

**ITEM NO. 3**

**FILE NO: 17/80157  
RM8 REF NO: 16-2016-876-1**

**DEVELOPMENT APPLICATION NO. 16-2016-876-1 FOR A SERVICE STATION  
(ON PROPOSED LOT 1) AT 155 SALAMANDER WAY, SALAMANDER BAY (LOT  
284 DP806310)**

REPORT OF: **BRETT GARDINER - ACTING DEVELOPMENT ASSESSMENT &  
COMPLIANCE SECTION MANAGER**  
GROUP: **DEVELOPMENT SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2016-876-1 for a Service Station at 155 Salamander Way, Salamander Bay subject to the conditions contained in **(ATTACHMENT 3)**.
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**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Nell Councillor Geoff Dingle</b>  That Item 3 be deferred for a site inspection by Council.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

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

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
MOTION**

<b>149</b>	<b>Councillor Ken Jordan Councillor Paul Le Mottee</b>  It was resolved that Item 3 be deferred for a site inspection by Council.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, 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) 16-2016-876-1 for the construction of Service Station at 155 Salamander Way, Salamander Bay. A locality plan is provided in **(ATTACHMENT 1)**.

The development application is being reported to the elected Council for determination as the development is located on land of which Council is the owner.

The parent lot (LOT: 284 DP: 806310) is currently being subdivided in accordance with DA16-2015-865-1, which approved the subdivision of the land into seven (7) lots with a number of new roads. The proposed development will be located on Lot 1 of this subdivision. It is understood that the land will remain in Council ownership and will be leased to the proponent. A condition has been incorporated into the proposed Notice of Determination requiring the issue of a Subdivision Certificate for the approved lot prior to the issue of the Occupation Certificate for this application.

## PROPOSAL

The application proposes a new Woolworths service station and will comprise four (4) double sided fuel bowsers, one (1) LPG dispenser, fuel storage tanks, a convenience store (200m<sup>2</sup>) and associated car parking. Fuel storage tanks will be installed towards the Bagnall Beach Road frontage and will consist of four (4) underground fiberglass tanks, with a total capacity of 195kL.

The development also includes stormwater quality measures and landscaping along the frontages.

One way access is provided from Bagnall Beach Road (left-in only) and Central Avenue (exit only). Customer parking (12 spaces) is provided to the east of the convenience store.

The proposed hours of operation will be 24 hours / 7 days a week and the service station will have a maximum of two (2) employees at any one time.

The convenience store contains a service counter, display shelving and fridges. A public toilet has been provided, accessed from inside the store.

The development includes a number of signs consistent with existing service stations in the locality. An 8.5m high pylon sign to be erected in the south-eastern corner of the site.

It is proposed that deliveries be undertaken as follows:

- 3-4 fuel deliveries per week to occur during off peak times;
- 1-2 dry groceries deliveries per week to occur during early morning and early evening periods; and
- Daily fresh food deliveries (using small pallet trucks or small delivery vans) to occur during the day and evening.

The subject site is zoned B3 Commercial Core under PSLEP2013. The proposed development meets the objectives of the B3 zone in that the proposal will provide ongoing business activity and employment opportunities in an accessible location in the Salamander Bay area.

The development application was assessed against relevant controls and objectives as specified under PSLEP21013 and Port Stephens Development Control Plan 2014 (PSDCP2014). The development is considered to be generally compliant with relevant controls and objectives. A detailed assessment of the proposal against the provisions of s.79C *Environmental Planning and Assessment Act 1979* (EP&A Act) is provided at **(ATTACHMENT 2)**.

## KEY ISSUES

### Access to the proposed development

As stated above, one way access is provided from Bagnall Beach Road (left-in only) and Central Avenue (exit only).

Comment from the RMS was requested regarding impacts on the classified road network. The authority had no objection to the proposal and it was stated that there will be no significant impact on the nearby State road network.

Traffic generation resulting from the proposed development was addressed in the Traffic Report prepared by Colston Budd Rogers & Kafe (dated December 2015). The assessment included a service station on the site and found that the road network would be able to cater for the additional traffic, when the intersection between Terminus Parade and Bagnall Beach Road was upgraded to a signalised intersection. A condition of consent has been included on the Notice of Determination to ensure these works are completed prior to the operational phase of the proposed development.

The application was referred to Council's Traffic Engineer for review of the access arrangements from Central Avenue and Bagnall Beach Road. The assessment found that the proposal would not have negative impacts on the operation of the local road network.

It is therefore considered that the local street network can cater for the additional traffic generated by the proposal.

**COMMUNITY STRATEGIC PLAN**

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

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Section 94	Yes		Section 94A contributions are applicable to the development.
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*.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
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 the ability to provide new commercial development in Salamander Bay will not be realised.	Low	Approve the application as recommended.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

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

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

## **CONSULTATION**

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

### Internal

The application was referred to Councils Development Engineer, Building Surveyor, Social Planning, Environmental Health, Natural Resources and Section 94 Officer. 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 3)**.

### External

The application was referred to the RMS for comment. No objections were raised by the RMS however, recommended conditions were suggested. Conditions regarding the signage requirements have been incorporated into the recommended conditions of consent.

### Public Consultation

In accordance with the requirements of PSDCP2014, the development application was notified and advertised for a period of 30 days, ending 25 January 2017.

Two (2) submissions have been received in relation to the proposed development. The issues identified in the submissions are discussed below:

### Subdivision road layout

A previous development application to subdivide the land aligned an internal access road along the northern boundary of the site. However this consent has since been surrendered and a new consent for subdivision (DA Consent No.16-2015-865-1) has been acted on which includes an internal access road further to the south.

Regardless, the layout of local roads does not form part of the proposed application and is not an applicable consideration for this development application. The site is considered to be suitable to accommodate the proposed development without causing unacceptable impact to the surrounding area.

### Determining Body

The submission correctly identified that Council owns the land and provided owner's consent to lodge the application. However, incorrectly identified the Joint Regional Planning Panel (JRPP) as the applicable determining authority.

The mechanisms under which to refer decisions to the Joint Regional Planning Panel (JRPP) are provided by Schedule 4A of the Environmental Planning and Assessment Act 1979. The provisions state that development with a Capital Investment Value (CIV) in excess of \$5 million, where Council is the proponent and/or the land owner, must be referred to the JRPP. As the CIV is below this figure, Council remains the consent authority.

The proposed development can therefore be assessed and determined by Council.

### Ownership Arrangements

The land will be leased to the service station operator and will remain in Council ownership. The lessee will be required to remove all buildings (including underground fuel tanks) at the end of the lease and remediate the site to its current state.

### Public Toilets

The proposal includes toilets that will be available to the public. For safety reasons, access to the toilets will be provided from inside the convenience store.

### Landscaping

The submissions included concerns regarding the species selection provided in the landscape design. These comments were considered during the assessment of the landscape design. A final landscape plan is required to be submitted to and be deemed to be satisfactory by Council prior to the construction certificate. This is to ensure no conflicts between the stormwater design and landscape plan arise, and consideration to appropriate landscaping species will be undertaken.

Street frontage and appearance

Concerns were raised regarding the street frontage and appearance of the proposed service station. It is acknowledged that the current established character of the new precinct has not been fully established, however the development is consistent with development located in B3 zones.

The proposed landscaping will soften the development and provide a positive contribution to the overall streetscape.

**OPTIONS**

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

**ATTACHMENTS**

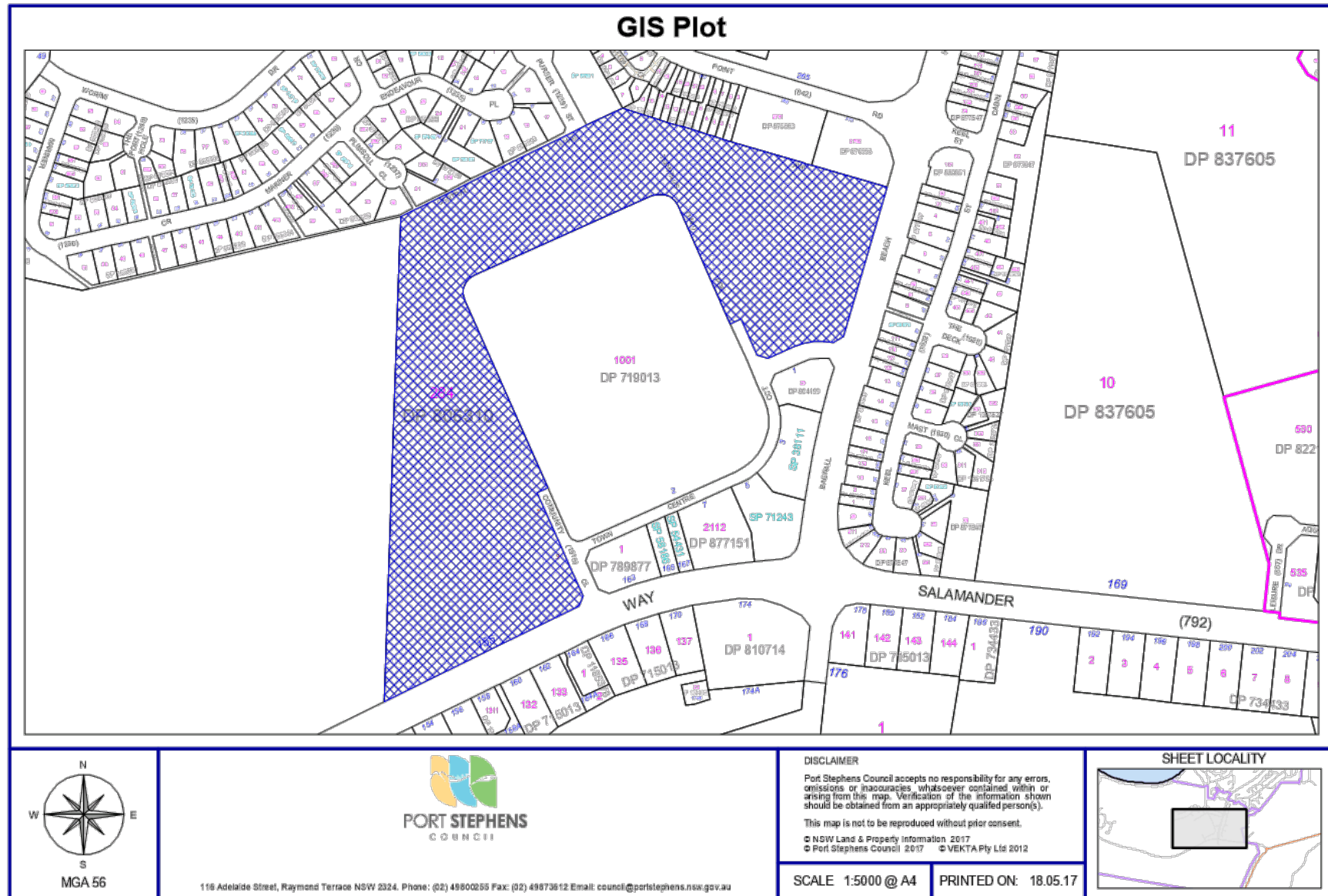
- 1) Locality Plan.
- 2) Assessment Report.
- 3) Notice of Determination.

**COUNCILLORS ROOM**

- 1) Development plans.

**TABLED DOCUMENTS**

- 1) Nil.





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

**APPLICATION DETAILS**

<b>Application Number</b>	16-2016-876-1
<b>Development Description</b>	Service Station (On Proposed Lot 1)
<b>Applicant</b>	KDC PTY LTD
<b>Date of Lodgement</b>	20/12/2016
<b>Value of Works</b>	\$1,660,023

**Development Proposal**

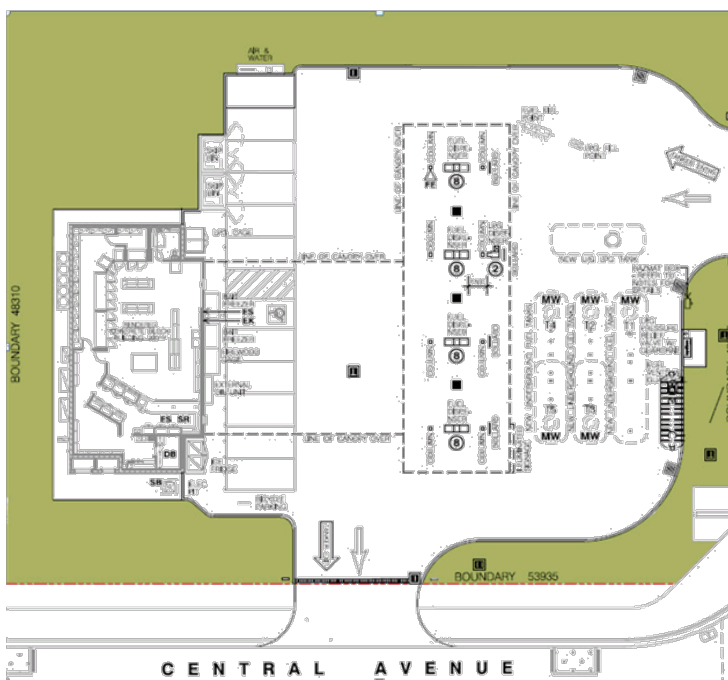


Figure 1: Site layout plan

The application proposes a new Woolworths service station and will comprise four (4) fuel bowsers, one (1) LPG dispenser, fuel storage tanks, a convenience store (200m<sup>2</sup>) and associated car parking. The development also includes stormwater quality measures and landscaping along the frontages.

One way access is provided from Bagnall Beach Road (left-in only) and Central Avenue (exit only). Customer parking (12 spaces) is provided to the east of the convenience store.

**ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2016-876-1

Hours of operation will be 24 hours / 7 days a week and a maximum of two (2) employees will be present at the convenience store..

The convenience store contains a service counter, display shelving and fridges. A public toilet has been provided that will be accessed from inside the store.

The development includes various signs, with an 8.5m high pylon sign to be erected in the south-eastern corner of the site.

Fuel storage tanks will be installed towards the Bagnall Beach Road frontage and will consist of four (4) underground fiberglass tanks, with a total capacity of 195kL.

It is proposed that deliveries be undertaken as follows:

- 3-4 fuel deliveries per week to occur during off peak times;
- 1-2 dry groceries deliveries per week to occur during early morning and early evening periods; and
- daily fresh food deliveries (using small pallet trucks or small delivery vans) to occur during the day and evening.

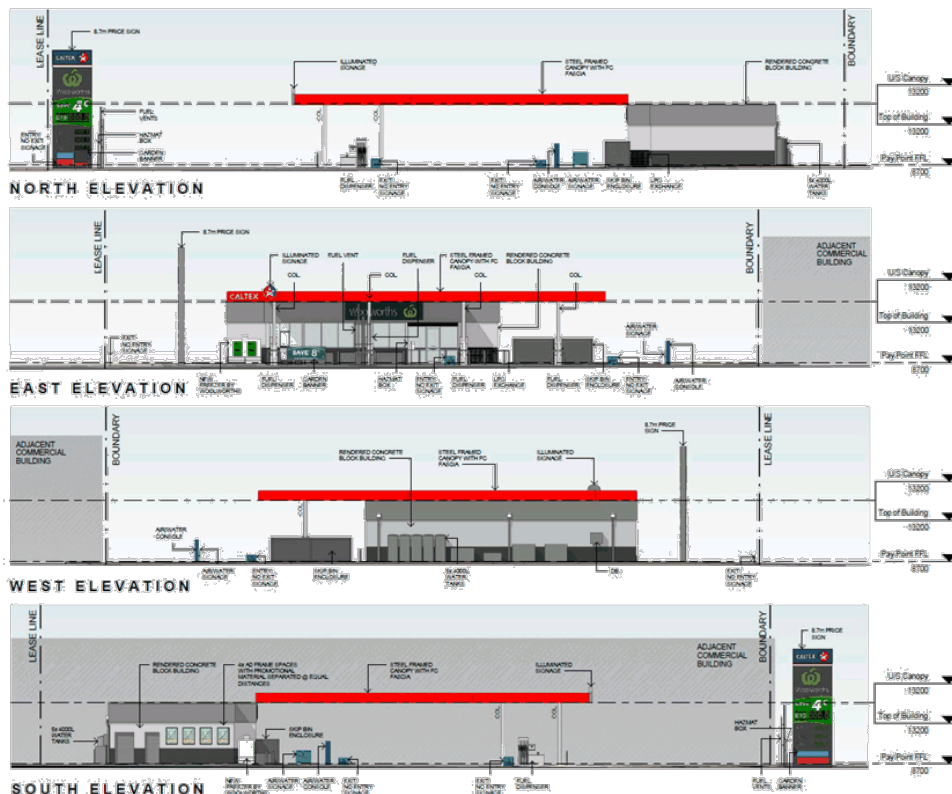


Figure 2: Building elevations

PROPERTY DETAILS	
<b>Property Address</b>	155 Salamander Way SALAMANDER BAY
<b>Lot and DP</b>	LOT: 284 DP: 806310
<b>Current Use</b>	Vacant
<b>Zoning</b>	B3 COMMERCIAL CORE
<b>Site Constraints</b>	Bushfire Prone Land (Cat. 3) Acid Sulfate Soils (Class 3) Koala Habitat (Core & Preferred) Endangered Ecological Community (Swamp Sclerophyll Forest) SEPP 14 Wetland SEPP 71 Coastal Protection / Draft Coastal SEPP

**Site Description**

The parent lot (LOT: 284 DP: 806310) is currently being subdivided in accordance with DA16-2015-865-1, which approved the subdivision of the land into 7 lots with a number of new roads – see Figure 3 below.

The proposed development will be located on Lot 1 of this subdivision. It is understood that the land remains in Council ownership and will be leased to the proponent. A condition has been incorporated into the Notice of Determination (NoD) requiring the issue of the subdivision certificate for the subdivision approved under DA Consent NO.16-2015-865-1 prior to the issue of the occupation certificate for this application. A condition of the lease is removal of the service station (including underground tanks) and remediation of the site.



**Figure 3:** Subdivision of parent lot (under DA16-2015-865-1)

The subject site comprises of 11ha and wraps around the existing shopping centre. The western extent of the site contains a childcare centre and Tomaree Library.

**ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2016-876-1

The subject area (Lot 1) is currently vacant and earthworks associated with the subdivision currently underway on the new roads.

The site is surrounded by a mix of commercial developments to the north, south and west. The land to the east of Bagnall Beach Road contains residential development.

**Site History**

Various applications have been approved over the site that includes a child care centre (DA 7-1991-5187-1), multi-purpose community centre (DA 7-1992-60325-1), various temporary events and subdivisions. The subject area (Lot 1) has not previously been developed for any specific purpose and has previously been cleared of vegetation.

**Site Inspection**

A site inspection was carried out on 9 February 2017.

The subject site can be seen in the figures below:



Figure 4: View of the subject land from Bagnall Beach Road



Figure 5: View along Bagnall Beach Road towards the south



Figure 6: View along Bagnall Beach Road towards the north

**ASSESSMENT SUMMARY**

<b>Designated Development</b>	The application is not designated development. It is noted that the site will not store more than 2,000 tonnes of petroleum and natural gas is located roughly 380m from the identified Wetland boundary to the west.
<b>Integrated Development</b>	The application does not require additional approvals listed under s.91 of the EP&A Act
<b>Concurrence</b>	The application does not require the concurrence of another body

**Internal Referrals**

The proposed 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 – The engineers identified issues with the stormwater infiltration and water quality measures. The applicant provided additional information, including amended infiltration calculations. After a review of the additional information, the application was supported with conditions.

Council's Traffic engineer reviewed the access arrangements from Central Avenue and Bagnall Beach Road and found that *'all access is satisfactory with no reference to conditions.'*

Environmental Health – No objections were made and the application was supported with conditions.

Section 94 – Developer contributions are applicable to the development and will be levied at the Construction Certificate stage.

Strategic Planning – The application was reviewed from a CPTED and accessibility perspective. The application was supported unconditionally.

**ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2016-876-1

Building – The application was reviewed from a BCA perspective. The application was supported with appropriate conditions.

Natural Resources – The landscape design was reviewed by Council staff and no objections were raised.

**External Referrals**

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

RMS – The application was referred to the RMS for comment. No objections were raised by the RMS, but specific comments were provided to ensure signage does not interfere with traffic along Bagnall Beach Road.

**MATTERS FOR CONSIDERATION – SECTION 79C**

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

Port Stephens Local Environmental Plan 2013 (LEP)

The site is located within the B3 Commercial Core and the objectives of the zone are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To facilitate the growth of Raymond Terrace as a regional centre.

The proposal will provide ongoing business activity and employment opportunities in an accessible location in the Salamander Bay area and therefore consistent with the zone objectives.

The proposed development can be defined as a Service Station that means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both

The proposal is consistent with the land use definition and is therefore permissible with consent.

**Clause 4.3 – Height of Buildings**

The proposed canopy height is approximately 5.3m in height, with the free-standing pylon sign extending to 8.7m in height, which is below the maximum permissible building height of 15m specified on the Height of Buildings Map.

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

The proposed development is located within the coastal zone and is considered to meet the principles of the NSW Coastal Policy. There are no anticipated adverse impacts on the local ecology or water quality as the proposal incorporates a stormwater quality control system and erosion and sediment control devices. The proposal is sufficiently separated from the land 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.

**ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2016-876-1

**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.

**Clause 7.2 – Earthworks**

The application proposes minor earthworks on the site to achieve a level building platform through the use of balanced cut and fill. 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 and Central Avenue, meeting the requirements of this clause. A condition is proposed that requires the provision of evidence that all essential services are available to the resulting lots, prior to the issue of a subdivision certificate.

**Clause 7.9 – Wetlands**

The proposal is located on land identified as wetland. However, on registration of approved Lot 1, the site will no longer be near any wetlands. The development will not have a negative impact on the flora and fauna of the wetland, including both native and migratory species, and the characteristics of the ground or surface water.

State Environmental Planning Policy No. 14 – Coastal Wetlands

As discussed in the consideration against Clause 5.5 of the Port Stephens LEP, the proposed development is located within the coastal zone and is considered to meet the principles of the NSW Coastal Policy. There are no anticipated adverse impacts on the local ecology or water quality as the proposal incorporates a stormwater quality control system and erosion and sediment control devices. The proposal is sufficiently separated from the waterbody 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. The proposed development has been considered against the matters for consideration listed in clause 8 of the SEPP and determined to be acceptable in this instance.

State Environmental Planning Policy No. 64 – Advertising and Signage

The application provides an assessment against the criteria set out under Schedule 1 of the SEPP. The assessment is considered satisfactory and the signage will not have a negative impact upon the amenity of the immediate area nor will it compromise traffic safety. The proposal is considered consistent with the aims, objectives and controls of the SEPP.

Criteria	Compliance
1) Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes. The site is located in an established commercial area and the proposed signage is therefore compatible with the character of the area.

**ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2016-876-1

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The area does not have a consistent theme. However, the proposed signage would not be out of character with the development in the surrounding area that includes McDonalds and KFC outlets.
<b>2) Special areas</b>	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No. No sensitive areas located in close proximity to the site.
<b>3) Views and Vistas</b>	
Does the proposal obscure or compromise important views?	No. No important views will be impacted by the proposed signage.
Does the proposal dominate the skyline and reduce the quality of vistas?	No. The proposed pylon sign is will be 8.7m in height, which is comparable to the commercial development in the area and will therefore not dominate the skyline. The proposal and will not impact the quality of vistas in the locality.
Does the proposal respect the viewing rights of other advertisers?	Yes. No conflict with surrounding signage will result from proposed signage.
<b>4) Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. The surrounding land has predominantly been developed for commercial purposes. Council is currently also considering commercial development on the vacant commercial sites in the subdivision.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	No. The proposal and signage are relatively generic and is like many service stations in Australia.
Does the proposal reduce clutter by rationalizing and simplifying existing advertising?	N/A. The site is not developed and no signage is currently present on the site.
Does the proposal screen unsightliness?	No. The site will be developed with a modern service station and does therefore not screen unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No. As stated previously, the pylon sign will not extend significantly above the surrounding commercial development.
Does the proposal require ongoing vegetation management?	No vegetation removal is proposed under this application



**ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2016-876-1

<b>5) Site and Building</b>	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. As stated previously, the proposed development is relatively generic and is like many service stations in Australia.
Does the proposal respect important features of the site or building, or both?	N/A. The site is not currently developed.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	No. As stated previously, the proposed development is relatively generic and is like many service stations in Australia.
<b>6) Associated devices and logos with advertisements and advertising structures</b>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No.
<b>7) Illumination</b>	
Would illumination result in unacceptable glare?	Yes. It not anticipated that the signage will significantly impact on the surrounding development.
Would illumination affect safety for pedestrians, vehicles or aircraft?	No. Conditions of consent stipulate that signage must not incorporate the following features: a) Flashing lights; b) Electronically changeable messages, unless in accordance with the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007); c) Animated displays, moving parts or simulated movements; d) Complex displays that hold a driver's attention beyond 'glance appreciation'; e) Displays resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'; and f) A method of illumination that distracts or dazzles.
Would illumination detract from the amenity of any residence or other form of accommodation?	No. The nearby residential development, opposite Bagnall Beach Road, is located at least 30m from the site and is separated from the site by solid 1.8m fences.
Can the intensity of the illumination be adjusted, if necessary?	No. It is considered that the signage would require adjustment as it is of relatively low intensity.

Is the illumination subject to a curfew?	No. It is considered that the no significant impact to neighbouring residential properties will arise as a result of the proposed signage.
<b>8) Safety</b>	
Would the proposal reduce the safety for any public road?	No. The signage does not include any flashing lights or animation. The signage is similar to other signs associated with service stations.
Would the proposal reduce the safety for pedestrians or bicyclists?	No.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.

State Environmental Planning Policy No.71 – Coastal Protection

The proposed development is located in the coastal zone and accordingly the matters for consideration under Clause 8 of this policy apply. The proposed development is not anticipated to have an adverse impact on the ecology, culture or amenity of the foreshore and coastal waters as the development is residential in nature and sufficiently separated from the waterway. In addition, given the separation of the development from the waterway, there are no anticipated impacts on access to, or views to or from the waterway and foreshore area. There are no anticipated conflicts between the proposed land use and the use of the waterway, rather the provision of additional 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.

SEPP (Infrastructure) 2009

The proposal was referred to the RMS for comment under Clause 104 of the Policy. The RMS did not raise any specific issues.

**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) is on public exhibition until 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.

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

**ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2016-876-1

- (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 notified and advertised for 30 days until 25 January 2017.

**Chapter B2 – Natural Resources**

The site does not contain any vegetation and it is considered that the proposal will not have a significant impact on the adjoining wetland.

**Chapter B3 – Environment Management**

**Bushfire** – Although the area is identified as bushfire prone, no significant vegetation is located within 140m of the site. The potential threat is therefore minor and no specific bushfire upgrades will be required.

**Acid Sulfate Soils** – As discussed previously in the report, all works will be undertaken in accordance with the required ASS plan of management. As such, the application is considered to appropriately mitigate potential ASS disturb whilst constructing the proposed development.

**Air Pollution** – The proponent included appropriate vapour recovery controls (VR1) in the upgrade designs. This complies with the EPA guidelines that require VR1 controls for areas outside of metropolitan Sydney and Newcastle. Ongoing air quality monitoring will also be undertaken during the removal of the existing fuel tanks.

**Earthworks** – As discussed previously in the report, all earthworks will be undertaken in accordance with the CEMP, while the installation of erosion and sedimentation controls will be required prior to the commencement of any works.

**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 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.

Page 11 of 15

**ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2016-876-1

**Chapter C.8 – Signage**

The proposal is generally compliant with the DCP provisions. It is noted that the proposal does not include any signage not generally supported by Council.

As stated previously, the applicant provided a detailed SEPP64 assessment that found that the proposed signage complies with the objectives of the policy.

**Chapter B.9 – Road Network & Parking**

The DCP requires 1 car space per 20m<sup>2</sup> of retail floor area associated with service stations. The convenience store has a size of 200m<sup>2</sup>, which calculates to a requirement of ten (10) spaces. The proposal includes 12 spaces, including one (1) disabled space. The proposal therefore complies with the car parking requirements of the DCP.

The layout also includes a bike rack that can accommodate two (2) bicycles.

Comment from the RMS was requested and the authority had no objection to or statutory requirements for the proposed development. Further, it was stated that there will be no significant impact on the nearby State road network.

Traffic generation resulting from the proposed development was addressed in the Traffic Report prepared by Colston Budd Rogers & Kafe (dated December 2015). The assessment included a service station on the site and found that the road network would be able to cater for the additional traffic, where the intersection between Terminus Parade and Bagnall Beach Road was upgraded to a signalised intersection. A condition of consent has been included on the Notice of Determination to ensure these works are completed prior to the operational phase of the proposed development.

The application was referred to Council's Traffic Engineer for review of the access arrangements from Central Avenue and Bagnall Beach Road. The assessment found that *'all access is satisfactory with no reference to conditions.'*

It is therefore considered that the local street network can cater for the additional traffic generated by the proposal.

**Chapter D.8– Salamander Bay Shopping Centre – Nelson Bay**

The application is located within the Salamander Bay Shopping Centre and, as a result, Chapter D.8 applies to the site. The DCP provisions applicable to the precinct are as follows:

Requirements		Comment
D7.1 Identity Hub	To create a sense of identity for a unified community and commercial precinct	The proposed development will provide support and services to the community.
D7.2 Integration	To ensure future development is sympathetically integrated with the existing surrounds and appropriately activates the precinct	This development will be similar to the surrounding commercial development and will further activate the precinct.
D7.3 Connectivity	To ensure an integrated pedestrian and vehicular network promotes improved connectivity between developments within the precinct, and reaffirms the precinct as a hub	The proposal will not limit access to the precinct. All road works and footpaths will be provided as part of the approved subdivision works.
D7.4 Access Points	To ensure appropriate intersections are considered to accommodate for the expansion of the precinct	The intersections will form part of the road works associated with the subdivision of the land.
D7.5 Friendly	To ensure future development respects neighbours and users of the precinct	The development is considered to be low impact and respects neighbours and precinct users.

Page 12 of 15

**ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2016-876-1

D7.6 Environment	To ensure future development protects the ecological systems within and adjacent to the precinct	The sites location does not impact on any ecological systems.
D7.7 Safety	To ensure future development is designed with the safety of neighbours and users in mind	The applicant provided a number of safety strategies and features that will limit danger to precinct users and neighbours.
D7.8 Community	To ensure future development supports and is consistent with community activities	Due to the nature of the precinct a service station will support and is consistent with community activities.
D7.9 Aesthetics	To ensure diverse aesthetic forms are appropriately developed with the human scale in mind and integrated with in a holistic aesthetic framework for the hub	By employing a modern design using high quality materials the proposed development will continue the precincts aesthetic.
D7.10 Economic Development	To ensure future development offers economic advantages to the community in the immediate and long term	The proposed development will add to the economy activity in the area.

**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 apply 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 positive social and economic impacts. The local economy will benefit from the short-term construction activity and the availability of additional commercial development within the subdivision will increase the economic activity in the existing commercial precinct.

The applicant proposed a number of safety features to limit any antisocial behaviour. It is not considered that the proposal will have a significant impact from a social perspective.

**Impacts on the Built Environment**

The proposed development will have no adverse impacts on the built environment within its locality. The proposed building is similar in bulk and scale to existing developments in the locality, ensuring that the development is in-keeping with existing buildings in the area. The building is considered to be well sited and designed with respect to the topography of the land and character of the locality.

**ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2016-876-1

Impacts on the Natural Environment

The proposed development is not anticipated to have an impact on the surrounding natural environment. Landscaping will be required to be completed prior to the issue of the occupation certificate which will increase the environmental values of the site.

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

The proposal is permissible in the zone and is considered in keeping with the zone provisions.

The subject site is located within a commercial area and the design is in keeping with the surrounding development in the locality.

The development site is appropriately setback from the surrounding residential properties and is not anticipated to have negative impacts on the amenity of the surrounding development.

**s79C(1)(d) – Any submissions**

Two (2) submissions have been received in relation to the proposed development.

The issues identified in the submissions are discussed below:

Issues relating to previous development applications

It is understood that previous approvals over the subject site included layout designs that aligned the internal access road along the rear boundary of the adjoining site to the north. This impacted on the layout and access on development on these sites. The previous subdivisions approvals were not utilised and the current subdivision layout was more recently approved.

The conflicts between the subdivision layout and adjoining development are not considered applicable to the current development. However, it can be argued that the proposal will not significantly impact on adjoining development.

Conflict of interest

The submission correctly identified that Council owns the land and provided owner's consent to lodge the application.

The mechanisms under which to refer decisions to the Joint Regional Planning Panel (JRPP) are provided by Schedule 4A of the Environmental Planning and Assessment Act 1979. The provisions state that development with a Capital Investment Value (CIV) in excess of \$5million, where Council is the proponent and/or the land owner, must be referred to the JRPP. As the CIV is well below this figure, Council remains the consent authority.

The proposed development can therefore be assessed and determined by Council.

Ownership Arrangements

The land will be leased to the service station operator and will remain in Council ownership. It is understood that the lessee will be required to remove all buildings (including underground fuel tanks) at the end of the lease and remediate the site to its current state.

Public Toilets

The proposal includes public toilets that will be available to the public. For safety reasons, access to the toilets will be provided from inside the convenience store.

Landscaping

The submissions included concerns regarding the species selection provided in the landscape design. These comments were considered during the assessment of the landscape design. A Landscape plan is required to be submitted to and be deemed to be satisfactory by Council prior

Page 14 of 15

**ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2016-876-1

to the construction certificate. This is ensure no conflicts between the stormwater design and landscape plan arise. .

Street frontage and appearance

The concerns raised in the submissions related to the street frontage and appearance the proposed service station.

It is acknowledged that the current established character of the new precinct has not been fully established, and that the type of development does not lend itself to the improvement of the built environment.

It is considered that the proposed landscaping will soften the development and provide a positive contribution to the overall streetscape.

**s79C(1)(e) – The public interest**

Following the detailed assessment of the application, it is considered that the proposal is in the public interest.

The development is consistent with Council's Planning controls and is suitable in the locality. The proposal is not considered to have a detrimental cumulative impact on the community or the surrounding locality. 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.

REAN LOURENS

ITEM 3 - ATTACHMENT 3 NOTICE OF DETERMINATION.



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 16-2016-876-1 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:** 16-2016-876-1

**Property Address:** LOT: 284 DP: 806310  
155 Salamander Way SALAMANDER BAY

**Description of Development:** Service Station (On Proposed Lot 1)

**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





**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	Plan Ref.	Sheet.	Date	Drawn By
Site Plan	2013077	DA00	20/5/2017	Scott Carver Pty Ltd
Proposed Petroleum Filling Station (7 Sheets)	20130077	DA01, DA02, DA04 & DA07 – DA09	6/12/2016	Scott Carver Pty Ltd
Proposed Petroleum Filling Station (1 Sheet)	20130077	DA05	13/12/2016	Scott Carver Pty Ltd

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 any demolition,** excavation or construction, 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,



**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).

natural watercourse, reserve or road surface, in accordance with Managing Urban Stormwater – Soils and Construction, Volume 1 (Landcom, 2004).

4. **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

5. 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:

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

Note: The amount of contribution payable under this condition has been calculated at the time of determination and in accordance with the Port Stephens Section 94 contributions plan. The contribution amount is valid for twelve months from the consent date. Should payment take place after twelve months the contribution shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.



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).

6. **Prior to issue of the Construction Certificate**, a suitable geotechnical report and subsequent Acid Sulfate Soils Management Plan shall be prepared for any proposed footing / excavation works are more than 1 metre below the natural ground surface or works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface are proposed.
7. **Prior to issue of the Construction Certificate**, a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Certifying Authority.
8. **Prior to issue of any Construction Certificate**, a detailed stormwater drainage plan is to be submitted to the Certifying Authority for a system capable of catering for a range of rainfall scenarios up to and including the 1% AEP Rainfall Event. The detailed plans are to be in accordance with Councils Infrastructure Specification and include the following information:
  - a. Plans for all stormwater drainage works on public land, approved by Council under section 68 of the *Local Government Act, 1993* and consistent with this condition;
  - b. On-Site Stormwater Detention (OSD) via on site infiltration and the infiltration system shall be designed with a factor of safety of 20 applied to the reported infiltration rates provided in the Cardno Geotechnical Report. (i.e 3600mm/hr divided by 20 = 180mm/hr);
  - c. Stormwater pit and pipe network directed to OSD;
  - d. An emergency overland flow path for major storm events, that is directed to the public drainage system;
  - e. Conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties);
  - f. Detailed pavement finished surface levels, to ensure stormwater runoff catchment and its direction into the detention system; and
  - g. Water quality control devices that comply with the requirements of the Port Stephens Development Control Plan 2014.
9. **Prior to the issue of the Construction Certificate**, a Construction Environmental Management Plan (CEMP) is to be submitted to the Council. The required CEMP must outline the sequence and construction methodology and specify mitigating measures to ensure all works are carried out in accordance with appropriate guidelines and standards and with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management.

The CEMP must include, but is not necessarily be limited to:

- a. Soil and Water Management Plan (including erosion and sediment control measures);
- b. Traffic control measures; and
- c. Odour Management Plan to be prepared to address any potential odours that may be created from the removal of existing underground fuel storage tanks and in the event that hydrocarbon contaminated soil is encountered.



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).

- d. Noise and Dust Management;
  - e. Waste Management.
10. **Prior to the issue of a Construction Certificate**, detailed engineering plans for civil works in accordance with the approved plans are to be submitted to the accredited certifier. The detailed plans are to be in accordance with Councils Infrastructure Specification and include the following information:
- a. Plans for all civil works within a road reserve, including driveways, approved by the Roads Authority under the Roads Act and consistent with this condition;
  - b. Any associated works to ensure satisfactory transitions to existing infrastructure;

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

11. **Prior to the issue of the Construction Certificate**, a detailed Landscape Plan is to be submitted to and be deemed satisfactory by Council.

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

- 12. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 13. Where necessary, the excavation and treatment of all potential and actual acid sulfate soils shall be carried out in strict accordance with the provisions of an approved Acid Sulfate Soils Management Plan prepared for the site.
- 14. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste' and *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2005*.
- 15. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2005*.
- 16. Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to Council officers or the Principal Certifying Authority on request.
- 17. Immediately following the installation of any roof, collected stormwater runoff from the structure must be connected to a stormwater drainage easement/system.



## Notice of Determination

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

18. Dust suppression is to be actively undertaken during works, through the use of wet-down water tankers or an alternative method agreed by Council.
19. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:
  - 7.00am to 6.00pm Monday to Friday
  - 7.00am to 5.00pm Saturday
  - 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.
20. 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.
21. The construction and fit-out of the food premises must be carried out in accordance with the following:
  - a. The Food Act 2003;
  - b. Food Regulation 2015; and
  - c. Australian Standard 4674-2004 -Construction and Fit-out of Food Premises.

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

22. **Prior to the issue of the Occupation Certificate**, the Subdivision Certificate for DA Consent No. 16-2015-865-1 must be registered with NSW Land & Property Services and documentary evidence submitted to Principle Certifying Authority.
23. **Prior to issue of any Occupation Certificate**, evidence that CPTED measures included in the Plan of Management (prepared by Woolworths Limited, dated December 2016) have been implemented must be provided to the Principle Certifying Authority.
24. **Prior to issue of a Construction Certificate**, a design showing a minimum of ten (10) car parking spaces (designed in accordance with the Site Plan & Roof Plan (Plan Ref No.2549) and AS2890 Parts 1, 2 and 6) must be provided to the Principle Certifying Authority.
25. **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 pollution control devices, covering inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator.



## Notice of Determination

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

26. 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, **prior to the release of the Occupation Certificate**. 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.
27. **Prior to the issue of a Final Occupation Certificate**, the proponent must provide evidence to the Principle Certifying Authority that VR1 control equipment has been installed. This must be done in accordance with Part 6 of the *Protection of the Environment Operations (Clean Air) Regulation 2010* and the Standards and Best Practice Guideline for VR at petrol Service Stations, as published from time to time.
28. **Prior to the issue of a Final Occupation Certificate**, the works approved under the Roads Act approval must be completed and a compliance certificate must be obtained from the Roads Authority.
29. **Prior to the issue of a Final Occupation Certificate**, the following traffic signage must be installed onsite:
  - 'No Entry' sign facing the road at the exit onto Central Avenue; and
  - 'No Exit' sign facing the site at the entry onto Bagnall Beach Road.
30. **Prior to issue of any Occupation Certificate**, evidence that the following requirements - and those specified under Part 2 of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014* have been met must be provided to the Principle Certifying Authority:
  - a. The UPSS must be appropriately designed, installed and commissioned by duly qualified persons in accordance with the UPSS Regulation.
  - b. The UPSS must have minimum mandatory pollution protection equipment installed, consistent with the Regulation.
  - c. The UPSS must have groundwater monitoring wells installed in accordance with the Regulation.
31. **Prior to issue of any Occupation Certificate**, all landscape works detailed on the approved landscape plan shall be installed. Landscaping shall be maintained in perpetuity. All landscaped areas shall be kept free of parked vehicles, stored goods, garbage or waste material and the like at all times.
32. **Prior to issue of any Occupation Certificate**, an Environment Protection Plan (including procedures for early leak detection and rectification and loss monitoring procedures) must be in place and maintained/updated throughout the life of the Underground Petroleum Storage System).



**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).

### CONDITIONS TO BE SATISFIED AT ALL TIMES

33. 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.
34. Ingress to the site shall be off Bagnall Beach Road and egress from the site shall be to Central Avenue.
35. At all times, all signage visible from the road reserve must not incorporate any of the following features:
  - a) Flashing lights;
  - b) Electronically changeable messages, unless in accordance with the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007);
  - c) Animated displays, moving parts or simulated movements;
  - d) Complex displays that hold a driver's attention beyond 'glance appreciation';
  - e) Displays resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'; and
  - f) A method of illumination that distracts or dazzles.
36. 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.
37. The toilet facility located within the convenience store must remain open to the general public at all times.

### 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.



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).

### 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.
- Within 60 days of the removal of the tanks, a final remediation/validation report must be submitted to both the certifying authority and Council. The report shall be prepared by an appropriately qualified and experienced environmental consultant and in accordance with the relevant EPA guidelines.
- The Environment Protection Plan must be maintained and updated throughout the life of the Underground Petroleum Storage System.
- Disability Discrimination Act (DDA) are to make it unlawful to discriminate against persons with a disability in connection with employment, the provision of goods, facilities and services or the management of premises. The legal requirements of the Act affect the majority of existing commercial and public building occupiers. The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises.



**ITEM NO. 4**

**FILE NO: 17/102888  
RM8 REF NO: 16-2017-199-1**

**DEVELOPMENT APPLICATION NO. 16-2017-199-1 FOR DEMOLITION OF THE EXISTING COMMUNITY HALL AND ANCILLARY BUILDINGS, CONSTRUCT NEW COMMUNITY HALL, CAR PARK AND ASSOCIATED LANDSCAPING AT 8 VARDON ROAD, FERN BAY (LOT 1 DP1096148)**

REPORT OF: BRETT GARDINER - ACTING DEVELOPMENT ASSESSMENT & COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application 16-2017-199-1 for the Demolition of the existing community hall and ancillary buildings, and construct new community hall, car park and associated landscaping at 8 Vardon Road, Fern Bay (Lot 1 DP1096148) subject to the conditions contained in **(ATTACHMENT 3)**.

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**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

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

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
MOTION**

<b>150</b>	<b>Councillor Ken Jordan Councillor Paul Le Mottee</b>  It was resolved that Council approve Development Application 16-2017-199-1 for the Demolition of the existing community hall and ancillary buildings, and construct new community hall, car park and associated landscaping at 8 Vardon Road, Fern Bay (Lot 1 DP1096148) subject to
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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: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, 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 16-2017-199-1 for the demolition of the existing community hall and ancillary buildings, construct a new community hall, car park and associated landscaping.

A locality plan is included as **(ATTACHMENT 1)** to this report.

The development application is being reported to the elected Council for determination as the development proposed a new building on a site classified as Community Land under the *Local Government Act 1993*.

### Proposal

The application proposes a new community hall in Fern Bay. The initial stage of the proposal involves demolition of the existing community hall, existing tennis clubhouse and the amenities block to the rear of the site. The construction phase includes the erection of a new community hall, construction of a car park and hardstand areas.

The internal configuration of the community hall will include the following:

- multi-function hall space;
- tennis club office and net storage;
- kitchen facility;
- reception desk;
- amenities; and
- various storage rooms.

The existing car park will be redeveloped to provide 20 sealed spaces. The new facility will be available to the community for various types of events/meetings and will also be utilised for after school care. The existing playground and tennis courts will not be altered by the proposal.

A detailed assessment of the impacts of the development has been undertaken in the assessment report included as **(ATTACHMENT 2)** to this report.

Key Issues

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

- 1) **Accessibility to existing tennis courts** – The application was referred to Council’s Development Engineering section for assessment. During the assessment concerns were raised regarding the vehicular access to the proposed garages.

The applicant provided additional comment on the access issues. The Development Engineering section was satisfied that the amended information addressed the concerns above and supported the proposal, subject to conditions of consent.

**COMMUNITY STRATEGIC PLAN**

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

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		Section 94 contributions are not applicable to the development.
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*.

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

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposed development is anticipated to generate viable employment and economic activity through both the construction of the development and provide a modern multi-purpose community facility to local residents. The development is consistent with surrounding developments and is in keeping with the residential context of the locality.

The development also includes appropriate stormwater management systems and acceptable access arrangements to Vardon Road.

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 2)** 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 Councils Development Engineer, Building Surveyor, Social Planning, Natural Resources and Section 94 Officer. 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 Notice of Determination provided at **(ATTACHMENT 3)**.

#### External

The application was not referred to the any external authorities for comment.

#### Public Consultation

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

#### Conclusion

The proposed development is considered to suitably address the requirements of the relevant legislation. Mitigation measures proposed in the application, in addition to the proposed conditions of consent are anticipated to adequately address any potential impacts of the development.

#### **OPTIONS**

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

#### **ATTACHMENTS**

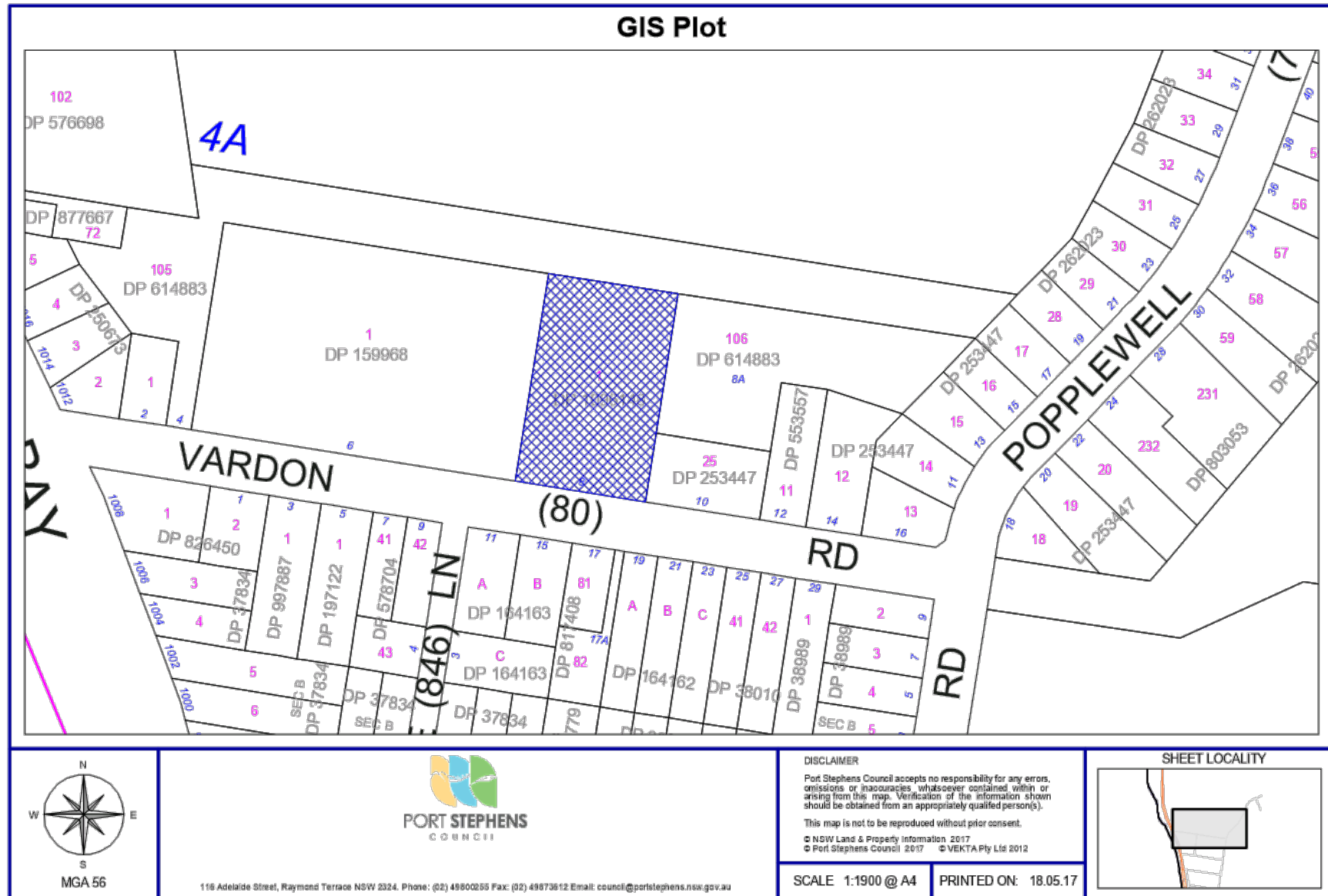
- 1) Locality Plan.
- 2) Assessment Report.
- 3) Notice of Determination.

#### **COUNCILLORS ROOM**

- 1) Development Plans – provided under separate cover.

#### **TABLED DOCUMENTS**

Nil.




**DEVELOPMENT ASSESSMENT REPORT**

**APPLICATION DETAILS**

<b>Application Number</b>	16-2017-199-1
<b>Development Description</b>	Demolish Existing Community Hall and Ancillary Buildings, Construct New Community Hall, Car Park and Associated Landscaping
<b>Applicant</b>	PORT STEPHENS COUNCIL
<b>Date of Lodgement</b>	06/04/2017
<b>Value of Works</b>	\$1,283,000.00

**Development Proposal**

The application proposes a new Community Hall in Fern Bay.

The initial stage of the proposal involves demolition of the existing community hall, existing tennis clubhouse and the amenities block to the rear of the site.

The construction phase includes the erection of a new community hall, construction of a car park and hardstand areas.

The internal configuration of the community hall will include the following:

- multi-function hall space;
- tennis club office and net storage;
- kitchen facility;
- reception desk;
- amenities; and
- various storage rooms.

The existing car park will be redeveloped to provide 20 sealed spaces. The new facility will be available to the community for various types of events/meeting and will also be utilised for after school care. The existing playground and tennis courts will not be altered.

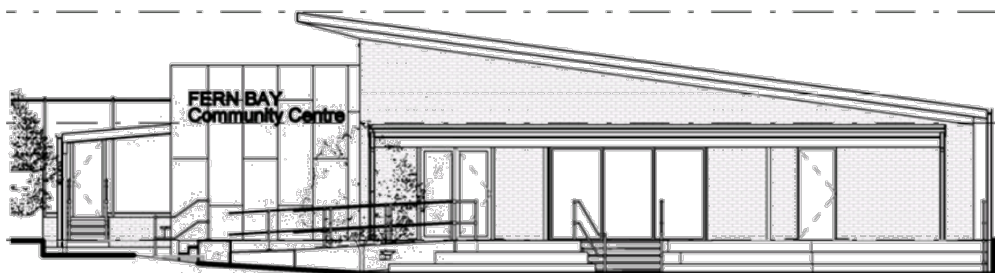


Figure 1: Southern elevation facing Vardon Road

PROPERTY DETAILS	
<b>Property Address</b>	8 Vardon Road FERN BAY
<b>Lot and DP</b>	LOT: 1 DP: 1096148
<b>Current Use</b>	Community Facility
<b>Zoning</b>	RE1 PUBLIC RECREATION
<b>Site Constraints</b>	Bushfire Prone Land Acid Sulfate Soils (Class 4) SEPP 71 Draft Coastal SEPP RAAF Height Trigger Bird Strike Group A

**Site Description**



Figure 2: Aerial photo of subject site

The subject site currently contains a community hall, car park, tennis courts, small clubhouse and play ground. Use of the facility is currently managed through the Fern Bay Hall and Reserves Committee which operates as a Committee appointed under S355 of the Local Government Act 1993. It is understood that management of the facility will continue under this arrangement.



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

16-2017-199-1

Access is provided from Vardon Road and a footpath is located along the street frontage.

The surrounding development includes the Newcastle Golf Club to the north, Fern Bay Public School to the west, a public reserve to the east and existing residential development to the south.

**Site History**

The site has been utilised as a community facility and tennis courts for an extended period. No other approvals exist over the site.

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

**Site Inspection**

A site inspection was carried out on 1 May 2017

The subject site can be seen in the figures below:



Figure 3: Image of subject site (existing community hall)



Figure 4: Image of subject site (existing car park)



Figure 5: Image of Vardon Road frontage

**ASSESSMENT SUMMARY**

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

**Internal Referrals**

The proposed 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 – Stormwater drainage issues were identified in the original assessment. 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 were not applicable.

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.

Environmental Health – The Environmental Health section reviewed the application and, as the proposed development includes kitchen facilities, conditions were included to ensure that the kitchen is designed, constructed and fitted out to comply with the relevant health and hygiene legislation and standards.

Building Surveyor – The application was referred to Council's Building Surveying section for assessment. No objections were raised and conditions of consent were provided.

16-2017-199-1

Social Planning – A review of the proposal has identified that the stairs to the tennis courts does not allow for wheelchair access, ambulatory or sensory disabilities, whether access is by volunteers to collect tennis nets and equipment or to play tennis. It is also noted that spectators in wheelchairs, the elderly or people with ambulatory conditions cannot access the tennis court area via steps. Therefore, the initial design did not provide a continuous path of travel outlined within the DDA and Australian Standards 1428. The applicant provided additional clarification which identified a relatively level access via the carpark to the western tennis court. It is considered that this path of travel complies with the relevant accessibility requirements and can be supported. A condition of consent requiring compliance with the BCA and Premises Standard has been included in the consent.

**External Referrals**

The proposed development was not referred to any external agencies for comment.

**MATTERS FOR CONSIDERATION – SECTION 79C****s79C(1)(a)(i) – The provisions of any EPI**

Port Stephens Local Environmental Plan 2013 (LEP)

**Clause 2.3 – Zone Objectives and Land Use Table**

The proposed development is defined as a Community Facility and is permissible with consent.

The proposal is in-keeping with the zone objectives by providing a range of recreational settings and activities. The proposed community facility is a compatible land use in the zone and provides activities that will benefit the welfare and cultural development of the local community.

**Clause 4.3 – Height of building**

The building height requirement for the site is 9m. The development proposed a maximum building height of 8.1m and complies with the LEP requirement.

**Clause 5.5 – Development within the coastal zone**

The subject site is located within the coastal zone, however it is located landward of the coastal foreshore and will thus have no impact upon coastal processes. No significant environmental impacts will result from the proposal. As such, the proposed development is generally compliant with the coastal zone provisions.

**Clause 7.1 – Acid sulfate soils**

Although the subject land is mapped as containing potential Class 4 acid sulfate soils. The proposed development is not anticipated to involve significant excavations that are likely to lower the water table on any adjoining land and therefore there are no expected adverse impacts as a result of acid sulfate soils.

**Clause 7.2 – Earthworks**

The objective of Clause 7.2 is to ensure that impacts on the environment resulting from earthworks are considered. As the site is relatively level and the development proposes only minimal earthworks, it is considered that the provision of erosion and sedimentation controls will ensure only limited impacts on the surrounding environment.

**Clause 7.4 – Airspace Operations**

The proposed development will not extend into the Limitation or Operation Surface associated with Williamstown Airport.

Page 5 of 9

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

16-2017-199-1

**Clause 7.6 – Essential Services**

The site currently has suitable access to reticulated water and sewer. Irrespective of this a condition for the provision of a S50 certificate from Hunter Water is recommended.

The proposal includes a stormwater retention system, which is adequate to cater for runoff from the new facility.

In addition, electricity and vehicle access have been appropriately provided under previous applications and it is considered that these would suitably provide services to the current application.

The proposal therefore complies with this clause

**Applicable Legislation****Local Government Act 1993**

The subject site is classified as community land. As Council is the applicant, the application must be determined by the elected Council, in accordance with Section 47E of the Local Government Act 1993.

**State Environmental Planning Policies****State Environmental Planning Policy 71 – Coastal Protection**

State Environmental Planning Policy 71 – Coastal Protection (SEPP 71) aims to protect and manage the New South Wales coast and foreshores and requires certain development applications in sensitive coastal locations to be referred to the Director-General for comment, and it identifies master plan requirements for certain developments in the coastal zone.

The proposed development is roughly 200m from the coastline and is therefore located within the Coastal Zone as identified in the SEPP 71 mapping. It is considered that the proposal will not impact on the coastline or any foreshore or the interface with the waterways and related activities and as such, is considered to be consistent with Clause 2 (the aims of the Policy) and Clause 8 (Matters for consideration) of SEPP 71. As such, the proposed development is acceptable under this policy.

**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) is on public exhibition until 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.

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

Page 6 of 9

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

16-2017-199-1

- (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 area, 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 A12 – Notification and Advertising**

In accordance with the requirements of chapter A.12, the development application was notified for a notification period of 14 days between 12 April 2017 and 26 April 2017.

**Chapter B.3 – Environmental Management**

The matters in relation to acid sulfate soils, soil contamination and earthworks are discussed in detail under the LEP, and it is considered that the proposal would have no adverse impacts in relation to these matters.

The site is identified as bushfire prone on Council's mapping system. The only vegetation located within 140m from the new facility is located within the Newcastle Golf Course to the north, which is approximately 110m away. The vegetation forms part of the vegetation between holes on the golf course and is less than 20m in width. The land between the facility and this vegetation can be classified as managed land.

The BAL requirements contained in AS3959 states that vegetation further than 100m from the buildings can be classified as BAL Low and does not require any specific upgrades. It is therefore considered that, although the site is bushfire prone, the threat is located a sufficient distance from the facility to not pose a significant threat.

All applicable matters raised under this chapter are satisfactorily addressed.

**Chapter B.4 – Drainage and Water Quality**

The proposed development will increase the amount of non-permeable surfaces and accordingly concept stormwater drainage plans have been prepared, together with a Stormwater Drainage Report.

Council has assessed the supporting information and find that the proposed stormwater management is acceptable. In addition, the concept plans also includes pollution measures and erosion controls, details of which would be secured in conditions attached to the consent. Therefore, the proposed development complies with this requirement of the DCP.

**Chapter B.7 – Williamstown RAAF Base – Aircraft Noise & Safety**

The subject site falls outside of the areas affected by aircraft noise, no controlled activities contributing to bird strike is proposed and the building will not penetrate the obstacle limitation areas.

Page 7 of 9

**Chapter B.9 – Road Networking & Parking**

There are no specific parking space requirements outlined in PSDCP2014 for community facilities, other than one accessible space being provided per 20 spaces. PSDCP2014 specified that a merit base approach be used to calculate the required number of on-site car parks spaces required to service the development. The application proposed 20 on-site car parking spaces to service the development, incorporating two accessible car parking spaces. The usable area within the community facility measures approximately 160m<sup>2</sup>. This equates to a ratio of 1 space per 8m<sup>2</sup> of floor space, which is considered high when taking into consideration that retail premises only require 1 per 20m<sup>2</sup>. It is therefore considered that the proposed number of on-site car parking spaces can cater for the varied uses of a community facility and will not impact on the surrounding road network.

All vehicles can enter and exit the site in a forward direction.

Overall the proposal complies with this chapter of the DCP.

**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 conditions related to the regulations subject to this application.

**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 positive social and economic impacts. The local economy will benefit from the short-term construction activity. The new community facility will provide a modern facility for the use of the surrounding community and will therefore have a significant positive social impact.

**Impacts on the Built Environment**

The proposed development will have no adverse impacts on the built environment within its locality. The proposed building is similar in bulk and scale, and colour and materials ensuring that the development is in-keeping with existing buildings in the area. The building is well sited and designed with respect to the topography of the land and character of the locality.

**Impacts on the Natural Environment**

The proposed development is not anticipated to have an impact on the surrounding natural environment. The building and associated car parking are located away from vegetation located along the north-east perimeter of the subject site.

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

The subject site is located within an established residential area and the design is in keeping with the surrounding development.

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

16-2017-199-1

The development site is well setback from the surrounding residential properties and is not anticipated to have negative impacts on residential amenity.

**s79C(1)(d) – Any submissions**

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

**s79C(1)(e) – The public interest**

The development is consistent with Council's Planning controls and is suitable in the locality. The proposal will provide additional services, revitalise the existing sites and is not considered to have a detrimental cumulative impact on the community or the surrounding locality. 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.

REAN LOURENS

ITEM 4 - ATTACHMENT 3 NOTICE OF DETERMINATION.



## 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 16-2017-199-1 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:** 16-2017-199-1

**Property Address:** LOT: 1 DP: 1096148  
**8 Vardon Road FERN BAY**

**Description of Development:** **Demolish Existing Community Hall and Ancillary Buildings, Construct New Community Hall, Car Park and Associated Landscaping**

**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





**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	Plan Ref	Sheet.	Rev	Date	Drawn By
Site External Works and Roof Plan	2549	204	K	28/04/2017	Webber Architects
Floor Plan - Ground	2549	301	J	29/03/2017	Webber Architects
Elevations – Sheet 1	2549	401	H	29/03/2017	Webber Architects
Elevations – Sheet 2	2549	402	H	29/03/2017	Webber Architects
Sections – Sheet 1	2549	501	G	29/03/2017	Webber Architects

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.



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).

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

3. 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.
4. Erosion and sediment control measures shall be put in place, during each stage of the development, 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, the person having the benefit of this consent shall contact Hunter Water Corporation (HWC) to ensure that the approved works do not impact upon existing or proposed HWC infrastructure. A copy of the information received by HWC shall be provided to Council within 10 days of receipt. Should HWC require modification to the approved development a Section 96 Modification Application and/or modified Construction Certificate Application should be lodged.

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

6. **Prior to issue of the Construction Certificate**, a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Principle Certifying Authority.
7. The following details of the stormwater drainage system, are **required prior to the issue of any Construction Certificate**:
  - a. A detailed on-site infiltration plan shall be prepared by a suitably qualified and experienced engineer to adequately attenuate 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 system, orifice, roof guttering (with gutter guards to prevent blockage), downpipes, pipes, pits and the boundary pit discharge point to the public drainage system.
  - c. Complete design calculations are to be provided demonstrating the system's capacity to contain/infiltrate and convey concentrated roof stormwater run-off, via guttering and downpipes suitably sized, into the **Council's Public reserve**.
  - d. The stormwater quality treatment train shall treat storm water, prior to discharge, to PSC DCP 2014 targets. Small Scale Site Quality Model or DCP deem to comply methodology may be used to demonstrate how the following targets are met:
    - i. Total nitrogen retention post-development load: 45%
    - ii. Total phosphorus retention post-development load: 60%
    - iii. Total suspended solids post-development load: 90%
    - iv. Gross pollutants post-development load: 90%



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).

8. **Prior to issue of a Construction Certificate**, a design showing a minimum of twenty (20) car parking spaces (designed in accordance with the Site Plan & Roof Plan (Plan Ref No.2549) and AS2890 Parts 1, 2 and 6) are to be provided to the Principle Certifying Authority.
9. The vehicle driveway and internal traffic aisles 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.  
**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 vehicle driveway from the roadway to the property boundary incorporating the gutter crossing shall be constructed in accordance with the options shown on **Council's Standard Drawing S123**.  
**A Construction Certificate cannot be issued** until full details of the driveway have been supplied to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.
11. 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 concrete or masonry drainage structures;
  - b. Structural details for boundary retaining walls;
  - c. Construction erosion and sediment control;
12. A suitable geotechnical report and subsequent Acid Sulfate Soils Management Plan shall be prepared if any proposed footing / excavation works are more than 2 metre below the natural ground surface or works by which the watertable is likely to be lowered more than 2 metre below the natural ground surface are proposed.
13. **Prior to the Issue of a Construction Certificate**, a Local Government Act approval shall be obtained for stormwater drainage works external to the site and discharging into a public system or public land.



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).

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

14. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
15. 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.
16. 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.
17. The construction and fit-out of the kitchen must be carried out in accordance with the following:
  - The Food Act 2003;
  - Food Regulation 2015; and
  - Australian Standard 4674-2004 -Construction and Fit-out of Food Premises.
18. 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.
19. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
20. Immediately following the installation of any roof, collected stormwater runoff from the structure must be connected to a stormwater drainage easement/system.
21. Where necessary, the excavation and treatment of all potential and actual acid sulfate soils shall be carried out in strict accordance with the provisions of an approved Acid Sulfate Soils Management Plan prepared for the site.



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).

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

22. 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.**
23. Twenty (20) permanent on-site car parking spaces are to be provided for the development. Car parking spaces are to be completed, line marked and all signage relating to car parking erected **prior to the issue of the any Occupation Certificate.**
24. **Prior to the issue of an Occupation Certificate**, the Principle Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standard and the following have been implemented within the property, where applicable:
  - a) The car park has been completed, line marked and all signage relating to car parking erected
  - b) A notice has been clearly displayed at the property frontage to indicate that visitor parking is available within the property, with access from Vardon Road.
  - c) Sign(s) have been erected that clearly indicate to the drivers of vehicles, both on and off the property, which driveway they are to use to enter or leave the subject land
  - d) Sign(s) have been erected that clearly indicate to the drivers of vehicles, both on and off the property, the location and means of access to the car parking area(s)
  - e) Certification by a qualified practising Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance with the above and relevant Australian Standard's must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.
25. **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 pollution control devices, covering inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator.
26. **Prior to the issue of an Occupation Certificate**, 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).

All disturbed public footpath/verge 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 top-soiling and grassing extended to suit.

27. 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.

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

28. **Prior to the issue of an Occupation Certification**, a satisfactory final inspection of the kitchen fit-out is to be undertaken by Council.
29. **Prior to issue of the 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.

### CONDITIONS TO BE SATISFIED AT ALL TIMES

30. The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.
31. Filling shall not obstruct any natural drainage path or water drainage system. Neither shall the fill encroach onto any adjoining property.
32. The storage of materials, placement of toilets and rubbish skips etc within the road reserve is not permitted by this consent. Separate approval under the Roads Act is required to occupy, close or partially close the road reserve adjacent to the property.
33. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the surrounding land and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.
34. 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
35. 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



**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).

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.

### 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.
- Within 60 days of the removal of the tanks, a final remediation/validation report must be submitted to both the certifying authority and Council. The report shall be prepared by an appropriately qualified and experienced environmental consultant and in accordance with the relevant EPA guidelines.
- The Environment Protection Plan must be maintained and updated throughout the life of the Underground Petroleum Storage System.
- Disability Discrimination Act (DDA) are to make it unlawful to discriminate against persons with a disability in connection with employment, the provision of goods, facilities and services or the management of premises. The legal requirements of the Act affect the majority of existing commercial and public building occupiers. The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises.

**MINUTES ORDINARY COUNCIL - 27 JUNE 2017**

Councillor Ken Jordan left the meeting at 6:05pm, prior to item 5, in Committee of the Whole.

Councillor Paul Le Mottee left the meeting at 6:05pm, prior to item 5, in Committee of the Whole.

Following Councillors Le Mottee and Jordan leaving the meeting, the meeting did not consider item 5 due to the lack of a quorum.

Note: Item 5 will be listed for the next Ordinary Council meeting.

Councillor Ken Jordan returned to the meeting at 6:06pm.  
Councillor Paul Le Mottee returned to the meeting at 6:06pm.

**ITEM NO. 5**

**FILE NO: 17/98072**  
**RM8 REF NO: 16-2016-862-1**

**DEVELOPMENT APPLICATION NO. 16-2016-862-1 FOR TORRENS TITLE  
SUBDIVISION OF ONE INTO TWO LOTS, AND NEW SHED AT 111 SOUTH  
STREET, MEDOWIE (LOT 14 DP 1079392)**

REPORT OF: BRETT GARDINER - ACTING DEVELOPMENT ASSESSMENT &  
COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application (DA) No.16-2016-862-1 for Torrens title subdivision of one into two lots, and new shed at No.111 South Street, Medowie (Lot 14 DP 1079392), subject to the conditions contained in **(ATTACHMENT 2)**.
- 2) Refuse the request for a refund of DA fees totalling \$735.

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**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Item 5 was not considered by Council.
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Councillor Ken Jordan left the meeting at 6.27pm, in Open Council.  
Councillor Paul Le Mottee left the meeting at 6.27pm, in Open Council.

Following Councillors Le Mottee and Jordan leaving the meeting, the meeting did not consider item 5 due to the lack of a quorum.



## **BACKGROUND**

The purpose of this report is to present Development Application (DA) No.16-2016-862-1 to Council for determination. The DA proposes a one (1) into two (2) lot Torrens title subdivision and new shed at 111 South Street, Medowie (Lot 14 DP 1079392).

A locality plan is held at **(ATTACHMENT 1)**.

The application has been called to Council by Councillor Jordan. A copy of the call up form is held at **(ATTACHMENT 3)**.

A two way conversation was held with Councillors on 21 February 2017 to provide details of the proposal.

The subject application was then reported to Council at its ordinary meeting of 28 March 2017. Council resolved to refuse the development application. A rescission motion was lodged subsequent to the meeting.

Proposed reasons for refusal were provided to Council as requested on 29 March 2017. These were distributed via email and are attached again as **(ATTACHMENT 5)**, however it is noted concern exists in relation to defending these refusal reasons given the proposal complies with the local and state planning rules.

The rescission motion was considered by Council at its ordinary meeting of 9 May 2017 where it was resolved to rescind its decision of Minute No. 060 of 28 March 2017 on item 1 (DA 16-2016-862-1). A motion was moved to approve the development in line with the officer's recommendation, however this motion was lost. No further motions were made to determine the application, and so the application remained unresolved.

It is noted at the 9 May 2017 meeting, various case law was discussed by Councillors as a precedent. It is noted that precedent can only exist in 'like-for-like' development situations. The case law cited on 9 May 2017, relates to developments of different types and scale, and in particular related to subdivisions that did not comply with the respective LEPs. The case law cited is therefore of no comparison.

Following this, a two-way conversation was held with Councillor's on 31 May 2017 where additional information was presented in relation to traffic impact and potential legal implications (costs and chances of success) in regards to determining the application.

### Development Proposal

The application proposes a one into two lot Torrens title subdivision and a shed. The proposed subdivision will create the following allotments:

- Lot 1 with an area of 1,561m<sup>2</sup> which will contain the existing dwelling onsite. Access to this lot is currently provided directly from South Street; and
- Lot 2 with an area of 700m<sup>2</sup> and will be suitable for supporting a future dwelling. Access to this lot will be available from Sylvan Avenue.

The proposed shed measures 34m<sup>2</sup> in size and 3.05m in height and will be located within proposed Lot 1 to the west of the existing dwelling, along the Sylvan Avenue frontage. Landscaping has been provided to screen the shed from the street.

### Site Details

The subject site is located at 111 South Street Medowie and is legally identified as Lot 14 DP 1079392. The site is a corner lot located on the intersection of South Street and Sylvan Avenue, measuring 2,262m<sup>2</sup> in size. The subject site is zoned as R2 Low Density Residential and has a minimum lot size of 450m<sup>2</sup> under the *Port Stephens Local Environmental Plan 2013* (LEP2013). The site contains a single storey dwelling located along the South Street frontage, with sole driveway access from this street. The sites topography rises gently from South Street to the north towards LOT 99 DP 1031039.

Surrounding developments comprise predominantly detached single dwellings (of both one and two storeys in height). The land to the south of the subject site is zoned R2 Low Density Residential, with a minimum lot size of 600m<sup>2</sup> under the LEP2013. The land to the north is zoned R5 Large Lot Residential with a minimum lot size of 2,000m<sup>2</sup> under the LEP2013. A development application (DA) 16-2015-682-1 for three dual occupancies (six single storey dwellings) across three lots at 1A, and 1D Sylvan Avenue was approved on 29 January 2016. These allotments are located to the west of the subject site, directly across the road from the property at 8 Sylvan Avenue. This land is zoned R5, with a minimum lot size of 2,000m<sup>2</sup>.

### Site History

#### 1) Re-zoning

The subject site was previously zoned as 1C (Rural Small Holdings) under the *Port Stephens Local Environmental Plan 2000* (LEP2000), with an accompanying minimum lot size of 2,000m<sup>2</sup>.

A planning proposal was submitted to Council in February 2012 on behalf of Pacific Dunes Estate, which included the subject site. The intent of the rezoning was to facilitate higher densities and increase lot yield in the Pacific Dunes Estate to respond to market desire, by rezoning land 2(a) Residential and lowering the applicable minimum lot size to 700m<sup>2</sup>. The subject site was referenced in a number of figures contained within the Council report of 13 August 2013, which are identified within the planner's assessment report held at **(ATTACHMENT 4)**.

Council endorsed the proposal with a minimum lot size of 700m<sup>2</sup>. Council resolved to prepare the planning proposal on 24 April 2012 and to proceed with the planning proposal post-exhibition on 13 August 2013. Both resolutions were unanimous.

At some time between the exhibition period and gazettal an administrative error resulted in the minimum lot size of the subject site being reduced to 450m<sup>2</sup>. The error was not realised until after gazettal of the planning proposal which occurred concurrently with the *Port Stephens Local Environmental Plan 2013* (LEP2013). To date this error has not been rectified and the current minimum lot size for the site remains at 450m<sup>2</sup>. It is however noted that there are plans to rectify the matter as part of the forthcoming housekeeping LEP. In respect to the intended minimum lot size endorsed by Council in 2013, the applicant has proposed a subdivision where each lot exceeds 700m<sup>2</sup>.

2) Approved development application(s)

A single storey dwelling was approved on the subject site on 3 July 2013 under DA 16-2013-262-1. A modification to the single storey dwelling was approved on 17 February 2017 under DA 16-2013-262-2 which related to the relocation of a retaining wall on-site closer to the dwelling to benefit drainage and access to private open space. The modification also included a floor under the approved alfresco cabana and a small pathway to connect this floor to a landing outside the children's activity room.

Assessment Outcomes

The proposed shed is considered ancillary to the existing dwelling and is therefore considered permissible with consent in the R2 Low Density Residential zone. An assessment of the shed has determined that it complies with the relevant development standards and *Port Stephens Development Control Plan 2014* (DCP2014) requirements.

The application includes a one into two lot Torrens title subdivision that requires consent under Clause 2.6 of the *Port Stephens Local Environmental Plan 2013* (LEP2013). The proposed development is compliant with Clause 4.1 – Minimum Subdivision Lot Sizes of LEP2013 and Chapter C1 – Subdivision of DCP2014 with a lot size of above 450m<sup>2</sup>. In addition, it is noted that the proposal complies with the 700m<sup>2</sup> minimum lot size intended for the land and as endorsed by Council. A detailed assessment of the proposal against the provisions of s.79C *Environmental Planning and Assessment Act 1979* (EP&A Act) is provided at **(ATTACHMENT 4)**.

The development addresses the objectives of the zone by providing the opportunity for additional residential development to cater for the housing needs of the community. The proposal will not have any significant impacts on the amenity of adjoining properties.

Key Issues

1) Parking and Road Network

A referral was sent to Council's Traffic Engineer to assess the traffic impacts of the proposed subdivision. It was concluded there is sufficient frontage to Sylvan Avenue from proposed Lot 2 so as to allow safe access to each proposed lot, with acceptable minimum sight distances in accordance with Austroads requirements. There are no anticipated negative impacts to the safe operation of the local road network as a result of the proposal.

Further consideration of traffic impacts will be carried out during the assessment of any future development on the proposed vacant lot. No new vehicular access is required to the shed.

Following concerns from Councillors and members of the public, Council staff referred the proposal to an external traffic consultant for peer review. An independent assessment of traffic impacts was undertaken by Barker Ryan Stewart, who provided a response on 19 May 2017. The response did not raise any objection to the proposed development from a traffic impact viewpoint. This concurs with the assessment undertaken by internal specialist staff.

2) Zoning and Minimum Lot Sizes

The proposed development exceeds the current minimum lot size of 450m<sup>2</sup>. In addition, the proposal meets the intended minimum lot size of 700m<sup>2</sup> as endorsed by Council on 13 August 2013. The proposal does not increase lot yield above the densities envisaged in the planning proposal and is in keeping with the objectives of the zone.

3) Covenants/restrictions on title

A number of submissions stated that the subject site cannot be subdivided as the result of a restriction on the title. However there is no restriction registered over the lot and the subdivision of this site is not so burdened.

4) Notification

In accordance with Chapter A.12 of the Port Stephens Development Control Plan 2014, the application was not initially notified or advertised. However given the level of interest from surrounding land owners, direct consultation was undertaken to identify concerns.

5) Privacy

Proposed Lot 2 has sufficient space to facilitate future residential development without creating any substantial privacy or amenity issues. The subject land is located downslope from adjoining properties to the north and east, and it is noted that these properties feature garages, driveways and parking areas adjacent to the development site. Consideration of privacy impacts from specific development is required to be undertaken during the assessment of any future proposal. There are no anticipated privacy impacts from the subject development.

6) Increase demand for services

It is considered that the additional allotment, included in the proposal, will not impact significantly on the services in the area. The site is located in a residential area with adequate access to sewer, water, electricity, storm-water and road infrastructure.

7) Existing streetscape/character

The submissions described the subdivision as out of character from the rest of the Sylvan Ridge Estate. However, the intent of the Pacific Dunes planning proposal was to facilitate smaller residential lots. It is noted that the proposal respects the intended minimum lot size of 700m<sup>2</sup> and the resulting lots will act as a transition between the R2 and R5 zonings. It is considered that the proposed subdivision will not detrimentally impact on the streetscape or character of the area.

Mitigation Measures

In order to warrant refusal of the proposed development on the basis of a likely traffic or privacy impact, Council should be satisfied that there is a 'real chance or possibility' of the adverse impact eventuating. Consideration must also be given to the ability for the potential impact to be mitigated.

In order to respond to the concerns raised by the community and reinforced by Council (at its meetings of 28 March 2017 and 9 May 2017) the applicant increased the minimum lot size of the proposed allotment to 700m<sup>2</sup>. Privacy and stormwater impacts are not a direct consideration of the proposed development however it is noted that sufficient area has been provided for proposed Lot 2 to ensure any impacts in terms of privacy and stormwater generated by future development on-site can be mitigated. Parking and traffic impacts are low as confirmed by the external peer review completed by Barker Ryan Stewart.

Request for Refund of DA Fees

It is acknowledged that the original proposal incorporated a lot of less than 700m<sup>2</sup> (624m<sup>2</sup>). The applicant had been given preliminary verbal advice that the proposal they were intending to lodge complied with the minimum lot size requirements of the PSLEP 2013. Although this lot was compliant with the requirements of the PSLEP

## MINUTES ORDINARY COUNCIL - 27 JUNE 2017

2013, following consultation, in the interest of the community the applicant amended their original plan to increase this lot size to 700m<sup>2</sup>. This change came at cost to the applicant. Given the change was required largely as a result of an administrative error by Council staff, the applicant has requested a refund of DA fees which total \$735 as compensation for the additional monetary, design and time costs they have been subject to. There is no provision within the Schedule of Fees and Charges for Council for the refund of applications fees in such a circumstance, and accordingly Council staff cannot recommend the approval of this request. Furthermore, staff have incurred considerable time in assessing the DA, hence it's reasonable that fees are paid for it.

### 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 known financial implications resulting from the recommendation of this report.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

The development application is consistent with the *Port Stephens Local Environmental Plan (LEP2013)* and *Port Stephens Development Control Plan 2014 (DCP2014)*.

Defendable reasons for refusals have not been able to be compiled, as the proposal complies with the LEP and DCP etc.

Further details are provided in the Planners Assessment Report held at **(ATTACHMENT 4)**.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the application is refused, it may be challenged at the Land and Environment Court.	High	Approve the application in line with the officers recommendation	Yes
This is a risk that if a refusal of the application is challenged in the Land and Environment Court, Council would be unsuccessful in defending the determination.	High	Approve the application in line with the officers recommendation	Yes
There is a risk that if the application is refused, available development opportunities for residential subdivision may not be realised.	Low	Approve the application as recommended.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The development will result in positive economic, social and environmental outcomes. The proposed development represents a one into two lot Torrens title subdivision and will result in an additional residential lot to service the needs of the community.

The proposed subdivision will reinforce the residential character in the locality and will act as a transition between the R2 zoned land to the south of the subject site and the R5 zoned land to the north of the subject site.

The proposed shed is consistent with the height of the dwelling house and maintains a sufficient setback from the secondary street frontage (Sylvan Avenue). The existing fence and landscaping will provide adequate screening of the shed to increase site and streetscape aesthetics. There are no anticipated adverse impacts on the built environment as a result of the proposed development.

The proposed additional lot has adequate site access for vehicles and is of a size which can easily accommodate a future dwelling. It should be acknowledged that any future dwelling design will be subject to a separate assessment.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Development Assessment and Compliance Section during the development application process. The objective of the consultation was to inform the relevant parties of the development application and obtain their feedback on the proposal to ensure all potential concerns have been investigated.

### Internal

The application was reviewed by a range of Councils internal specialists. The application was referred to Councils Engineering Section, Building Surveyor, and Section 94 Officer for comment. The application was supported unconditionally by Council's Engineering Section, general conditions of consent were provided by Council's Building Surveyor, and the proposal attracted Section 94 contributions for which a condition is proposed.

### External

In accordance with the requirements of the *Port Stephens Development Control Plan 2014* (DCP2014), the application was not notified or advertised. However, following interest from surrounding property owners, consultation was undertaken and as a result eight (8) submissions were received. A meeting was also held with concerned residents. The issues identified in the submissions have been addressed under 'key issues' in this report. The objectors advised in the subject meeting, should the proposal be amended to be over 700 square metres their concerns would be reduced. This has occurred.

## CONCLUSION

The proposed development is considered to suitably address the requirements of the *Port Stephens Local Environmental Plan 2013* and *Port Stephens Development Control Plan 2014*. Mitigation measures proposed in the application, in addition to the proposed conditions of consent, are anticipated to adequately address any potential impacts of the development.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Locality Plan.
- 2) Conditions of Consent.
- 3) Call to Council Form.



**MINUTES ORDINARY COUNCIL - 27 JUNE 2017**

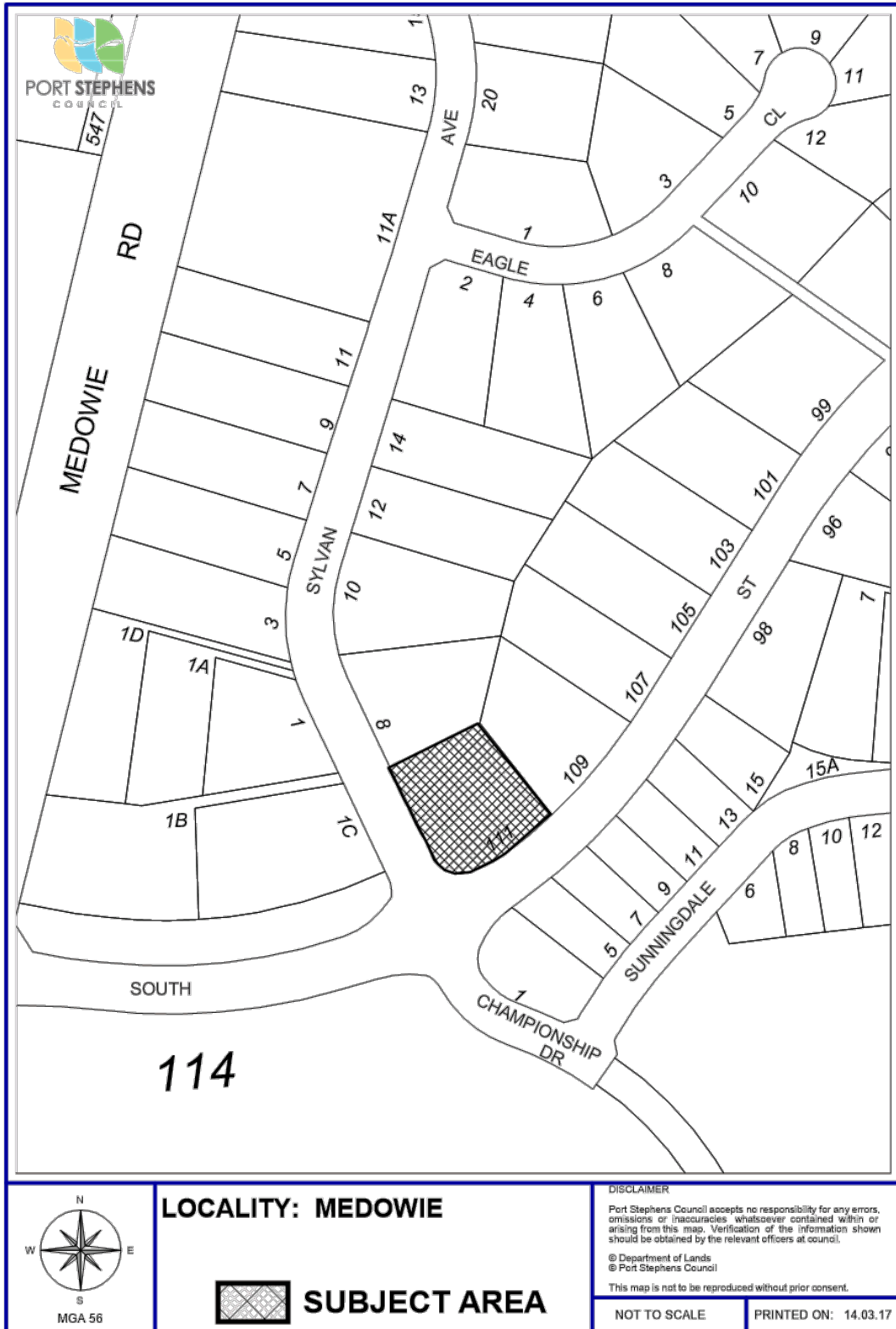
- 4) Planners Assessment Report.
- 5) Reasons for Refusal.

**COUNCILLORS ROOM**

- 1) Development plans.

**TABLED DOCUMENTS**

Nil.



**ITEM 5 - ATTACHMENT 2      CONDITIONS OF CONSENT.**

## 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 16-2016-862-1 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, the notes contained in Schedule 2 and the bushfire safety authority approval issued by the New South Wales Rural Fire Service contained in Schedule 3.

**Determination Outcome:** Approval, subject to conditions

### APPLICATION DETAILS

**Application No:** 16-2016-862-1

**Property Address:** LOT: 14 DP: 1079392  
**111 South Street MEDOWIE**

**Description of Development:** **Torrens Title Subdivision into Two Lots and Alterations & Additions to Existing Dwelling (deck), Concrete Driveway and Shed**

**Date of determination:** 27 June 2017

**Date from which the consent operates:** 27 June 2017

**Date on which the consent shall lapse:** 28 June 2022  
(unless physical commencement has occurred)

Erin Daniel | 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.

**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. No	Sheet.	Date	Drawn By
Proposed Subdivision Contour & Detailed Overlay	6307 PS-V3	1 of 2	7/2/2017	LeMottee Group
Proposed Subdivision	6307 PS-V3	2 of 2	7/2/2017	LeMottee Group
Shed Location Plan	SLP_001	1 of 1	7/2/2017	MM
Shed Detail	30825	1 of 1	26/8/2016	Shed Boss

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 on the shed**, erosion and sediment control measures shall be put in place immediately down contour of any disturbed ground, and maintained post completion until the site is fully stabilised, to prevent the



**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).

movement of soil by wind, water or vehicles onto any adjoining property, drainage line, easement, natural watercourse, reserve or road surface, in accordance with *Managing Urban Stormwater – Soils and Construction, Volume 1* (Landcom, 2004).

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

6. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
7. Unless otherwise approved by Council in writing, all general building/demolition work shall be carried out between the hours of:
  - 7.00am to 6.00pm Monday to Friday
  - 7.00am to 5.00pm Saturday

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

8. 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.

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

9. **Prior to release of the Occupation Certificate for the shed**, 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.

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

10. A monetary contribution is to be paid to Council for the provision of 1 additional lot, pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979*, Section 94 of the *Environmental Planning and Assessment Act 1979*, and Councils Section 94 Contribution Plan towards the provision of the following public facilities:

Facility	Per lot/dwelling	Total
Civic Administration	\$1,154.00	\$1,154.00
Public Open Space, Parks & Reserves	\$2,529.00	\$2,529.00



**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).

Sports and Leisure Facilities	\$6,828.00	\$6,828.00
Cultural and Community Facilities	\$2,435.00	\$2,435.00
Road Works	\$1,607.00	\$1,607.00
Fire & Emergency Services	\$224.00	\$224.00
Medowie Traffic	\$2,516.00	\$2,516.00
Total		\$17,293.00

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

- a. **Prior to the issue of a subdivision certificate, or a construction certificate for works associated with the subdivision, whichever occurs first.**

Note: The amount of contribution payable under this condition has been calculated at the time of determination and in accordance with the Port Stephens Section 94 contributions plan. The contribution amount is valid for twelve months from the consent date. Should payment take place after twelve months the contribution shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

11. For endorsement of the Subdivision Certificate, the person having the benefit of the development consent shall submit an original plan of subdivision plus an electronic copy (USB or CD), suitable for endorsement by Council. The following details must be submitted with the plan of subdivision and its copies:
- the endorsement fee current at the time of lodgement;
  - the 88B instrument;
  - the Section 50 (Hunter Water) Compliance Certificate for the subdivision;
  - Documentary evidence detailing essential service connections to both allotments; and
  - Proof of payment of Section 94 contribution
12. A registered surveyor shall provide certification that the service as constructed in contained within each lot, or within appropriate easements to accommodate the service. The certification is to be provided to the PCA, **prior to the issue of a Subdivision Certificate.**

### ADVICES

- A. **Prior to making the application for a Subdivision Certificate**, the person having the benefit of this consent is to contact Council's Mapping Section via email at: [addressing@portstephens.nsw.gov.au](mailto:addressing@portstephens.nsw.gov.au) stating your Development Approval number, address of the property and the assessing officer, to obtain the correct house numbering. Be advised that any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.



**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).

- B. Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/the person having the benefit of the development consent to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- C. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- D. The development was referred to the NSW Rural Fire Service for an integrated referral. The application was supported unconditionally; the document is contained in Schedule 3 of this consent, referenced D16/4382 and dated 11 January 2017.

### 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



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 3

*All communications to be addressed to:*

Headquarters  
15 Carter Street  
Lidcombe NSW 2141

Telephone: 1300 NSW RFS  
e-mail: [csc@rfs.nsw.gov.au](mailto:csc@rfs.nsw.gov.au)

Headquarters  
Locked Bag 17  
Granville NSW 2142

Facsimile: 8741 5433



The General Manager  
Port Stephens Council  
PO Box 42  
RAYMOND TERRACE NSW 2324

Your Ref: 16-2016-862-1  
Our Ref: D16/4382  
DA16122305407 JC

ATTENTION: Hugh Jones

11 January 2017

Dear Sir/Madam

#### **Integrated Development for 14//1079392 111 South Street Medowie**

I refer to your letter dated 21 December 2016 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued without any specific conditions.

For any queries regarding this correspondence please contact Joshua Calandra on 1300 NSW RFS.

Yours sincerely

Iona Cameron  
**Acting Team Leader**

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.

ID:105407/98982/5

Page 1 of 1

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

16-2016-862-1

Page 6 of 6





CALL TO COUNCIL FORM  
DEVELOPMENT APPLICATION

I, Councillor **Ken Jordan**.....

require Development Application Number..... ~~16-2016-862-1~~ 16-2016-862-1  
for subdivision at 111 South Street

at 111 South Street

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

**Reason:**

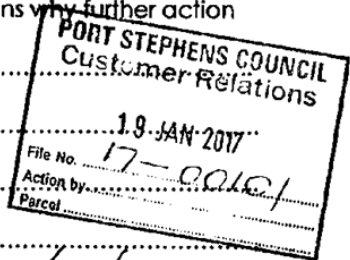
The reason for this call-up to Council is the community are not happy with the subdivision, the neighbours were not notified and they should have been told.

**Declaration of Interest:**

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

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

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



Signed: ...

Date: 18/1/2017



# DEVELOPMENT ASSESSMENT REPORT

## APPLICATION DETAILS

<b>Application Number</b>	16-2016-862-1
<b>Development Description</b>	Torrens Title Subdivision into Two Lots and new Shed
<b>Applicant</b>	MRS M L MORRISSEY & MR A MORRISSEY
<b>Date of Lodgement</b>	15/12/2016
<b>Value of Works</b>	\$24,000.00

### Development Proposal

The application proposes a one (1) into two (2) lots Torrens title subdivision and a shed.

The proposed subdivision will create the following allotments:

- Lot 1 with an area of 1,561m<sup>2</sup> which will contain the existing dwelling onsite. Access to this lot is currently provided directly from South Street; and
- Lot 2 with an area of 700m<sup>2</sup> and will be suitable for supporting a future dwelling. Access to this lot will be available from Sylvan Avenue.

The proposed shed measures 34m<sup>2</sup> in size and 3.05m in height and will be located within proposed Lot 1 to the west of the existing dwelling, along the Sylvan Avenue frontage. Landscaping has been provided to screen the shed from the street.

The initial application included the addition of a deck to the existing dwelling, however compliance issues were raised and subsequently the deck was withdrawn from the current application. The deck is part of an ongoing compliance action.

## PROPERTY DETAILS

<b>Property Address</b>	111 South Street MEDOWIE
<b>Lot and DP</b>	LOT: 14 DP: 1079392
<b>Current Use</b>	Single Storey Dwelling
<b>Zoning</b>	R2 LOW DENSITY RESIDENTIAL
<b>Site Constraints</b>	Bushfire Prone Land – Category 3; Acid Sulfate Soils – Class 5; Koala Habitat – Preferred Habitat linking over cleared land; RAAF Height Trigger Area – Structures over 15m; RAAF Bird Strike zone – Group B; Extraneous Lighting (CASA); D10 Pacific Dunes, Medowie; and Flood Prone Land – Minimal Risk Flood Prone Land.

**Site Description**

The subject site is located at 111 South Street Medowie and is legally identified as Lot 14 DP 1079392 (**Figure 1**). The site is a corner lot located on the intersection of South Street and Sylvan Avenue, measuring 2,262m<sup>2</sup> in size. The site comprises a single storey dwelling located along the South Street frontage, with sole driveway access from this street. The sites topography rises gently from South Street to the north towards LOT 99 DP 1031039.

Surrounding developments comprise predominantly detached single dwellings (of both one and two storeys in height), with the Pacific Dunes Golf Course located to the south west of the site.



**Figure 1** – Aerial of locality

**Site History**

The subject site has historic residential use and approval for the following:

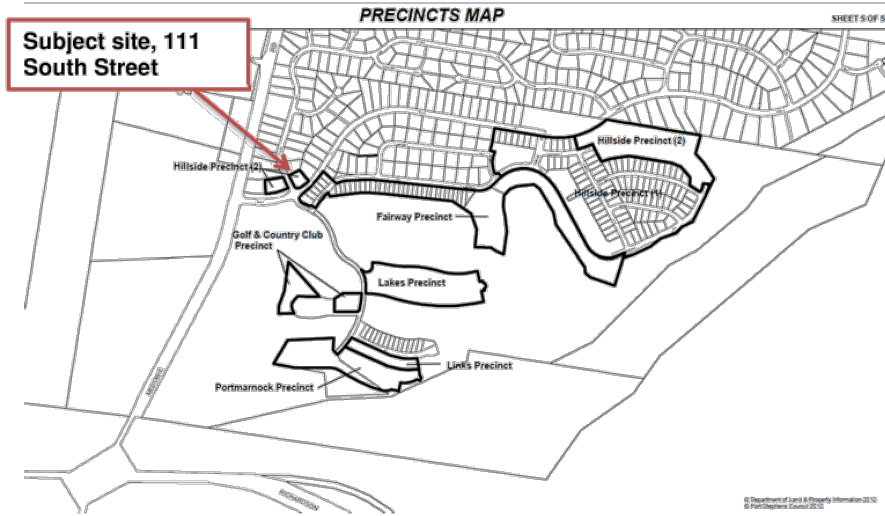
- DA 16-2002-727-1: Golf Course (approved 8 August 2002);
- DA 16-2004-701-1: 3 lot Torrens Title Subdivision & Road Widening (approved 29 October 2004);
- DA 16-2013-262-1: Single Storey Dwelling (approved 3 July 2013); and
- DA 16-2013-262-2: Relocation of retaining wall and construction of alfresco floor (approved 17 February 2017).

There are no outstanding matters relating to these consents which would prevent the proposed development from being carried out.

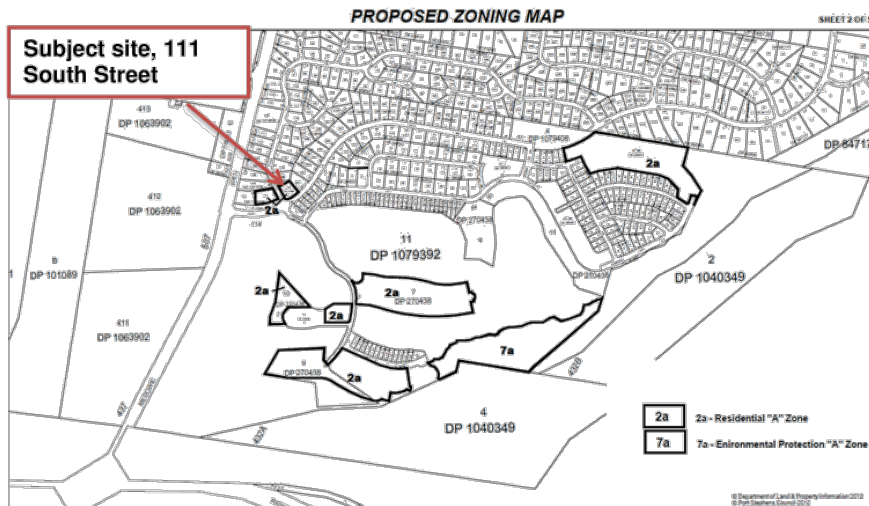
A planning proposal was submitted to Council in February 2012 on behalf of Pacific Dunes Estate, which included the subject site. The intent of the rezoning was to facilitate higher densities and increase lot yield in the Pacific Dunes Estate to respond to market desire, by rezoning land 2(a)

16-2016-862-1

Residential and lowering the applicable minimum lot size to 700m<sup>2</sup>. **Figure 2 and 3** identifies the areas addressed by the planning proposal, contained as attachment 3B to the Council report of 13 August 2013.



**Figure 2** – attachment 3B to Council report of 13 August 2013.



**Figure 3** – attachment 3B to Council report of 13 August 2013.

On 24 April 2012 Council resolved to prepare a planning proposal for the Pacific Dunes Estate which was exhibited from 21 February 2013 to 7 March 2013. On 13 August 2013 Council resolved to proceed post-exhibition. The planning proposal was merged into the comprehensive *Port Stephens Local Environmental Plan 2013 (LEP2013)* (commenced 10 January 2014).

**ITEM 5 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.**

16-2016-862-1

After consultation with Council's Strategic Planning section, it is understood that the current minimum lot size of 450m<sup>2</sup> appears to be a mapping anomaly that occurred during the adoption of LEP 2013.

**Site Inspection**

A site inspection was carried out on Friday 3 February 2017. The subject site can be seen in figures 4 to 9 below:



**Figure 4** – Subject Site, viewed from 1C Sylvan Avenue (LOT 11 DP 1105086)



**Figure 5** – Proposed Lot 2 viewed from corner of Sylvan Avenue and South Street



**Figure 6** – Sylvan Avenue facing north

16-2016-862-1



**Figure 7** – Proposed Lot 2, viewed from Sylvan Avenue



**Figure 8** – Existing residency, fronting South Street



**Figure 9** – Proposed lot, viewed from existing dwelling

**ASSESSMENT SUMMARY**

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

**Internal Referrals**

The proposed application 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** – The proposed development was supported with general conditions of consent provided.

**Section 94 Officer** – The proposed development is required to be levied and has been conditioned accordingly.

**Traffic Engineer** – It was concluded there appears to be sufficient frontage to Sylvan Avenue from the proposed lot to provide the desired separation of driveways if the lot was subsequently developed. Minimum sight distance on Sylvan Avenue, from an access point to the proposed lot can be achieved in accordance with Austroads requirements. However, it was noted Sylvan Avenue is too narrow to support on-street parking so any future development on the proposed lot will have to consider any parking requirements to accommodate off-street parking. The assessment considered all of the public submissions and the application was supported unconditionally.

**External Referrals**

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

**RFS** – The applications was referred to the RFS as integrated development under 100B of the *Rural Fires Act 1997*. In response, the application was supported unconditionally by the RFS.

**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 proposed shed is considered ancillary to the existing dwelling. Dwellings are permissible with consent in the R2 Low Density Residential zone. The proposed development also incorporates a subdivision and is permissible with consent in any residential zone with consent, subject to meeting the minimum lot size requirements. The development addresses the objectives of the zone by providing additional allotments to facilitate further development of the land for residential purposes, therefore meeting the housing needs of the community and area.

**Clause 2.6 – Subdivision**

The proposed development incorporates a two lot Torrens title subdivision and has sought approval under this application in accordance with this Clause.

**Clause 4.1 – Minimum Lot Size**

Resulting lots of the proposed subdivision both exceed the minimum lot size of 450m<sup>2</sup> applicable to the subject land. Proposed Lot 1 has an area of 1,561m<sup>2</sup> and proposed Lot 2 has 700m<sup>2</sup>.

As discussed above, the current minimum lot size of 450m<sup>2</sup> appears to be a mapping anomaly that occurred during the adoption of LEP2013. The applicant agreed to increase the size of proposed Lot 2 from 624.3m<sup>2</sup> to 700m<sup>2</sup> to meet the minimum lot size requirements contained within the planning proposal lodged in 2012. As a result of this, the subdivision does not increase lot yield above the densities envisaged in the planning proposal.

**Clause 4.3 – Height of Buildings**

The proposed shed has a maximum height of 3.05m, which is below the maximum permissible building height of 9m specified on the Height of Buildings Map.

**ITEM 5 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.**

16-2016-862-1

**Clause 7.1 – Acid Sulfate Soils**

The subject land is mapped as containing potential Class 5 acid sulfate soils. The proposed development is not anticipated to include any significant excavations and therefore there are no expected impacts as a result of acid sulfate soils.

**Clause 7.3 – Flood Planning**

The proposed development is located on land mapped as minimal risk flood prone land. However this flood prone land consists of approximately 75m<sup>2</sup> in the eastern corner of the site. As the proposed shed will be constructed outside of this area, no significant negative impacts on the local flooding characteristics will occur.

**Clause 7.6 – Essential Services**

The subject site is serviced by reticulated water, electricity and sewer. The subject land also maintains direct access to South Street via the existing driveway. Additional access to proposed Lot 2 can be gained from Sylvan Avenue meeting the requirements of this clause. A condition is proposed that requires the provision of evidence that all essential services are available to the resulting lots, prior to the issue of a subdivision certificate.

**s79C(1)(a)(ii) – Any draft EPI**

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

**s79C(1)(a)(iii) – Any DCP**

Port Stephens Development Control Plan 2014

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

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

In accordance with the requirements of chapter A.12, the development application was not required to be notified.

**Chapter B3 – Environment Management****B3.A Bushfire Prone Land**

The subject site is mapped as Bushfire Prone Land, and as a result was referred to the NSW Rural Fire Service as integrated development under 100B of the *Rural Fires Act 1997*. In response, the application was supported unconditionally.

**B3.B Acid Sulfate Soils**

The subject land is mapped as containing potential Class 5 acid sulfate soils. The proposed development is not anticipated to include any significant excavations and therefore there are no expected impacts as a result of acid sulfate soils.

**Chapter B5 – Flooding**

The subject land is mapped as being within the Flood Planning Area. Following from the discussion against Clause 7.3 of the LEP2013 above, the proposed development is acceptable in this regard.

**Chapter B6 – Essential Services**

Reticulated water, electricity and sewer are available to the subject site. The area included in proposed Lot 2 naturally slopes towards Sylvan Avenue, thus any stormwater captured by future development will be directed towards the drainage infrastructure located on Sylvan Avenue. Stormwater drainage will however be assessed under future development applications. Proposed Lot 2 will have direct access to a Sylvan Avenue.

Page 7 of 11



**ITEM 5 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.**

16-2016-862-1

**Chapter B9 – Road Network and Parking**

Proposed Lot 2 achieves sufficient frontage to Sylvan Avenue to provide the desired separation of driveways if the lot was subsequently developed. Minimum sight distance on Sylvan Avenue, from an access point to proposed Lot 2 can be achieved in accordance with Austroads requirements. It is noted that Sylvan Avenue is too narrow to support on-street parking; therefore any future development on proposed Lot 2 must accommodate off-street car parking.

**Chapter C1 – Subdivision**

Clause	Requirement	Assessment
C1.2	Subdivision defined as either minor or major	The proposed subdivision is a one into two lot Torrens title subdivision, with no new roads. Accordingly the subdivision is classified as a minor subdivision.
C1.5	Maximum lot dimensions of 80m deep and 160m long	The resulting lots have approximate dimensions of: <ul style="list-style-type: none"> <li>• Lot 1 – 31.21m deep by 43.24m long; and</li> <li>• Lot 2 – 43.24m deep by 19m long.</li> </ul> The above dimensions are under the maximum lot dimensions are therefore complies with the DCP.
C1.11	New lots support a building footprint of 15x8m or 10x12m	Proposed Lot 2 is capable of supporting a building footprint in accordance with this requirement.
C1.14	Where possible, lots should be orientated to provide one axis within 30 degrees east and 20 degrees west of true solar north. Where a northern orientation is not possible, lots should be wider to allow private open space on the northern side of the dwelling. Subdivision design should take account for solar access opportunities afforded by land topography.	The subject site does not achieve solar access in accordance with C1.14 as a result of the lot formation under the previous subdivision. It is however noted that the resulting lots of the proposed development are large enough to obtain sufficient northerly solar access into private open spaces and dwellings.
C1.21	Each lot must achieve gravity drainage to the public drainage network, and may include the use of inter-allotment drainage.	Proposed Lot 2 naturally slopes towards Sylvan Avenue, thus any stormwater will flow towards the existing drainage infrastructure located on Sylvan Avenue.

**Chapter C4 – Ancillary Development**

Clause	Requirement	Assessment
C4.1	Lodgement Requirements	The application includes relevant information required under this clause.
C4.9	Building height to be max. 9m on land with no maximum building height	The proposed shed has a maximum height of 3.05m above ground level, which is below the maximum permissible building height of 9m specified on the

**ITEM 5 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.**

16-2016-862-1

	specified in LEP	Height of Buildings Map.
C4.10	Minimum front setback of 4.5m in greenfield sites or average of adjacent properties, or 10m in rural, environmental or R5 zoned land	The proposed shed is setback approximately 13.5m from the front property boundary which complies with the minimum setback requirements.
C4.11	Minimum setback from secondary street frontage of 2m or 10m in rural or environmental zones	The proposed shed is setback between 3.7m and 5.4m from the secondary street frontage property boundary, which complies with the minimum setback requirements.
C4.21	Development to be sympathetic to the street character	The proposed shed is typical of other developments in the locality in terms of size and scale. The shed will match the colours of the existing dwelling on-site and will be screened by the existing fence and landscaping.
C4.31	Ancillary shed on residential land to have max. gross floor area of 72m <sup>2</sup> and min setback from side and rear boundaries of 0.9m, or uses a merits bases approach to floor area on R5 zoned land with a 10m front boundary setback and 5m rear and side boundary setback	The shed has a gross floor area of 34m <sup>2</sup> and is setback between 3.7m and 5.4m from the secondary street frontage (Sylvan Avenue) and approximately 15m from proposed rear property boundary. The floor area and setbacks of the proposed ancillary shed meet the requirements of this clause.

**Chapter D10 – Pacific Dunes – Meadowie (Hillside Lots Precinct)**

Site specific development controls are applicable to the proposed development and have been assessed below as follows.

D10.1	Landscape Plan	The proposed shed is to be screened by the existing hedging, which are represented on the plan.
D10.5	Setbacks – Hillside Precinct	The proposed shed complies with the setback requirements of the Hillside Precinct.

**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 clauses of the regulations that require consideration for 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

**ITEM 5 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.**

16-2016-862-1

The proposal will result in a positive social and economic impact through the provision of additional allotments to service the housing needs of the local community. There are no anticipated adverse social or economic impacts as a result of the proposed development.

Impacts on the Built Environment

The proposed development will reinforce the residential nature of the locality. The proposal addresses the street and provides logical and convenient connections to the road network and pedestrian facilities in the locality. There are no anticipated adverse impacts on the built environment as a result of the proposed development.

Impacts on the Natural Environment

The proposal is for a Torrens Title subdivision and shed. The development is not envisaged to generate any impacts on the natural environment.

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

The subject site is located within an existing residential area and is relatively clear of vegetation. The site has access to all relevant services and the proposed development makes good use of the available land. The application design 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**

Eight (8) submissions and one signed petition have been received in relation to the proposed development and are discussed in further detail below.

<b>Issue Raised</b>	<b>Comment</b>
Parking and Road Networking	A referral was sent to Council's Traffic Engineer to assess the traffic impacts of the proposed subdivision with consideration to submissions.  It was concluded there are sufficient frontage to Sylvan Avenue from the proposed lot to provide the desired separation of driveways, if the lot was subsequently developed. Minimum sight distance on Sylvan Avenue, from an access point to the proposed lot can be achieved in accordance with Austroads requirements.
Zoning and Minimum Lot Sizes	Resulting lots of the proposed subdivision both exceed the minimum lot size of 450m <sup>2</sup> applicable to the subject land. Proposed Lot 1 has an area of 1,561m <sup>2</sup> and proposed Lot 2 has 700m <sup>2</sup> .  The current minimum lot size of 450m <sup>2</sup> appears to be a mapping anomaly that occurred during the adoption of LEP2013. The applicant agreed to increase the size of proposed Lot 2 from 624.3m <sup>2</sup> to 700m <sup>2</sup> to meet the minimum lot size requirements contained within the planning proposal lodged in 2012. As a result of this, the subdivision does not increase lot yield above the densities envisaged in the planning proposal.
Covenants/restrictions on title	A number of submissions stated that the subject site cannot be subdivided as the entire Sylvan Ridge Estate has a restriction on the title, which does not allow for the further subdivision of land. However the subject site was under a different Deposited Plan, (Pacific Dunes) which subsequently did not have this same restriction on title. The subdivision of this site is therefore not burdened by this restriction.
Notification	The application was not required to be notified in accordance with

**ITEM 5 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.**

16-2016-862-1

	<i>Chapter A.12 of the Port Stephens Development Control Plan 2014.</i>
Privacy	Privacy impacts are not generated by the proposed subdivision rather could be an impact generated by future development. In this instance it is noted that proposed Lot 2 (700m <sup>2</sup> ) is deemed to have sufficient space to facilitate future residential development without creating any substantial privacy issues.
Increase demand for services	The application is for subdivision and an ancillary shed. It is noted that the subject site is zoned R2 which facilitates future residential development. It is considered that the proposal will not impact significantly on the services in the area.
Existing streetscape/character	The submissions described the subdivision as out of character from the rest of the Sylvan Ridge Estate. However, the intent of the Pacific Dunes Planning Proposal was to facilitate smaller residential lots, and as such the subject site was included in the proposal as an appearance to the entrance of the Pacific Dunes Estate. The original planning proposal had the subject site mapped as a one (1) into three (3) lot subdivision; in conclusion the proposed one (1) into two (2) lot subdivision is an improved outcome as it will act as a transition between two zonings.
Stormwater	The subject site naturally slopes downwards towards Sylvan Avenue, thus any stormwater that will not infiltrate on the current undeveloped site (proposed Lot 2) will drain to the drainage infrastructure located on Sylvan Avenue.

The issues raise in the submissions have been considered in the context of the proposal, surrounding locality and relevant legislation. The issues raised have been determined to not be of significance as to warrant refusal or modification of the proposed development.

**s79C(1)(e) – The public interest**

The additional lot in the locality will service the needs of the community, whilst not anticipated to have any significant adverse impacts on surrounding properties or the amenity of the locality. The proposed development reinforces the residential nature of the land and is in keeping with the character of surrounding developments. The proposed development has created a significant amount of community interest, however complies with all the applicable planning provisions required for the subject development.

The proposed shed is also considered in keeping with the amenity and streetscape of the area.

**DETERMINATION**

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

Erin Daniel | Development Planner



## Reasons for refusal

1. The site is not suitable for the development given the location and context of the proposed subdivision and traffic impacts. The site is within close proximity to the nearby roundabout at the intersection of South Street and Championship Drive and the development will have unacceptable impacts on the local traffic network with respect to traffic safety (s.79C(1)(c)EP&A Act 1979); and
2. The development is likely to have significant adverse impacts on the amenity and streetscape of the surrounding area. The development is therefore not in the public interest (s.79C(e) EP&A Act 1979).

**ITEM NO. 7**

**FILE NO: 17/109034  
RM8 REF NO: PSC2017-00869**

**DEVELOPMENT APPLICATION NO. 59-2017-25-1 FOR TREE REMOVAL AT 1  
AGONIS PLACE, MEDOWIE (LOT 3 DP 833110)**

REPORT OF: LES SEDDON - ACTING STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse Development Application (DA) No. 59-2017-25-1 for the removal of five (5) trees at 1 Agonis Place, Medowie (Lot 3 DP 833110), for the reasons outlined in **(ATTACHMENT 2)**.

---

**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Chris Doohan Councillor Geoff Dingle</b></p> <p>That Council approve Development Application (DA) No. 59-2017-25-1 for the removal of five (5) trees at 1 Agonis Place, Medowie (Lot 3 DP 833110).</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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

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

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
MOTION**

<b>151</b>	<p><b>Councillor Ken Jordan Councillor Paul Le Mottee</b></p> <p>It was resolved that Council approve Development Application (DA) No. 59-2017-25-1 for the removal of five (5) trees at 1 Agonis Place, Medowie (Lot 3 DP 833110).</p>
------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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

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

Those against the Motion: Nil.

## **BACKGROUND**

The purpose of this report is to present Development Application (DA) No. 59-2017-25-1 to Council for determination as it has been called to Council by Councillor Doohan. A copy of the call up form has been included as **(ATTACHMENT 3)**.

The DA is for the removal of five (5) trees at 1 Agonis Place, Medowie (Lot 3 DP 833110).

The application was made on 14 March 2017 and following an assessment of the trees, it was identified that the removal of one of the subject trees (a *Corymbia Maculata*) could be supported. However, the remaining four (4) trees were identified as being assessed as low risk to people and property and for this reason the removal of these trees could not be supported. As such, the applicant was advised on 22 April 2017 that Council staff intended to refuse the application.

An assessment has been conducted by Council staff **(ATTACHMENT 2)**. The report concludes that the proposed tree removal is inconsistent with Clause 5.9 *Port Stephens Local Environmental Plan 2013* (PSLEP 2013) and Chapter B1 Tree Management of *Port Stephens Development Control Plan 2014*. Reasons for refusal have been recommended on this basis **(ATTACHMENT 4)**.

### Site Details

The subject site is located at Lot 3 DP 833110 and is known as 1 Agonis Place, Medowie as per the attached locality plan **(ATTACHMENT 1)**. The land is zoned R2 Low Density Residential and is on the corner of Rosewood Drive. The site is 710m<sup>2</sup> in size and comprises a single story dwelling. The subject trees are located on the North West boundary of the property.

### Assessment Outcomes

A detailed assessment of the proposal against the provisions of s.79C *Environmental Planning and Assessment Act 1979* (EP&A Act) is provided at **(ATTACHMENT 2)**.

The proposed tree removal application was assessed and determined that:

- a Basic Tree Risk Assessment (International Society of Arboriculture) was undertaken which found that the risk to person and property for four (4) out of the

## MINUTES ORDINARY COUNCIL - 27 JUNE 2017

five (5) trees was low. One *Corymbia Maculata* was assessed as a moderate risk to person or property and was approved for removal;

- the four (4) trees have a *moderate* retention value as per Council's Tree Technical Specification;
- the removal of four (4) trees would have a moderate impact on the natural environment; and
- an arborists report with evidence supporting the removal of the tree was not provided with the application.

The application was assessed as not being consistent with Clause 5.9 of the *Port Stephens Local Environmental Plan 2013* (LEP2013), the objective of which is to "preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation".

The information submitted with the application and the subsequent assessment did not provide evidence to support the approval of the application.

### 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 known financial implications resulting from the recommendation of this report.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

The development application is inconsistent with Clause 5.9 of Council's Local Environmental Plan 2013).



<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council's reputation could be harmed by approving removal of these trees.	Medium	Reported to Council to ensure full transparency of decision making for the community.	Yes
There is a risk that if the application is refused, it may be challenged at the Land and Environment Court.	Medium	Adopt the recommendation contained within this report.	Yes
There is a risk the trees may present a danger to nearby property or residents	Low	Adopt the recommendation contained within this report.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The retention of four (4) trees on this parcel will contribute to the preservation of the local amenity of the area, including the biodiversity value of the trees.

The trees are not identified as being endangered ecological community or as having a high environmental value.

**CONSULTATION**

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

The objective of the consultation was to inform the relevant parties of the application and obtain their feedback on the proposal to ensure all potential concerns have been investigated.

Internal

A number of site inspections were held which included Council's Natural Resources Coordinator, Councillors, the Mayor, senior Council staff, and the applicant.

External

In accordance with Council's obligations outlined in Chapter A.12 of the DCP 2014 Council has not notified adjoining landowners, nor publicly advertised this DA.

**OPTIONS**

- 1) Accept the recommendation.
- 2) Amend the recommendation.
- 3) Reject the recommendation and approve with conditions (**Attachment 4**).

**ATTACHMENTS**

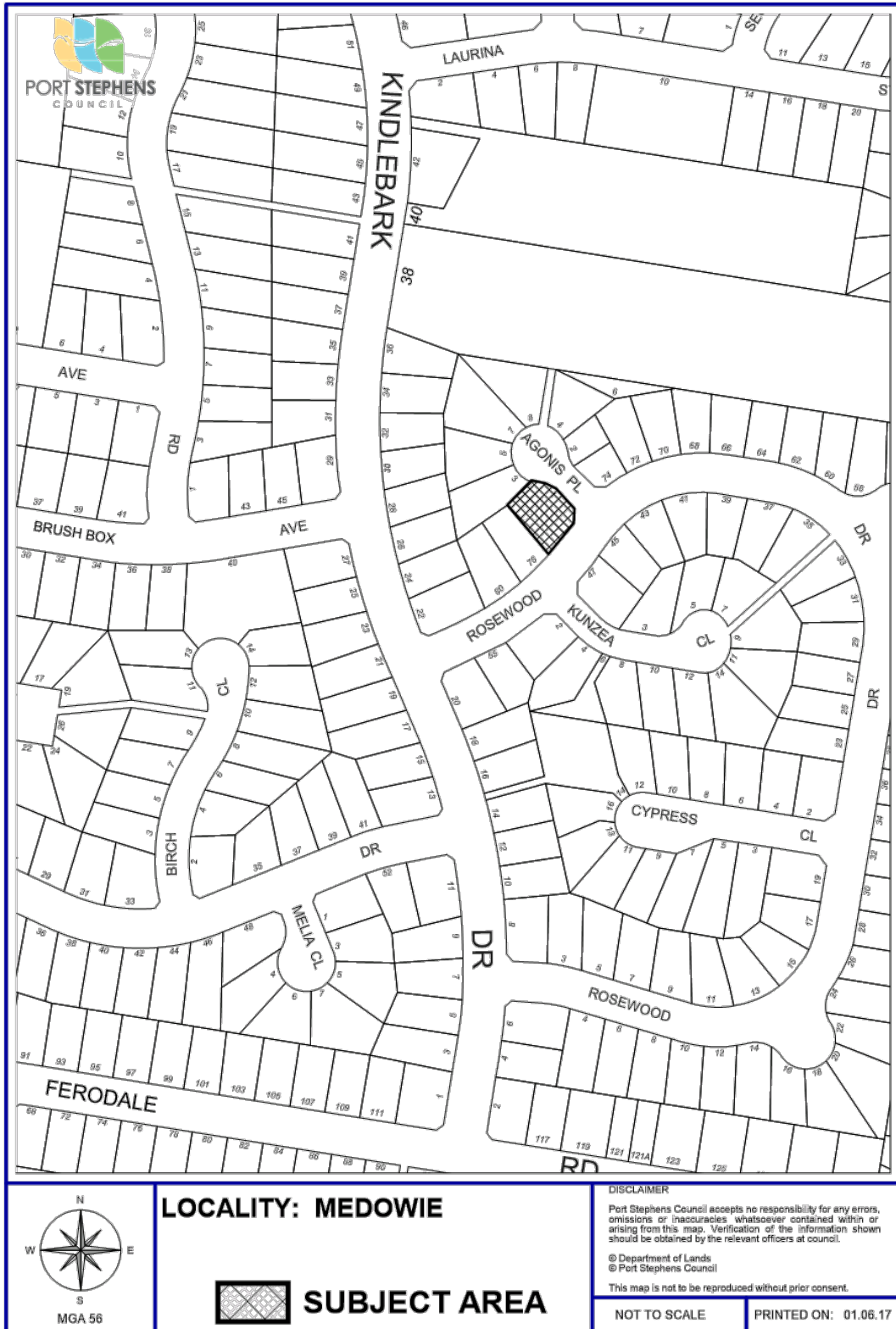
- 1) Locality Plan.
- 2) Assessment Report 59-2017-25-1.
- 3) Call to Council Form.
- 4) Reasons for Refusal.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.





# DEVELOPMENT ASSESSMENT REPORT

**APPLICATION DETAILS**

<b>Application Number</b>	59-2017-25-1
<b>Description</b>	Removal of five (5) Trees
<b>Applicant</b>	Mark Strain
<b>Date of Lodgement</b>	14/03/17

**Development Proposal**

The application proposes the removal of five (5) trees at 1 Agonis Place, Medowie (Lot 3 DP 833110).

The application for removal sighted the following reasons:

- A belief that the tree present a risk to person or property;
- Previous falling branches; and
- Previous damage to the roof of a house.

**PROPERTY DETAILS**

<b>Property Address</b>	1 Agonis Place, MEDOWIE
<b>Lot and DP</b>	LOT: 3 DP: 833110
<b>Current Use</b>	Single Storey Dwelling
<b>Zoning</b>	R2 Low Density Residential

**Site Description**

The subject site is located at Lot 3 DP 833110 and is known as 1 Agonis Place, Medowie. The land is zoned R2 Low Density Residential and is on the corner of Rosewood Drive. The site is 710m<sup>2</sup> in size and comprises a single story dwelling. The subject trees are located on the North West boundary of the property as per locality plan (Figures 1 & 2) and photos (Figure 3).

59-2016-102-1



Figure 1 – Aerial of locality



Figure 2 – Aerial of locality



Figure 3: Photos of subject trees at 1 Agonis Place,

**Site Inspection**

A site inspection was carried out on 18<sup>th</sup> April 2017 by Council's Vegetation Management Officer.

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

**Internal Referrals**

No internal referrals were deemed necessary for this application.

**External Referrals**

No external referrals were deemed necessary for this application.

**MATTERS FOR CONSIDERATION – SECTION 79C**

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

Port Stephens Local Environmental Plan 2013 (LEP)

**Clause 5.9 – Preservation of trees or vegetation**

Four (4) of the five (5) trees were assessed as not having satisfactorily complied with Clause 5.9 of the Port Stephens Local Environmental Plan 2013 (LEP2013), the objective of which is to "preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation".

**s79C(1)(a)(ii) – Any draft EPI**

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

**s79C(1)(a)(iii) – Any DCP**

Port Stephens Development Control Plan 2014

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

**Chapter A.12 Development Notification**

Chapter A.12 does not require Council to notify adjoining landowners or publicly exhibit development applications for tree removal. However, "where Council is of the opinion that the proposed development is minor in nature and its location, size, height, bulk and proposed use will not adversely affect the amenity of the adjoining land, advertising and/or notification of the development may not be required. Conversely, where Council is of the opinion the development may have an impact, Council may choose to notify or advertise".

Council has not notified adjoining landowners, nor publicly advertised this DA.

**Chapter B1 Tree Management**

Clause 5.9 of the LEP2013 applies as the subject parcel Lot 2 DP 574867 is within the urban area to which B1 – Tree Management as per Figure BB of the DCP2014, and the tree satisfies B1-1 of the DCP2014 whereby "Council approval is required to remove or prune trees or other vegetation

59-2016-102-1

listed under Column 1, except where those circumstances listed under Column 2 are satisfied".

An assessment of the application and trees determined that Council approval is required as none of the listed circumstances listed in Column 2 of the B1-1 of the DCP2014 were satisfied, namely that:

- The trees are greater than 3m tall and:
  - The trees are not within 5m of the wall of an approved structure measured from the wall to the trunk of the tree;
  - The removal of the trees are not in accordance with a construction/subdivision certificate;
  - The trees were not grown for fruit or nut production;
  - The removal of the trees were not authorized under the Rural Fires Act 1997 (e.g. covered by the 10/50 Vegetation Clearing Code of Practice);
  - The removal of the trees exceed exempt maintenance of less than 12 months growth or 10% of foliage in accordance with AS4373-2007;
  - The trees are not declared as an exotic species;
  - The trees are not within a park, easement or reserve and the proposed work is not proposed to be undertaken by a responsible authority;
  - The trees are not dead;
  - The trees are not at risk of immediate failure.
  -

Having determined that consent is required under Clause 5.9 of the LEP2013, an assessment of the trees against B1-2 of the DCP2014 was undertaken to "ensure adequate consideration is provided to the relevant matters for the removal of trees or vegetation". This assessment gave regard for the following and determined that:

- There is no evidence that the trees have damaged or are damaging an existing structure or utility service as substantiated by a qualified person;
- There is no evidence that the trees are interfering with a solar photovoltaic/hot water system;
- There is no evidence that the trees are interfering with the amenity of a habitable room;
- There is no evidence that the trees are threatened by a development consent;
- There is no evidence that the trees are either consistent with or inconsistent with a flora, fauna or conservation strategy;
- There is no evidence that the trees are interfering, or likely to interfere, with the provision of a public utility or road/driveway construction;
- There is no evidence that the trees or their removal would impact on threatened species, populations or ecological communities and their habitats;
- The retention value of the trees were determined as *moderate*.

It is noted that an arborists report consistent with the Port Stephens Tree Technical Specification was not supplied as per under B1.3 of the DCP2014 "to support re-assessment of applications for tree removal on a technical basis".

An assessment of the tree against B1.4-B1.7 of the DCP2014 was undertaken to "ensure adequate information is provided to determine the application for the removal of trees or vegetation". This assessment determined that:

- A public tree was not deemed at risk (B1.4);
- A Vegetation Management Plan is not required to support the application to remove five (5) trees (B1.5);

Page 5 of 7



59-2016-102-1

- Compensatory planting is not required should the application be refused. However an assessment of compensatory planting required was completed which determined that three (3) trees of a similar genus and maintained to a height of greater than 3 meters are to be planted on the property within 30 days of removal of the trees, and located at least 5 meters from an approved structure as compensation should Council determine to approve the removal of the remaining four (4) trees (B1.6) the subject of the application. Consideration has been given to the likely longevity of the cluster and therefore compensation is based on the largest tree. Such planting should be undertaken in accordance with Port Stephens Council's Tree Technical Specification.
- There is no evidence that the trees are hollow bearing (B1.7).

The information submitted with the application and the subsequent assessment did not provide evidence to support the removal of the remaining four (4) trees the subject of the application.

**s79C(1)(a)(iiiia) – 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 clauses of the regulations that require consideration for 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 proposed removal of the remaining four (4) trees would impact on the amenity of the local area. The retention value of the trees were determined as moderate.

Impacts on the Built Environment

The proposed tree removal is not expected to impact on the Built Environment.

Impacts on the Natural Environment

The proposed tree removal would have a moderate impact on the natural environment.

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

The subject site is located within an existing residential area.

**s79C(1)(d) – Any submissions**

No submissions have been received in relation to the proposed tree removal.

**s79C(1)(e) – The public interest**

The subject trees were assessed as having a *moderate* retention value.

**DETERMINATION**

The application (for removal of the remaining 4 trees) is recommended to be refused.

Les Seddon  
*Strategy & Environment Section Manager*  
*Port Stephens Council*



PORT STEPHENS COUNCIL

CALL TO COUNCIL FORM DEVELOPMENT APPLICATION

I, Councillor Chris Doonan

require Development Application Number 59-2017-29-1

for

at 1 Agonis Place, Medowie

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

Reason:

The reason for this call-up to Council is community interest

Declaration of Interest:

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

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

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

Signed: Date: 16 May 17.

**REASONS FOR REFUSAL**

1. The development is inconsistent with clause 5.9 *Port Stephens Local Environmental Plan 2013* (PSLEP) as removal of the subject trees is inconsistent with the objectives of the clause which seeks to preserve amenity and biodiversity (s.79C(1)(a)(i)).
2. The development does not conform to the controls contained within Port Stephens Development Control Plan (DCP) Chapter B1 Tree Management. The subject trees are determined to have a moderate retention value and removal would adversely impact upon the amenity of the locality (s.79C (1)(a)(iii) EP& A Act 1979).

**ITEM NO. 8**

**FILE NO: 17/117362  
RM8 REF NO: PSC2017-00609**

**COMMUNITY PROJECTS FUND 2017-2018**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve the provision of financial assistance from applications received from the Community Projects Fund under Section 356 of the *Local Government Act 1993* from Mayoral and Ward Funds as detailed below:

**EAST WARD**

- a) Port Stephens Celtic Association Inc. – contribution towards the annual Celtic Festival - \$1,500;
- b) Nelson Bay Baptist Church Playtime – contribution towards new playtime area matting - \$1,500;
- c) Ocean and Coastal Care Initiative Port Stephens – contribution towards the purchase of a trailer - \$2,000;
- d) Corlette Parks Reserves and Landcare 355c committee – contribution towards sun shade shelter in Conroy Park - \$2,000;
- e) Marine Parks Association – contribution towards the 2017 Dolphin Census Project - \$2,000;
- f) Tomaree College Community Garden – contribution towards the relocation of the community garden - \$1,500;
- g) Volunteer Marine Rescue NSW Port Stephens Unit – contribution towards the purchase of electronic aids - \$1,500.

**CENTRAL WARD**

- h) Sailability NSW Port Stephens Branch – contribution towards volunteer equipment - \$1,823;
- i) Port Stephens Church Christ – contribution towards purchasing food containers for Meals on Wheels - \$750;
- j) Port Stephens Third Age Learning – contribution towards purchase of a computer - \$1,500;
- k) Medowie Assembly of God Inc. – contribution towards Food Way programs - \$1,500;
- l) Medowie & Districts Little Athletics Centre Inc. – contribution towards clubhouse enhancements - \$1,500;
- m) Boat Harbour 355c committee – contribution towards erosion control - \$1,500;
- n) 1<sup>st</sup> Tilligerry Scouts Group – contribution towards a gas bottle cage and kitchen equipment - \$900;

## MINUTES ORDINARY COUNCIL - 27 JUNE 2017

- o) Volunteer Marine Rescue NSW Port Stephens Unit – contribution towards the purchase of electronic aids - \$1,000.

### WEST WARD

- p) Rotary Club of Raymond Terrace – contribution towards the Raymond Terrace Driving Training Program - \$2,000;
- q) Karuah Working Together Inc. – contribution towards the Karuah Community Garden regeneration - \$2,000;
- r) Hunter Botanic Gardens Ltd – contribution towards training equipment - \$2,000;
- s) Raymond Terrace Men's Shed – contribution towards the cost involved with the Community Memory Star at the Memory Star Festival of Light - \$2,000;
- t) Seaham Park and Wetland Committee 355c – contribution towards repairs to picnic facilities - \$2,000;
- u) Volunteer Marine Rescue NSW Port Stephens Unit – contribution towards the purchase of electronic aids - \$2,000.

### MAYORAL FUND

- v) Medowie Assembly of God Inc. – contribution towards the Foodway program - \$2,000.
- 2) Endorse the provision of funds to Julie Bailey as a contribution towards a community building program - \$1,527, and place the proposal on public exhibition for a period of 28 days, in accordance with the *Local Government Act 1993* to seek public comment.
- 3) Should no submissions be received as a result of the public exhibition stated above, the funds be approved.

## ORDINARY COUNCIL MEETING - 27 JUNE 2017 COMMITTEE OF THE WHOLE RECOMMENDATION

<p><b>Councillor John Nell</b> <b>Councillor Ken Jordan</b></p> <p>That Council approve the provision of financial assistance from applications received from the 2017/2018 Community Projects Fund under Section 356 of the <i>Local Government Act 1993</i> from Mayoral and Ward Funds as detailed below:</p> <p><b>EAST WARD</b></p> <p>a) Port Stephens Celtic Association Inc. – contribution towards the annual Celtic Festival - \$1,500;</p> <p>b) Nelson Bay Baptist Church Playtime – contribution towards new playtime area matting - \$1,500;</p> <p>c) Ocean and Coastal Care Initiative Port Stephens – contribution towards the purchase of a trailer - \$2,000;</p> <p>d) Corlette Parks Reserves and Landcare 355c committee – contribution towards sun shade shelter in Conroy Park - \$2,000;</p>
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- e) Marine Parks Association – contribution towards the 2017 Dolphin Census Project - \$2,000;
- f) Tomaree College Community Garden – contribution towards the relocation of the community garden - \$1,500;
- g) Volunteer Marine Rescue NSW Port Stephens Unit – contribution towards the purchase of electronic aids - \$1,500.

**CENTRAL WARD**

- h) Sailability NSW Port Stephens Branch – contribution towards volunteer equipment - \$1,823;
- i) Port Stephens Church Christ – contribution towards purchasing food containers for Meals on Wheels - \$750;
- j) Port Stephens Third Age Learning – contribution towards purchase of a computer - \$1,500;
- k) Medowie Assembly of God Inc. – contribution towards Food Way programs - \$1,500;
- l) Medowie & Districts Little Athletics Centre Inc. – contribution towards clubhouse enhancements - \$1,500;
- m) Boat Harbour 355c committee – contribution towards erosion control - \$1,500;
- n) 1<sup>st</sup> Tilligerry Scouts Group – contribution towards a gas bottle cage and kitchen equipment - \$900;
- o) Volunteer Marine Rescue NSW Port Stephens Unit – contribution towards the purchase of electronic aids - \$1,000.
- p) Community Helping Community Incorporated - contribution towards a community building program - \$1,527.

**WEST WARD**

- q) Rotary Club of Raymond Terrace – contribution towards the Raymond Terrace Driving Training Program - \$2,000;
- r) Karuah Working Together Inc. – contribution towards the Karuah Community Garden regeneration - \$2,000;
- s) Hunter Botanic Gardens Ltd – contribution towards training equipment - \$2,000;
- t) Raymond Terrace Men's Shed – contribution towards the cost involved with the Community Memory Star at the Memory Star Festival of Light - \$2,000;
- u) Seaham Park and Wetland Committee 355c – contribution towards repairs to picnic facilities - \$2,000;
- v) Volunteer Marine Rescue NSW Port Stephens Unit – contribution towards the purchase of electronic aids - \$2,000.

**MAYORAL FUND**

- w) Medowie Assembly of God Inc. – contribution towards the Foodway program - \$2,000.

**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
MOTION**

<b>152</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Paul Le Mottee</b></p> <p>It was resolved that Council approve the provision of financial assistance from applications received from the Community Projects Fund under Section 356 of the <i>Local Government Act 1993</i> from Mayoral and Ward Funds as detailed below:</p> <p><b>EAST WARD</b></p> <ul style="list-style-type: none"> <li>a) Port Stephens Celtic Association Inc. – contribution towards the annual Celtic Festival - \$1,500;</li> <li>b) Nelson Bay Baptist Church Playtime – contribution towards new playtime area matting - \$1,500;</li> <li>c) Ocean and Coastal Care Initiative Port Stephens – contribution towards the purchase of a trailer - \$2,000;</li> <li>d) Corlette Parks Reserves and Landcare 355c committee – contribution towards sun shade shelter in Conroy Park - \$2,000;</li> <li>e) Marine Parks Association – contribution towards the 2017 Dolphin Census Project - \$2,000;</li> <li>f) Tomaree College Community Garden – contribution towards the relocation of the community garden - \$1,500;</li> <li>g) Volunteer Marine Rescue NSW Port Stephens Unit – contribution towards the purchase of electronic aids - \$1,500.</li> </ul> <p><b>CENTRAL WARD</b></p> <ul style="list-style-type: none"> <li>h) Sailability NSW Port Stephens Branch – contribution towards volunteer equipment - \$1,823;</li> <li>i) Port Stephens Church Christ – contribution towards purchasing food containers for Meals on Wheels - \$750;</li> <li>j) Port Stephens Third Age Learning – contribution towards purchase of a computer - \$1,500;</li> <li>k) Medowie Assembly of God Inc. – contribution towards Food Way programs - \$1,500;</li> <li>l) Medowie &amp; Districts Little Athletics Centre Inc. – contribution towards clubhouse enhancements - \$1,500;</li> <li>m) Boat Harbour 355c committee – contribution towards erosion control - \$1,500;</li> <li>n) 1<sup>st</sup> Tilligerry Scouts Group – contribution towards a gas bottle cage and kitchen equipment - \$900;</li> </ul>
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## MINUTES ORDINARY COUNCIL - 27 JUNE 2017

- o) Volunteer Marine Rescue NSW Port Stephens Unit – contribution towards the purchase of electronic aids - \$1,000.
- p) Community Helping Community Incorporated - contribution towards a community building program - \$1,527.

### WEST WARD

- q) Rotary Club of Raymond Terrace – contribution towards the Raymond Terrace Driving Training Program - \$2,000;
- r) Karuah Working Together Inc. – contribution towards the Karuah Community Garden regeneration - \$2,000;
- s) Hunter Botanic Gardens Ltd – contribution towards training equipment - \$2,000;
- t) Raymond Terrace Men's Shed – contribution towards the cost involved with the Community Memory Star at the Memory Star Festival of Light - \$2,000;
- u) Seaham Park and Wetland Committee 355c – contribution towards repairs to picnic facilities - \$2,000;
- v) Volunteer Marine Rescue NSW Port Stephens Unit – contribution towards the purchase of electronic aids - \$2,000.

### MAYORAL FUND

- w) Medowie Assembly of God Inc. – contribution towards the Foodway program - \$2,000.

## BACKGROUND

The purpose of this report is to provide the recommendations of the Community Projects Fund Panel to Council for determination.

Council called for Community Grant applications from 3 April 2017 to 8 May 2017. All applications received are shown at **(ATTACHMENT 1)**. A total of 22 applications were received. A further application was received under the Community Capacity Building Fund and the Mayoral Fund.

The total value of the applications received is:

East Ward	\$ 13,818.18 – shown in blue in the attachment
Central Ward	\$ 15,701.00 – shown in yellow in the attachment
West Ward	<u>\$ 11,000.00</u> – shown in green in the attachment
	\$ 40,519.18
Mayoral Fund	\$ 5,918.00
Community Capacity Building	<u>\$ 4,725.00</u>
	\$ 51,162.18

The assessment panel comprising Councillors Nell, Doohan, Jordan and the General Manager assessed the applications in accordance with the policy and guidelines.

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

### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Council Ward funds are the funding source for all financial assistance. Council has made provision of \$36,000 per year. These applications are limited to \$2,000 per grant. Community Capacity Building Funds are available subject to the balance available from Ward funds.

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

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

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

The Policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function which it, the Council, would otherwise undertake;

## MINUTES ORDINARY COUNCIL - 27 JUNE 2017

- b) the funding will directly benefit the community of Port Stephens;
- c) applicants do not act for private gain.

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

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

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

### **MERGER PROPOSAL IMPLICATIONS**

There are no merger implications arising out of this recommendation.

### **CONSULTATION**

Consultation with key stakeholders was undertaken to promote the funding opportunity and past previously funded successful projects. The guidelines and objectives of the Community Projects Fund were also promoted widely and in person at the joint Launch of Council's grant programs.

#### External

- Advertisements in the Port Stephens Examiner, Council's website, and social media.
- A public funding Launch and Expo held on 3 April 2017.

**OPTIONS**

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

**ATTACHMENTS**

- 1) 2017-2018 Community Projects Fund.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

No. & page	Organisation/committee or individual/s name	Project name/title	Short description (50 words maximum) (This will be used to describe your project in public documents.)	Detailed description of project (No more than 150 words)	What is the total cost of the project (exclusive of GST)?	What is the total amount of your funding requested from this grant program (exclusive of GST)?
1-pg 1	Short Statured People of Australia Incorporated (SSPA)	'Celebrating the Short Statured People of Australia 50th Annual National Convention' 2017 will see the SSPA turn 50 and we are returning to where it all began on the mid-north NSW coast and as part of our week, long celebrations we will be spending a day out in Port Stephens.	As part of the Short Statured People of Australia's 50th Annual National Convention program, we will be spending a day out at Port Stephens sightseeing, enjoying the foreshore, taking a kayak out for a paddle or going out on a dolphin discovery cruise.	The convention will be held at Myuna Bay Sports and Recreational Centre, Myuna Bay from Sunday 24th to Saturday 30th September. As part of the official convention program we have organised offsite activities showcasing what the mid-north NSW coast has to offer for our delegates to enjoy. Many of our short statured members have mobility needs we take this into consideration when booking buses and outings for all off site activities. Our convention program includes spending a day out at the Port Stephens foreshore enjoying the sites, some of our delegates will be taking up the 'Dolphin Discovery Cruise,' run by Moonshadow-TQC Cruises and others will enjoy watersports with Port Stephens Paddlesports. To get us to the Port Stephens foreshore and back we will be using Port Stephens Coaches, they will be providing us with x2, 52 seat coach and x1, 48 seat wheelchair accessible coach.	2318.18	1818.18
2-pg7	Port Stephens Celtic Association Inc.	Clans On the Coast Celtic Festival	Clans On the Coast is an annual Celtic festival now in its tenth year. We gather to celebrate the traditions, music and culture of our heritage passed onto us from the time of early settlers.	Clans On The Coast is a Celtic Festival. The day starts with a mass pipes and drums parade including a calling of the clans. The day continues with traditional music, dancing and displays. You may choose to watch the highland games or browse amongst the market stalls. This year's event will also include an ancient Scottish Wedding. The day draws to a close with another mass bands parade and is followed in the evening with a ceilidh (gala dinner with entertainment). Sunday is Kirkin of the tartan at D'albora Marina with pipe band performers.	19000	2000
3-pg12	Nelson Bay Baptist Church Playtime	Replacement of Mats for Playtime Children's Group	NBBC Playtime has provided a morning playgroup for 30 years with an average of 100 children attending each year across 2 sessions each week. The floor of the playtime area requires new matting for safety purposes. service.	NBBC Playtime has provided a morning playgroup for 30 years with an average of 100 children attending each year across 2 sessions each week. The floor of the playtime area is covered in safety mats to protect children from any injuries and these mats are now many years old in a poor condition and our great concern is that they are not providing adequate protection to prevent injuries to our children. We would be extremely grateful if the council could support us in paying part of the cost of replacing these mats. We believe this will allow us to continue to provide a greatly appreciated community service.	2880.9	2000

4- pg17	Ocean & Coastal Care Initiative (OCCI) Port Stephens (OCCI PS)	OCCI - Public Displays Infrastructure Support	OCCI PS conducts 4 to 5 public displays per year at various sites in the Port Stephens area. These displays include environmental education talks and presentations including; photos of marine creatures, information on their environment, slide shows, flyers and childrens interactive games and touch table activities. OCCI PS has to transport the resources used to support these display events to and from storage by car for each event. OCCI Port Stephens would like to purchase a car trailer with the ability to store our resources, support our displays and transport our support items to and from events.	Our proposed trailer needs lift up doors, swing out display boards and a water proof design to prevent damage to our equipment and display items. Ideally the trailer would be 7' by 5' single axel and would not need brakes. OCCI PS has located a trailer that currently meets our needs and is listed for sale at \$2400. The award of this grant would help with the purchase and minor modifications required to enhance its use in supporting our display days.	2600	2000
5- pg21	Corlette Parks Reserves and Landcare Group (a 355c Committee of Port Stephens Council)	Conroy Park – Sun shelter	Provide a Sun Shade Shelter for a sun exposed picnic table setting at Conroy to improve the amenity of Corlette foreshore and provide protection from sun exposure for our community and visitors. This reserve is popular with groups. The shelter will provide additional sun protection for older people & families.	Our aim is to provide sun shelters to our community and visitors, particularly during the mid-day period when people are exposed to the most risk of permanent skin damage from the Sun. 9.9% of cancers in NSW (2009) diagnosed were melanoma. The young, from early skin damage, and the elderly, with existing skin cancer conditions, are particularly vulnerable and need added sun protection. We have adequate picnic tables which are well maintained by Council and our volunteers repaint them annually. At Conroy a most popular reserve with community groups and families, there are tables which are fully exposed to the sun. By providing a sun shelter to the most exposed one, it will compliment the additional shelters to be installed soon for the BBQs and adjacent tables. If the work is done concurrently, cost savings to Council could be forthcoming.	2700	2000
6- pg 26	Marine Parks Association	2017 Dolphin Census Project	The two aims of the project are: - to engage the community in a 'citizen science' event within the marine park - to collect and collate data on the resident Bottlenose Dolphin population in Port Stephens which will assist in monitoring the overall health of the Port Stephens estuary	Community volunteers register to record sightings of dolphins within the bay during a 2 hour specified period on a set date at specified sites around Port Stephens. The data collected is collated over the following 3 months and recorded to add to the data base from previous years. As well, weekly photographic identification of individual dolphins is also recorded and added to the data base. This takes many volunteer hours of computer time and we require a dedicated laptop computer for this purpose.	5000	2000
7-pg 31	Tomaree College Community Garden	RELOCATE, REINVIGORATE AND REINSTATE The Community Garden	Relocating the established garden beds, green house, compost bins, mosaics, plants, mature trees & all the associated garden bits and pieces to a new allocated area on the college grounds. Unfortunately with this relocation we will loose access to our rain water tanks and irrigation system.	Tomaree Community Garden has run productively and successfully & has been self supporting for over 7 years. Membership has been up to 32 members in the past and currently has 18 active members. We are established in the grounds of Tomaree Community College, Church St, Nelson Bay. We are under the umbrella of the College although we have no financial support from them. Our funds are generated by the members through Garden Fairs on election days, Bunnings BBQ and through sales of produce and plants, to the public. The College has plans for a substantial expansion of buildings on its grounds, necessitating a move of the current established gardens to another area on the College grounds. So, in short, the whole garden from mature fruit trees, to raised beds, to the soils we have built up over the years has to be relocated, before the machinery for land clearing arrives.	3500	2000

ITEM 8 - ATTACHMENT 1 2017-2018 COMMUNITY PROJECTS FUND.

8- pg 36	Tanilba Bay Public School	Tanilba Bay Public School Concert Band (TBPSCB)	The funding of musical instruments for the growth of TBPSCB	To purchase musical instruments for use by students of Tanilba Bay Public School. These instruments will be provided to students to take home and have lessons, and perform with the band at school and community events.	1940	1940
9- pg 41	Sailability NSW Port Stephens Branch	Volunteer equipment	Ned for spare mast for sailing craft, replacement weather station additional hand held radios fuel for volunteers	short masts are required when traveling to regattas the replacement weather station is needed for volunteer weather up dates hand held radios provide additional communication contact Fuel required for volunteers who provide assistance in midweek school sailing progams	1823	1823
10- pg 46	Port Stephens Church of Christ	Renovation of Upper Level Walls	To replace the battens that strengthen and seal the upper level walls of our main church building.	When the building was built in 2003 , Treated Pine timber decking was used as battens to seal the joints between the panels used for the upper walls of the building. These are deteriorating and need to be replaced. We seek to purchase some long-lasting ekodec material to replace them. The grant money will be used to purchase most of the materials needed. Volunteers will do all labor.	580	500
11- pg 50	Port Stephens Church of Christ	Friendship Centre Food Containers	To provide food containers for a "Meals on Wheels" type program run by volunteers.	Our church operates a Friendship Center on Thursdays staffed by volunteers. It is a place were people who are isolated or in need of friendship come together. Morning tea and a hot lunch is provided. Approximately 35 -40 meals (Main Course and dessert) are provided each week for people who are shut in because of disability or sickness. Grant money will help pay for the cost of food containers and some other consumables	750	750
12- pg 54	Port Stephens Third Age Learning Inc	Computer For The Third Age	This project is aimed at upgrading computer equipment used by Port Stephens Third Age Learning. The grant will be used to purchase a new laptop and software for administrative and communication needs, replacing a machine purchased in 2010 which has reached its use-by date.	The project involves the purchase of a laptop computer and the Office suite of programs and technical assistance to transfer mailing lists etc to the new computer. (A detailed quote is included.) Port Stephens Third Age Learning Inc (known as U3A Port Stephens) provides stimulating social, cultural and educational activities for retired and semi retired people in the Port Stephens area. A part of that endeavour is to encourage and support the use of computer technology by senior citizens. Wherever possible, communication of term programs, newsletters, weekly updates and other important information to our over 200 financial members is via email. A new computer would enable databases, record keeping and mailing lists to be updated and communication with our members to continue. In addition to our own communications, our email is also used to disseminate notices of upcoming Library events, community and healthy living events.	1788	1788
13- pg 59	Julie Bailey	"Community Connect" Building a more resilient Community.	•Community Learning Low impact exercise and Meditation skills •Eocus - building connections amongst a highly stressed community creating a stronger more resilient community. •open to all living/ working in the Water contamination area. •Community encouraged to take part in the planning of program and the menu	We plan to run a 9 week program bringing community together to learn low impact movement and Stretching exercises under the supervision of a qualified instructor. They will then move into the Relaxation part of the program where they will be taught meditation skills that they will be able to use in their daily lives. One and a half session in total. The Community Connect lunch follows the relaxation class providing a place where community are encouraged to make connections, a safe space where they can share concerns as well as take a step away from the stress of the Water contamination. Community are encouraged to help in the preparing of the meal and are given opportunities to take cake mixes home with \$5.00 gift cards to prepare a cake for the following week. The program has been running successfully for two terms to date. Facebook Page: <a href="https://www.facebook.com/stepoutsidethezone/">https://www.facebook.com/stepoutsidethezone/</a>	7340	2000

ITEM 8 - ATTACHMENT 1 2017-2018 COMMUNITY PROJECTS FUND.

14- pg 64	Medowie Assembly of God Inc - Food Way	Food Way	Food Way cares for the practical needs of the people of Port Stephens who find themselves in financial difficulty or have fallen on tough times. We do this by offering food parcels and hot meals, clothing and emergency relief.	We are a church based organisation. Our motto has been for many years, "God cares and so do we." We believe this is not just our job but our vocation. With this in mind we aim to meet this vocation by showing the practical love of Christ. What good is faith when people need food and clothes? We aim to show our faith practically as we offer food parcels, hot meals, clothing and emergency relief to those who find themselves in need in our community; irrespective of their background or how they have found themselves in need. In meeting our aim, we look to see people come to a place of good well being once more. Each year we only find the need for such care increasing as we live in a world that has no hope. This means there are many more children and people who struggle from day to day just to put food on the table. This project has been going for over 8 years now and our aim and conviction is still the same, and we continue to work at it with the hope of seeing it fulfilled.	As this is an ongoing project it does not have a capped cost, however for a two month period, the cost of running this project is approx \$4000	2000
15- pg 69	Medowie & Districts Little Athletics Centre Inc	Kindlebark Oval Clubhouse Enhancement	Kindlebark Oval lacks a secure storage area for the Medowie Athletics Club administrative team. This project will ensure that the club can cater for increased athlete numbers whilst providing a comfortable administration work space. It will also free up space in the crowded canteen.	This project will involve the transformation of one disused change room at Kindlebark Oval into an administration work space. A secure server roller shutter will be installed to provide community access. Inside, carpet tiles will be installed and temporary partition walls will be used to shield the shower area. Bench seats will be removed from the walls. Security screens will be installed to the roller shutter and personal access door. Administration equipment will then be moved from the canteen to the new area, increasing storage space and working area within the canteen. A mix of in-kind labour and paid labour will be used to complete the project.	2500	2000
16- pg 74	Boat Harbour 355c	Frog Pond to hold back rain water	To control erosion at the junction of the headland pathway on Telegraph Point by creating a small dam to hold back rain water and regenerate area damaged by a mulch stock pile.	We would like to build a small dam wall in front of the damaged area with soil rocks and plants. By using Lamandras and other native plants and rocks this will help support the dam wall and hold back the rain water to stop erosion so it can drain through to the existing 40 metre rubble drain which was erected by the Boat Harbour 355c in 2016 to stop the path becoming water logged after heavy rain.	2000	2000
17- pg 79	1st Tilligerry Scout Group	Gas Bottle Cage and kitchen equipment	New External gas bottle storage unit for the safety of the Volunteers and purchase of kitchen equip	The Storage unit is to be of a size to store 4 x 9kg gas bottles with extra room for smaller gas bottles. To be built in such a way to stop vandals being able to open gas bottle valves and permanently fastened to a concrete slab. Any money not spent on storage unit to be spent on upgrading kitchen equipment	900	900



18- pg 83	Rotary Club of Raymond Terrace in partnership with the Port Stephens Police Command, Kloster Ford, Wairoonga Aboriginal group, Salvation Army Employment Plus, NSW employment service Joblink and the Pathways service helping young offenders returning to society	Raymond Terrace Driving Training Program	The Raymond Terrace Driving Training Program has been established to provide an opportunity for members of our community who do not have any resources to enable them to obtain their P licence to do so.	The program is a joint partnership involving the Raymond Terrace Rotary Club, the Port Stephens Police Command, Kloster Ford, Salvation Army Employment Plus, NSW Government Joblink Plus. The Pathways service, the SES, Port Stephens Council, (Lisa Lovegrove Making young Drivers safer Drivers program through RMS), local driver training schools, NSW Service Plus, Wairoonga Aboriginal Group with other community groups such as the Men's Shed to provide the required funding and personnel support for disadvantaged youth to obtain their P licence at no cost. A development of a safe driving attitude and practice will be developed through a 'Safe Driving Message to you'. As the course will involve aboriginal youth as well as others we are looking to developing a video clip for YouTube. This message will be delivered in the Worimi language as well as in English. It could be 'Us mob in Raymond Terrace are a smart bunch'. We will engage a local film maker to help participants to develop skills including writing script, using video cameras and finally in editing. We hope to be able to use the video in schools, and in the Wairoonga Cultural Centre which will be situated in the Old Men's Shed in Williams Street.	\$1,500.00 per candidate	3000
19- pg 88	Karuah Working Together Inc	Karuah Community Garden Regeneration	The proposed project will consist of raised beds with fresh soil and water tanks above ground level. It will incorporate self watering and self fertilising beds using permaculture, aquaponics and container techniques. This is a well documented and proven method to be the most efficient way for Urban Community Gardens across Australia. There will be a significant reduction in labour, water usage and on going maintenance costs. The system will be self sustaining while allowing the community to enjoy the gardening experience and provide educational/social activities. The garden will be designed to minimise the impact on the surrounding native bushland.	The Local Community Garden is located behind the Information Centre on Council land and is in an ideal location for the public to access but requires foundation and infrastructure work by professionals before it can be further established by local volunteers. There have been several attempts to revive the Garden since 2007 which has been approved by council. Each attempt has failed due to overgrowth of weeds, poor soil, lack of water retention and erosion. The site is located on an old petrol station and may be contaminated an unsuitable for vegetable crops. This can be solved by excavating and sealing the area and total weed eradication. We have conducted several educational seminars at the local RSL club and have generated strong local interest in participation and volunteers but we cannot proceed until the funding is available to carry out the regeneration work required to make the garden workable and a safe environment for the public and the native heritage land surrounding its borders.	12000	2000
20-pg 93	Hunter Region Botanic Gardens Ltd	Nursery Induction and Grounds Maintenance	The video camera will provide a learning resource for induction of new Hunter Region Botanic Gardens volunteers working in the nursery and quarantine areas and impart information to the greater community and visitors through social media. Safe tool handling induction will also be useful to volunteers at HRBG.	The Gardens face many issues safekeeping plant bio-security from infectious disease or predatory bugs. The Gardens want a new learning resource for volunteers in the nursery area so they're informed and can identify changes in plants in the nursery and place them in quarantine house. The digital camera is the tool to make the video of nursery procedures ensuring appropriate induction of volunteers. The digital camera will also be used for recording events, providing educational botanic information and updating our events and activities on social media thereby reaching a greater target audience. Garden tools are required to equip volunteers to maintain the gardens. Edge boards are needed for garden protection. Having the correct tools for the job at hand provides volunteers with a safe work environment and enables them to feel their work is valued and worthwhile. The community will benefit from the project from a more knowledgeable volunteer group.	6984	2000

ITEM 8 - ATTACHMENT 1 2017-2018 COMMUNITY PROJECTS FUND.

21- pg 98	Raymond Terrace Men's Shed	Memory Star Festival of Light Boomerang Park	As part of the Festival of Light, Raymond Terrace Men's Shed will produce and construct a Community Memory Star, incorporating 100 individual memory lamps. Each lamp has a unique number which will correspond to a register. Community members will purchase lamps to commemorate their memories associated with Boomerang Park.	To support the objective of the festival of light celebration Raymond Terrace Men's Shed will undertake the memory star project as a key component. Funding will be used to produce 250 lamps that would sold prior to the festival and used to create a Memory Star within the park the Memory Star being a pivotal point of the event. This phase of the project would be the focal point of promotion and a way to engage residents and recognise the history linked to the park and the local football club, cricket club, golf, and other sporting groups who once called the park home. The Memory Star would also potentially appeal to businesses who might "sponsor" a memory lamp. One hundred of the lamps will be laid out as a basic five pointed star with 10 lamps each side. Other lamps will be sold to infill the star.	3000	2000
22- pg 104	Seaham Park and Wetlands Committee 355c	Repairing and painting facilities in Seaham Park	To repair and paint the picnic facilities and post and rail fence behind the central garden in Seaham Park.	To repair and paint the ten sets of picnic tables and seats; the seats and table in the heritage picnic shelter; and the post and rail fence behind the central garden in Seaham Park. These were last painted between 2010 and 2014. The paint has weathered and is lifting off some of the tables and seats. Some were underwater in the April 2015 and January 2016 floods. The Committee will do repairs as required and engage a painter to do the painting.	2500	2000
	Volunteer Marine Rescue NSW Port Stephens Unit	MULTI FUNCTION DISPLAY (Search and Rescue) for RESCUE VESSEL PS31 "John Thompson"	Through community funding and donors assisted by the NSW Government Licence Levy Marine Rescue Port Stephens was able to replace a 35 year rescue vessel for operations on waters in and around Port Stephens. Additional Electronic Aids are required to facilitate searches on offshore and inshore waters for persona and vessels	PS31 was acquired with funds from Government levies , community and club donations and private donors. Over \$850,000 was raised. Though equipped with the latest Raymarine electronic search and rescue aids, recent operations around Port Stephens have highlighted the need for an additional Multi Function Display (MFD) in the Navigator/Searchmaster position particularly in searches conducted at night between Tomaree and Broughton Island up to Seal Rocks and down to Stockton Beach. Only a single screen not dual was part of the specification from the manufacturer, Steber of Taree. This vessel is tasked to save lives on the waters inside Port Stephens and to 30nm off Tomaree Heads. The proficiency of Port Stephens crews was recognized in early 2017 when 21 members were recognized for their bravery and competence under extreme conditions during the rescues related to the East Coast Low in 2016 one being granted the medal of Valour. I sailor died during the 5 vessel rescue.	4725	4725

**ITEM NO. 9****FILE NO: 17/111850  
RM8 REF NO: PSC2014-01592****ABORIGINAL PROJECTS FUND****REPORT OF: STEPHEN CROWE - COMMUNICATIONS SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the allocation of \$35,000 for the Aboriginal Projects Fund 2017-2018 annual grant round in accordance with the amounts and purposes prescribed below:
  - a) \$3,000 for Karuah Public School for a cultural garden and outdoor learning environment.
  - b) \$3,500 for Hunter River High School for the development and installation of an 8 ways learning mural and an Aboriginal languages map.
  - c) \$8,000 for The Futures Foundation of Port Stephens for the implementation of the Shine Program and Speaking In Colour program for girls in years 7 and 8.
  - d) \$3,000 for Raymond Terrace Public School for an outdoor cultural, performance and learning area.
  - e) \$5,000 for the Worimi Warriors under 17's Rugby League Football Club to participate in indigenous football gala events.
  - f) \$2,500 for Irawang Pre-school for cultural learning and development materials for pre-school children.
  - g) \$10,000 for Karuah Local Aboriginal Land Council (LALC) refurbishment of Karuah LALC community hall toilets.

**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Paul Le Mottee Councillor Sally Dover</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
MOTION**

<b>153</b>	<b>Councillor Ken Jordan Councillor Paul Le Mottee</b>  It was resolved that Council endorse the allocation of \$35,000 for the Aboriginal Projects Fund 2017-2018 annual grant round in accordance
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with the amounts and purposes prescribed below:

- a) \$3,000 for Karuah Public School for a cultural garden and outdoor learning environment.
- b) \$3,500 for Hunter River High School for the development and installation of an 8 ways learning mural and an Aboriginal languages map.
- c) \$8,000 for The Futures Foundation of Port Stephens for the implementation of the Shine Program and Speaking In Colour program for girls in years 7 and 8.
- d) \$3,000 for Raymond Terrace Public School for an outdoor cultural, performance and learning area.
- e) \$5,000 for the Worimi Warriors under 17's Rugby League Football Club to participate in indigenous football gala events.
- f) \$2,500 for Irrawang Pre-school for cultural learning and development materials for pre-school children.
- g) \$10,000 for Karuah Local Aboriginal Land Council (LALC) refurbishment of Karuah LALC community hall toilets.

## **BACKGROUND**

The purpose of this report is to seek Council's endorsement for the allocation of 2017-2018 Aboriginal Projects Fund for projects as recommended by Council's Aboriginal Strategic Committee.

The purpose of the Aboriginal Projects Fund is to support projects that empower the Aboriginal community in Port Stephens through the delivery of programs, events and other activities.

Applications to the 2017-2018 round of funding opened on 3 April 2017 and closed on 1 May 2017. The total amount of funding available is \$35,000. A total of ten applications were received, valued at \$59,500 as outlined in (**ATTACHMENT 1**).

The Aboriginal Strategic Committee recommended that the application for \$2,000 for the Tomaree Community Garden be referred to the Community Projects Fund for assessment. The application was for a new roof for their shipping container to restore the Aboriginal artwork and to protect their materials from damage. This was assessed by the Community Projects Fund Committee for consideration.

The proposed projects and programs recommended for funding through the Aboriginal Projects Fund foster strong personal identity of Aboriginal children through interactive cultural education and experiences at schools and in the environment by the Worimi community. Improving the lifestyle, health and wellbeing of Aboriginal children and young people are also key project outcomes.

**MINUTES ORDINARY COUNCIL - 27 JUNE 2017**

All past funding recipients have successfully delivered and acquitted previous projects.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Arts and Culture.	Plan for and promote multiculturalism and Port Stephens' heritage, arts and culture.

**FINANCIAL/RESOURCE IMPLICATIONS**

A total of \$35,000 is available to fund projects under Aboriginal Projects Fund in the 2017-2018 financial year.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	35,000	Sourced from the 2017-2018 general revenue allocation for Aboriginal Projects Fund.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no foreseen legal, policy or risk implications related to the adoption of the recommendations.

Recipients of funding under the Aboriginal Projects Fund shall accept full responsibility for the liability of any programs or projects funded.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk of adverse public perception regarding projects that are funded.	Low	Ensure proper processes are followed in accordance with the Aboriginal Project Fund guidelines and conditions.	Yes

## MINUTES ORDINARY COUNCIL - 27 JUNE 2017

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that some grant recipients may fail to comply with required terms of funding, reporting and acquittal processes.	Low	Through ongoing communication ensure proper processes are followed in accordance with the Aboriginal Projects Fund guidelines and conditions.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Aboriginal Projects Fund directly supports organisations and groups involved in programs to empower the Aboriginal community. The proposed projects aim to achieve this through the facilitation of:

- Aboriginal cultural education and awareness accessible to people from a range of social, economic and cultural backgrounds; and
- Programs aimed to improved literacy, education and health for aboriginal children and young people in early childhood and school settings.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Communications Section with the aim of promoting the funding opportunity and explaining the guidelines and objectives of the Aboriginal Projects Fund.

#### Internal

The Aboriginal Projects Fund Guidelines were reviewed and a common online application form for all of Council's external grant programs was used. Council Grant Officers for Heritage Project Fund, Community Project Fund, Environmental Project Fund and Aboriginal Project Fund were provided with the applicants presenting their proposals to the Aboriginal Strategic Committee, consisting of one Councillor, two representatives from the Worimi LALC, three representatives from the Karuah LALC, and Council's General Manager, Section Manager Community Services, Section Manager Communications with support from Council's Community Development and Engagement Officer.

#### External

- Advertisements in the Port Stephens Examiner, placement on Council's website, and on social media.
- A public funding Launch and Expo was held on 3 April 2017.
- Port Stephens Councils 355(c) Aboriginal Strategic Committee Meeting presentation from applicants and assessment meeting was held on 30 May 2017.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Aboriginal Projects Fund Application and Assessment Summary.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 9 - ATTACHMENT 1 ABORIGINAL PROJECTS FUND APPLICATION AND ASSESSMENT SUMMARY.**

**Aboriginal Projects Fund 2017 - 2018**

<b>No</b>	<b>Applicant name and project title</b>	<b>Amount Requested</b>	<b>ASC Comment</b>	<b>Assessment Panel Recommendation</b>
1	Karuah Public School  The Yarning Circle (An Aboriginal cultural garden and outdoor learning environment in the school)	\$3,500	115 Aboriginal students (30% school population) Karuah Public School is very proactive in implementing cultural education, which will be enhanced by an outdoor cultural space for learning.	Part Fund \$3,000
2	Hunter River High School  Learning Mob Style (Development and installation of 8 ways Learning mural and an Aboriginal Mob Map)	\$5,000	158 Aboriginal children enrolled. (2 years ago there was 100 Aboriginal students enrolled) Will further enhance Hunter River High's outstanding success in engaging the whole school in cultural understanding and identity. Will assist in the production of the project that will be used to showcase to other schools the high benchmark in cultural learning in a school environment.	Part Fund \$3,500
3	Port Stephens Historical Society  The Worimi-Language as an important aspect of culture (Research and development of	\$3,000	Have young Worimi people as members. Relationships and contact between the Karuah and Worimi LALC's and Port Stephens Historical Society to enhance knowledge of current	Not funded



**ITEM 9 - ATTACHMENT 1 ABORIGINAL PROJECTS FUND APPLICATION AND ASSESSMENT SUMMARY.**

No	Applicant name and project title	Amount Requested	ASC Comment	Assessment Panel Recommendation
4	<p>The Futures Foundation</p> <p>Connect, Confidence, Courage and Life Purpose for Girls. (Positive health and self-care programs for young Aboriginal girls through the delivery of the Speaking In Colour and Shine programs at Tomaree High School)</p>	\$8,900	<p>research and publications already available.</p> <p>Positive projects implemented for boys in in Tomaree High, and extension to positive programs for girls is advantageous. The Shine and Speaking In Colour programs are widely used and highly recognised education components delivered in schools.</p>	<p>Part Fund \$8,000</p> <p>(have not funded The Futures Foundation development staff wages)</p>
5	<p>Tomaree Community Garden</p> <p>Preservation and Protection of Aboriginal artwork on garden shipping container.</p>	\$2,000	<p>The mural is in great condition due to the anti-graffiti coating applied at the commencement of painting the mural some years ago.</p> <p>A new roof for the container doesn't empower the Aboriginal community, and funding would be more relevant under a different funding program.</p>	<p>Not funded</p> <p>Committee recommendation to refer the application to the Community Projects Fund for assessment.</p>
6	<p>Raymond Terrace Public School</p> <p>Outdoor Cultural Learning Area (Cultural learning</p>	\$6,000	<p>Over 100 Aboriginal students (245 school population)</p> <p>Will commence work on embedding culture in</p>	<p>Part Fund \$3,000</p>

**ITEM 9 - ATTACHMENT 1 ABORIGINAL PROJECTS FUND APPLICATION AND ASSESSMENT SUMMARY.**

	and performance space for Aboriginal and Torres Strait Islander students to learn about identity and culture)		the education of the school.	
<b>No</b>	<b>Applicant name and project title</b>	<b>Amount Requested</b>	<b>ASC Comment</b>	<b>Assessment Panel Recommendation</b>
7	Port Stephens Family and Neighbourhood Services  Karuah Aboriginal Mission Circus Goes National (Continuation of circus skills workshops leading to participation in the opening of the 3 <sup>rd</sup> Annual Australian Circus Festival and participation in the National Competition of Circus Arts)	\$8,780	Further consultation and collaboration to design the workshop program between the Karuah LALC and Worimi LALC to ensure the children continue their circus skills workshop in larger space (Murook) with transport provided by Karuah LALC for more children to be involved and benefit.	Not funded
8	Worimi Warriors Junior Rugby League Football Club Inc.  Aboriginal Rugby League Team participating in indigenous tournaments.	\$10,000	Positive engagement activity and mentoring of Under 17's Aboriginal boys to redirect them anti-social behaviour and negative life experiences.	Part Fund \$5,000
9	Thou Walla Family Centre (Irrawang Public School) on behalf of Irrawang Pre-school.	\$2,320	35 children enrolled with 11 Aboriginal children. Community feedback supports the phenomenal work that Irrawang Public School is implementing	Fund \$2,500

**ITEM 9 - ATTACHMENT 1 ABORIGINAL PROJECTS FUND APPLICATION AND ASSESSMENT SUMMARY.**

No	Applicant name and project title	Amount Requested	SAC Comment	Assessment Panel Recommendation
10	Karuah Local Aboriginal Land Council  Refurbishment of Community hall public toilets. (Stage 1 of refurbishment of Karuah LALC Community Hall)	\$10,000	The Karuah LALC Community Hall is heavily utilised and maintenance and refurbishment is a priority for the continuation of the valuable service that operate from the facility for the community and Karuah Mission.	\$10,000 to be matched dollar for dollar by Karuah LALC.

**ITEM NO. 10**

**FILE NO: 17/102437  
RM8 REF NO: PSC2016-00919**

**ENVIRONMENTAL PROJECTS FUND**

REPORT OF: LES SEDDON - ACTING STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

1. Endorse the allocation of \$18,790 for the project applications under the 2017-2018 Environmental Projects Fund – 355c Committee annual grant round in accordance with the amounts and purposes below:
    - a) \$2,000 to Anna Bay/Birubi Point Reserves, Hall and Landcare Group for the rehabilitation of the entry to Anna Bay from Nelson Bay.
    - b) \$2,000 to Corlette Parks Reserves and Landcare Group for habitat planting and erosion control at Kingfisher Reserve.
    - c) \$2,000 to Corlette Parks Reserves and Landcare Group for habitat planting and erosion control at Corlette Foreshore Reserve.
    - d) \$2,000 to Lemon Tree Passage Park, Reserves and Tidy Towns Committee to remove three Coral trees along Tilligerry Creek.
    - e) \$2,000 to Nelson Bay West Parkcare Committee to continue shade cloth fencing along Bagnalls Beach East Reserve.
    - f) \$1,680 to Raymond Terrace Parks, Reserves and Tidy Towns Committee to remove noxious tree and weed species from Quarry Pond in Boomerang Park.
    - g) \$1,110 to Shoal Bay Beach Preservation Committee to improve the environmental resilience of pedestrian access to Shoal Bay Beach.
    - h) \$2,000 to Tilligerry Landcare Group to continue the restoration of biodiversity at Tilligerry Habitat.
    - i) \$2,000 to Tilligerry Landcare Group for Tilligerry Peninsula Community Bush Regeneration Project.
    - j) \$2,000 to Tanilba Bay Parks, Reserves and Hall Committee to remove weed species and re-plant native vegetation on-site at Sunset Park and RAF Park.
  
  2. Endorse the allocation of \$5,615.50 for the project applications under the 2017-2018 Environmental Projects Fund – Schools annual grant round in accordance with the amounts and purposes below:
    - a) \$482 to Fern Bay Public School to plant flowering Australian native trees and shrubs to attract birds & insects into the school and provide shade for classrooms.
    - b) \$498 to Hinton Public School to implement a Kitchen Garden Program.
    - c) \$405 to Iona Public School to extend planting of native vegetation and build
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## MINUTES ORDINARY COUNCIL - 27 JUNE 2017

- rocky areas for reptile sunbaking.
- d) \$404 to Irrawang High School to further develop the Irrawang Learning Alliance Agricultural Program.
  - e) \$445.50 to Medowie Christian School to build an aquaponics demonstration garden.
  - f) \$495 to Raymond Terrace Public School to implement the Grow to Cook Program.
  - g) \$500 to Shoal Bay Public School to rejuvenate the sensory garden in the infant's playground.
  - h) \$500 to Soldiers Point Public School to continue the redevelopment/positioning of the school vegetable patch.
  - i) \$500 to St Brigid's Primary School to develop a courtyard orchard.
  - j) \$400 to Thou-Walla Family Centre to build a vegetable garden patch in the pre-school.
  - k) \$500 to Tomaree Public School to continue to embed and maintain sustainability within the school.
  - l) \$486 to Wallalong Preschool to develop a sensory garden and edible hedge.

### ORDINARY COUNCIL MEETING - 27 JUNE 2017 COMMITTEE OF THE WHOLE RECOMMENDATION

	<p><b>Councillor Geoff Dingle</b> <b>Councillor Sally Dover</b></p> <p>That the recommendation be adopted.</p>
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### ORDINARY COUNCIL MEETING - 27 JUNE 2017 MOTION

<b>154</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Paul Le Mottee</b></p> <p>It was resolved that Council endorse the allocation of \$18,790 for the project applications under the <u>2017-2018 Environmental Projects Fund – 355c Committee</u> annual grant round in accordance with the amounts and purposes below:</p> <ul style="list-style-type: none"><li>a) \$2,000 to Anna Bay/Birubi Point Reserves, Hall and Landcare Group for the rehabilitation of the entry to Anna Bay from Nelson Bay.</li><li>b) \$2,000 to Corlette Parks Reserves and Landcare Group for habitat planting and erosion control at Kingfisher Reserve.</li><li>c) \$2,000 to Corlette Parks Reserves and Landcare Group for habitat planting and erosion control at Corlette Foreshore Reserve.</li><li>d) \$2,000 to Lemon Tree Passage Park, Reserves and Tidy Towns</li></ul>
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	<p>Committee to remove three Coral trees along Tilligerry Creek.</p> <p>e) \$2,000 to Nelson Bay West Parkcare Committee to continue shade cloth fencing along Bagnalls Beach East Reserve.</p> <p>f) \$1,680 to Raymond Terrace Parks, Reserves and Tidy Towns Committee to remove noxious tree and weed species from Quarry Pond in Boomerang Park.</p> <p>g) \$1,110 to Shoal Bay Beach Preservation Committee to improve the environmental resilience of pedestrian access to Shoal Bay Beach.</p> <p>h) \$2,000 to Tilligerry Landcare Group to continue the restoration of biodiversity at Tilligerry Habitat.</p> <p>i) \$2,000 to Tilligerry Landcare Group for Tilligerry Peninsula Community Bush Regeneration Project.</p> <p>j) \$2,000 to Tanilba Bay Parks, Reserves and Hall Committee to remove weed species and re-plant native vegetation on-site at Sunset Park and RAF Park.</p> <p>2. Endorse the allocation of \$5,615.50 for the project applications under the <u>2017-2018 Environmental Projects Fund – Schools</u> annual grant round in accordance with the amounts and purposes below:</p> <p>a) \$482 to Fern Bay Public School to plant flowering Australian native trees and shrubs to attract birds &amp; insects into the school and provide shade for classrooms.</p> <p>b) \$498 to Hinton Public School to implement a Kitchen Garden Program.</p> <p>c) \$405 to Iona Public School to extend planting of native vegetation and build rocky areas for reptile sunbaking.</p> <p>d) \$404 to Irrawang High School to further develop the Irrawang Learning Alliance Agricultural Program.</p> <p>e) \$445.50 to Medowie Christian School to build an aquaponics demonstration garden.</p> <p>f) \$495 to Raymond Terrace Public School to implement the Grow to Cook Program.</p> <p>g) \$500 to Shoal Bay Public School to rejuvenate the sensory garden in the infant's playground.</p> <p>h) \$500 to Soldiers Point Public School to continue the redevelopment/positioning of the school vegetable patch.</p> <p>i) \$500 to St Brigid's Primary School to develop a courtyard orchard.</p> <p>j) \$400 to Thou-Walla Family Centre to build a vegetable garden patch in the pre-school.</p> <p>k) \$500 to Tomaree Public School to continue to embed and maintain sustainability within the school.</p> <p>l) \$486 to Wallalong Preschool to develop a sensory garden and edible hedge.</p>
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## **BACKGROUND**

The purpose of this report is to seek council endorsement for the allocation of funds for applications under the 2017-2018 Environmental Projects Fund.

The Environmental Projects Fund was created in 2016 as part of the review of Council's funding program with the amalgamation of two programs known as the 'Small Environmental Grants' program and the 'Environmental Education Fund'. These programs were successfully implemented over the past ten years.

A summary of application details is located in **(ATTACHMENT 1)**. All applications were assessed against evaluation criteria provided within the guidelines for 355c Committee and Schools.

The Environmental Projects Fund has two components:

### 355c Committees – total funding available \$20,000

Applications were invited for funding up to the value of \$2000 per project, with each committee able to apply for up to two projects. The 355c Committee component of the Environmental Project Fund provides vital project funding to facilitate the implementation and ownership of small scale environmental projects that would otherwise not be undertaken. Eligible projects are often beyond Council's scheduled program of works yet represent significant community and environmental value. Furthermore these projects offer additional value to the community as they are priority projects of 355c Committees and often utilise voluntary labour, and therefore the funds provided by Council often represent less than 50% of the total cost of each project.

Ten (10) eligible applications were received from 355c Committees totalling \$18,790.

Three (3) 335c Committee applications were deemed ineligible and thus unable to be considered for funding this round. These included:

- Boat Harbour Parks and Reserves Committee submitted an application for two (2) projects; to restore a ponding area at Iluka Reserve, and to construct an access pathway to Boat Harbour Beach. These were not supported landholders and thus ineligible.
- Karuah Landcare Group submitted an application to fund the continuation of works on the Karuah Wetlands Project. The group have been unable to acquit their 2016-2017 grant project and were therefore deemed ineligible, in accordance with the prescribed eligibility criteria.

The provision of funding to successful 355c applicants is subject to further project planning and delivery in accordance with council's systems and processes.

Schools - total funding available \$4,800

Applications were sought from schools for up to \$500 per school. The school's component is established to promote and encourage student participation and awareness of environmental issues, as well as strengthening partnerships between local schools and Council.

Twelve (12) eligible applications were received from local schools totalling \$5,615.50; this is \$815.50 above the budgeted funding allocation. On this occasion Council has been able to fund beyond the budgeted funding amount for schools by using the collective budget for the Environmental Projects Fund.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Environmental Sustainability.	Develop and implement catchment and biodiversity programs. Continue to implement initiatives that reduce Council's greenhouse gas emissions.

**FINANCIAL/RESOURCE IMPLICATIONS**

Allocating funding to the recommended projects is within existing budget allocations.

A total of \$24,800 is available in the 2017-2018 Environmental Projects Fund; \$20,000 being for 355c committees and \$4,800 for local schools. \$24,405.50 worth of projects are been recommended for funding.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	\$24,405.50	Within budget of \$24,800 available.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The proposed recommendation aligns with Council's key recommendations in the Grants, Sponsorship and Donations Review, endorsed by Council on 25 August 2015.



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

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that some grant recipients may fail to comply with required terms of funding.	Low	Ongoing communication with each Committee's Parks Program Officer is a grant requirement. Time extensions can be granted in the event of adverse weather conditions.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The core purpose of the Environmental Projects Fund is to support projects that demonstrate environmental benefit, and support the participation of community volunteers and school students in the delivery of these projects.

**CONSULTATION**

Direct consultation with key external stakeholders has been undertaken by the Strategy and Environment Section as part of the wider Council grant programs.

Internal

As part of the assessment process Council's Community and Recreation Assets Section and Public Domain and Services Section were consulted to ensure projects were feasible, appropriate to undertake on Council land, and wouldn't adversely impact any future Council's works or programs.

External

External communications and consultation with prospective applicants were undertaken in accordance with the recently revised Council process.

Details regarding the funding program were circulated directly to committees and schools. Information was also provided on Council's website and at a launch on 3 April 2017. Numerous individual enquiries were received during the grant application process, which were answered by Natural Resources or Community and Recreation staff.

Communication, as required, will continue throughout the project period to aid implementation.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Environmental Projects Fund - Application Summary 2017-2018.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

# MINUTES ORDINARY COUNCIL - 27 JUNE 2017

## ITEM 10 - ATTACHMENT 1 ENVIRONMENTAL PROJECTS FUND - APPLICATION SUMMARY 2017-2018.

### Environmental Projects Fund - Application Summary 2017-18

Applicant	Project Title	Short Project Description	Funding Amount Applied for	Approved Funding Amount
Anna Bay/Birubi Point Reserves, Hall and Landcare Group	Rehabilitation of the entry to Anna Bay Stage 1 - Wildlife Corridor - Kingfisher to Lankeet - Small Bird Habitat Extension	Clean up and rehabilitate the area of land at the entry to Anna Bay in conjunction with Anna Bay Primary School.	\$ 2,000.00	\$ 2,000.00
Corlette Parks Reserves and Landcare Group	Ketch Close Bridge and Infill Plantings	Habitat planting and erosion control at Kingfisher Reserve	\$ 2,000.00	\$ 2,000.00
Corlette Parks Reserves and Landcare Group	Corlette Foreshore Reserves - Erosion Control and Planting	Habitat planting and erosion control at Corlette Foreshore Reserve.	\$ 2,000.00	\$ 2,000.00
Lemon Tree Passage Parks, Reserves and Tidy Towns Committee	Revising Hudd Reserve (Stage 1)	Remove three Coral trees along Tilligerry Creek.	\$ 2,000.00	\$ 2,000.00
Nelson Bay West Parkcare Committee	Green shade cloth fencing along Bagnall Beach east reserve	To continue the construction of green shade cloth fencing that along the natural bush reserve to prevent and revegetate the casual access tracks to the beach.	\$ 2,000.00	\$ 2,000.00
Raymond Terrace Parks, Reserves And Tidy Towns Committee	Removal of Noxious Trees	Conduct a two-day noxious tree removal project around the Quarry Pond in Boomerang Park.	\$ 1,680.00	\$ 1,680.00
Shoal Bay Beach Preservation Committee	Pedestrian Access ways to Shoal Beach	Improve the environmental resilience of pedestrian access to Shoal Bay Beach.	\$ 1,110.00	\$ 1,110.00
Tilligerry Landcare Group	Restoring Biodiversity to The Hub area on Tilligerry Habitat	Continue the rehabilitation of koala habitat at Tilligerry Habitat.	\$ 2,000.00	\$ 2,000.00
Tilligerry Landcare Group	Tilligerry Peninsula Community Bush Regeneration Project	Provide and plant koala feed trees and endemic undergrowth tubestock for National Tree Day 2018.	\$ 2,000.00	\$ 2,000.00
Tilligerry Landcare Group	Tilligerry Wildlife Corridors and koala habitat at Sunset Park and RAF Park, Tanilba Bay.	Remove wood species and re-plant native vegetation on-site at Sunset Park and RAF Park.	\$ 2,000.00	\$ 2,000.00
Tanilba Bay Parks, Reserves And Hall Committee	Frog Pond	Restore and revegetate a natural ponding area adjacent to an access pathway.	\$ 2,000.00	\$ 0.00
Roat Harbour Parks and Reserves Committee	Roat Harbour Beach Access Pathway	To construct an access pathway to Roat Harbour Beach to reduce environmental damage and erosion caused by ad-hoc access.	\$ 2,000.00	\$ 0.00
Karuah Landcare Group	Karuah Wetlands Project and Karuah Boardwalk	Improve the Karuah Wetlands and Karuah Boardwalk	\$ 2,000.00	\$ 0.00
		<b>TOTAL</b>	<b>\$ 24,790.00</b>	<b>\$ 18,790.00</b>
			<b>Funding Allocation</b>	<b>\$20,000.00</b>
Fern Bay Public School	Plant Native Trees for Wildlife & Cooles Classrooms	To plant flowering Australian Native trees and shrubs to attract birds & insects into the school and provide shade for classrooms.	\$482	\$482
Hinton Public School	Kitchen Garden Program	To implement a Kitchen Garden Program.	\$498	\$498
Iora Public School	Forest Beautification and Wildlife Refuge Development	To extend planting of native vegetation and build rocky areas for reptile sunbaking.	\$405	\$405
Irrawang High School	Irrawang Learning Alliance Agricultural Program	To further develop the Irrawang Learning Alliance Agricultural Program.	\$404	\$404
Medowie Christian School	Aquaponics Demonstration Garden	To build an aquaponics demonstration system as a proof of concept for future sustainable small space gardening.	\$445.50	\$445.50
Raymond Terrace Public School	Grow to Cook Program Gardens	The Grow to Cook Program teaches students gardening and cooking skills.	\$495	\$495
Shoal Bay Public School	Shoal Bay Garden Club - Sensory Garden	This project aims to rejuvenate and revitalise the sensory garden in our infants playground.	\$500	\$500
Soldiers Point Public School	Herb Garden and Seedling Beds	To continue the redevelopment/positoning of the school vegetable patch.	\$500	\$500
St Brigids Primary School	Food Miles Reduction Initiative	To develop a courtyard garden into a biodiverse garden where fruit trees will be grown to reduce food miles, carbon emissions and pesticide use and to increase shade.	\$500	\$500
Thcu-Walla Family Centre	Preschool Patch	To build a vegetable garden patch in their preschool, that they will be able to care for and eat as part of their morning/afternoon tea.	\$400	\$400
Tomaree Public School	Outdoor Maintenance Group - Continuing to embed and maintain sustainability.	Continue education for all students that encourages and promotes sustainable living; maintaining and building upon the gardening, recycling and in-class environmental education programs, while also extending community involvement in these programs.	\$500	\$500
Wallalong Preschool	Sensory Garden with Edible Hedge	To create a sensory garden and edible hedge. The garden will allow the children to explore, discover and experience all the smells and textures of natural elements. The edible hedge will be used to separate play spaces and educate children on growing their own produce.	\$486	\$486
		<b>TOTAL</b>	<b>\$5,615.50</b>	<b>\$5,615.50</b>
			<b>Funding Allocation</b>	<b>\$4,800.00</b>
			<b>Difference</b>	<b>\$815.50</b>
		<b>GRAND TOTAL</b>	<b>\$30,405.50</b>	<b>\$24,405.50</b>

**ITEM NO. 11**

**FILE NO: 17/103506  
RM8 REF NO: PSC2006-0072**

**HERITAGE PROJECTS FUND 2017-2018**

REPORT OF: LES SEDDON - ACTING STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse an allocation of \$5,600 for the Heritage Projects Fund 2017-2018 annual grant in accordance with the amounts and purposes prescribed below:
  - a) \$2,000 to Grahamstown Multi-centre Uniting Church – Raymond Terrace Church for conservation works and maintenance, including structural repairs and reconstruction;
  - b) \$2,000 to Raymond Terrace & District Historical Society Inc. Sketchley Cottage for installation of guttering to the Museum building and connection to main water outlet;
  - c) \$1,600 to Lorekiq Pty Ltd for external painting of "Euripides", 28 Sturgeon Street, Raymond Terrace (heritage building). (individual)
  
- 2) Endorse the Heritage Advisory Committee recommendation for an additional allocation of \$6,500, thus exceeding the maximum of \$2,000 per application, as follows:
  - a) An additional \$1,500 to Raymond Terrace and District Historical Society Inc. (total of \$3,500); and
  - b) An additional \$5,000 to Grahamstown Multi-centre Uniting Church.
  
- 3) Place the funding of individuals (Lorikeq Pty Ltd) on public exhibition for a period of 28 days and, should no submissions be received, adopt the recommendations without a further report to Council.

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**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Paul Le Mottee Councillor John Nell</b></p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
MOTION**

<b>155</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Paul Le Mottee</b></p> <p>It was resolve that Council endorse an allocation of \$5,600 for the Heritage Projects Fund 2017-2018 annual grant in accordance with the amounts and purposes prescribed below:</p> <ul style="list-style-type: none"><li>a) \$2,000 to Grahamstown Multi-centre Uniting Church – Raymond Terrace Church for conservation works and maintenance, including structural repairs and reconstruction;</li><li>b) \$2,000 to Raymond Terrace &amp; District Historical Society Inc. Sketchley Cottage for installation of guttering to the Museum building and connection to main water outlet;</li><li>c) \$1,600 to Lorekiq Pty Ltd for external painting of "Euripides", 28 Sturgeon Street, Raymond Terrace (heritage building). (individual)</li></ul> <p>2) the Heritage Advisory Committee recommendation for an additional allocation of \$6,500, thus exceeding the maximum of \$2,000 per application, as follows:</p> <ul style="list-style-type: none"><li>a) An additional \$1,500 to Raymond Terrace and District Historical Society Inc. (total of \$3,500); and</li><li>b) An additional \$5,000 to Grahamstown Multi-centre Uniting Church.</li></ul> <p>3) Place the funding of individuals (Lorikeq Pty Ltd) on public exhibition for a period of 28 days and, should no submissions be received, adopt the recommendations without a further report to Council.</p>
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**BACKGROUND**

The purpose of this report is to seek Council endorsement for the allocation of Heritage Projects Fund for projects as recommended by Council's 355C Heritage Advisory Committee (the committee) (**ATTACHMENT 1**).

The Heritage Projects Fund is an annual, one-off small grants program. Its purpose is to support heritage projects that promote a positive approach for the conservation and management of heritage items within the Port Stephens Local Government Area.

Applications to the 2017-2018 annual round of funding opened 3 April 2017 and closed on 7 May 2017.

Eight applications were received and assessed; with three applications being incomplete and a further application not supported by the Heritage Advisory Committee, as the application did not meet the Heritage Projects Fund Guidelines.

The unsuccessful application was from the Seaham Park and Wetlands Committee 355C Committee. It related to repairing and painting of the picnic facilities and post and rail fence behind the central garden in Seaham Park. These works were not identified by the Committee of being of sufficient heritage significance.

The three applications recommended for funding have a work value of \$56,200. All applications were assessed and the recommendations by the Heritage Advisory Committee were endorsed at its meeting on the 11 May 2017.

During the assessment process, the Committee recommended additional grant funding for two of the projects, being:

- 1) Sketchley Cottage – This local heritage item is a valuable, highly visible and publicly accessible museum. The project is important as it seeks to mitigate the threat of damage to the Sketchley Cottage.
- 2) Grahamstown Multi-centre Uniting Church – The applicant is making significant investment of \$46,000 to bring this heritage item back to its former glory. The project is a benefit to the Port Stephens community and the applicant is demonstrating ability to complete a conservation project.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Arts and Culture.	Plan for and promote multiculturalism and Port Stephens' heritage, arts and culture.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Funding is available for the projects under the Heritage Projects Fund allocation in the 2017-2018 financial years. The original budget allocation for the 2017-2018 Heritage Projects Fund is \$12,894. The applications received were under budget (i.e. a total of \$5,600) and in turn the Heritage Advisory Committee made a recommendation to allocate additional funding for two of the applications.

The maximum amount of Council funding required is \$12,100 however, this amount has been reduced to \$6,100 due to a successful grant submission of \$6,000 under the NSW Office of Heritage and Environment, Local Heritage Places Grant Fund.

**MINUTES ORDINARY COUNCIL - 27 JUNE 2017**

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	12,498	Sourced from the 2017-2018 allocation for the Heritage Projects Fund.
Reserve Funds	No		
Section 94	No		
External Grants	Yes	6,000 approx.	NSW Heritage Office is expected to provide Port Stephens Council a one year grant to contribute to the Heritage Projects Fund. Funding is on a 2:1 ratio.
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The proposed recommendation has been established in accordance with *Local Government Act 1993* (s356) and aligns with Council's key recommendations in the Grants, Sponsorship and Donation Review, endorsed by Council on 25 August 2015.

Heritage Projects Fund Guidelines 2017

Under the funding guidelines grants of up to \$2,000 are available towards a heritage project. The guidelines however, note that the total amount of funding is dependent on an external grant from the NSW Heritage Office.

In consideration of the significance of the heritage items requesting funding, a budget allocation of \$12,894 and funding being available through the NSW Heritage Office, the Committee has recommended to additionally fund two of the applications.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk of adverse public perception regarding projects that are funded.	Low	Ensure proper processes are followed in accordance with the Heritage Projects Fund guidelines and conditions of funding.	Yes

## MINUTES ORDINARY COUNCIL - 27 JUNE 2017

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that some grant recipients may fail to comply with required terms of funding.	Low	Through ongoing communication, ensure proper processes are followed in accordance with the Heritage Projects Fund guidelines and conditions.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The funding directly supports heritage conservation work on heritage buildings, and projects that further recognises their value to the community. The fund is intended to provide seed funding to projects and promote greater interest in the protection of local heritage as a cultural community asset.

The funding will contribute toward a total estimated cost of \$56,200 worth of works, with each applicant to fund the balance (\$44,100). This is a significant contribution from the community and local asset owners allowing works to be done which may have otherwise not been achieved if not for the funding.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Communications Section, to promote the funding opportunity and past previously funded successful projects. The guidelines and objectives of the Heritage Projects Fund were also promoted widely and in person at the joint Launch of Council's grant programs.

#### Internal

The Heritage Projects Fund Guidelines were reviewed and a common on line application form for all of Council's external grant programs were developed. This occurred as an outcome of the review of Council's Grants Donations and Sponsorships. The Grants Donations and Sponsorships Review Project team included a range of Executive and Section Managers across Council.

#### External

The following external consultation has taken place:

- Advertisements in the Port Stephens Examiner, Council's Website and social media.
- A public funding Launch and Expo held on April 2017.
- Port Stephens Council Heritage Advisory Committee Meeting – assessment of applications – 11 May 2017.



## **MINUTES ORDINARY COUNCIL - 27 JUNE 2017**

- One on one consultation with potential applicants.
- Communication will continue throughout the project period to aid implementation.
- All individual applications will be advertised for 28 days.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Heritage Projects Fund - Summary of Allocations.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

**ITEM 11 - ATTACHMENT 1 HERITAGE PROJECTS FUND - SUMMARY OF ALLOCATIONS.**

**Recommendations Summary**

**Heritage Projects Fund 2017/2018**

<b>Heritage Item or address in Conservation Area</b>	<b>Project summary</b>	<b>Total Cost of Project</b>	<b>Amount requested</b>	<b>Amount recommended by Heritage Advisory Committee</b>
Grahamstown Multicentre Uniting Church – Raymond Terrace Church	Conservation works and maintenance, including structural repairs and reconstruction	\$46,000.00	\$2,000.00	\$7,000 – The property is listed in the LEP and a further contribution will allow the applicant to undertake the remaining works required. It was noted that the financial investment of the applicant was based on fundraising efforts and the costs were substantial.
Raymond Terrace & District Historical Society Inc. Sketchley Cottage	Installation of guttering to Museum building and connection to main water outlet.	\$7,000.00	\$4,000.00	\$3,500 – The works were being undertaken by a contractor and were seen as vital in preserving this heritage asset.
"Euripides" Lorekiq Pty Limited 28 Sturgeon Street, Raymond Terrace	External painting of heritage building in Raymond Terrace	\$3,200.00	\$2,000.00	\$1,600 – dollar for dollar was appropriate as this was a commercial premise.

**Project not Funded**

<b>Heritage Item or address in Conservation Area</b>	<b>Project summary</b>	<b>Total Cost of Project</b>	<b>Amount requested</b>	<b>Amount recommended by Heritage Advisory Committee</b>
Seaham Park and Wetlands Committee 355C	To repair and paint the picnic facilities and post and rail fence behind the central garden in Seaham Park.	\$2,500.00	\$2,000.00	The project was not considered appropriate for this funding stream.

**ITEM NO. 12**

**FILE NO: 17/105948  
RM8 REF NO: PSC2014-01593**

**CULTURAL PROJECTS FUND 2017-2018**

REPORT OF: STEPHEN CROWE - COMMUNICATIONS SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the allocation of \$60,000 for the Cultural Project Fund 2017-2018 annual grant round in accordance with the amounts and purposes prescribed below:
  - a) \$2,294 to WEA Alesco for the delivery of the Unlimited Potential project;
  - b) \$2,940 to NSW Athletics for the delivery of the I walk, I run, I drum project;
  - c) \$3,000 to Bobs Farm School for their 2018 Centenary Celebration event;
  - d) \$3,000 to the Gan Gan Centre for the delivery of the I Count in Port Stephens project;
  - e) \$3,000 to the Hunter Regional Botanic Gardens for the Artist in Residence program;
  - f) \$1,200 to Karingal Pre School for the delivery of the Murrook Cultural Experience program;
  - g) \$3,000 to the Karuah Oyster and Timber Festival Incorporated for the delivery of the Sustaining Karuah project;
  - h) \$3,000 to the King St Preservation Society for the Step Back Into King St 2018 event;
  - i) \$3,000 to the Tilligerry Chamber of Commerce and Industry for the delivery of the Lemon Jam project;
  - j) \$1,662 to the Lions Club of Medowie for the 2018 Medowie Art and Craft Show;
  - k) \$3,000 to Margaret Ashby (Individual) for the delivery of the Red Ochre Workshops;
  - l) \$1,100 to the Medowie Little A's Club for the Arty Athletics mural;
  - m) \$3,000 to Port Harmony Inc for the delivery of the An Affair to Remember program;
  - n) \$800 to Port Stephens Family and Neighbourhood Services for the Respect Mural;
  - o) \$3,000 to the Raymond Terrace Arts and Craft group for the delivery of the Multimedia Workshop program;
  - p) \$3,000 to the Raymond Terrace and District Historical Society for the delivery of the Highlighting Boomerang Park Through the Ages project;
  - q) \$2,000 to Liz Stephens (Individual) for the delivery of the Jacaranda Spring Festival Raymond in conjunction with Raymond Terrace Markets;
  - r) \$3,000 to the Raymond Terrace Men's Shed for the delivery of the Lanterns of

## MINUTES ORDINARY COUNCIL - 27 JUNE 2017

- Light Boomerang Park workshop program;
- s) \$1,100 to Ted Arneson (Individual) for the delivery of Celebration of Words (COWS) writing workshops and youth debate;
  - t) \$2,000 to Sally Walker (Individual) for the delivery of the Glass Without Borders workshop program;
  - u) \$2,100 to the Sea Side Singers for the delivery of The Australian Landscape in Music program;
  - v) \$1,000 to the Tilligerry Art Group (TAG) for the delivery of TAG Art Exhibition;
  - w) \$1,200 to the Thou Walla Schools as Community group for the delivery of the Rhythm on the Move workshop program;
  - x) \$3,000 to Julie Bailey (Individual) for the delivery of the Unity – Stories from the Red Zone workshop program;
  - y) \$2,000 to the Tilligerry association for the delivery of the 2017 Tilligerry Festival;
  - z) \$500 to Tilligerry Adult and Community Education for the delivery of the Port Stephens Literature Awards 2017;
  - aa) \$3,000 to the Port Stephens Koala and Wildlife Preservation Society for the production of the Port Stephens Koala Book (Carers Stories).
- 2) Place the funding of individuals Margaret Ashby, Liz Stephens, Ted Arneson, Sally Walker and Julie Bailey on public exhibition for a period of 28 days and, should no submissions be received, adopt the recommendations for funding without a further report to Council.

## ORDINARY COUNCIL MEETING - 27 JUNE 2017 COMMITTEE OF THE WHOLE RECOMMENDATION

<p><b>Councillor Paul Le Mottee</b> <b>Councillor Geoff Dingle</b></p> <p>That Council endorse the allocation of \$60,000 for the Cultural Project Fund 2017-2018 annual grant round in accordance with the amounts and purposes prescribed below:</p> <ul style="list-style-type: none"><li>a) \$2,294 to WEA Alesco for the delivery of the Unlimited Potential project;</li><li>b) \$2,940 to NSW Athletics for the delivery of the I walk, I run, I drum project;</li><li>c) \$3,000 to Bobs Farm School for their 2018 Centenary Celebration event;</li><li>d) \$3,000 to the Gan Gan Centre for the delivery of the I Count in Port Stephens project;</li><li>e) \$3,000 to the Hunter Regional Botanic Gardens for the Artist in Residence program;</li><li>f) \$1,200 to Karingal Pre School for the delivery of the Murrook</li></ul>
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**MINUTES ORDINARY COUNCIL - 27 JUNE 2017**

- Cultural Experience program;
- g) \$3,000 to the Karuah Oyster and Timber Festival Incorporation for the delivery of the Sustaining Karuah project;
  - h) \$3,000 to the King St Preservation Society for the Step Back Into King St 2018 event;
  - i) \$3,000 to the Tilligerry Chamber of Commerce and Industry for the delivery of the Lemon Jam project;
  - j) \$1,662 to the Lions Club of Medowie for the 2018 Medowie Art and Craft Show;
  - k) \$3,000 to Margaret Ashby (Individual) for the delivery of the Red Ochre Workshops;
  - l) \$1,100 to the Medowie Little A's Club for the Art Athletics mural;
  - m) \$3,000 to Port Harmony Inc. for the delivery of the An Affair to Remember program;
  - n) \$800 to Port Stephens Family and Neighbourhood Services for the Respect mural;
  - o) \$3,000 to the Raymond Terrace Arts and Craft group for the delivery of the Multimedia Workshops program;
  - p) \$3,000 to the Raymond Terrace and District Historical Society for the delivery of the Highlighting Boomerang Park Through the Ages project;
  - q) \$2,000 to Liz Stephens (Individual) for the delivery of the Jacaranda Spring Festival in conjunction with the Raymond Terrace Markets;
  - r) \$3,000 to the Raymond Terrace Men's Shed for the delivery of the Lanterns of Light Boomerang Park workshop program;
  - s) \$1,100 to Ted Arneson (Individual) for the delivery of the Celebration of Words (COWS) writing workshops and youth debate;
  - t) \$2,000 to Sally Walker (Individual) for the delivery of the Glass Without Borders workshop program;
  - u) \$2,100 to the Sea Side Singers for the delivery of The Australian Landscape in Music program;
  - v) \$1,000 to the Tilligerry Art Group (TAG) for the delivery of the TAG Art Exhibition;
  - w) \$1,200 to the Thou Walla Schools as Community group (Irrawang Primary School) for the delivery of the Rhythm on the Move workshop program;
  - x) \$3,000 to the Community Helping Community Incorporation (application in name of Julie Bailey) for the delivery of the Unity – Stories from the Red Zone workshop program;
  - y) \$2,000 to the Tilligerry Association for the delivery of the 2017 Tilligerry Festival;
  - z) \$500 to Tilligerry Adult and Community Education for the delivery of the Port Stephens Literature Awards 2017;
  - aa) \$3,000 to the Port Stephens Koala and Wildlife Preservation Society for the production of the Port Stephens Koala Book (Carers Stories).
  - 2) Place funding of individuals Margaret Ashby, Liz Stephens, Ted Arneson and Sally Walker on public exhibition for a period of 28 days and, should no submissions be received, adopt the

**MINUTES ORDINARY COUNCIL - 27 JUNE 2017**

recommendations for funding of individuals without a further report to Council.

**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
MOTION**

<b>156</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Paul Le Mottee</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the allocation of \$60,000 for the Cultural Project Fund 2017-2018 annual grant round in accordance with the amounts and purposes prescribed below:<ol style="list-style-type: none"><li>a) \$2,294 to WEA Alesco for the delivery of the Unlimited Potential project;</li><li>b) \$2,940 to NSW Athletics for the delivery of the I walk, I run, I drum project;</li><li>c) \$3,000 to Bobs Farm School for their 2018 Centenary Celebration event;</li><li>d) \$3,000 to the Gan Gan Centre for the delivery of the I Count in Port Stephens project;</li><li>e) \$3,000 to the Hunter Regional Botanic Gardens for the Artist in Residence program;</li><li>f) \$1,200 to Karingal Pre School for the delivery of the Murrook Cultural Experience program;</li><li>g) \$3,000 to the Karuah Oyster and Timber Festival Incorporation for the delivery of the Sustaining Karuah project;</li><li>h) \$3,000 to the King St Preservation Society for the Step Back Into King St 2018 event;</li><li>i) \$3,000 to the Tilligerry Chamber of Commerce and Industry for the delivery of the Lemon Jam project;</li><li>j) \$1,662 to the Lions Club of Medowie for the 2018 Medowie Art and Craft Show;</li><li>k) \$3,000 to Margaret Ashby (Individual) for the delivery of the Red Ochre Workshops;</li><li>l) \$1,100 to the Medowie Little A's Club for the Art Athletics mural;</li><li>m) \$3,000 to Port Harmony Inc. for the delivery of the An Affair to Remember program;</li><li>n) \$800 to Port Stephens Family and Neighbourhood Services for the Respect mural;</li><li>o) \$3,000 to the Raymond Terrace Arts and Craft group for the delivery of the Multimedia Workshops program;</li><li>p) \$3,000 to the Raymond Terrace and District Historical Society for the delivery of the Highlighting Boomerang Park Through the Ages</li></ol></li></ol>
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## MINUTES ORDINARY COUNCIL - 27 JUNE 2017

	<p>project;</p> <p>q) \$2,000 to Liz Stephens (Individual) for the delivery of the Jacaranda Spring Festival in conjunction with the Raymond Terrace Markets;</p> <p>r) \$3,000 to the Raymond Terrace Men's Shed for the delivery of the Lanterns of Light Boomerang Park workshop program;</p> <p>s) \$1,100 to Ted Arneson (Individual) for the delivery of the Celebration of Words (COWS) writing workshops and youth debate;</p> <p>t) \$2,000 to Sally Walker (Individual) for the delivery of the Glass Without Borders workshop program;</p> <p>u) \$2,100 to the Sea Side Singers for the delivery of The Australian Landscape in Music program;</p> <p>v) \$1,000 to the Tilligerry Art Group (TAG) for the delivery of the TAG Art Exhibition;</p> <p>w) \$1,200 to the Thou Walla Schools as Community group (Irrawang Primary School) for the delivery of the Rhythm on the Move workshop program;</p> <p>x) \$3,000 to the Community Helping Community Incorporation (application in name of Julie Bailey) for the delivery of the Unity – Stories from the Red Zone workshop program;</p> <p>y) \$2,000 to the Tilligerry Association for the delivery of the 2017 Tilligerry Festival;</p> <p>z) \$500 to Tilligerry Adult and Community Education for the delivery of the Port Stephens Literature Awards 2017;</p> <p>aa) \$3,000 to the Port Stephens Koala and Wildlife Preservation Society for the production of the Port Stephens Koala Book (Carers Stories).</p> <p>2) Place funding of individuals Margaret Ashby, Liz Stephens, Ted Arneson and Sally Walker on public exhibition for a period of 28 days and, should no submissions be received, adopt the recommendations for funding of individuals without a further report to Council.</p>
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### BACKGROUND

The purpose of this report is to seek Council's endorsement for the allocation of 2017-2018 Cultural Project Fund grants for projects as recommended by Council's Cultural Project Fund Assessment Panel, in consultation with Council's 355c Strategic Arts Committee.

The purpose of the Cultural Project Fund is to support projects that celebrate and promote culture in Port Stephens through the delivery of programs, events and other activities that increase participation in cultural life. This aligns with the key objectives of the Port Stephens Cultural Plan 2015-2018.

## MINUTES ORDINARY COUNCIL - 27 JUNE 2017

Applications to the 2017-2018 round of funding opened on 3 April 2017 and closed on 8 May 2017. The total amount of funding available is \$60,000. A record high number of 27 applications were received, valued at \$66,208 as outlined in **(ATTACHMENT 1)**.

Of the 27 applicants, nine (9) were applying for the first time and a number of previously funded projects are now requesting smaller amounts of money to sustain initial gains.

The applications reflect a strong community interest in skills development across art forms, and in local community events including the proposed Festival of Light event to be staged in November 2017 at Boomerang Park.

All past funding recipients who have applied in 2017 have successfully delivered and acquitted previous projects.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Arts and Culture.	Plan for and promote multiculturalism and Port Stephens' heritage, arts and culture.

### FINANCIAL/RESOURCE IMPLICATIONS

A total of \$60,000 is available to fund projects under Cultural Projects Fund in the 2017-2018 financial year.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	60,000	Sourced from the 2017-2018 general revenue allocation for Cultural Projects Fund
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications related to the adoption of the recommendations.



<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk of adverse public perception regarding projects that are funded.	Low	Ensure proper processes are followed in accordance with the Cultural Project Fund Guidelines and Conditions.	Yes
There is a risk that some grant recipients may fail to comply with required terms of funding, reporting and acquittal processes	Low	Through on going communication ensure proper processes are followed in accordance with the Cultural Project Fund Guidelines and Conditions.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Cultural Project Fund directly supports ongoing investment in organisations and individuals involved in the production and delivery of cultural activities and services that are accessible to people from a range of social, economic and cultural backgrounds.

The proposed projects are closely aligned to key objectives from the Port Stephens Cultural Plan, and will:

- Encourage community partnerships that support placed based cultural development whilst delivering social and local economic return;
- Support inclusive practice amongst community organisations benefiting people from various ethnic and social backgrounds and people with a disability;
- Provide high quality events that attract a regional audience, and encourage local participation;
- Celebrate history, local identity, heritage and our natural and built environments.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Community Development and Engagement Unit including:

#### Internal

Council Grant Officers for Heritage Project Fund, Community Project Fund, Environmental Project Fund and Aboriginal Project Fund were provided with a summary of projects recommended for funding by the Cultural Project Fund Assessment Panel.

External

- Advertisements in Port Stephens Examiner, Council's website, and social media;
- Small public launch of all grant programs at Council on Monday 3 April 2017;
- Members of the Strategic Arts 355c Committee met on Thursday 18 May 2017 for an initial assessment of all grant applications received, in line with the funding guidelines;
- Additional information and or clarification of detail from applicants sought as required;
- A final assessment and recommendations for funding then made by the Port Stephens Council Cultural Project Fund Assessment Panel on Wednesday 24 May 2017.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Summary of Applications and Recommendations.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 12 - ATTACHMENT 1 SUMMARY OF APPLICATIONS AND RECOMMENDATIONS.**

**Cultural Projects Fund 2017 - 2018**

<b>No</b>	<b>Applicant name and project title</b>	<b>Amount Requested</b>	<b>SAC Comment</b>	<b>Assessment Panel Recommendation</b>
1	WEA Alesco  Unlimited Potential <i>(Creative music workshops)</i>	\$2,294	Like focus on Social Inclusion and link between young people and engagement with community.	Yes, in full as requested \$2,294
2	Athletics NSW  I walk   run   drum <i>(Creative workshops based on drumming and percussion and film making)</i>	\$2,940	An Innovative project. Would be good to make links with other drumming project in RT.  Note: \$100 short on budget detail.	Yes, in full as requested \$2,940
3	Bobs Farm Primary School  BFP Centenary Celebrations <i>(A cultural event)</i>	\$3,000	End of a 3 year project plan that will bring together aspects of previously funded activity – hard copy book and on line history.	Yes, in full as requested \$3,000
4	Gan Gan Centre  I Count in Port Stephens <i>(Kids being creative through art)</i>	\$3,000	Like the concept; use of local artists and broader connection with community including schools and involving 'little ones'  Look at how book 'outlines' might be re –used following year.	Part Fund \$2,600  (have not funded catering of \$400)
5	Hunter Region Botanic Gardens  Artist in Residence <i>(Artist in Residence program linked to music, sculpture, weaving)</i>	\$3,000	Like the proposed idea of Artist In Residence, and link to community project.  Promotion of opportunity will be important.	Yes, in full as requested \$3,000

**ITEM 12 - ATTACHMENT 1 SUMMARY OF APPLICATIONS AND RECOMMENDATIONS.**

No	Applicant name and project title	Amount Requested	SAC Comment	Assessment Panel Recommendation
6	Karingal Pre School  Murrook Cultural Experience <i>(A cultural learning event)</i>	\$2,404	Looks like a school excursion, which we will not fund.  Fund 50% to cover cost of cultural activity that could be delivered at the pre school	Part Fund \$1,200
7	Karuah Timber & Oyster Festival Inc.  Sustaining Karuah <i>(A film project linked to an event and ongoing cultural promotion)</i>	\$3,000	Like the idea of creating a video which could be used to promote festival but also Karuah in general through tourism channels.	Yes, in full as requested \$3,000
8	King St Preservation Society  King St Fair 2018 <i>(Step Back into King St cultural event)</i>	\$3,000	Like the idea and recognise this event as being important to Raymond Terrace. Acknowledged a big % of funding goes back to council for fees.	Yes, in full as requested \$3,000
9	Tilligerry Business Chamber  Lemon Jam <i>(A monthly music / arts event in community)</i>	\$4,000	We recognise that this is a great event that provides regular cultural activity on the Tilligerry Peninsula (monthly gigs)	Fund only \$3,000 (maximum amount)
10	Lions Club of Medowie  Arts and Craft Fair <i>(A cultural event)</i>	\$1,800	One of only two applications from Medowie and money requested largely associated with promotional material that could be used in future years (don't date banners). Strictly speaking we are not looking to fund new 'art shows'	Part fund \$1,662

**ITEM 12 - ATTACHMENT 1 SUMMARY OF APPLICATIONS AND RECOMMENDATIONS.**

No	Applicant name and project title	Amount Requested	SAC Comment	Assessment Panel Recommendation
11	INDIVIDUAL Margaret Ashby  Red Ochre Workshops <i>(Cultural / art workshops)</i>	\$3,870	Sounds interesting, like the cross over between indigenous and non indigenous community. Would be good to check on protocols of Aboriginal Art being taught out in community.  Explore exhibition opportunity at Library and ongoing workshops	Fund only \$3,000 (maximum amount)
12	Medowie Little A's  Arty Athletics <i>(A mural project)</i>	\$1,100	Small project for Medowie that will help create a 'place' for young people.	Yes, in full as requested \$1,100
13	Port Harmony  An Affair to Remember <i>(Choir Performance / show with ongoing performance opportunity)</i>	\$3,000	Like the idea of performance based activity, providing an alternative event on our cultural program that is high quality. Recommend funds be spent on event however, not fee's linked to choir director. Income from event can cover annual director fee's.	Yes, in full as requested \$3,000
14	PS Family & Neighbourhood Services  Mural of Respect <i>(A mural project)</i>	\$800	Simple idea that has appeal. Good to support local youth project (and mural).	Yes, in full as requested \$800
15	Raymond Terrace Arts and Craft Inc  Multimedia Workshops <i>(Cultural / art workshops)</i>	\$3,000	The group has delivered successful programs in past and this year like the link to the proposed Boomerang Park event in November, providing opportunity for young people from Raymond Terrace Alesco to be creatively involved in their community.	Yes, in full as requested \$3,000

**ITEM 12 - ATTACHMENT 1 SUMMARY OF APPLICATIONS AND RECOMMENDATIONS.**

<b>No</b>	<b>Applicant name and project title</b>	<b>Amount Requested</b>	<b>SAC Comment</b>	<b>Assessment Panel Recommendation</b>
16	Raymond Terrace & District Historical Society  Highlighting Boomerang Park through the Ages	\$3,000	Good opportunity to support history group (after knocking back application last year) and great opportunity to capture history of Raymond Terrace and link to community event in November (Festival of Light). Like idea of calendar.	Yes, in full as requested \$3,000
17	INDIVIDUAL Liz Stephens (RT Community Markets)  Jacaranda Spring Festival RT (A cultural event)	\$2,600	Like the 'history' side to this project. The group has previously delivered successful 'multi cultural' event that this festival would pick up on. Linked also to new Rectory Markets.	Part Fund \$2,000
18	Raymond Terrace Men's Shed  Lanterns of Light, Boomerang Park (Cultural / art workshops)	\$3,000	Like the idea and a great way to engage community leading up to the Festival of Light, Raymond Terrace in November. Using men's shed for broader community activity to be encouraged.	Yes, in full as requested \$3,000
19	INDIVIDUAL Ted Arneson (RT Writers Group)  COWS 2017 (Writing workshops and debate)	\$1,100	Building on previous writing workshops funded in the past, and good to have a writing / literature based project available to community.	Yes, in full as requested \$1,100
20	INDIVIDUAL Sally Walker (Smart Arts participant)  Glass Without Borders (Cultural / art workshops)	\$2,000	Glass Arts something different for the community and new initiatives like this should be encouraged. Would be good to encourage link between artist and broader community and groups like Arts Centre, including availability of tools / kits when purchased.	Yes, in full as requested \$2,000

**ITEM 12 - ATTACHMENT 1 SUMMARY OF APPLICATIONS AND RECOMMENDATIONS.**

<b>No</b>	<b>Applicant name and project title</b>	<b>Amount Requested</b>	<b>SAC Comment</b>	<b>Assessment Panel Recommendation</b>
21	Sea Side Singers Inc  The Australian Landscape in Music <i>(Cultural / music workshops)</i>	\$2,100	The group has continually delivered interesting and accessible music based projects in the community.	Yes, in full as requested \$2,100
22	Tilligerry Art Group (TAG)  TAGS Exhibition (new space opening) <i>(Cultural event / art show)</i>	\$1,500	While we are not looking to fund 'new' art shows, and this group is associated with Tilligerry Art Show, we support the proposed event in conjunction with the opening of new arts centre at Tilligerry.	Part Fund \$1,000  {have not funded catering of \$500}
23	Thou Walla SAC (Irrawang Primary)  Rhythm on the Move <i>(Cultural / music workshops)</i>	\$1,200	The group has been building this project over the past 3 years and it is near being sustainable. Funds requested will help the group develop further and they are to be encouraged to link with other local 'drumming' projects (NSW Athletics application)	Yes, in full as requested \$1,200
24	INDIVIDUAL Julie Bailey (Williamstown Collective)  Unity – Stories from the Red Zone <i>(Cultural / arts workshops)</i>	\$3,000	This project is considered worthwhile and provides opportunity for a community of people who will benefit from creative practice. Would be good to link workshop with a trained 'art therapist' or appropriate support person to assist wellbeing of participants.	Yes, in full as requested \$3,000
25	Tilligerry Community Association Inc.  Tilligerry Festival Fun Day 2017 <i>(Cultural event)</i>	\$3,000	This event has been run over a number of years and while we are happy to continue to support as a local cultural event, new funding opportunities need to be considered for future.	Part Fund \$2,000

**ITEM 12 - ATTACHMENT 1 SUMMARY OF APPLICATIONS AND RECOMMENDATIONS.**

No	Applicant name and project title	Amount Requested	SAC Comment	Assessment Panel Recommendation
26	Tilligerry Adult and Community Education  PS Literature Awards 2017	\$500	Applicant is returning to past funding arrangements whereby PSC is sponsoring the Literature Awards. Need to address sponsorship process in future.	Yes, in full as requested \$500
27	Port Stephens Koala & Wildlife Preservation Society  Port Stephens Koalas (book)	\$3,000	Looks like a new and innovative project. Would be good to see the end product produced for on line publication also (more accessible and current)	Yes, in full as requested \$3,000
<b>TOTAL</b>		<b>\$66,208</b>		<b>\$60,000</b>
<p><b>Other Comment</b></p> <p>Any funds from sale of products should be re invested into more product / extra print run etc.</p> <p>Any product produced eg a book, calendar, should be made available at local libraries. Where appropriate groups should be encouraged to register for a ISBN Code</p> <p>Should note in future Guidelines that we don't fund catering.</p> <p>When artists / creative industry people are to be involved we should request a BIO of the artist. Good way to build up local data base and also encourages good professional practice (could also be built into future Guidelines)</p>				



**ITEM NO. 13**

**FILE NO: 17/123007  
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 27 June 2017.

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	CASH AND INVESTMENTS HELD AT 31 MAY 2017	256
2	PORT STEPHENS YOUTH STRATEGY – MID TERM REPORT	260
3	2017 NATIONAL CONGRESS & BUSINESS EXPO - TASMANIA	265

**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan Councillor Sally Dover</b>  That the recommendation be adopted.
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<b>157</b>	<b>Councillor Sally Dover Councillor Ken Jordan</b>  It was resolved that Council move out of Committee of the Whole.
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**ORDINARY COUNCIL MEETING - 27 JUNE 2017  
MOTION**

<b>158</b>	<b>Councillor Ken Jordan Councillor Paul Le Mottee</b>  It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 27 June 2017.  -----
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**MINUTES ORDINARY COUNCIL - 27 JUNE 2017**

<b>No:</b>	<b>Report Title</b>
1	CASH AND INVESTMENTS HELD AT 31 MAY 2017
2	PORT STEPHENS YOUTH STRATEGY – MID TERM REPORT
3	2017 NATIONAL CONGRESS & BUSINESS EXPO - TASMANIA

# INFORMATION PAPERS



**ITEM NO. 1**

**FILE NO: 17/112749  
RM8 REF NO: PSC2006-6531**

**CASH AND INVESTMENTS HELD AT 31 MAY 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 31 May 2017.

**ATTACHMENTS**

- 1) Cash and Investments held at 31 May 2017.
- 2) Monthly cash and investments balance April 2017 to 31 May 2017.
- 3) Monthly Australian Term Deposit Index June 2016 to May 2017.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

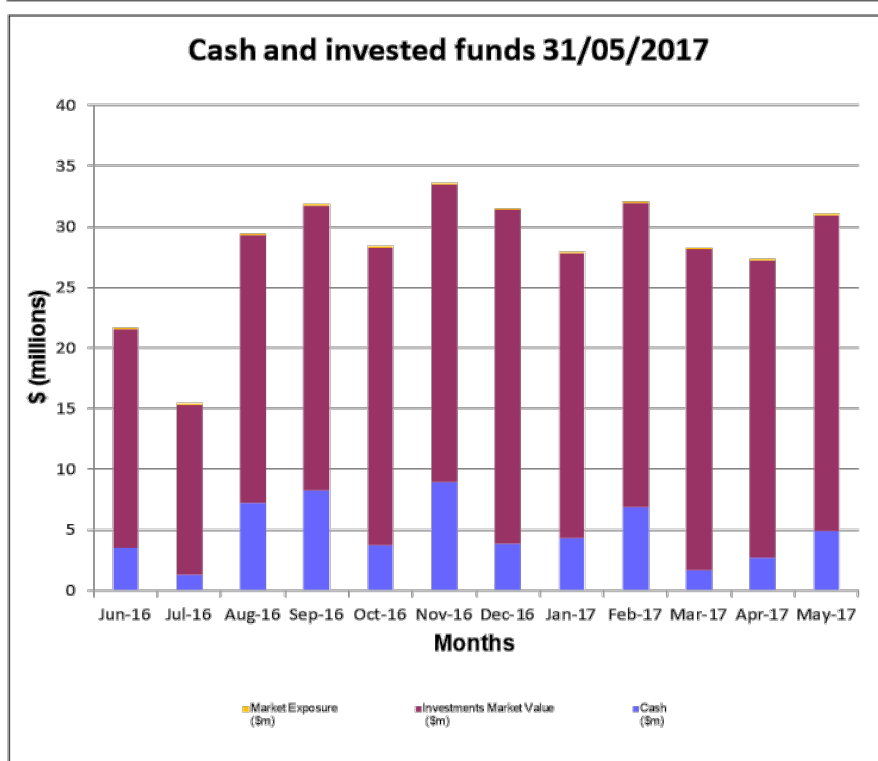
**CASH AND INVESTMENTS HELD AS AT 31 MAY 2017**

ISSUER	BROKER	RATING *	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
<b>TERM DEPOSITS</b>								
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
BANK OF SYDNEY	RIM	NR	TD	2.83%	181	1-Nov-17	1,250,000	1,250,000
RURAL BANK	LAMINAR	A-	TD	2.65%	190	15-Nov-17	1,250,000	1,250,000
AMP BANK	FARQUHARSON	A+	TD	2.60%	189	22-Nov-17	2,000,000	2,000,000
DEFENCE BANK	LAMINAR	BBB+	TD	2.77%	376	30-May-18	1,000,000	1,000,000
<b>SUB TOTAL (\$)</b>							<b>25,000,000</b>	<b>25,000,000</b>
<b>OTHER INVESTMENTS</b>								
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	1,014,386
<b>SUB TOTAL (\$)</b>							<b>1,017,877</b>	<b>1,014,386</b>
<b>INVESTMENTS TOTAL (\$)</b>							<b>26,017,877</b>	<b>26,014,386</b>
<b>CASH AT BANK (\$)</b>							<b>4,893,892</b>	<b>4,893,892</b>
<b>TOTAL CASH AND INVESTMENTS (\$)</b>							<b>30,911,769</b>	<b>30,908,278</b>
CASH AT BANK INTEREST RATE				1.90%				
BBSW FOR PREVIOUS 3 MONTHS				1.81%				
AVG. INVESTMENT RATE OF RETURN				2.57%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
<b>CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER</b>								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								

**ITEM 1 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE  
APRIL 2017 TO 31 MAY 2017.**

**CASH AND INVESTMENTS BALANCE**

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
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
May-17	4.894	26.014	0.003	30.912

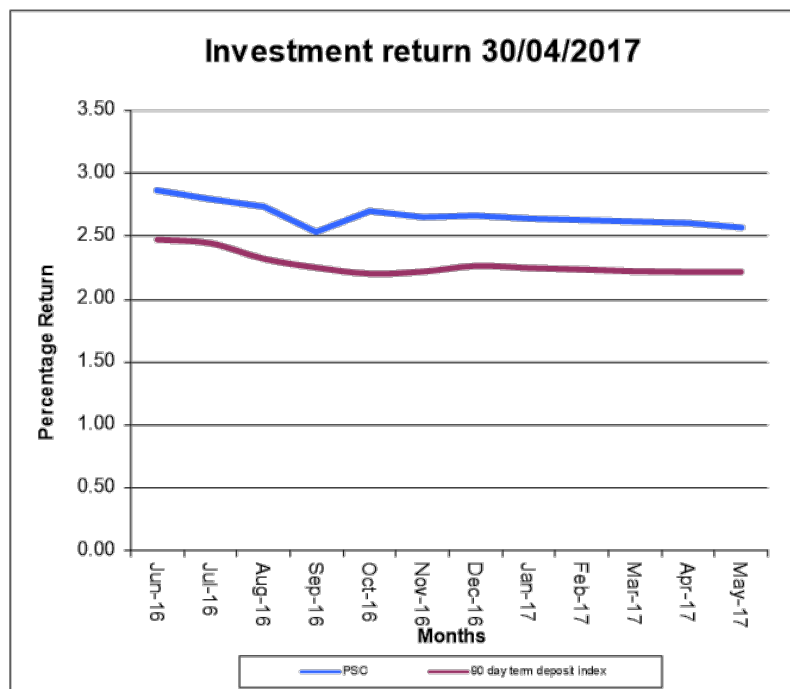


\*market exposure is the difference between the face value of an investment and its current market value.

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

**AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX**

<b>Date</b>	<b>90 day term deposit index</b>	<b>PSC</b>
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
May-17	2.2168	2.57





**ITEM NO. 2**

**FILE NO: 17/89292  
RM8 REF NO: PSC2013-03965**

**PORT STEPHENS YOUTH STRATEGY - MID TERM REPORT**

REPORT OF: STEPHEN CROWE - COMMUNICATIONS SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note recent activities undertaken by Council to meet milestones in Council's Youth Strategy.

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**BACKGROUND**

The purpose of this report is to provide a mid – term update on activities against actions as outlined in the Port Stephens Youth Strategy.

The Strategy was adopted by Council on 11 November 2014 (Min No 296) and underpins objectives in Council's delivery program. Supporting young people is a key element of the Community Strategic Plan as reflected in the 2016-2017 Operational Plan:

- Convene and support the Port Stephens Youth Advisory Panel (1.5.1.1);
- Implement Council's Youth Strategy (1.5.1.2).

Most of these activities have been undertaken in close co-operation with Council's Youth Advisory Panel (YAP) with support from the Community Development and Engagement Unit (CD&E). The YAP was established in October 2013 and was instrumental in developing the Strategy.

The YAP meets quarterly and holds project specific meetings as required. A dedicated YAP Facebook site, managed by Council, provides a regular on line platform as per the youth strategy, for panel members and other young people of Port Stephens to communicate on issues with Council, and source and share information of interest to them.

Significant achievements of the panel from the past twelve months include:

- Working closely with Andrew Johnson (NSW Advocate for Children and Young People (who visited Port Stephens twice) in the development of the first ever NSW Strategic Plan for Children and Young People 2016-2019;
- Participation in the *Speak for Yourself* forum held at the Sydney Opera House where youth panels from around NSW came together to discuss common issues. This led to Raymond Terrace being selected as one of eight NSW regional

centres to host a “Young” Citizens Jury” (held at Raymond Terrace Public School school) in 2016 that was attended by 20 young people from two local primary schools and a local high school;

- Delivery of the "Next Step" Youth Mental Health Forum on 11 March 2017, attended by 70 students from all seven local high schools who discussed a range of issues concerning youth mental health. As part of the day's activity participants considered key recommendations from a needs analysis study that was undertaken by the Centre for Rural and Remote Mental Health based in Newcastle University. The study was funded by Hunter New England Central Coast Primary Health Network with in-kind support from Council and cash support from East Ward funds through Councillor Dover. The focus of the study was the mental health and wellbeing of young people aged 12-24 years in the Port Stephens Local Government Area;
- Delivery of Youth Week 2017 events (1- 9 April 2017), the YAP were instrumental in helping to deliver:
  - The second annual Port Stephens 24 Challenge which attracted over 30 entries addressing the challenge topic of "local heroes" across short story, short film, poetry, photography and illustration categories;
  - Light Up the Library event at Raymond Terrace Library with over 50 people attending, and a range of community services involved;
  - Partnering with other community groups, including TYCA Inc. to host a well-attended skate and scooter competition in Nelson Bay.

Other key outcomes delivered across Council in line with the Youth Strategy include:

- Developed partnerships with local education and training providers including WEA Hunter and TAFE Outreach and assisted with program planning and delivery (CD&E Unit; Library Services);
- Worked with community organisations such as Tomaree Youth Community Action (TYCA Inc) and programs such as Snak & Rap that, involve young people in maintaining public spaces including skate parks (CD&E Unit);
- Young people have been involved in the development of open and public space planning including commenting on Nelson Bay Strategy and community infrastructure including the proposed Boomerang Park and Lakeside Skate Parks;
- A number of programs that target young people's participation, including localised events, have been funded through the Cultural, Environmental and Aboriginal Project Fund programs (Natural Resources; CD&E Unit);
- Promotion of local services, in particular youth health and education and training services, to young people via on line platforms and community networks (CD& Unit);
- Support and promote local needs analysis study (coordinated by community group COPSy) for youth mental health services (CD&E Unit);
- Create youth specific online portal through EHQ and establish pool of youth participants for engaging and communicating with Council, to compliment YAP Facebook (CD&E Unit);
- Promotion of youth leadership opportunities across the community in partnership with schools and local service clubs (CD&E Unit);

## MINUTES ORDINARY COUNCIL - 27 JUNE 2017

- Community information sessions, largely targeted at local school students, promoting apprenticeship and cadetship opportunities at Port Stephens Council (Organisation Development);
- Green Army activity in local parks and reserves aimed at maintaining public spaces, including planting of koala trees in street reserves (Natural Resources);
- This year's Mayoral Scholarship (2017 program) attracted a record \$28,000 in scholarships from local business which represents an increase of 40% towards sponsorship compared with the previous year (Economic Development Unit);
- Port Stephens Council collaborated with Hunter Councils, Take-3, the NSW EPA and Medowie Public school to deliver a mix of litter reduction strategies at the Medowie Skate Park. This included improved signage, enforcement, community and in-school education in order to target litter prevention. The initiative managed to deliver a 98% reduction in the volume of litter deposited over the grant period (Waste Compliance Unit).

### Future direction

The Community Development and Engagement Unit will continue to work with other units across the organisation, including Economic Development, Waste Compliance, Asset Services and Community and Recreation to deliver on actions from the strategy and in early 2018 will commence a review process in partnership with the Youth Advisory Panel and internal and external stakeholders.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Young People.	Council will provide resources and support for young people appropriate to their needs in the Port Stephens local government area.

### FINANCIAL/RESOURCE IMPLICATIONS

The recommendations result in no direct financial implication for Port Stephens Council.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes		Family and Community Service grant and Youth Week grant

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no significant legal, policy or risk implications.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the broad needs of young people will not be adequately met if actions are not monitored and delivered.	Low	Continue to monitor and deliver on Youth Strategy actions and work with units across the organisation to raise the profile of young people. Review the strategy in 2018.	Yes
There is a risk of damage to Council's reputational, based on community perception that Council does not provide adequate support for young people in Port Stephens.	Low	Acknowledgment and celebration across the organisation and in community the initiatives and achievements of Council in relation to supporting the needs of young people.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are significant social and economic implications if the education, training and broader welfare needs of young people, including mental health and wellbeing, are not effectively met. This requires a strategic, partnership approach across council and community.

There are potential environmental and economic gains to leverage from the participation of young people in environmental and 'community pride' based projects that promote ownership and respect for public spaces and places.

Giving young people a voice on issues that matter to them helps to ensure future actions that are relevant and beneficial to young people, and indeed whole of community, are delivered in the longer term.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Community Development and Engagement Unit which is currently responsible for the YAP.

Internal

Advice has been sought from across the organisation including:

- Economic Development Unit;
- Waste Compliance Unit;
- Organisational Development;
- Asset Services;
- Natural Resources;
- Library Services.

External

This report has been developed in close consultation with the Youth Advisory Panel.

Representatives of the YAP also had the opportunity to discuss these matters in a Two-Way presentation with Councillors on 9 May 2017.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 3**

**FILE NO: 17/121998  
RM8 REF NO: PSC2017-**

**2017 NATIONAL CONGRESS & BUSINESS EXPO - TASMANIA**

REPORT OF: PAUL LE MOTTEE - COUNCILLOR  
GROUP: GENERAL MANAGER'S OFFICE

**BACKGROUND**

The purpose of this report is to advise Councillors of feedback from the Local Government Professionals 2017 National Congress & Business Expo attended by Cr Paul Le Mottee, Cr John Morello, and Deputy Mayor Chris Doohan together with the General Manager, Group Manager Facilities and Services and Community Services Section Manager on 22 to 24 May 2017.

The conference is primarily aimed at both leadership and management and speakers are split between those that simply inspire listeners to become better leaders and managers and those that teach techniques to become better leaders and managers. This year's congress had a particular focus on gender equality and gender diversity.

The hour long opening address was given by Lieutenant General David Morrison AO and could not have done more to make every person in the room both feel inspired and to understand what it meant to have true gender equality and not just have the same number of males and females in the organisation. In his time as 'Head of Army' he was forced to deal with some very nasty incidents and this forced him to think of what it was like to be a female in the military and what is was that females did in the army. The realisation of that dawned on him when he walked in the shoes of a female in the Australian military was confronting and shocking and made him determined to make a difference, not just a difference to the statistics but a real and lasting difference. I believe he has achieved this and I personally felt very inspired by listening to him. I'm quite sure everybody else felt much the same way.

After the opening address, the congress split into several smaller rooms to deal with a range of different topics and workshops dealing with risk, new communication techniques, and better collaboration. There is always something to be gained from these and this experience is made better when people relate actual events that could have been much better if the correct techniques were used.

To end the day, Holly Ransom spoke to us for an hour. It is not possible to encapsulate Holly's achievements in a few lines. All I can suggest is to Google her and read it for yourself if you would like to understand what makes this remarkable woman so inspiring. She certainly had everybody feeling upbeat and refreshed when they walked out at 5pm.

The second day was dominated by split sessions once again. These covered a range of topics including Indigenous employment and leadership, Mini COAG, Community Engagement, International leadership trends and more.

The General Manager, Deputy Mayor Doohan and I attended a workshop that could have been chilling just a few days earlier if we had been in Europe or the UK.

The scenario we were given was that a disgruntled former employee had hacked Council's file server and had copies of countless peoples bank accounts, home addresses and every other bit of sensitive information imaginable as well as all the more mundane but critical information stored on a Council's server. The hacker gave just 10 minutes to pay a substantial ransom or have the information published wiki leaks style. This happened on an ordinary Wednesday morning. What do you do about it? Who does what? Can you limit the damage? Is the threat real? Do you pay the ransom?

Every table was given a laptop and a notepad and had just 10 minutes to deal with the threat. It was very interesting to see how people reacted under such pressure. Whilst it was only a simulation, there was no doubt people were breaking out into sweats, some tables were becoming quite heated in their discussions and others were unable to decide anything to do. I was very pleased to see that both our Deputy Mayor (who has previously thwarted an armed robbery) and our General Manager kept very calm heads, took affirmative action whilst others at our table were still procrastinating and yet such actions turned out to be the consensus of the table and generally performed in a way that I would be very proud of should such a real scenario occur.

The take away from this workshop is that Council needs a clear plan listing who is on the panel to deal with such emergencies when they occur at 11:30pm on a Saturday night, who is the replacement for an individual if a panel member is away or ill, what is the decision making process? That is, is it a majority vote or are all ideas thrown on the table and the Captain of the ship makes the final decision? You can't be sorting out these details once the event has unfolded – a firm plan must be in place, it must be tested from time to time and the personnel on the panel must be replaced if they don't react well.

The congress concluded with an awards night that may well have been very entertaining and educational were it not for the fact those of us at the rear of the room could hear nothing through the inefficient PA system. Notwithstanding that irritation, the combining of the congress and Australian Management Challenge Awards seemed to be a great success.

Port Stephens Council was a finalist in one National Award. However, we were narrowly pipped at the post by a South Australian Council.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

There being no further business the meeting closed at 6.27pm.