

ATTACHMENTS UNDER SEPARATE  
COVER

ORDINARY COUNCIL MEETING  
11 JULY 2017



**PORT STEPHENS**  
C O U N C I L



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

**APPLICATION DETAILS**

<b>Application Number</b>	16-2016-856-1
<b>Development Description</b>	Residential Flat Building (Incorporating 6 Storey Apartment Complex and Underground Car Parking)
<b>Applicant</b>	LE MOTTEE GROUP PTY LIMITED
<b>Date of Lodgement</b>	13/12/2016
<b>Value of Works</b>	\$6,931,393.86

**Development Proposal**

The application proposes a six (6) storey Residential Flat Building (RFB) at 65 and 67 Donald Street, Nelson Bay. Key aspects of the proposed development include:

- Construction of a RFB incorporating 17 residential units, including:
  - 1 x One bedroom Unit
  - 9 x Two Bedroom Units (integrating one accessible unit)
  - 7 x Three Bedroom Unit

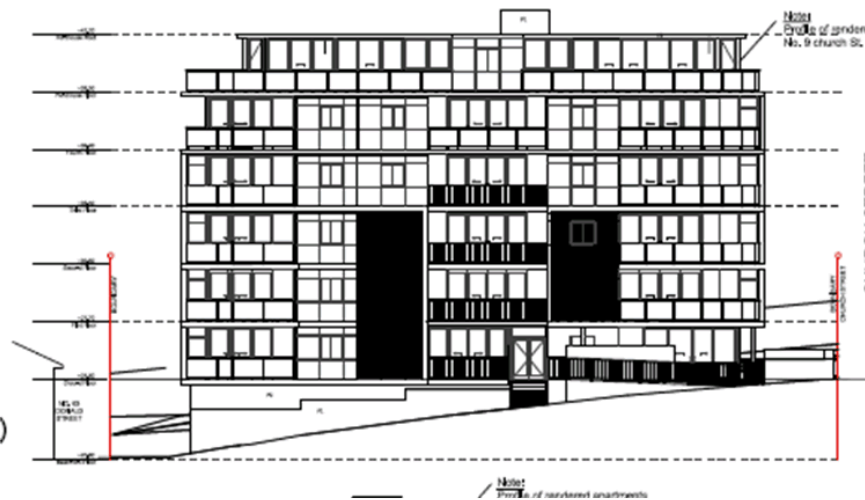


Figure 1: Donald Street Frontage



Figure 2: Church Street Frontage

- An underground parking area containing 26 spaces (including one accessible space). The car park will be incorporating a stacking arrangement for eight (8) parking spaces. The entry and exit point to the basement car parking area is provided on the southern elevation. Four (4) car parking spaces are provided on the ground level positioned on the southern elevation.
- The basement and ground level will also include bike racks, bin storage (20 bins), storage units, bathroom facilities, a foyer and lobby.

All levels will be accessed via internal stairways and an elevator.

The slope of the site dictates the varying building height. The height of the building varies between 17.7m to 20.7m.

**PROPERTY DETAILS**

<b>Property Address</b>	65 Donald Street NELSON BAY, 67 Donald Street NELSON BAY
<b>Lot and DP</b>	LOT: B DP: 369677, LOT: A DP: 369677
<b>Current Use</b>	Vacant Lots
<b>Zoning</b>	B2 LOCAL CENTRE
<b>Site Constraints</b>	ASS (class 5) Height of Buildings – 15m (o) PSDCP2014 – D5 Nelson Bay Centre SEPP71 – Coastal Protection Draft Coastal Management SEPP 2016

**Site Description**

The subject site is located on the western fringe and a main entrance point to the Central Business District (CBD) of Nelson Bay. The subject development will be located at 65 and 67 Donald Street, Nelson Bay. The subject lots are located to the south east of the intersection of Donald Street and Church Street. The site slopes from the south west corner of 67 Donald Street (Church Street Frontage) towards the north east corner of 65 Donald Street (Donald Street frontage) and measures 817m<sup>2</sup> in size.

The site is currently vacant with one tree identified as a camphor laurel positioned at the centre of the site. A footpath borders the site along each street frontage. A site inspection was carried out 30 May 2017. The subject site is illustrated below.

The applicant provided a title search from Land and Property Information (LPI) detailing a Right of Carriageway Way (ROW) along the eastern and southern property boundary, accessed from Donald Street and Church Street respectively. The ROW from Church Street is burdened by DP648559 (63 Donald Street) and the ROW from Donald Street is burdened by the subject lot.



Figure 3: Facing west up Donald Street.

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Figure 4: Facing east from Church Street.



Figure 5: North east from Church Street.



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Figure 6: Facing south towards the subject site.



Figure 7: Illustrating the subject site south from Donald Street.

**Surrounding Development**

The surrounding developments east of the site consist of a two (2) storey commercial premise, located at 63 Donald Street and a five storey RFB at 61 Donald Street. Parking for the commercial premise is located at the rear of the development, currently accessed via a right of way (ROW) over the subject site from Donald Street and Church Street. The development at 61 and 63 Donald Street are illustrated below:

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**Figure 8:** Existing Developments positioned on 63 and 61 Donald Street



**Figure 9:** RFB located on 61 Donald Street.

Developments located to the south along Church Street include a five (5) storey RFB on 9 Church Street, a DA approved eight (8) storeys RFB containing 56 Apartments on 11-13 Church Street (illustrated below), an application approved a RFB on 15 Church Street and the Oaks Lure Apartment development on the corner of Church Street and Tomaree Street. The development sites outlined above are illustrated below.

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Figure 10: Existing RFB on 9 Church Street.



Figure 11: Development sites of 11-13 Church Street, 15 Church Street and the Oaks Lure Apartment Development.



Figure 12: DA approved RFB on 11-13 Church Street.

**Site History**

The site has been vacant for an extended period of time. The following applications have been approved over the subject site:

**2000** – Da No. 16-1999-1810-1 and 2 for Serviced Apartments

**2002 to 2005** – Da No 16-2002-666-1 for Shop and 15 Urban Housing Dwellings, including various minor amendments.

No historic compliance matters or historic approvals were identified that would impact upon the proposed development.

**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** – The application was referred to Councils Engineering section for comment. In response additional information was requested in regards to water quality and water quantity. The additional information requested was submitted by the applicant. The application is supported subject to the inclusion of recommended conditions of consent.

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Building Surveyor – No objections were made to the proposal. All recommended conditions have been incorporated into the conditions of consent.

Section 94 Officer – No objections were made to the proposal. A monetary contribution is required for the provision of four additional units. Under DA No.16-2002-666-1, Section 94 levies were conditioned for 13 lots, which were paid on 30 August 2017. Therefore, s94 credits have been applied for 13 lots.

S94 contributions are conditioned to be paid prior to the issue of a Construction Certificate or Subdivision Certificate (lot consolidation), whichever occurs first.

Vegetation Management Officer – The application was referred to Councils Vegetation Management Officer for comment. In response it was noted that the landscape plan is inconsistent with PSC Landscape as it did not incorporate the required street trees. The landscape was subsequently updated and the application was supported subject to street trees being provided prior to the issue of the Occupation Certificate.

Social Planning Officer – Discussions were held with Councils Social Planner. It was noted that an accessible unit is located on the ground floor and basement car parking incorporates an accessible car park within close proximity to the foyer/Lobby area. No objections to the proposal were raised.

Strategic Planning - Due to the proposed variation to the LEP building height requirement, the application was referred to the Strategic Planning section for review. The referral stated that any variations to the LEP provisions should be dealt with under Clause 4.6 of the LEP and that the design be referred to an independent panel for review. It was also noted that the development should demonstrate how the design satisfies the intent of the proposed height variation prescribed under the Port Stephens Nelson Bay Town centre Strategy.

Spatial Services - Council's Spatial Services unit provided a numbering convention for the development. The amalgamated site will in future be known as 65 Donald Street (with each individual unit receiving a unit number).

Waste Management – The application was referred to Councils Waste Management Coordinator for comment. In response no objections were raised and noted that Councils smaller waste collection truck will be able to access the development. A condition was suggested requiring a private road indemnity form to be completed. Additionally, a 20 bin storage bay is recommended and this has been illustrated on development plans.

Business Development and Investment – The proposal was reviewed by Council's Business Development and Investment section. It was concluded that the proposal would provide significant investment during the construction phase, while overall economic development in Nelson Bay would increase in the longer term. The following economic attributes of the development were noted:

- Total economic output of the development is estimated to be \$12.462 Million;
- The development is projected to provide 22 jobs; and
- Residents of the development and their families will contribute with flow-on effects for shopping, working, living and recreational pursuits in the area.

#### External Referrals

##### Urban Design Consultative Group

The application was referred to the Newcastle City Council's Urban Design Consultative Group (UDCG) for comment. It is noted that the comments are non-statutory and therefore hold no weight under the Act. However, the comments were used to assist Council officers to ensure the architectural merit and potential design issues were adequately assessed.

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The proposal was presented to the UDCG on 15 March 2017 and a number of issues were identified and suggestions made, which included:

- The UDCG do not support the exceedance of height controls
- Amendment of setbacks, including the alignment of the building frontages to the established building lines established on Church Street and Donald Street
- The reduction of building length to reduce overshadowing and maintain outlook from the apartment building at 9 Church Street
- Proposal is of substantially greater scale than existing structures to the east.
- No Natural Light in lobbies
- Skylights to internal bathrooms and corridors on the top floor recommended
- Lack of deep soil planting

The UDCG outlined that In order to achieve design quality provisions within State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development, the group considers the above aspects of the proposal should be the subject of further amendment. UDCG concluded that the application cannot be supported and design amendments as specified above are recommended.

The applicant amended the design to take into consideration the majority of the issues raised by the UDCG, as follows:

- The setback to the eastern setback has been increased.
- The building is recessed from the forth storey to the penthouse level. The penthouse level is further recessed.
- Curved balcony corner element on the north east elevation (Donald Street frontage).
- Unit 2 has been redesigned to allow a shorter length of corridor to the main lobby to cater an area for seating.
- The width of the entry at the front boundary adjacent to the mailboxes has been widened 1m to allow for and promote social interaction.
- Skylights have been incorporated into all bathrooms and corridors on the top floor.
- Grey water harvesting and storage of stormwater on site has been included for irrigation of landscaping.

The amended design has been assess against SEPP 65, as detailed below.

**MATTERS FOR CONSIDERATION – SECTION 79C****s79C(1)(a)(i) – The provisions of any EPI****State Environmental Planning Policies****State Environmental Planning Policy 65 – Design Quality of Residential Flat Development**

State Environmental Planning Policy (SEPP) No.65 applies to the development. As a result, the nine design quality principles set out in the Apartment Design Guide (2015) produced under SEPP 65 are required to be addressed. Additionally, as required under SEPP 65 the application has been accompanied by a Design Verification Statement from the architect. Clause 6A states that any of the following ADG provision supersedes the DCP controls in respect of the following issues:

- a) visual privacy;

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- b) solar and daylight access;
- c) common circulation and spaces;
- d) apartment size and layout;
- e) ceiling heights;
- f) private open space and balconies;
- g) natural ventilation; and
- h) storage.

The proposal complies with the majority of the ADG controls. However, a number of issues were identified by the UDCG and these are included with the ADG design principles discussed below:

Context and Neighbourhood Character

The two (2) parcels of land included in the applications have different zonings, with 65 Donald Street zoned B2 Local Centre and 67 Donald Street zoned R3 Medium Density Residential.

It is noted that Residential Flat Buildings are permitted with consent on B2 and R3 zoned land. Development in the immediate vicinity consists of a range of developments that includes mixed use development to the east, commercial development to the south and residential to the north.

The following developments are located to the north of the site along the eastern frontage of Church Street:

- 9 Church Street – Five (5) storey RFB, which adjoins the subject site from the south. All balconies are positioned on the northern elevation towards the attractive views of Port Stephens waterways and the subject development. It is noted that the design of 9 Church Street does not front Church Street and subsequently fails to activate Church Street. A right of access way for 63 Donald Street and access to the car parking area for 9 Church Street is positioned between the existing development and subject site. The ROW creates a sufficient side setback of 10m between the buildings. UCGD highlighted that the proposed development will cause unacceptable overshadowing and impact on outlook due to the length and height of the proposal.
- 11-13 Church Street – DA approval for an eight storeys RFB.
- 15 Church Street – DA approval for five Storeys RFB.
- 19 Church Street – Five Storeys RFB ('Oaks Lure Development')

Tomaree Community College and residential dwellings are positioned west of the subject site, adjoining Church Street.

Donald Street (east) has a range of commercial and residential developments. The following developments are positioned on Donald Street:

- 63 Donald Street - two (2) storey commercial complex located.
- 61 Donald Street - Four storey Residential Flat Building.
- Corner Donald and Stockton Street - Woolworths Shopping centre

It is considered that the proposal will be in-keeping with the surrounding streetscape that includes development of similar scale and character.

The UCGD outlined concerns that the development is unacceptable as the proposal is of substantially greater scale than the adjoining development to the east. Concerns were raised regarding the minimum setback distances as prescribed under the ADG. It is considered that amended setbacks are appropriate for the site in that the development will not have unacceptable impacts in regards to privacy or overshadowing, or impede future development opportunities on adjoining lots. The proposed development is in-keeping with surrounding development in the locality and is designed to activate each street frontage.

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The amended design of the development increased the eastern setback to 4m which is further recessed on the fifth and penthouse level. This is consistent with the pattern prescribed under the ADG. The amended eastern setback is consistent with the objective of setback controls within the ADG which is to have *'adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy'*. No privacy concerns have been identified over 93 Donald Street as existing development exist of a commercial premise with no POS. Future residential development options will front Donald Street with balconies likely located on the eastern elevation towards the Port Stephens Waterways, similar in design to the RFB at 61 Donald Street. It is considered that the development will not adversely impact future development options on 63 Donald Street. Furthermore the 4m eastern setback is considered acceptable in regards to potential view loss from 9 Church Street. It is noted that each level comprises of an entire unit providing multiple viewpoints to the waterways of Port Stephens. The siting of the development in its current form is supported.

The development will improve the existing streetscape by developing a site which is currently vacant and positioned within the town centre of Nelson Bay. It is noted that the design of the proposal is of a higher quality than existing development in the locality and will front and activate the street frontage. It is noted that the existing developments fail to front or activate the street frontage and the development create visual interest and assist in activating a main entrance point to the town centre of Nelson Bay.



Figure 13: The southern elevation illustrating the ROW and design measures to mitigate potential privacy concerns to 9 Church Street.

#### Built Form and Scale

The built form and scale of the development is considered to be appropriate for the context and topography of the subject site. It is noted that the proposed built form and scale are similar to existing and recently approved RFB's along Donald Street and Church Street.

The UDCG noted concerns regarding the narrow Donald Street frontage to the west and overlooking concerns to the existing mix use development to the east. The UDCG also noted that the development will exceed the 15m building height limit nominated for the site with a maximum building height of 20.7m. UDCG expressed that the recessed penthouse level of the development does not appropriately mitigate the apparent height of the development.

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The narrow Church Street frontage raised as a concern by the UDCG incorporates a landscaped area. It is noted that the building line is consistent with 9 Church Street. The narrow frontage of the Church Street elevation has limited impact on view corridors and is considered to contribute to the positive building design and ensures the development fronts Church Street, activating the streetscape.

The applicant provided amended development plans to address concerns raised by the UDCG. The amended plans illustrated an increase eastern and reduce the overhang between the basement and ground floor levels. Additionally, the fifth storey is recessed in conjunction with a curved balcony corner element, which has also been incorporated on the penthouse level. The development also incorporated the use of earthy tones and the articulation of modulation of building facades to create an apparent bulk and scale to fit in within its locality.

The amended design is illustrated below:



Figure 14: Perspective of the Donald Street frontage, illustrating the design amendments.

Shared views of the waterways of Port Stephens can be viewed from the communal lobby. Views over Nelson Bay are available to the majority of upper storey units while sufficient privacy measures have been incorporated into building design to ensure mutual privacy between pedestrians, neighbouring developments and future occupants. The design in its current form is supported.

Density

PSLEP2013 does not prescribe Floor Space Ratios (FSR) controls. UCGD outlined that as PSLEP2013 does not specify FSR and UCDG outlined that the density will be determined by achieving appropriate setback and height control requirements. UGCD outlined that building an ADG compliant building would be problematic; suggesting amalgamation of lots would likely be required.

As discussed above the siting, built form and scale of the development as illustrated in the amended building design is considered to be satisfactory. The proposed amalgamation of lots is not a viable option and would impede future development of adjoining lots.

It is acknowledged that the subject development is located within the R3 and B2 zone, within close proximity to transport, employment, services, land form and environmental features. The density of

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the proposal is consistent with the density of the residential development situated in the immediate locality and within the wider Nelson Bay Region.

Sustainability

The development application provided a BASIX and Nationwide House Energy Rating Scheme certification outlining that the building meets the minimum requirements in regards to building sustainability and energy rating. The application noted that the building will incorporate a climate control strategy whereby the north, east and west elevations have large openings for sunlight and cross ventilation. Additionally, the following sustainability components of the development include:

- Sufficient cross ventilation.
- Maximise sunlight, sun and views exposure.
- Large areas of water detention on-site

The UDCG outlined various in regard to the proposal which included:

- No Natural Light or Ventilation in lift lobbies
- Skylights to internal bathrooms and corridors on top floor recommended
- Use of grey water suggested for the irrigation of landscaping
- Functional sun shading recommended to be provided to the eastern and western balconies.

In response to the concerns raised by the UDCG the applicant amended the design to incorporate skylights in all bathrooms and access corridors on the top floor and grey water harvesting and storage of stormwater on site has been included in the design.

The construction of functional sun shading, such as movable screens will be located on eastern and western balconies will not be a condition as the curved design of the balconies will restrict the movement required.

The orientation of the site provides a narrow section of the development with a westerly aspect, thereby limiting the need for cooling during summer months.

Landscape

The proposal will incorporate landscaping, including a range of medium sized trees, palms and shrubs. Landscaping is positioned along the Church Street and Donald Street frontage.

The proposed landscaping will assist in reducing the apparent height, bulk and scale of the development, while enhancing the streetscape.

The UDCG noted inconsistencies in landscaping design between development plans and perspectives provided. Council has assessed the landscape plan provided and is considered to be satisfactory. Conditions of consent will require the planting of street trees which will further soften the appearance of the development.

Amenity

The design provides a positive influence on the internal and external amenity for residents. Each unit provides appropriate room dimensions and internal configurations, promoting access to sunlight and natural ventilation.

The UDCG again raised issues regarding building setbacks and natural ventilation, which are addressed earlier in this report. The UDCG also outlined that:

- The overshadowing of 9 Church Street
- there is no provision of seating in the lobby area;
- the location of mail boxes do not promote social interaction;
- recommend to 'flip' dining area and kitchens in each unit;

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- Storage requirements as prescribe in the ADG are not satisfied; and
- No communal space has been provided.

It is noted that an ADG compliant building will present a similar impact to the subject land as overshadowing to POS located on the balconies and north facing windows would not significantly change. Accordingly it is considered that the development is satisfactory in regards to overshadowing. Further, non-habitual room and minimal windows are positioned on the southern elevation. This in conjunction with the ROW between the development sites ensures privacy impacts are adequately mitigated.

In response to concerns raised by the UDCG the applicant has amended the development. Unit 2 has been redesigned to allow sufficient space for seating. The width of the entry point has been widened by 1m to promote social interaction and a table provided by the applicant to illustrate satisfactory storage requirements as prescribed by the ADG.

The requirement of communal space is not considered to be necessary due to the close proximity to the Nelson Bay Town Centre.

#### Safety

The building has been designed to optimise safety and security within the development and the public domain. The ground level foyer is clearly defined and visible from Donald Street, ensuring safe vehicle and pedestrian accessibility points to the development. Additionally, the frontage clearly delineates between private and public space with the foyer, lift, stairs and garage entry not being publically accessible.

It is noted that the UDCG made no specific recommendations in respect to safety.

#### Housing Diversity and Social Interaction

The development will provide housing diversity contributing in providing a range of housing options within the locality, including an accessible unit (Unit 2). The development is considered to be consistent with the objectives of R3 and B2 zoned land. An internal stairwell and lift ensures acceptable access to each unit level is provided. As discussed above the development has been design to incorporate seating in the lobby, enhancing social interaction by enlarging the area surrounding the location of the mailboxes.

#### Aesthetics

The overall aesthetics of the development are considered to be of high quality with the inclusion of a range of materials, textures and colours. These measures reduce the perception of the bulk and scale of the development. It is considered that the design achieves a built form that has acceptable proportions and a balanced composition of elements. The visual appearance of the development responds to the existing local context, while providing a benchmark in regards to design for future development in the locality and infilling a vacant lot positioned at a main entry point to the town centre of Nelson Bay.

The UDCG suggested the use of clear glazed balustrades in order to screen deck furniture, potential cloths drying areas and to increase the level of privacy for future occupants. The UDCG also noted the lack of deep soil plantings and screening of air conditioning plant.

The planting of street trees will further increase the the appearance of the development when viewed from Donald Street.

The applicant noted that no air conditioning units are proposed, however a condition will be incorporated into the recommended conditions of consent requiring screening, if air conditioning units are erected by future occupants.

The requirement of clear balustrades has been assessed and is considered to not be required. Privacy of future occupants and aesthetics of the building are considered to be satisfactory.

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Conclusion

It is acknowledged that issues were raised by the UDCG regarding the side setbacks, building height and the bulk of the design. It is considered that the majority of the UDCG concerns have been addressed. The design has been amended to:

- Increase the eastern side setback
- Recess the fifth storey and incorporate a curved balcony on the fifth and penthouse level of the RFB
- Modify the development to increase social interaction between future occupants
- Improve ventilation and lighting of the penthouse level

The development responds to the existing local context, while providing a benchmark in regards to design for future development in the locality and infilling a vacant lot positioned at a main entry point to the town centre of Nelson Bay. The proposal in its current design results in an appropriate development of the site.

State Environmental Planning Policy No. 71 – Coastal Protection

This application has been assessed having regard to the aims of the SEPP. It is not expected that the proposal will have an adverse impact on the surrounding area in achieving the aims of the SEPP. It is noted that the development has no direct access to the waterfront and that the development will not create an unacceptable impact on views of the water front.

The proposal will enhance the scenic qualities of the NSW coast through the addition of a contemporary structure to the Nelson Bay built scenic landscape. The proposal has been designed with regard to the quality of the coast. Additionally, the cumulative impact is considered to be positive on a socio-economic basis and no impact to environmental matters. It is noted that sustainability design measures have been incorporated into the design including measures to minimise energy and water usage.

The application has been assessed against these matters for consideration. The application will generally comply with the aims of the SEPP and the other matters for consideration stipulated under Clause 8.

State Environmental Planning Policy (BASIX) 2004

A BASIX Certificate has been submitted for the proposed development which demonstrates that the proposal can achieve required water and energy saving targets compared to the standard model house. A condition of consent has been included in the notice of determination requiring the development to be carried out in accordance with the BASIX Certificate.

Port Stephens Local Environmental Plan 2013 (LEP)**Clause 2.3 – Zone Objectives and Land Use Table**

The site is zoned R3 Medium Density Residential (67 Donald Street) and B2 Local Centre (65 Donald Street) the objectives of the zones are:

R3 Medium Density Residential objectives:

- To provide for the housing needs of the community within a medium density residential environment;
- To provide a variety of housing types within a medium density residential environment; and
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

B2 Local Centre objectives:

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- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

Residential Flat Buildings are permitted with development consent in the R3 and B2 zone.

The development addresses the objectives by providing additional housing in an area identified for this type of development. The proposal provides a range of housing options, including one, two and three bedrooms units, incorporating one accessible unit within the Nelson Bay CBD. The surrounding area includes commercial and retail spaces, medical and government facilities, and recreational land uses that will be complemented by the proposal and future occupants. In addition the development will encourage employment through the construction stage and by increasing the population within the town centre of Nelson Bay.

**Clause 4.1B - Minimum Site Area for Dual Occupancy, Multi Storey Dwelling Housing and Residential Flat Buildings**

Pursuant to the provisions of this Clause a residential flat building within the R3 residential zone a minimum site area of 450m<sup>2</sup> is required. The application is consistent with the requirements of this part, having a combined area of 817m<sup>2</sup>.

**Clause 4.3 – Height of Buildings**

In accordance with Clause 4.3, the Height of Buildings Map (PSLEP2013) indicates a maximum building height of 15m for the subject site. The proposed development exceeds the nominated maximum height limit. The proposed development has a maximum building height of 20.7m, exceeding the maximum height limit by 5.7m. It is noted that the height of the building varies from 20.7 to 17.7m due to the slope of the site.

As part of the development application a request for a Clause 4.6 exception seeking to increase the height of the development above the nominated height limit for the site has been submitted by the applicant.

Council adopted the Nelson Bay Town Centre and Foreshore Strategy (NB Strategy) in 2012. Although the strategy does not hold any statutory weight under Section 79C of the EP&A Act, the Strategy provides the future intent for development in the Nelson Bay area. The strategy recommended changes to the maximum building height of two additional storeys within the Nelson Bay town Centre if design excellence and strategic public benefit can be demonstrated. Due to the lack of investment in the town centre, the Nelson Bay strategy is currently under review.

A Discussion Paper was released to start a conversation in the community on how to guide future development in the area. The Discussion Paper states that *'within the town centre, this would mean a building height limit of 7 storeys (24.5m) and through the use of Port Stephens Local Environmental Plan 2013 (LEP) (c4.6 - Exceptions to Development Standards), this height limit could be varied in order to encourage feasible development to occur.'* The Paper recommends a building height limit of 24.5m for the proposed development site – higher than the proposal.

The exceedance in the maximum building height is illustrated below:

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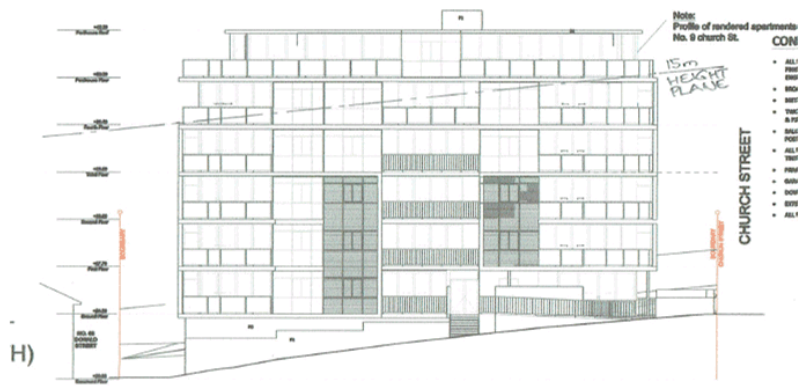


Figure 15: Illustrating the development and 15m height limit along the Donald Street frontage.



Figure 16: Illustrating the development and 15m height limit along the Church Street frontage

Regardless of recommendations put forth by the NB Strategy, the statutory height limit as prescribed under PSLEP2013 is 15m. As mentioned, a Clause 4.6 Variation Report was lodged as part of the application and is discussed below.

**Clause 4.6 – Exceptions to development standards** - An exception is requested to Clause 4.3 Height of buildings which nominates a maximum height limit of 15m for the subject site. The maximum height of the building application seeks to exceed this development standard by 5.7m. The assessment against Clause 4.6 has been carried out below.

**Clause 4.6(3):**

Clause 4.6(3) states that any variation to a development standard must demonstrate the following:

*Objective (a)*

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

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In the Wehbe decision, Preston CJ set out five (5) ways in which an objection to a development standard can be supported:

1. *the objectives of the standard are achieved notwithstanding non-compliance with the standard;*

The objectives of Clause 4.3 are as follows:

- (a) to ensure the height of buildings is appropriate for the context and character of the area,
- (b) to ensure building heights reflect the hierarchy of centres and land use structure.

A detailed summary of the context and character of the Nelson Bay town centre is described under the NB Strategy. The NB Strategy identifies the location of the site as being positioned on the western edge of the Nelson Bay Town Centre. The NB strategy describes Nelson Bay Centre as being positioned within a *'unique natural context sitting within a basin, or amphitheatre, where residential and tourist apartment developments are located on the upper levels of the basin (including the wester fringe).*

The height of the building is considered to be appropriate for the context and character of the locality. The design of the building originally submitted incorporated design considerations into the building design to ensure that the proposal is analogous with surrounding development. The use of earthy materials and modulation of sections, reduces the apparent height and scale of the development. Additionally, design amendments as recommended by the UDCG have been incorporated in to the design to further reduce the apparent bulk and scale. The development is appropriate for the context and character of the area and reflects the hierarchy of the Nelson Bay town centre.

It is noted that existing development along church street and surrounds are similar in height and scale. It is also noted that developments of an increased height were generally built within the last 10 years reflecting a changing context and character of Nelson Bay.

Although the development proposes a building height exceeding the LEP height requirement, it is consistent with the intended future land use of Nelson Bay. It is considered that the proposal will provide development that is consistent with objectives of the standard.

2. *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

The application does not rely on this consideration to justify the proposed variation.

3. *the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

The underlying objective of Clause 4.3 is to ensure that impacts on the existing amenity and character impacts are taken into consideration to ensure the orderly economic and urban growth of the Nelson Bay area.

As mentioned, the urban design analysis undertaken during the development of the NB Strategy confirmed the appropriateness of a maximum of five storey development (17.5m) in the lower CBD area, and a maximum building height of seven storey (24.5m) developments for the eastern, southern and western fringe of the town centre of Nelson Bay. These findings are reflected in the more recent discussion paper that goes one step further, by suggesting that all height variations be dealt with under Clause 4.6 of PSLEP2013.

Previous feasibility studies in the Nelson Bay town centre conform that enforcing the 15m height limit will not facilitate development in the area. The *Nelson Bay Town Centre and Foreshore Strategy Discussion Paper* states *residential unit market in Nelson Bay has been static and has actually declined over the past ten years.* This can partly be attributed to the limited development potential provided under the restrictive building height provisions in force during this period.

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The applicant argued that, in this instance, *'strict compliance with the development standard is considered unreasonable as:*

- *It would not reflect the desired future character of Nelson Bay town centre;*
- *It would not provide a greater diversity of housing choice;*
- *It would not promote contemporary and unique development that is commercially viable;*  
*and*
- *It would discourage the promotion and co-ordination of the orderly and economic use and development of land.'*

It can therefore be argued that the 15m height requirement has limited development *'that is appropriate for the context and land use'* of Nelson Bay and is therefore contrary to the underlying objective of the Clause.

4. *the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

Council has approved various developments within the Local Government Area (LGA) which exceed the maximum building height limit for the site. The table below provides details of other variation previously approved in the Tomaree Peninsular:

Application No	Site Address	Building Height Limit	Building height	Percentage Variation
16-2002-696-1	55 Magnus Street, Nelson Bay	15m	17m	13%
16-2001-1755-1	21 Tomaree Street, Nelson Bay	15m	20.0m	33%
16-2015-769-1	60 Diemars Road, Salamander Bay	9m	14.4m	60%
16-2014-782-1	29-45 Magnus Street, Nelson Bay	15m	25m	67%
16-2016-631-1	11-13 Church Street, Nelson Bay	15m	32m	113%

Of these examples, the application at 11-13 Church Street is a good example of previous variations to the LEP building height requirement. The proposal included an eight (8) storey building on a sloping site. The assessment report found that the variation could be supported under the Clause 4.6 of the LEP, as the development was considered appropriate.

The argument that Council has abandoned the height limit requirement can also be seen in the NB Strategy and Discussion Paper which supports and encourages building heights above the nominated LEP maximum building height requirement.

5. *the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

The application does not rely on this consideration to justify the proposed variation.

Objective (b):

- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The following environmental planning grounds have been outlined to justify contravening the height of the buildings:

- Consistent with Port Stephens Local Environmental Plan 2013, Part 2, Clause 2.3 – Zone Objectives and land Use Table.
- The proposal will not significantly affect views.
- The development is considered to be in the public interest.



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- The development is considered to be suitable the site. The development will create visual interest along and activate the street frontage along Church Street and Donald Street
- The development will not have unacceptable impact on solar access to neighbouring properties.
- No privacy implications
- Bulk and scale of existing and recently approved development in the locality is consistent with the proposed development.

Clause 4.6(4):

Clause 4.6(4) requires Council to address the following requirements prior to granting development consent:

- The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- The concurrence of the Secretary has been obtained.

The applicant has submitted an application in accordance with the requirements outlined in Clause 4.6 of Port Stephens Local Environmental Plan 2013. The submission argues that the proposed development is in keeping with the objectives of the Clause and that while the height limit nominated for the subject site is exceeded, strict compliance is unreasonable.

Design attributes have been incorporated to reduce the apparent height, bulk and scale of the development. Design considerations included:

- Recessing of the first level and penthouse level incorporating a curved balcony design along the north east corner of the development.
- Use of earthy materials
- Multiple facade design features reflecting existing development

The NB Strategy discussion paper states the residential unit market in Nelson Bay has been static and has actually declined over the past ten years. The proposed development will utilise cleared undeveloped land positioned on a main entry point to the centre of Nelson Bay. The proposed RFB, in conjunction with existing and DA approved RFB developments within the Nelson Bay Town Centre will increase the viability and activity within the CBD. The development is consistent with the objectives of the R3 and B2 zone as the development:

- Will provide a range additional housing options within close proximity to the Nelson Bay CBD
- Provides a range of dwelling options, including one, two and three bedroom units. Further, an accessible unit will be proposed.
- Support facilities and services required by permanent residents
- Encourage employment through the construction stage and with via the flow-on effects for shopping, working, living and recreational pursuits of future occupants.

The proposed RFB is considered to be a positive utilisation of the land and is considered to be a sound planning outcome. This justification is considered to adequately support the exceedance in the nominated height limit for the subject site. Flexibility in regards to the height limit will result in a better and feasible outcome.

Clause 4.6(5):

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Subclause (5) states that, in deciding whether to grant concurrence, the Secretary must consider the following:

- Whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- The public benefit of maintaining the development standard, and
- Any other matters required to be taken into consideration by the Secretary before granting concurrence.

There are no identified State or Regional matters of significance that would result as a consequence of varying the building height provisions. There is no public benefit in maintaining strict compliance with the development standard given that there are no significant impacts that will result from the variation to the standard.

The proposal will provide additional residential accommodation for the community. Expanding the population base in close proximity to the Nelson Bay CBD is more desirable and beneficial in planning terms as it will contribute towards critical mass of the local population thereby supporting the local economy. It is therefore considered that the advantages of the proposal outweigh the disadvantages.

Conclusion:

In accordance with Clause 4.6 (a)(i) the applicant has adequately addressed the matters required to be demonstrated, as discussed above. Further, the application is deemed to be in the public interest by providing a range of housing within close proximity to the Nelson Bay Town Centre and marina precinct on a site which is currently vacant.

The proposed variation to Clause 4.3 is considered acceptable in this instance. Accordingly, the application is accepted from the requirement to comply with the nominated height limit derived under clause 4.3.

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

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

**Clause 7.1 – Acid Sulfate Soils**

The subject land is mapped as containing potential Class 5 acid sulfate soils. As the proposed development is anticipated to entail excavations below 5m, conditions of consent will be included to ensure an Acid Sulfate Soils Management Plan is implemented where acid sulfate soils are encountered.

**Clause 7.2 – Earthworks**

Clause 7.2 (2)(b) stipulates that development consent is required for the proposed earthworks. Matters outlined in Clause 7.2 (3) require the consent authority to consider matters (a) to (h).

The proposal is unlikely to disrupt drainage patterns and soil stability, impact potential future development on-site, properties or disrupt relics. Additionally, conditions of consent will condition the use of clean fill and stipulate measures to mitigate potential impacts derived from earthworks.

In accordance with Clause 98E of the *EP&A Regulations 2000*, the prescribe condition relating to works below the level of the base of the footing of adjoining properties will be incorporated into the Notice of Determination.

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The proposal is unlikely to disrupt relics due to its disturbed nature. Nonetheless, an advice has been imposed requiring all works cease on the site if any Aboriginal objects are uncovered during the activity.

The application is satisfactory in regard to Clause 7.2 (3).

**Clause 7.6 – Essential Services**

Essential services are connected to existing development onsite and are available to the proposed development.

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

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

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
  - (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.

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

In accordance with the requirements of chapter A.12, the development application was exhibited in accordance with PSDCP2014, ending 11 January 2017.

**Section B – General Controls**

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**Chapter B3 Environmental Management**

Acid Sulphate Soils - The objective of this DCP Chapter is to ensure that developments do not disturb, expose or drain Acid Sulfate Soils and cause environmental damage. An Acid Sulfate Management Plan is to be prepared prior to the issue of the Construction Certificate and carried out during the construction phase of the development. In this regard the development is consistent with the objective and requirements of the DCP.

Noise - The separation distances incorporated into the development will limit any significant impacts on the adjoining development from a noise perspective. Conditions of consent have been imposed to limit construction work hours and mitigate noise derived from ventilation and air conditioning systems. The application is satisfactory in regards to noise management.

Earthworks - Chapter B3.F of PSDCP2014 outlines objectives and requirements in order to facilitate earthworks as to minimise potential environmental impacts, such as erosion. Conditions of consent will stipulate the use of Virgin Excavated Natural Material (VENM).

Additionally, the earthworks proposed will not have a detrimental impact on drainage patterns or soil stability, subject to conditions of consent. The proposal will not impact future potential development on-site and due to the cleared nature of the site it is highly unlikely that the development will disturb relics.

The proposal is consistent with requirements outlined in Councils DCP2014 relating to earthworks

Waste - Conditions of consent have been proposed that require waste from demolition and building works are to be separated into recyclable and non-recyclable materials, the Reuse of materials on-site where possible, and the disposed of all other materials at an approved facility. Additionally, the accessibility of Councils waste vehicles was assessed and considered to be satisfactory. Ten (10) bins collected twice weekly, as such storage for 20 bins are required. This has been incorporated into the design of the building, located within the basement level.

**Chapter B4 – Drainage and Water Quality**

Council staff assessed the stormwater management plan and supported the proposed measures with conditions of consent. It is noted that the infiltration tank is located within the Right of Carriageway (ROC). The positioning of the infiltration tank within the ROC is considered to be satisfactory, subject to the inclusion of conditions of consent which require notification to the adjoining land owner. The notification must detail the expected commence and completion date of works within the ROC. The proposed works do not impact the ROC in perpetuity (or for any significant amount of time).

Access to 63 Donald Street can be obtain from Church Street.

**Chapter B6 – Essential Services**

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

**Chapter B9 – Road Network and Parking**

Council's Engineering section assessed the potential impacts on the local road network and access to the site. No specific concerns were raised.

The DCP outlines the following on-site car parking provisions for residential flat buildings:

- 1 car space for one or two bedroom dwellings
- 2 car spaces for three or more bedrooms dwellings
- 1 visitor space per three dwellings

The proposed development includes:

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- 1 x One bedroom Unit
- 9 x Two Bedroom Units (integrating one accessible unit)
- 7 x Three Bedroom Unit

The parking calculation is shown in the table below:

Units	DCP Requirement	Parking Required
1 x one bedroom dwelling	1 car space for 1-2 bedroom dwellings	1 space
9 x two bedroom dwelling	1 car space for 1 -2 bedroom dwellings	9 spaces
7 x three bedroom dwelling	2 car spaces for 3 bedrooms dwellings	14 spaces
Visitors' spaces	1 visitor space per three dwellings	6 Spaces
<b>Total</b>		<b>30 spaces</b>

The proposal will provide 30 car parking spaces to service the development. 26 car parking spaces are provided in the basement, incorporating one accessible car parking space. It is noted that eight car parking spaces will utilise a vertical double stacked car parking arrangement. Four car parking spaces are located on the ground floor accessed from the southern building frontage.

Proposed on-site car parking requirements the minimum on-site car parking numbers as prescribed under PSDCP2016.

**Section C – Development Types**

As stated previously, the DCP controls are superseded by the AGD controls, where conflicts exist. The following DCP controls are however applicable to the proposal.

**Chapter C5 – Multi Dwelling Housing**

**Site Coverage** - The proposal exceeds the site coverage requirement of 75%. A detailed stormwater management plan was provided to Council and the Engineering section supported the proposed water quantity and quality measures.

**Access** - The development provided both pedestrian and vehicular access from the Donald Street frontage. It is considered that the pedestrian access is legible and will be clearly defined by the proposed retaining and landscaping along the frontage.

**On-site Parking Provision** - Refer to the discussion relating to Section B of the DCP for a detailed assessment of the parking requirements for the development.

**Driveway Width** – The driveway width has been assessed and is considered to be satisfactory. Conditions stipulate that the driveways are to be designed in accordance with Council’s Standard Drawings SD105 & SD122 with a minimum width of 3.4m.

**Equipment** - lift plant will not be located in close proximity to any boundaries and it is not anticipated that the equipment will have a significant impact on the adjoining sites. No air conditioning units are proposed under this application.

**Section D – Specific Areas – Nelson Bay Centre**

**D5.A General Precinct Provisions**

D5.1 Significant Vistas – The significant vistas are shown in Figure DJ of the DCP. The main applicable vista located within close proximity to the development is from the corner of Tomaree Street and Church Street. It is considered that this vista will not be impacted on as the proposal is located on the corner of Donald and Church Street, and will therefore not block or significantly impede water views from the south.

D5.2 Street Layout – The proposal will not alter the existing road layout.

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D5.3 Roof Design – The roof design is recessed and not readily viable from the street. The roof design is considered to have architectural and design merit and will not have significant impact on the public domain.

D5.4 NSW Coastal Planning Guidelines – The proposal incorporates non-reflective materials.

**D5.C Desired Character – Town Living and Commercial**

The proposal complies with the desired character of the area by providing a wide range of housing options, creating critical mass in the Nelson Bay CBD and incorporating landscaping to limit impacts on the adjoining development.

**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 regulations applicable 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 a positive impact on the local economy in Nelson Bay . The development will create jobs and provide additional housing options in the locality. Additionally, the location ensures housing options are located within close proximity to town centres and public transport options so that social benefits are maximised.

The development is estimated to have a total economic output of \$12.4 million. In addition, 22 jobs are anticipated to be created in conjunction with flow on effects of future residents by way shopping, working, living and recreational pursuits in the area.

The development will attract S94 contributions which will be used to create and improve community facilities, public open space, sport facilities, and infrastructure and the like, further adding to the positive economic impact of this development.

The development of vacant sites within the town centre of Nelson Bay is expected to increase confidence in the local residential market and provide the impetus for more development in the area.

**Impacts on the Built Environment**

The overall aesthetics of the development are considered to be of a high quality with the inclusion of range of materials, textures and colours. The range of materials and colours in conjunction with the articulation and modulation of building facades visually reduce the perception of the bulk and scale of the development, ensuring consistency with surrounding development. It is considered that the design achieves a built form that has good proportions and a balanced composition of elements. The visual appearance of the development responds to the existing character of the western fringe of Nelson Bay, while providing a benchmark in regards to design for future development in the locality and as such improving and activating the Donald Street and Church Street frontages.

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The applicant submitted a Visual Impact Assessment to demonstrate that the development is consistent with the existing urban context. Although the building exceed the maximum building height as prescribed under PSLEP2013 it is considered that is consistent with existing development in the immediate locality and will not easily visible from the Nelson Bay Marina. The following perspective was submitted by the applicant to demonstrate that the development will not have a negative impact on the built environment. As the development is not easily visible from the Nelson Bay Marina, the perspective illustrate below is adjacent to the Woolworth development site.



Figure 17: View of the development from Woolworths Shopping Centre

#### Impacts on the Natural Environment

The development includes water quantity and quality control devices to reduce the impact of the development on the natural environment. Having regard for Section 5A of the Environmental Planning and Assessment Act, the proposed development is considered to not have a detrimental impact on any critical habitat, threatened species or ecological community. It is noted that the development will involve the removal of one camphor laurel and the planting of a wide variety of trees, plants and shrubs, increasing the environmental values of the site. No anticipated negative impacts on the natural environment have been identified.

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

The subject site is suitable for the development. The subject lots are located on the western fringe of the Nelson Bay CBD and will result in the development of vacant lots. The site is positioned on the corner of Church Street and Donald Street, positioned at the western end of the Nelson Bay Town Centre. The site is currently vacant and the proposed development will create a high quality building design at an entry point to the centre of Nelson Bay. The proposal will assist in revitalising the city centre through increased population and increase use of facilities and services in the area.

#### s79C(1)(d) – Any submissions

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

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Concern Raised	Response
Maximum height of building	Height, bulk and scale have been discussed elsewhere in this report and it is concluded that the development is acceptable in this regard. The amended development plans detail design features that reduce the apparent height, bulk and scale of the development to be consistent with surrounding development.
Shortage of on street parking	The application was assessed against on-site car parking requirements as outlined under PSDCP2014. In accordance with the PSDCP2014, 30 onsite car parking spaces are required to service the development. The development will provide 30 car parking spaces and as such satisfies on-site car parking requirements.
Inconsistent with the character of Nelson Bay	The proposal has been assessed against and was considered to be satisfactory with regard to the objectives of the R3 and B2 zoned land. Further, the development is considered to be consistent with existing and DA approved RFB's located on Church Street and Donald Street.
Inconsistent with the Nelson Bay Strategy	The NB Strategy is not a statutory document and was only utilised in the assessment to provide context on the existing development and future intent for the area. The issues surrounding 'design excellence' and 'public benefit' was not taken into consideration, as the stated 7 storey height limit in the NB Strategy was not used as a means to provide permissibility for the height limit. Regardless, the Discussion Paper utilised Clause 4.6 to vary the height limit in order to achieve better design outcomes for individual developments.
The use of future units	The proposed development is for a residential flat building which is a type of residential accommodation which is defined as a building or place used predominantly as a place of residence.
Insufficient Information provided in the Statement of Environmental Effects	Statement of Environmental Effects (SEE) submitted is consistent with requirements set out in Schedule 1, Part 1, Clause 2(4) of <i>The Environmental Planning and Assessment Regulations 2000</i> .

**s79C(1)(e) – The public interest**

The assessment of the application identified that the proposal is considered suitable within its locality. The proposed development will utilise Lots which are currently vacant to construct a RFB.



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The development will stimulate local investment and improve use of existing facilities and services in the Nelson Bay area. It is considered that the development will not have significant cumulative impacts on the community or the surrounding locality. The development will increase the availability of housing within the medium density zoned locality, close to the commercial core of Nelson Bay. The proposed development is considered to be in the public interest.

**RECOMMENDATION**

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

SAMUEL HARVEY



**Planning Proposal**  
Boundary Road Medowie  
Part of Lot 1 DP 1224780 (63 Boundary Rd)  
13 June 2017  
Version 3.0 (Post Exhibition – Council Report)



**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL.**

**SUMMARY**

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<b>Existing development consent:</b>	DA 16-2015-336-1 (the DA) ('The Bower' residential estate 345 lot residential subdivision).
<b>Subject land:</b>	38 ha within 'The Bower' residential estate (part of Lot 1 DP 1224780, 63 Boundary Road) (formerly part of lots 93 to 96 DP 753194, 63 to 69 Boundary Road)
<b>Existing zoning and minimum lot size:</b>	38 ha zoned R5 Large Lot Residential with a minimum lot size of 1,000m <sup>2</sup> ; and  0.9 ha zoned E2 Environmental Conservation within the developable area.
<b>Proposed zoning and minimum lot size:</b>	38 ha to R2 Low Density Residential and reduce corresponding minimum lot size to 500m <sup>2</sup> ; and  Amend the boundary of the 'pocket' of land zoned E2 Environmental Conservation within the developable area.
<b>Height of Building?</b>	38 ha (aligned with the proposed R2 zone) to be mapped with a 9 metre height of building restriction.
<b>Indicative Lot Yield:</b>	<b>Additional</b> The planning proposal facilitates an indicative additional yield of 135 lots to the existing DA approved 345 lots. If the planning proposal proceeds, the overall indicative total lot yield for 'The Bower' estate is 480 lots.
<b>Proponent:</b>	McCloy Medowie Pty Ltd.
<b>Proponent's supporting studies</b>	<i>Planning Proposal</i> (Monteath & Powys, 24 June 2016) (note: prepared for 450 lots).  <i>Traffic Impact Assessment</i> (Better Transport Future, May 2016) (note: prepared for 450 lots).  <i>Drainage Review Advice</i> (ACOR Consultants (NNSW) Pty Ltd, 31 May 2016).  <i>Bushfire Threat Assessment</i> (Firebird ecoSultants Pty Ltd, February 2017).  <i>Flora and Fauna Assessment</i> (RPS Australia East Pty Ltd, February 2017).  <i>Assessment and Validation Sampling</i> (Practical Environmental Solutions, August 2016).

**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL.**

The subject land is located at Boundary Road, Medowie and is shown in the following figures. It has an area of 38 ha. The Medowie State Conservation Area is to the north, east and west. Existing rural residential development is to the south. Vehicle access is from the intersection of Medowie Road and Boundary Road.

The broader site is already subject to development consent for 345 residential lots under DA 16-2015-336-1 as part of 'The Bower' residential estate. There are existing arrangements for the transfer of approximately 70ha of land zoned E2 Environmental Conservation to the north east for addition to the Medowie State Conservation Area.

Figure 1 Subject Land



Figure 2 Subject Land - Strategic Location



ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL.

Figure 3 Indicative Port Stephens Local Environmental Plan 2013 Maps



**PART 1 – Objective of the planning proposal**

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The objectives of the Planning Proposal are to amend the *Port Stephens Local Environmental Plan 2013* to:

1. Provide for the housing needs of the community in a low density residential environment.
2. Create a more accurate and regular-shaped zone boundary for the environmental zoned land within the developable area.

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

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The objectives of the planning proposal will be achieved by amending the *Port Stephens Local Environmental Plan 2013* as follows:

- Amending the Land Zoning Map (LZN\_004B) in accordance with the proposed Land Zoning Map at Attachment 3.
- Amending the Lot Size Map (LSZ\_004B) in accordance with the proposed Lot Size Map at Attachment 5.
- Amending the Height of Buildings Map (HOB\_004B) in accordance with the proposed Height of Buildings Map at Attachment 7.

**PART 3 – Justification for the planning proposal**

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**SECTION A – Need for the Planning Proposal**

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

The subject land is identified for urban development in various planning strategies including the Hunter Regional Plan 2036; Port Stephens Planning Strategy 2011-2036; and the Medowie Planning Strategy 2016-2036.

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

The objectives of the planning proposal can only be achieved by amending the existing zoning and minimum lot size provisions that apply to the site under the *Port Stephens Local Environmental Plan 2013* that apply to the subject land.



**SECTION B – Relationship to Strategic Planning Framework**

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

**Hunter Regional Growth Plan 2036**

Medowie is located on the periphery of the indicative Greater Newcastle Metropolitan Area and is listed as a centre of local significance. It is in proximity to the Newcastle Airport Transport Gateway and is a 15 minute drive to the strategic centre of Raymond Terrace. It has good access to access existing and growing employment areas at Newcastle Airport, Tomago, Heatherbrae and Raymond Terrace.

The local narrative for Port Stephens identifies the delivery of existing urban release areas at Medowie as a future housing opportunity. The proposed additional allotments facilitated by the planning proposal will be accommodated within the existing urban release area.

The following table demonstrates the consistency of the planning proposal to the Regional Growth Plan's relevant Goals, Directions and including Actions.

**Table 1 Relevant Goals and Directions of the Hunter Regional Plan 2036**

<b>Goal 1 – The leading regional economy in Australia</b>
<b>Direction 1 – Grow Greater Newcastle as Australia's next metropolitan city</b>
Response: The additional lots created will assist Greater Newcastle to grow as a metropolitan city and contributes to creating compact communities that allow 95% of people to live within a strategic centre (Raymond Terrace).
<b>Goal 2 – A biodiversity-rich natural environment</b>
<b>Direction 14 – Protect and connect natural areas</b>
Response: Amending the boundary of the E2 Environmental Conservation land within the developable area retains protection and connection of natural areas.  The E2 Environment Protection land to the north east is unaffected by the planning proposal and is retained for addition to the Medowie State Conservation Area.
<b>Direction 15 – Sustain water quality and security</b>
Response: Unlike many other parts of Medowie, the subject land it is not located within the Grahamstown Dam Drinking Water Catchment.

**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL.**

<b>Goal 3 – Thriving communities</b>
<b>Direction 18 – Enhance access to recreational facilities and connect open spaces</b>
Response: Arrangements are in place to connect the site to the town centre, which includes recreational facilities, by a shared-use path.
<b>Goal 4 Greater housing choice and jobs</b>
<b>Direction 21 – Create a compact settlement</b>
Response: The additional lots are within a current urban release area, assisting in accommodating growth within a compact settlement footprint in Medowie.
<b>Direction 22 – Promote housing diversity</b>
Response: Applying the R2 Low Density Residential Zone and reducing the minimum lot size will permit a greater diversity of housing types compared to the current R5 Large Lot Residential Zone.
<b>Direction 26 – Deliver infrastructure to support growth and communities</b>
Response: Arrangements are in place to deliver accompanying traffic and transport infrastructure and consultation is taking place for servicing the additional potential lots with NSW Roads and Maritime Service. Utility services are able to be provided to service the additional lots.

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

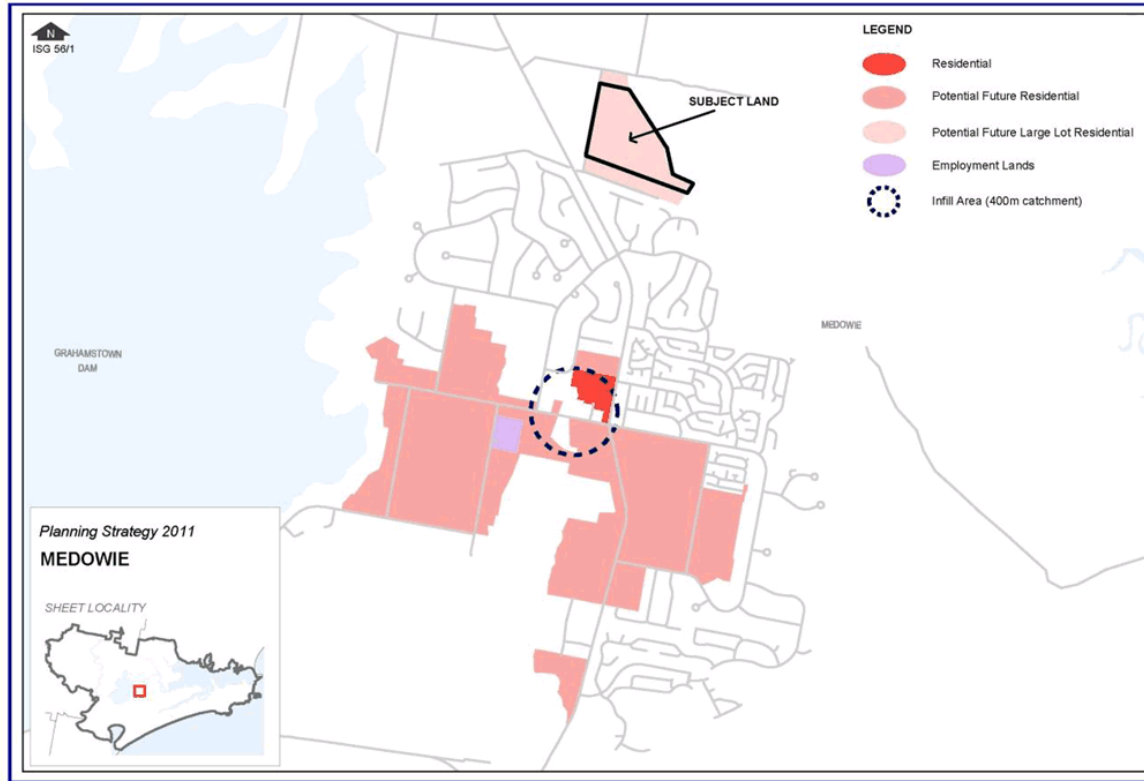
**Port Stephens Community Strategic Plan**

The planning proposal is consistent with this plan's strategic direction to 'balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations'. It is consistent with the delivery program to provide strategic land use planning services, by implementing a planning proposal that is consistent with strategic land use plans.

**Port Stephens Planning Strategy 2011-2036**

This strategy identifies Medowie for future growth and a priority 1 infill and new release area and the site for 'potential future large lot residential'. This identification is superseded by the identification of the site as a 'residential release area' in the Medowie Planning Strategy (discussed below). The planning proposal will have the strategic benefit of increasing dwelling yield in a priority new release area and is a key site to deliver land for more housing.

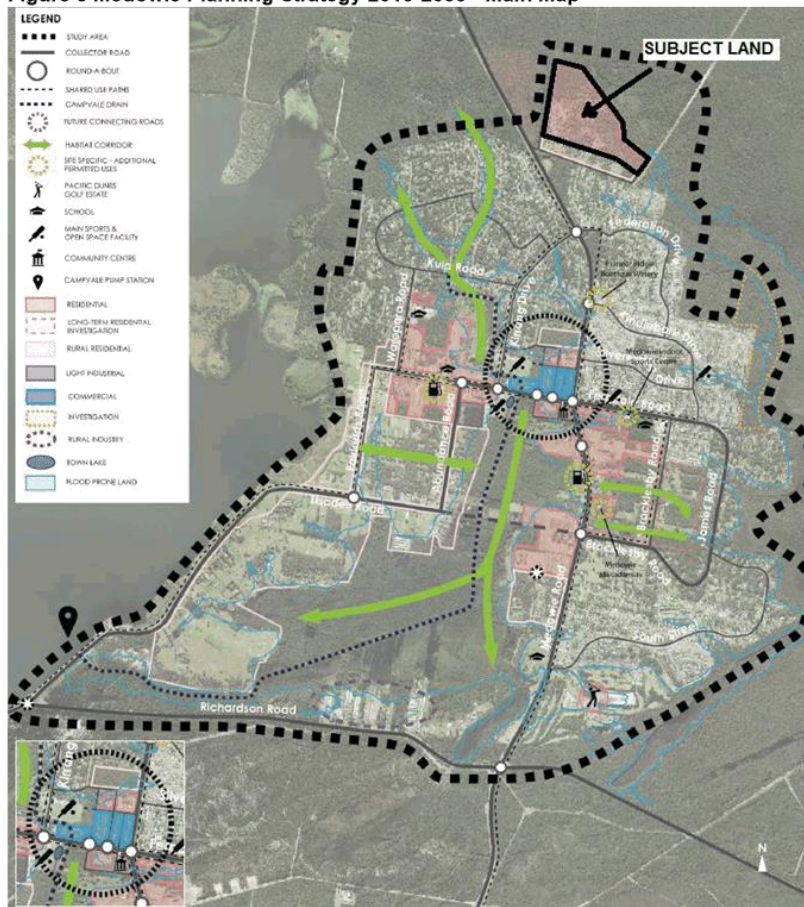
Figure 4. Port Stephens Planning Strategy 2011-2036 - Medowie Future Growth Area



**Medowie Planning Strategy 2016-2036**

The Medowie Planning Strategy is the key local plan to provide local direction for land use planning and sustainable growth in Medowie over the next 20 years. It provides for 2,400 new dwellings on sites within identified precincts. The subject land is identified for residential release within the Medowie Planning for an estimated 480 dwellings 'Precinct A'. It is the largest identified release area and its delivery is important to increasing the supply of land for housing. The subject land is also comparatively unconstrained to some other areas of land within Medowie: it is able to be serviced with reticulated sewer and water; is not located within the Grahamstown Dam Drinking Water Catchment; and biodiversity conservation issues have been resolved.

**Figure 5 Medowie Planning Strategy 2016-2036 - Main Map**



**6. Consistency with applicable State environmental planning policies?**

**Table 2 Relevant State Environmental Planning Policies**

<b>SEPP 44 Koala Habitat Protection</b>
<p>The <i>Port Stephens Comprehensive Koala Plan of Management</i> (CKPOM) is applied in Port Stephens LGA for the purposes of implementing <i>SEPP 44 Koala Habitat Protection</i>. The CKPOM performance criteria for rezoning are:</p> <ol style="list-style-type: none"> <li>a. Not result in development within areas of Preferred Koala Habitat.</li> <li>b. Allow for only low impact development within areas of Supplementary Koala Habitat.</li> <li>c. Minimise the removal of any individuals of PKH food trees, wherever they occur on the site.</li> <li>d. Not result in development which would sever koala movement across the site. This should include consideration of the need for maximising tree retention on the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.</li> </ol> <p><b>Assessment</b></p> <p>The planning proposal amends the boundary of the pocket of E2 Environmental Conservation land within the developable area. Its size will slightly increase from 0.9 ha to 1.0 ha (approximate). All koala feed trees currently within this zone will remain within the amended zone boundary. There is limited or no comparative effect to the DA.</p> <p><b>The planning proposal is consistent with this SEPP.</b></p>
<b>SEPP 55 Remediation of Land</b>
<p>This SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p> <p><b>Assessment</b></p> <p>Contamination issues were considered during the previous rezoning and included submission and consideration of an environmental site assessment. There is no change to the existing potential development footprint under the planning proposal. The assessment and validation sampling report provided by the proponent demonstrates the suitability of the site for residential development.</p> <p><b>The planning proposal is consistent with this SEPP.</b></p>

**7. Consistency with applicable Ministerial Directions?**

Table 3 Relevant Section 117 Ministerial Directions

**Direction 2.1 Environment Protection Zones**

**Objective**

The objective of this direction is to protect and conserve environmentally sensitive areas.

**When this direction applies**

This direction applies when a relevant planning authority prepares a planning proposal.

**What a relevant planning authority must do if this direction applies**

A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- justified by a strategy which:
  - gives consideration to the objectives of this direction,
  - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
  - is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- is of minor significance.

**Assessment**

The relevant environmentally sensitive area is the pocket of E2 Environmental Conservation zoned land within the developable area. The purpose of amending the boundary of this area is to create a more accurate and regular shaped zone boundary. Its size will slightly increase under the planning proposal from 0.9 ha to 1.0 ha. All koala feed trees currently within this zone will remain within the amended E2 Environmental Conservation zone boundary.

**The Planning Proposal is consistent with this Direction.**

**Direction 2.3 Heritage Conservation**

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

**When this direction applies**

This direction applies when a relevant planning authority prepares a planning proposal.

**What a relevant planning authority must do if this direction applies**

A planning proposal must contain provisions that facilitate the conservation of:

- items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:

- the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or
- the provisions of the planning proposal that are inconsistent are of minor significance.

**Assessment**

There is no change proposed to the extent of the development footprint. Heritage has already been assessed and addressed as part of the previous rezoning of the site and DA. It is not proposed to undertake additional heritage assessments and referrals for this planning proposal. Potential impacts will continue to be subject to the existing heritage provisions of the *Port Stephens Local Environmental Plan 2013* and the *National Parks and Wildlife Act 1974* (NSW) and future development application assessment and any associated conditions of development consent.

**The planning proposal is consistent with this Direction.**

**Direction 3.1 Residential Zones**

**Objectives**

The objectives of this direction are: to encourage a variety and choice of housing types to provide for existing and future housing needs; To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; To minimise the impact of residential development on the environment and resource lands.

**When this direction applies**

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
- any other zone in which significant residential development is permitted or proposed to be permitted.

**What a relevant planning authority must do if this direction applies**

A planning proposal must include provisions that encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market, and
- make more efficient use of existing infrastructure and services, and
- reduce the consumption of land for housing and associated urban development on the urban fringe, and
- be of good design.

A planning proposal must, in relation to land to which this direction applies:

- contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- not contain provisions which will reduce the permissible residential density of land.



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**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- justified by a strategy which:
  - gives consideration to the objective of this direction, and
  - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
  - is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- of minor significance.

**Assessment**

The planning proposal achieves the relevant objective of the proposed R2 zone to provide for the housing needs of the community in a low density environment. It will:

- Increase the overall potential yield of The Bower residential estate.
- Broaden the types of housing that are permissible on the site compared to the existing R5 Large Lot Residential Zone.
- Make more efficient use of the land by increasing dwelling yield on land already approved for development.
- Reduce the consumption of land for housing on the urban fringe by increasing permissible development density.
- Provide opportunity for a master-planned development through the current single ownership.

**The planning proposal is consistent with this direction**

**Direction 3.4 Integrating Land Use and Transport**

**Objectives**

The objective of this direction is to ensure that development achieves the following objectives: improving access to housing, jobs and services by walking, cycling and public transport; increasing the choice of available transport and reduce dependence on cars; reducing travel demand including the number of trips generated by the development and the distances travelled, especially by car; supporting the efficient and viable operation of public transport services; and providing for the efficient movement of freight.

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**When this direction applies**

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

**What a relevant planning authority must do if this direction applies**

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001) and *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- justified by a strategy which:
  - gives consideration to the objective of this direction, and
  - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
  - is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- of minor significance.

**Assessment**

This direction applies because the planning proposal relates to urban land. The planning proposal is consistent with this direction because:

- The planning proposal facilitates the use of alternative modes of transport and gives effect to the guideline and policy.
- The site is already approved for residential development.
- It is adjacent to Medowie Road leading directly to the town centre.
- Extension of a cycleway linking to the town centre is to be provided.
- Development of the site will contribute to better local traffic and transport infrastructure in accordance with the *Port Stephens Development Contributions Plan 2007* and the *Medowie Traffic and Transport Study*.

**The planning proposal is consistent with this direction.**

**Direction 3.5 Development Near Licensed Aerodromes**

**Objectives**

The objectives of this direction are: to ensure the effective and safe operation of aerodromes; to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and to ensure development for residential purposes of human occupation, if situated within ANEF contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

**When this direction applies**

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

**What a relevant planning authority must do if this direction applies**

In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:

- consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,
- take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,

for land affected by the OLS:

- prepare appropriate development standards, such as height, and
- allow as permissible with consent development types that are compatible with the operation of an aerodrome
- obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.

A planning proposal must not relevantly rezone land for commercial or industrial purposes where the ANEF is above 30 and must include a provision to ensure that development meets AS 2021 regarding interior noise levels.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

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- justified by a strategy which:
  - gives consideration to the objectives of this direction, and
  - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
  - is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- of minor significance.

**Assessment**

The site is not located within ANEF contours. Medowie is located in the general vicinity of RAAF Base Williamtown. The Salt Ash Weapons Range (SAAWR) is located to the east. However there are no requirements to meet aircraft noise attenuation requirements for AS2021-2015. The site is located within 2km from the boundary of the Port Stephens Council's Aircraft Noise Planning Area including the 2012 Australian Noise Exposure Forecast Contour. Development on the site is subject to controls in Chapter B7 Williamtown RAAF Base – Aircraft Noise and Safety of the Port Stephens Development Control Plan 2014 in relation to the Height Trigger Map (which requires referral of structures higher than 7.5m to the Department of Defence). This may affect future dwellings higher than 7.5m.

Department of Defence has raised concerns regarding the future rezoning for residential use of the site and therefore does not support the planning proposal (refer to Section D State and Commonwealth Interests of this planning proposal for detailed comments from Defence). In summary, Defence comments that, due to the subject sites proximity to RAAF Base Williamtown and Salt Ash Air Weapons Range it is likely that the subject site will be overflown by both civilian and military aircraft. This may expose future residents to high levels of aircraft noise from civilian and military aircraft. Defence suggests that noise attenuation measures are adopted in the design and construction of any future residential dwellings. Defence also comment that the subject site is constrained by building height controls that protect airspace near RAAF Base Williamtown to ensure the safety of aircraft on approach, departure and low-flying manoeuvres.

Any inconsistency of the planning proposal with this Direction is justified by the inclusion of the land as a "current urban release area" in the Hunter Regional Plan 2036 and existing zoning for residential development on lots with a minimum area of 1,000m<sup>2</sup>. Additionally:

- General notation is placed on 149(5) certificates issued by Council that all areas of the LGA may be affected by aircraft noise from time to time, and advises applicants to make further enquiries.

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- The subject land is located outside of the Port Stephens Aircraft Noise Planning Area (including the 2025 ANEF and former 2012 ANEF contours).
- Under the provisions of the Port Stephens Development Control Plan 2014 Chapter B7 Williamstown RAAF Base – Aircraft Noise and Safety, the additional dwellings on the site will not be required to include noise attenuation measures.
- The land is already zoned and approved for residential development. The additional development permitted on the site is of minor cumulative significance.
- The relevant DCP Height Trigger Map will continue to apply to manage future additional development in relation to building height.

**Any inconsistency of the planning proposal with this Direction is of minor significance and in accordance with the Hunter Regional Plan 2036.**

**Direction 4.1 Acid Sulfate Soils**

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

**When this direction applies**

This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

**What a relevant planning authority must do if this direction applies**

The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

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- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- of minor significance.

**Assessment**

The site is classed as 'Class 5 - Works Within 500m of Adjacent Class'. This is the lowest risk classification and the application of this direction is of limited relevance. The site is also already zoned and approved for urban development.

**The planning proposal is consistent with this direction.**

**Direction 4.4 Planning for Bushfire Protection**

**Objectives**

The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.

**When this direction applies**

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

**What a relevant planning authority must do if this direction applies**

In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.

A planning proposal must:

- have regard to *Planning for Bushfire Protection 2006*,
- introduce controls that avoid placing inappropriate developments in hazardous areas, and
- ensure that bushfire hazard reduction is not prohibited within the APZ.

A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

- provide an Asset Protection Zone (APZ) incorporating at a minimum:
- an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
- an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,

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- for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the *Rural Fires Act 1997* (NSW) the APZ provisions must be complied with,
- contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
- contain provisions for adequate water supply for firefighting purposes,
- minimise the perimeter of the area of land interfacing the hazard which may be developed,
- introduce controls on the placement of combustible materials in the Inner Protection Area.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

**Assessment**

The RFS has been consulted and advises it does not object to the planning proposal subject to a requirement that the future subdivision of the land complies with *Planning for Bushfire Protection 2006* (refer to Section D *State and Commonwealth Interests* of this planning proposal for detailed comments from the RFS).

**The planning proposal is consistent with this Direction.**

**Direction 5.1 Implementation of Regional Strategies**

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

**When this direction applies**

This direction applies when a relevant planning authority prepares a planning proposal.

**What a relevant planning authority must do if this direction applies**

Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy: is of minor significance, and the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

**Assessment**

The site was rezoned to facilitate development following consideration under the superseded *Lower Hunter Regional Strategy*. The Lower Hunter Regional Strategy has been replaced by the *Hunter Regional Plan*. The Hunter Regional Plan identifies the subject land as a current urban release area. Consistency of the planning proposal with the relevant Goals and Directions is set out in Section B *Relationship to Strategic Framework* of this planning proposal. The planning proposal is consistent with the local government narrative to deliver existing urban release areas at Medowie.

**The planning proposal is consistent with this direction.**



**SECTION C – Environmental, Social and Economic Impact**

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

Additional impacts as a result of this planning proposal are considered in context of the existing zoning and approved DA. It is unlikely that critical or threatened species, populations or ecological communities, or their habitats, will be additionally adversely affected and that this issue has already been suitably assessed and resolved.

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

The additional impact of reducing the permissible minimum lot size on flora and fauna is limited. Review of existing residential allotments in Medowie and other areas demonstrates there is a practical difficulty in retaining trees on residential lots with an area of 1,000m<sup>2</sup> for example following bushfire protection requirements (and potential permissions) and building envelopes for dwellings and ancillary structures.

The overall development footprint that will result from the planning proposal is the same as the footprint of the existing subdivision approval for DA-2016-2015-336-1. There are also existing arrangements for the transfer of approximately 70ha of land zoned E2 Environmental Conservation to the north east for addition to the Medowie State Conservation Area to offset biodiversity impacts addressed with the previous rezoning of the land.

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

The availability of approximately 135 additional lots for housing under the planning proposal will have positive social and economic effects. It will add to housing stock in proximity to major employment areas e.g. RAAF Base Williamstown – Newcastle Airport and Tomago. The additional population will support the growth of businesses in the Medowie town centre and surrounding areas. The planning proposal presents an opportunity to strategically add to housing stock in Medowie on comparatively unconstrained land. Local social infrastructure will be guided by the standards in the *Port Stephens Development Contributions Plan 2007* for example for community spaces, library and recreation facilities.

**SECTION D – State and Commonwealth interests****11. Is there adequate public infrastructure for the planning proposal?****Traffic and Transport**

The submitted Traffic Impact Statement (Better Transport Futures, May 2016) provided in support of 450 lots found no significant impact on existing approved traffic infrastructure requirements. Preliminary Council modelling indicates a further slight increase in yield increase does not have any significant impact on the operation of the local road network and that a high level of service is maintained at key intersections.

Local traffic and transport infrastructure to accommodate broader future urban growth in Medowie is already identified in a local traffic and transport study and accompanying local infrastructure contributions plan.

**Sewer and Water**

The proponent provided preliminary advice that the additional lot yield is able to be serviced with reticulated sewer and water infrastructure subject to upgrades. Refer also to the comment from Hunter Water Corporation (below).

**Drainage**

Council engineers have undertaken a preliminary review of the planning proposal and advise no objection. Drainage information provided by the proponent considers the impacts of revising lot areas to the proposed detention basin sizes. It advises the fraction of assumed impervious surface for residential development is 60% for lot sizes ranging from 450m<sup>2</sup> to 2,000m<sup>2</sup> and because the lot areas are proposed to be reduced from 1,000m<sup>2</sup> to 500m<sup>2</sup> the fraction impervious design requirements will remain the same. The existing approved detention basin sizes would be unaffected assuming catchment areas are unchanged. The final lot layout and basin catchment areas will be confirmed as part of future approvals.

**12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?**Hunter Water Corporation (HWC)

HWC comments that it has no objection to the planning proposal. HWC has previously required the developer to prepare revised water and sewer servicing strategies for the potential increased yield of the site. HWC has also requested that the developer prepare a revised scope of works to increase the capacity of the wastewater pumping station to cope with the increased yield. A design addendum is currently under review, although HWC does not anticipate any significant changes.

**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL.**NSW Roads and Maritime Services (RMS)

RMS comment that their primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets, and the integration of land use and transport.

In accordance with the *Roads Act 1993* (NSW) RMS has powers in relation to road works, traffic control facilities, and connection to roads and other works on the classified road network. While Council is the roads authority for Medowie Road (MR 518), a classified (Regional) road, s138 consent may not be given with respect to a classified road except with RMS concurrence.

RMS has reviewed the information provided, including the submitted Traffic Impact Assessment (Better Transport Futures, May 2016), and requests the following matters be addressed in the planning proposal:

- The Traffic Impact Assessment addresses a maximum yield of 450 lots rather than 480 lots identified within the planning proposal. Traffic analysis for the maximum lot yield should be carried out to assess the impact on the intersection upgrade approved by DA 16-2015-336-1. Should an alteration to the approved intersection upgrade of Medowie Road be required, the intersection shall also be designed and constructed in accordance with the Austroads *Guide to Road Design 2009* and RMS supplements (the Austroads Guide) to the satisfaction of RMS and Council.
- As RMS previously advised Council in correspondences dated 19 January 2017, the upgrade of the Medowie Road/Boundary Road intersection as required by development approval DA 16-2015-336-1, shall be designed and constructed in accordance with the Austroads Guide etc. Should the revised Traffic Impact Assessment confirm the upgrade road works associated with development approval DA 16-2015-336-1 (ie a CHR(S) treatment) is adequate, Council is to confirm to the satisfaction of RMS the intersection upgrade works have been designed and will be constructed in accordance with the Austroads Guide prior to the final planning proposal proceeding.
- The developer should take into account Section 117(2) Direction 3.4 *Integrating Land Use Development and Transport* under the *Environmental Planning and Assessment Act 1979* (NSW) in relation to the provision of adequate access to public transport, especially for the elderly, and opportunities for pedestrians and cyclist connections to the surrounding area should be considered.
- While RMS acknowledges that Council is planning for the provision of a shared path in the future, this does not negate the need to ensure provision is made for on-road cyclists through an intersection, particularly where an intersection upgrade is warranted. Any upgrade of the classified road should be designed and constructed in accordance with Austroads Guide.
- All works associated with the proposed rezoning shall be carried out at full cost to the developer, to Council requirements. Concept design plans

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should be forwarded to RMS for review and acceptance prior to proceeding to detail design and construction within a referral made to RMS seeking concurrence under s. 138 of the *Roads Act 1993* (NSW). As works affect a classified (Regional) road and a Works Authorisation Deed is not required, it is Council's responsibility to manage the design and construction of the intersection works.

- Electronic modelling data (ie SIDRA 7) should be provided to RMS to review.

RMS further requests the following matters should be addressed by Council in determining this rezoning proposal:

- RMS has no proposal that requires any part of the property.
- All matters relating to the local road network and traffic/pedestrian management in the immediate vicinity of the subject land are for Council's determination. Despite the planned construction of a shared path between the subject urban release area and the town centre, provision should be made for safe connectivity for cyclists where road upgrades are required.
- Discharges stormwater from the rezoned land shall not exceed the capacity of the Medowie Road stormwater drainage system. Council shall ensure that drainage from the site is catered for approximately and should advise RMS of any adjustments to the existing system that are required prior to final approval of the development.
- Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by Medowie Road. In this regard, the developer, not RMS, is responsible for providing noise attenuation measures in accordance with the *NSW Road Noise Policy 2011* (prepared by the Department previously known as the Department of Environment, Climate Change and Water).

NSW Office of Environment and Heritage (OEH)

OEH comments it does not object to the planning proposal, as it is acknowledged that the intensified residential rezoning is located within the footprint previously zoned for residential development. OEH recommends that Council seeks confirmation from the NSW Rural Fire Service that the proposed smaller lot sizes adjacent to perimeter roads does not compromise the ability to position houses within the block to meet planning for bushfire requirements. This recommendation will be addressed during the preparation and assessment of a following development application for subdivision.

Defence

Defence has concerns regarding the future rezoning for residential use of the site and therefore does not support the planning proposal. Defence suggests that, under the Port Stephens Aircraft Noise Policy, that Council places a notation that the site is likely to be affected by some level of aircraft noise on planning certificates issued under Section 149(5) of the *Environmental Planning and Assessment Act 1979* (NSW).

**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL.**

Defence comments that the subject site is located outside the Australian Noise Exposure Forecast contours for RAAF Base Williamtown. Due to the subject sites proximity to RAAF Base Williamtown and Salt Ash Air Weapons Range which is to the immediate east of the site, it is likely that the subject site will be overflowed by both civilian and military aircraft. This may expose future residents to high levels of aircraft noise from civilian and military aircraft. As Defence cannot readily change its flying operations at RAAF Base Williamtown, Defence suggests that noise attenuation measures are adopted in the design and construction of any future residential dwellings.

Under the RAAF Base Williamtown Limitations or Operations Surface Map the subject site is constrained by building height controls that protect airspace near RAAF Base Williamtown to ensure the safety of aircraft on approach, departure and low-flying manoeuvres. The height constraint map provides for any structure that may pose a hazard to military aviation within a radius of approximately 15kms of RAAF Base Williamtown to be referred to Defence for comment. This includes vegetation and man-made structures including temporary structures such as cranes. The height constraint restriction for the subject site requests that "structures higher than 7.5m require referral to Defence". This DCP constraints map would need to be considered in relation to any future proposed development on the site.

As a result of the Department of Defence's unresolved objection to the proposal Council is unable to exercise its delegated plan making powers.

NSW Rural Fire Service

The RFS does not object to the planning proposal, subject to a requirement that the future subdivision of the land complies with *Planning for Bushfire Protection 2006*. This includes, but is not limited to, the issues identified in the RFS letter for integrated Development for 93//753194 63 Boundary Road Medowie, dated 4 April, ref D15/1594. These are in relation to:

- In addition to APZ's against external hazards, the provision of APZs around the proposed Koala Habitat Reserve.
- Any proposed tree corridor linking the Koala Habitat Reserve and the proposed addition to the Medowie State Conservation Area shall be managed as APZs.
- Planting in detention basins to be consistent with APZs.
- Any proposed management of Koala Habitat Reserve, Tree Corridor or Detention Basins may require a Plan of management to demonstrate appropriate practices to ensure APZs are managed in perpetuity and as outlined within section 4.1.3 and Appendix 5 of *Planning for Bushfire Protection 2006* and the NSW Rural Fire Services document 'Standards for asset protection zones'.
- Access entitlement registered pursuant to section 88B of the *Conveyancing Act 1919* (NSW) for a secondary access/egress point from Boundary Road to County Close is to be provided.

**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL.**

- Public road access shall comply with section 4.1.3(1) of Planning for Bushfire Protection 2006. This shall include the full construction of the Western Road adjacent to the development area.
- The proposed secondary access road/egress point from Boundary Road to County Close shall be constructed to be consistent with the fire trail requirements found in section 4.1.3(3) of *Planning for Bushfire Protection 2006*.
- The proposed northern portion of the Western Road which is not adjacent to the development area shall be constructed to be consistent with the fire trail requirements found in section 4.1.3(3) of *Planning for Bush Fire Protection 2006*.

**Part 4 - Mapping**

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The following mapping amendments are proposed and are included with this planning proposal:

- Amend Land Zoning Map (LZN\_004B) by rezoning part of the subject land to R2 Low Density Residential and amending the boundary of the pocket of land zoned E2 Environmental Conservation (refer to the proposed Land Zoning Map at Attachment 3).
- Amend the Lot Size Map (LSZ\_004B) by reducing the minimum lot size to 500m<sup>2</sup> on part of the subject land in (refer to the proposed Lot Size Map at Attachment 5).
- Amend the Height of Building Map (HOB\_004B) to show the maximum height of building as 9m within the R2 Low Density Residential Zone (refer to the proposed Height of Buildings Map at Attachment 7).

**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL.**

**Part 5 - Details of Community Consultation**

As per the gateway determination the planning proposal was initially placed on public exhibition for a minimum period of 14 days from 11 May 2017 to 25 May 2017. On 18 May 2017 Council staff met with a number of Medowie residents who had raised concerns to Councillors regarding the proposal. An outcome of the meeting was to extend the public exhibition period to 8 June 2017 to allow further time for residents to review the proposal.

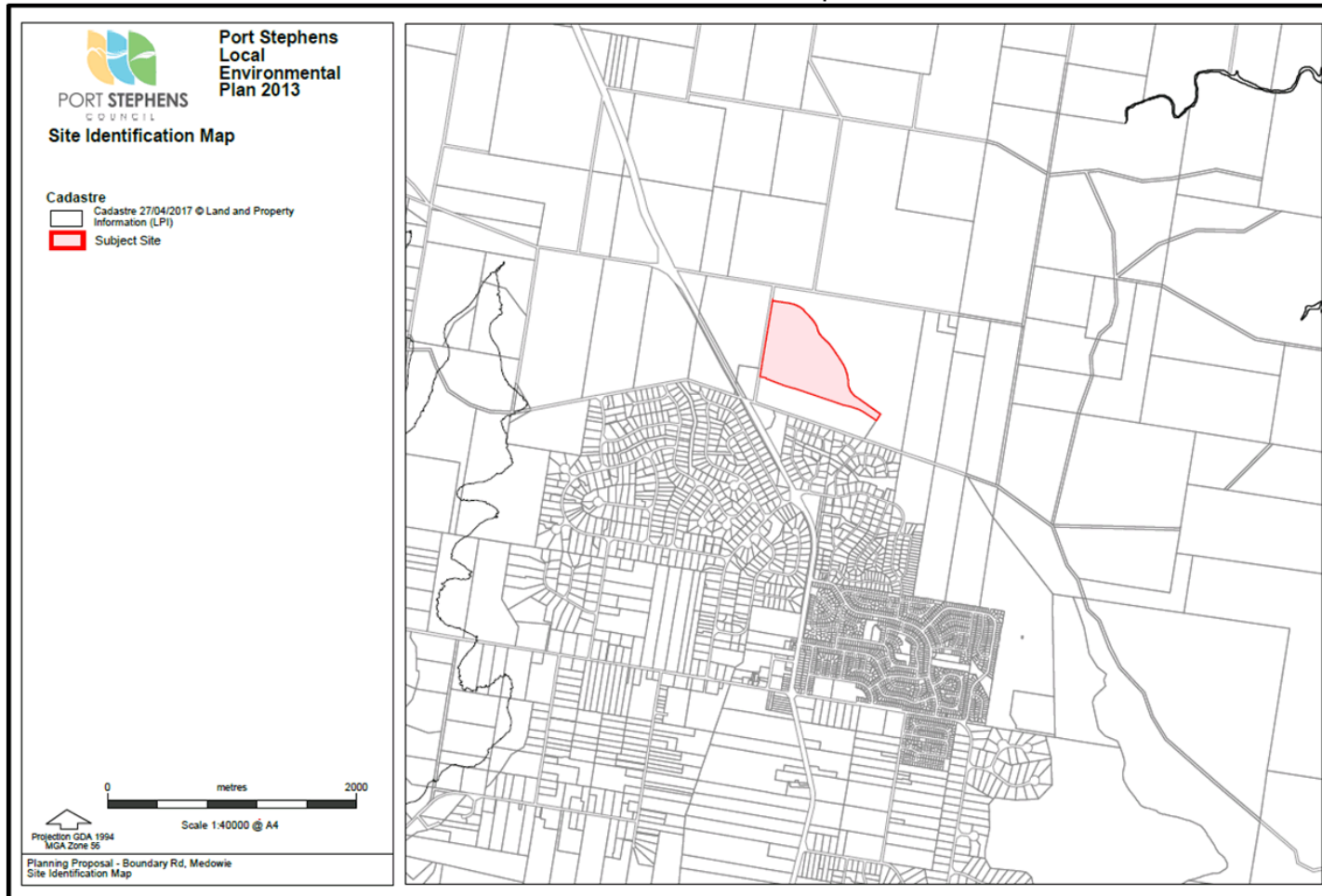
Exhibition material was available for inspection during the public exhibition period from Council's website ([www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)) and at Council's Administration Building, 116 Adelaide Street, Raymond Terrace, NSW 2324 (during normal business hours). A copy was also placed at the Medowie Community Centre.

At the conclusion of the exhibition period Council received 12 submissions; 11 objections and 1 in support of the proposal from the proponent. The issues/concerns raised in objections did not warrant any changes to the planning proposal and had been adequately addressed.

**Part 6 – Project timeline**

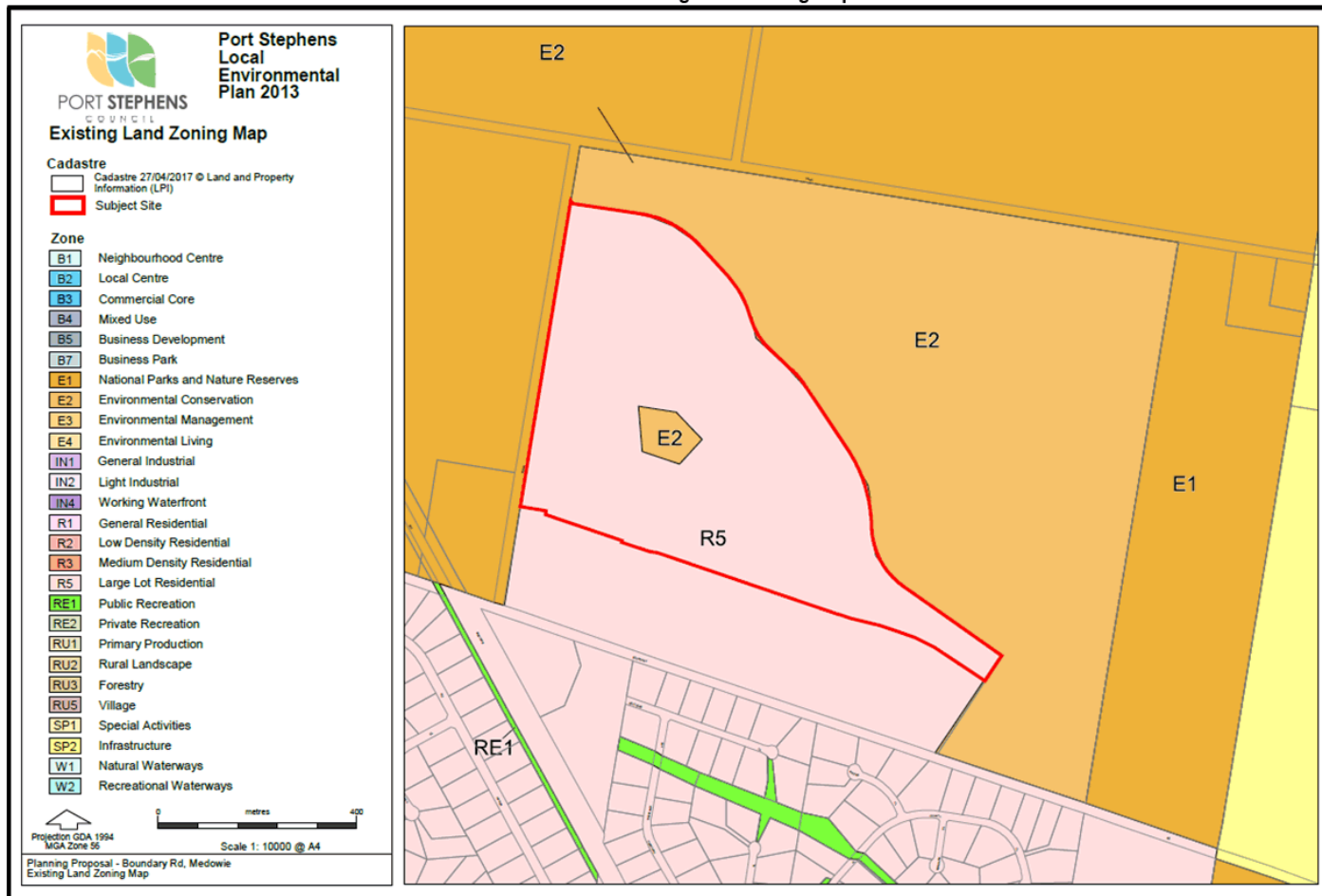
	May 17	June 17	July 17	Aug 17	Sept 17	Oct 17	Nov 17	Dec 17
<i>Consultation &amp; Exhibition</i>								
<i>Address Submissions</i>								
<i>Council Report</i>								
<i>Department of Planning and Environment</i>								

Attachment 1 Site Identification Map

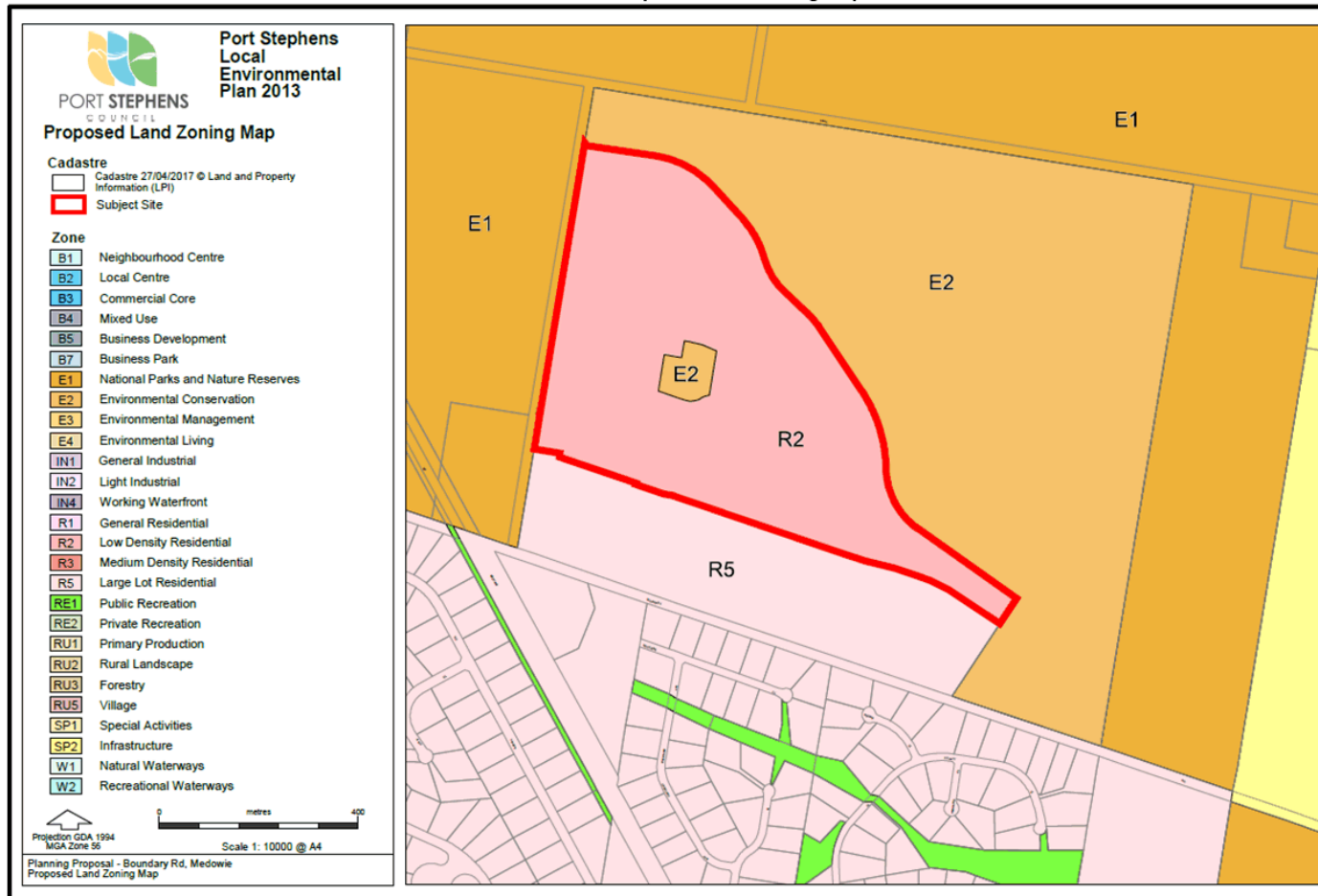




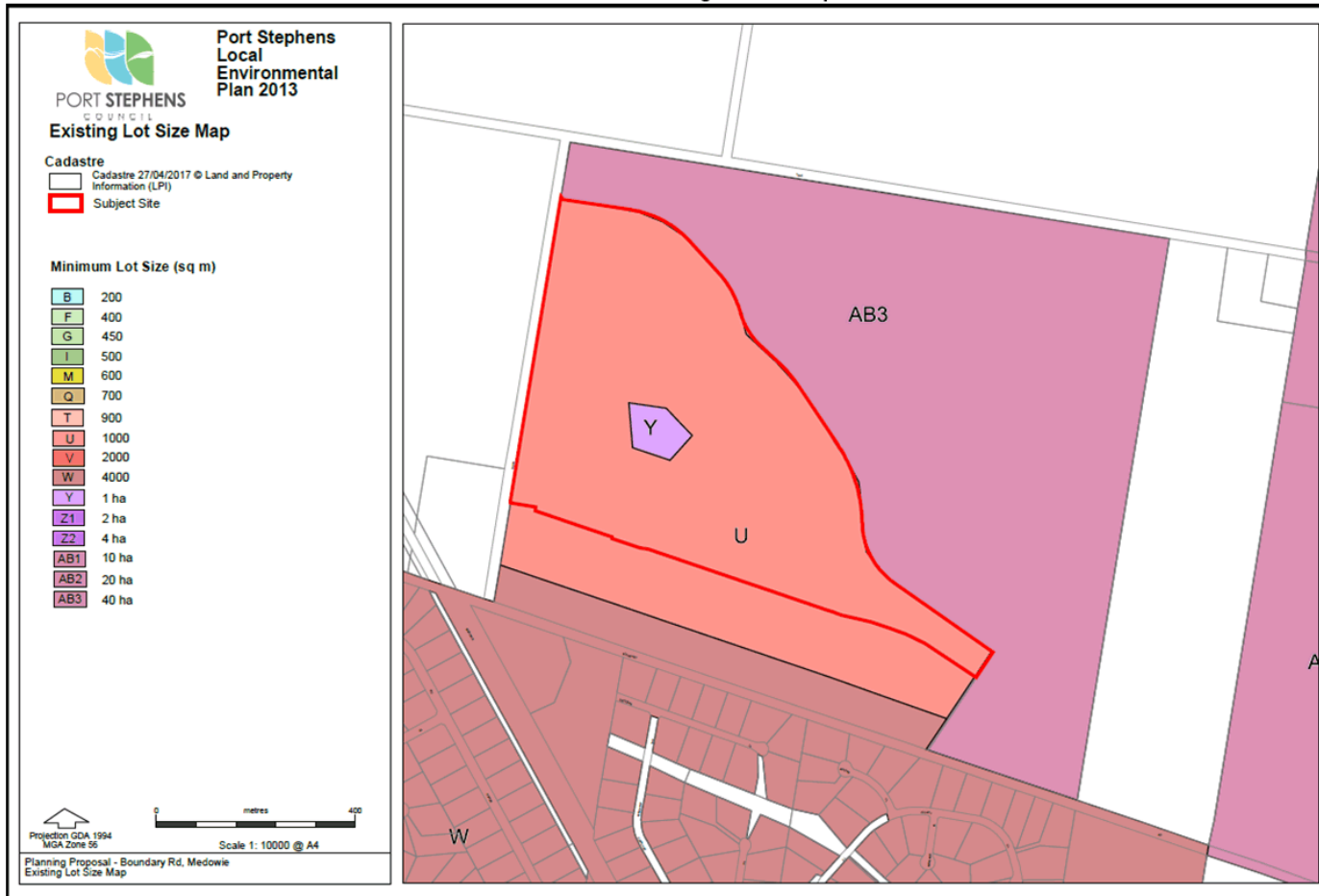
Attachment 2 Existing Land Zoning Map



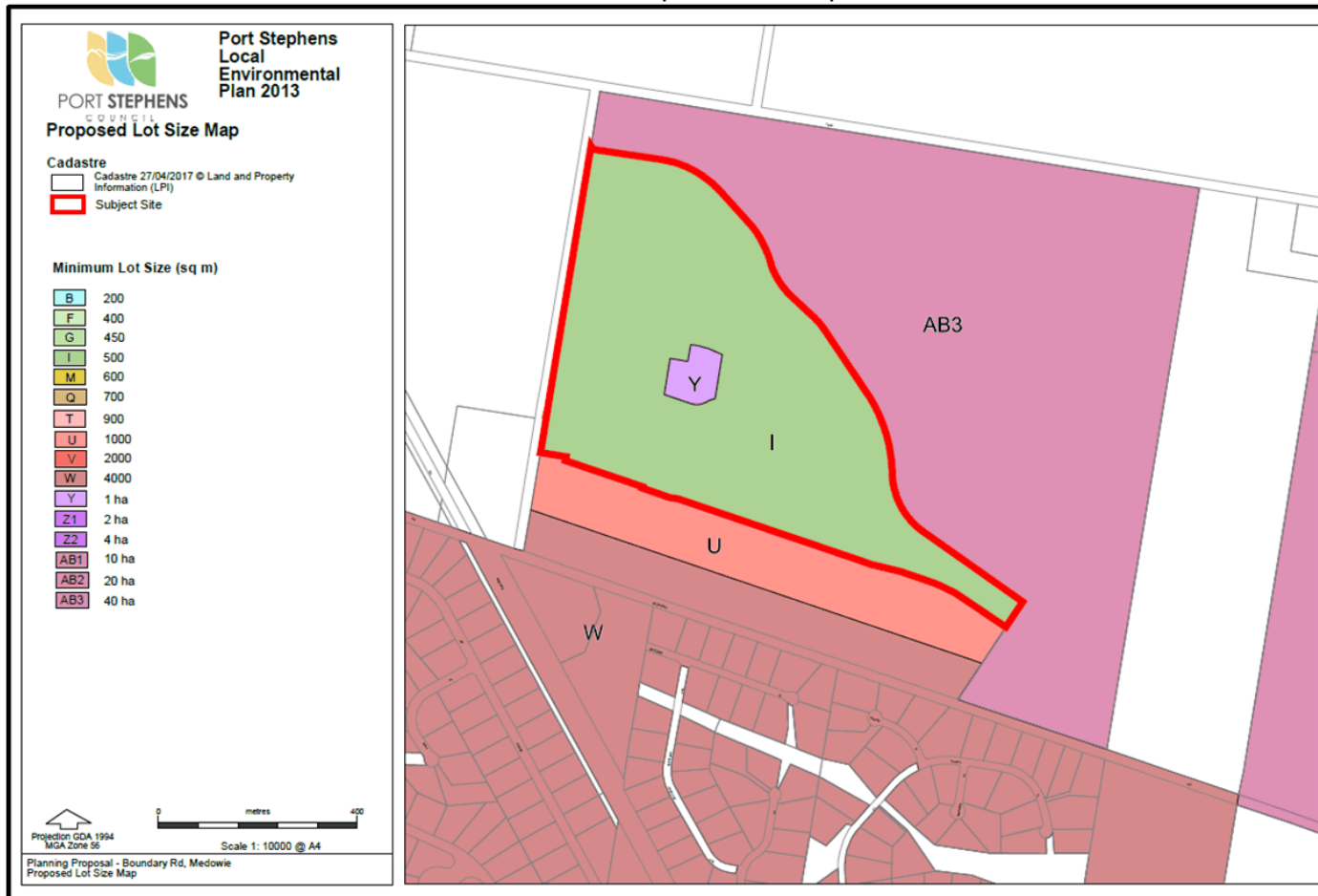
Attachment 3 Proposed Land Zoning Map



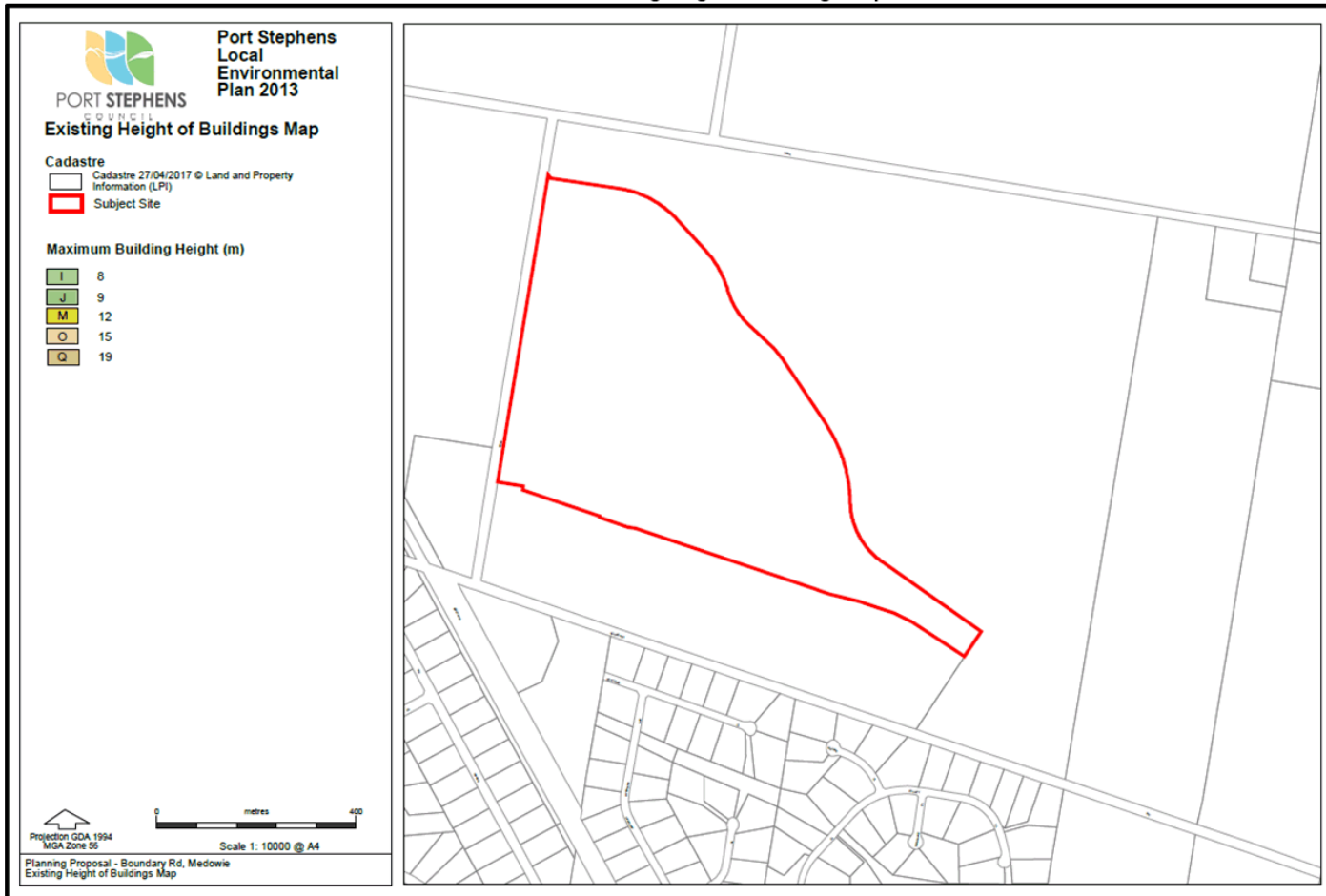
Attachment 4 Existing Lot Size Map



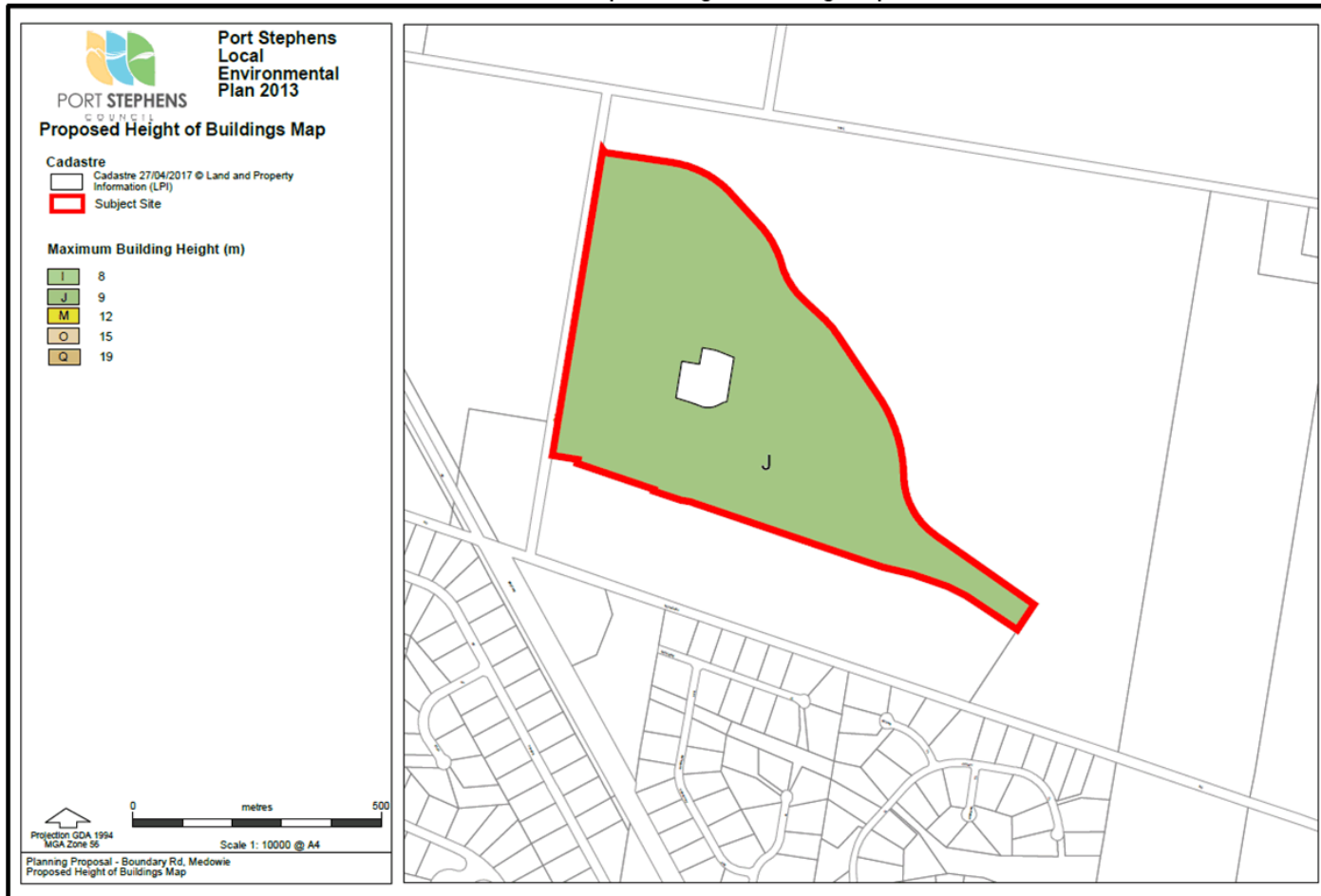
Attachment 5 Proposed Lot Size Map



Attachment 6 Existing Height of Buildings Map



Attachment 7 Proposed Height of Buildings Map





# 2017 Customer Satisfaction Survey Report

© Port Stephens Council 2017



**Customer Satisfaction Survey 2017**

**Executive Summary**

The Operational Plan 2017-2018 requires at 5.3.1.11 that Council "Conduct a customer satisfaction survey". This is the Report of the survey conducted during April/May 2017.

The responses across all surveys were largely demographically representative of the sampled cohorts although there was a slight over-representation of East Ward residents in the General Survey which also reflected a skew towards older, male respondents compared to the 2011 population census cohorts.

**Statistics**

The target sample required, with 95% confidence was 964. Total response was 1,491 across all surveys.

**Overall Results**

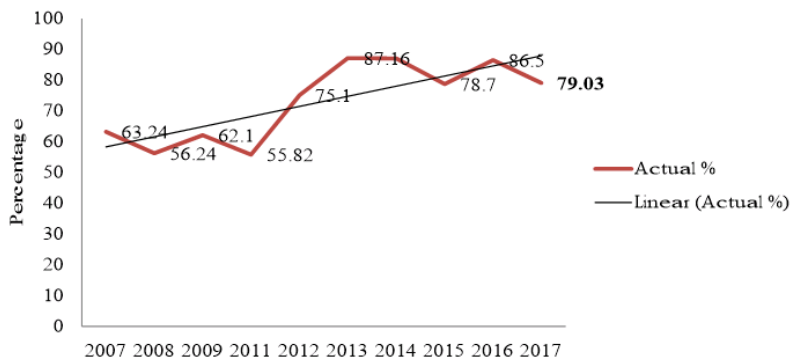
To achieve an overall satisfaction figure respondents answered that they were:

- very satisfied;
- satisfied;
- moderately/slightly satisfied;

These were aggregated using a weighted average satisfaction across all surveys.

Overall satisfaction with Council for the service packages (excluding Library Services) surveyed was **79.03%**.

**Overall Satisfaction Trend**



Note: There was no survey undertaken in 2010.

Figure 1: Overall satisfaction since 2011

**ITEM 13 - ATTACHMENT 1 COMMUNITY SATISFACTION SURVEY 2017.**

In terms of overall satisfaction with Council, slightly more males (80.7%) were satisfied compared to 77.6% of females, with younger females and older males being more satisfied than others in their genders (based on the General Survey outcomes only). Other surveys did not identify age or gender so the General Survey may be taken as a guide.

**Individual Results**

The table below shows individual services/facilities by level of overall satisfaction.

**Table 1: Satisfaction scores**

<b>Facilities/Services</b>	<b>Satisfaction Score %</b>
Libraries	98.0%
Children's Services	87.5 – 100%
Garbage collection services	93.9%
Sport & Recreational facilities	89.2%
Swimming pools	87.0%
Holiday Parks	81 – 94%
Community public halls	92.5%
Playground equipment	83.5%
Maintaining parks and gardens	90.0%
Development and Building Services	90.0%
Managing traffic flow (eg lights, roundabouts, street signs)	77.2%
Roadside maintenance (eg trees, litter, slashing)	80.3%
Public toilet amenities (Council-owned park/community amenities - not those in shopping centres)	73.6%
Managing nature reserves, wetlands, beaches & foreshores	88.0%
Access to waste depots and recycling	76.5%
Managing street trees	83.4%
Maintaining footpaths	70.0%
Maintaining cycleways/walking tracks	82.4%
Maintaining local roads	67.4%
Managing storm water drainage systems	78.4%
Controlling weeds	81.9%
Ranger services (eg animal management)	70.6%
Managing illegal dumping	53.9%
Ranger services (parking)	74.3%

The Report that follows provides detailed information on the areas surveyed.

**Customer Satisfaction Survey 2017**

**General Survey**

This survey was conducted from 1 to 31 May 2017. The targeted response for this General Survey was 640 and actual response was 877. (The total target for all surveys was 964 responses).

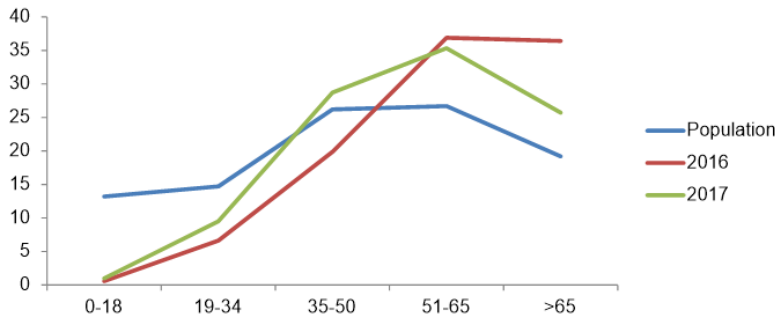
Not all respondents answered all questions. Percentage satisfaction results as shown in Table 1 and below relate to those respondents who answered the question; they exclude "don't know" and "don't use" responses.

**Demographics**

Of those that answered the age/gender question (n= 803) 52.2% were females and 47.8% were males. (Census 2011: Males 49.2%, Females 50.8%).

The graph below shows the age profile of respondents compared to the population (Census 2011) and with 2016 respondents' profile.

**Respondents by Age - comparison with Census and 2016**



**Figure 2: Demographic Profile of Respondents**

There was a skew towards older residents and this age skew reflects that younger demographics may not have participated as the social media campaign was not implemented until later in the survey period.

**Locality**

Respondents answered the questions related to where in Port Stephens they lived (n=801). The overall sample of 801 respondents who answered geo-demographic questions was **numerically** statistically representative however there was a skew towards those residing in the east of the Local Government Area (LGA). This geographical skew continues a long- established trend for more responses from more densely settled areas of the LGA, as Raymond Terrace and Medowie responses are relatively statistically representative.<sup>1</sup>

<sup>1</sup> ABS Census 2011

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**Results**

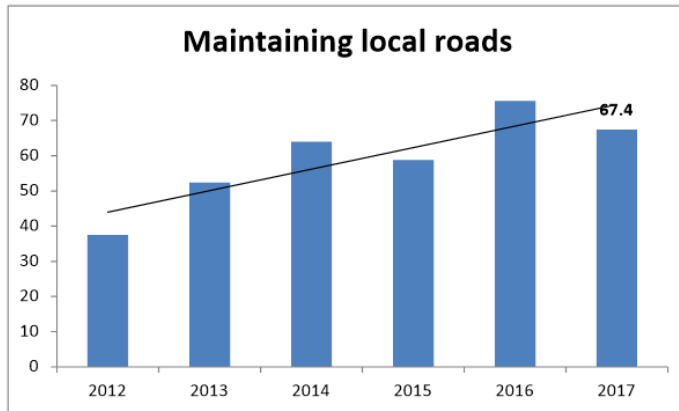
The results that follow demonstrate the 2017 outcome and, where a direct comparison can be made, also show the 2016, 2015, 2014, 2013, and 2012 results. In terms of movement compared to the previous year +/- 5% is considered statistically significant.

**1: "How well is Council doing?" in a number of areas – results are below.**

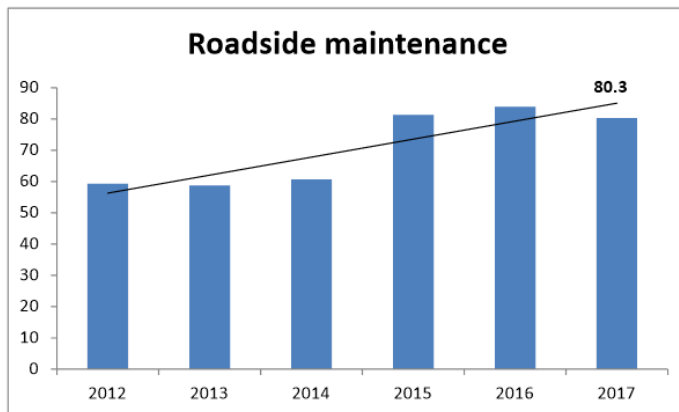
All figures in the table below are percentages.

	<b>2017 Aggregate</b>	<b>2016 Aggregate</b>	<b>2015 Aggregate</b>	<b>2014 Aggregate</b>	<b>2013 Aggregate</b>	<b>2012 Aggregate</b>
Maintaining local roads	67.4	75.6	58.8	64.0	52.37	37.5
Roadside maintenance (e.g. trees, litter, slashing)	80.3	83.9	81.3	60.7	58.68	59.3
Maintaining footpaths	70.0	78.6	73.0	55.3	53.99	46.4
Maintaining cycleways/walking tracks	82.4	76.6	71.7	54.2	58.84	53.7
Managing street trees	83.4	80.0	76.0	60.8	57.87	56.7
Managing traffic flow (e.g. lights, roundabouts, street signs)	77.2	88.4	84.3	77.8	76.50	69.8
Managing storm water drainage systems	78.4	70.7	68.7	58.7	53.93	46
Managing illegal dumping	53.9	61.1	60.1	47.0	N/A	N/A
Maintaining parks and gardens	90.0	90.3	83.5	77.6	72.89	71.2
Managing nature reserves, wetlands, beaches and foreshores	88.0	83.6	75.2	64.5	67.89	60.8
Controlling weeds	81.9	67.8	64.0	48.8	46.28	37.8

**ITEM 13 - ATTACHMENT 1 COMMUNITY SATISFACTION SURVEY 2017.**

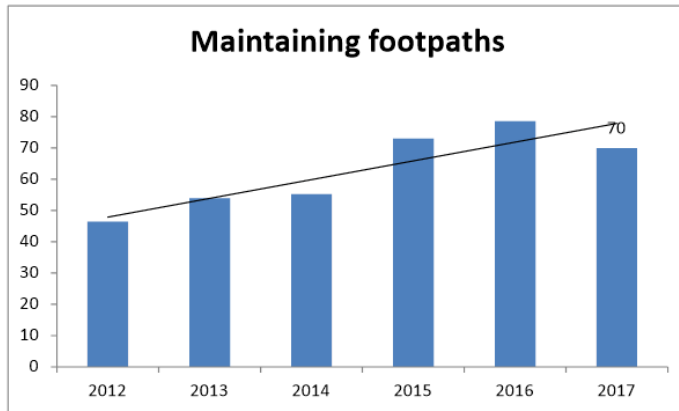


There has been a 79.3% improvement in satisfaction with maintenance of local roads compared to six years ago.

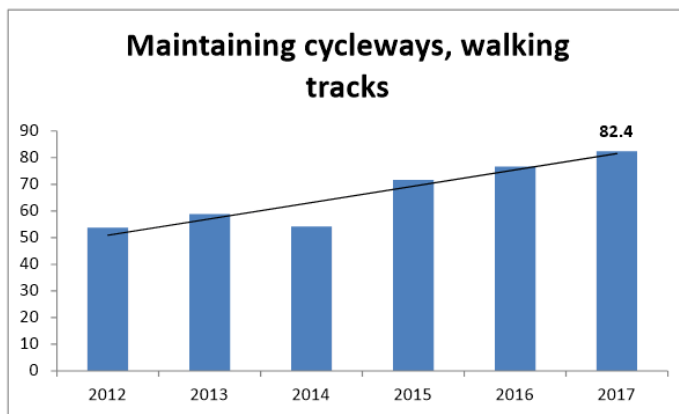


There has been a 35.4% improvement in satisfaction with roadside maintenance compared to six years ago.

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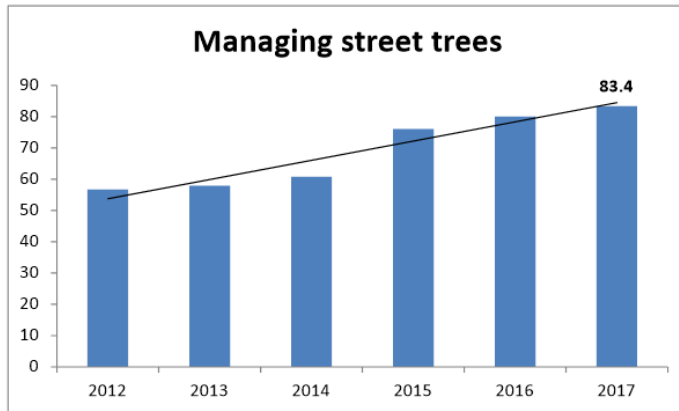


There has been a 50.9% improvement in satisfaction with maintenance of footpaths compared to six years ago.

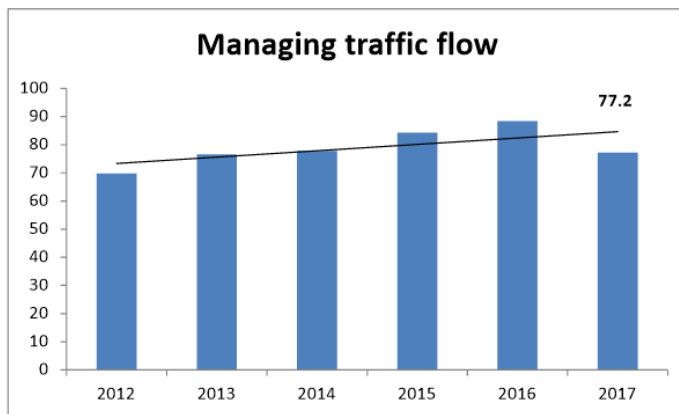


There has been a 53.4% improvement in satisfaction with maintenance of walking tracks and cycleways compared to six years ago.

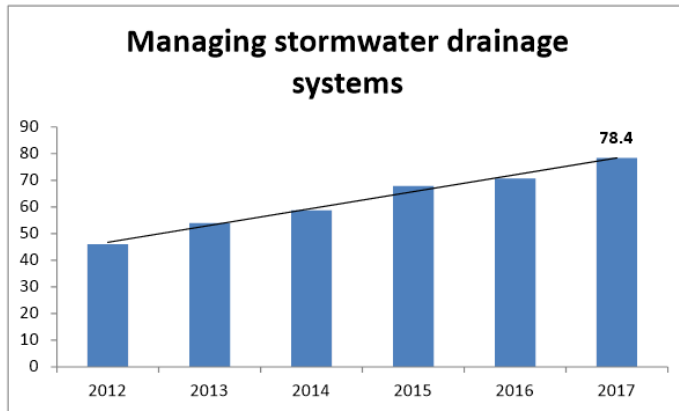
**ITEM 13 - ATTACHMENT 1 COMMUNITY SATISFACTION SURVEY 2017.**



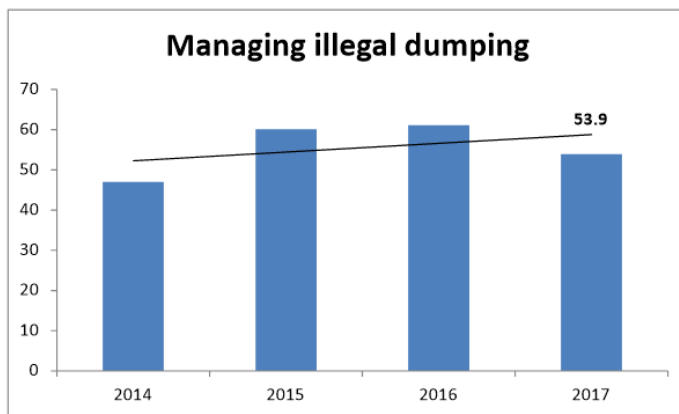
There has been a 47.1% increase in satisfaction with management of street trees compared to six years ago.



There has been a 10.6% increase in satisfaction of management of traffic flow compared to six years ago.



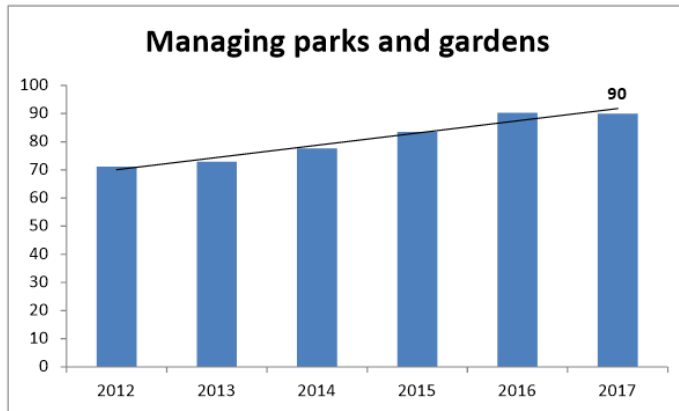
There has been a 70.4% increase in satisfaction with management of storm water drainage systems compared to six years ago.



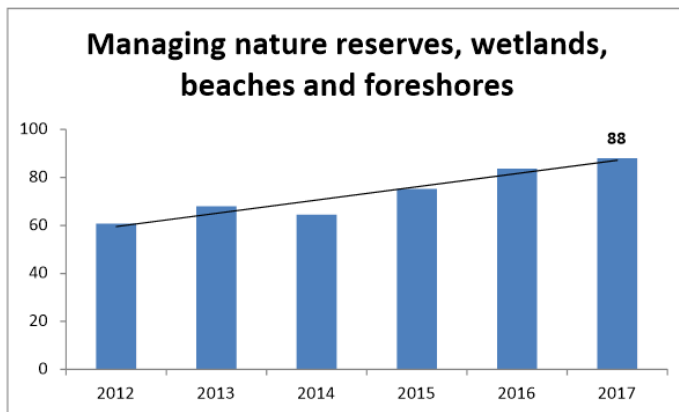
There has been a 14.7% increase in satisfaction with management of illegal dumping since 2014 when satisfaction levels commenced being measured.



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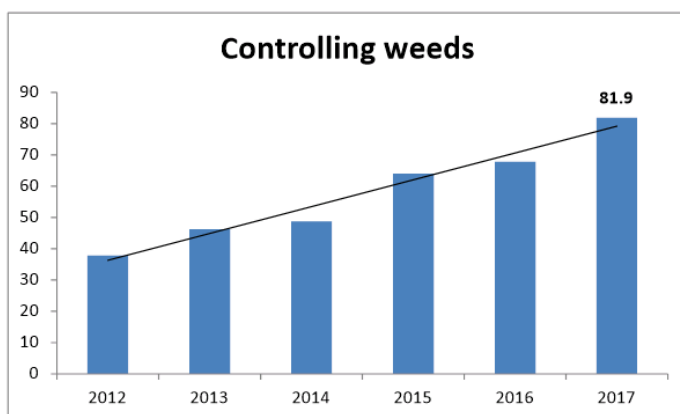


There has been a 26.4% increase in satisfaction with maintenance of parks and gardens compared to six years ago.



There has been a 44.7% increase in satisfaction with management of reserves etc compared to six years ago.

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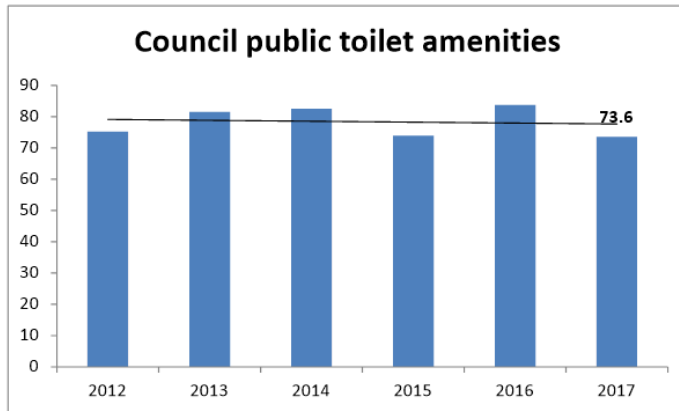
There has been a 116.7% increase in satisfaction with controlling weeds compared to six years ago.

**2: Required respondents to indicate how satisfied they were with the following services.**

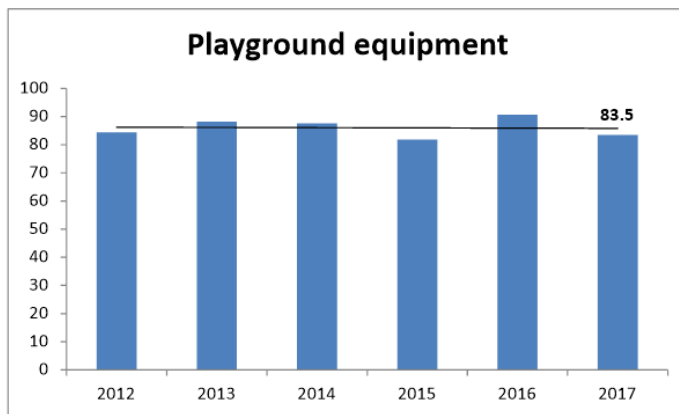
**Summary:**

	2017 Aggregate	2016 Aggregate	2015 Aggregate	2014 Aggregate	2013 Aggregate	2012 Aggregate
Public toilet amenities (Council-owned park/community amenities - not those in shopping centres)	73.6	83.7	73.9	82.5	81.52	75.2
Playground equipment	83.5	90.7	81.8	87.6	88.15	84.4
Community Public Halls	92.5	90.7	87.0	91.6	91.14	88.8
Sport and Recreational Facilities	89.2	93.1	83.2	92.1	93.77	91.2
Swimming Pools	87.0	92.8	87.2	93.8	91.38	89.9

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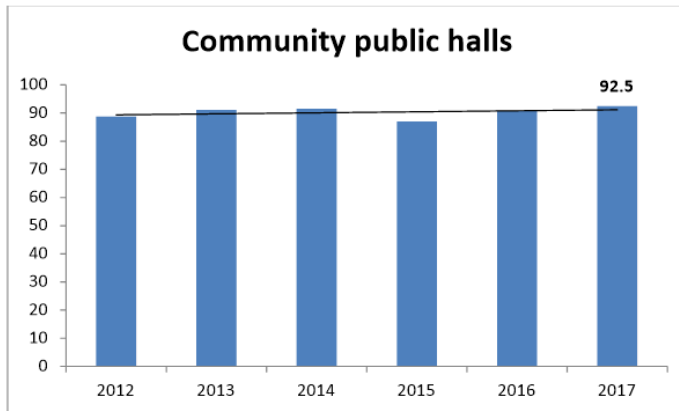


There has been a 2.1% decrease in satisfaction with Council-owned public amenities compared to six years ago.

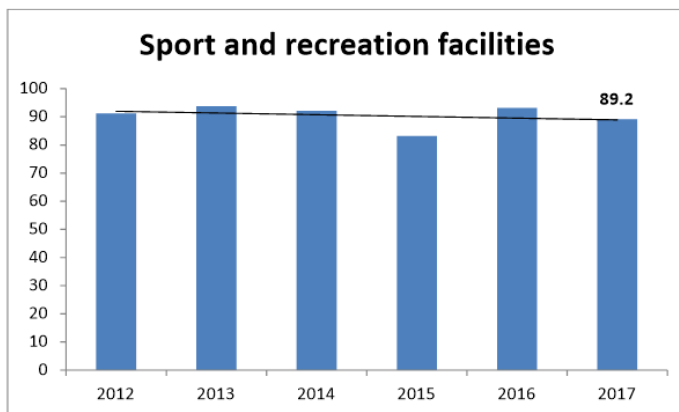


There has been a 1.0% decrease in satisfaction with playground equipment compared to six years ago.

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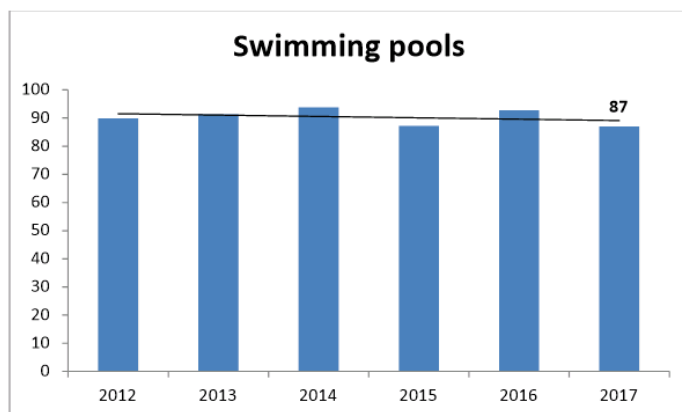


There has been a 4.2% increase in satisfaction with community public halls compared to six years ago.



There has been a decrease of 2.2% in satisfaction with sport and recreation facilities compared to six years ago.

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There has been a 3.2% decrease in satisfaction with swimming pools compared to six years ago.

**3: Respondents were asked how well Council delivered some services.**

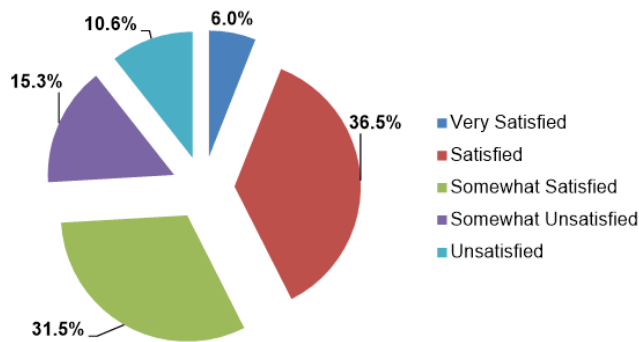
<i>Figures are percentages</i>	2017 Aggregate	2016 Aggregate	2015 Aggregate	2014 Aggregate	2013 Aggregate	2012 Aggregate
Library Services	98.0	98.6	99.3	72.4	+	+
Children's Services (all services)	87.5 - 100	98.3	98.0	99.6	99.8	+
Ranger Services (e.g. Animal Management)	70.6	62.6	62.6	63.6	60.4	65.5
Rangers Services (Parking)	74.3	59.5	61.5	60.1	61.6	56.3
Garbage Collection Services	93.9	93.5	86.1	93.3	92.7	92.3
Access to waste depots and waste transfer stations	76.5	81.7	72.2	82.1	76.5	74.3

- + In 2014 the Tilligerry Community Library was included for the first time, and therefore no comparisons with previous years are valid.
- + \*Services not directly comparable; or not collected in this format.

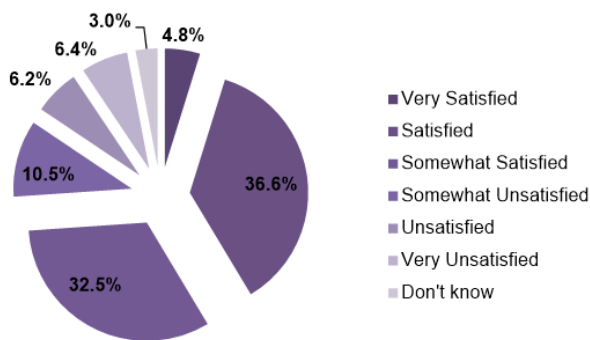
**4: How safe do you feel in the following situations?**

N = 843	Very safe	Safe	Moderately safe	Not very safe	Unsafe
At home during the day	420	327	79	14	2
At home at night	324	338	138	32	9
In your neighbourhood during the day	392	321	114	14	1
In your neighbourhood during the night	243	320	197	68	14

**5: How satisfied are you with the built environment of Port Stephens LGA? (N = 821)**



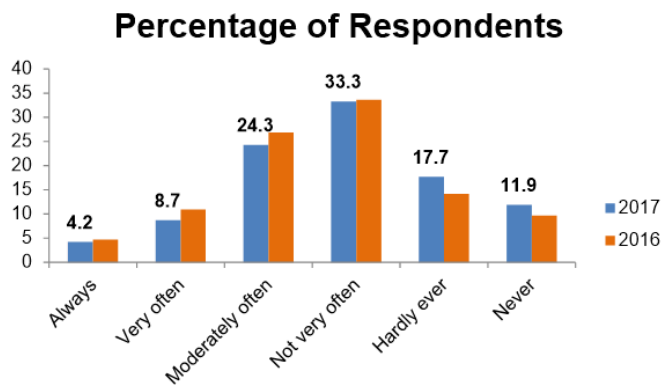
**6: How satisfied are you with the management of the Environment of the Port Stephens LGA? (n = 828). Note: This question was given a context – Council was not solely responsible for management of the environment.**



**7: How would you rate the appearance of your neighbourhood?**

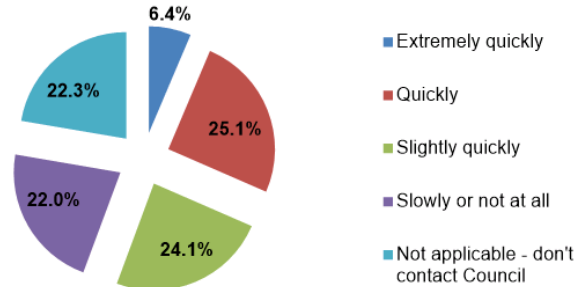
N = 813	
Very satisfactory/Very well maintained	12.5%
Satisfactory/well maintained	59.5%
Unsatisfactory/poorly maintained	23.5%
Very unsatisfactory/very poorly maintained	4.4%

**8: Do you feel you have opportunities to have genuine input to Council's decision-making on policies and matters that affect you? (2017 N = 815)**



**9: How quickly do Council staff respond to your needs/queries/problems?**

**Response Percentage N = 812**



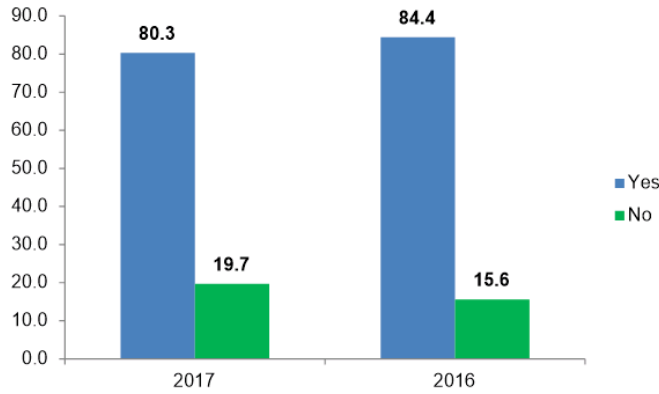
**9: Where do you most usually get information about Council activities (select all that apply)?**

<b>N = 810</b>	<b>Responses No.</b>
Council's website	304
Council's Facebook	152
Council's Twitter	8
Council's email newsletter (Informe, BizLink etc)	71
At Council locations (Administration Centre, Libraries etc)	59
Council Notices in Port Stephens Examiner	442
News/editorial in Port Stephens Examiner	421
News/editorial in the Newcastle Herald	81
Local radio news	226
Local television news	170
Other (please specify)	111



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**10: Is Council's web site easy to use to access information or interact with Council? N = 564 (response by those who accessed the website; total response 806).**



**11: How well do you think Council is communicating with the community?**

<b>N = 812</b>	<b>Very well</b>	<b>Well</b>	<b>Moderately well</b>	<b>Not very well</b>	<b>Poorly</b>	<b>Don't Know</b>
In the Port Stephens Examiner - Council Page	80	236	286	79	50	77
On Council's web site	60	209	193	56	28	241
Through social media sites such as Facebook & Twitter	31	91	130	59	39	438
Through Council's Customer Service Staff	62	148	149	58	58	313

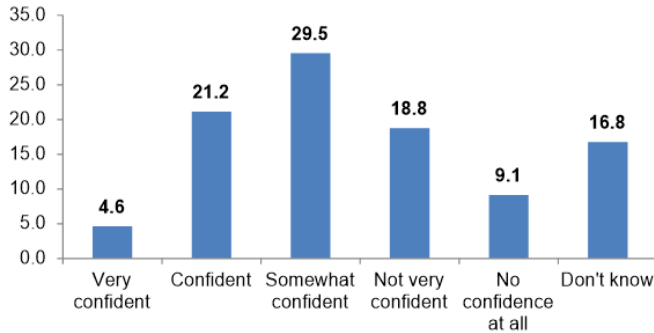
**ITEM 13 - ATTACHMENT 1 COMMUNITY SATISFACTION SURVEY 2017.**

**12: What is your preferred means of communicating with Council?  
(Respondents could choose more than one option).**

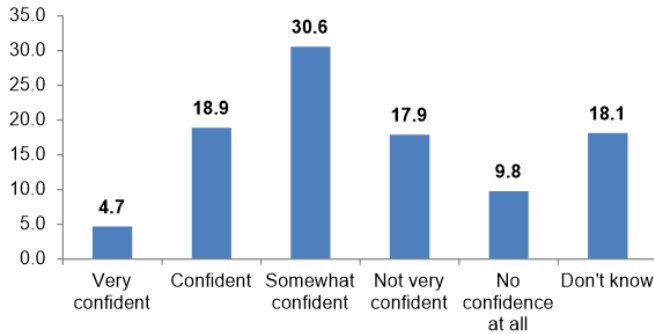
<b>N = 818</b>	<b>Response Percent</b>
In Person at Council's Administration Building	20.3%
By Telephone	49.9%
In writing (letter)	7.1%
In writing (email)	43.9%
Via Council's Facebook page	11.7%
On Twitter	1.1%
Don't contact Council	10.1%

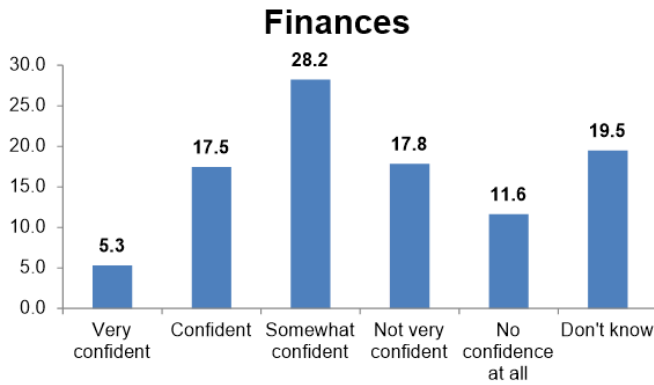
**13: Overall, how confident are you that Council is managing its resources (workforce, assets, and finances) well?**

**Workforce**

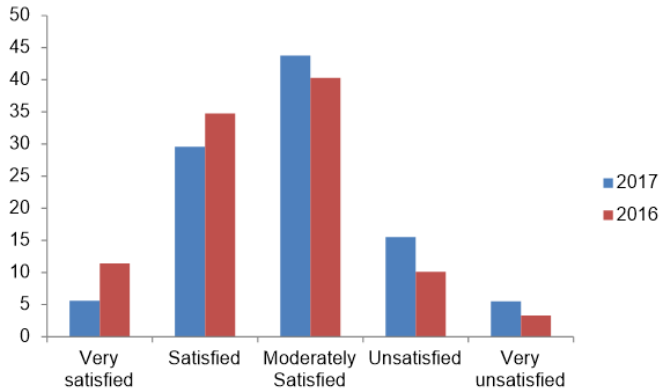


**Assets**





**Question 14: OVERALL how satisfied are you with the Council's services for and on behalf of the community of Port Stephens? (N = 808)**



There has been a decrease of 7.5% in those respondents reporting positive degrees of satisfaction (79%) compared to 2016.