,307.01	-
Nelson Bay Senior Citizens Hall Committee	38,523.33	34,046.31	1,000.00
Nelson Bay West Parkcare Committee	7,130.95	9,289.45	1,500.00
Port Stephens Adult Choir Committee	5,017.31	4,520.77	1,000.00
Port Stephens Community Bands Committee <sup>2</sup>	6,345.20	0.00	-
Port Stephens Native Flora Garden Committee	3,309.04	3,664.41	1,500.00
Port Stephens Sister Cities Committee	20,268.24	19,031.46	1,000.00
Raymond Terrace Parks, Reserves & Tidy Towns Committee	18,321.94	19,809.37	1,500.00
Raymond Terrace Senior Citizens Hall Management Committee	48,493.42	51,491.58	1,000.00
Salt Ash Community Hall, Reserves and Tennis Courts Committee	1,822.47	4,768.10	1,500.00
Salt Ash Sports Ground Committee	99,746.30	87,278.60	1,000.00
Seaham Park and Wetlands Committee	12,923.51	14,384.20	1,500.00
Seaham School of Arts and Community Hall Committee	12,612.58	12,357.48	1,000.00
Shoal Bay Beach Preservation Committee	4,439.94	4,154.80	1,500.00

**ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES ANNUAL FINANCIAL SUMMARY FOR 2015.**

Soldiers Point / Salamander Bay Tidy Towns and Landcare Committee	7,071.44	6,969.68	1,500.00
Tanilba Bay Parks, Reserves and Hall Committee	11,884.32	16,115.51	1,500.00
Tomaree Cemeteries Committee <sup>3</sup>	3,183.37	4,012.42	1,000.00
Tomaree Education Complex Multi-Purpose Centre Committee	24,132.68	26,843.41	-
Lemon Tree Passage Old School Centre	24,747.34	14,457.98	1,000.00
Tilligerry Sports Council	39,601.05	42,590.03	9,000.00
Tomaree Sports Council	184,481.85	200,055.95	9,000.00
Tilligerry Tidy Towns and Landcare Committee	7,959.04	9,616.45	1,500.00
West Ward Cemeteries Committee	6,386.41	6,422.46	1,000.00
West Ward Sports Council <sup>4</sup>	40,602.28	55,140.46	18,000.00
WW-subcommittee Karuah Columbarium	3,351.85	3,472.80	-
Williamtown Public Hall Committee	11,702.83	15,848.08	1,000.00
<b>Totals</b>	<b>\$887,517.34</b>	<b>\$925,853.99</b>	<b>\$90,000.00</b>

**NOTES**

1. Nelson Bay Australia Day is Sub Committee of the Port Stephens Australia Day Committee.
2. Port Stephens Community Band Committee was dissolved as per Council resolution on 27 October 2015, with remaining funds transferred to Port Stephens PCYC.
3. The Tomaree Cemeteries Committee has not fulfilled their 2015 financial reporting requirements, and as such has not as yet been paid the annual operating subsidy in July 2016. In the event that a merger is realised, it is understood that payment of the 2016 annual subsidy to Tomaree Cemeteries Committee may have to be considered by the new entity.
4. Council resolved (as per resolution on 8 March 2016) to pay West Ward Sports Council an annual subsidy of \$18,000.

**ITEM NO. 7**

**FILE NO: 16/337839  
RM8 REF NO: PSC2015-03114**

**END OF TERM REPORT 2012-2016**

REPORT OF: FRAN FLAVEL - CORPORATE STRATEGY AND PLANNING  
MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes the Port Stephens Council End of Term Report 2012-2016.
- 

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Mayor Bruce MacKenzie Councillor John Nell</b>  That the recommendation be adopted.
--	--

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
MOTION**

<b>224</b>	<b>Councillor Steve Tucker Councillor John Morello</b>  It was resolved that Council notes the Port Stephens Council End of Term Report 2012-2016.
------------	--

**BACKGROUND**

The purpose of this report is to table the Port Stephens Council End of Term Report 2012-2016 as required by Section 406 Guidelines and Essential Element 1.10 of the *Local Government Act 1993*. This legislation requires that a report for the period of Council's term be tabled at the last meeting of the Council term, which in ordinary circumstances would be the July meeting in the fourth year of the Council term.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Port Stephens Council is recognised as a leading local government organisation across the State.	Strengthen Council's brand and reputation.

**FINANCIAL/RESOURCE IMPLICATIONS**

The End of Term Report 2012-2016 is in the form of a 'state of the shire' snapshot of progress against the Community Strategic Plan. Financial information contained in the report refers to the audited financial accounts of Port Stephens Council, that is, it does not include financial year 2015-2016.

The Report was prepared by Corporate Strategy & Planning using existing public records such as annual reports, quarterly and six-monthly reports; and information publicly available from the Internet.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

Essential Element 1.10 of the *Local Government Act 1993* requires that this Report be compiled and presented at the final meeting of Council before an election; and the Integrated Planning and Reporting Manual indicates that the 'state of the shire' format is the recommended format. The Report is required to measure the progress towards achieving the goals set out in the Community Strategic Plan, including the contribution of Council towards those goals.

The legislation intends the End of Term Report to be a guide for the incoming councillors to see what has been achieved and what is still to be done towards achieving the community's goals. The Report is also intended as a report to the community on progress. The Report is required to be attached as an appendix to the Annual Report (Section 428).

The End of Term Report 2012-2016 is the second of its kind completed by Council and as such continues from the baseline Report 2008-2012.

## MINUTES ORDINARY COUNCIL - 26 JULY 2016

The Report shows data about Port Stephens LGA under the headings of the Community Strategic Plan, and shows in blue boxes the Council's contribution to the goals, and in red boxes the contribution of other State agencies. At the beginning of each chapter there is a 'traffic light' table indicating progress against the indicators in the Community Strategic Plan.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the End of Term Report 2012-2016 contains errors of fact regarding non-Council information.	Low	Data obtained from public web sites was cross-checked where possible.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The End of Term Report 2012-2016 is organised in alignment with the Community Strategic Plan which was developed in accordance with the sustainability pillars as required by Section 402(3)(a) of the *Local Government Act 1993*. The Report provides empirical data on progress against the goals of the Community Strategic Plan.

### **MERGER PROPOSAL IMPLICATIONS**

There are no merger proposal implications as this forms part of the finalisation actions for Port Stephens Council for financial year 2015-2016.

### **CONSULTATION**

As this is an empirical data report it was compiled in consultation with Section and Group Managers across Council.

### **OPTIONS**

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

### **ATTACHMENTS**

Nil.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

- 1) Port Stephens Council End of Term Report 2012-2016.

**ITEM NO. 8**

**FILE NO: 16/359450  
RM8 REF NO: PSC2016-00178**

**REQUEST FOR FINANCIAL ASSISTANCE**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Mayor and Ward Funds to the following:-
  - a. Central Ward Funds – Cr Steve Tucker – Tilligerry RSL Sub-Branch – Donation towards construction of a remembrance wall on the grounds of the Tanilba Bay RSL Sports Club - \$500.
  - b. Central Ward Funds – Cr Chris Doohan – Birubi Point Surf Live Saving Club – Donation towards purchase of a surf safety kit for nippers squad - \$500.
  - c. Central Ward Funds – Cr Steve Tucker – Raymond Terrace Arts Space – Donation towards purchase of additional hooks, wires for hanging system and empty frames - \$500.
  - d. Central Ward Funds – Cr Chris Doohan – Bayway Village Mens Shed – Donation towards replacement of mens shed drop saw - \$500.
  - e. Central Ward Funds – Cr Steve Tucker – Tilligerry Chamber of Commerce – Donation towards purchase and installation of a caravan/motorhome Dump point at Henderson Park - \$500.
  - f. Central Ward Funds – Cr Steve Tucker – Lemon Tree Old School Community Centre 355c – Donation towards the purchase of reverse cycle air conditioning unit for the sewing room at Lemon Tree Old School Centre - \$500.
  - g. Mayoral Funds – Port Stephens Sister Cities Committee – Donation towards ongoing costs associated with running the committee - \$1,000.
  - h. Mayoral Funds – Hunter Medical Research Institute – Donation towards transport costs for participants to attend an Ear Health Conference - \$1,000.

---

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor John Nell</b> <b>Councillor John Morello</b></p> <p>That the recommendation be adopted.</p>
--	--

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
MOTION**

<b>225</b>	<p><b>Councillor Steve Tucker</b> <b>Councillor John Morello</b></p> <p>It was resolve that Council approve provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the respective Mayor and Ward Funds to the following:-</p> <ol style="list-style-type: none"><li>a. Central Ward Funds – Cr Steve Tucker – Tilligerry RSL Sub-Branch – Donation towards construction of a remembrance wall on the grounds of the Tanilba Bay RSL Sports Club - \$500.</li><li>b. Central Ward Funds – Cr Chris Doohan – Birubi Point Surf Live Saving Club – Donation towards purchase of a surf safety kit for nippers squad - \$500.</li><li>c. Central Ward Funds – Cr Steve Tucker – Raymond Terrace Arts Space – Donation towards purchase of additional hooks, wires for hanging system and empty frames - \$500.</li><li>d. Central Ward Funds – Cr Chris Doohan – Bayway Village Mens Shed – Donation towards replacement of mens shed drop saw - \$500.</li><li>e. Central Ward Funds – Cr Steve Tucker – Tilligerry Chamber of Commerce – Donation towards purchase and installation of a caravan/motorhome Dump point at Henderson Park - \$500.</li><li>f. Central Ward Funds – Cr Steve Tucker – Lemon Tree Old School Community Centre 355c – Donation towards the purchase of reverse cycle air conditioning unit for the sewing room at Lemon Tree Old School Centre - \$500.</li><li>g. Mayoral Funds – Port Stephens Sister Cities Committee – Donation towards ongoing costs associated with running the committee - \$1,000.</li><li>h. Mayoral Funds – Hunter Medical Research Institute – Donation towards transport costs for participants to attend an Ear Health Conference - \$1,000.</li></ol>
------------	--

**BACKGROUND**

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

Council's Financial Assistance Policy provides the community and Councillors with a number of options when seeking financial assistance from Council. Those options being:

**MINUTES ORDINARY COUNCIL - 26 JULY 2016**

1. Mayoral Funds
2. Rapid Response
3. Community Financial Assistance Grants – (bi-annually)
4. Community Capacity Building

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the *Local Government Act 1993*. This would mean that the financial assistance would need to be included in the Operational Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

The requests for financial assistance are shown below:-

**CENTRAL WARD – Councillors Dingle, Doohan & Tucker**

Tilligerry RSL Sub-Branch	Donation towards construction of a remembrance wall on the grounds of the Tanilba Bay RSL Sports Club.	\$500
Birubi Point Surf Live Saving Club	Donation towards purchase of a surf safety kit for nippers squad.	\$500
Raymond Terrace Arts Space	Donation towards purchase of additional hooks, wires for hanging system and empty frames.	\$500
Bayway Village Mens Shed	Donation towards replacements of Mens shed drop saw.	\$500
Lemon Tree Old School Community Centre 355c	Donation towards the purchase of reverse cycle air conditioning unit for the sewing room at Lemon Tree Old School Centre.	\$500
Tilligerry Chamber of Commerce	Donation towards purchase and installation of a caravan/motorhome Dump point at Henderson Park.	\$500

**MAYORAL FUNDS – Mayor MacKenzie**

Port Stephens Sister Cities	Donation towards ongoing costs associated with running the committee.	\$1,000
Hunter Medical Research Institute	Donation towards transport costs for participants to attend an Ear Health Conference.	\$1,000



**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
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**

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	4,000	Within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL AND POLICY IMPLICATIONS**

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

The policy interpretation required is whether the Council believes that:

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

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may set a precedent when allocating funds to the community and an expectation those funds will always be available.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**MERGER PROPOSAL IMPLICATIONS**

There are no merger implications.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the General Managers Unit.

Consultation has been taken with the key stakeholders to ensure budget requirements are met and approval.

Internal

- 1) Mayor
- 2) Councillors

External

- 1) Port Stephens Community

**OPTIONS**

- 1) Accept the recommendation.
- 2) Vary the dollar amount before granting each or any request.
- 3) Decline to fund all the requests.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM NO. 9

FILE NO: 16/367471  
RM8 REF NO: PSC2016-03954**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 26 July 2016.

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Cash And Investments Held As At 30 June 2016	110
2	Designated Persons' Return	114
3	Quarterly Report Of Mayor And Councillors Expenses 2015-2016	115

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Sally Dover</b> <b>Councillor Steve Tucker</b>  That the recommendation be adopted.
--	--

<b>226</b>	<b>Councillor Steve Tucker</b> <b>Councillor John Nell</b>  It was resolved that Council move out of Committee of the Whole.
------------	---

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
MOTION**

<b>227</b>	<b>Councillor Steve Tucker</b> <b>Councillor John Morello</b>  It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 26 July 2016.
------------	---

**MINUTES ORDINARY COUNCIL - 26 JULY 2016**

<b>No:</b>	<b>Report Title</b>
1	Cash And Investments Held As At 30 June 2016
2	Designated Persons' Return
3	Quarterly Report Of Mayor And Councillors Expenses 2015-2016

# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 16/358916  
RM8 REF NO: PSC2006-6531**

**CASH AND INVESTMENTS HELD AS AT 30 JUNE 2016**

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

**BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 30 June 2016.

**MERGER PROPOSAL IMPLICATIONS**

There are no merger proposal implications as this is a legislative requirement.

**ATTACHMENTS**

- 1) Cash and Investments held at 30 June 2016.
- 2) Monthly cash and investments balance June 2015 to June 2016.
- 3) Monthly Australian term deposit index June 2015 to June 2016.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

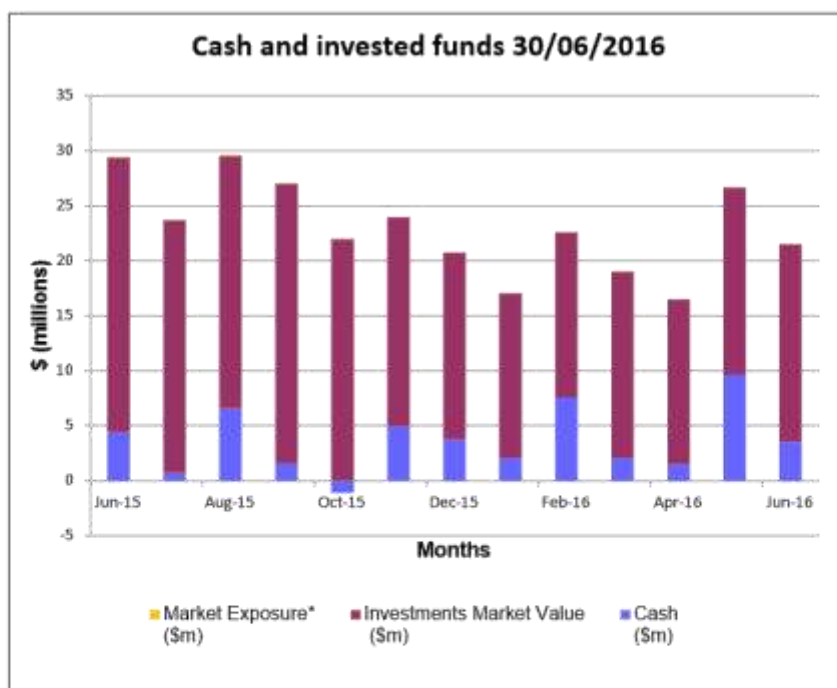
**CASH AND INVESTMENTS HELD AS AT 30 JUNE 2016**

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
<b>TERM DEPOSITS</b>								
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.07%	98	13-Jul-16	2,000,000	2,000,000
SUNCORP BANK	SUNCORP	A+	TD	3.10%	196	21-Sep-16	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.78%	125	5-Oct-16	2,000,000	2,000,000
ARAB BANK AUSTRALIA	RIM	NR	TD	3.00%	147	19-Oct-16	1,000,000	1,000,000
BANK OF QUEENSLAND	BOQ	A-	TD	3.00%	168	2-Nov-16	2,000,000	2,000,000
BANK OF SYDNEY	CURVE	NR	TD	3.15%	259	16-Nov-16	2,000,000	2,000,000
BANK OF QUEENSLAND	BOQ	A+	TD	3.00%	195	14-Dec-16	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.00%	189	4-Jan-17	2,000,000	2,000,000
POLICE CREDIT UNION LTD (SA)	FARQUHARSON	NR	TD	3.05%	231	11-Jan-17	1,000,000	1,000,000
AMP BANK	FARQUHARSON	A+	TD	3.00%	364	17-May-17	2,000,000	2,000,000
<b>SUB TOTAL (\$)</b>							<b>17,000,000</b>	<b>17,000,000</b>
<b>OTHER INVESTMENTS</b>								
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	996,094
<b>SUB TOTAL (\$)</b>							<b>1,017,877</b>	<b>996,094</b>
<b>INVESTMENTS TOTAL (\$)</b>							<b>18,017,877</b>	<b>17,996,094</b>
<b>CASH AT BANK (\$)</b>							<b>3,525,837</b>	<b>3,525,837</b>
<b>TOTAL CASH AND INVESTMENTS (\$)</b>							<b>21,543,714</b>	<b>21,521,931</b>
CASH AT BANK INTEREST RATE				2.15%				
BBSW FOR PREVIOUS 3 MONTHS				2.14%				
AVG. INVESTMENT RATE OF RETURN				2.84%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
<b>CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER</b>								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
<b>T HAZELL</b>								

**ITEM 1 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE  
JUNE 2015 TO JUNE 2016.**

**CASH AND INVESTMENTS BALANCE**

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure* (\$m)	Total Funds (\$m)
Jun-15	4.422	24.967	0.051	29.440
Jul-15	0.727	22.968	0.050	23.745
Aug-15	6.590	22.968	0.050	29.608
Sep-15	1.542	25.468	0.050	27.060
Oct-15	1.092	21.968	0.050	20.926
Nov-15	4.959	18.989	0.029	23.977
Dec-15	3.759	16.989	0.029	20.776
Jan-16	2.043	14.989	0.029	17.061
Feb-16	7.589	14.989	0.029	22.607
Mar-16	2.038	16.984	0.034	19.055
Apr-16	1.469	14.990	0.028	16.487
May-16	9.650	16.990	0.028	26.668
Jun-16	3.526	17.990	0.028	21.544



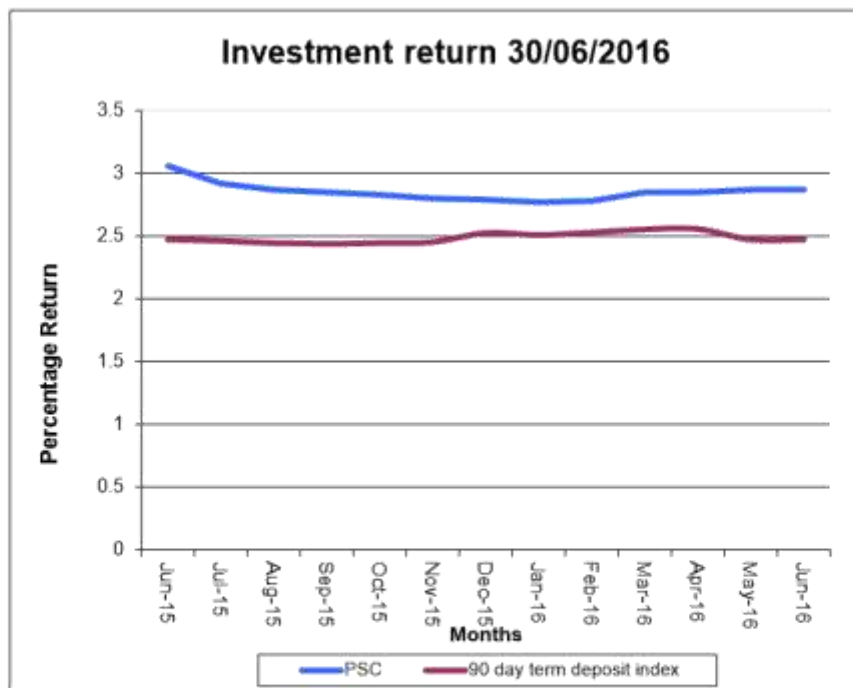
\*market exposure is the difference between the face value of an investment and its current market value



**ITEM 1 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX  
JUNE 2015 TO JUNE 2016.**

**AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX**

<b>Date</b>	<b>90 day term deposit index</b>	<b>PSC</b>
Jun-15	2.4727	3.06
Jul-15	2.4632	2.92
Aug-15	2.4447	2.87
Sep-15	2.4384	2.85
Oct-15	2.4458	2.83
Nov-15	2.4535	2.80
Dec-15	2.5259	2.79
Jan-16	2.5089	2.77
Feb-16	2.5293	2.78
Mar-16	2.5539	2.85
Apr-16	2.5578	2.85
May-16	2.4730	2.87
Jun-16	2.4727	2.87



**ITEM NO. 2**

**FILE NO: 16/362914  
RM8 REF NO: PSC2016-00018**

**DESIGNATED PERSONS' RETURN**

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

**BACKGROUND**

The purpose of this report is to advise Council of new Council staff who have submitted their Designated Persons' Return/s (Return).

In accordance with Section 450A of the *Local Government Act 1993*, all new staff are required to lodge a Return within three (3) months of commencement. These Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who has submitted Return/s:

- Development Engineer (PSC618)

**MERGER PROPOSAL IMPLICATIONS**

This are no merger proposal implications associated with this Information Paper.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Designated Persons' Return.

**ITEM NO. 3**

**FILE NO: 16/310137  
RM8 REF NO: PSC2015-02258**

**QUARTERLY REPORT OF MAYOR AND COUNCILLORS EXPENSES 2015-2016**

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 during the period of April, May and June 2016.

The tables at **(ATTACHMENT 1)** include the total number of meetings attended during this period.

**MERGER PROPOSAL IMPLICATIONS**

There are no implications.

**ATTACHMENTS**

- 1) QUARTERLY EXPENSES REPORT - APRIL, MAY AND JUNE 2016

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 26 JULY 2016**

**ITEM 3 - ATTACHMENT 1 QUARTERLY EXPENSES REPORT - APRIL, MAY AND JUNE 2016**

			<i>Cr Bruce Mackenzie</i>	<i>Cr Chris Doohan</i>	<i>Cr Geoff Dingle</i>	<i>Cr John Moretto</i>	<i>Cr John Veil</i>	<i>Cr Ken Jordan</i>	<i>Cr Paul Le Moine</i>	<i>Cr Peter Kater</i>	<i>Cr Sally Dover</i>	<i>Cr Steve Tucker</i>	<i>100 BUS</i>	
<b>Total Council Meetings Attended (6 held)</b>			6	5	5	6	4	6	5	5	6	6	54	
		<i>Limits as per policy</i>												
Councillor Mobile Rental	802.123	<b>\$200 per month</b>	\$276.00	\$303.00	\$205.00	\$185.00	\$47.00	\$0.00	\$413.00	\$0.00	\$0.00	\$0.00	\$1,439.00	
Councillor Mobile Calls	803.123		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Councillor Landline Phone Rental	804.123		\$0.00	\$44.00	\$161.00	\$0.00	\$0.00	\$0.00	\$0.00	\$46.00	\$0.00	\$0.00	\$0.00	\$351.00
Councillor Landline Phone Calls	805.123		\$0.00	\$0.00	\$14.00	\$50.00	\$0.00	\$0.00	\$0.00	\$76.00	\$0.00	\$0.00	\$0.00	\$140.00
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
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	
Councillor Internet	806.123	<b>\$60 per month</b>	\$0.00	\$164.00	\$218.00	\$55.00	\$0.00	\$0.00	\$164.00	\$0.00	\$0.00	\$0.00	\$601.00	
Councillor Intrastate Travel Expenses	801.123	<b>\$6,000 per year</b>	\$53.00	\$1,154.00	\$522.00	\$246.00	\$1,834.00	\$627.00	\$951.00	\$0.00	\$563.00	\$1,045.00	\$6,995.00	
Councillor Intrastate 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	
Councillor Interstate Travel (out of NSW)	810.123		\$1,779.00	\$0.00	\$0.00	\$0.00	\$0.00	\$481.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,260.00
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	
Councillor Interstate Accommodation (out of NSW)	811.123	\$0.00	\$317.00	\$0.00	\$936.00	\$0.00	\$1,036.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,289.00	
Councillor Intrastate Accommodation	812.123	<b>\$3,500 per year</b>	\$369.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$369.00	
Councillor Conferences	814.123		\$1,795.00	\$0.00	\$0.00	\$1,893.00	\$0.00	\$93.00	\$422.00	\$0.00	\$0.00	\$0.00	\$4,203.00	
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	
Councillor Partner Expenses	816.123	<b>Mayor \$1,000 per term</b> Crs <b>\$500 per term</b>	\$0.00	\$0.00	\$0.00	\$303.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$303.00	
Councillor Computers	817.123	<b>\$3,000 per term</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$45.00	\$0.00	\$0.00	\$0.00	\$0.00	\$36.00	\$81.00	
Councillor Stationary	818.123	<b>No limit.</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$245.00	\$0.00	\$0.00	\$0.00	\$0.00	\$245.00	
Councillor Awards/Ceremonies/Diners	819.123	<b>\$100 per day</b>	\$42.00	\$0.00	\$0.00	\$0.00	\$15.00	-\$20.00	\$0.00	\$0.00	-\$20.00	\$0.00	\$17.00	
Councillor Child Care Costs	820.123	<b>\$2,000 per term</b>	\$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	821.123	<b>\$120 per month</b>	\$0.00	\$0.00	\$0.00	\$69.00	\$218.00	\$800.00	\$0.00	\$0.00	\$391.00	\$575.00	\$2,053.00	
Councillor Allowances		<b>Mayor \$58,470per annum. Crs \$18,380per annum</b>	\$14,617.50	\$4,595.00	\$4,595.00	\$4,595.00	\$4,595.00	\$4,595.00	\$4,595.00	\$4,595.00	\$4,595.00	\$4,595.00	\$55,972.50	
<b>TOTALS</b>			<b>\$18,931.50</b>	<b>\$6,577.00</b>	<b>\$5,715.00</b>	<b>\$8,332.00</b>	<b>\$6,754.00</b>	<b>\$7,857.00</b>	<b>\$6,667.00</b>	<b>\$4,595.00</b>	<b>\$5,529.00</b>	<b>\$6,251.00</b>	<b>\$77,208.50</b>	

# NOTICES OF MOTION

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 16/363705  
RM8 REF NO: PSC2015-01478**

**INCREASE THE COUNCIL CONTRIBUTION TO THE ANNA BAY DRAINAGE UNION**

**COUNCILLOR: MAYOR BRUCE MACKENZIE**

---

**THAT COUNCIL:**

- 1) Increases its contribution to the Anna Bay Drainage Union to \$20,000 per annum to be funded from the Civil Assets Drainage Planning budget to be reviewed annually.

---

**ORDINARY COUNCIL MEETING - 26 JULY 2016  
MOTION**

<b>228</b>	<b>Mayor Bruce MacKenzie Councillor Sally Dover</b>  It was resolved that Council increases its contribution to the Anna Bay Drainage Union to \$20,000 per annum to be funded from the Civil Assets Drainage Planning budget to be reviewed annually.
------------	--

**BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER**

**BACKGROUND**

Anna Bay Drainage Union (ABDU) is the last drainage union in the Port Stephens Council Local Government Area. The ABDU maintain in excess of 12km of the main trunk drains from the Anna Bay drainage catchment. In addition to open drain maintenance the ABDU undertake required assessments and studies required for future infrastructure upgrade to the drain and the outlet flood gates.

Under the previous Drainage Act and now Waters Act that the ABDU operate under, property owners that discharge stormwater into their catchment, such as residents, contribute financially for the ABDU operations. Council also financially contributes to the ABDU as previously approved subdivisions flow into their drainage infrastructure. As per Council recommendation dated 5 May 1998, Council increased the financial contribution to \$10,000 per annual and this figure has been constant for 18 years.

## **MINUTES ORDINARY COUNCIL - 26 JULY 2016**

The ABDU have requested to increase the annual Council contribution to \$20,000 to take into account of a pricing index and additional approved developments in this catchment. Assets staff believe that the increase to \$20,000 is considered to be a reasonable sum of monies and would be funded from existing budget allocations.

Supporting the ABDU would prevent the union from discontinuing their operations. If the ABDU did fold, the drainage infrastructure would then be the responsibility of Council to own, maintain and upgrade.

### **MERGER PROPOSAL IMPLICATIONS**

There are no implications arising from this Notice of Motion for the merger proposal.

### **ATTACHMENTS**

Nil.

There being no further business the meeting closed at 5.59pm.