

DRAFT

MINUTES – 13 JUNE 2017



PORT STEPHENS

C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 13 June 2017, commencing at 5.30pm.

PRESENT:

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

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Councillor Ken Jordan
Councillor Paul Le Mottee

It was resolved that apologies from Cr John Morello and Cr Steve Tucker be received and noted.

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Councillor Chris Doohan
Councillor Sally Dover

It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 9 May 2017 be confirmed, and note the Record of 23 May 2017.

Cr Paul Le Mottee declared a pecuniary conflict of interest in Item 3. The nature of the interest is that Item 3 deals with land that may affect Le Mottee Group clients.

Cr Paul Le Mottee declared a pecuniary conflict of interest in confidential Items 1 and 2. The nature of the interest is that previous clients of the Le Mottee Group are mentioned in the confidential items.

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COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 17/80154
RM8 REF NO: 16-2016-770-1**

DEVELOPMENT APPLICATION NO. 16-2016-770-1 FOR A CAR PARK, PLAYGROUND EXTENSION AND RELOCATION OF FIRE TRAIL (ST PHILLIPS CHRISTIAN COLLEGE) AT 100, 174A AND 176 SALAMANDER WAY, SALAMANDER BAY (LOT 21 DP1044009, LOT 23 DP1044009 AND LOT 1 DP847022)

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application (DA) No. 16-2016-770-1 for the construction of Car park, Playground Extension and Relocation of Fire Trail (St Phillips Christian College) at 100, 174A and 176 Salamander Way, Salamander Bay (LOT 21 DP1044009, LOT 23 DP1044009 and LOT 1 DP847022) subject to the conditions contained in **(ATTACHMENT 4)**.

**ORDINARY COUNCIL MEETING - 13 JUNE 2017
MOTION**

120	Councillor Sally Dover Councillor Chris Doohan It was resolved that Council move into Committee of the Whole.
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COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor Sally Dover Councillor John Nell	<p>That Council:</p> <ol style="list-style-type: none">1) Approve Development Application (DA) No. 16-2016-770-1 for the construction of Car park, Playground Extension and Relocation of Fire Trail (St Phillips Christian College) at 100, 174A and 176 Salamander Way, Salamander Bay (LOT 21 DP1044009, LOT 23 DP1044009 and LOT 1 DP847022) subject to the conditions contained in (ATTACHMENT 4).2) That the following additional condition be included in the consent: <p>Prior to the issue of any occupation certificate, 'No Parking' signage is to be installed at the access to the realigned bushfire trail connecting</p>
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to the south-eastern end of the car park. The signage is to be so installed as to ensure access to the bushfire trail for emergency services vehicles at all time.

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

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

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING - 13 JUNE 2017 MOTION

121	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Approve Development Application (DA) No. 16-2016-770-1 for the construction of Car park, Playground Extension and Relocation of Fire Trail (St Phillips Christian College) at 100, 174A and 176 Salamander Way, Salamander Bay (LOT 21 DP1044009, LOT 23 DP1044009 and LOT 1 DP847022) subject to the conditions contained in (ATTACHMENT 4).2) The following additional condition be included in the consent: Prior to the issue of any occupation certificate, 'No Parking' signage is to be installed at the access to the realigned bushfire trail connecting to the south-eastern end of the car park. The signage is to be so installed as to ensure access to the bushfire trail for emergency services vehicles at all time.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present to Council for determination development application (DA) 16-2016-770-1 for the construction of Car park, Playground Extension and Relocation of Fire Trail (St Phillips Christian College)

The DA has been reported to the elected Council given Council is the owner of the land at 100 and 174A Salamander Way, Salamander Bay. St Phillips Christian College is the owner of 176 Salamander Way, Salamander Bay.

Proposal

The application proposes a carpark associated with St Phillips Christian College, an extension to the existing playground, and relocation of the existing fire trail to the south to allow future expansion of the College sporting facilities.

Earthworks

All vegetation within the proposed development footprint will be removed. This area will be filled to reflect the ground level of the existing parking area within the school grounds. A 1.4m high retaining wall will be installed along the western extent of the filled area.

Parking and set-down areas

The proposal includes a parking area and bus set-down area to the south west of the existing school buildings.

The area will comprise 164 car parking spaces and 14 bus set-down bays.

Formalised drop off area

The existing roundabout at the entrance to the school will be formalised with a 10 car set-down bay to provide a safe area for students to be dropped off and picked up by parents.

A new access between the existing formalised parking area and the new car park will be constructed to allow for improved connectivity between these areas.

The application also includes the replacement of electricity infrastructure within the existing car park.

Fire trail

It is proposed to relocate the existing fire trail to the south to allow future expansion of the College sporting facilities. The fire trail will be 5.8m wide and will be constructed in accordance with Planning for Bushfire Protection 2006. The fire trail will connect with the existing trails on the adjacent site to the east.

Landscaping

The application was supported by a landscape design that proposes planting of appropriate species throughout the new parking area and within the existing set-down areas.

Stormwater Management

Stormwater will be managed through an infiltration basin and associated storage within the car park. The infiltration basin will be located along the western extent of the new parking area and will provide 100% infiltration during 1% AEP events. An outlet has been provided, in the form of a spillway with stone rip mat, to the west of the basin.

To ensure that the infiltration requirements are met, the applicant proposed the installation of porous pavers along the western parking bays. This will allow for water ponding within the carpark to infiltrate outside of the proposed basin.

Key Issues

The key matters considered in the development relate to the removal of vegetation and the close proximity to wetlands identified under SEPP14.

The vegetation to be removed constitutes Swamp Sclerophyll Forest, which is an Endangered Ecological Community. To offset the removal of this vegetation, the remaining portion of the lot will be bio-banked to provide offset credits. The retirement of the relevant number of bio banking credits is required prior to the development taking place. Accordingly, it is recommended that a deferred commencement approval be issued as set out in the draft Notice of Determination included in **(ATTACHMENT 4)**.

Lot 21 DP 1044009 is identified as supporting a wetland that is protected under SEPP 14.

The applicant provided ecological assessments relating to the site that considers the impact of the proposed carpark extension on the nearby wetland. It is noted that, while the registered boundary of the SEPP 14 wetland extends over the proposed carpark site, the ground-truthed wetland boundary occurs within the adjacent bio banking site and is not directly impacted by the proposed carpark. Correspondence from the Office of Environment and Heritage, confirming the acceptance of the wetland boundary amendment, was provided to Council.

To reduce potential impacts on the wetland, it is proposed to construct a retaining wall between the carpark and the wetland vegetation and install a stormwater management system to capture surface water. The water quality measures proposed by the applicant were assessed by Council Engineers and found to adequately deal with any pollutant runoff from the proposed hardstand areas. It is therefore

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considered that this design will protect the wetland from both direct and indirect impacts.

The proposal will impact on 0.22 ha of swamp sclerophyll forest endangered ecological community (EEC), koala habitat, wallum froglet habitat and potential brush-tailed phascogale habitat. A bio banking statement report assessing the impact of the proposed development on threatened species as listed under the *Threatened Species Conservation Act 1995* was provided with the application. The report assessed the likelihood of occurrence of threatened species and assessed the impact of the proposed carpark using the Bio Banking Assessment Methodology. The removal of vegetation will also be offset by retiring bio banking credits and additional planting in the areas between the proposed works and the wetland boundary.

Assessment Outcome

The subject land is zoned E2 Environmental Conservation and SP2 Infrastructure under the Port Stephens Local Environmental Plan 2013 (LEP2013). The proposal is permissible with consent in both zones.

The proposed amendments were assessed against relevant controls and objectives as specified under State Environmental Planning Policy No. 14 – Coastal Wetlands (SEPP 14), State Environmental Planning Policy No. 71 – Coastal Protection, State Environmental Planning Policy (Infrastructure) 2007, LEP2013 and Port Stephens Development Control Plan 2014.

The proposed development does not present a significant impact on the locality and is recommended to be approved, subject to the conditions contained in **(ATTACHMENT 4)**.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		

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Source of Funds	Yes/No	Funding (\$)	Comment
Section 94	Yes		Section 94 applies to the development.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is consistent with Council's Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that a third party or the applicant may appeal the determination.	Low	Approve the application as recommended. The assessment carried out details the merits of the proposed development.	Yes
There is a risk that if the application is refused, on-street car parking and manoeuvring will continue to be negatively impacted during peak school drop off and pick up times.	High	Approve the application as recommended.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed development is anticipated to generate viable employment and economic activity during the construction of the development.

The additional parking and lay down areas will increase safety around the existing school and limit traffic issues on Salamander Way during peak periods. The development also includes appropriate stormwater management systems and acceptable access arrangements to Salamander Way.

The development is consistent with surrounding developments and is in keeping with the context of the locality. The development is not anticipated to have significant adverse impacts on the locality, surrounding properties or public places.

A detailed assessment of the proposed development has been carried out against the requirements of the *Environmental Planning and Assessment Act 1979* and has been included as **(ATTACHMENT 3)** to this report.

CONSULTATION

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

Internal

The application was referred to the following Council sections:

- Development Engineering;
- Natural Resources;
- Developer Contributions; and
- Vegetation Management.

Each internal staff member assessed the relevant portion of the original application and where necessary requested additional information.

Following receipt of amended plans and additional information, the application was referred back to the internal staff members for review. No objections were raised by any internal staff to the amended design and relevant conditions have been incorporated into the Schedule of Conditions provided at **(ATTACHMENT 4)**.

External

The application was referred to the Department of Primary Industries (Water) as Integrated Development. The referral response stated that the proposal did not require a Controlled Activity Approval and the application was supported unconditionally.

Public Consultation

The application was notified / advertised for 14 days, from 14 November 2016 to 30 November 2016. During this period the one (1) submission was received from the Department of Primary Industries (Lands) who owns the land to the east of the subject site.

The submission requested that the layout plans be updated to show connectivity of the proposed fire trail with the existing trails on the adjoining land. Updated plans were provided indicating that connectivity would be maintained and will ensure that the strategic fire trail network can be accessed during bushfires. No further issues were raised following the provision of updated plans.

OPTIONS

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

ATTACHMENTS

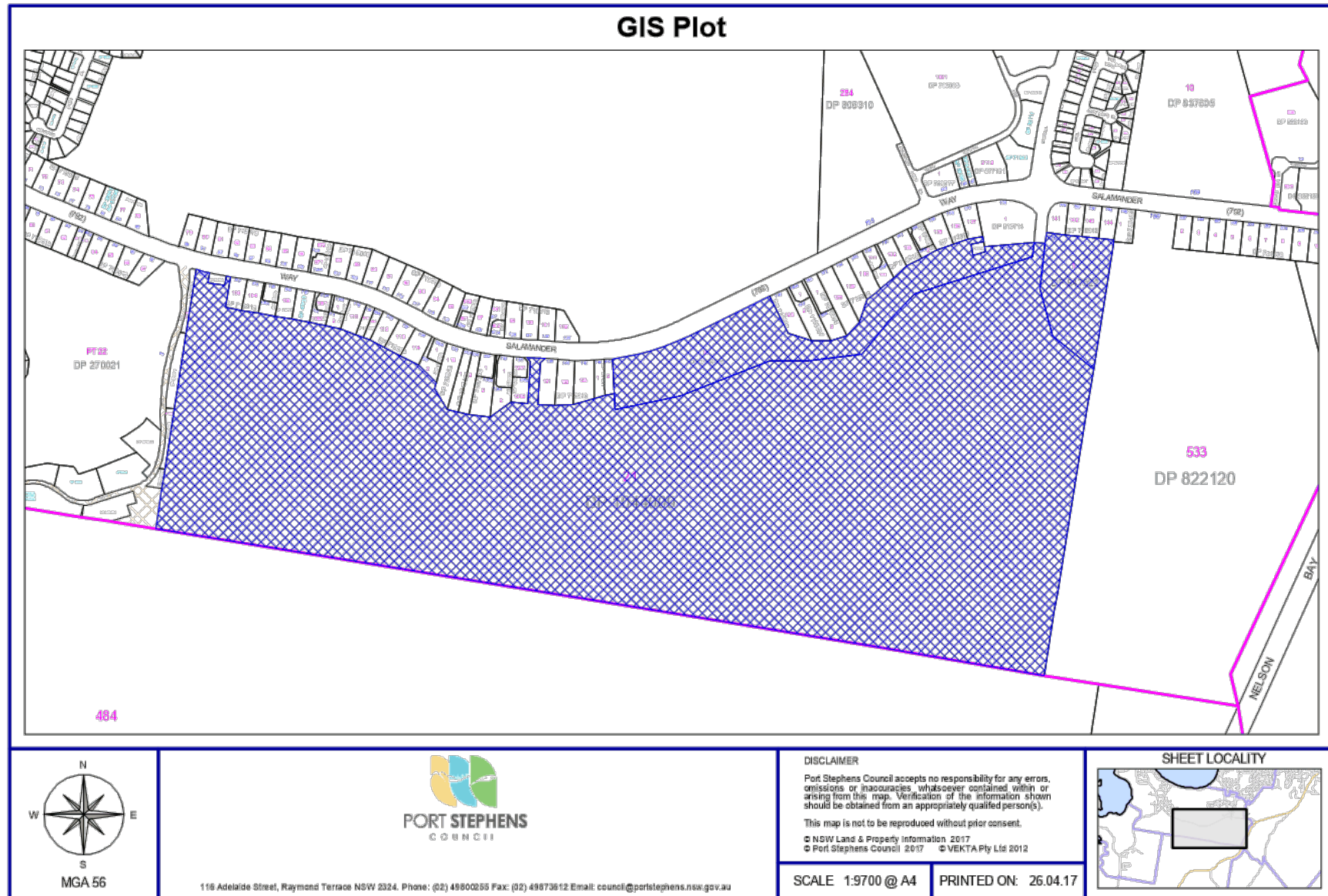
- 1) Locality Plan A.
- 2) Locality Plan B.
- 3) Assessment Report.
- 4) Notice of Determination.

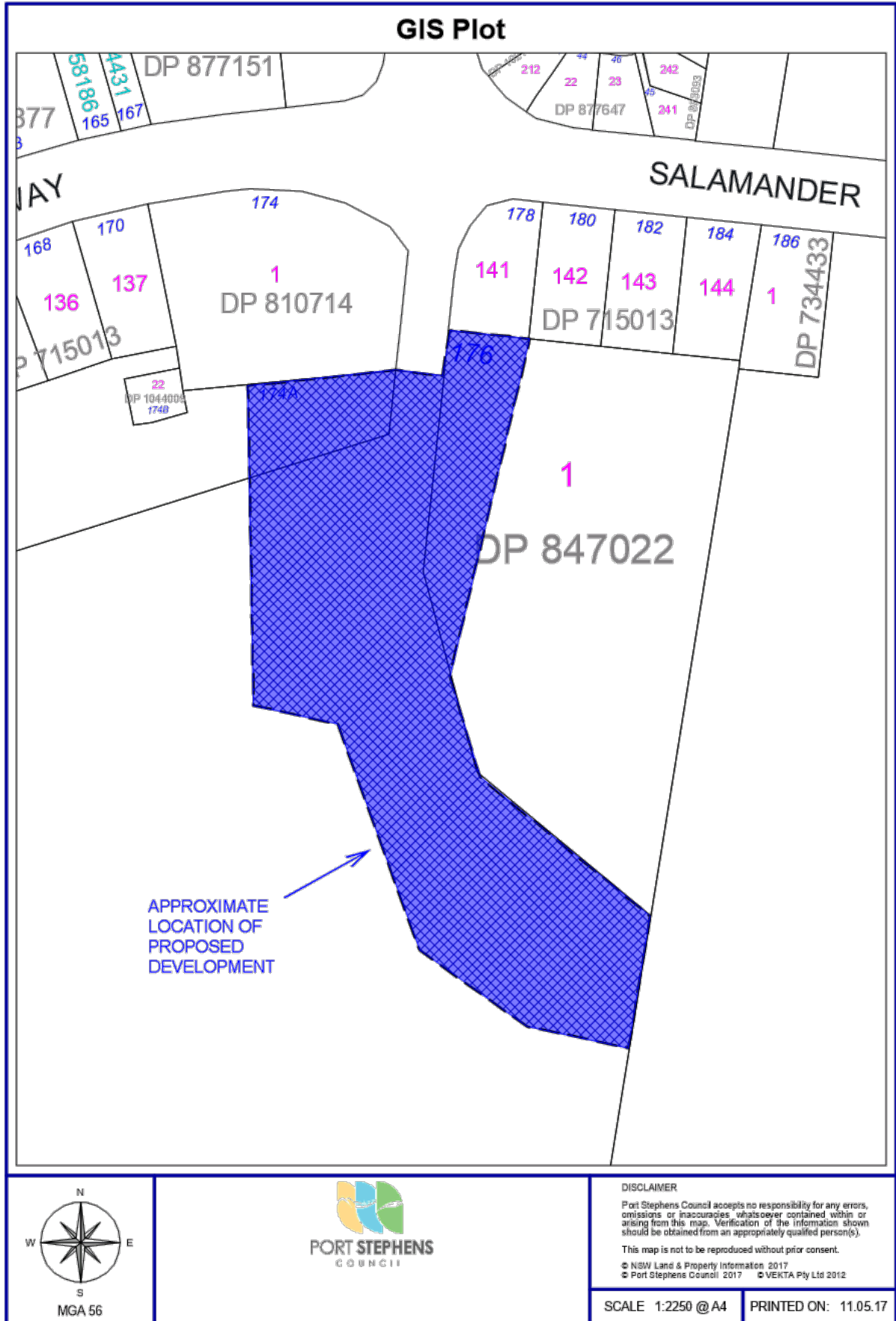
COUNCILLORS ROOM

- 1) Development Plans.

TABLED DOCUMENTS

Nil.





116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49802255 Fax: (02) 49872612 Email: council@portstephens.nsw.gov.au

 **DEVELOPMENT ASSESSMENT REPORT**

APPLICATION DETAILS

Application Number	16-2016-770-1
Development Description	Car Park, Playground Extension and Relocation of Fire Trail (St Phillips Christian College)
Applicant	PORT STEPHENS COUNCIL
Date of Lodgement	10/11/2016
Value of Works	\$900,000.00

Development Proposal

The application proposes a carpark associated with St Phillips Christian College and relocation of the existing fire trail to the south to allow future expansion of the College sporting facilities. The proposed development is illustrated below.

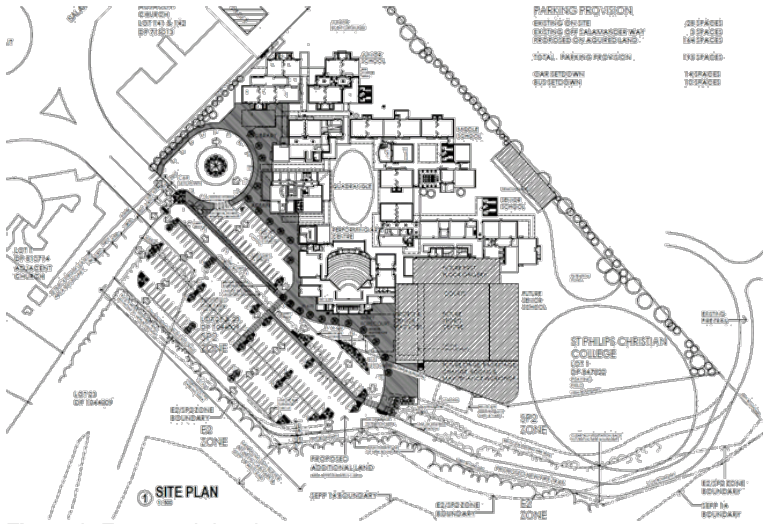


Figure 1: Proposed development

The main components of the development are:

- Earthworks

All vegetation within the proposed development footprint will be removed. The development site will be filled, up to 1.4m to reflect the ground level of the existing parking area within the school grounds. A retaining wall will be installed along the western extent of the filled area.

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- Parking and setdown areas

The proposal includes a parking area and bus setdown area to the south west of the existing school buildings. The area will comprise 164 car parking spaces, incorporating one accessible parking space and 14 bus setdown bays.

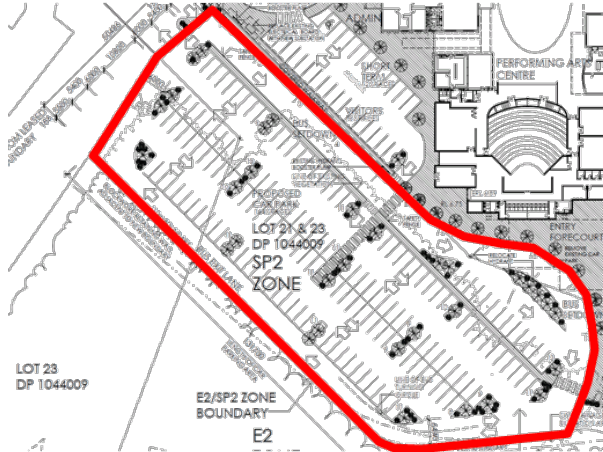


Figure 2: Proposed car parking and bus setdown area

- Formalisation of drop off areas and associated works

The existing roundabout at the entrance to the school will be formalised with 10 car setdown bays to provide a safe area for students to be drop off and pickup by parents.

A new access between the existing formalised parking area and the new car park will be constructed to allow for improved connectivity between these areas.

The application also includes the replacement of electricity infrastructure within the existing car park.

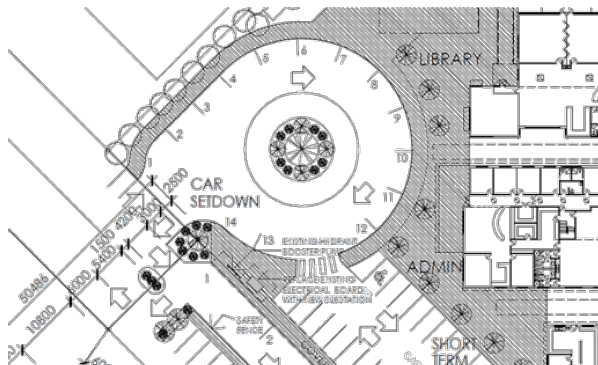


Figure 3: Proposed formalised setdown area

- Fire trial

It is proposed to relocate the existing fire trial to the south to allow future expansion of the College sporting facilities. The fire trial will be 5.8m wide and will be constructed in accordance with

ITEM 1 - ATTACHMENT 3 ASSESSMENT REPORT.

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Planning for Bushfire Protection 2006. The fire trail will connect with the existing tails on the adjacent site to the east.

- Landscaping

The application submitted a landscape design that proposes planting of a range of species throughout the new parking area and within the existing setdown areas.

- Stormwater Management

Stormwater will be managed through an infiltration basin and associated storage within the proposed car park area. The infiltration basin will be located along the western extent of the new parking area and will provide 100% infiltration during 1% AEP events. The installation of porous pavers along the western parking bays is proposed to allow for water ponding within the carpark to infiltrate outside of the proposed basin.

PROPERTY DETAILS

Property Address	100 Salamander Way SALAMANDER BAY, 174A Salamander Way SALAMANDER BAY, 176 Salamander Way SALAMANDER BAY
Lot and DP	LOT: 21 DP: 1044009, LOT: 23 DP: 1044009, LOT: 1 DP: 847022
Current Use	Education Establishment
Zoning	E2 ENVIRONMENTAL CONSERVATION / PART SP2 INFRASTRUCTURE / PART RE1 PUBLIC RECREATION
Site Constraints	Bushfire Prone Acid Sulfate Soils (Class 3 & 4) Koala Habitat (Core & Preferred) Swamp Sclerophyll Forest Wetlands (SEPP 14) Coastal Zone (SEPP71) Draft Coastal SEPP (Coastal Use & Wetlands) Biobank Site



Figure 4: Aerial photo of site

Site Description

The subject site is located to the south of Salamander Way in Salamander Bay. The subject land consists of the following sites:

- Lot 21 & 23 DP1044009

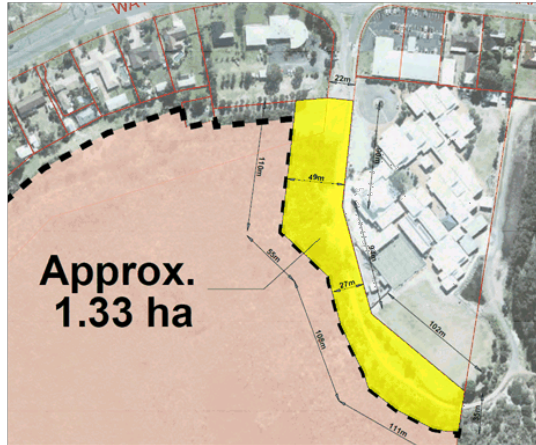


Figure 5: Subject area on Lots 21 & 23 DP 1044009

These sites are owned by Council and the eastern section (included in this application) is currently leased to St Phillips Christian College. The area marked yellow is the development area and the area marked brown will remain undeveloped. The majority of Lots 21 & 23 contains SEPP 14 wetlands. A site inspection was undertaken by a qualified ecologist in November 2015. The ecologist redefined the edge of the wetland vegetation. The redefinition of the wetland boundary was provided to OEH, who agreed that the eastern section of the land should not be included in SEPP 14 wetland classification.

The redefined boundary of the wet land is illustrated below:



Figure 6: Vegetation on site

The western section of Lot 21 forms part of an application to bio-banking the wetland vegetation. The site has been registered as a bio-banking site by the Office of Heritage and

ITEM 1 - ATTACHMENT 3 ASSESSMENT REPORT.

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Environment (OEH) and is awaiting finalisation of the crediting process. The application does not propose any work within the Biobank site

The ecological assessment identified swamp sclerophyll forest Endangered Ecological Community, koala habitat, wallum froglet habitat and potential brush-tailed phascogale habitat. The trees located within the proposed development footprint included one (1) x Eucalyptus robusta (small individual) and included 35 x Melaleuca quinquenervia trees, which are proposed to be removed as part of this application.

- Lot 1 DP 847022

The site is owned by St Phillips Christian College and contains school buildings, an existing drop off area and recreational areas.

Site History

No recent applications have been approved over Lots 21 & 23 DP 1044009. Various improvements to the existing school have been approved in recent years. These include shade structures and a trade training facility.

No compliance matters that would impact the proposal are currently outstanding.

Site Inspection

Various site inspections were carried out, with the initial visit on 16 December 2016.

The subject site can be seen in the figures below:



Figure 7: Unsealed parking area to the south of the school



Figure 8: Existing fire trial to the southeast of the school



Figure 9: Existing fire trail to the south of the school

ASSESSMENT SUMMARY

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

Internal Referrals

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

Development Engineer – Several engineering issues were identified in the original assessment that included stormwater infiltration, water quality and access. Additional information and an amended design were provided that satisfied Council's requirements and the application was subsequently conditionally supported.

Section 94 – The S94 officer reviewed the proposal and concluded that developer contributions could be levied. A condition, requiring the payment of contribution prior to the issue of the Construction Certificate has been included in the consent.

Natural Resources – The Natural Resources area reviewed the potential impacts on the surrounding wetlands and the proposed vegetation removal. The application was supported conditionally. The assessment outcomes have been discussed below.

Vegetation Management – The proposed landscaping was reviewed and issues associated with the species selection and site coverage was identified. An amended design was provided that addressed the identified issues and conditions of consent were provided.

External Referrals

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

Department of Primary Industries (Water) – The applications were referred to the DPI Water as Integrated development. No specific issues were identified and the application was supported unconditionally.

MATTERS FOR CONSIDERATION

Threatened Species Conservation Act 1995

The ecological assessment identified that the proposal will impact on swamp sclerophyll forest EEC, koala habitat, wallum froglet habitat and potential brush-tailed phascogale habitat. A biobanking statement report assessing the impact of the proposed development on threatened matters as listed under the *Threatened Species Conservation Act* (TSC Act) 1995 has assessed the likelihood of occurrence of threatened species and the impact of the proposed carpark using the BioBanking Assessment Methodology.

It is proposed to retire bio-banking credits to offset the impacts associated with the loss of habitat of the swamp sclerophyll vegetation from the adjacent biobank site.

Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

The ecological assessment provided by the applicant addressed matter of significance identified in the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999*. It was found that the development would not require referral to the Commonwealth or the preparation of a Species Impact Statement.

Environmental Planning and Assessment act 1979

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

Port Stephens Local Environmental Plan 2013 (LEP)

Clause 2.3 – Zone Objectives and Land Use Table

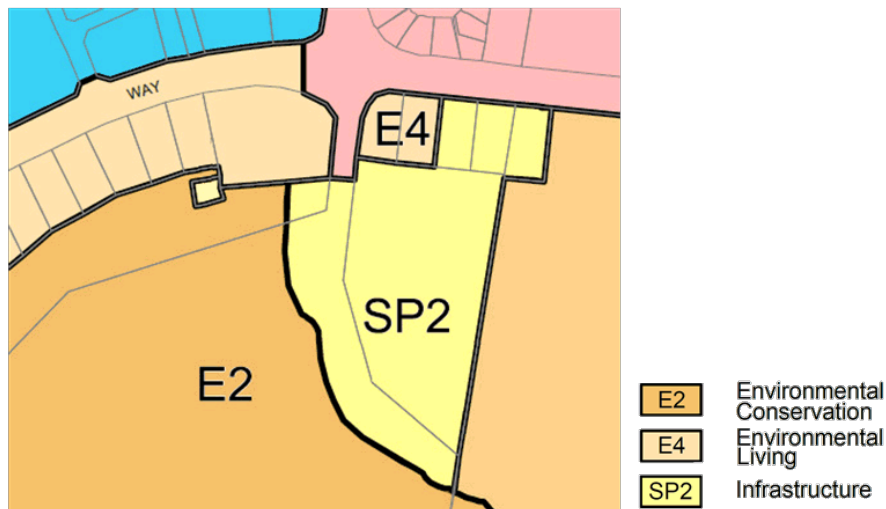


Figure 10: LEP Zoning Map

The site is located within the E2 Environmental Conservation and the objective of the zone is:

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- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

The only development located within the E2 zoned land is part of the western road within the carpark and a small section of the fire trail to the south of the existing school facilities. It is considered that the minor nature of the works proposed within the E2 zoned land will not have an adverse impact on the ecology, scientific, cultural or aesthetic values of the land.

Private Roads are defined under the Roads Act 1993 as '*any road that is not a public road*'. Roads are permissible in the E2 zone.

The majority of the development site is located within the SP2 Infrastructure and the objective of the zone is:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposed works are considered part of the Educational Facility and is therefore permissible with consent and consistent with the zone objectives.

Clause 5.5 – Development within the Coastal Zone

The proposal will clear native vegetation contiguous with a large tract of regenerating and remnant vegetation supporting threatened species, ecological communities and wetland values that are to be managed as a Biobank site for both ecosystem and species credits. The majority of the car park is cleared of native vegetation or contains regrowth vegetation.

The ecological assessments identified direct and indirect impacts of the proposal on the adjacent biobank site and its ecological values. Recommendations to limit the impacts include exclusion fencing, erosion and sediment controls, weed management and revegetation of disturbed area with locally indigenous species.

The proposal will therefore conserve the local ecology and increase water quality. The proposal will not significantly impact on access to the coastal environment, impede views or affect Aboriginal heritage.

The proposed development is consistent with the requirements of Clause 5.5 in this regard.

Clause 7.1 – Acid Sulfate Soils

The subject land is mapped as containing potential Class 3 acid sulfate soils. The proposed development is anticipated to entail excavations below 1m and an acid sulfate soils management plan will be required. A condition of consent has been attached outlining this requirement.

Clause 7.2 – Earthworks

The proposed earthworks are relatively minor in nature and are not anticipated to result in any negative impacts on the subject or adjoining land, or any public place. Any material to be exported from the subject site will need to be disposed of responsibly. Conditions of consent have been provided to ensure this requirement is met.

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 roof and hard stand areas can be catered for in accordance with Councils requirements. The subject land also maintains direct access to Bagnall Beach Road, meeting the requirements of this clause.

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Clause 7.9 – Wetlands

Lot 21 DP 1044009 is identified as supporting a wetland. This wetland is also protected under State Environmental Planning Policy No 14 – Coastal Wetland (SEPP 14). Both mapped wetland boundaries extend over the proposed footprint.

The ecological assessment provides a description of the impact of the proposed carpark extension on the nearby wetland. It is noted that while the registered boundary of the SEPP 14 wetland extends over the proposed carpark site, the ground-truthed wetland boundary occurs within the adjacent biobank site and is not directly impacted by the proposed carpark. The re-defined wetland boundary is supported by OEH. It is proposed to construct a retaining wall between the carpark and install drainage/stormwater management and filtration system to capture surface water and reduce potential impacts on the wetland. As stated previously, the water quality measures proposed by the applicant was assessed by Council Engineers and found to adequately deal with any pollutant runoff from the proposed hardstand areas. It is therefore considered that this design will protect the wetland from indirect impacts.

SEPP 14 Coastal Wetlands

As discussed under Clause 7.9 of the LEP, 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 wetland and there are no anticipated impacts on the sensitive environment.

SEPP 44 Koala Protection

SEPP 44 aims to encourage the proper conservation and management of areas of natural vegetation that provide Koala habitat to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline.

SEPP 44 applies to the Port Stephens local government area, although a Port Stephens Comprehensive Koala Plan of Management (CKPOM) has been prepared in accordance with SEPP 44. The adopted CKPOM supersedes the requirements of SEPP 44 in the Port Stephens LGA.

An assessment against the CKPOM provisions found that the site contains only one individual of a preferred Koala feed tree (*Eucalyptus robusta*) and up to 35 individuals of *Melaleuca quinquenervia* that are regarded as potentially important for Koalas. The applicant has proposed to retire koala vegetation credits resulting from the biobanking of the adjacent land and the impacts on koala habitat are there considered acceptable.

The proposal will reduce the existing buffer to 40m over a small part of the perimeter of the core koala habitat, which is contrary to the CKPOM requirement of a 50m buffer over cleared land. The reduction in the buffer area will be offset by additional planting within the disturbed areas to enhance the feeding and movement opportunities in the locality. A specific condition requiring the submission of a Vegetation management Plan will be included in the conditions of consent.

It is considered that the applicant sufficiently addressed the provisions of SEPP 44 and the CKPOM, and can be supported.

SEPP 71 Coastal Protection

The proposed development is located within 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 residential in nature and sufficiently separated any waterbodies.

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

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ITEM 1 - ATTACHMENT 3 ASSESSMENT REPORT.

16-2016-770-1

provision of additional residential 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**Draft State Environmental Planning Policy (Coastal Management) 2016**

The draft State Environmental Planning Policy (Coastal Management) 2016 (Coastal SEPP) was on public exhibition until 23 December 2016, during the period in which the proposed development application was lodged and assessed

The subject land is located within the Coastal Use and Coastal Wetland areas.

The proposed development is consistent with the objectives of the draft Policy and can therefore be supported.

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 and advertised for a period of 14 days from 14 November 2016 until 30 November 2016.

Chapter B.1 – Tree Management

This Chapter is applicable to the development as the subject site is identified in Figure BB of the DCP2014. It is considered that the tree removal within the development footprint is acceptable as an appropriate number of biobank credits will be retired to offset the removal and SEPP14 wetland and Koala Habitat buffer, along the perimeter of the development, will be revegetated.

Chapter B.2 – Natural Resources

The area surrounding the subject land can be defined as having environmental significance as it contains wetlands, core koala habitat and EEC vegetation.

The applicant provided the biobanking assessment and additional ecological comment during the course of the assessment.

The Natural Resources section assessed the potential impacts on the ecological significance of the adjoining wetlands and found that the impacts are acceptable as the vegetation removal will be offset by retiring biobank credits and the revegetation of disturbed areas along the perimeter of the development. Further, sufficient water quality management measures have been incorporated into the design to limit the impacts of the proposal on the adjoining wetland.

Chapter B3 – Environment Management

Bushfire Prone Land – It is noted that the western section of the site is bushfire prone. However, the area within approved Lot 1 is not bushfire prone therefore no further bushfire threat assessment is required in this regard.

Earthworks – The proposed development will require relatively minor earthworks. Excavations are expected to extend more than 1m below existing ground level and an acid sulfate soils management plan will be required.

Chapter B4 – Drainage and Water Quality

A stormwater management plan was submitted with the application and includes adequate quality and quantity controls as required by Councils policy. The stormwater drainage plan has been assessed as being consistent with the Infrastructure Specification and conditions have been

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ITEM 1 - ATTACHMENT 3 ASSESSMENT REPORT.

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included in the consent requiring the provision of detailed engineering plans, prior to the issue of a construction certificate.

Chapter B6 – Essential Services

Reticulated water, electricity and sewer are available to the subject site. In addition, an acceptable stormwater management plan has been submitted and the land achieves direct access to a public road.

Chapter B.9 – Road Network & Parking

The proposal will not increase traffic to the site or add to the parking requirements.

The extended parking area and lay down areas will improve the operation of the school during peak periods. A Traffic Assessment was provided that indicated that the proposal would not significantly impact on traffic flows along Salamander Way.

All vehicles accessing the site (including school busses) can enter and exit the site in a forward direction.

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

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

s79C(1)(a)(iv) – The regulations

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

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

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

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

Social and Economic Impacts

The proposal will result in the ongoing operation of the educational facility, thereby supporting the local community.

Impacts on the Built Environment

It is considered that the proposed development will not have a significant impact on the built environment, as it will be well landscaped and setback from the surrounding urban development.

Impacts on the Natural Environment

The proposal will result in the removal of vegetation to enable the new carpark and set down areas. The loss of vegetation will be offset by retiring bio-bank credits and the revegetation of the areas along the western perimeter of the development area. The impacts on the natural environment have been mitigated and are therefore considered to be acceptable in this instance.

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

The subject site is currently used as an informal car park and within an established commercial area.

Although the site contains sensitive vegetation, all vegetation removal will be offset by either the retirement of biobank credits or additional planting. The site has access to all relevant services and the proposed development makes good use of the available land. The application design

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ITEM 1 - ATTACHMENT 3 ASSESSMENT REPORT.

16-2016-770-1

includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development.

s79C(1)(d) – Any submissions

One (1) submission was received from the Department of Industry (Lands) who owns the land to the east of the subject land. The submission requested that the layout plans be updated to show connectivity of the proposed fire trail with the existing trails on the adjoining land. Updated plans were provided that indicated that connectivity would be maintained and will ensure that the strategic fire trail network can be accessed during bushfires.

s79C(1)(e) – The public interest

The proposal represents an ancillary car park to the existing school on the subject site and will increase the efficiency of the school during peak periods. It is not anticipated to have any significant adverse impacts on surrounding properties or the amenity of the locality. The proposed development is therefore in the public interest.

DETERMINATION

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

REAN LOURENS



PORT STEPHENS
COUNCIL

Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

Development consent is granted to development application 16-2016-770-1 subject to the conditions in Schedule 1.

Notice is hereby made under Section 81 of the Environmental Planning and Assessment Act 1979 (the Act) of a Development Consent issued under Section 80 of the Act, for the development described below. The consent should be read in conjunction with the conditions contained in Schedule 1 and the notes contained in Schedule 2.

Determination Outcome: Approval, subject to conditions

APPLICATION DETAILS

Application No: 16-2016-770-1

Property Address: LOT: 21 DP: 1044009, LOT: 23 DP:
1044009, LOT: 1 DP: 847022
**100 Salamander Way SALAMANDER
BAY, 174A Salamander Way
SALAMANDER BAY, 176 Salamander
Way SALAMANDER BAY**

Description of Development: **Car Park, Playground Extension and
Relocation of Fire Trail (St Phillips
Christian College)**

Date of determination: [Click here to enter a date.](#)

Date from which the consent operates: [Click here to enter an operational date.](#)

Date on which the consent shall lapse: Enter date of approval plus 5 yrs and 1 day.
(unless physical commencement has occurred)

MR R J LOURENS
Senior Development Planner



SCHEDULE 1

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

These conditions are required to:

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

PART A – CONDITIONS OF DEFERRED COMMENCEMENT APPROVAL

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended), this is a deferred commencement condition. The consent is not to operate until the Applicant satisfies the Council that:

1. The applicant must provide evidence of the approval from the Office of Environment and Heritage (OEH) to retire credits for impacts on ecological values as outlined in the Biobanking Statement Credit Assessment Report and Red Flag Variation Request prepared by EcoLogical (February 2017).

The Applicant shall satisfy the deferred commencement condition listed in Part A, within twelve (12) months from the date of issue of the deferred commencement consent. The consent will lapse if the condition is not satisfied within this period. Upon satisfaction of the matters listed under Part A, and written confirmation from Council to that effect, the consent shall become operative from the date of endorsement included in the written notification subject to the conditions listed in Part B.

PART B – CONDITIONS OF CONSENT APPLICABLE AFTER SATISFACTION OF DEFERRED COMMENCEMENT CONDITION

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.	Date	Drawn By
Proposed Car Parking Area & Playground Extension (1 Sheet)	425-S01R10	March 2013	Ian Easton Architect
Proposed Carpark (1 Sheet)	US 60306 LP.01B	23/12/2016	Forum Urban Sanctum Landscape Design

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

16 2016 770 1
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Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

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. **Prior to the commencement of works**, the person having the benefit of this consent must submit to Council's Natural Resources Management Unit a Construction Environmental Management Plan (CEMP) for approval. The CEMP shall be prepared by a suitably qualified company or equivalent.

The CEMP must include measures to protect, enhance and manage the ecological values of the adjacent adjoining biobank site including management of retained vegetation, koala habitat, waterbodies, weed management and bushfire hazard management.

The CEMP shall include the following:

- a. exclusion fencing or similar to minimise clearance of native vegetation within the buffer area to the wetland, to define the 'no go' area, and to protect native vegetation within 100 Salamander Way biobank site
- b. erosion and sediment control to manage exposed soil surfaces and stockpiles to prevent sediment discharge into waterways and adjoining native vegetation within 100 Salamander Way biobank site
- c. Strategies for restoration of exposed soils including commencing revegetation as soon as practicable, use of brush and encouragement of natural regeneration from the soil seed bank,
- d. proposed weed control methods;
- e. where planting is required, detail of the proposed species, planting densities and source of planting stock and mulch;
- f. pre-clearance surveys by a suitably qualified ecologist including marking of all koala feed trees
- g. pre-felling procedures – all potential koala feed trees must be checked to ensure that no koalas are present prior to felling. If any koalas are present, clearing must cease until the koala has moved on
- h. Documentary evidence of this pre-clearance faunal survey and any recommendations are to be provided to and acknowledged by Council's Natural Resources Management Unit



PORT STEPHENS
COUNCIL

Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

- i. If the pre-clearance fauna survey identifies there are threatened species inhabiting a tree flagged for removal; all clearing works shall cease until a Plan of Management for the relocation of the species has been approved by Council's Natural Resources Management Unit in consultation with the Office of Environment and Heritage.
- 4. **Prior to the commencement of works**, 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).
- 5. **Prior to the commencement of works**, a waste containment facility is to be established on site. The facility is to be regularly emptied, and maintained for the duration of works. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site shall be cleared of all building refuse and spoil immediately upon completion of the development.

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

- 6. A monetary contribution is to be paid to Council, pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and the Port Stephens Section 94A Development Contributions Plan, related to the Capital Investment Value (CIV) of the development as determined in accordance with clause 25j of the *Environmental Planning and Assessment Regulation 2000* and outlined in the table below.

Capital Investment Value	Levy Rate (% of CIV)
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

The payment of the S94A contribution is to be accompanied by a Cost Summary Report Form (attached) setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Section 94A Development Contributions Plan, must be approved by Council prior to issue of the Construction Certificate. Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a registered Associate member or above, of the Australian Institute of Quantity Surveyors. This condition cannot be taken to be satisfied until a payment has been made in accordance with the CIV stated on a cost summary report submitted to Council in accordance with this condition.

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

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



Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

7. **Prior to the issue of a Construction Certificate**, a geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Acid Sulfate Soils (ASS). Should ASS be encountered within the zone of works an ASS Management Plan is to be prepared by a suitably qualified engineer and submitted to the Certifying Authority for approval. The recommendations and/or mitigation measures contained within the Acid Sulfate Soils (ASS) Management Plan shall be complied with during works.
8. Evidence that the required biobank credits, for impacts on ecological values resulting from vegetation removal, have been retired must be submitted to the Certifying Authority **prior to issue of the Construction Certificate**.
9. The shared vehicle driveways, internal traffic aisles, pick up and drop off areas shall have a width to cater for design vehicle paths determined by Australian Standard AS2890 into and out of assigned parking spaces. This requirement will be met by providing vehicle swept paths utilising the 85th percentile turning circle as outlined in AS 2890.1: Off-street Car Parking. Additional vehicle swept paths are required for the proposed bus route utilising turning circles for the 14.5m rigid bus turning templates.

A Construction Certificate cannot be issued until full details of the driveway and internal traffic aisles have been supplied to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.
10. The driveways, carparks and other ground level hardstand areas shall be graded to the street drainage network where practical or so that water runoff is shed to the approved stormwater drainage system. All ground surface collected stormwater overflows shall be dispersed as sheet flow at ground level in a manner that does not create concentrated or nuisance flows for nearby buildings or neighbouring properties.

The Construction Certificate cannot be issued until full details of driveway/carpark/hardstand area grading are provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.
11. The proposed permeable paving system, shall be installed, as per the manufacturer's specifications, across all approved hardstand areas in accordance with the approved plans. The permeable paving system shall be constructed and maintained so as to ensure permeability, allowing stormwater to infiltrate across its service, for the life of the development.

The Construction Certificate cannot be issued until full details of permeable paving methods are provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.
12. The following details of the stormwater drainage system conveyed to a Council approved point of discharge, are required prior to the issue of any Construction Certificate:



Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

- a. A detailed on site infiltration plan shall be prepared by a suitably qualified and experienced engineer to adequately infiltrate ground surface collected stormwater for all storm events up to and including the 1% Annual Exceedance Probability (AEP) event.
 - b. The design shall include details of the location (including levels), type and size of infiltration/detention systems, orifice, roof guttering (with gutter guards to prevent blockage), downpipes, pipes, pits and the boundary discharge point to the public drainage system for any system overflows.
 - c. Complete design calculations are to be provided demonstrating the system's capacity to contain/infiltrate concentrated stormwater run-off, via guttering and pipes suitably sized, with any emergency overflows to be directed to adjoining welland.
13. Detailed engineering plans shall be submitted to Council or an accredited Private Certifier (with the appropriate category of accreditation) for approval **prior to issue of the Construction Certificate.**

The details shall be in accordance with this consent, the BCA, Council's Design and Construction Specifications, policies and standards, as a minimum and include but are not limited to:

- a. Structural details for any concrete or masonry drainage structures designed to withstand loadings from the design vehicle; and
- b. Structural details for boundary retaining walls.

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

14. All civil engineering works shall be carried out in accordance with the Construction Certificate and Council's Design and Construction Specification, Policies and Standards, to the satisfaction of the Certifying Authority.
15. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:
- Monday to Saturday, 7am to 5pm;
 - 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.

16. 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.



17. Civil Works within the development site are subject to:
- inspection by Council, or the Certifying Authority;
 - testing by a registered NATA Laboratory; and
 - Approval by Council or the Certifying Authority at each construction stage as determined by Council's Design and Construction Specification, policies and standards.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

18. All civil engineering works shall be carried out in accordance with the Construction Certificate and Council's Design and Construction Specification, Policies and Standards, to the satisfaction of Council or the Certifying Authority **prior to issue of the Occupation Certificate.**

19. Submission of Works-As-Executed plans and accompanying report prepared and certified by a suitability qualified hydraulic engineer confirming all stormwater drainage systems are constructed in accordance with the approved plan.

Minor variations can be accepted providing they are clearly identified in the report and the hydraulic engineer certifies that site flow up to the 1% annual exceedance probability (AEP) rainfall event are conveyed from all roof areas on site to **a legal point of discharge.**

An Occupation Certificate cannot be issued until the Works-As-Executed plans and accompanying reports have been provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.

20. **Prior to the issue of a Final Occupation**, an Operation and Maintenance Plan for the stormwater system shall be prepared by a suitably qualified engineer, detailing a regular maintenance programme for infiltration and pollution control devices and porous pavements, covering inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator.
21. **Prior to the issue of a Final Occupation**, all disturbed public footpath areas shall be reinstated with graded compacted topsoil and turfed to the satisfaction of Council. Smooth transitions shall be made with adjoining property frontages and the topsoiling and grassing extended to suit.
22. The applicant shall restore, replace or reconstruct any damaged sections of kerb and guttering, road pavement, stormwater, or any other public infrastructure located within the Road Reserve which results from construction activities, as determined by Council's Development Engineers or Civil Assets Engineer. The applicant shall bear all associated costs with restoring the public infrastructure to satisfaction of the Council.



PORT STEPHENS
COUNCIL

Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

An Occupancy Certificate shall not be issued until all necessary remediation and repair works have been completed to the satisfaction of Council.

CONDITIONS TO BE SATISFIED AT ALL TIMES

23. All ground surface collected stormwater overflows shall be dispersed as sheet flow at ground level in a manner that does not create concentrated or nuisance flows for nearby buildings or neighbouring properties.
24. The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.
25. Motor vehicles are only permitted to enter and leave the site in a forward direction. On site manoeuvring areas are to be kept clear for this purpose.
26. Fencing around the carpark should not compromise the potential for safe movement of koalas across the site. Boundary fences must include either:
 - a) Fences where the bottom of the fence is a minimum of 200mm above ground level that would allow koalas to move underneath; or
 - b) Fences that facilitate easy climbing by koalas; for example, sturdy chain mesh fences, or solid style fences with timber posts on both sides at regular intervals of approximately 20m; or
 - c) Open post and rail or post and wire (definitely not barbed wire on the bottom strand).
27. The stormwater management and filtration area is to be managed to ensure:
 - a) no runoff of surface waters into the adjacent biobank site; and
 - b) no impact on water quality of receiving waters within the adjacent biobank site.

SCHEDULE 2

RIGHT OF APPEAL

If you are dissatisfied with this decision:

- a review of determination can be made under Section 82A of the Act, or
- a right of appeal under Section 97 of the Act can be made to the Land and Environment Court within six (6) months from the date on which that application is taken to have been determined.

NOTES

- This is not an approval to commence work. Building works cannot commence until a construction certificate is issued by Council or an accredited certifier.



PORT STEPHENS
COUNCIL

Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

- Consent operates from the determination date. For more details on the date from which the consent operates refer to section 83 of the Environmental Planning and Assessment Act 1979.
- Development consents generally lapse five years after the determination date, however different considerations may apply. For more details on the lapsing date of consents refer to section 95 of the Environmental Planning and Assessment Act 1979.

ITEM NO. 2

**FILE NO: 17/85979
RM8 REF NO: 16-2017-162-1**

DEVELOPMENT APPLICATION NO. 16-2017-192-1 FOR AN EXTENSION TO THE COMMUNITY FACILITY AT 1A KANGAROO STREET, RAYMOND TERRACE (LOT 1 DP 745784)

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application (DA) No. 16-2017-162-1 for the construction of an extension to the community facility at 1A Kangaroo Street, Raymond Terrace (Lot 1 DP 745784) subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 13 JUNE 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Chris Doohan 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, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee and John Nell.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 13 JUNE 2017
MOTION**

122	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council approve Development Application (DA) No. 16-2017-162-1 for the construction of an extension to the community facility at 1A Kangaroo Street, Raymond Terrace (Lot 1 DP 745784) subject to the conditions contained in (ATTACHMENT 3) .
------------	--

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

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present to Council for determination Development Application (DA) 16-2017-162-1 for alterations and additions to a community facility (The Deck). The application has been reported to Council as Council is the owner of the subject land and the land is classed as community land under *the Local Government Act 1993*. The use is consistent with the community land classification. Ordinarily, development of this small scale is determined under delegation.

A locality plan has been included as **(ATTACHMENT 1)**.

Proposal

The application proposes to extend the existing building known as 'The Deck', which operates as a youth centre. The proposal will add more floor space to allow the youth centre to operate more effectively. The proposed extension will protrude four metres from the western elevation of the building and be three metres wide. A veranda will also extend from the existing deck along the northern elevation of the proposed addition. The proposed materials will match the existing building.

Key Issues

The application has been considered against the requirements of the *Port Stephens Local Environmental Plan 2013* (the LEP), Port Stephens Council Development Control Plan 2014 (the DCP) and other relevant legislation. The key matters considered in the development have been summarised below:

- 1) Flooding – The site is situated below the flood planning level, with the area of the extension indicated as being within the high hazard flood storage area. No flood levels have been provided for the site, however it is assumed that, given the height of the structure and proximity to the river, the existing building is below the flood planning level.

The LEP and the DCP requires development to minimise the risk to life and property, allow development on land that is compatible with the land's flood hazard and to avoid significant adverse impacts on flood behaviour and the environment.

The proposal represents an additional 12m² of floor space – a minor addition to the community facility. As a result of the development, the use of the site will not increase significantly. Furthermore, the community facility is generally used intermittently, for non-habitable uses, and the likelihood of the building being in use during a flood event is considered to be low. The DA is simply the extension of an existing use on site.

The proposal is otherwise compliant with the requirements of the DCP and LEP, and is considered to be a suitable development on the site.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is consistent with Section 79C of the *Environmental Planning and Assessment Act 1979*.

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

MINUTES ORDINARY COUNCIL - 13 JUNE 2017

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk the existing facility will not be appropriate for the community.	Medium	Approve the application as recommended.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed development will improve the operations of the existing community facility and therefore will have beneficial social impacts. Furthermore, whilst minor, there would be economic benefits through the construction phase.

The proposed development reinforces the use of the land as a community facility and will not adversely impact on the character of the area or amenities of surrounding properties. There are no anticipated adverse impacts to the natural environment.

A detailed assessment of the proposed development has been carried out against the requirements of the *Environmental Planning and Assessment Act 1979* and has been included as **(ATTACHMENT 2)** to this report.

CONSULTATION

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

Internal

The application was referred to Council's Building Surveyor, who provided relevant conditions to incorporate into the Schedule of Conditions provided at **(ATTACHMENT 3)**.

External

The application was publicly notified and advertised for a period of fourteen (14) days. No submissions were received during this period.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan - 1A Kangaroo Street, Raymond Terrace.
- 2) Planning Assessment Report.
- 3) Development Consent.

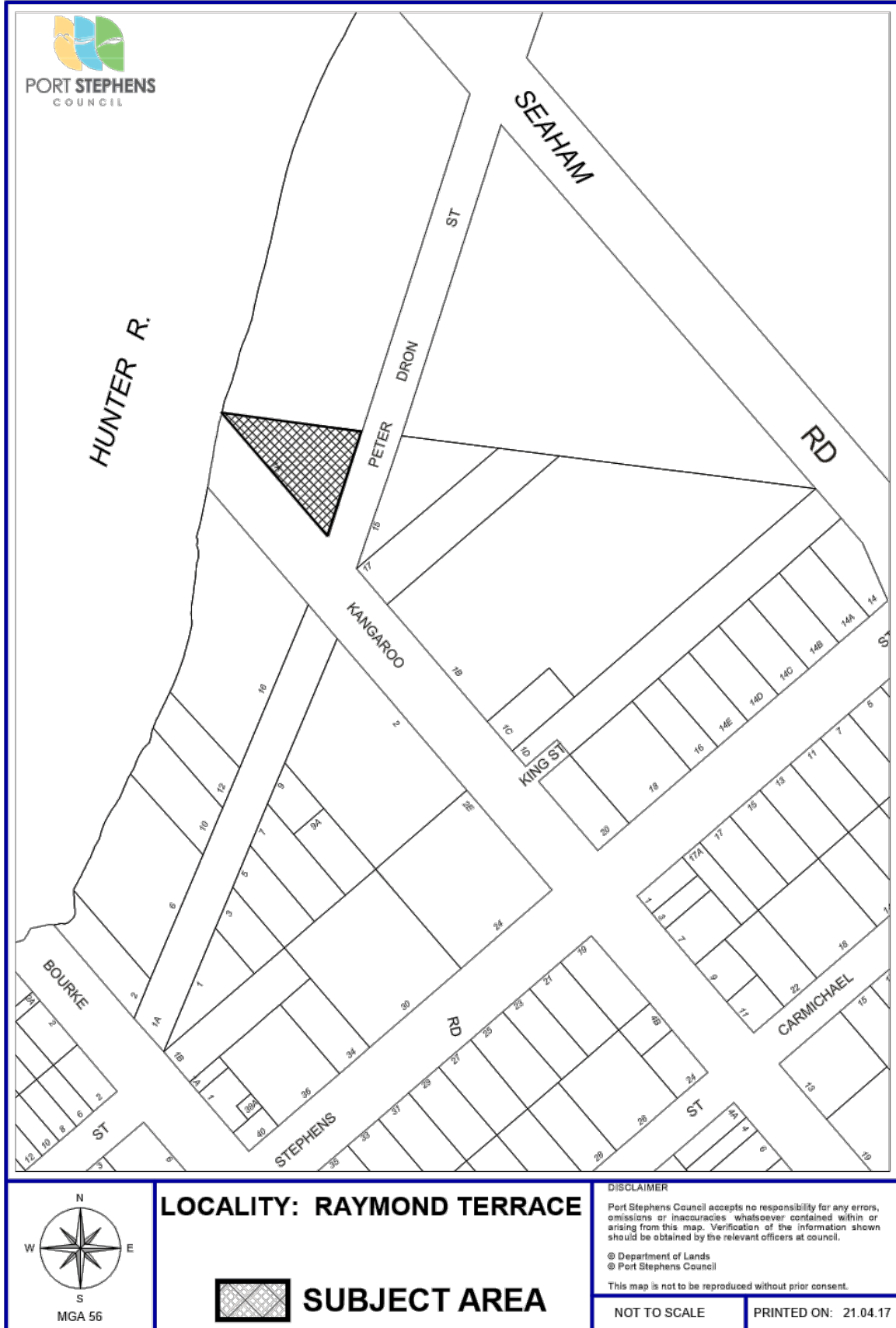
COUNCILLORS ROOM

- 1) Development Plans.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 LOCALITY PLAN - 1A KANGAROO STREET, RAYMOND TERRACE.



DEVELOPMENT ASSESSMENT REPORT

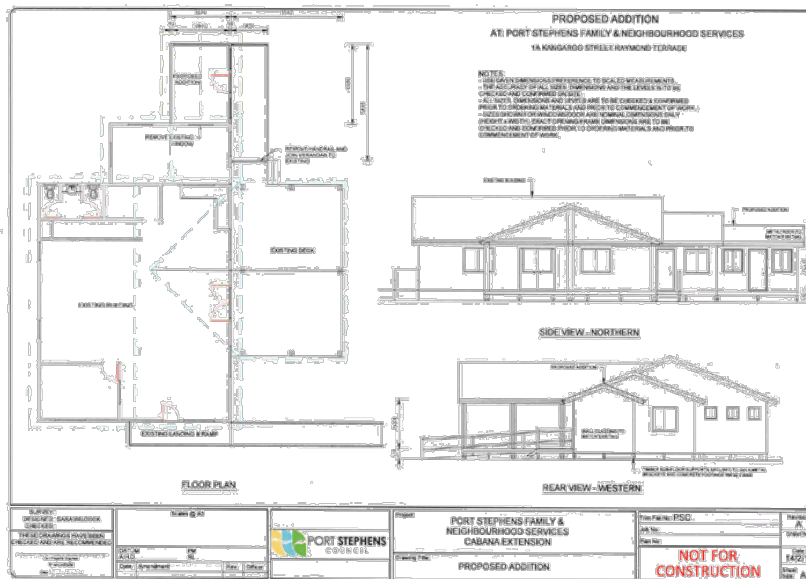
APPLICATION DETAILS

Application Number	16-2017-162-1
Development Description	Community Facilities - Extension
Applicant	PORT STEPHENS FAMILY & NEIGHBOURHOOD SERVICES
Date of Lodgement	20/03/2017
Value of Works	\$25,000.00

Development Proposal

The application proposes to extend the existing community building, which is leased by the Port Stephens Family and Neighbourhood Service and operating as a youth service known as 'The Deck'. The proposed extension would protrude 4m from the western elevation of the building and would be 3m wide. Whilst the eaves height would match the existing building, the total roof height would be lower than the existing building. A verandah would also extend from the existing deck along the northern elevation of the addition. The proposed materials would match the existing building.

Figure 1: Plans and elevations of proposed development



PROPERTY DETAILS	
Property Address	1A Kangaroo Street RAYMOND TERRACE
Lot and DP	LOT: 1 DP: 745784
Current Use	Community Facility
Zoning	RE1 PUBLIC RECREATION
Site Constraints	Acid Sulfate Soils – Class 3 Draft Coastal Management SEPP 2016 – Coastal Use SEPP 71 – Coastal Protection Flood Prone Land – High Hazard Flood Storage Area

Site Description

Figure 2: Aerial phot of site



The subject site, known legally as Lot 1 in DP 745784, is located on the corner of Kangaroo Street and Peter Dron Street. It currently contains a single storey weatherboard building used as a community facility with ancillary deck, fencing and landscaping.

The site is surrounded by public recreation land with the only nearby building being the public facilities block opposite the site and associated with the sports grounds.

The site borders the Hunter River in the west, with the existing building being 50m from the bank. The site is relatively flat; however a levy bank has been constructed along the Hunter River. No significant vegetation is located on the site.

Site History

In 1996, the building was first approved to be used as a youth centre (7-1996-21542-1). Further applications for additions and alterations to the building were approved in 2013 and 2014. No compliance matters exist on the site that precludes the application from gaining consent.

Site Inspection

A site inspection was carried out on 31st March 2017. The subject site can be seen in figures 3 and 4 below:

Figure 3: View of western elevation showing area of extension



Figure 4: View of southern elevation from public path



ASSESSMENT SUMMARY

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

Internal Referrals

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

Building Surveyor – No objections were made and conditions of consent were recommended.

External Referrals

No external referrals were necessary.

MATTERS FOR CONSIDERATION – SECTION 79C

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

Port Stephens Local Environmental Plan 2013 (LEP)

Clause 2.3 – Zone Objectives and Land Use Table

The subject land is currently occupied by 'The Deck', which operates as a youth venue. Subsequently, it is defined as a community facility, which is permissible with consent in the RE1 public recreation zone. The proposed addition is considered to facilitate and enhance the operation of the existing facility, which would improve the compatible land use within the recreational setting without adversely impacting the natural environment. Subsequently, the development is considered to address 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 development is relatively minor in nature. 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 site is located within Class 3 acid sulfate soils and, pursuant to subclause 3, an Acid Sulfate Soils Management Plan (ASSMP) is required for either; works more than 1m below the natural ground surface, or works which is likely to lower the watertable by more than 1m below the natural surface level.

The proposed extension would sit on timber stilts 510mm high. It is not expected that, given the size of the extension, the stilts would extend more than 1m below the natural surface nor impact on the watertable. Subsequently, no ASSMP is required and the proposal complies with this clause.

Clause 7.3 – Flood Planning

The site is situated below the flood planning level, with the area of the extension indicated as being within the high hazard flood storage area. No flood levels have been provided for the site, however it is assumed that, given the height of the structure and proximity to the river, the existing building is below the flood planning level.

The proposed addition would increase the area of the premises by 12m². Whilst this would increase the capacity, it is not considered to be a significant rise in use of the site to noticeably increase the risk to life. Furthermore, the community facility through its nature generally has less habitation and the likelihood of the building being in use during a flood event is considered to be low. With this in mind, the proposed development would not result in an unsustainable social and economic cost to the community nor require measures to manage the risk to human life.

The proposed addition would be situated on piers allowing some flood water to pass through the development. Furthermore, given the minor size of the addition, it is unlikely to increase the impact on flood water above the established level on site. Therefore it is considered that the proposed development would not adversely impact on flood behaviour or affect the environment in a flood event.

Overall the proposal is consistent with the objectives of this clause.

Clause 7.6 – Essential services

The existing development utilises appropriate services. The proposed addition would also be connected to these services, including stormwater, and it is envisaged that the development would not place significant strain on capacity. Therefore the proposed development complies with this clause.

State Environmental Planning Policy No 71 – Coastal Protection

This Policy applies to the proposed development as the subject site is located within the coastal protection zone.

In accordance with Clause 7, the 'Matters for Consideration' outlined in Clause 8 are to be taken into consideration by the consent authority when it determines a development application to carry out development on land to which SEPP applies. The proposed development has satisfactorily addressed the matters of consideration outlined in Clause 8.

The proposal has also been considered under Part 4 of the SEPP and is consistent with the aspects identified under this part. The proposal is considered consistent with the aims of the policy. The proposal does not include any building works that would adversely impact visual amenity, accessibility or functioning of the foreshore area.

s79C(1)(a)(ii) – Any draft EPI**Draft State Environmental Planning Policy (Coastal Management) 2016**

The draft State Environmental Planning Policy (Coastal Management) 2016 (Coastal SEPP) completed its public exhibition on 23 December 2016.

The draft policy aims to balance social, economic and environmental interest by promoting a coordinated approach to coastal management, consistent with the objectives of Part 2 of the Coastal Management Act 2016.

The Act divides the coastal zone into four (4) management areas:

- Coastal Wetland and Littoral Forest areas;
- Coastal Vulnerable areas;
- Coastal Environment areas; and
- Coastal Use areas.

ITEM 2 - ATTACHMENT 2 PLANNING ASSESSMENT REPORT.

16-2017-162-1

The subject land is located with the Coastal Use area and the objectives for this area are:

- (a) to protect and enhance the scenic, social and cultural values of the coast by ensuring that:
 - (i) the type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast, and
 - (ii) adverse impacts of development on cultural and built environment heritage are avoided or mitigated, and
 - (iii) urban design, including water sensitive urban design, is supported and incorporated into development activities, and
 - (iv) adequate public open space is provided, including for recreational activities and associated infrastructure, and
 - (v) the use of the surf zone is considered,
- (b) to accommodate both urbanised and natural stretches of coastline

The proposed development is consistent with the objectives of the Coastal Use areas, as identified in the draft policy, and can therefore be supported.

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 not notified due to the minor nature of the development and the insignificant impacts on the amenity of nearby properties.

Chapter B.2 – Natural Resources

The site is located within the 50m buffer area for cleared vegetation. The proposal would not remove any vegetation, and therefore would not severely impact on any probable Koala habitat. No other adverse impacts on natural resources are expected as a result of the proposal.

Chapter B.4 – Drainage & Water Quality

The proposed extension would not significantly increase the level of non-permeable surface on site to require on-site detention, nor would it severely affect water quality. Therefore the application complies with the requirements of this chapter.

Chapter B.5 - Flooding

As discussed under Clause 7.3 of the LEP, the proposed extension is relatively minor and would not significantly increase the risk to life or increase the effect of flood waters in the area from the existing level. Subsequently, the proposal complies with the requirements of this chapter.

Chapter B.9 – Road Network & Parking

The existing development utilises parking along Peter Dron Street to the front of the site. The proposed extension would not significantly increase the use of the site to impact on traffic in the area or require additional parking requirements beyond the existing supply. Therefore the proposal complies with the requirements of this chapter.

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

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

s79C(1)(a)(iv) – The regulations

There are no matters within the regulations that relate to the proposed development.

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

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

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

Social and Economic Impacts

The proposal would extend the existing youth venue, providing more space for the existing community facility. Therefore it is expected that the proposed development would have beneficial social impacts in the area. Additionally, whilst the construction works are minor, these would provide positive economic impacts during the construction phase.

Impacts on the Built Environment

The proposed development would extend from the western elevation, which is visible from the public walkway along the Hunter River. Nevertheless, the extension would be smaller in scale to the existing development, ensuring it does not dominate the original features. The development would also utilise matching materials, which would ensure it is compatible with the original building. Therefore the proposed development is considered to be acceptable within the existing character of the built environment with no adverse impacts.

Impacts on the Natural Environment

The proposed development is considered to be minor in nature and subsequently no adverse natural impacts, such as impacts to flooding or drainage, are expected as a result of the proposal.

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

The subject site is currently used as a community facility, providing valuable social interaction space for young people in the area. The proposal would enlarge the amount of space provided, thereby enhancing the operations of the facility and as such the site is considered suitable for the proposed development.

s79C(1)(d) – Any submissions

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

s79C(1)(e) – The public interest

The proposal would improve the existing community facility through increasing the floor area of the youth venue. Furthermore, it is considered that, due to the minor nature and compatible design, the proposed extension is not anticipated to adversely impact the natural or built environment. Therefore the proposed development is considered to be in the public interest.

DETERMINATION

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

LUKE MANNIX



PORT STEPHENS
COUNCIL

Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

Development consent is granted to development application 16-2017-162-1 subject to the conditions in Schedule 1.

Notice is hereby made under Section 81 of the Environmental Planning and Assessment Act 1979 (the Act) of a Development Consent issued under Section 80 of the Act, for the development described below. The consent should be read in conjunction with the conditions contained in Schedule 1 and the notes contained in Schedule 2.

Determination Outcome: Approval, subject to conditions

APPLICATION DETAILS

Application No: 16-2017-162-1

Property Address: LOT: 1 DP: 745784
1A Kangaroo Street RAYMOND TERRACE

Description of Development: Community Facilities - Extension

Date of determination: 23 May 2017

Date from which the consent operates: 23 May 2017

Date on which the consent shall lapse: 24 May 2022
(unless physical commencement has occurred)

MR L H MANNIX
Development Planner



PORT STEPHENS COUNCIL

Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

SCHEDULE 1

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

These conditions are required to:

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

CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

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

Plan/Doc.Title	Rev	Date	Drawn By
Site Plan	N/A	06/03/2017	Port Stephens Council
Proposed Addition	A	14/02/2017	Port Stephens Council

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

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

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



PORT STEPHENS
COUNCIL

Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

4. 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.
5. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.
6. 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.
7. **Immediately following the installation of any roof**, collected stormwater runoff from the structure must be connected to a stormwater drainage easement/system.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION CERTIFICATE

8. **Prior to the issue of an Occupation Certificate**, a fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
9. The Principle 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 Principle 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES

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



PORT STEPHENS
COUNCIL

Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

SCHEDULE 2

RIGHT OF APPEAL

If you are dissatisfied with this decision:

- a review of determination can be made under Section 82A of the Act, or
- a right of appeal under Section 97 of the Act can be made to the Land and Environment Court within six (6) months from the date on which that application is taken to have been determined.

NOTES

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

MINUTES ORDINARY COUNCIL - 13 JUNE 2017

Councillor Paul Le Mottee left the meeting at 5:38pm in Committee of the Whole.

ITEM NO. 3

**FILE NO: 17/72862
RM8 REF NO: PSC2015-00487**

PORT STEPHENS RURAL RESIDENTIAL POLICY

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the public exhibition of the draft Port Stephens Rural Residential Policy, summarised as **(ATTACHMENT 4)**.
- 2) Adopt the Port Stephens Rural Residential Policy **(ATTACHMENTS 1 & 2)** to provide a guidance framework for the assessment of planning proposals seeking rural residential development in the short term.
- 3) Note that this Policy provides no guarantee of future rezoning requests being supported by the State Government.
- 4) Endorse the need to provide a more integrated approach by identifying the key locations for rural residential development in the upcoming review of the Port Stephens Planning Strategy.

**ORDINARY COUNCIL MEETING - 13 JUNE 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Sally Dover, Ken Jordan and John Nell.

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

Councillor Paul Le Mottee left the meeting at 6:23pm in Open Council.

**ORDINARY COUNCIL MEETING - 13 JUNE 2017
MOTION**

123	<p>Councillor Chris Doohan Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submissions received during the public exhibition of the draft Port Stephens Rural Residential Policy, summarised as (ATTACHMENT 4).2) Adopt the Port Stephens Rural Residential Policy (ATTACHMENTS 1 & 2) to provide a guidance framework for the assessment of planning proposals seeking rural residential development in the short term.3) Note that this Policy provides no guarantee of future rezoning requests being supported by the State Government.4) Endorse the need to provide a more integrated approach by identifying the key locations for rural residential development in the upcoming review of the Port Stephens Planning Strategy.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Sally Dover, Ken Jordan and John Nell.

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

Councillor Paul Le Mottee returned to the meeting at 6:25pm in Open Council.

BACKGROUND

The purpose of this report is to outline the submissions received during the public exhibition of the draft Port Stephens Rural Residential Policy and to seek Council endorsement of the revised Policy **(ATTACHMENT 1)** and Assessment Criteria **(ATTACHMENT 2)**.

The Policy was exhibited from 29 December 2016 to 9 February 2017. Nine submissions were received during this time. The main issues raised in these submissions related to the following:

- 1) Strategic merit;
- 2) Locational criteria;
- 3) Flexibility in the application of locational criteria;

- 4) Wallalong Urban Release Area (URA);
- 5) Identification of Site Specific Sites; and
- 6) Flooding considerations.

This report documents the submissions received and provides further context in response to issues raised. Further detail is provided in the attached 'Submissions Table' (**ATTACHMENT 4**). As a result of these issues the key changes that are proposed include:

- 1) Minor amendment to the wording of the 800m buffer, so that clear interpretation can be provided in understanding whether a lot is impacted by this criterion.
- 2) A map to illustrate exclusionary criteria. Four key areas are identified on the map as areas potentially suitable for further investigation as rural residential land use. Further investigations into the suitability of these areas would occur as part of the review of the Port Stephens Planning Strategy.
- 3) A general statement for lands inconsistent with the terms of the Policy.

The Policy will provide Council with an interim measure to consider planning proposals for rural residential development. However, it should be noted the Department of Planning and Environment have raised the need for more strategic investigations to be undertaken.

As such, while a planning proposal that demonstrates consistency with the Policy may be supported by Council, it may not be supported by the Department of Planning and Environment at Gateway until such time that additional work is undertaken through the review of the Port Stephens Planning Strategy.

Correspondence from the Department encourages Council to progress strategic planning work including the interim Locational Criteria.

A number of factors have delayed the progression of the Rural Residential Strategy/Policy, including awaiting the release of the Hunter Regional Plan (released 14 October 2016), a lack of direction from the State Government, a significant number of constraints to consider and the proposed amalgamation.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications as a result of the recommendation proposed in this report.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or significant risk implications as a result of the recommendations outlined within this report.

Hunter Regional Plan 2036

The Hunter Regional Plan (HRP) was released on 14 October 2016 and is a 20-year blueprint for the future of the Hunter.

The HRP states that the State Government will provide guidance in local land use strategies for expanding rural villages and rural residential development so that such development will:

- not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values;
- not impact on drinking water catchments;
- not result in greater natural hazard risk;
- occur on land that is unlikely to be needed for urban development;
- contribute to the conservation of important biodiversity values or the establishment of important corridor linkages;
- facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region.

The Rural Residential Policy has been prepared in accordance with the Hunter Regional Plan. Correspondence from the Department of Planning and Environment received encourages Council to progress strategic planning work including the interim Locational Criteria.

They consider the Criteria as an early step in the process towards endorsement for a future rural Residential Strategy. Taking into account this advice from the Department, it is considered the same outcome could be achieved during the review of the Port Stephens Planning Strategy proposed to occur in 2017-2018.

State Environmental Planning Policy (Rural Lands) 2008

The State Environmental Planning Policy (Rural Lands) 2008 acknowledges the importance of rural land and provides rural subdivision principles to minimise rural land fragmentation and rural land use conflicts. Council is required to consider changes in minimum lot sizes under local environmental plans in accordance with the Rural Planning Principles and the Rural Subdivision Principles.

Any future planning proposal will be required to be consistent with these principles.

Port Stephens Planning Strategy 2011

The Port Stephens Planning Strategy 2011 (PSPS) provides the current framework for future growth in the Local Government Area (LGA). It also identifies the 'need to ensure that prime agricultural land and important rural landscapes are protected from undesirable development.'

The PSPS highlights that the LGA is highly constrained for residential development due to environmental factors, flooding and aircraft noise. It is important that any areas with urban potential be protected from premature development which may affect that land's urban development in the medium to long term.

As a result, areas identified as future urban growth areas identified in the PSPS and key rural land have been excluded from potential rural residential development locations in accordance with the locational criteria.

A review of the Port Stephens Planning Strategy is currently being undertaken. Additional strategic planning will be undertaken on rural residential development at this time, with the aim that the Strategy will be endorsed by the Department of Planning and Environment.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that future planning proposals for rural residential development will not be supported by the State Government.	High	Undertake strategic justification for rural residential development in the review of the Port Stephens Planning Strategy.	Yes
There is a risk that the Policy will be misunderstood by the community.	Medium	Undertake communications strategy to ensure the role of the Policy is understood by the community.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Rural residential development is a valuable form of development and contributes to the diversity and choice of housing in the Port Stephens LGA. It does however require special considerations as it can have environmental, social and economic costs that are significantly higher than those of standard residential development.

The Rural Residential Policy (**ATTACHMENT 1**) and Assessment Criteria (**ATTACHMENT 2**) aims to address social, economic and environmental issues raised during exhibition and acknowledges that rural land is a finite resource and aims to ensure all social, environmental and economic factors are considered for any future rezoning proposals.

CONSULTATION

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

Internal

Internal consultation was undertaken during the preparation of the draft Strategy prior to exhibition as part of the preparation of the draft Rural Residential Policy post exhibition.

External

The draft Rural Residential Policy was exhibited for a period of 42 days, with nine submissions being received during this time. The key themes raised in the submissions are provided below, with additional detail located in the Submissions Table (**ATTACHMENT 4**).

1) Strategic Merit

The Department of Planning and Environment have acknowledged that the Policy is an interim measure until such time that further strategic planning is undertaken through the review of the Port Stephens Planning Strategy.

A copy of the Department's correspondence is located in (**ATTACHMENT 5**).

It is Council's intent that the robust strategic justification is undertaken through the review of the Port Stephens Planning Strategy and that the Policy is an interim measure that confirms Council's position in relation to rural residential development.

While most of the background work regarding rural residential development has been undertaken through the preparation of the Rural Residential Policy, the PSPS review will provide an integrated approach to rural residential development. Through this

process, rural residential development will be considered having regard for the visions and objectives for the LGA, which will be determined in the preparation of the PSPS and in consultation with the community. This will ensure that rural residential development is not considered in isolation to other important planning matters such as biodiversity corridors, future residential areas, infrastructure servicing, significant agricultural lands and employment hubs.

2) Locational Criteria

A number of submissions sought clarification regarding the criteria that requires a site to be located within 800m of existing R5 Large Lot Residential zoned land.

It has been requested that where a landholding only partly meets the 800m location criteria, the entire holding can be considered as part of a future planning proposal to allow for practical planning of the entire landholding.

Allowing such flexibility is considered to have merit where it can be demonstrated that the entire property is otherwise consistent with the Policy. As such, it is proposed to amend the Policy from:

'Located within 800 metres of existing R5 Large Lot Residential zoned land'.

To

'Any part of the lot is located within 800 metres of existing R5 Large Lot Residential zoned land at the time this Policy was adopted'.

3) Flexibility in application of locational criteria

Flexibility in the locational criteria has been requested where it can be demonstrated that the site satisfies the exclusionary criteria, particularly where the site's locality is characterised by fragmented lots of varying sizes.

The criteria were amended to reflect this flexible approach.

In addition, areas that do not meet the locational criteria but are considered to have some strategic merit will be investigated further in the review of the Port Stephens Planning Strategy.

4) Wallalong Urban Release Area

Clarification regarding the status of the proposed Wallalong Urban Release Area was sought by a number of submissions as this will affect whether certain land meets the exclusionary criteria.

Whilst the proposed Wallalong Urban Release Area was not supported by the Department of Planning and Environment at Gateway, its status as a potential Urban

Release Area exists within the current Port Stephens Planning Strategy. Consequently this position remains the position of Council.

To that end, the proposed Rural Residential Policy should not compromise the intent and directions of the existing Port Stephens Planning Strategy and the consideration of any future rural residential land opportunities within the Wallalong Urban Release Area would need to illustrate alignment with the current Port Stephens Planning Strategy.

5) Identification of specific sites

A number of submissions requested that the Policy identify specific sites where a planning proposal will be supported.

The purpose of the Policy is not to identify particular sites, but to provide assessment criteria for the interim consideration of planning proposals. While the proposed map (**ATTACHMENT 3**) identifies four areas that have been identified, specific sites have not been identified as this would be inappropriate without undertaking a thorough assessment.

The proposed inclusion of a map (**ATTACHMENT 3**) that illustrates the criteria and identifies areas that will be Council's focus for rural residential development may have some implications.

While the map provides a useful representation of the criteria, not all criteria can be mapped. This may result in a misleading understanding of a planning proposal's consistency with the Policy.

By identifying the four areas on the map, Council's position on where rural residential development should be focused will be clear. These areas will be the focus of further investigation and strategic justification in the review of the Port Stephens Planning Strategy. The Policy has been amended to state the purpose of the map and Council's position in relation to the identified areas as follows:

"The attached map is a visual representation of some of the criteria outlined in Appendix 1. It does not include all criteria and should not be relied upon in the preparation of a planning proposal. The four areas identified on the map represent the key locations for rural residential development and will be the focus of Council's strategic investigations for rural residential development."

6) Flooding considerations

The Office of Environment and Heritage have advised that the Policy does not adequately address all issues relating to flood affected land, particularly with regards to emergency evacuation and access.

Any planning proposal on land that experiences flooding implications will need to comply with the s117 Directions, regardless of Council's policy.

OPTIONS

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

ATTACHMENTS

- 1) Draft Port Stephens Rural residential Policy.
- 2) Draft Port Stephens Rural Residential Policy Assessment Criteria.
- 3) Rural Residential Policy Map.
- 4) Submissions table.
- 5) Department of Planning & Environment submission.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 DRAFT PORT STEPHENS RURAL RESIDENTIAL POLICY.

Policy



FILE NO: PSC2015-00487
TITLE: PORT STEPHENS RURAL RESIDENTIAL POLICY
POLICY OWNER: SECTION MANAGER, STRATEGY AND ENVIRONMENT

PURPOSE:

The purpose of this policy is to provide a framework for which Council can use to assess the appropriateness of rural residential development planning proposals in the short term.

This Policy should be read in conjunction with the Port Stephens Rural Residential Assessment Criteria (**APPENDIX 1**) (consistency with the Assessment Criteria constitutes consistency with the Policy).

CONTEXT/BACKGROUND:

Port Stephens Council is facing increasing pressure in relation to development and rezoning of rural lands for residential purposes. While existing studies and strategies have been carried out on existing rural lands, Council does not have a specific policy that deals with the social, economic and environmental challenges faced by rural residential land planning.

Rural residential development is one of the many housing types that contribute to the diversity and choice of housing in Port Stephens LGA and the Hunter Region. It does however require special consideration because rural residential development can have environmental, social and economic costs that are significantly higher than those of standard residential development.

The Hunter Regional Plan states it will provide guidance in local land use strategies for expanding rural villages and rural residential development so that such development will:

- not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values;
- not impact on drinking water catchments;
- not result in greater natural hazard risk;
- occur on land that is unlikely to be needed for urban development;
- contribute to the conservation of important biodiversity values or the establishment of important corridor linkages; and
- facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region.

Policy

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ITEM 3 - ATTACHMENT 1 DRAFT PORT STEPHENS RURAL RESIDENTIAL POLICY.

Policy



It is considered that the long term planning around rural villages including appropriate zonings and lot sizes should be undertaken as part of the Port Stephens Planning Strategy review.

The Policy and Assessment Criteria provides a framework for which council can assess the appropriateness of rural residential development proposals in the interim of undertaking further work as part of the Port Stephens Planning Strategy review.

The attached map is a visual representation of some of the criteria outlined in Appendix 1. It does not include all criteria and should not be relied upon in the preparation of a planning proposal. The four areas identified on the map represent the key locations for rural residential development and will be the focus of Council's strategic investigations for rural residential development.

SCOPE:

This policy relates specifically to the following Council functions:

- Consideration of planning proposals (rezoning requests) in the short term;
- Inform appropriate land uses in the medium to long term as part of the Port Stephens Planning Strategy review; and
- Provide a policy position to further consult with the State Government to endorse rural residential development.

This Policy does not provide for additional subdivision and minor amendments to lot sizes, but rather provides a coordinated approach to the consideration of rezoning additional land in the Local Government Area for Rural Residential Development.

DEFINITIONS:

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

Rural Residential Development Land in a rural setting, used and developed for dwellings that are not primarily associated with agriculture.

Rural residential development is defined by a combination of land use zone including R5 Large Lot Residential and E4 Environmental Living and lot sizes between 4000m2 up to 2 hectares.

Planning Proposal A request to amend the Port Stephens Local Environmental Plan 2013 is known as a planning proposal or rezoning application. This process involves a number of steps that include Council assessment, public and government agency

Policy

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ITEM 3 - ATTACHMENT 1 DRAFT PORT STEPHENS RURAL RESIDENTIAL POLICY.

Policy



consultation and approval from the NSW Department of Planning and Environment.

POLICY STATEMENT:

The Port Stephens Rural Residential Policy aims are:

- To provide a criteria for which Council can assess the appropriateness of rural residential development planning proposals in the short term.
- To provide Council and the community with further clarity around the future use and development of rural lands.
- To identify preferred areas physically suitable for rural settlement which are compatible with surrounding landuses.
- To ensure future development protects the environmental and cultural values of the area.
- To ensure that existing prime agricultural land is preserved and agricultural industries are able to prosper and expand without being unduly limited by neighbouring residential uses.
- To ensure that rural residential development does not hinder the strategic development of urban settlements in the future.
- To ensure new developments can have access to an appropriate level of community services in a cost effective manner.

POLICY RESPONSIBILITIES:

- 1) Strategic Planning Team (policy review and planning proposal assessment).

RELATED DOCUMENTS:

- 1) Environmental Planning and Assessment Act 1979
- 2) State Environmental Planning Policy (Rural Lands) 2008
- 3) Hunter Regional Plan 2036
- 4) Port Stephens Planning Strategy 2011
- 5) Port Stephens Local Environmental Plan 2013

Policy

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ITEM 3 - ATTACHMENT 1 DRAFT PORT STEPHENS RURAL RESIDENTIAL POLICY.

Policy



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RM8 container No	PSC2015-00487	RM8 record No	N/A
Audience	General		
Process owner	Strategy and Environment Section		
Author	Strategy and Environment Section Manager		
Review timeframe	Two years	Next review date	xx/xx/xxxx
Adoption date	xx/xx/xxxx		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	xx/xx/xxxx	Section Manager, Strategy and Environment.	Original policy.	xxx

Policy

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ITEM 3 - ATTACHMENT 2 DRAFT PORT STEPHENS RURAL RESIDENTIAL POLICY ASSESSMENT CRITERIA.

**APPENDIX 1
PORT STEPHENS RURAL RESIDENTIAL ASSESSMENT CRITERIA**

The following assessment criteria outline the key constraints that require consideration in the assessment of a planning proposal for rural residential development in the Port Stephens Local Government Area.

The assessment criteria include two types of criteria:

1. *Exclusionary Criteria* – where development is not appropriate due to land suitability, and proposals that are inconsistent with this criteria will require extensive justification at Planning Proposal stage;
2. *Management Criteria* - applies to constraints where further site specific assessment is required at planning proposal stage to determine whether rural residential development is appropriate such as, infrastructure requirements, environmental impacts and buffers to adjacent land uses. Such constraints are likely to require accompanying studies to justify the suitability of the planning proposal.

1.0 EXCLUSIONARY CRITERIA

- 1.1 Located within a Future Urban Growth Areas identified in a Local or Regional Strategic Plans, as they are proposed to be developed for urban purposes including land within (Karuah, Raymond Terrace, Medowie, Mallabula, Anna Bay, Nelson Bay and Fern Bay).
- 1.2 Within a 2km distance from existing or planned major employment areas.
- 1.3 Slopes greater than 18 degrees because of slope instability and clearing of vegetation are restricted under State legislation including the Native Vegetation Act 2003.
- 1.4 Class 1 and 2 acid sulphate soils because of the high risk of exposing acid soils during dwelling and infrastructure construction.
- 1.5 Below the flood planning level as identified on Councils Flooding Hazard map.
- 1.6 High environmental value land including SEPP 14 Coastal Wetlands or local wetlands plus a 100 m buffer or any SEPP 71 Coastal Lakes.
- 1.7 Noise exposure areas within an ANEF 25 or greater, in keeping with Australian Standards and Port Stephens Aircraft Noise Policy.
- 1.8 Identified as Important Agricultural Land as defined by the Biophysical Strategic Agricultural land (BSAL) mapping prepared by the State Government for the purposes of Strategic Regional Land Use Planning.
- 1.9 Located on known extractive industries, quarrying or mining or within a 500m buffer.
- 1.10 Identified by the State Government as having known mineral resource potential in accordance with S117 Directions.

2.0 MANAGEMENT CRITERIA

Flooding

- 2.1 Development that has the potential to be isolated in flood events, must demonstrate access to evacuation facilities via a public road that is given 24 hours warning of flood isolation.
- 2.2 Development in floodprone areas is to identify minimum lot sizes that provide appropriate stock refuge in the event of flooding.

Bushfire

ITEM 3 - ATTACHMENT 2 DRAFT PORT STEPHENS RURAL RESIDENTIAL POLICY ASSESSMENT CRITERIA.

- 2.3 Development on areas identified as bush fire prone on Councils Bush Fire Prone Land Map must demonstrate consistency with the planning principles for rezoning including the provision of contour map with Bushfire Attack Level (BAL) applied.

Environmentally Sensitive Land

- 2.4 Development identified in SEPP 71 Coastal Zone needs to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development.
- 2.5 Koala habitat areas and corridors are to be protected in accordance with the Port Stephens Comprehensive Koala Plan of Management.
- 2.6 Development must not impact on native vegetation, endangered ecological communities, threatened species or habitats.
- 2.7 Development must contribute to the conservation of important biodiversity values or the establishment of important biodiversity corridor linkages.

Aircraft Noise

- 2.8 Development must include a provision to ensure that development meets AS 2021-2015 regarding interior noise levels in areas where the ANEF is between 20 and 25.

Non-Aboriginal Cultural heritage

- 2.9 Development near items identified within the PSLEP 2013 need to consider the impact on heritage values, including the setting of the items and any archaeological remains.

Aboriginal Cultural heritage

- 2.10 Any development should undertake an initial assessment of the likelihood of Aboriginal cultural heritage values including:
- a search of the Aboriginal Heritage Information Management System (AHIMS);
 - Determination of whether the sites include landscape features that indicate the likely presence of aboriginal objects;
 - Site inspections; and
 - Consultation with the Aboriginal community.

Drinking Water Catchments

- 2.11 Development within a drinking water catchment must be able to be connected to reticulated sewer and able to demonstrate Neutral or Beneficial Effect (NorBE) on water quality in accordance with Hunter Water requirements.

Rural Land Resources

- 2.12 Development is a minimum 1km buffer from existing agricultural industries (e.g. Poultry farms, aquaculture) measures from property boundary to property boundary. Development proposed within the 1km buffer if required to provide expert reports to establish appropriate setbacks. These reports may relate to but not be limited to noise, odour, visual amenity and biosecurity risks.
- 2.13 Development must not impact on strategic or important energy, mineral or extractive resource viability.

Scenic Amenity

- 2.14 A visual impact assessment is required for land within a high or very high landscape area as defined in the Rural Land Study.
- 2.15 Development fronting road corridors to identify appropriate buffer zone to prevent clearing and protect scenic qualities.

Infrastructure and Services

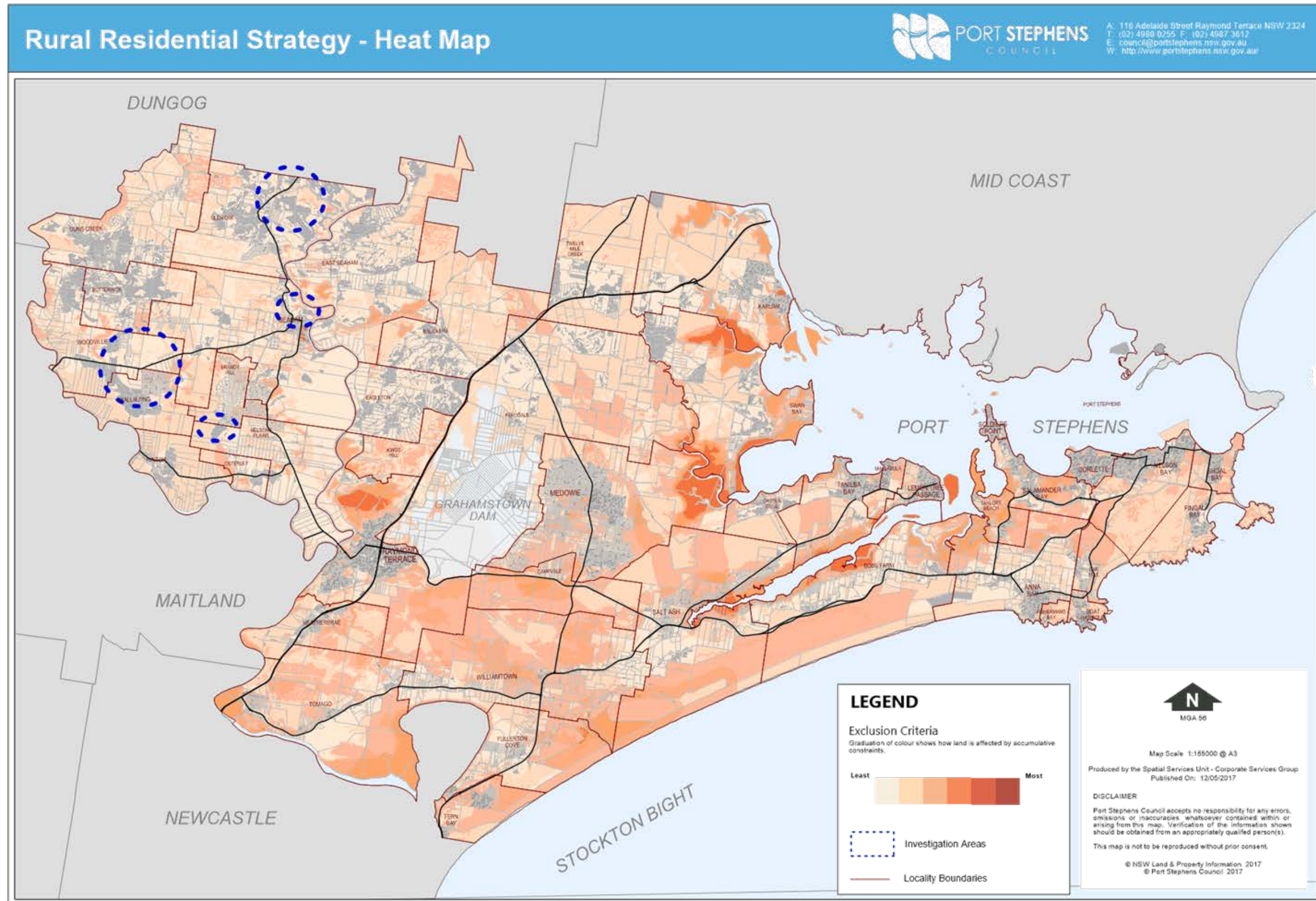
- 2.16 Development must be accessed via sealed roads.
- 2.17 Development must not result in the creation of direct access to a state road.

ITEM 3 - ATTACHMENT 2 DRAFT PORT STEPHENS RURAL RESIDENTIAL POLICY ASSESSMENT CRITERIA.

- 2.18 Local infrastructure contributions must not require a level of infrastructure greater than the nexus of apportionment and/or are equivalent to \$20,000 per lot, or less.
- 2.19 Development must not create additional demand for unplanned state infrastructure upgrades.
- 2.20 Development must be able to be connected to reticulated power supply.
- 2.21 Development requiring on-site sewage disposal must be carried out in accordance with Councils Development Assessment Framework (DAF) for the management of on-site sewage management, which includes a performance standards and recommendations about appropriate areas.

3.0 LAND TO WHERE THE ASSESSMENT CRITERIA APPLIES

- 3.1 Zoned RU1 – Primary Production, RU2 Rural Landscape, E3 Environmental Management, E4 Environmental Living.
- 3.2 Located a minimum of 800 metres from existing RU5 - Rural Village or R2 Low Density Residential zoned land.
- 3.3 Any part of the lot is located within 800 metres of existing R5 Large Lot Residential zoned land at the time this Policy was adopted.
- 3.4 Land outside that identified above may be considered if it can be justified that its inconsistency is of minor significance.



ITEM 3 - ATTACHMENT 4 SUBMISSIONS TABLE.

SUMMARY OF SUBMISSIONS			
No.	Name	Submission	Planning comment
State Agencies			
1	Department of Planning & Environment	<ol style="list-style-type: none"> Notes that the assessment criteria were changed as a result of exhibition of the strategy. Encourages Council to use the criteria to refine its strategic planning in rural areas. The locational criteria is not considered sufficient strategic justification for planning proposals. Additional strategic justification would be required, including how a proposal aligns with Council's vision, land use strategy, directions and desired outcomes for rural residential development. 	<p>The Policy will be used as an interim measure to assess any planning proposals that may be submitted for Rural Residential development until such time that additional strategic planning and justification is undertaken as part of the review of the Port Stephens Planning Strategy.</p> <p>It is Council's intent that the robust strategic justification is provided through the review of the Port Stephens Planning Strategy and that the Policy is an interim measure that confirms Council's position in relation to rural residential development. Despite being consistent with Council's Policy, without the Department's endorsement, a planning proposal is unlikely to be supported by the Department.</p>
2	Office of Environment & Heritage	<ol style="list-style-type: none"> Notes that the policy is being undertaken as an interim approach to allow the assessment of planning proposals, until such time that further strategic work is undertaken as part of the Port Stephens Planning Strategy review. Previous advice remains relevant for Council's strategic planning work on rural residential development, While the policy contains exclusions for land below the flood planning level as defined in Council's LEP, OEH notes that the existing Flood Prone Land map in the LEP does not 	<p>OEH advice will be taken in to consideration in the review of the Port Stephens Planning Strategy.</p> <p>Any planning proposal on land that experiences flooding implications will need to comply with the s117 Directions, regardless of Council's policy.</p>

ITEM 3 - ATTACHMENT 4 SUBMISSIONS TABLE.

	<p>adequately reflect flood prone land.</p> <p>4. In addition, flooding constraints such as emergency evacuation and access, should be a consideration, not just whether the land is below the flood in planning level.</p> <p>5. OEH provided detailed response to the flood components of the strategy. The need for 24 hours' notice for evacuation and stock refuge in the revised Policy does not adequately address OEH comments.</p>	
Community		
3	<ol style="list-style-type: none"> 1. The policy does not include visionary specific goals 2. Does not include analysis as to why this type of development has become popular and the aspirations and desires of residents. Community motivation, interest and support is required in order to effect change 3. Including rural residential development in the Port Stephens Planning Strategy review fails to treat the issue with the immediate attention that it requires 4. Policy does not provide framework for long term planning for rural residential development. 5. Concern that the policy will result in ad hoc, poorly coordinated expansion which fails to link to the existing development 6. A number of existing rural residential developments provide hindsight as to how to rectify problems but the Policy does not address these 7. Policy fails to require any inclusions in these developments for community facilities, infrastructure, environmental corridors or linkages and access plans 8. Applications for development adjoining existing estates 	<p>While concerns with the Policy are noted, the Policy will be used as an interim measure to assess any planning proposals that may be submitted for Rural Residential development until such time that additional strategic planning and justification is undertaken as part of the review of the Port Stephens Planning Strategy.</p> <p>Many of the issues raised are outside of the scope of the Policy and will be investigated as part of the review of the Port Stephens Planning Strategy.</p>

ITEM 3 - ATTACHMENT 4 SUBMISSIONS TABLE.

	<p>should be required to include measures to improve the existing, poorly developed estates, such as providing footpaths and other infrastructure needs</p> <p>9. Council fails to manage the expectations that existing residents have for upgrading of facilities</p> <p>10. Recommends that Council coordinate the consolidation of existing holdings located in prime locations, which will include the preparation of precinct plans that cover access, drainage, environmental corridors, paths and other infrastructure needs. This exercise should be undertaken with community input</p> <p>11. The policy is ill thought and sidelines proper management of rural residential opportunity</p> <p>12. Insists that the Policy not be adopted and instead Council prepare long term detailed plans for each rural residential precinct</p>	
4	<ol style="list-style-type: none"> 1. Seeking support for the identification of the site (Lot 14 DP846633, 4 Giles Road, Seaham) for rural residential development 2. The site forms part of the "Seaham Investigation Area" and is mapped as being entirely outside of the rural residential exclusion area. 3. Identified as "rural fringe land" as it is within the 2km buffer of urban settlements as it adjoins Wallalong Investigation Area to the north 4. The site should be 'rural living land' because it is within a neighbourhood that already contains 28 rural living lots, its access from Giles Road means that it only has indirect and distant connection to the Wallalong Investigation Area, Wallalong planning proposal not supported by the Gateway, current houses are sustainably reliant on on-site water supply systems and waste water disposal. 	<p>The purpose of the Policy is not to identify particular sites, but to provide assessment criteria for the interim consideration of planning proposals. While the proposed map identifies four areas that have been identified, specific sites have not been identified as this would be inappropriate without undertaking a thorough assessment.</p>

ITEM 3 - ATTACHMENT 4 SUBMISSIONS TABLE.

5	<p>5. Requirement for site to be connected to reticulated water and sewer is unwarranted as concept plan indicates that future rural residential development of the land could sustain rural living.</p> <p>1. Confusion regarding whether the policy applies to Wallalong due to discrepancy between Council report and a statement sent to the Department of Planning & Environment that the Wallalong URA is no longer excluded (from the policy) as the planning proposal was refused at Gateway.</p> <p>2. Given the DOP&E's requirement for Council to undertake more strategic work as part of the Port Stephens Planning Strategy review, the policy, to be used as an interim measure for the assessment of planning proposals, is futile.</p> <p>3. In the definition of Rural Residential Development, the use of the word 'including' in "... a combination of land use zones including R5 Large Lot Residential and E4 Environmental Living ..." means that other zones are not excluded. Why?</p> <p>4. Policy states that it applies to the RU1 – Primary Industry Zone, however no such zoning exists in the PSLEP 2013, nor does the term Primary Industry.</p> <p>5. Questions if there should be a reference to a boundary of the land in the second and third bullet points in paragraph 1.0</p> <p>6. With relation to the 'Management criteria', there is confusion regarding the requirement for 24 hours notice of road closure, which does not occur and also confusion regarding the access to evacuation facilities. This is considered to be an unrealistic solution.</p> <p>7. Using the flood planning level as defined by the flood hazard maps ignores reality and is not in the public interest.</p> <p>8. The term 'Agricultural industries' has no definition in the PSLEP 2013.</p>	<p>1. Whilst the proposed Wallalong Urban Release Area was not supported by the Department of Planning and Environment at Gateway, its status as a potential Urban Release Area exists within the current Port Stephens Planning Strategy. Consequently this position remains the position of Council until such time that the Strategy is reviewed.</p> <p>2. See Submission 1</p> <p>3. While typically located in either the R5 or E4 zones, in some areas of the LGA, development that is considered rural residential is located in a different zone. The chosen wording in the definition implies that while rural residential is more common in the R5 or E4 zones, it does not exclude other areas that are rural residential in nature.</p> <p>4. Noted. Policy amended to reference RU1 – Primary Production</p> <p>5. See Submission 6, comment 3</p> <p>6. See Submission 2, comment 3</p> <p>7. The flood hazard maps have been prepared in accordance with the NSW Floodplain Development Manual and having regard for the most up to date flooding data. The maps have been adopted by Council and are the most</p> <p>8. No change proposed.</p>
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ITEM 3 - ATTACHMENT 4 SUBMISSIONS TABLE.

6	<ol style="list-style-type: none"> 1. The land subject to the submission is Lot 3 DP250665 No 548 Clarendontown Road, Woodville 2. Part of the subject land is within 800m of established R5 Large Lot Residential development at Wallalong. 3. Given that it is not practical to plan for only part of the site, the submission seeks confirmation that Council will consider the whole site as part of future planning proposal. 4. Note Council's advice that the 'potential urban release area' of Wallalong is not identified as a Future Growth Area within a local or regional strategy and is therefore not excluded from the application of the draft policy under Section 2.0 5. The subject land has an area of 10.5ha and is clear of vegetation, is serviced, is not constrained by flooding, bushfire or agricultural value and is surrounded by similarly fragmented land. 6. Seeking confirmation that should part of the land fall within the assessment criteria, the entire parcel of land can be considered as part of a future planning proposal. 7. This would allow a holistic and coordinated approach to subdivision design. 	<ol style="list-style-type: none"> 1. See submission 4, comment 1 2. Noted. 3. The Policy has been amended to allow flexibility in the application of the locational criteria. Allowing such flexibility is considered to have merit, where it can be demonstrated that the entire property is otherwise consistent with the Policy. As such, it is proposed to amend the Policy from: 4. See Submission 5, comment 1 5. Noted. 6. See comment 3 7. Noted.
7	<ol style="list-style-type: none"> 1. Submission seeks to include Lot 103 DP1064397, 10 Giles Road, Seaham in Council's Policy for Rural Residential development. 2. The site satisfies the design criteria listed under the draft Policy, but it is located outside of the 800m maximum distance requirement to an existing R5 Zone. 3. The locality is an established rural residential area, characterised by fragmented lots of varying size. The land has limited agricultural capability and is not constrained by flooding. 	<ol style="list-style-type: none"> 1. See Submission 4, comment 1 2. The Policy has been amended to allow consideration of a site that is outside of the locational criteria, but where it can be justified that its inconsistency is of minor significance. 3. Noted. Additional strategic planning will be undertaken in the review of the Port Stephens Planning Strategy 4. See comment 2 5. See comment 2

ITEM 3 - ATTACHMENT 4 SUBMISSIONS TABLE.

	<ol style="list-style-type: none"> 4. The locality is suitable for rural residential development as it has limited constraints, can act as an interface between existing estates and has limited agricultural capacity. 5. Given that the area is not located within 800m of an existing rural residential zoned land, the Policy should identify this area / land is not consistent with Policy 6. The 800m locational criteria restricts rural residential development in the rural west between Wallalong and Brandy Hill and to a limited extent to the north of Seaham Road 7. The numerical based locational criteria does not provide flexibility or merits based assessment. 8. Seeking to include the subject land in the policy as a specific listing in order to give it status to proceed with the preparation of a planning proposal. 9. Alternatively it is suggested to allow limited flexibility or exceptions on the 800m locational criteria, limited to land west of the Williams River. 10. A variation to the 800m distance criteria should relate to a need to be on the fringe of existing fragmented land and of a small scale, with proponents being required to demonstrate consistency with the other criteria. 	<ol style="list-style-type: none"> 6. See comment 3 7. See comment 2 8. See submission 4, comment 1 9. See comment 2 10. See comment 2
8	<ol style="list-style-type: none"> 1. Submission is in relation to Lot 51 DP106432, 599 Clarence Town Road. 2. Previous submission recommended an alternate staging strategy for Wallalong that aimed to protect an urban footprint, with fringing rural residential surrounding that. 3. It is noted that the Hunter Regional Plan has since been released, and it does not identify Wallalong or any other land in the Rural West for a future growth area. 4. In the absence of urban development in Wallalong, rural residential development can revitalise existing communities. 5. Supports the principle of a draft policy that provides a 	<ol style="list-style-type: none"> 1. Noted 2. See Submission 5, comment 1 3. See Submission 5, comment 1 4. Noted. 5. Noted. 6. See Submission 6, comment 3. In relation to the Policy allowing flexibility for sites located outside of the 800m distance, see Submission 7, comment 2 7. Noted.

ITEM 3 - ATTACHMENT 4 SUBMISSIONS TABLE.

	<p>framework to acknowledge a Council position that rural residential is a valid housing and lifestyle choice in Port Stephens, supplies of rural residential land should be established in short and medium term, with the opportunity to progress planning proposals until the planning strategy review and such supply should, subject to constraints, be in proximity to and connected to villages.</p> <p>6. Supports the principle of providing assessment criteria subject to:</p> <ul style="list-style-type: none"> • the policy allowing flexibility for land holdings where part of the holding is located beyond the 800m distance; • the policy allowing opportunity to investigate landholdings north of Wallalong that sit outside the 800m distance to be considered if they meet other criteria. <p>7. Supports the position that Wallalong is not considered a 'Future Urban Release Area'</p>	
9	<ol style="list-style-type: none"> 1. Consideration should be given to allowing subdivision along the sandhills corridor of Nelson Bay Road as there are already a number of smaller lots in the area. 2. The area is not of high agricultural value and is more suited to intensive farming that is productive on smaller lots. 3. The ability to subdivide could allow more intensive agricultural pursuits and provide more employment opportunities. 4. Smaller lots provide opportunity for transition to retirement for existing farmers. 5. Self employed primary producers rely on their land for superannuation and having the ability to subdivide offers security in retirement. 6. Should the land value be eroded by proposed developments such as sandmining, which will lower the water tables, making 	<ol style="list-style-type: none"> 1. Detailed planning in this area will be undertaken in the review of the PSPS. It is acknowledged that there are a variety of land uses (tourist related) that are not necessarily consistent with the rural zoning. 2. The Policy relates to rural residential development, which is not typically used for agricultural pursuits, but rather is a lifestyle choice. 3. Noted 4. Noted. 5. This is not a strategic justification to allow further subdivision of rural land. 6. See above

ITEM 3 - ATTACHMENT 4 SUBMISSIONS TABLE.

	horticulture more challenging, the ability to subdivide would provide flexibility to sell off land if needed.	
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ITEM 3 - ATTACHMENT 5 DEPARTMENT OF PLANNING & ENVIRONMENT
SUBMISSION.



Mr Wayne Wallis
General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324

Our ref: 15/ 16669

Attention: Ms Renee Read

Dear Mr Wallis:

Draft Port Stephens Rural Residential Policy

I refer to the draft Port Stephens Rural Residential Policy which is on public exhibition until 9 February 2017.

The Department notes that the intention of the policy is to provide a framework whereby rural residential rezoning proposals may be assessed, as an interim approach, while Council undertakes more detailed planning as part of its Port Stephens Planning Strategy review.

While it is evident that Council has made changes to the assessment criteria in response to submissions, the Department's position, as outlined in correspondence dated 30 November 2016, remains unchanged. Council is encouraged to use the criteria to refine its strategic planning in rural areas. The locational criteria is not considered sufficient strategic justification for planning proposals. Additional strategic justification would be required, including how a proposal aligns with Council's vision, land use strategy, directions and desired outcomes for rural residential development.

Should you have any questions regarding this matter, I have arranged for Ben Holmes from the Department's Newcastle office to assist you. Mr Holmes can be contacted on (02) 4904 2709.

Yours sincerely

A black rectangular box redacting the signature of Monica Gibson.

6/2/2017
Monica Gibson
Director Regions, Hunter and Central Coast Region
Planning Services

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

ITEM NO. 4

**FILE NO: 17/87766
RM8 REF NO: PSC2016-03130**

PUBLIC WIFI SYSTEM IN NELSON BAY AND RAYMOND TERRACE TOWN CENTRES IN PORT STEPHENS

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Engage the services of a digital consulting agency to conduct a detailed report conveying the cost-benefit analysis, impacts and logistics involved with implementing public Wi-Fi systems in the Raymond Terrace central business district and Nelson Bay central business district for a 12 month trial period.
- 2) Conduct community engagement initiatives that seek to better identify public interest from local residents and businesses for this service in the two proposed trial locations; Raymond Terrace and Nelson Bay.

Councillor Paul Le Mottee returned to the meeting at 5:52pm in Committee of the Whole.

**ORDINARY COUNCIL MEETING - 13 JUNE 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Nell Councillor Chris Doohan</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 13 JUNE 2017
MOTION**

124	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Engage the services of a digital consulting agency to conduct a detailed report conveying the cost-benefit analysis, impacts and logistics involved with implementing public Wi-Fi systems in the Raymond Terrace central business district and Nelson Bay central
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	business district for a 12 month trial period.
2)	Conduct community engagement initiatives that seek to better identify public interest from local residents and businesses for this service in the two proposed trial locations; Raymond Terrace and Nelson Bay.

BACKGROUND

The purpose of this report is to address the recommendations in the Notice of Motion put to Council on 8 November 2016.

It was resolved that Council determine whether the installation of a Public Wi-Fi System for the main town centres within the Port Stephens Local Government Area (LGA) would be feasible and beneficial. It was also resolved that Council research to include which towns would benefit from this service, funding options, public interest and sustainability costs.

In terms of feasibility, costs associated with a free public Wi-Fi offering are dependent on existing hardware, installation, network (data supply) and maintenance costs (these costs are ongoing). Costs are also dependent on the financial model Council select to fund the initiative. As outlined in a report conducted by the Digital Economy Group for Port Macquarie-Hastings Council, financial model options include:

- Full cost covered by local government (most common);
- Partial to full cost recovery through commercialisation of datasets;
- Full cost recovery through advertising (least common); and
- External sponsorship or grant funding.

The installation of a Public Wi-Fi System for the main town centres in the Port Stephens LGA could result in an array of social and economic benefits including:

- Reinvigorating local town centres;
- Connecting communities; and
- Improving the visitor experience.

The installation means that there is the potential in the future to:

- Connect the Internet of Things (IoT) to the network (this means that there is capability for smart services such as parking space sensors or community safety devices etc); and
- Deliver business intelligence through the data analytics that can be achieved through Smart Wi-Fi networks.

The recently drafted Digital Services Framework, produced by Council's Communications Unit, notes public Wi-Fi and smart region initiatives as two key strategic focuses under the 'Digital Community' tier with the intentions to decrease

MINUTES ORDINARY COUNCIL - 13 JUNE 2017

the digital divide (increase accessibility to online information and services) and encourage innovation.

As recommended in a report released by MAV Technology titled 'Implementing Public Wi-Fi Services for Local Government', the following determinations need to be made prior to implementation:

- Coverage footprint;
- Security controls (eg locking down Wi-Fi access to business hours or restricted hours, and/or introducing a ticketing system – Port Macquarie-Hastings Council use some of these);
- Required infrastructure and ownership of this infrastructure, ie which stakeholders need to be consulted throughout the installation process; and
- Ongoing costs and maintenance of assets.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Port Stephens Council should determine service level of the trial, as users of Public Wi-Fi expect adequate performance from this type of service (ie content to render quickly) and capacity planning would need to be explored.

The costs associated with ongoing monitoring and maintenance, as well as security updates, needs to be considered and are suspected to be significant. In terms of resource implications, it needs to be determined as to who is accountable if hardware is damaged or not working.

The scope of works will be refined and developed with an external digital consultant to deliver a report that will provide more accurate costings for the implementation and ongoing maintenance of this proposed initiative. It is anticipated that such works would cost in the order of \$4,500 plus GST.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$4,500 plus GST	The Economic Development Unit will pay for the cost of a digital consulting agency through existing operational budget.

MINUTES ORDINARY COUNCIL - 13 JUNE 2017

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

LEGAL, POLICY AND RISK IMPLICATIONS

As identified in the Notice of Motion on 8 November 2016, the legal and regulatory obligations include metadata retention, management controls and censoring content (blocking inappropriate and offensive content).

However, providing wide area, free public access Wi-Fi has been successfully implemented across numerous government, community and commercial enterprises in NSW and identified control measures and advice could be sourced to mitigate risk.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk of security and regulatory risks in public Wi-Fi implementation and offering.	Medium	There needs to be filtering or blocking of sites, and maintenance of black/white lists which can be mitigated through terms and conditions, security controls and network monitoring. However, there will be administrative costs associated with specified treatments.	No
There is a risk of poor performing service offering.	Low	The enforcement of daily download limits (greater download amounts can be purchased if required). Bandwidth throttling and shaping can also be used for control of traffic speed.	No
There is a risk of drawing people to congregate in public spaces at night.	Low	Offer service between certain times (e.g. 9am-9pm). Extra lighting.	No

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Two proposed locations for public Wi-Fi trials are Nelson Bay and Raymond Terrace. The public interest in Nelson Bay as a potential location has been identified with support from the Tomaree Business Chamber and Nelson Bay Now. Public interest for Wi-Fi in Raymond Terrace has not been investigated.

The case for public Wi-Fi in Nelson Bay is supported by the 2012 NSW Visitor Economy Taskforce Report 2012 where one of the strategic imperatives is to improve the visitor experience. As part of this, digital connectivity is a key issue and the report outlines the importance of creating a great visitor experience by providing the availability and accessibility of timely, accurate, consistent, engaging, meaningful and relevant information.

In Port Stephens, this could be information on events, transport, beach conditions, markets, special offers from tourism operators or even just general welcome messaging. To achieve this seamlessly, the ideal solution is to push this messaging to visitors when they are connected to the free Wi-Fi service.

In partnership with Destination Port Stephens (DPS), Council owns a tour and accommodation booking engine which generates over \$1 million in sales per annum. Current data collected from the booking engine shows that 54% of all users are accessing the booking engine from a mobile phone (data period was from 1 July 2016 – 31 March 2017). There is an opportunity for Council to increase revenue through this booking engine by providing access to free Wi-Fi which would allow visitors to book tours and experiences whilst in destination.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Economic Development Unit (Strategy and Environment Section). The purpose of this consultation has been to confirm the benefits and merit of a public Wi-Fi service provision.

Internal

In determining the benefits of this project and planning for its implementation, consultation with the following Port Stephens Council units and sections has taken place:

- Communications Section;
- Economic Development Unit;
- Visitor Information and Events Unit; and
- Information and Communications Technologies Unit.

If it is resolved that Council progress forward with a trial in Nelson Bay CDB and Raymond Terrace CBD, the following Port Stephens Council units and sections will have to be consulted:

- Communications Section;
- Economic Development Unit;
- Visitor Information and Events Unit;
- Information and Communications Technologies Unit; and
- Public Domain and Services Section.

External

External stakeholders were contacted to obtain advice and information relevant to this report:

- nbn - The Community Affairs Manager NSW from nbn provided the Economic Development Unit with the following report, *Implementing Public Wi-Fi for Local Government*.
- Office of the NSW Small Business Commissioner (OSBC) - As a Small Business Friendly Council, the OSBC was contacted to obtain references of other member Councils who have implemented free Wi-Fi in public spaces. OSBC Project Manager (Advocacy and Strategic Projects) provided contacts for Port Macquarie-Hastings Council, Liverpool City Council and Dubbo City Council.
- Port Macquarie-Hastings Council - The Economic Development Officer at Port Macquarie-Hastings Council provided insight into their Council's recent free Wi-Fi access trial being offered along the Town Green CBD foreshore. Port Macquarie-Hastings Council engaged the services of Digital Economy Group to determine the level of commitment required to establish a free Wi-Fi service and benchmark current free Wi-Fi services in other parts of Australia.
- Digital Economy Group (DEG) - DEG was contacted to obtain a scope of work and quote to produce a report that would provide a cost-benefit analysis, impacts and logistics involved with implementing public Wi-Fi systems in the Raymond Terrace CBD and Nelson Bay CBD for a 12 month trial period.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5

**FILE NO: 17/89820
RM8 REF NO: PSC2013-04879**

POLICY REVIEW - ASBESTOS MANAGEMENT

REPORT OF: MICHAEL MCINTOSH - GROUP MANAGER DEVELOPMENT SERVICES
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Asbestos Management policy shown at **(ATTACHMENT 1)**.
- 2) Place the Asbestos Management policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revoke the Asbestos Management policy dated 23 June 2015, (Minute No. 172) **(ATTACHMENT 2)**, should no submissions be received.

**ORDINARY COUNCIL MEETING - 13 JUNE 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Sally Dover Councillor Chris Doohan</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 13 JUNE 2017
MOTION**

<p>125</p>	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Asbestos Management policy shown at (ATTACHMENT 1).2) Place the Asbestos Management policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.3) Revoke the Asbestos Management policy dated 23 June 2015, (Minute No. 172) (ATTACHMENT 2), should no submissions be
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	received.
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BACKGROUND

The purpose of this report is to present the review of the Asbestos Management Policy adopted by Council on 23 June 2015 (Minute No. 172).

The review of the Asbestos Management Policy results in no fundamental changes to the policy adopted in 2015. There have been no major legislative changes that require a revised position of Council. The proposed amendments are administrative in nature and include:

- Replacing all references to 'WorkCover' with 'SafeWork NSW'.
- Updated reference from 2015-2019 to 2016-2020 Operational Plan.
- Replacing reference to 'Australian Standard AS2601-2001: The Demolition of Structures' with 'Demolition work code of practice 2015 (Catalogue no. WC03841)'.
- Replacing reference to 'Protection of the Environment Operations (Waste) Regulation 2005 (NSW)' with 'Protection of the Environment Operations (Waste) Regulation 2014 (NSW)'.

Like many councils across Australia, a number of our buildings, structures and assets were built or refurbished at a time when asbestos containing materials may have been used during construction. The presence of asbestos containing materials in itself does not constitute a danger. However, there is a potential risk to health if asbestos containing material is damaged or disturbed.

In response to growing community concern related to the dangers associated with exposure to asbestos, a Model Asbestos Policy and Guide has been developed by the Local Government NSW (LGNSW) with input from industry reference groups. The Model Asbestos Policy and Guide were reviewed by LGNSW in February 2016.

An Asbestos Management Project Team with representation from across the organisation was formed to review the Model Policy and Guide and tailor it to our local area. As asbestos and its safe disposal is regulated under numerous pieces of legislation, it is often difficult to determine who is the responsible authority in certain asbestos-related scenarios, when to contact SafeWork NSW or when Council should take the lead role in providing asbestos advice. This can be confusing for the community when dealing with asbestos related matters.

The adoption and regular review of an Asbestos Management Policy formalises Council's approach and will ensure that the organisation is equipped to safely manage asbestos and any associated legislative obligations.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Community Safety.	Use Council's regulatory powers and Government legislation to enhance public safety.

FINANCIAL/RESOURCE IMPLICATIONS

In accordance with asbestos management practices across Australia, Council will continue to pursue a risk management approach, which is designed to safeguard those persons who occupy, service and visit council buildings from exposure to asbestos fibres.

While the long term objective is for all council controlled buildings to be free of asbestos related material, it is estimated that the cost to achieve this objective is far beyond the financial reach of Council.

Given the highly regulated nature of asbestos and the many existing mechanisms in place to address risks, a full scale program to remove asbestos is prohibitively expensive and is out of step with both Australian and international practice.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Funding exists to exhibit the review of the policy.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:

- As a responsible employer.
- Educating residents.
- Contaminated land management.
- Council land, building and asset management.
- Emergency response.
- Land use planning (including development approvals and demolition).
- Waste management and regulation.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council fails to meet its obligations in relation to the management of asbestos leading to injury and reputation damage and litigation costs.	Medium	Adopt the revised policy.	Yes
There is a risk that Council fails to heighten community awareness on the identification and safe removal of asbestos leading to increased exposure to risk in the Local Government Area (LGA).	Medium	Adopt the revised policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council has an important dual role in maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for both:

- a) Residents and the public; and
- b) Workers (employees, volunteers and contractors) in council workplaces.

The community has particular sensitivities to the health risks associated with exposure to asbestos fibres. The high incidence of mesothelioma in Australia and significant media attention generated by the James Hardie matter, have all served to reinforce a cautionary attitude towards asbestos related matters.

An Asbestos Procedure is in place to provide direction to Council workers to minimise risks associated with exposure to asbestos in the workplace. The procedure ensures that workers are involved in the development of safe systems of work and a safe environment with respect to asbestos management issues.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Development Services Group Manager who is the Executive Team member of Council's Asbestos Management Project Team.

Internal

Consultation has taken place with:

- Port Stephens Council Asbestos Management Project Team; and
- Executive Team.

External

In accordance with local government legislation the draft Asbestos Management policy will go on public exhibition for 28 days from 22 June 2017 to 20 July 2017.

OPTIONS

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

ATTACHMENTS

- 1) Revised Asbestos Management Policy.
- 2) Asbestos Management Policy - 23 June 2015 (Minute No. 172).

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2013-04879

TITLE: ASBESTOS MANAGEMENT

POLICY OWNER: GROUP MANAGER DEVELOPMENT SERVICES

PURPOSE:

The purpose of this policy is outline Council's commitment to maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for local residents, the wider public and workers (employees, volunteers and contractors) in Council workplaces.

This policy aligns with the following initiatives outlined within the 2016-2020 Operational Plan:

- Our Citizens: Community Safety: Port Stephens is a community where people feel safe:
 - 1.1.1 Use Councils regulatory powers and government legislation to enhance public safety.
- Our Council: A Sustainable Council: Port Stephens Council's services and assets are sustainable in the longer term:
 - 5.1.3 Manage risks across Council.

The long term objective is for all buildings on Council owned land to be free of asbestos containing material. The presence of asbestos in premises on Council owned or managed land will be identified, the risk to health evaluated and mitigating measures implemented until the long term objective of removal is completed.

Council also aims to heighten awareness within the community on the identification and safe removal of asbestos to minimise the risk of exposure across the local government area.

CONTEXT/BACKGROUND:

Asbestos was used widely in Australian buildings and structures between the 1940's and 1980's because of its durability, fire resistance and excellent insulating properties. Heightened public awareness of asbestos related diseases has increased public concern over the handling and ongoing management of asbestos containing material. However, it was not until 2003 that asbestos was banned in Australia.

Policy

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Policy



Council has no insurance coverage under its Public Liability Policy relating to asbestos matters. The policy excludes any actual or alleged liability arising directly or indirectly out of, resulting from or in consequence of, or in any way involving asbestos, or any materials containing asbestos in whatever form or quantity.

For sites that are significantly contaminated, the Environment Protection Authority (EPA) and SafeWork NSW are the lead regulatory authorities. The EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste.

SafeWork NSW has a major role in ensuring that removal of asbestos is carried out in accordance with legislative requirements and, where necessary, by registered contractors. Legislation, however, only applies to:

- A workplace, or
- Where the type or quantity of asbestos being removed, repaired or disturbed requires the work to be carried out by an asbestos licensed contractor.

Note: A workplace includes a residential property if any person is being employed there, but not if the works are carried out solely by an owner builder who does not employ anyone.

For matters outside of the the EPA and SafeWork NSW responsibilities, Council is the appropriate regulatory authority, which typically include demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities.

The Policy is underpinned by the following principles:

- The Policy is consistent with and supports the requirements of the Model Asbestos Policy for NSW Councils developed by the Local Government NSW;
- Council will take all necessary steps to protect the health and safety of workers, contractors and the community from the risks associated with asbestos containing material (ACM) within Council controlled and managed buildings;
- A risk management approach will be adopted for the management and control of ACM;
- Council should not permit the use of Council owned or controlled buildings and/or other structures, including open spaces, where it is known they contain ACM's unless all reasonable risks have been considered which may include an asbestos management plan developed to address the assessed risk.

Council aims to manage the risks from ACM and provide a record of actions undertaken with the ultimate aim being to:

- Increase awareness;
- Prevent airborne asbestos fibre exposure;

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Policy



- Prevent the spread of asbestos fibres;
- Increase its competency and experience; and
- Control works likely to disturb ACM in Council owned or managed buildings.

SCOPE:

Council is committed to complying with the Model Asbestos Policy and Guide (links to document under "RELATED DOCUMENTS" section below) developed by Local Government NSW in partnership with the NSW Government and input from industry reference groups.

Council's responsibilities for asbestos management apply in various scenarios including:

As a responsible employer

Council has responsibilities to workers under the *Work Health and Safety Act 2011 (NSW)* and *Work Health and Safety Regulations (NSW)* in maintaining a safe work environment through Council's:

- General responsibilities;
- Education, training and information for workers;
- Health monitoring for workers; and
- Procedures for identifying and managing asbestos containing materials in Council premises.

As part of the Integrated Risk Management System, an Asbestos Procedure is in place to ensure that workers are involved in the development of safe systems of work and a safe environment to manage any asbestos related risks.

Educating residents

Providing education for the community on the identification and safe removal of asbestos is the joint responsibility of Councils and State Government agencies. Council, however, is often the first point of contact for residents who believe they have identified asbestos in their homes or have a concern or complaint regarding a public health hazard. Council also has a role in proactively offering useful information to the community to minimise avoidable incidents that present asbestos health hazards. This could include providing information to residents on lawful/licenced disposal facilities that are located within the Local Government Area (LGA).

Contaminated land management

Council has a responsibility to provide information about land contamination on planning certificates issued under section 149 of the EPA Act. For sites that are significantly

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Policy



contaminated and require a major remediation program independent of any rezoning or development applications, the EPA and SafeWork NSW are the lead regulatory authorities.

Responsibility for cleaning up contaminated land lies with the person responsible for the contamination or the relevant landowner.

Council land, building and asset management

Council has a responsibility to ensure that risk assessments are carried out on any Council owned buildings or assets that may contain asbestos materials. Like many Councils across Australia, a number of our buildings, structures and assets were built or refurbished at a time when asbestos containing materials may have been used during construction. Control measures are in place to manage these assets.

Emergency response

Council may play a role in ensuring that ACM's are cleaned up after an emergency or incident. If the incident occurs at a workplace, SafeWork NSW is the lead agency.

Council may issue a clean up, prevention, cost compliance or penalty infringement notice. Alternatively, Council may act under the EPA Act. Council will determine an appropriate response depending on the nature of the situation.

Land use planning (including development approvals and demolition)

Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has been previously used as a landfill or on-site burial of asbestos waste).

Council is the consent authority for the majority of development applications in the LGA and may impose conditions of consent and a waste disposal guide in development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.

Waste management and regulation

It is illegal to dispose of asbestos waste in kerbside garbage bins or via the kerbside bulky waste collections, it is also illegal to recycle, reuse, bury or illegally dump asbestos waste. Asbestos waste (in any form) must only be disposed of at a facility that is licensed to lawfully receive asbestos waste. Within Port Stephens LGA the only licensed waste facility that can accept asbestos waste is the landfill facility on Newline Road Raymond Terrace. The Salamander Bay Waste Transfer Station is not licensed to accept asbestos waste.

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Policy



DEFINITIONS:

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

Model Asbestos Policy for NSW Councils	The Model Asbestos Policy provides councils with the basis for the preparation of a comprehensive and compliant asbestos policy. It outlines important legislative obligations of councils and provides useful additional information.
Asbestos	Includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.
Asbestos-containing material (ACM)	Means any material containing more than 1% asbestos.

POLICY STATEMENT:

Council has an important dual role in maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for both:

- residents and the public; and
- workers (employees, volunteers and contractors) in Council workplaces.

Council is committed to ensuring that asbestos containing material in Council owned buildings is managed and controlled to protect the health and wellbeing of workers, contractors and the community in accordance with the Model Asbestos Policy and Guide developed by Local Government NSW in partnership with the NSW Government and input from industry reference groups.

POLICY RESPONSIBILITIES:

- 1) Executive Team - Responsible for the overall implementation and review of the policy.
- 2) Development Services Group Manager - Responsible for the ongoing communications and engagement of asbestos awareness within the organisation and throughout the community.
- 3) Section Managers - Responsible for compliance with the overall objectives and policy statement as outlined within this document as relevant to their section.
- 4) Organisation Development - Responsible for maintaining safe systems of work and establishing an environment where staff and their supervisors minimise the risks of

Policy

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Policy



exposure to asbestos in accordance with the Work Health and Safety Act 2011 (NSW) and Work Health and Safety Regulations (NSW).

- 5) Asset owners (Assets, Property & Community Services) - Responsible for ensuring that risk assessments are carried out on any Council owned buildings or assets that may contain asbestos materials and that appropriate control measures are in place to manage these assets.
- 6) Strategic Land Use Planning - Responsible for providing information about land contamination on planning certificates issued under section 149 of the EPA Act.
- 7) Development and Assessment - Responsible for imposing conditions of consent and a waste disposal guide in development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.
- 8) Environmental Health & Compliance - Responsible for coordinating Councils response to Asbestos related issues such as land contamination, illegal dumping and pollution.

RELATED DOCUMENTS:

- 1) Port Stephens Council Guide to the Management of Asbestos Risks.
- 2) Port Stephens Council Asbestos Procedure.
- 3) Model Asbestos Policy for NSW Councils (LGNSW)
- 4) Guide to the Model Asbestos Policy for NSW councils (LGNSW)
- 5) Demolition work code of practice 2015 (Catalogue no. WC03841).
- 6) *Contaminated Land Management Act 1997.* (NSW)
- 7) *Environmental Planning and Assessment Act 1979.* (NSW)
- 8) Environmental Planning and Assessment Regulation 2000. (NSW)
- 9) *Local Government Act 1993.* (NSW)
- 10) *Protection of the Environment Operations Act 1997.* (NSW)
- 11) Protection of the Environment Operations (General) Regulation 2009. (NSW)
- 12) Protection of the Environment Operations (Waste) Regulation 2014. (NSW)
- 13) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. (NSW)
- 14) State Environmental Planning Policy No. 55 – Remediation of Land. (NSW)
- 15) *Workers Compensation (Dust Diseases) Act 1942.* (NSW)
- 16) *Work Health and Safety Act 2011* (NSW) and Work Health and Safety Regulations (NSW).

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CONTROLLED DOCUMENT INFORMATION:

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RM8 container No	PSC2013-04879	RM8 record No	
Audience	Employees, Volunteers, Contractors and Public		
Process owner	Group Manager Development Services		
Author	Group Manager Development Services		
Review timeframe	Two years	Next review date	XX July 2017
Adoption date	26 November 2013		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	26/11/2013	Group Manager Development Services		343
2	23/06/2015	Group Manager Development Services	Transfer to new policy template, greater detail around roles and responsibilities of key service units across Council	172
3	XX/XX/2017	Group Manager Development Services	1) All references to "workCover" replaced with "SafeWork NSW" 2) Under PURPOSE: <ul style="list-style-type: none"> paragraph 2 delete 2015-2019 and replace with 2016-2020. Second dot point delete 15.1.3 and replace with 5.1.3. 	

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



Version	Date	Author	Details	Minute No.
3 cont'd			<ul style="list-style-type: none"> • Reword paragraph 3 from "The presence of asbestos in premises on Council owned or managed land will be identified and the risk to health evaluated. " change to "The presence of asbestos in premises on Council owned or managed land will be identified, the risk to health evaluated and mitigating measures implemented until the long term objective of removal is completed." 3) Under <u>Educating residents</u> additional sentence added to end of paragraph – "This should include providing information to residents on lawful/licenced disposal facilities that are located within the LGA" 4) Under RELATED DOCUMENTS: <ul style="list-style-type: none"> • Updated hyperlinks for documents 3) and 4). • Replace 5) Australian Standard AS2601-2001 : The Demolition of Structures with 5) Demolition work code of practice 2015 (catalogue no. WC03841). • Amend 12) Protection of the Environment Operations (Waste) Regulation 2005 NSW)to 12) Protection of the Environment Operations (W aste) Regulation 2014 (NSW). • Add 16) <i>Work Health and Safety Act 2011</i> (NSW) and Work Health and Safety Regulations (NSW). 	

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ITEM 5 - ATTACHMENT 2 ASBESTOS MANAGEMENT POLICY - 23 JUNE 2015
(MINUTE NO. 172).

Policy



FILE NO: PSC2013-04879
TITLE: ASBESTOS MANAGEMENT
POLICY OWNER: GROUP MANAGER DEVELOPMENT SERVICES

PURPOSE:

The purpose of this policy is outline Council's commitment to maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for local residents, the wider public and workers (employees, volunteers and contractors) in Council workplaces.

This policy aligns with the following initiatives outlined within the 2015-2019 Operational Plan:

- Our Citizens: Community Safety: Port Stephens is a community where people feel safe:
 - 1.1.1 Use Councils regulatory powers and government legislation to enhance public safety.
- Our Council: A Sustainable Council: Port Stephens Council's services and assets are sustainable in the longer term:
 - 15.1.3 Manage risks across Council.

The long term objective is for all buildings on Council owned land to be free of asbestos containing material. The presence of asbestos in premises on Council owned or managed land will be identified and the risk to health evaluated.

Council also aims to heighten awareness within the community on the identification and safe removal of asbestos to minimise the risk of exposure across the local government area.

CONTEXT/BACKGROUND:

Asbestos was used widely in Australian buildings and structures between the 1940's and 1980's because of its durability, fire resistance and excellent insulating properties. Heightened public awareness of asbestos related diseases has increased public concern over the handling

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ITEM 5 - ATTACHMENT 2 ASBESTOS MANAGEMENT POLICY - 23 JUNE 2015
(MINUTE NO. 172).

Policy



and ongoing management of asbestos containing material. However, it was not until 2003 that asbestos was banned in Australia.

Council has no insurance coverage under its Public Liability Policy relating to asbestos matters. The policy excludes any actual or alleged liability arising directly or indirectly out of, resulting from or in consequence of, or in any way involving asbestos, or any materials containing asbestos in whatever form or quantity.

For sites that are significantly contaminated, the Environment Protection Authority (EPA) and WorkCover are the lead regulatory authorities. The EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste.

WorkCover has a major role in ensuring that removal of asbestos is carried out in accordance with legislative requirements and, where necessary, by registered contractors. Legislation, however, only applies to:

- A workplace, or
- Where the type or quantity of asbestos being removed, repaired or disturbed requires the work to be carried out by an asbestos licensed contractor.

Note: A workplace includes a residential property if any person is being employed there, but not if the works are carried out solely by an owner builder who does not employ anyone.

For matters outside of the the EPA and Workcover responsibilities, Council is the appropriate regulatory authority, which typically include demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities.

The Policy is underpinned by the following principles:

- The Policy is consistent with and supports the requirements of the Model Asbestos Policy for NSW Councils developed by the Local Government NSW;
- Council will take all necessary steps to protect the health and safety of workers, contractors and the community from the risks associated with asbestos containing material (ACM) within Council controlled and managed buildings;
- A risk management approach will be adopted for the management and control of ACM;
- Council should not permit the use of Council owned or controlled buildings and/or other structures, including open spaces, where it is known they contain ACM's unless all reasonable risks have been considered which may include an asbestos management plan developed to address the assessed risk.

Council aims to manage the risks from ACM and provide a record of actions undertaken with the ultimate aim being to:

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ITEM 5 - ATTACHMENT 2 ASBESTOS MANAGEMENT POLICY - 23 JUNE 2015
(MINUTE NO. 172).

Policy



- Increase awareness;
- Prevent airborne asbestos fibre exposure;
- Prevent the spread of asbestos fibres;
- Increase its competency and experience; and
- Control works likely to disturb ACM in Council owned or managed buildings.

SCOPE:

Council is committed to complying with the Model Asbestos Policy and Guide (links to document under "RELATED DOCUMENTS" section below) developed by Local Government NSW in partnership with the NSW Government and input from industry reference groups.

Council's responsibilities for asbestos management apply in various scenarios including:

As a responsible employer

Council has responsibilities to workers under the *Work Health and Safety Act 2011 (NSW)* and *Work Health and Safety Regulations (NSW)* in maintaining a safe work environment through Council's:

- General responsibilities;
- Education, training and information for workers;
- Health monitoring for workers; and
- Procedures for identifying and managing asbestos containing materials in Council premises.

As part of the Integrated Risk Management System, an Asbestos Procedure is in place to ensure that workers are involved in the development of safe systems of work and a safe environment to manage any asbestos related risks.

Educating residents

Providing education for the community on the identification and safe removal of asbestos is the joint responsibility of Councils and State Government agencies. Council, however, is often the first point of contact for residents who believe they have identified asbestos in their homes or have a concern or complaint regarding a public health hazard. Council also has a role in proactively offering useful information to the community to minimise avoidable incidents that present asbestos health hazards.

Policy

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ITEM 5 - ATTACHMENT 2 ASBESTOS MANAGEMENT POLICY - 23 JUNE 2015
(MINUTE NO. 172).

Policy



Contaminated land management

Council has a responsibility to provide information about land contamination on planning certificates issued under section 149 of the EPA Act. For sites that are significantly contaminated and require a major remediation program independent of any rezoning or development applications, the EPA and WorkCover are the lead regulatory authorities.

Responsibility for cleaning up contaminated land lies with the person responsible for the contamination or the relevant landowner.

Council land, building and asset management

Council has a responsibility to ensure that risk assessments are carried out on any Council owned buildings or assets that may contain asbestos materials. Like many Councils across Australia, a number of our buildings, structures and assets were built or refurbished at a time when asbestos containing materials may have been used during construction. Control measures are in place to manage these assets.

Emergency response

Council may play a role in ensuring that ACM's are cleaned up after an emergency or incident. If the incident occurs at a workplace, WorkCover is the lead agency.

Council may issue a clean up, prevention, cost compliance or penalty infringement notice. Alternatively, Council may act under the EPA Act. Council will determine an appropriate response depending on the nature of the situation.

Land use planning (including development approvals and demolition)

Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has been previously used as a landfill or on-site burial of asbestos waste).

Council is the consent authority for the majority of development applications in the Local Government Area (LGA) and may impose conditions of consent and a waste disposal guide in development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.

Policy

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ITEM 5 - ATTACHMENT 2 ASBESTOS MANAGEMENT POLICY - 23 JUNE 2015
(MINUTE NO. 172).

Policy



Waste management and regulation

It is illegal to dispose of asbestos waste in kerbside garbage bins or via the kerbside bulky waste collections, it is also illegal to recycle, reuse, bury or illegally dump asbestos waste. Asbestos waste (in any form) must only be disposed of at a facility that is licensed to lawfully receive asbestos waste. Within Port Stephens LGA the only licensed waste facility that can accept asbestos waste is the landfill facility on Newline Road Raymond Terrace. The Salamander Bay Waste Transfer Station is not licensed to accept asbestos waste.

DEFINITIONS:

Model Asbestos Policy for NSW Councils	The Model Asbestos Policy provides councils with the basis for the preparation of a comprehensive and compliant asbestos policy. It outlines important legislative obligations of councils and provides useful additional information.
Asbestos	Includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.
Asbestos-containing material (ACM)	Means any material containing more than 1% asbestos.

POLICY STATEMENT:

Council has an important dual role in maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for both:

- residents and the public; and
- workers (employees, volunteers and contractors) in Council workplaces.

Council is committed to ensuring that asbestos containing material in Council owned buildings is managed and controlled to protect the health and wellbeing of workers, contractors and the community in accordance with the Model Asbestos Policy and Guide developed by Local Government NSW in partnership with the NSW Government and input from industry reference groups.

POLICY RESPONSIBILITIES:

Executive Team: Responsible for the overall implementation and review of the policy.

Policy

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ITEM 5 - ATTACHMENT 2 ASBESTOS MANAGEMENT POLICY - 23 JUNE 2015
(MINUTE NO. 172).

Policy



Development Services Group Manager: Responsible for the ongoing communications and engagement of asbestos awareness within the organisation and throughout the community.

Section Managers: Responsible for compliance with the overall objectives and policy statement as outlined within this document as relevant to their section.

Organisation Development: Responsible for maintaining safe systems of work and establishing an environment where staff and their supervisors minimise the risks of exposure to asbestos in accordance with the Work Health and Safety Act 2011 (NSW) and Work Health and Safety Regulations (NSW).

Asset owners (Assets, Property & Community Services): Responsible for ensuring that risk assessments are carried out on any Council owned buildings or assets that may contain asbestos materials and that appropriate control measures are in place to manage these assets.

Strategic Land Use Planning: Responsible for providing information about land contamination on planning certificates issued under section 149 of the EPA Act.

Development and Assessment: Responsible for imposing conditions of consent and a waste disposal guide in development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.

Environmental Health & Compliance: Responsible for coordinating Council's response to Asbestos related issues such as land contamination, illegal dumping and pollution.

RELATED DOCUMENTS:

- 1) Port Stephens Council Guide to the Management of Asbestos Risks.
- 2) Port Stephens Council Asbestos Procedure.
- 3) Model Asbestos Policy for NSW Councils (LGNSW)
- 4) Guide to the Model Asbestos Policy for NSW councils (LGNSW)
- 5) Australian Standard AS2601-2001 : The Demolition of Structures.
- 6) Contaminated Land Management Act 1997. (NSW)
- 7) Environmental Planning and Assessment Act 1979. (NSW)
- 8) Environmental Planning and Assessment Regulation 2000. (NSW)
- 9) Local Government Act 1993. (NSW)
- 10) Protection of the Environment Operations Act 1997. (NSW)
- 11) Protection of the Environment Operations (General) Regulation 2009. (NSW)
- 12) Protection of the Environment Operations (Waste) Regulation 2005. (NSW)
- 13) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. (NSW)

Policy

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ITEM 5 - ATTACHMENT 2 ASBESTOS MANAGEMENT POLICY - 23 JUNE 2015 (MINUTE NO. 172).

Policy



- 14) State Environmental Planning Policy No. 55 – Remediation of Land. (NSW)
- 15) Workers Compensation (Dust Diseases) Act 1942. (NSW)

CONTROLLED DOCUMENT INFORMATION:

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TRIM container No	PSC2013-04879	TRIM record No	024
Audience	Employees, Volunteers and Contractors		
Process owner	Group Manager Development Services		
Author	Mike McIntosh		
Review timeframe	Biennial	Next review date	26 June 2017
Adoption date	26 November 2013		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	26/11/2013	Mike McIntosh		343
2	23/6/2015	Mike McIntosh		172

Policy

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Issue Date: 10/06/2015 Printed: 29/05/2015 Review Date: 26/6/2017 Page: 7 of 7

ITEM NO. 6

**FILE NO: 17/78000
RM8 REF NO: PSC2005-2675**

EXTENSION OF WASTE DISPOSAL AGREEMENT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Extend the current Waste Disposal Agreement with Suez until 31 August 2027 under the commercial terms identified in **(ATTACHMENT 1)**.
- 2) Delegate authority to the General Manager to finalise the contract documents.
- 3) Authorise the Mayor and the General Manager to affix the Council seal and sign all contract documents.

**ORDINARY COUNCIL MEETING - 13 JUNE 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Chris Doohan Councillor Sally Dover</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 13 JUNE 2017
MOTION**

<p>126</p>	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council</p> <ol style="list-style-type: none">1) Extend the current Waste Disposal Agreement with Suez until 31 August 2027 under the commercial terms identified in (ATTACHMENT 1).2) Delegate authority to the General Manager to finalise the contract documents.3) Authorise the Mayor and the General Manager to affix the Council seal and sign all contract documents.
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BACKGROUND

The purpose of this report is to seek endorsement to enter into an eight (8) year contract with Suez for the receipt and processing of the waste collected from the kerbside residual (red lid) bin. The current Waste Disposal Agreement commenced in 1999 and is due to expire on the 31 August 2019.

At its meeting of 13 December 2016 (Min. 363) Council resolved to enter into negotiation with Suez with the intention to extend the Waste Disposal Agreement for a period up to 2027. The direct negotiation with Suez was endorsed pursuant to Section 55 3 (i) of the *Local Government Act 1993* because of the unavailability of competitive tenders within the region to provide an advanced waste technology solution that would be compatible with Council's current two bin waste system.

A probity plan was developed and a Probity Officer from PKF was present at all negotiation meetings. Three separate meetings were held between December 2016 and February 2017.

An extension of the Waste Disposal Agreement until 2027 will result in the alignment of contract periods for both the waste and recycling collection contract and the Waste Disposal Agreement. This alignment will enable Council to undertake a detailed review of its waste strategy in 2021 which will inform the next generation of waste collection, recycling and processing systems post 2027. Lead times of this kind are required when planning for any change to waste collection systems and waste processing infrastructure.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Waste Management.	Provide waste and recycling services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no resource implications from endorsing the recommendations of this report. Development of the contract documentation will be done within existing resources with the assistance of Local Government Legal and will be paid for within the existing funds of the Waste Services' budget.

Kerbside waste collection and disposal costs are factored into the reasonable cost calculation for the Domestic Waste Service Charge and Domestic Waste Management Charges (Sections 496 & 501 of the *Local Government Act 1993*). Council's current Domestic Waste Service Charge of \$401 in 2016/17 is the second lowest in the Hunter area and this affords the community with the highest resource recovery rate in the region of 60% for the whole kerbside waste service (red lid and yellow lid bins plus kerbside waste pick up services).

(ATTACHMENT 1) shows the commercial terms that have been negotiated for Council's three main waste types that require processing and disposal by Suez. These waste types are:

- Municipal solid waste (red bin contents).
- Inert waste (bulky waste collection material).
- Green waste (garden and tree waste material).

The commercial terms include the amortised costs of all capital investment to upgrade the infrastructure as well as the full cost of the NSW Waste Levy on residual waste after processing born by Council.

Based on these rates, the table below shows the financial implications on the waste processing and disposal component of the Domestic Waste Service Charge. The table also demonstrates the trends in waste processing and disposal costs since 2015-2016 and the impact that this component of the Domestic Waste Service Charge has on each Rates Notice.

Financial Year	Increase in waste disposal component costs	Increase per Rates Notice
2015-2016	\$371,663	\$11.00
2016-2017	\$153,297	\$4.55
2017-2018 (forecast)	\$270,054	\$7.88
2018-2019 (forecast)	\$265,986	\$7.72
2019-2020 (forecast 1 July to 31 August 2019 which includes the final two months of the current agreement)	\$48,576	\$1.40
2019-2020 (forecast 1 September 2019 to 30 June 2020 which includes the start of the contract extension period)	\$828,636	\$23.90
2020-2021 (forecast)	\$288,000	\$8.26

In the first year of the contract extension (ie 2019-2020), there will be a greater increase in the waste disposal costs per Rates Notice than under the current agreement. This is primarily due to the removal of a contract clause that results in the sharing of costs associated with the NSW Waste Levy on the residual waste that is landfilled after processing.

This waste levy sharing arrangement has been the subject of two deeds of amendment during the term of the original agreement due to changes in law that saw the waste levy rise from \$4 per tonne in 1998-1999 to \$135.70 per tonne in 2016-2017.

Under the terms of the contract extension Council will be liable for the cost of 100% of the NSW Waste Levy on the residual waste that is landfilled after processing. Suez have agreed to increase resource recovery rates to 52% (from 50%) through improvements to sorting techniques at the front end of the process and greater separation of organic matter from the residual waste.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$65,000,000	Estimated total contract value over an eight year period from 2019 to 2027. Source of funds is the Domestic Waste Service Charge (Section 496 and 501)
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Section 55 3 (i) of the *Local Government Act 1993* permits entering into a contract without undertaking an open tender where "because of extenuating circumstances remoteness of locality or the unavailability of competitive and reliable tenderers, a Council decides by resolution (which states the reason for the decision) that a satisfactory result would not be achieved by inviting tenders."

Adopting the recommendation aligns with Council's Waste Management and Resource Recovery Policy, specifically policy statement 1.1.4 "Council is committed to processing residual waste via an Advanced Resource Recovery Technology (ARRT) facility until at least 2019."

The risk implications of adopting the recommendation are outlined in the table below

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if Council does not secure this waste disposal agreement beyond August 2019 there will be no options for resource recovery from municipal solid waste (red lid bin) resulting in high cost landfilling and zero resource recovery.	High	Adopt the recommendations.	Yes
There is a risk that costs to residents would increase unreasonably if Council was to use landfill as its primary disposal option for kerbside waste beyond August 2019.	Medium	Adopt the recommendations.	Yes
There is a risk that Council's reputation would be damaged if Council was to use landfill as the primary waste disposal option instead of a resource recovery option.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations ensures that Council continues to process municipal solid waste using an advanced waste technology that diverts more than 50% of material from landfill and produces a marketable compost product. Council's overall resource recovery rate for the whole kerbside waste service is 60%.

By adopting the recommendation the advanced waste technology facility will continue to operate within Port Stephens, which maintains the current employment opportunities within the local government area.

CONSULTATION

Consultation has been undertaken by the Community Services Section to negotiate an eight (8) year extension to the current waste disposal contract.

Internal

Council's Legal Services Manager and Governance Manager have been consulted to ensure the probity plan was suitable for the purpose.

Council's Finance Services Section Manager, Management Accounting Coordinator and Financial Accounting Coordinator have reviewed the financial modelling for the contract extension.

External

Negotiations were held with Suez over three meetings. Meetings were held on 15 December 2016, 7 February 2017 and 24 February 2017. The meetings were conducted at Council's Administration Building and were attended by an independent Probity Officer from PKF.

OPTIONS

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

ATTACHMENTS

- 1) CONFIDENTIAL Commercial Terms of Waste Disposal Agreement. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7

**FILE NO: 16/475943
RM8 REF NO: PSC2015-0281**

LEASE OF BUILDING AND GROUNDS OF 17G IRRAWANG STREET RAYMOND TERRACE (LOT 2 DP 1226115) TO RAYMOND TERRACE MEN'S SHED

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Acknowledge the submissions and endorse the responses to the Public Exhibition (**ATTACHMENT 1**) of the proposed lease of 17G Irrawang Street Raymond Terrace (Lot 2 DP 1226115) to Raymond Terrace Men's Shed.
- 2) Seek consent from the Minister for Local Government for the proposed lease of 17G Irrawang Street Raymond Terrace (Lot 2 DP 1226115) to Raymond Terrace Men's Shed pursuant to Section 47 of *the Local Government Act 1993*.
- 3) Enter into a Lease for 17G Irrawang Street Raymond Terrace (Lot 2 DP 1226115) with Raymond Terrace Men's Shed, subject to Ministerial consent of same.
- 4) Authorise the Mayor and General Manager to sign and affix the seal of Council to the Lease documentation and any other associated legal documentation for Council owned property situated at 17G Irrawang Street Raymond Terrace (Lot 2 DP1226115) for a lease period of 10 years with an option to renew for a further 10 years in favour of the lessee.

**ORDINARY COUNCIL MEETING - 13 JUNE 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 13 JUNE 2017
MOTION**

127	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Acknowledge the submissions and endorse the responses to the
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MINUTES ORDINARY COUNCIL - 13 JUNE 2017

	<p>Public Exhibition (ATTACHMENT 1) of the proposed lease of 17G Irrawang Street Raymond Terrace (Lot 2 DP 1226115) to Raymond Terrace Men's Shed.</p> <p>2) Seek consent from the Minister for Local Government for the proposed lease of 17G Irrawang Street Raymond Terrace (Lot 2 DP 1226115) to Raymond Terrace Men's Shed pursuant to Section 47 of <i>the Local Government Act 1993</i>.</p> <p>3) Enter into a Lease for 17G Irrawang Street Raymond Terrace (Lot 2 DP 1226115) with Raymond Terrace Men's Shed, subject to Ministerial consent of same.</p> <p>4) Authorise the Mayor and General Manager to sign and affix the seal of Council to the Lease documentation and any other associated legal documentation for Council owned property situated at 17G Irrawang Street Raymond Terrace (Lot 2 DP1226115) for a lease period of 10 years with an option to renew for a further 10 years in favour of the lessee.</p>
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BACKGROUND

The purpose of this report is to recommend the leasing of the grounds and building at 17G Irrawang Street Raymond Terrace (Lot 2 DP 1226115) to Raymond Terrace Men's Shed.

The site is Council owned land that is classified as Community Land. The building was officially opened on 20 December 2016 and a licence to occupy the site was issued to the Raymond Terrace Men's Shed on 21 December 2016. The licence was issued as an interim agreement to ensure legal tenure of the site was in place prior to the subdivision process being completed and thus a lease being issued for the site.

The site has since been subdivided effective from 3 February 2017. The site may now be leased.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Ageing Population.	Identify and plan for the future needs of an ageing population.

FINANCIAL/RESOURCE IMPLICATIONS

The rent model is based on the Community Leasing and Tenancy Policy with the base rent being aligned with the base rent of the NSW Department of Industry – Lands' minimum rent fees. The rent will be allocated to the Assets Section for inclusion as a funding source for asset maintenance programs.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	479	Minimum annual rent based on NSW Department of Industry - Lands minimum rent as at January 2017.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal impediments for adopting the recommendation.

The lease of the land for use as a Men's Shed is in keeping with the Boomerang Park Plan of Management.

Section 47 of *the Local Government Act 1993* requires that Ministerial consent is required for any lease on Community land with a term more than 5 years and where objections have been made through a Public Exhibition of the proposed lease.

The draft lease has been prepared by LG Legal. Rent has been aligned with the NSW Department of Industry – Lands' minimum rent for community organisations (i.e. \$479 per annum as at January 2017).

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be subjected to reputation damage if dealings with the Raymond Terrace Men's Shed are not formalised under the Community Leasing and Tenancy Policy.	Low	Adopt the recommendation.	Yes

MINUTES ORDINARY COUNCIL - 13 JUNE 2017

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that by not formalising tenancy under a lease the tenancy could be terminated unexpectedly and result in interruption to the tenant and reputation damage to Council.	Low	Adopt the recommendation.	Yes
There is a risk that the lessee may use the facilities for activities not suited to the site or area resulting in reputation damage.	Low	Adopt the recommendation.	Yes
There is a risk that leasing the land and building will adversely affect public interest to community land resulting in negative public impact.	Low	Adopt the recommendation in the knowledge that the building was designed and the land was subdivided for the purposes of providing a multi-purpose Men's Shed and community facility.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation ensures a secure tenant to the new community facility and enables the tenant to manage and maintain the facility for community use at an affordable rent.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section. The objective of the consultation was to determine lease conditions that best suit the long term management of a Council owned asset for community use.

Internal

The lease has been prepared after consideration of legal issues provided by the Legal Services Manager and the Property Officer – Community Leasing.

Matters relating to asset management and maintenance schedules for the site have involved staff from the Assets Section and the Capital Works Section. The Contracts

and Services Coordinator is aware of this pending lease that will form part of this role's portfolio of community leases.

External

The draft lease has been prepared by Local Government Legal.

The draft lease has been negotiated and agreed to by the Raymond Terrace Men's Shed.

In accordance with local government legislation the draft lease went on public exhibition from 22 December 2016 to 20 January 2017 for 28 days. A typographical error, relating to the relevant section of the *Local Government Act 1993*, in the Public Notice in the Port Stephens Examiner resulted in a further Public Notice being issued which occurred from 1 March 2017 to 29 March 2017 for 28 days. This second exhibition period included notices being posted on the building, letters being sent to surrounding properties and aerial photographs being included in the documents to show the location of the proposed leased area.

The combined effect was that the intention to lease the land and building to Raymond Terrace Men's Shed was on public exhibition for 56 days in total.

Thirteen (13) submissions in total were received from the two exhibition periods.

A summary of submissions and responses are shown in **(ATTACHMENT 1)**.

A full redacted copy of each submission is provided under separate cover **(TABLED DOCUMENT 1)**.

OPTIONS

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

ATTACHMENTS

- 1) Summary of submissions received - Raymond Terrace Men's Shed.

COUNCILLORS ROOM

- 1) Nil.

TABLED DOCUMENTS

- 1) Full redacted copy of each submission received.

Record of Raymond Terrace Men's Shed Submissions

Submission Number	Submitted By	On Behalf of	Email Address or Street Address (if submission posted)	Date Submission received by PSC	Date of Acknowledgement by PSC	File Reference	Key Points	PSC Response
1	[REDACTED]	Individual	[REDACTED]	17/01/2017	19/01/2017	17/8983	<p>Requested more information relating to the whole lease documentation, specifically:</p> <ul style="list-style-type: none"> ▪ Where can I view the lease and conditions of use; ▪ Who will have control over this community land facility once a lease is in place; ▪ Will the operators of the Men's Shed be sub-letting the community facility to other groups; ▪ What other areas of community land in Boomerang Park does Council proposed to lease to independent bodies. 	<ul style="list-style-type: none"> ▪ Council is required to publically exhibit a lease of Community land when the proposed term exceeds 5 years. This is a requirement of Section 47 of the Local Government Act 1993. ▪ The use of the land will be primarily for activities associated with Raymond Terrace Men's Shed. ▪ The lease includes requirements for the lessee to take bookings for the community space and Technology Room, once established, and to align the fees for these spaces with the fees endorsed by Council for the Raymond Terrace Senior Citizens Centre. ▪ Council has no plans to lease other areas of Boomerang Park to independent bodies.
2	Nigel Waters	Port Stephens Greens	nigel@portstephensgreens.org.au	17/01/2017	19/01/2017	17/10444	<p>Requested more information relating to the whole lease documentation.</p>	<ul style="list-style-type: none"> ▪ A summary of key points relating to the draft lease was provided to the submissioner.

ITEM 7 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS RECEIVED - RAYMOND TERRACE MEN'S SHED.

Submission Number	Submitted By	On Behalf of	Email Address or Street Address (if submission posted)	Date Submission received by PSC	Date of Acknowledgement by PSC	File Reference	Key Points	PSC Response
3	██████████	Individual	██████████	19/01/2017		17/10103	<p>RECOMMEND:</p> <ul style="list-style-type: none"> ▪ Reduce the lease term to four years plus four year option; ▪ That activities at the Shed are not permitted to disturb the enjoyment of the adjacent parkland; ▪ That the rent fee provides a justifiable return to Council for the monetary outlay of the building; ▪ That other community groups who wish to use the Shed to receive fair terms and access. 	<ul style="list-style-type: none"> ▪ Recommend a 10 year term with 10 year option to renew. ▪ Council has built a facility specifically for Men's Shed activities. Establishing a long term lease with a reliable lessee ensures that the facility is used for the purpose it was designed. ▪ The rent proposed is based on full Men's Shed use with access by other community organisations. The rent recommended is the minimum rent for communities groups issued by NSW Department of Industry - Lands. ▪ The lease includes requirements for the lessee to take bookings for the community space and Technology Room, once established, and to align the fees for these spaces with the fees endorsed by Council for the Raymond Terrace Senior Citizens Centre.
4	██████████	Individual	██████████	19/01/2017		17/10292	<p>RECOMMEND:</p> <ul style="list-style-type: none"> ▪ That a lease arrangement and rent model be based on market rent to ensure full return on the value of the property assets; ▪ That the lease term be three to four years with rent reviews at the end of each term with the overall term to be 15 years; ▪ That rent be as close to market as possible. 	<ul style="list-style-type: none"> ▪ Recommend a 10 year term with 10 year option to renew. ▪ Council has built a facility specifically for Men's Shed activities. Establishing a long term lease with a reliable lessee ensures that the facility is used for the purpose it was designed. ▪ The rent proposed is based on full community use with access by other community organisations. The rent recommended is the minimum rent for communities groups issued by NSW Department of Industry - Lands.

ITEM 7 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS RECEIVED - RAYMOND TERRACE MEN'S SHED.

Submission Number	Submitted By	On Behalf of	Email Address or Street Address (if submission posted)	Date Submission received by PSC	Date of Acknowledgement by PSC	File Reference	Key Points	PSC Response
5	Jillian Lye	Boomerang Park Action Group Inc.	jillian.lye@bigpond.com	19/01/2017		17/11006	<p>RECOMMEND:</p> <ul style="list-style-type: none"> That the Public Notice be readvertised as the Notice listed Section 47A of the Local Government Act 1993 rather than Section 47 of the Act 	<ul style="list-style-type: none"> The Public Notice was readvertised for a further 28 days after the error in the initial notice was discovered.
6	[REDACTED]	Individual	[REDACTED]	20/01/2017		17/11028	<p>OPPOSED:</p> <ul style="list-style-type: none"> To a lease that prevents use of the site by other groups. <p>RECOMMEND:</p> <ul style="list-style-type: none"> That answers be provided to the following questions: <ul style="list-style-type: none"> How will the lease impact on other groups using the facility? Does the lease mean that the whole facility will be leased to the Men's Shed group or will only part of the building be leased and the remainder be managed by Council? 	<ul style="list-style-type: none"> Opposition noted. The use of the land will be primarily for activities associated with Raymond Terrace Men's Shed. The lease includes requirements for the lessee to take bookings for the community space and Technology Room, once established, and to align the fees for these spaces with the fees endorsed by Council for the Raymond Terrace Senior Citizens Centre.

ITEM 7 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS RECEIVED - RAYMOND TERRACE MEN'S SHED.

Submission Number	Submitted By	On Behalf of	Email Address or Street Address (if submission posted)	Date Submission received by PSC	Date of Acknowledgement by PSC	File Reference	Key Points	PSC Response
7	██████████	Individual	██████████	20/01/2017		17/11399	<p>OPPOSED:</p> <ul style="list-style-type: none"> To a long term lease to a single organisation in a community facility. <p>RECOMMENDS:</p> <ul style="list-style-type: none"> That errors in the Public Notice in December 2016 be corrected and the Public Notice be re-exhibited; That there are questions as to why the site needs to be subdivided for the lease when there has been other community buildings built on Boomerang Park in the past with no subdivision or lease; That the use of the facility by other groups be clarified to ensure fair access; That the proposed lease term requiring 100% of Outgoings to be paid by the tenant is onerous to a community group that will be running the facility as volunteers; That the proposed lease term be less than or equal to five years. 	<ul style="list-style-type: none"> Opposition noted. The Public Notice was readvertised for a further 28 days after the error in the initial notice was discovered. The land was subdivided to enable a full lease of the site to the Raymond Terrace Men's Shed. The other two buildings are not leased as these are built for community use as a Council run Before and After School Care Centre and as a Senior Citizens Centre run by a 355c Committee of Council. The lease includes requirements for the lessee to take bookings for the community space and Technology Room, once established, and to align the fees for these spaces with the fees endorsed by Council for the Raymond Terrace Senior Citizens Centre. Payment of 100% of outgoings is a standard clause in a lease and has been accepted by the lessee. Council has built a facility specifically for Men's Shed activities. Establishing a long term lease with a reliable lessee ensures that the facility is used for the purpose it was designed.

ITEM 7 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS RECEIVED - RAYMOND TERRACE MEN'S SHED.

Submission Number	Submitted By	On Behalf of	Email Address or Street Address (if submission posted)	Date Submission received by PSC	Date of Acknowledgement by PSC	File Reference	Key Points	PSC Response
8	Nigel Waters	Port Stephens Greens	nigelwaters@westnet.com.au	20/01/2017		17/11542	<p>RECOMMEND:</p> <p>That answers to the following questions be provided in order to make submission:</p> <ul style="list-style-type: none"> ▪ What is the legal status of Raymond Terrace Men's Shed; ▪ What is the area of land to be included in the lease; ▪ What is the lease term and option for renewal; ▪ What are the payment requirements to Council in the lease; ▪ What are the terms relating to control of the facility; ▪ What are the arrangements for other groups to let and use the facility. 	<ul style="list-style-type: none"> ▪ Raymond Terrace Men's Shed is an incorporated association with ABN 87 370 129 235. ▪ The area of land to be included in the lease is Lot 2 DP1226115 known as 17G Irrawang Street Raymond Terrace NSW 2324. ▪ Recommend a 10 year term with 10 year option to renew. ▪ The rent proposed is based on full Men's Shed use with access by other community organisations. The rent recommended is the minimum rent for communities groups issued by NSW Department of Industry - Lands. ▪ The lease includes requirements for the lessee to take bookings for the community space and Technology Room, once established, and to align the fees for these spaces with the fees endorsed by Council for the Raymond Terrace Senior Citizens Centre.

ITEM 7 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS RECEIVED - RAYMOND TERRACE MEN'S SHED.

Submission Number	Submitted By	On Behalf of	Email Address or Street Address (if submission posted)	Date Submission received by PSC	Date of Acknowledgement by PSC	File Reference	Key Points	PSC Response
9	██████████	Individual	████████████████████	20/01/2017		17/11020	<p>RECOMMEND:</p> <ul style="list-style-type: none"> ▪ That the lease term be less than five years to allow the community to provide feedback on the use of the facility; ▪ That a community management board be established to oversee the management of the facility to ensure equal access for other groups; ▪ That the lease include restrictions to ensure noise, smells and the visual effects from the Shed do not intrude on the peaceful enjoyment of the Park; ▪ That trees be planted to replace the trees removed during the construction of the building; ▪ That the lease not proceed as claims the lease is not in keeping with the requirements of the Local Government Act 1993 and the Port Stephens Council Local Environment Plan 2013. <p>OPPOSED:</p> <ul style="list-style-type: none"> ▪ To the use of the site for light industrial purposes; ▪ To the exposure of young people to safety risks within a workshop environment; ▪ To the single gender nature of the facility. 	<ul style="list-style-type: none"> ▪ Recommend a 10 year term with 10 year option to renew. ▪ The lease includes requirements for the lessee to take bookings for the community space and Technology Room, once established, and to align the fees for these spaces with the fees endorsed by Council for the Raymond Terrace Senior Citizens Centre. ▪ The lease includes standard clauses to ensure the lessee uses the facility for the purpose that is was designed and within the regulations regarding pollution and the quiet enjoyment of people using Boomerang Park and the surrounding neighbourhood. ▪ The planting of trees is not a requirement for a lease. ▪ The use of the site is for Men's Shed activities which is in keeping with the Community land classification of the site. ▪ The lessee is required to comply with all laws and regulations relating to workplace health and safety. ▪ Opposition to the single gender nature of a Men's Shed is noted.

ITEM 7 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS RECEIVED - RAYMOND TERRACE MEN'S SHED.

Submission Number	Submitted By	On Behalf of	Email Address or Street Address (if submission posted)	Date Submission received by PSC	Date of Acknowledgement by PSC	File Reference	Key Points	PSC Response
10	Jillian Lye	Boomerang Park Action Group Inc.	jillian.lye@bigpond.com	20/01/2017		17/11657	<p>RECOMMEND:</p> <ul style="list-style-type: none"> ▪ That the Public Notice be readvertised as the Notice listed Section 47A of the Local Government Act 1993 rather than Section 47 of the Act, and the description of the land in the Public Notice was confusing, and there was no Public Notice on the land in question, and the name of the person to who the proposed lease is to be granted was not shown, and a full copy of the draft lease was not made available to the public during the exhibition period; ▪ That the rent amount should be disclosed before a lease is entered into; ▪ That there are concerns regarding governance and access by other community groups if the facility is controlled by the lessee; ▪ That clarification is required around how the facility will be sublet and fees applied once the lease is in place; ▪ That there should be a public debate about the length of the term of the lease (being 10 years plus 10 years); ▪ That Council clarify how the lease will be managed to ensure that more of Boomerang Park cannot be developed or cars parked on areas outside of the leased area. 	<ul style="list-style-type: none"> ▪ The Public Notice was readvertised for a further 28 days after the error in the initial notice was discovered. ▪ The lease includes requirements for the lessee to take bookings for the community space and Technology Room, once established, and to align the fees for these spaces with the fees endorsed by Council for the Raymond Terrace Senior Citizens Centre. ▪ The public exhibition of the proposed lease is the official process whereby people may debate or endorse the proposal to lease Community land for more than 5 years. ▪ The lease is for the defined area being Lot 2 DP1226115. It shall be managed through Councils established processes for the administration of community leases and licences. ▪ Any proposals to create formal car parking spaces on Boomerang Park will be subject to a separate process and be in keeping with the Boomerang Park Plan of Management.

ITEM 7 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS RECEIVED - RAYMOND TERRACE MEN'S SHED.

Submission Number	Submitted By	On Behalf of	Email Address or Street Address (if submission posted)	Date Submission received by PSC	Date of Acknowledgement by PSC	File Reference	Key Points	PSC Response
11	[REDACTED]	Individual	[REDACTED]	20/01/2017		17/12025	<p>RECOMMEND:</p> <ul style="list-style-type: none"> That Council build a four Petanque courts at Boomerang Park to be managed by the author. 	<ul style="list-style-type: none"> The public exhibition for the proposed lease of Lot 2 DP 1226115 to Raymond Terrace Men's Shed does not include any proposal for Petanque courts. This matter has been referred to the Community and Recreation Planning Team for consideration against the Boomerang Park Plan of Management.
12	[REDACTED]	Individual	[REDACTED]	24/02/2017		17/52135	<p>RECOMMEND:</p> <p>Questioned the interim access arrangements for the facility given the lease has not been finalised.</p>	<ul style="list-style-type: none"> The facility has been occupied since 24 December 2016 under an interim licence agreement until the lease is finalised. The licence permits access and activities associated with a Men's Shed organisation.
13	Fr. Kevin Kiem	St. Brigid's Catholic Church	rtparish@mn.catholic.org.au	02/03/2017	06/03/2017	17/56007	<p>SUPPORT:</p> <ul style="list-style-type: none"> In favour of the Men's Shed. <p>RECOMMEND:</p> <ul style="list-style-type: none"> That an 'entry' access road be built from Elizabeth Street to the Men's Shed car park and that the access to the Men's Shed car park from Irrawang Street become "exit only" to lessen traffic impacts on Irrawang Street. 	<ul style="list-style-type: none"> Support of the Men's Shed is noted. Recommended access road from Elizabeth Street access to the Men's Shed site is to be considered as part of Council's Community and Recreation Planning function and is not a matter for the proposed lease.

ITEM NO. 8

**FILE NO: 17/90664
RM8 REF NO: PSC2016-02892 and
PSC2016-02870**

PORT STEPHENS COUNCIL INTEGRATED PLANS 2013-2023. INCLUDING FEES AND CHARGES 2017-2018 AND MAKING OF RATES AND CHARGES 2017-2018

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes that no submissions were received related to the Integrated Plans 2013-2023;
- 2) Adopt the Integrated Plans 2013-2023;
- 3) Consider the submission received and recommendations in **(ATTCHMENT 1)** related to the Fees and Charges for 2017-2018;
- 4) Adopt the Fees and Charges 2017-2018 as amended;
- 5) Make the rates and charges for 2017-2018 in accordance with **(ATTACHMENT 2)**.
- 6) Authorise the General Manager to secure loan funding up to the amount of \$2 million for the construction of Ferodale Park Sports Complex in Medowie;
- 7) Authorise the General Manager to secure loan funding to the amount of \$6 million for projects as previously resolved by Council;
- 8) Grant authority to affix the Council Seal where necessary to the loan documentation for the above mentioned loans.

**ORDINARY COUNCIL MEETING - 13 JUNE 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Chris Doohan Councillor Sally Dover</p> <p>That Council:</p> <ol style="list-style-type: none">1) Notes that no submissions were received related to the Integrated Plans 2013-2023;2) Adopt the Integrated Plans 2013-2023;3) Consider the submission received and recommendations in (ATTCHMENT 1) related to the Fees and Charges for 2017-2018;4) Adopt the Fees and Charges 2017-2018 as amended;5) Make the rates and charges for 2017-2018 in accordance with (ATTACHMENT 2).
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MINUTES ORDINARY COUNCIL - 13 JUNE 2017

	<ol style="list-style-type: none">6) Authorise the General Manager to secure loan funding up to the amount of \$2 million for the construction of Ferodale Park Sports Complex in Medowie;7) Authorise the General Manager to secure loan funding to the amount of \$6 million for projects as previously resolved by Council;8) Grant authority to affix the Council Seal where necessary to the loan documentation for the above mentioned loans.9) Include the full definitions of the fees and charges categories in the Fees and Charges document, which includes the not for profit category.
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ORDINARY COUNCIL MEETING - 13 JUNE 2017 MOTION

128	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Notes that no submissions were received related to the Integrated Plans 2013-2023;2) Adopt the Integrated Plans 2013-2023;3) Consider the submission received and recommendations in (ATTACHMENT 1) related to the Fees and Charges for 2017-2018;4) Adopt the Fees and Charges 2017-2018 as amended;5) Make the rates and charges for 2017-2018 in accordance with (ATTACHMENT 2).6) Authorise the General Manager to secure loan funding up to the amount of \$2 million for the construction of Ferodale Park Sports Complex in Medowie;7) Authorise the General Manager to secure loan funding to the amount of \$6 million for projects as previously resolved by Council;8) Grant authority to affix the Council Seal where necessary to the loan documentation for the above mentioned loans.9) Include the full definitions of the fees and charges categories in the Fees and Charges document, which includes the not for profit category.
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BACKGROUND

The purpose of this report is to provide to Council a report on submissions received concerning the Integrated Plans 2013-2023 and fees and charges proposed for 2017-2018; and to make the rates and charges for 2017-2018. The proposed rates and charges reflect those included in the Statement of Revenue Policy contained in the Operational Plan 2017-2018. Legislation requires the 2017-2018 rates to be

MINUTES ORDINARY COUNCIL - 13 JUNE 2017

calculated using 1 July 2016 base date land values. Proposed resolutions relating to loans is included in the report as part of the Long Term Financial Plan.

On 30 May 2017 the State government announced that it was deferring the implementation of its new Fire and Emergency Services Levy which was to commence on 1 July 2017. This levy was to have been set by the State government and included on Council rate notices. As it is now understood the existing system of emergency levy via property insurance will continue to apply.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
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

Integrated Plan Submissions

There were no submissions received relating to the Integrated Plans (including the Operational Plan 2017-2018), nor to the Long Term Financial Plan and Asset Management Plan.

Fees and Charges 2017-2018

There was one submission received relating to fees and charges for use of the Mallabula Hall (**ATTACHMENT 1**). The committee of that facility has recommended to Council a schedule of fees that has one rate for registered charities and one rate for all other hall users. The submission asserts that, not being a registered charity but rather a not for profit community group, charging the 'for profit' default fee is unfair and jeopardises the continuation of the group.

Making the rates and charges 2017-2018

There were no submissions related to the rates and charges for 2017-2018 as exhibited in the Statement of Revenue Policy in the Operational Plan 2017-2018.

The Independent Pricing and Regulatory Tribunal (IPART) has set the rate peg for 2017-2018 at 1.5%. Rates and charge income must be collected in a timely manner to ensure cash flow to fund Council operations.

Long Term Financial Plan – Loans

Sections 621-624 of the *Local Government Act 1993* and Regulations 229-230 of the *Local Government General Regulation 2005* govern local government borrowings. The Long Term Financial Plan provides for borrowings of a total of \$8 million for capital works projects. Borrowings require the Council's seal to be affixed and use of the seal requires a resolution of Council (Regulation 400(4)).

There are no other resource implications beyond normal operational requirements.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Levy and collection functions are within existing operational budget. Electronic publication is within existing operational budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Under Section 405(3) of the *Local Government Act 1993* Council is required to place its Operational Plan annually on exhibition for 28 days and consider submissions received during that period. It is also required under Section 403 to review its Resource Strategy annually. The Integrated Plans must be adopted by Council prior to 30 June in any given year.

Under Section 610F of the *Local Government Act 1993* Council is required to place on public exhibition its proposed fees and charges for a period of 28 days and consider any submissions received. The Fees and Charges must be adopted by 30 June in any given year.

Sections 532-543 of the *Local Government Act 1993* specify the requirements to make rates and charges in any given year. The legislation requires rates and charges to be made annually by Council resolution and serviced by 1 August. Council must obtain Independent Pricing and Regulatory Tribunal (IPART) approval to exceed the rate pegging limit.

General Regulation 400(4) requires a resolution of Council to affix the Council's seal.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the Integrated Plans are not adopted in the timeframe required by legislation, leading to breach of legislation and loss of reputation.	Low	Council will adopt the Integrated Plans.	Yes
There is a risk that that the Fees and Charges are not adopted in the timeframe required by legislation, leading to breach of legislation, loss of reputation and loss of revenue.	Low	Council will adopt the Fees and Charges.	Yes
There is a risk that failure to make and serve rate notices by 1 August will defer the due date of first instalment payment to 30 November adversely affecting cash flow.	High	Council will make rates and serve notices before 1 August.	Yes
There is a risk that income may exceed the rate pegging limit.	Low	Notional income calculated prior to levy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Rate and charge income is necessary for Council to deliver the services outlined in the Integrated Plans. As required by the *Local Government Act 1993* the Integrated Plans, including the Resource Strategy and the Fees and Charges for 2017-2018, were developed and reviewed in accordance with the principles of equity and social justice. They contain themes which expand the social, economic and environmental sections of the Community Strategic Plan 2013-2023.

CONSULTATION

The draft Integrated Plans (including the Statement of Revenue Policy) and draft Fees and Charges 2017-2018 were placed on public exhibition from 1 to 30 April 2017 and submissions invited from members of the public through advertisement in the Council page of the Port Stephens Examiner newspaper; on Council's website;

MINUTES ORDINARY COUNCIL - 13 JUNE 2017

and copies were made available at Council's Administration Building and through its libraries.

A Council two-way conversation was conducted on 21 February 2017 where the general rates revaluation was explained and it was accepted to place the Long Term Financial Plan on public exhibition for the statutory period.

The submission received is detailed in **(ATTACHMENT 1)**.

OPTIONS

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

ATTACHMENTS

- 1) Submission - Fees and Charges 2017-2018.
- 2) Making of Rates 2017-2018.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 13 JUNE 2017**ITEM 8 - ATTACHMENT 1 SUBMISSION - FEES AND CHARGES 2017-2018.****Attachment 1 Submission related to Fees and Charge 2017-2018**

No.	From	Details	Recommendation
1	Representative of Tilligerry Lifeball	<p>This group has used Mallabula Community Centre and it is a not for profit community group. Mallabula Community Centre Committee has provided to Council its recommended fees for hire of the facility for 2017-2018, being one fee for registered charities (\$9.50 per hour) and one fee (\$14.50 per hour) for community groups that are not for profit, including Tilligerry Lifeball. The coordinator of Tilligerry Lifeball states that at this fee level the community group he represents would become unviable.</p> <p><i>Comment: Most hall committees have either a 3-tiered fee structure (for profit, registered charities and community groups) or a 2-tier structure which has for profit and a combined charities/community groups fee. However Mallabula Community Centre Committee has determined its 3 tier recommended fee structure of registered charities and community groups that are not registered charities; and all other users per event. On 8 February 2017 Mallabula Community Centre Committee advised it was happy with the fee structure. It has been Council's normal practice in previous years to accept what fees committees put forward for the facilities they manage.</i></p>	That Council notes the correspondence.

ITEM 8 - ATTACHMENT 2 MAKING OF RATES 2017-2018.

Attachment 2: SCHEDULE OF RATES AND CHARGES 2017-2018

- 1) Make ordinary rates in accordance with the following schedule for 2017-2018 using 1 July 2016 base date land values.

Type of rate	Name of rate	Category rate applies to	Ad Valorem Rate c in \$	Base Amount \$	% of yield from base amount
Ordinary	Residential	Residential	0.2961c	\$360.00	35%
Ordinary	Farmland	Farmland	0.2961c	\$360.00	22%
Ordinary	Business	Business	0.8305c	\$1,520.00	35%
Ordinary	Mining	Mining	0.8305c	\$0.00	

- 2) Levy on behalf of Hunter Local Land Services a catchment contribution at the rate determined by the Service for 2017-2018 on all rateable land with a land value of \$300 or more in the defined catchment area. The defined catchment area is shown on the Hunter Local Land Services Contribution Area map.

- 3) Fix the interest rate to apply to overdue rates and charges in 2017-2018 at the maximum rate as determined by the Minister for Local Government.

- 4) Levy on behalf of the NSW Government the Fire and Emergency Services Levy at the various classification base charges and ad valorem rates as determined by NSW Treasury.

- 5) Make the following annual Domestic Waste Management Charges and Waste Management Charges for 2017-2018. All rateable assessments that are undeveloped (ie. have no buildings erected upon them) will be levied either a Domestic Waste Management Charge or a Waste Management Charge. All developed rateable assessments (ie. have a building/s erected upon them) will be levied either a Domestic Waste Management Service Charge or a Waste Management Service Charge in addition to the Domestic Waste Management Charge/Waste Management Charge.

Charge type	Charge code	Charge name	Land category charge applies to	Amount of charge
Domestic Waste Management <i>(s496 Local Government Act, 1993)</i>	6-63	Domestic Waste Management Charge	All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Service Charge (7-73).	\$55.00 per assessment

ITEM 8 - ATTACHMENT 2 MAKING OF RATES 2017-2018.

Waste Management Charge (s501 Local Government Act, 1993)	6-64	Waste Management Charge	All rateable land categorised as Mining or Business. All rateable land categorised as Farmland except land that is levied a s501 Additional Farm Waste Management Charge (6-65). All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Charge (6-63). All non-rateable land that uses the Domestic Waste Management Service.	\$55.00 per assessment
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ITEM 8 - ATTACHMENT 2 MAKING OF RATES 2017-2018.

Charge type	Charge code	Charge name	Land category charge applies to	Amount of charge
Waste Management Charge (s501 Local Government Act, 1993)	6-65	Additional Farm Waste Management Charge	All rateable land categorised as Farmland where more than one assessment is held in the same ownership and those assessments are operated as a single farming entity, then the Waste Management Charge (6-64) is to be levied on the first assessment and this Additional Farm Waste Management Charge (6-65) is to be levied on the second and subsequent assessments.	\$1.00 per assessment
Domestic Waste Management (s496 Local Government Act, 1993)	7-73 or 10-73	Domestic Waste Management Service Charge	All developed rateable land categorised as Residential or Farmland, whether occupied or unoccupied. All non-rateable land that uses the Domestic Waste Management Service.	\$415.00 per dual 240 litre or 360 litre (recycling only) bin service
Waste Management Charge (s501 Local Government Act, 1993)	7-74 or 19-74	Waste Management Service Charge	All developed rateable land categorised as Mining or Business, whether occupied or unoccupied.	\$415.00 per dual 240 litre or 360 litre (recycling only) bin service
Waste Management Charge (s501 Local Government Act, 1993)	3-74	Waste Service Charge – Additional Red Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$230.00 per additional waste (red lid) bin
Waste Management Charge (s501 Local Government Act, 1993)	4-74 or 18-74	Waste Service Charge – Additional Yellow Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$120.00 per additional recycling (yellow lid) bin

ITEM NO. 9

**FILE NO: 17/98492
RM8 REF NO: PSC2017-00178**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Mayor and Ward Funds to the following:-
 - a. Mayoral Funds – Mayor MacKenzie – Anna Bay Scouts - \$1,000 Donation towards travel opportunity to Norfolk Island.
 - b. Mayoral Funds – Mayor MacKenzie – Fighter World - \$1,000 Donation towards the preservation of the Sabre Aircraft at Fighter World.
 - c. Mayoral Funds – Mayor MacKenzie – Seaham Netball Club - \$500 Donation towards purchase of new equipment.
 - d. Mayoral Funds – Mayor MacKenzie – Nelson Bay Australia Day Committee - \$1,000 Donation towards January 2018 celebrations.
 - e. Mayoral Funds – Mayor MacKenzie – Grahamstown Public School - \$500 Donation towards purchase of defibrillator.
 - f. Mayoral Funds – Mayor MacKenzie – Tilligerry Arts Group - \$1,000 Donation towards repairs to roof, wiring and sliding door at fire station.
 - g. East Ward – Cr Dover – Nelson Bay Dive - \$500 Donation towards concrete blocks to be installed at Fly Point dive site.
 - h. East Ward – Cr Dover – Tomaree Youth Community Action Inc. - \$1,000 Donation towards continuance of Snak 'n' Rap Outreach program.
 - i. East Ward – Cr Nell – Fingal Bay Parks & Reserves - \$1,500 Donation towards Barry Park track.
 - j. East Ward – Council – Soldiers Point Public School - \$123.47 Donation towards canteen food inspection.
 - k. East Ward – Council – Tomaree Public School - \$123.47 Donation towards canteen food inspection.
 - l. East Ward – Council – St Philip's Christian College - \$123.47 Donation towards canteen food inspection.
 - m. East Ward – Council – Shoal Bay Public School - \$123.47 Donation towards canteen food inspection.
 - n. East Ward – Council – Tomaree High School - \$123.47 Donation towards canteen food inspection.
 - o. Central Ward – Cr Tucker – Tanilba Bay Senior Citizens - \$458 Donation towards refund of Council rates/waste charges.
 - p. Central Ward – Cr Doohan – Fighter World - \$1,000 Donation towards the preservation of the Sabre Aircraft at Fighter World.
 - q. Central Ward – Council – Salt Ash Public School - \$123.47 Donation towards

MINUTES ORDINARY COUNCIL - 13 JUNE 2017

- canteen food inspection.
- r. Central Ward – Council – Anna Bay Public School - \$123.47 Donation towards canteen food inspection.
 - s. Central Ward – Council – Wirreanda Primary School - \$123.47 Donation towards canteen food inspection.
 - t. Central Ward – Council – Tanilba Bay Public School - \$123.47 Donation towards canteen food inspection.
 - u. West Ward – Cr Kafer – Lakeside Dance Challenge - \$500 Donation towards Raymond Terrace dance eisteddfod.
 - v. West Ward – Council – Raymond Terrace Public School - \$123.47 Donation towards canteen food inspection.
 - w. West Ward – Council – Hinton Public School - \$123.47 Donation towards canteen food inspection.
 - x. West Ward – Council – St Brigid's Primary School - \$123.47 Donation towards canteen food inspection.
 - y. West Ward – Council – Karuah Public School - \$123.47 Donation towards canteen food inspection.
 - z. West Ward – Council – Irrawang Public School - \$123.47 Donation towards canteen food inspection.
 - aa. West Ward – Council – Irrawang High School - \$123.47 Donation towards canteen food inspection.

ORDINARY COUNCIL MEETING - 13 JUNE 2017
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor John Nell Councillor Sally Dover</p> <p>That the recommendation be adopted.</p>
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ORDINARY COUNCIL MEETING - 13 JUNE 2017
MOTION

129	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council approves 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> <ul style="list-style-type: none"> a. Mayoral Funds – Mayor MacKenzie – Anna Bay Scouts - \$1,000 Donation towards travel opportunity to Norfolk Island. b. Mayoral Funds – Mayor MacKenzie – Fighter World - \$1,000 Donation towards the preservation of the Sabre Aircraft at Fighter World. c. Mayoral Funds – Mayor MacKenzie – Seaham Netball Club - \$500 Donation towards purchase of new equipment.
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MINUTES ORDINARY COUNCIL - 13 JUNE 2017

- d. Mayoral Funds – Mayor MacKenzie – Nelson Bay Australia Day Committee - \$1,000 Donation towards January 2018 celebrations.
- e. Mayoral Funds – Mayor MacKenzie – Grahamstown Public School - \$500 Donation towards purchase of defibrillator.
- f. Mayoral Funds – Mayor MacKenzie – Tilligerry Arts Group - \$1,000 Donation towards repairs to roof, wiring and sliding door at fire station.
- g. East Ward – Cr Dover – Nelson Bay Dive - \$500 Donation towards concrete blocks to be installed at Fly Point dive site.
- h. East Ward – Cr Dover – Tomaree Youth Community Action Inc. - \$1,000 Donation towards continuance of Snak 'n' Rap Outreach program.
- i. East Ward – Cr Nell – Fingal Bay Parks & Reserves - \$1,500 Donation towards Barry Park track.
- j. East Ward – Council – Soldiers Point Public School - \$123.47 Donation towards canteen food inspection.
- k. East Ward – Council – Tomaree Public School - \$123.47 Donation towards canteen food inspection.
- l. East Ward – Council – St Philip's Christian College - \$123.47 Donation towards canteen food inspection.
- m. East Ward – Council – Shoal Bay Public School - \$123.47 Donation towards canteen food inspection.
- n. East Ward – Council – Tomaree High School - \$123.47 Donation towards canteen food inspection.
- o. Central Ward – Cr Tucker – Tanilba Bay Senior Citizens - \$458 Donation towards refund of Council rates/waste charges.
- p. Central Ward – Cr Doohan – Fighter World - \$1,000 Donation towards the preservation of the Sabre Aircraft at Fighter World.
- q. Central Ward – Council – Salt Ash Public School - \$123.47 Donation towards canteen food inspection.
- r. Central Ward – Council – Anna Bay Public School - \$123.47 Donation towards canteen food inspection.
- s. Central Ward – Council – Wirreanda Primary School - \$123.47 Donation towards canteen food inspection.
- t. Central Ward – Council – Tanilba Bay Public School - \$123.47 Donation towards canteen food inspection.
- u. West Ward – Cr Kafer – Lakeside Dance Challenge - \$500 Donation towards Raymond Terrace dance eisteddfod.
- v. West Ward – Council – Raymond Terrace Public School - \$123.47 Donation towards canteen food inspection.
- w. West Ward – Council – Hinton Public School - \$123.47 Donation towards canteen food inspection.
- x. West Ward – Council – St Brigid's Primary School - \$123.47 Donation towards canteen food inspection.
- y. West Ward – Council – Karuah Public School - \$123.47 Donation towards canteen food inspection.
- z. West Ward – Council – Irrawang Public School - \$123.47 Donation towards canteen food inspection.

MINUTES ORDINARY COUNCIL - 13 JUNE 2017

	aa. West Ward – Council – Irrawang High School - \$123.47 Donation towards canteen food inspection.
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BACKGROUND

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by 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:

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:-

WEST WARD – Councillors Jordan, Kafer & Le Mottee

Lakeside Dance Challenge	Donation towards Raymond Terrace dance eisteddfod.	\$500
Raymond Terrace Public School	Donation towards canteen food inspection.	\$123.47
Hinton Public School	Donation towards canteen food inspection.	\$123.47
St Brigid's Primary School	Donation towards canteen food inspection.	\$123.47
Karuah Public School	Donation towards canteen food inspection.	\$123.47
Irrawang Public School	Donation towards canteen food inspection.	\$123.47
Irrawang High School	Donation towards canteen food inspection.	\$123.47

CENTRAL WARD – Councillors Dingle, Doohan & Tucker

Tanilba Bay Senior Citizens	Donation towards refund of Council rates/waste charges.	\$458
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MINUTES ORDINARY COUNCIL - 13 JUNE 2017

Fighter World	Donation towards preservation of the Sabre Aircraft at Fighter World.	\$1,000
Salt Ash Public School	Donation towards canteen food inspection.	\$123.47
Anna Bay Public School	Donation towards canteen food inspection.	\$123.47
Wirreanda Primary School	Donation towards canteen food inspection.	\$123.47
Tanilba Bay Public School	Donation towards canteen food inspection.	\$123.47

EAST WARD – Councillors Dover, Morello & Nell

Fingal Bay Parks & Reserves	Donation towards Barry Park track.	\$1,500
Nelson Bay Dive	Donation towards concrete blocks to be installed at Fly Point dive site.	\$500
Tomaree Youth Community Action Inc.	Donation towards continuance of Snak 'n' Rap Outreach program.	\$1,000
Soldiers Point Public School	Donation towards canteen food inspection.	\$123.47
Tomaree Public School	Donation towards canteen food inspection.	\$123.47
St Philip's Christian College	Donation towards canteen food inspection.	\$123.47
Shoal Bay Public School	Donation towards canteen food inspection.	\$123.47
Tomaree High School	Donation towards canteen food inspection.	\$123.47

MAYORAL FUNDS – Mayor MacKenzie

Fighter World	Donation towards the preservation of the Sabre Aircraft at Fighter World.	\$1,000
Anna Bay Scouts	Donation towards travel opportunity to Norfolk Island.	\$1,000
Seaham Netball Club	Donation towards purchase of new equipment.	\$500
Nelson Bay Australia Day Committee	Donation towards January 2018 celebrations.	\$1,000
Grahamstown Public School	Donation towards purchase of defibrillator.	\$500
Tilligerry Arts Group	Donation towards repairs to roof, wiring and sliding door at fire station.	\$1,000

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		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.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the General Manager's Office.

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 10

FILE NO: 17/109440
RM8 REF NO: PSC2017-00015**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 13 June 2017.

No:	Report Title	Page:
1	CASH AND INVESTMENTS HELD AS AT 30 APRIL 2017	157
2	ANNUAL DESIGNATED PERSONS - PECUNIARY INTEREST RETURNS	161
3	QUARTERLY REPORT OF MAYOR AND COUNCILLORS EXPENSES 2016-2017	165
4	DESIGNATED PERSONS' RETURN	171

**ORDINARY COUNCIL MEETING - 13 JUNE 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Sally Dover That the recommendation be adopted.
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130	Councillor Chris Doohan Councillor Paul Le Mottee It was resolved that Council move out of Committee of the Whole.
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Councillor John Nell left the meeting at 6:24pm in Open Council.

**ORDINARY COUNCIL MEETING - 13 JUNE 2017
MOTION**

131	Councillor Ken Jordan Councillor Chris Doohan
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MINUTES ORDINARY COUNCIL - 13 JUNE 2017

Receives and notes the Information Papers listed below being presented to Council on 13 June 2017.

No:	Report Title
1	CASH AND INVESTMENTS HELD AS AT 30 APRIL 2017
2	ANNUAL DESIGNATED PERSONS - PECUNIARY INTEREST RETURNS
3	QUARTERLY REPORT OF MAYOR AND COUNCILLORS EXPENSES 2016-2017
4	DESIGNATED PERSONS' RETURN

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 17/88416
RM8 REF NO: PSC2006-6531**

CASH AND INVESTMENTS HELD AS AT 30 APRIL 2017

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 April 2017.

ATTACHMENTS

- 1) Cash and investments held at 30 April 2017.
- 2) Monthly cash and investments balance March 2016 to April 2017.
- 3) Monthly Australian Term Deposit Index April 2016 to April 2017.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 13 JUNE 2017

ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS HELD AT 30 APRIL 2017.

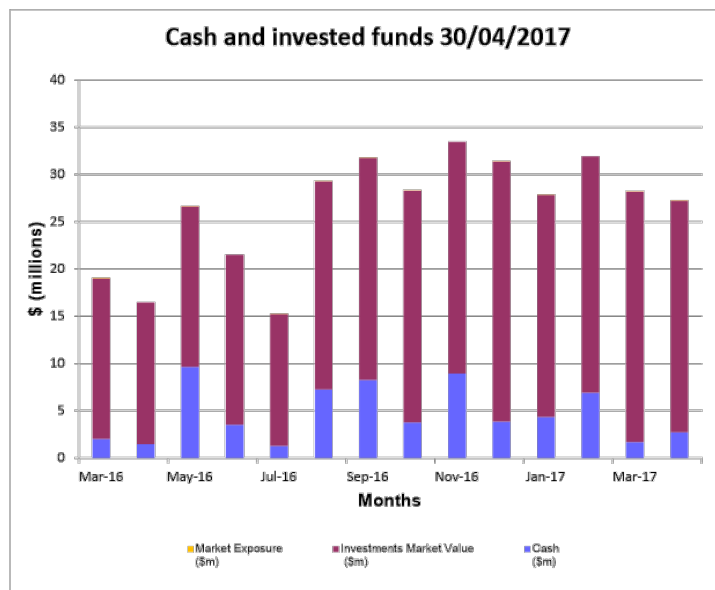
CASH AND INVESTMENTS HELD AS AT 30 APRIL 2017

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
ME BANK	ME BANK	BBB+	TD	2.85%	133	3-May-17	2,000,000	2,000,000
AMP BANK	FARQUHARSON	A+	TD	3.00%	364	17-May-17	2,000,000	2,000,000
BANK OF QUEENSLAND	BOQ	A+	TD	2.80%	182	14-Jun-17	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.57%	126	28-Jun-17	2,000,000	2,000,000
POLICE CREDIT UNION LTD (SA)	FARQUHARSON	NR	TD	2.85%	182	12-Jul-17	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.56%	127	12-Jul-17	2,000,000	2,000,000
BANANA COAST CREDIT UNION	CURVE	NR	TD	2.60%	126	12-Jul-17	1,000,000	1,000,000
SUNCORP	SUNCORP	A+	TD	2.65%	182	9-Aug-17	2,000,000	2,000,000
SUNCORP	SUNCORP	A+	TD	2.65%	182	23-Aug-17	1,500,000	1,500,000
AMP BANK	CURVE	A+	TD	2.75%	184	8-Sep-17	2,000,000	2,000,000
MAITLAND MUTUAL	RIM	NR	TD	2.80%	196	20-Sep-17	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.58%	196	4-Oct-17	2,000,000	2,000,000
HUNTER UNITED EMPLOYEES CU	RIM	NR	TD	2.80%	189	11-Oct-17	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.60%	210	18-Oct-17	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.60%	209	18-Oct-17	1,000,000	1,000,000
SUB TOTAL (\$)							23,500,000	23,500,000
OTHER INVESTMENTS								
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	1,012,822
SUB TOTAL (\$)							1,017,877	1,012,822
INVESTMENTS TOTAL (\$)							24,517,877	24,512,822
CASH AT BANK (\$)							2,747,201	2,747,201
TOTAL CASH AND INVESTMENTS (\$)							27,265,078	27,260,023
CASH AT BANK INTEREST RATE				1.90%				
BBSW FOR PREVIOUS 3 MONTHS				1.83%				
AVG. INVESTMENT RATE OF RETURN				2.60%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								

ITEM 1 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE MARCH 2016 TO APRIL 2017.

CASH AND INVESTMENTS BALANCE

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
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
Jul-16	1.277	13.998	0.020	15.294
Aug-16	7.269	21.998	0.020	29.287
Sep-16	8.289	23.498	0.020	31.807
Oct-16	3.786	24.503	0.015	28.304
Nov-16	8.940	24.506	0.012	33.458
Dec-16	3.875	27.507	0.010	31.393
Jan-17	4.346	23.507	0.010	27.864
Feb-17	6.916	25.011	0.007	31.934
Mar-17	1.689	26.512	0.005	28.206
Apr-17	2.747	24.513	0.005	27.265

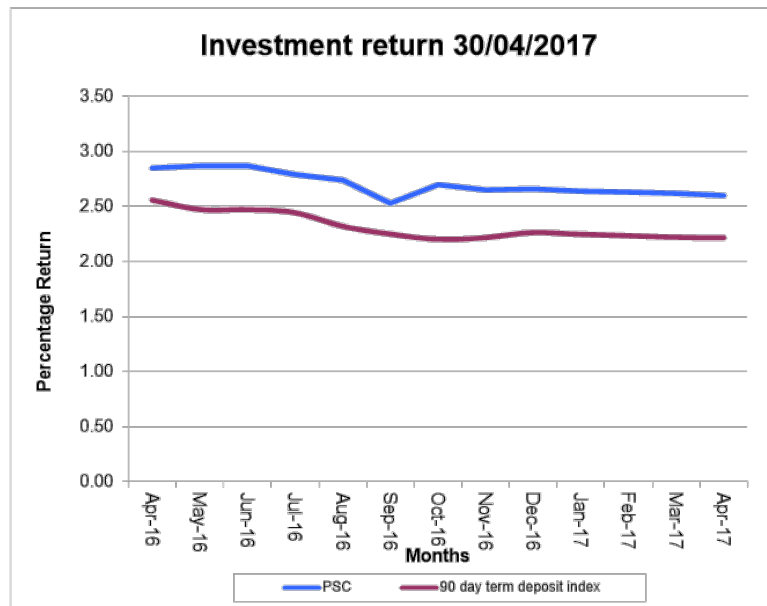


*market exposure is the difference between the face value of an investment and its current market value.

**ITEM 1 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX
APRIL 2016 TO APRIL 2017.**

AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

Date	90 day term deposit index	PSC
Apr-16	2.5578	2.85
May-16	2.4730	2.87
Jun-16	2.4727	2.87
Jul-16	2.4442	2.79
Aug-16	2.3210	2.74
Sep-16	2.2495	2.53
Oct-16	2.2025	2.70
Nov-16	2.2183	2.65
Dec-16	2.2637	2.66
Jan-17	2.2474	2.64
Feb-17	2.2357	2.63
Mar-17	2.2214	2.62
Apr-17	2.2163	2.60



ITEM NO. 2

**FILE NO: 17/95500
RM8 REF NO: PSC2016-00018**

ANNUAL DESIGNATED PERSONS - PECUNIARY INTEREST RETURNS

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

BACKGROUND

The purpose of this report is to advise Council of the persons designated for the submission of Pecuniary Interest Returns for the period 1 July 2017 to 30 June 2018.

Councillors

Mayor Bruce MacKenzie
Cr Geoffrey Dingle
Cr Christopher Doohan
Cr Sally Dover
Cr Kenneth Jordan
Cr Peter Kafer
Cr Paul Le Mottee
Cr John Morello
Cr John Nell
Cr Steve Tucker

General Manager's Office

General Manager
Governance Manager
Legal Services Manager

Corporate Services Group

Beachside Holiday Park Manager
Business Development Manager
Business Systems Support Section Manager
Facilities Coordinator
Financial Services Section Manager
Group Manager Corporate Services
Investment and Asset Manager
Land Acquisition and Development Manager
Organisation Development Section Manager
Property Development Coordinator
Property Officer
Property Services Section Manager

Development Services Group

Building and Developer Relations Coordinator
Cadet Building Surveyor
Cadet Environmental Health Officer
Cadet Planner
Communicate Port Stephens Coordinator
Communications Section Manager
Development Assessment and Compliance Section Manager
Development Compliance Officer
Development Contributions Officer
Development Planner x 3
Economic Development Coordinator
Economic Development Project Officer
Environment Health and Compliance Project Officer
Environmental Health and Compliance Coordinator
Environmental Health Officer x 2
Environmental Health Team Leader
Group Manager Development Services
Health and Building Surveyor x 4
Natural Resources Coordinator x 2
Planning and Developer Relations Coordinator
Principal Strategic Planner
Ranger x 3
Ranger Team Leader and Compliance
Senior Building Surveyor x 3
Senior Development Planner x 2
Senior Executive Planner
Senior Environmental Health Officer
Senior Environmental Planner
Senior Health and Building Surveyor Fire Safety
Senior Health and Building Surveyor Swim
Senior Ranger
Senior Social Planning Officer
Senior Strategic Planner x 2
Social Planning Officer
Strategic Planner x 4
Strategic Planning Coordinator
Strategy and Environment Section Manager
Tourism and Events Coordinator
Vegetation Management Officer
Waste Compliance and Strategy Coordinator

Facilities & Services Group

Assets Section Manager
Building Trades Coordinator
Building Trades team leader Carpentry
Building Trades team leader Electrical
Building Trades team leader Painting
Building Trades team leader Plumbing
Capital Works Section Manager
Children's Services Coordinator
Civil Assets Planning Manager
Civil Assets Planning Engineer
Civil Projects Engineer
Community and Recreation Asset Officer
Community and Recreation Coordinator
Community and Recreation Liaison Officer
Community Services Section Manager
Coordinator – Roadside and Drainage
Development Engineer x 2
Drainage and Flooding Engineer x 2
Engineering Services Manager
Facilities and Services Officer x 4
Fleet and Depot Services Coordinator
Fleet Management Supervisor
Group Manager Facilities and Services
Library Services Manager
Parks Programs Coordinator
Project Manager - Construction
Project Manager - Design
Project Manager – RMS/Reseals
Project Manager - Survey
Project Manager Civil/Landscape
Public Domain and Services Manager
Roads Maintenance Supervisor
Senior Community and Recreation Planning Officer
Senior Development Engineer
Senior Drainage and Flooding Engineer
Traffic Engineer
Waste Management Coordinator

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 17/101638
RM8 REF NO: PSC2015-02258**

QUARTERLY REPORT OF MAYOR AND COUNCILLORS EXPENSES 2016-2017

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 October, November and December 2016; and January, February and March 2017.

The tables at **(ATTACHMENT 1 AND 2)** include the total number of meetings attended during these periods.

ATTACHMENTS

- 1) Councillors expense register quarter ending December 2016.
- 2) Councillors expense register quarter ending March 2017.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Councillors Expenses Quarterly Report - October, November and December 2016

			Cr Bruce Mackenzie	Cr Chris Doohan	Cr Geoff Dingle	Cr John Morello	Cr John Neil	Cr Ken Jordan	Cr Paul Le Moitice	Cr Peter Kalfce	Cr Sally Dover	Cr Steve Tucker	TOTALS	
Total Council Meetings Attended (5 held)			5	5	2	4	4	4	4	5	5	5	43	
		Limits as per policy												
Councillor Mobile Rental	802.123	\$200 per month			\$165.00	\$299.97					\$162.32		\$627.29	
Councillor Mobile Calls	803.123		\$390.95	\$343.05					\$411.47				\$1,145.47	
Councillor Landline Phone Rental	804.123				\$131.80								\$131.80	
Councillor Landline Phone Calls	805.123			\$50.85	\$5.95	\$218.58			\$164.19				\$439.57	
Councillor Fax Rental	807.123													\$0.00
Councillor Fax Calls	808.123													\$0.00
Councillor Internet	806.123	\$60 per month		\$180.00	\$180.00	\$180.00			\$180.00				\$720.00	
Councillor Intrastate Travel Expenses	801.123	\$6,000 per year	\$0.00	\$1,244.77	\$121.60	\$597.97	\$1,813.36	\$167.20	\$782.41		\$1,225.16	\$1,082.13	\$7,034.60	
Councillor Intrastate out of pocket expenses	809.123												\$0.00	
Councillor Interstate Travel (out of NSW)	810.123												\$0.00	
Councillor Interstate out of pocket expenses	813.123												\$0.00	
Councillor Interstate Accommodation (out of NSW)	811.123	\$3,500 per year											\$0.00	
Councillors Intrastate Accommodation	812.123												\$0.00	
Councillor Conferences	814.123												\$0.00	
Councillor Training	815.123												\$0.00	
Councillor Partner Expenses	816.123	Mayor \$1,000 per term Crs \$500 per term											\$0.00	
Councillor Computers	817.123	\$3,000 per term					\$165.00				\$47.00	\$138.60	\$350.60	
Councillor Stationary	818.123	No limit.											\$0.00	
Councillor Awards/Ceremonies/Diners	819.123	\$100 per day					\$25.00					\$7.91	\$32.91	
Councillor Child Care Costs	820.123	\$2,000 per term											\$0.00	
Councillor Communications Bundle	821.123	\$120 per month/landline \$100 per month/mobile					\$514.23	\$608.00			\$122.69	\$627.00	\$1,871.92	
Councillor Allowances		Mayor \$59,930per annum. Crs - \$18,840per annum	\$14,982.51	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$57,372.51	
TOTALS			\$15,373.46	\$6,528.67	\$5,314.35	\$6,006.52	\$7,227.59	\$5,485.20	\$6,248.07	\$4,710.00	\$6,267.17	\$6,565.64	\$69,726.67	

ITEM 3 - ATTACHMENT 2 COUNCILLORS EXPENSE REGISTER QUARTER ENDING MARCH 2017.

Councillors Expenses Quarterly Report - January, February and March 2017

			Cr Bruce Mackenzie	Cr Chris Doohan	Cr Geoff Dingle	Cr John Morello	Cr John Neil	Cr Ken Jordan	Cr Paul Le Moitice	Cr Peter Kalfce	Cr Sally Dover	Cr Steve Tucker	TOTALS
Total Council Meetings Attended (3 held)			3	3	3	1	3	3	3	3	2	3	27
		Limits as per policy											
Councillor Mobile Rental	802.123	\$200 per month			\$165.00	\$309.72							\$474.72
Councillor Mobile Calls	803.123		\$138.02	\$102.00									\$240.02
Councillor Landline Phone Rental	804.123												\$0.00
Councillor Landline Phone Calls	805.123			\$16.95		\$213.57							\$230.52
Councillor Fax Rental	807.123												\$0.00
Councillor Fax Calls	808.123												\$0.00
Councillor Internet	806.123	\$60 per month		\$60.00	\$180.00	\$180.00							\$420.00
Councillor Intrastate Travel Expenses	801.123	\$6,000 per year	\$93.24	\$44.39	\$322.01	\$162.41	\$958.90	\$230.28			\$761.25	\$618.64	\$3,191.12
Councillor Intrastate out of pocket expenses	809.123												\$0.00
Councillor Interstate Travel (out of NSW)	810.123												\$0.00
Councillor Interstate out of pocket expenses	813.123												\$0.00
Councillor Interstate Accommodation (out of NSW)	811.123	\$3,500 per year											\$0.00
Councillors Intrastate Accommodation	812.123												\$0.00
Councillor Conferences	814.123							\$806.40					\$806.40
Councillor Training	815.123												\$0.00
Councillor Partner Expenses	816.123	Mayor \$1,000 per term Crs \$500 per term											\$0.00
Councillor Computers	817.123	\$3,000 per term						\$519.00			\$380.00		\$899.00
Councillor Stationary	818.123	No limit.			\$21.00							\$150.00	\$171.00
Councillor Awards/Ceremonies/Diners	819.123	\$100 per day											\$0.00
Councillor Child Care Costs	820.123	\$2,000 per term											\$0.00
Councillor Communications Bundle	821.123	\$120 per month/landline \$100 per month/mobile					\$512.17	\$660.00			\$527.92	\$627.00	\$2,327.09
Councillor Allowances		Mayor \$59,930per annum. Crs - \$18,840per annum	\$14,982.51	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$57,372.51
TOTALS			\$15,213.77	\$4,933.34	\$5,398.01	\$5,575.70	\$6,181.07	\$6,925.68	\$4,710.00	\$4,710.00	\$6,379.17	\$6,105.64	\$66,132.38

ITEM NO. 4

**FILE NO: 17/98129
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:

- Fleet Management Supervisor (PSC099)
- Senior Community & Recreation Planning Officer (PSC739)
- Strategic Planner (PSC043)

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.