

NOTICE OF ORDINARY MEETING

8 SEPTEMBER 2020



PORT STEPHENS COUNCIL

The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

Councillors: J Abbott, G Arnott, C Doohan, G Dunkley, K Jordan, P Le Mottee, J Nell, S Smith, S Tucker.

SCHEDULE OF MEETINGS

TIME	ITEM	VENUE
5:30pm:	Public Access (if applied for)	Council Chambers
Followed by:	Ordinary Meeting	Council Chambers

Please Note:

In accordance with the NSW Privacy and Personal Information Protection Act 1998, you are advised that all discussion held during the Open Council meeting is public information. This will include any discussion involving the Mayor, a Councillor, staff member or a member of the public. All persons present should withhold from making public comments about another individual without seeking the consent of that individual in the first instance. Should you have any questions concerning the privacy of individuals at the meeting, please speak with the Governance Section Manager or the General Manager prior to the meeting.

Please be aware that Council webcasts its Open Council meetings via its website. All persons should refrain from making any defamatory remarks. Council accepts no liability for any defamatory remarks made during the course of the Council meeting.

For the safety and wellbeing of the public, no signs, placards or other props made from material other than paper will be permitted in the Council Chamber. No material should be larger than A3 in size.

Food and beverages are not permitted in the Council Chamber.

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BUSINESS

- 1) Opening meeting.
- 2) Prayer - We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens. Amen.
- 3) Acknowledgement of Country - Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow.
- 4) Apologies and applications for a leave of absence by Councillors.
- 5) Confirmation of minutes. Ordinary Meeting of 25 August 2020.
- 6) Disclosure of interests.
- 7) Mayoral minute(s) – if submitted
- 8) Motions to close meeting to the public – if submitted.
- 9) Reports to Council.
- 10) General Manager reports – if submitted.
- 11) Questions with Notice – if submitted.
- 12) Questions on Notice.
- 13) Notices of motions – if submitted.
- 14) Rescission motions – if submitted.
- 15) Confidential matters – if submitted.
- 16) Conclusion of the meeting.

PRINCIPLES FOR LOCAL GOVERNMENT

Port Stephens Council is a local authority constituted under the Local Government Act 1993. The Act includes the Principles for Local Government for all NSW Councils.

The object of the principles for councils is to provide guidance to enable councils to carry out their functions in a way that facilitates local communities that are strong, healthy and prosperous.

Guiding principles for Council

1. Exercise of functions generally

The following general principles apply to the exercise of functions by Council. Council should:

- (a) provide strong and effective representation, leadership, planning and decision-making.
- (b) carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) work with others to secure appropriate services for local community needs.
- (h) act fairly, ethically and without bias in the interests of the local community.
- (i) be responsible employers and provide a consultative and supportive working environment for staff.

2. Decision-making

The following principles apply to decision-making by Council (subject to any other applicable law). Council should:

- (a) recognise diverse local community needs and interests.
- (b) consider social justice principles.
- (c) consider the long term and cumulative effects of actions on future generations.
- (d) consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

3. Community participation

Council should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Principles of sound financial management

The following principles of sound financial management apply to Council. Council should:

- (a) spend responsible and sustainable, aligning general revenue and expenses.
- (b) invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services.

Integrated planning and reporting principles that apply to Council

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by Council. Council should:

- (a) identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) identify strategic goals to meet those needs and aspirations.
- (c) develop activities, and prioritise actions, to work towards the strategic goals.
- (d) ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) regularly review and evaluate progress towards achieving strategic goals.
- (f) maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) collaborate with others to maximise achievement of strategic goals.
- (h) manage risks to the local community or area or to the council effectively and proactively.
- (i) make appropriate evidence-based adaptations to meet changing needs and circumstances.

PORT STEPHENS COMMUNITY STRATEGIC PLAN

The Local Government Act requires Council to adopt a Community Strategic Plan (10+ years). The Plan includes a Delivery Program (3 years), Annual Operational Plan and a Resource Strategy, it also includes the Council's budget.

The Community Strategic Plan is organised into four focus areas:

OUR COMMUNITY – Port Stephens is a thriving and strong community respecting diversity and heritage.

OUR PLACE – Port Stephens is a liveable place supporting local economic growth.

OUR ENVIRONMENT – Port Stephens' environment is clean and green, protected and enhanced.

OUR COUNCIL – Port Stephens Council leads, manages and delivers valued community services in a responsible way.

BUSINESS EXCELLENCE

Port Stephens Council is a quality and a customer service focused organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on nine (9) principles.

These outcomes align with the following Business Excellence principles:

- 1) Clear direction and mutually agreed plans enable organisational alignment and focus on achievement of goals.
- 2) Understanding what customers and other stakeholders value, now and in the future, enables organisational direction, strategy and action.
- 3) All people work in a system. Outcomes are improved when people work on the system and its associated processes.
- 4) Engaging people's enthusiasm, resourcefulness and participation improves organisational performance.
- 5) Innovation and learning influence the agility and responsiveness of the organisation.
- 6) Effective use of facts, data and knowledge leads to improved decisions.
- 7) Variation impacts predictability, profitability and performance.
- 8) Sustainable performance is determined by an organisation's ability to deliver value for all stakeholders in an ethically, socially and environmentally responsible manner.
- 9) Leaders determine the culture and value system of the organisation through their decisions and behaviour.

MEETING PROCEDURES SUMMARY

Starting time – All meetings must commence within 30 minutes of the advertised time.

Quorum – A quorum at Port Stephens Council is six (6).

Declarations of Interest

Pecuniary – Councillors who have a pecuniary interest must declare the interest, not participate in the debate and leave the meeting.

Non-Pecuniary – Councillors are required to indicate if they have a non-pecuniary interest, should a Councillor declare a significant non-pecuniary they must not participate in the debate and leave the meeting. If a Councillor declares a less than significant non-pecuniary they must state why no further action should be taken. Councillors may remain in the meeting for a less than significant non-pecuniary.

Confirm the Minutes – Councillors are able to raise any matter concerning the Minutes prior to confirmation of the Minutes.

Public Access – Each speaker has five (5) minutes to address Council with no more than two (2) for and two (2) against the subject.

Motions and Amendments

Moving Recommendations – If a Committee recommendation is being moved, ie been to a Committee first, then the motion must be moved and seconded at Council prior to debate proceeding. A Councillor may move an alternate motion to the recommendation.

Amendments – A Councillor may move an amendment to any motion however only one amendment or motion can be before Council at any one time, if carried it becomes the motion.

Seconding Amendments – When moving an amendment, it must be seconded or it lapses.

Incorporating Amendments – If a motion has been moved and the mover and seconder agree with something which is being moved as an amendment by others, they may elect to incorporate it into their motion or amendment as the case may be.

Voting Order – When voting on a matter the order is as follows:

1. Amendment (If any)
2. Foreshadowed Amendments – (If any, and in the order they were moved)
3. Motion

NB – Where an amendment is carried, there must be another vote on the amendment becoming the motion.

Voting – an item is passed where a majority vote for the subject. If the voting is tied the Chairperson has a second (casting) vote which is used to break the deadlock.

Closed Session – There must be a motion to close a meeting. Prior to voting on the motion the chairperson will invite the gallery to make representations if they believe the meeting shouldn't be closed. Then Councillors vote on the matter. If adopted the gallery should then be cleared and the matter considered in closed session. Any decision taken in session closed is a resolution. There must be a motion to reopen the Council meeting to the public. If decision occurred in 'closed session', the meeting is advised of the resolution in 'open session'.

Procedural Motion – Is a motion necessary for the conduct of the meeting, it is voted on without debate, eg defer an item to the end of the meeting (however, to defer an item to another meeting is not a procedural motion), extend the time for a Councillor to speak etc.

Points of Order – when any of the following are occurring or have occurred a Councillor can rise on a 'Point of Order', the breach is explained to the Chairperson who rules on the matter.

A Point of Order can be raised where:

1. There has been any non-compliance with procedure, eg motion not seconded etc.
2. A Councillor commits an act of disorder:
 - a) Contravenes the Act, any Regulation in force under the Act, the Code of Conduct or this Code.
 - b) Assaults or threatens to assault another Councillor or person present at the meeting.
 - c) Moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or address or attempts to address the Council or Committee on such a motion, amendment or matter.
 - d) Insults or makes personal reflections on or imputes improper motives to any other Councillor, any staff member or alleges a breach of Council's Code of Conduct.
 - e) Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into disrepute.

Declarations of Conflict of Interest – Definitions

Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in Clause 7 of the Code of Conduct.

Non Pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Code of Conduct. These commonly arise out of family or personal relationships or involvement in sporting, social or other cultural groups and associations and may include an interest of financial nature.

The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for Councillors or the General Manager to disclose a conflict of interest in such a matter.

The political views of a Councillor do not constitute a private interest.



Form of Special Disclosure of Pecuniary Interest

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by [full name of councillor]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the PORT STEPHENS COUNCIL

to be held on the _____ day of _____ 20__

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [Tick or cross one box.]	<input type="checkbox"/> The councillor has an interest in the land (eg is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	

1 Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

ORDINARY COUNCIL - 8 SEPTEMBER 2020

Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Mayor/Councillor's signature _____

Date _____

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]



Declaration of Interest form

Agenda item No. _____

Report title _____

Mayor/Councillor _____ declared a

Tick the relevant response:

<input type="checkbox"/>	pecuniary conflict of interest
<input type="checkbox"/>	significant non pecuniary conflict of interest
<input type="checkbox"/>	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is _____

If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)

OFFICE USE ONLY: (Committee of the Whole may not be applicable at all meetings.)

Mayor/Councillor left the Council meeting in Committee of the Whole at _____pm.

Mayor/Councillor returned to the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor left the Council meeting at _____ pm.

Mayor/Councillor returned to the Council meeting at _____ pm.

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 20/240879
EDRMS NO: 58-2013-20-1**

**PLANNING PROPOSAL FOR 17 FAIRLANDS ROAD AND 2 FERODALE ROAD,
MEDOWIE**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Discontinue the planning proposal to rezone land at 17 Fairlands Road and 2 Ferodale Road, Medowie (Lots 100-101, DP 583216) from RU2 Rural Landscape to R5 Large Lot Residential, change the minimum lot size requirement for subdivision from 20 hectares to 10,000m² and amend the Land Zoning Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 (**ATTACHMENT 1**).
- 2) Request the Minister for Planning and Public Spaces determine that the matter not proceed under section 3.35 of the Environmental Planning and Assessment Act 1979 (NSW).

BACKGROUND

The purpose of this report is to recommend that Council discontinue a planning proposal to amend the Port Stephens Local Environmental Plan 2013 (LEP 2013) to rezone land from RU2 Rural Landscape to R5 Large Lot Residential and reduce the minimum lot size provisions to enable subdivision at 17 Fairlands Road and 2 Ferodale Road, Medowie (Lots 100-101, DP 583216) (**ATTACHMENT 1**).

The planning proposal was lodged with Council on 1 November 2013 and was consequently amended by Council staff in consultation with the proponent, Hunter Water Corporation and the Department of Planning, Industry and Environment (DPIE) to increase the proposed minimum lot size from 1000m² to 10,000m². The planning proposal was adopted by Council on 25 February 2014 and received a Gateway determination to proceed from the State government on 28 July 2016.

To satisfy the Gateway determination, further studies, including a contamination assessment, Aboriginal cultural heritage assessment, and stormwater management strategy and infrastructure servicing strategy, are required in order for the planning proposal to proceed to exhibition.

Since the Gateway determination in 2016, the Strategic Planning unit has undertaken consultation with relevant public authorities on the planning proposal, however the proponent has not provided any further information or paid the fees to enable the planning proposal to progress to public exhibition.

The Gateway determination for the planning proposal expired on 1 February 2018 and insignificant progress has been made since 2016. The NSW Department of Planning, Industry and Environment (DPIE) has recently advised Council that any request to extend a Gateway determination must be supported by evidence of attempts to progress the planning proposal and a clear timeline demonstrating that actions will be executed to progress the planning proposal to gazettal within a reasonable timeframe.

Council wrote to the proponent on 24 March 2017, 22 May 2017 and 5 May 2020 to request the necessary information and planning proposal fees to progress the matter. The proponent has verbally advised, including as recently as 29 July 2020, that they will not be providing the outstanding information or pursuing the rezoning any further.

Council staff have offered several opportunities for the proponent to withdraw the proposal and obtain a 25% refund of Stage 1 fees in accordance with Council's Fees and Charges Schedule (\$2625). The proponent has repeatedly refused to withdraw the planning proposal and declined the refund.

Under section 3.35 of the Environmental Planning and Assessment Act 1979 (NSW), a council may, at any time, request the Minister for Planning and Public Spaces determine that a planning proposal not proceed. It has been 4 years since the Gateway determination, the proponent has refused to submit the information and fees to progress the planning proposal, and refused to withdraw the proposal and obtain a refund, therefore it is recommended that Council discontinue the proposal and request a determination that the matter not proceed.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no anticipated financial or resource implications for Council as a consequence of the recommendations of this report.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no significant legal, policy or risk implications.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if this matter is not determined it may effect DPIE funding for the NSW public spaces legacy program.	Medium	Adopt the recommendation.	Yes

Environmental Planning and Assessment Act 1979

Under section 3.35 of the Environmental Planning and Assessment Act 1979 (NSW), a council may, at any time, request the Minister for Planning and Public Spaces determine that a planning proposal not proceed.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant social, economic or environmental implications as a result of the recommendations.

CONSULTATION

Council wrote to the proponent on 24 March 2017, 22 May 2017 and 5 May 2020 and last consulted with the proponent by telephone on 29 July 2020. The proponent has advised that they will not be providing the outstanding information or fees, and will not pursue the rezoning any further or withdraw the planning proposal.

Council staff have also consulted the NSW Department of Planning, Industry and Environment who have indicated support for the recommendations.

OPTIONS

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

ATTACHMENTS

- 1) Planning Proposal 17 Fairlands Road and 2 Ferodale Road Medowie (2016). [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 17 FAIRLANDS ROAD
AND 2 FERODALE ROAD MEDOWIE (2016).



Planning Proposal
17 Fairlands Road (Lot 100 DP 583216)
2 Ferodale Road (Lot 101 DP 583216)
Medowie
May 2016



ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 17 FAIRLANDS ROAD AND 2 FERODALE ROAD MEDOWIE (2016).

SUMMARY

Subject land: 17 Fairlands Road (Lot 100 DP 583216) (0.8 ha)
2 Ferodale Road (Lot 101 DP 583216) (7.5 ha)

Total land area: 8.3 ha (approximate)

Existing zoning and minimum lot size: RU2 Rural Landscape and 20 ha

Proposed zoning and minimum lot size: R5 Large Lot Residential and 1 ha

Potential lot yield: 6 (preliminary estimate subject to development consent)

The site is located at the western end of Ferodale Road Medowie. It consists of two allotments under separate private ownership each with an existing dwelling. The 'main lot' is Lot 100 DP 583216. It has an area of 7.5 ha and is under agricultural production. The 'remaining lot' is Lot 101 DP 583216 and has an area of 0.8 ha and would not gain additional subdivision potential. The site is shown in Figure 1 *Immediate Site Location* and Figure 2 *Broad Site Location*.

The site has very gentle topography and is effectively cleared of native vegetation. A large part of the site drains to the west and directly to Grahamstown Dam (refer to Figure 3 *Site Sub-catchment Boundary*). This increases the risk of any potential development impacting negatively on the regional drinking water supply. Alternatively, there is a portion of the site that fronts Fairlands Road and drains in the opposite direction and indirectly to Grahamstown Dam via the Campvale Drain.

Future rural residential development under the Planning Proposal is consistent with existing and planned future character of the immediate and broader area. The average lot size along Fairlands Road is approximately 1.5 hectares (refer to Figure 4 *Fairlands Road Lot Sizes*). Potential future development of the site would be consistent with existing lots located on the opposite side of Fairlands Road.

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 17 FAIRLANDS ROAD AND 2 FERODALE ROAD MEDOWIE (2016).

Figure 1 Immediate Site Location



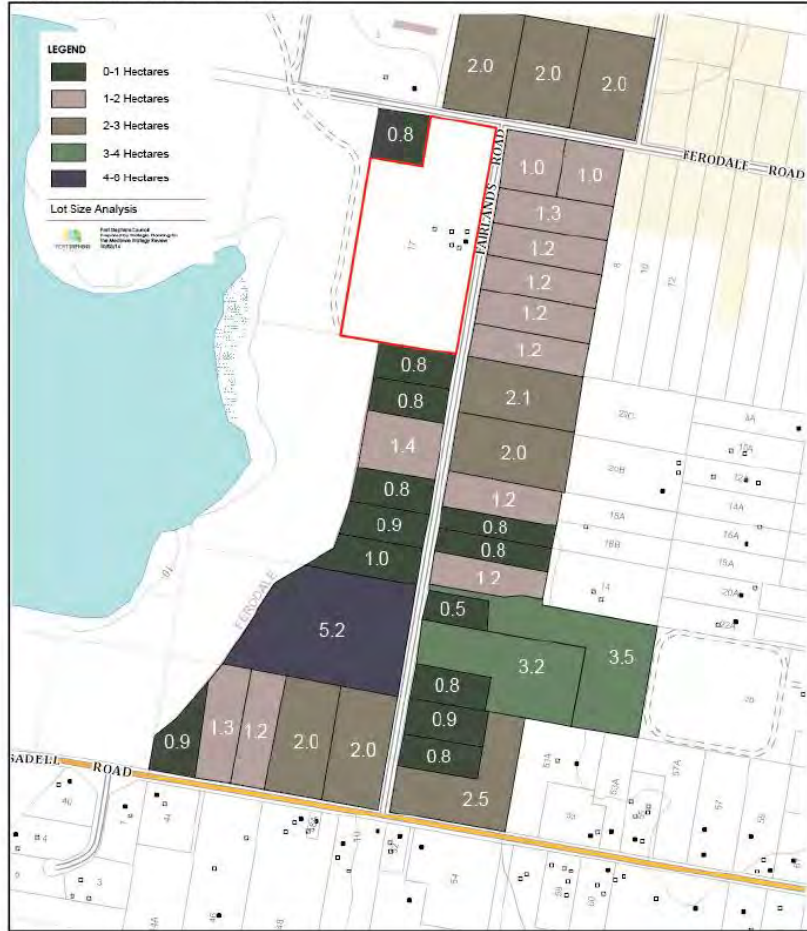
ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 17 FAIRLANDS ROAD AND 2 FERODALE ROAD MEDOWIE (2016).

Figure 3 Site Sub-catchment Boundary (approximate)



ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 17 FAIRLANDS ROAD AND 2 FERODALE ROAD MEDOWIE (2016).

Figure 4 Fairlands Road Lot Sizes



ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 17 FAIRLANDS ROAD AND 2 FERODALE ROAD MEDOWIE (2016).

PART 1 – Objective of the Planning Proposal

The objective of the Planning Proposal is to enable further subdivision of the site for rural residential development consistent with the *Draft Revised Medowie Planning Strategy*.

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

The objective of the Planning Proposal will be achieved by:

- Amending the *Port Stephens Local Environmental Plan 2013* Land Zoning Map to zone the site R5 Large Lot Residential in accordance with the Draft Land Zoning Map.
- Amending the *Port Stephens Local Environmental Plan 2013* Lot Size Map to change the minimum lot size for the site to 1.0 hectare (10,000m²) in accordance with the Draft Lot Size Map.

The proposed maps are included in this Planning Proposal.

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

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

The Planning Proposal is the result of the identification of Medowie as a proposed urban area in the *Lower Hunter Regional Strategy*; *Draft Plan for Growing Hunter City*; *Port Stephens Planning Strategy*; *Medowie Strategy*; and the *Draft Revised Medowie Planning Strategy*.

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

The objective of the Planning Proposal can only be achieved by an amendment to the zoning and minimum lot size provisions of the *Port Stephens Local Environmental Plan 2013*. The site requires amendment to zoning and minimum lots size provisions to permit further subdivision (with development consent).

It is proposed to proceed with the Planning Proposal rather than wait for a general review of the *Port Stephens Local Environmental Plan 2013* or the adoption of a *Draft Revised Medowie Planning Strategy*. This will enable the Planning Proposal to be considered in a timely manner and consistent with the identification of the land for potential development in planning strategies.

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 17 FAIRLANDS ROAD AND 2 FERODALE ROAD MEDOWIE (2016).

SECTION B – Relationship to Strategic Planning Framework

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

Lower Hunter Regional Strategy

Medowie is identified in the *Lower Hunter Regional Strategy* as a proposed urban area with boundaries to be defined through local planning. The Planning Proposal is consistent with the objectives and actions of the *Lower Hunter Regional Strategy* with particular reference to the delivery of additional housing in suitable locations.

Draft Hunter Regional Plan and Draft Plan for Growing Hunter City

Medowie is located in the 'Northern Gateways District' in the *Draft Plan for Growing Hunter City*. The revised Planning Proposal is consistent with Direction 7.2 *Manage growth to protect strategic assets* and is consistent with the relevant Action 7.2.1 *To investigate long term opportunities for housing growth including to identify opportunities for sustainable development in Medowie that do not affect water quality*. Development under the Planning Proposal addresses water quality concerns and sets out a process for their resolution.

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

Port Stephens Community Strategic Plan

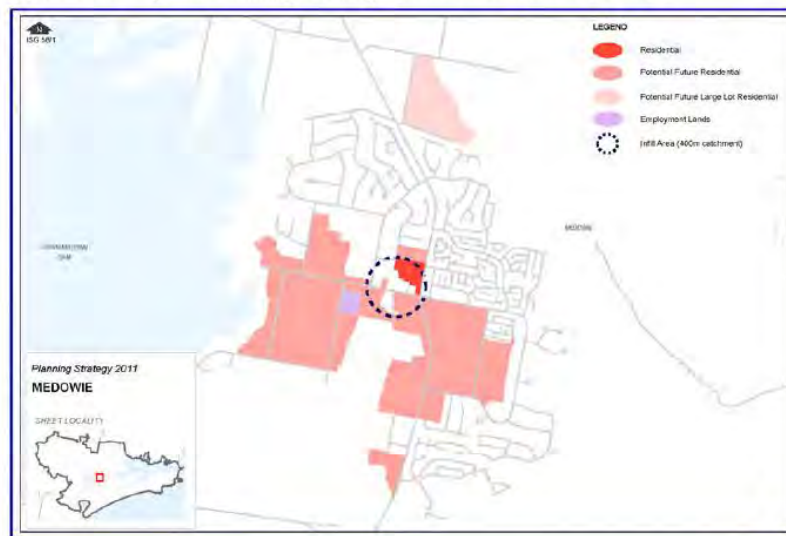
The Planning Proposal is consistent with the *Port Stephens Community Strategic Plan* strategic direction to balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations. It is also consistent with the delivery program to provide strategic land use planning services.

Port Stephens Planning Strategy

The *Port Stephens Planning Strategy* identifies Medowie for future growth as a Priority 1 Infill and New Release Area. The site is identified for potential future residential development (refer to Figure 5 *Port Stephens Planning Strategy - Medowie Future Growth Area*).

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 17 FAIRLANDS ROAD AND 2 FERODALE ROAD MEDOWIE (2016).

Figure 5 Port Stephens Planning Strategy – Medowie Future Growth Area



Medowie Strategy

Council adopted the *Medowie Strategy* in 2009 to manage urban growth. It is currently under review. It identifies the site for large lot residential development with a minimum lot size of 1,000m² to 1,500m² (refer to Figure 6 *Medowie Strategy*). Development of this density is not appropriate for the site because of its proximity to Grahamstown Dam and associated risk to drinking water quality.

Figure 6 Medowie Strategy



ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 17 FAIRLANDS ROAD AND 2 FERODALE ROAD MEDOWIE (2016).

Draft Revised Medowie Planning Strategy

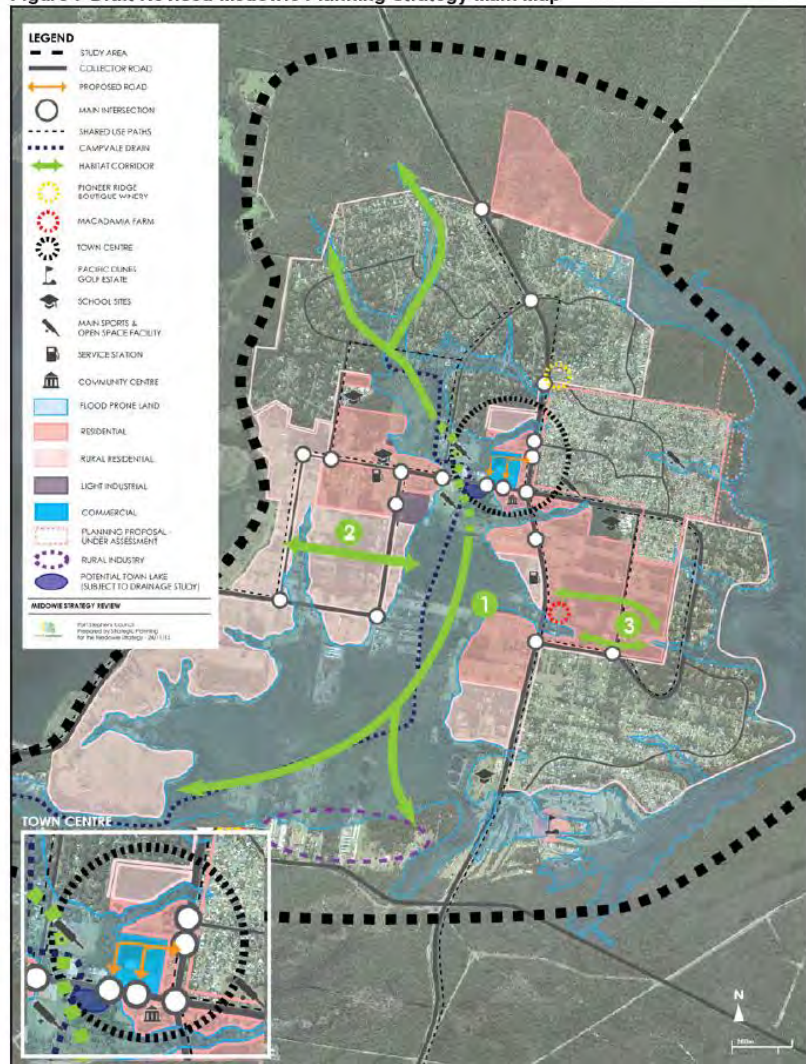
The *Draft Revised Medowie Planning Strategy* was endorsed for exhibition by Council in November 2015 and commencing February 2016 to April 2016 (it has not been considered for adoption at the time of writing). The Draft Strategy places a much higher emphasis on improving or maintaining water quality within the Medowie drinking water catchment. This is critical to delivering the development of land in Medowie, including on the site. It recommends a larger minimum lot size of 1.0 hectare for the site to address potential risk to water quality and reduce infrastructure requirements. It is proposed to demonstrate satisfaction of water quality concerns through water quality modelling as part of a conditional Gateway Determination.

The Draft Strategy requires planning proposals to demonstrate a 'neutral or beneficial effect' on water quality following a Gateway Determination for land that drains indirectly to Grahamstown Dam. In this instance the part of the site proposed for development drains indirectly to the Dam.

Figure 7 *Draft Revised Medowie Planning Strategy Main Map* is shown on the following page.

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Figure 7 Draft Revised Medowie Planning Strategy Main Map

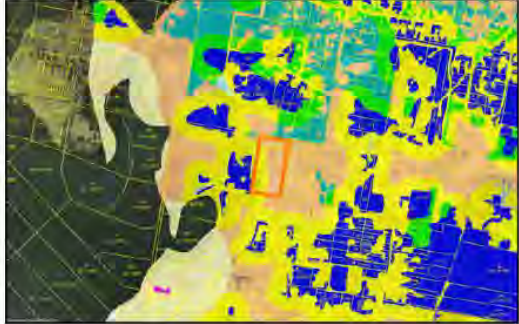


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6. Is the planning proposal consistent with applicable State environmental planning policies?

Assessment of the Planning Proposal against the relevant State Environmental Planning Policies is provided in the following Table.

Table A: Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
<p>SEPP 44 – Koala Habitat Protection (Port Stephens Comprehensive Koala Plan of Management)</p> <p>The relevant objectives of the CKPOM are to: Evaluate and rank habitat throughout the LGA; Identify priority conservation areas and strategies to protect significant habitat and populations; Identify threats; Provide for the long-term survival of populations by addressing conservation strategies to effectively address each of the threats; Provide for the restoration of degraded areas; Ensure that adequate detail is provided with development applications in order to assess, minimise and ameliorate likely impacts; Provide guidelines and development standards to protect koalas and habitat; Provide for the effective implementation and monitoring of the CKPOM.</p>	<p>The <i>Port Stephens Comprehensive Koala Plan of Management</i> (CKPOM) is applied in Port Stephens LGA for the purposes of implementing SEPP 44.</p> <p>The site is effectively cleared (refer to Figure 1 <i>Immediate Site Location</i>). It is very unlikely that there will be a need to remove any native vegetation because future development is to be restricted to the Fairlands Road frontage.</p> <p>Council koala habitat planning mapping indicates the south-west corner of the site may comprise a minor area of Preferred Koala Habitat with a further Associated 50m Buffer (shown as blue and yellow respectively) and Link Over Cleared Land (shown light-brown) associated with vegetation on land to the west of the site.</p>  <p>Preliminary review is that the Planning Proposal meets the performance criteria for rezoning proposals of the CKPOM which are that development will:</p> <ul style="list-style-type: none"> a) <i>Not result in development within areas of Preferred Koala Habitat;</i> b) <i>Allow only for low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas;</i>

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	<p>c) <i>Minimise the removal of any individual preferred koala food trees, where ever they occur on the site;</i></p> <p>d) <i>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.</i></p> <p>The Planning Proposal: will not result in development within areas of Preferred Koala Habitat; is low impact; will minimise the removal of any individual preferred koala food trees; and will not sever koala movement across the site.</p> <p>The Planning Proposal is consistent with this SEPP.</p>
<p>SEPP 55 – Remediation of Land</p> <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>This SEPP is relevant because the Planning Proposal seeks to rezone land for residential use.</p> <p>The site has a history of agricultural use. A site contamination study will be required after a Gateway Determination to demonstrate the suitability of the site for residential use.</p> <p>The consistency of the Planning Proposal with this SEPP is to be established as part of a conditional Gateway Determination.</p>
<p>SEPP (Rural Lands) 2008</p> <p>This SEPP aims to facilitate the orderly and economic use and development of rural lands for rural purposes, identify rural planning principles and rural subdivision principles, reduce land use conflicts and identify State significant agricultural land.</p>	<p>This SEPP is relevant because the site is zoned RU2 Rural Landscape and used for agricultural production.</p> <p>The Planning Proposal is appropriate when considered against the Rural Planning Principles of the SEPP which are:</p> <ul style="list-style-type: none"> • <i>The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas;</i> • <i>Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.</i> • <i>Recognition of the significance of rural land to the State and rural communities, including the social and economic benefits of rural land use and development.</i>

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	<ul style="list-style-type: none"> • <i>In planning for rural lands, to balance the social, economic and environmental interests of the community.</i> • <i>The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.</i> • <i>The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.</i> • <i>The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.</i> • <i>Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i> <p>The Planning Proposal is appropriate when considered against the Subdivision Principles of the SEPP as follows:</p> <ul style="list-style-type: none"> • <i>The minimisation of rural land fragmentation.</i> • <i>The minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.</i> • <i>The consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands.</i> • <i>The consideration of the natural and physical constraints and opportunities of land and ensuring that planning for dwelling opportunities takes account of those constraints.</i> <p>The following are the reasons why the Planning Proposal is consistent with these principles, or why any inconsistency is minor or justified:</p> <ul style="list-style-type: none"> • <i>Medowie is not identified as 'biophysical strategic agricultural land' in the Draft Hunter Regional Plan (refer to on Figure 9 Selected Primary Industries of the Draft Plan);</i>
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	<ul style="list-style-type: none">• It is consistent with the long-term future for Medowie set out in strategic plans and with the existing rural residential character of the area. The strategic plans balance the social, economic and environmental interests of the community in planning for rural lands.• The site is small-scale restricting viable agricultural production.• The site is effectively cleared of native vegetation and will have little or no impact on maintaining biodiversity.• Any risk of rural land use conflicts relates to an inactive poultry shed located 100m north of Ferodale Road, locate on land that is also identified in strategic plans for future development (this matter can be investigated further by referral to the NSW Department of Primary Industries (Agriculture) and consultation with relevant landowner). <p>Any inconsistency of the Planning Proposal with this SEPP is justified or of minor significance. The Planning Proposal will be referred to the NSW Department of Primary Industries (Agriculture) and the landowner of the nearby inactive poultry shed for comment.</p>
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7. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of the Planning Proposal against the relevant Section 117 Directions is provided in the following table.

Table A. Relevant s.117 Ministerial Directions (EP & A Act 1979)

Ministerial Direction	Consistency and Implications
<p>1.1 Business and Industrial Zones</p> <p>The objectives of this Direction are to: encourage employment growth in suitable locations; protect employment land in business and industrial zones; and support the viability of identified strategic centres.</p>	<p>This Direction applies because the Planning Proposal may indirectly affect land within an existing or proposed business or industrial zone.</p> <p>The Planning Proposal will have a positive impact. Future residents will support local businesses consistent with future planning for the area.</p> <p>The Planning Proposal is consistent with this Direction.</p>
<p>1.2 Rural Zones</p> <p>The objective of this Direction is to protect the agricultural production value of rural land.</p>	<p>This Direction applies because the Planning Proposal seeks to rezone land from a rural zone to a residential zone and to increase permissible development density.</p> <p>Any inconsistency of the planning proposal with this Direction is justified for the reasons set out in the preceding Table regarding the <i>SEPP (Rural Lands) 2008</i>.</p> <p>Any inconsistency of the Planning Proposal with this Direction is justified or of minor significance. The Planning Proposal will also be referred to the NSW Department of Primary Industries (Agriculture) and the landowner of the nearby inactive poultry shed for comment.</p>
<p>1.3 Mining, Petroleum Production and Extractive Industries</p> <p>The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	<p>This Direction applies because the Planning Proposal will have the effect of restricting the potential development of coal, minerals, petroleum or extractive materials because of future subdivision for rural residential development.</p> <p>Medowie and large areas of the LGA including the site are located within 'Potential Resource Area – Medium Confidence (refer) - containing potential energy resources' as advised by the Department of Industry (Resources and Energy). The Department advises that any</p>

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	<p>proposed zoning changes that may prohibit or restrict future operations in the RU2 Rural Landscape Zone should be referred to the Department for comment because development could adversely affect, or be affected by, future resource development operations. Any inconsistency with this Direction is minor or justified because it is very unlikely the site will be used for resource extraction because of its location next to Grahamstown Dam and existing residential development.</p> <p>Any inconsistency with this Direction is justified or of minor significance. The Planning Proposal can be referred to the NSW Department of Primary Industry (Resources and Energy) for comment on this Direction (if required).</p>
<p>1.5 Rural Lands</p> <p>The objective of this Direction is to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	<p>This Direction applies because the Planning Proposal will affect land within the RU2 Rural Landscape Zone. It provides that a planning proposal must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>The consistency of the Planning Proposal with Rural Planning Principles of the SEPP has already been addressed in the previous table.</p> <p>Any inconsistency of the Planning Proposal with this Direction is justified or of minor significance. The Planning Proposal will also be referred to the NSW Department of Primary Industries (Agriculture) and the landowner of the nearby inactive poultry shed for comment.</p>
<p>2.1 Environment Protection Zones</p> <p>The objective of this Direction is to protect and conserve environmentally sensitive areas.</p>	<p>This Direction applies whenever a relevant planning authority prepares a planning proposal. It provides that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>The site is effectively cleared of vegetation. Environmental matters (if any) can be addressed at the development application stage.</p> <p>The Planning Proposal is consistent with this Direction.</p>

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<p>2.3 Heritage Conservation</p> <p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>This Direction applies whenever a relevant planning authority prepares a planning proposal. It provides that a planning proposal must contain provisions that facilitate the conservation of environmental heritage and Aboriginal heritage.</p> <p>A planning proposal may be inconsistent with this Direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer nominated by the Director-General) that the environmental and 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.</p> <p>There are no items of European heritage significance on the site or listed in the <i>Port Stephens Local Environmental Plan 2013</i>.</p> <p>The Proponent has not undertaken investigations into Aboriginal heritage at this stage. Referral to the relevant local Aboriginal land council for advice on Aboriginal heritage has not been undertaken at this stage and could be addressed following a Gateway Determination.</p> <p>Future development on the site will be subject to the existing heritage provisions of the <i>Port Stephens Local Environmental Plan 2013</i> and the <i>National Parks and Wildlife Act 1974</i> (NSW). This could potentially address the protection of heritage, given the agricultural use of the site.</p> <p>The consistency of the Planning Proposal with this Direction can be confirmed by referral to the NSW Office of Environment and Heritage and the Worimi Local Aboriginal Land Council.</p>
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<p>3.1 Residential Zones</p> <p>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.</p>	<p>This Direction applies because the Planning Proposal seeks to apply the R5 Large Lot Residential Zone and increase residential density on the site.</p> <p>The Planning Proposal is consistent with this Direction because it will provide rural residential housing in accordance with planning strategies for the area.</p> <p>The Planning Proposal is consistent with this Direction.</p>
<p>3.4 Integrating Land Use and Transport</p> <p>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; Providing for the efficient movement of freight.</p>	<p>This Direction applies because the Planning Proposal seeks to apply the R5 Large Lot Residential Zone and increase residential density on the site.</p> <p>The site is located 1.5km from the town centre and directly linked by a shared-use path. It is also close to schools. The site facilitates the use of alternative modes of transport and gives effect to, and is consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001) and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p> <p>The Planning Proposal is consistent with this Direction.</p>

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<p>3.5 Development Near Licensed Aerodromes</p> <p>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.</p>	<p>This Direction applies because Medowie is in proximity to RAAF Base Williamtown and Newcastle Airport. The site is not affected by the Australian Noise Exposure Forecast (ANEF) 2012 or 2025 maps – however land outside of ANEF contours can still be affected by aircraft noise and activity. Any inconsistency with this Direction is justified or of minor significance.</p> <p>Any inconsistency of the Planning Proposal with this Direction is justified or of minor significance. The Planning Proposal will be referred to the Department of Defence for comment.</p>
<p>4.1 Acid Sulfate Soils</p> <p>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.</p>	<p>Acid sulfate soils planning maps identify most of the site as containing Class 5 soils requiring consent for works within 500m of adjacent soil classes. This is the lowest risk classification. This issue can be managed through the existing provisions of the <i>Port Stephens Local Environmental Plan 2013</i>.</p> <p>The Planning Proposal is consistent with this Direction.</p>
<p>4.3 Flood Prone Land</p> <p>The objectives of this Direction are to ensure that development of flood prone land is consistent with the NSW Policy and the <i>Floodplain Development Manual 2005</i>, and that the provisions of an LEP on flood prone land are commensurate with hazard and include consideration of the potential flood impacts both on and off the land.</p>	<p>This site is not flood prone.</p> <p>Flooding and drainage are general issues in Medowie however the low-density development facilitated by the Planning Proposal minimises any risk associated with off-site impacts.</p> <p>The Planning Proposal is consistent with this Direction.</p>

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<p>4.4 Planning for Bushfire Protection</p> <p>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.</p>	<p>This Direction applies because part of the site is mapped as bushfire prone as shown below.</p>  <p>Any dwellings and ancillary structures under the Planning Proposal will front Fairlands Road and are outside that part of the site identified as bushfire prone land. This will limit any direct risk of future dwellings to bushfire. It is very likely this issue is able to be adequately addressed at the development application stage.</p> <p>Consistency of the Planning Proposal with this Direction can be confirmed by referral to the NSW Rural Fire Service.</p>
<p>5.1 Implementation of Regional Strategies</p> <p>The objective of this Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p>	<p>Medowie is identified in the <i>Lower Hunter Regional Strategy</i> as a proposed urban area with boundaries to be identified through local planning. The site is identified in the <i>Draft Revised Medowie Planning Strategy</i> as a rural residential area with a minimum lot size of 1.0 hectare.</p> <p>The Planning Proposal is consistent with this Direction.</p>

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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?

The subject land is effectively cleared of native vegetation. No ecological studies have been undertaken at this stage. The Planning Proposal is very unlikely to result in any adverse impacts in regard to critical habitat or threatened species, populations or ecological communities, or their habitats.

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

Stormwater Management

Stormwater management is a concern for rezoning and development in Medowie because of its proximity and drainage to Grahamstown Dam and potential for impact on drinking water quality. This is particularly relevant to the Planning Proposal because part of the site drains to the west and directly to Grahamstown Dam. No building footprint is proposed to be located on land that drains directly to Grahamstown Dam.

Part of the site fronts Fairlands Road and eventually drains indirectly to Grahamstown Dam via the Campvale Drain. It is this area (only) that is proposed to accommodate building footprints under the revised Planning Proposal. This should maintain (or could potentially demonstrate reduction of) the existing level of direct risk to drinking water quality. Site investigations including survey demonstrate that there is sufficient land area to provide rural residential dwellings and avoid land that drains directly to Grahamstown Dam. If required, minor re-grading earthworks can also be undertaken to reinforce sub-catchment boundaries and development footprints in a practical and reasonable manner.

A site-specific development control plan is proposed to be prepared. This can include: drainage and stormwater management; building footprints; subdivision design; and potential guidance for revision and updating of the existing restrictive covenant (to the benefit of Hunter Water Corporation). This is in addition to the existing general water quality controls in the *Port Stephens Development Control Plan 2014 Chapter B4 Drainage and Water Quality*.

Water quality modelling demonstrating neutral or beneficial effect on water quality is proposed post-Gateway Determination.

There is additional surety that future development will meet water quality requirements at the development application stage through addressing the provisions of clause 7.8 *Drinking water catchments* of the *Port Stephens Local Environmental Plan 2013* being:

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"7.8 Drinking water catchments

- (1) *The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.*
- (2) *This clause applies to land identified as "Drinking Water Catchment" on the [Drinking Water Catchment Map](#).*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:*
 - (a) *whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:*
 - (i) *the distance between the development and any waterway that feeds into the drinking water storage,*
 - (ii) *the on-site use, storage and disposal of any chemicals on the land,*
 - (iii) *the treatment, storage and disposal of waste water and solid waste generated or used by the development,*
 - (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows,*
or
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact,*
or
 - (c) *If that impact cannot be minimised—the development will be managed to mitigate that impact.*

The location of the site in relation to the Drinking Water Catchment is shown at Figure 8 *Drinking Water Catchment*.

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Figure 8 Drinking Water Catchment



Traffic and Transport

The Planning Proposal minimises requirements for additional traffic infrastructure. Each lot that could be created as a result of the Planning Proposal can be accessed directly from Fairlands Road. There will be no need for internal site traffic and transport infrastructure.

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

The Planning Proposal will have positive social and economic effects through the provision of land for rural residential development consistent with the existing and desired future character of the area.

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SECTION D – State and Commonwealth interests

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

It is proposed to refer the planning proposal to the Hunter Water Corporation for comment on the provision of adequate sewer and water infrastructure. The *Draft Revised Medowie Planning Strategy* provides that future urban development in the Grahamstown Dam Drinking Water Catchment should be connected to a reticulated sewer and water system.

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

It is intended to consult with the following organisations after a Gateway Determination:

- Hunter Water Corporation
- Worimi Local Aboriginal Land Council
- NSW Office of Environment and Heritage
- NSW Rural Fire Service
- NSW Roads and Maritime Services
- Department of Defence

Part 4 - Mapping

The proposed mapping amendments to the *Port Stephens Local Environmental Plan 2013* are included as attachments to this Planning Proposal.

Part 5 - Details of Community Consultation

Community consultation will be undertaken in accordance with a Gateway Determination.

It is proposed to exhibit the Planning Proposal for 28 days and notify adjoining and subject landowners in writing.

Notice of the exhibition will be placed in the local newspaper.

Exhibition material will be available on Council's website and during normal business hours at Council's Administration Building. It will also be made available at the Medowie Community Centre.

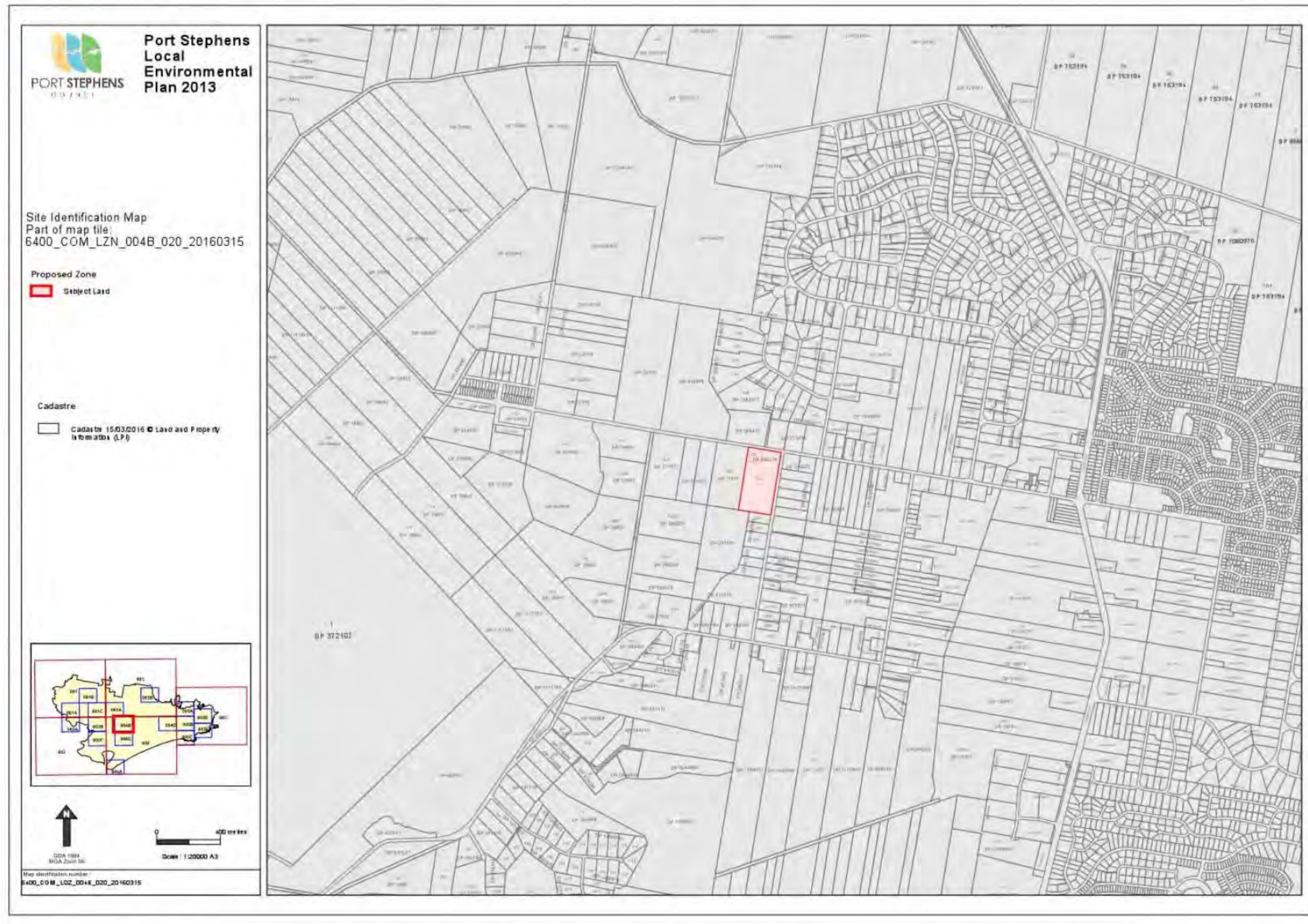
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Part 6 – Project timeline

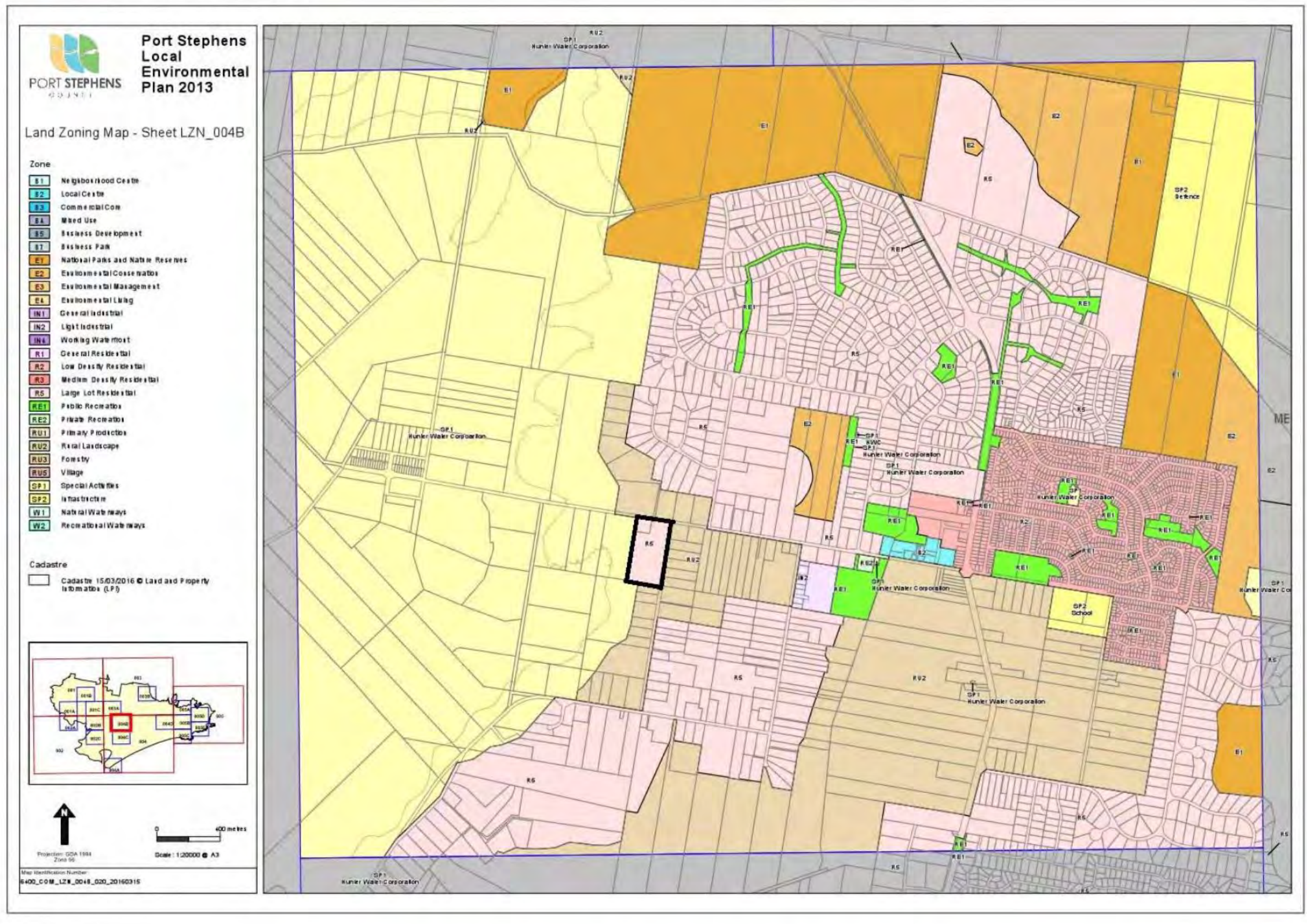
The following timetable is proposed for completing the Planning Proposal:

	MAY 2016	JUN 2016	JUL 2016	AUG 2016	SEP 2016	OCT 2016	NOV 2016	DEC 2016	JAN 2017	FEB 2017	MAR 2017	APR 2017	MAY 2017
<i>Council Report</i>													
<i>Gateway Determination</i>													
<i>Additional Information</i>													
<i>Agency Consultation</i>													
<i>Public Exhibition</i>													
<i>Review Submissions</i>													
<i>Council Report</i>													
<i>Parliamentary Counsel</i>													

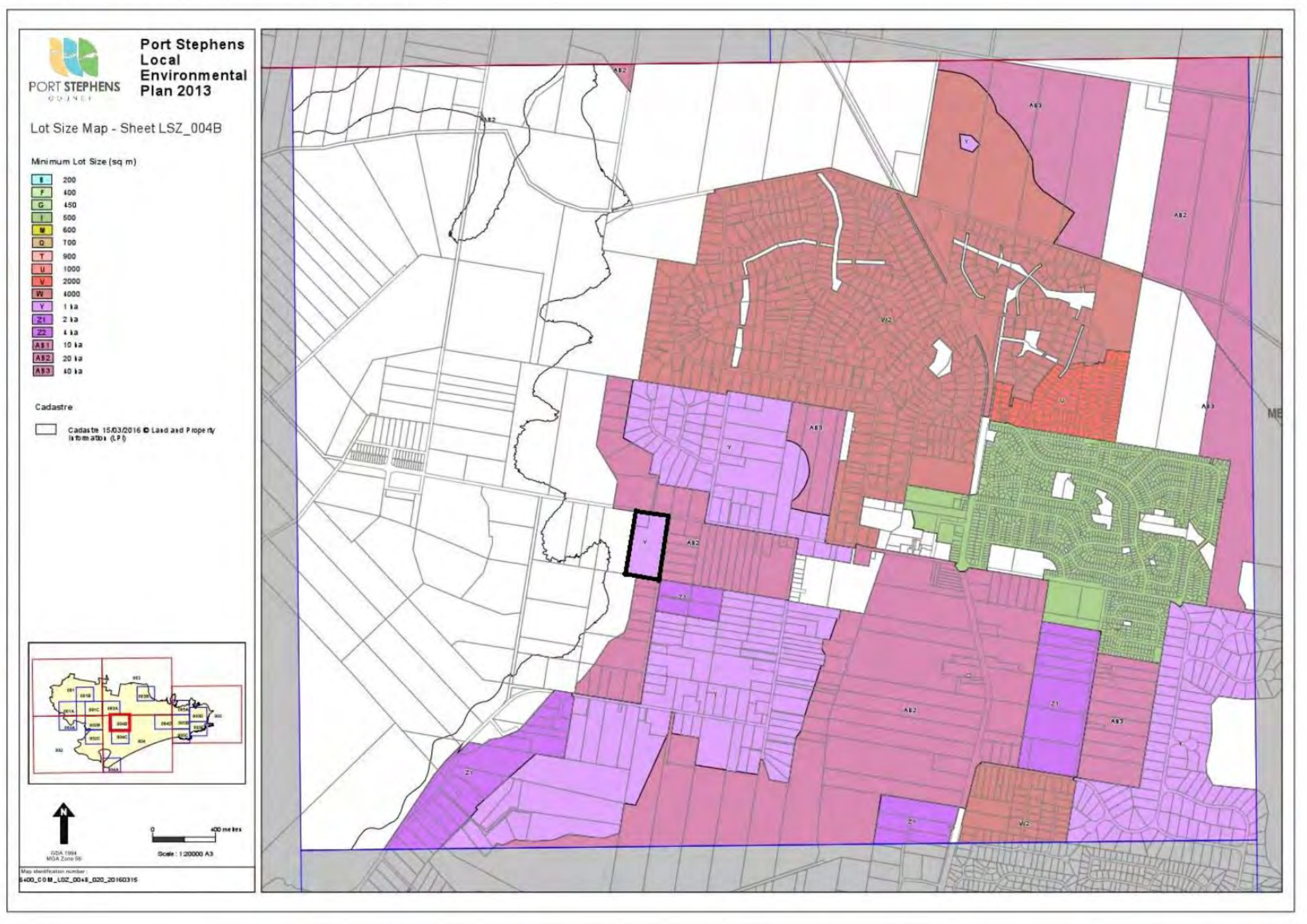
Attachment One – Site identification Map



Attachment Two – Proposed Zoning Map



Attachment Three – Proposed Minimum Lot Size Map



ITEM NO. 2

**FILE NO: 20/186535
EDRMS NO: PSC2020-02118**

**DRAFT DEVELOPMENT CONTROL PLAN - VARIOUS AMENDMENTS TO
IMPROVE THE DEVELOPMENT ASSESSMENT PROCESS**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Exhibit the draft Port Stephens Development Control Plan 2014 (**ATTACHMENT 1**) for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 (NSW) and Environmental Planning and Assessment Regulation 2000 (NSW).
 - 2) If no submissions are received, approve the plan as exhibited, without a further report to Council, and provide public notice in accordance with the Environmental Planning and Assessment Regulation 2000.
 - 3) Note the actions related to stormwater quality improvements in the Port Stephens Local Strategic Planning Statement and Port Stephens Local Housing Strategy.
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BACKGROUND

The purpose of this report is to seek Council approval to place the draft Port Stephens Development Control Plan 2014 (DCP 2014) – various amendments (**ATTACHMENT 1**) (the ‘amendment’) on public exhibition for a minimum period of 28 days.

The amendment will improve the development application (DA) assessment process and reduce costs for applicants. The amendment will also include changes to the document structure and layout to increase readability and ease of use.

The impact of COVID-19 on business and building activity in Port Stephens is now apparent and the amendment seeks to reduce the cost of doing business in Port Stephens and make changes to increase housing affordability. This is through amending various controls and provisions to provide a more pragmatic approach to meeting objectives for development controls across the Port Stephens local government area.

The amendment implements Action 13 of the Port Stephens Local Housing Strategy (Live Port Stephens) to investigate process improvements to streamline assessments and reduce the cost of housing.

One of the changes that will result in significant cost savings for homeowners, is the removal of the requirement to provide Stormwater Quality Improvement Devices (SQIDs) for minor residential development, including single dwellings, granny flats and sheds. SQIDs include vegetated raingardens and other devices to filter run-off from roofs and paved surfaces.

This change will deliver savings of between \$5000 and \$20,000 as it will minimise additional construction costs and reduce potential fees and charges.

Since the requirement was introduced for single dwellings and other small scale residential development in 2015, Council has received significant feedback from the development industry and home owners on the additional complexity and costs that have been added to the process of building a home.

Further, a recent survey of water quality devices installed on properties over the past 5 years shows that anticipated water quality improvements have not been realised and many properties no longer have effective SQIDs operating due to lack of maintenance.

Given the outcomes of the survey and the significant cost of the regulatory requirement, a risk based approach to regulation supports removing the requirement for single dwellings and small scale residential development and investigating other means to achieve water quality targets for single dwellings.

A review of the other mechanisms available to regulate and improve stormwater quality indicates an industry shift away from individual on-site systems towards catchment based systems, maintained by councils. Lake Macquarie, Mid-Coast and Blacktown City Councils have adopted this catchment wide approach.

Council is currently preparing a Coastal Management Plan and has identified water quality as a key issue. The projects identified in the Coastal Management Plan will include measures to improve and regulate impacts on water quality in Port Stephens and consider a catchment wide approach to improving water quality.

This change is also consistent with Action 8.4 of the Port Stephens Local Strategic Planning Statement which specifies that Council will review existing policies for water sensitive design and consider options to improve outcomes for the environment and home owners.

It is noted the water quality requirements for all other types of development, including large-scale residential subdivisions, commercial and industrial development are not proposed to be amended.

The amendment also gives effect to the Council resolution to ensure adequate on-site car parking is required for marina development on 26 November 2019, Minute 224 (**ATTACHMENT 3**).

The amendment will also give effect to the Council resolution to enable a reduction in parking requirements for new commercial and business uses in town centres if they provide electric vehicle equipped car share spaces on 24 September 2019, Minute 164 (**ATTACHMENT 4**).

In addition to the above changes, the amendment will:

- remove unnecessary provisions and requirements duplicated elsewhere.
- consolidate and rationalise provisions relating to commercial development.
- clarify and reduce agency referrals.
- make changes to ensure consistency with Australian Standards.
- update mapping.

A detailed explanation of the amendment is provided at (**ATTACHMENT 2**).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no known financial or resource implications for Council as a consequence of the proposed recommendations. The exhibition will be managed within the existing budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no known legal, policy or risk implications resulting from the proposed recommendations.

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

Division 3.6 of the EP&A Act relates to development control plans. Should Council resolve to proceed with the amendment, all necessary matters in preparing the plan will be carried out in accordance with the EP&A Act.

Environmental Planning & Assessment Regulations 2000 (EP&A Regulations)

Division 2 of Part 3 of the EP&A Regulations specifies the requirements for public participation. The recommendation is in accordance with the provisions of the EP&A Regulations.

Port Stephens Development Control Plan 2014 (DCP 2014)

Section B of the DCP 2014 outlines general provisions applicable to most development applications and development types, Section C of the DCP 2014 outlines requirements and objectives applicable to specific development types (such as commercial development), and Section D applies to specifically mapped areas. The changes proposed to each section outlined above, will make the DCP 2014 more readable, easier to use, reduce complexity of the development assessment process, and reduce the overall cost of development.

The amendment will align the DCP 2014 with recently updated policies, assessment guidelines and specifications of both Council and State and Commonwealth agencies; providing clarity and seeking to streamline the assessment of minor development applications. A detailed explanation of the amendment is provided at **(ATTACHMENT 2)**.

An amendment to the DCP 2014 to make minor amendments and corrections was last completed in 2018. A housekeeping amendment is prepared every 2 years to ensure Council's planning framework remains current.

Port Stephens Local Strategic Planning Statement

The amendment is consistent with Action 8.4 in the Local Strategic Planning Statement which requires Council to review and consider options to improve water sensitive design outcomes for the environment and home owners.

Port Stephens Local Housing Strategy (Live Port Stephens)

The amendment will implement Action 13 of Live Port Stephens which requires Council to investigate improvements to better streamline assessments to reduce the cost of housing, including by providing more flexible water quality requirements for infill housing.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
If the amendment is not made, there is a risk that the cost savings and reduction in assessment timeframes and complexity will not be realised.	Medium	Endorse the amendment for exhibition.	Yes
If the amendment is not made, there is a risk the DCP 2014 will contain outdated requirements and provisions.	Medium	Endorse the amendment for exhibition.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The amendment will increase usability of the DCP 2014 and amend or remove unnecessary controls to assist with the following:

- Development assessment timeframes (reduction of up to 14 days for some applications).
- Cost and complexity during the assessment process by way of requests for additional information, redesign or delays in commencing construction.
- Cost and delays incurred by homeowners during construction due to requirements to install raingardens (up to \$20,000).
- Resourcing and costs incurred by Council during the assessment of minor applications.

The proposed amendments, whilst relatively minor in nature, will result in positive economic and social outcomes. Environmental impacts as a result of the amendment are unlikely to be significant. In relation to water quality, there is demonstrated evidence that the current regulatory approach for single dwellings and small scale residential development has had negligible positive impacts, as outlined above.

Therefore the proposed reform is considered low risk and there are actions to ensure stormwater quality improvements in the Port Stephens Local Strategic Planning Statement and Port Stephens Local Housing Strategy and through the development of the Coastal Management Plan.

CONSULTATION

Preliminary consultation with key stakeholders has been undertaken by the Strategy and Environment Section to identify and consider any issues prior to exhibition.

Internal

Internal consultation has been undertaken with the Facilities and Services Group, Development Assessment and Compliance Section, and the Natural Resources Unit on the amendment. All stakeholders are in support of the amendment and recommendations.

Development Assessment and Compliance are working to prepare updated development application forms, templates and guides of which reflect and support the amendment.

The Facilities and Services Group will participate in the scoping and investigations relating to future water quality controls for single dwellings, which will be led by the Natural Resources unit.

External

External consultation has been undertaken with Hunter Water Corporation and the Commonwealth Department of Defence in relation to changes proposed in Chapter B4 (Drainage and Water Quality) and Chapter B7 (Williamstown RAAF Base – Aircraft Noise and Safety) of the DCP 2014. Both agencies provided written correspondence in support of the amendment.

Hunter Water Corporation has recently changed their water quality requirements and no longer advise developers to install individual raingardens as water quality devices in the drinking water catchment as the issues with maintenance and retention make these devices redundant. These are the same reasons for the changes proposed in the amendment. Hunter Water Corporation expressed support for the scoping and future review of more effective water quality requirements and will be involved in this process.

Community

If supported, the amendment will be placed on public exhibition for a minimum of 28 days. The amendment will be made available on Council's website in accordance with the Environmental Planning and Assessment Amendment (public exhibition) Regulation 2020, and Community Participation Plan (CPP).

Submissions on the amendment will be invited during the public exhibition period and, if submissions are received, they will be considered in a future report back to Council with any detail of any post-exhibition changes to the amendment.

OPTIONS

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

ATTACHMENTS

- 1) Development Control Plan 2014 Amendment. [↓](#)
- 2) Explanation of Amendment. [↓](#)
- 3) Minute No. 224, 26 November 2019. [↓](#)
- 4) Minute No.164, 24 September 2019. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 AMENDMENT.

A

INTRODUCTION

A Introduction

A1 Name of this Plan

The name of this Plan is the Port Stephens Development Control Plan 2014 (*PSDCP 2014*).

A2 Aim of this Plan

The aim of this Plan is to facilitate development in accordance with the *Local Environmental Plan* applying to the land to which this Plan applies.

A3 Commencement of this Plan

This Plan was adopted by Council on 14 July 2015 and commenced on 6 August 2015. The following amendments have occurred since this Plan commenced:

No.	Date	Amendment
1	3 September 2015	Plan amended to give effect to Council's resolution of 25 August 2015. Changes limited to Part B1 – Tree Management.
2	10 December 2015	Plan amended to give effect to Council's resolution of 24 November 2015. Changes limited to D1 – Heatherbrae Industrial and D11 – Raymond Terrace Town Centre.
3	To be determined	Draft amendment to Part B5 Flooding
43	22 February 2018	Plan amended to give effect to Council's resolution of 13 February 2018. Minor amendments and corrections were made throughout the <i>PSDCP 2014</i>
54	26 April 2018	Plan amended to give effect to Council's resolution of 13 February 2018. Amendment to Part D9 North Medowie – Medowie (Bower Estate)
65	21 June 2018	Plan amended to give effect to Council's resolution of 12 June 2018. Amendment inserts Part D16 Medowie Strategy (Precinct E) for the purposes of satisfying clause 6.3 of the <i>Local Environmental Plan</i>
76	23 August 2018	Plan amended to give effect to Council's resolution of 10 July 2018. Amendment makes administrative changes including references to the <i>Environmental Planning and Assessment Act 1979</i> and the repeal of savings and transitional provisions
87	25 July 2019	Plan amended to give effect to Council's resolution of 9 July 2019. Amendment to the aircraft noise planning map to reflect 2025 ANEF .
98	5 September 2019	Plan amended to give effect to Council's resolution on 27 August. Amendment to part D13 Rees James Rd-Raymond Terrace.
10	To be determined	Draft amendment to Section D

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A

INTRODUCTION

419	12 December 2019	Plan amended to give effect to Council's resolution on 27 August. Amendment to part D13 Rees James Rd-Raymond Terrace.
12	To be determined	Draft amendment
4310	12 May 2020	Plan amended to give effect to Council's resolution of 12 May 2020. Amendment removes Chapter A11 Development Notification.

A1 Land to which this Plan applies

This Plan applies to the land within the Port Stephens local government area.

A5 Development to which this Plan applies

This Plan applies to all **development** requiring **development consent** in accordance with Part 4 Development Assessment of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

In determining a **development application** Council is to provide consideration to this Plan under section 4.15 of the *EP&A Act*.

This Plan does not apply to **development** that is:

- identified as permissible without consent
- carried out under Part 5 Environmental assessment of the *EP&A Act*
- assessed under the provisions of another *Environmental Planning Instrument (EPI)* that excludes the provisions of the *Local Environmental Plan*

A6 Interpretation

Terms requiring definition are bold and italicised; they are defined under E1 Glossary.

Abbreviated terms are bold and italicised; they are listed under E2 Acronyms.

A reference to any Australian Standard, legislation or supporting documentation includes a reference to any amendment or replacement as made.

A7 Structure of this Plan

This Plan is divided into sections, parts, objectives and requirements. The Sections are as follows:

- Quick Start Guide, Table of Contents and Checklists
 - Provides tools to increase the useability of the Plan
- Section A - Introduction
 - Explains the purpose of this Plan and legislative requirements

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 AMENDMENT.

A

INTRODUCTION

- Section B - General Provisions
 - Provides **development** objectives and requirements that relate to the site in all locations in which **development** is proposed. This Section is to be referenced by all **development applications**.
- Section C - Development Types
 - Provides **development** objectives and requirements that relate to specific **development types**. **Development** will generally fall within one or more of these specified **development types**. The Requirements under this Section are to be read in conjunction with the General Provisions, which relate to all **development applications**.
- Section D - Specific Areas
 - Provides **development** objectives and requirements that relate to a specific locality in which **development** is proposed. The provisions of this Section provide specific location requirements that apply in conjunction with other sections and prevail to the extent of any inconsistency.
- Section E - Schedules
 - Provides important terms and references to assist in the accurate interpretation of the Plan, such as technical specifications

This structure seeks to facilitate permissible **development** and support alternative **merit-based approaches** to **development** that is permissible under the **Local Environmental Plan**. This is consistent with the purpose and status of a development control plan under section 3.42 of the **EP&A Act** as follows:

- (1) *The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development which this Part applies and to the consent authority for any such development:*
 - (a) *Giving effect to the aims of any environmental planning instrument that applies to the development*
 - (b) *Facilitating development that is permissible under any instrument*
 - (c) *Achieving the objectives of land zones under any such instrument*

The provisions of a development control plan made for that purposes are not statutory requirements.
- (2) *The other purpose of a development control plan is to make provisions of the kind referred to in section 3.43 (1) (b)–(e).*
- (3) *Subsection (1) does not affect any requirement under Division 4.5 in relation to complying development.*

AR Explanation of Development Objectives and Requirements

The relevant parts of this Plan contain **development** objectives and requirements. A **development** objective clearly states the intent of a **development** requirement.

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A

INTRODUCTION

Where the **development** requirement cannot be achieved, the applicant is provided with the opportunity to demonstrate through alternative **merit-based** solutions how the proposed **development** complies with the **development** objective. This approach seeks to encourage a **merit-based approach** to the evaluation of **development applications**, while ensuring appropriate consideration is provided to the intent of the **development** requirements.

A0 Relationship to Legislation, Plans and Policies

This Plan must be read in conjunction with the **Local Environmental Plan**. This Plan:

- was prepared in accordance with section 3.43 of the **EP&A Act** and Part 3 of the *Environmental Planning and Assessment Regulation 2000*
- identifies further detail of Council's requirements for local **development** requiring **development consent**
- is consistent with the provisions of the **Local Environmental Plan** and other applicable **EPI**, however, in the event of any inconsistency, the requirements of the **EPI** will prevail in accordance with section 3.28 Inconsistency between instruments of the **EPA&A Act**
- replaces the whole of the Port Stephens Development Control Plan 2013 (**PSDCP 2013**)
- is to be applied in conjunction with other Council **development** guidelines, policy, specifications and technical manuals, where cited

A10 Monitoring and Review

Section 3.21 of the **EP&A Act** requires councils to keep their local environmental plans and development control plans under regular and periodic review for the purpose of ensuring that the objects of this Act are -- having regard to such changing circumstances as may be relevant -- achieved to the maximum extent possible.

Port Stephens Council (**PSC**) will aim to regularly review this Plan.

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 AMENDMENT.

B

B General Provisions

The Parts listed below apply to all **land-use types** to which this Plan applies:

B General Provisions			
No	Part	This Part applies to development that:	Page
B1	Tree Management	<ul style="list-style-type: none"> is to remove or prune trees or other vegetation within non-rural areas 	B-13
B2	Natural Resources	<ul style="list-style-type: none"> is located on land or is within 500m of land that contains items of environmental significance, such as; threatened species or communities, listed migratory species, wildlife corridors, wetlands or riparian corridors and has the potential to impact biodiversity; or is seeking to use biodiversity offsets; or is located on land containing noxious weeds; or is located on land identified as koala habitat 	B-18
B3	Environmental Management	<ul style="list-style-type: none"> is located on land that contains acid sulfate soils; or has the potential to produce air pollution (such as dust or odour); or has the potential to produce adverse offensive noise; or is defined as or involves earthworks 	B-22
B4	Drainage and Water Quality	<ul style="list-style-type: none"> increases impervious surfaces; or requires connection to public drainage; or involves a controlled activity within 40m of waterfront land 	B-24
B5	Flooding	<ul style="list-style-type: none"> is situated within the flood planning area or at/or below the flood planning level 	B-29
B6	Essential Services	<ul style="list-style-type: none"> is not connected to essential services, being water, electricity, sewerage, stormwater drainage and suitable vehicular access 	B-33
B7	Williamstown RAAF Base - Aircraft Noise and Safety	<ul style="list-style-type: none"> is situated within the 2025 ANEF, bird strike zone, extraneous lighting area or the Williamstown RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map 	B-34
B8	Heritage	<ul style="list-style-type: none"> is situated on land that contains a heritage item or within a heritage conservation area 	B-44
B9	Road Network and Parking	<ul style="list-style-type: none"> has the potential to impact on the existing road network or creates demand for on-site parking 	B-46
B10	Social Impact	<ul style="list-style-type: none"> is deemed to have a significant social impact 	B-54

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B4

Drainage and Water Quality

B4 Drainage and Water Quality

Application		
This part applies to development that: <ul style="list-style-type: none"> increases impervious surfaces; or drains to the public drainage system; or involves a controlled activity within 40m of waterfront land. 		
Objective		
B4.A	Stormwater Drainage Plan	<ul style="list-style-type: none"> To ensure a stormwater drainage plan is submitted when development either increases impervious surfaces or drains to the public drainage system To ensure the stormwater drainage plan details a legal and physical point of discharge to minimise impacts on water balance, surface water and groundwater flow and volume regimes and flooding To implement sustainable mitigation systems that can be maintained using resources available to the maintainer
Requirement		
B4.1	<p>Development that applies to this Part is to provide a stormwater drainage plan and a written description of the proposed drainage system within the SEE</p> <p>Note: C1.H also provides drainage requirements for development relating to subdivision</p> <p>Note: Hydrological/hydraulic calculations and designs shall be prepared in accordance with the approaches outlined in the current Australian Rainfall and Runoff Guidelines using the current Hydrologic Soil Mapping data for Port Stephens available from Council. Other current Australian published design guides may also be applied to particular design situations.</p>	
Objective		
B4.B	On-site Detention / On-site Infiltration	To regulate the impacts on the capacity of the public drainage system
Requirements		
B4.2	<p>On-site detention / on-site infiltration is required in stormwater requirement areas where:</p> <ul style="list-style-type: none"> the post-development flow rate or volume exceeds the pre-development flow rate or volume; or impervious surfaces exceed the total percentage of site area listed under Figure BD; or it is identified under Section D Specific Areas of the PSDCP 2014. or the stormwater catchment is identified to have stormwater issues <p>Note: A map of stormwater requirement areas is published on Council's website.</p>	
B4.3	<p>On-site detention / on-site infiltration is to be:</p> <ul style="list-style-type: none"> sized so that the post-development flow rate and volume equals the pre-development flow rate and volume for all storm events up to and including the 1% Annual Exceedance Probability (AEP) storm event 	

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 AMENDMENT.

B4

Drainage and Water Quality

	<ul style="list-style-type: none"> provided by either underground chambers, surface storage or a combination of the two and are generally positioned: <ul style="list-style-type: none"> under grassed areas for any cellular system (which can be easily maintained) under hardstand areas such as driveways for any concrete tank structures <p>Note: A Neutral or Beneficial Effect (NorBE) on water quality must be designed for all storm events.</p>
B4.4	<p>Details of the on-site detention / on-site infiltration concept design must be provided in the stormwater drainage plan and the written description and must include information on:</p> <ul style="list-style-type: none"> the location and type of detention / infiltration system demonstrated flow rate / volume for all design storm events up to the 1% AEP pipes, pits, overland flow and discharge point surface grates and maintenance access points orifice type, location and screening facility slope/gradient of the land post-development flow rate and volume for the site equal to pre-development flow rate and volume for the site <p>Note: B4.8 states that on-site detention / on-site infiltration may not be required for single dwellings and dual occupancy development if the water quality requirements under Figure BF have been satisfied</p>

Figure BD: Maximum Impervious Surface Table

Land Use Zone	Maximum Impervious Surface Area (%)
E4, R5, RU1, RU2 & RU3	Refer to Table BE (below)
E1, E2, E3, IN4, RE1, RE2, SP1, SP2, W1 & W2	merit-based approach
R1, R2 & RU5	60
R3	75
B5, B7, IN1 & IN2	90
B1, B2, B3 & B4	100

NOTE: This figure has been relocated to follow the controls to which it relates

Figure BE: Lot Area Impervious Surface Table

Lot Area (m ²)	Maximum Impervious Surface Area (%)
>5000	7.5
2000 to 5000	30
900 to 2000	40
<900	60

NOTE: This figure has been relocated to follow the controls to which it relates

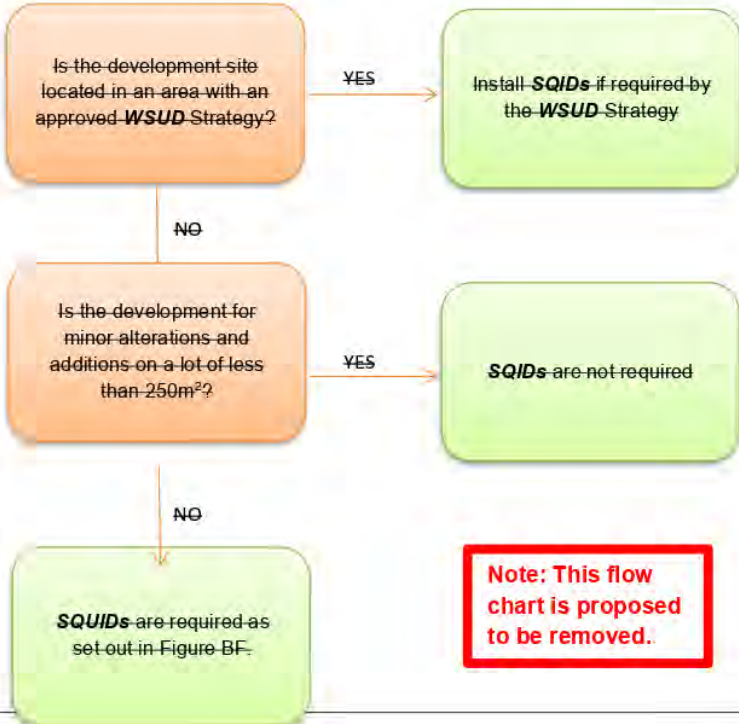
Note: Figure BE above only applies to land zoned E4, R5, RU1, RU2 and RU3

Objectives		
B4.C	Water Quality	<ul style="list-style-type: none"> To ensure development does not detrimentally impact on water quality through the use of water quality modelling, such as SSSQM or MUSIC Modelling, and subsequent WSUD measures To safeguard the environment by improving the quality of stormwater run-off To ensure water quality is protected and maintained during the construction phase through the conditioning of appropriate

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B4

DRAINAGE AND WATER QUALITY

	<p>measures</p> <ul style="list-style-type: none"> To provide further guidance to clauses in the local environmental plan relating to water quality for development in drinking water catchments
<p>Requirements</p>	
<p>B4.5</p>	<p>Development is to provide Stormwater Quality Improvement Devices (SQIDs) in accordance with Table BF: Water Quality Table, unless a WSUD Strategy that applies to the land has been approved by Council and is listed on Council's website for the purposes of this requirement. A document listing approved WSUD Strategies is available on Council's webpage.</p> <ul style="list-style-type: none"> a WSUD Strategy that applies to the land has been approved by Council and is listed on Council's website for the purposes of this requirement. the development is a dwelling house, semi-detached dwelling, secondary dwelling, and/or ancillary structure to residential development, or, the development is for alterations and additions to a dwelling house, semi-detached dwelling, secondary dwelling, and/or ancillary structure to residential development, or, the development is for other minor alterations and additions on a lot of less than 250m² <p>A document listing approved WSUD Strategies is available on Council's webpage.</p> <p>Where an approved WSUD Strategy applies to the land, details are to be provided which demonstrate that any requirements outlined in the list of approved WSUD Strategies have been incorporated into the development.</p> <p>Note: The list of approved WSUD Strategies should be consulted for the purpose of determining whether SQIDs are required for a Complying Development proposal.</p>  <pre> graph TD Q1[Is the development site located in an area with an approved WSUD Strategy?] -- YES --> A1[Install SQIDs if required by the WSUD Strategy] Q1 -- NO --> Q2[Is the development for minor alterations and additions on a lot of less than 250m²?] Q2 -- YES --> A2[SQIDs are not required] Q2 -- NO --> A3[SQIDs are required as set out in Figure BF-] </pre> <p style="border: 2px solid red; padding: 5px; display: inline-block;">Note: This flow chart is proposed to be removed.</p>

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B4

DRAINAGE AND WATER QUALITY

B4.6	Stormwater Quality Improvement Devices (SQIDs) are designed to be taken off-line from minor and major drainage systems
B4.7	Development submits the evidence of how the water quality targets have been achieved (e.g. SSSQM Certificate, MUSIC or MUSIC-LINK Report)
B4.8	On-site detention / on-site infiltration may not be required for single dwellings and dual occupancy development if the water quality requirements under Figure BF for sites less than 2,500m ² have been satisfied
B4.9	Erosion and sediment measures are provided during the construction phase in accordance with the issued conditions of consent
B4.10	Development that, in the opinion of the Council, has the potential to significantly adversely affect the water quality of the drinking water catchment will be referred to Hunter Water under section 51 of the <i>Hunter Water Act 1991</i> . Hunter Water is provided with a period of 24 days to provide a submission. After a period of 24 days, no response is deemed as a non-objection. Development or activities which pose unacceptable risks to a drinking water catchment are not likely to be supported by Hunter Water. Note: Refer to Hunter Waters' document 'Guidelines for developments in the drinking water catchments' for development types that will likely trigger referral to Hunter Water. Note: B4.5 requires a Vegetation Management Plan (VMP) when a proposal to remove 20 or more trees is submitted to Council

Figure BF: Water Quality Table

Type of Development or Site Area	Water Quality Targets		Tool used to achieve target
	Development within a Drinking Water Catchment	Development outside a Drinking Water Catchment	
Dwelling house, semi-detached dwelling, secondary dwellings, and ancillary structures to residential development	No water quality measures are required	No water quality measures are required	!
Alterations and additions to dwelling house, semi-detached dwelling, secondary dwellings, and ancillary structures to residential development.	No water quality measures are required	No water quality measures are required	!
Other minor alterations and/or additions on a lot with a site area less than 250m ²	No water quality measures are required	No water quality measures are required	-
Lots with a site area greater than 250m ² and less than 2,500m ²	Before water is released into public drainage , the water quality outcomes shall achieve: • NorBE , or	Before water is released into public drainage it must achieve Council's water quality stripping targets	Either: • Water Quality Modelling, such as SSSQM or

NOTE: This figure has been relocated to follow the controls to which it relates

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B4

	<ul style="list-style-type: none"> Council's water quality stripping targets whichever achieves the better water quality outcome. 		MUSIC; or <ul style="list-style-type: none"> Compliance with a Standard Drawing produced by Council for the purposes of clause B4.5 published on Council's website
Lots with a site area equal to or greater than 2,500m ²	Before water is released into public drainage , the water quality outcomes shall achieve: <ul style="list-style-type: none"> NorBE; or Council's water quality stripping targets whichever achieves the better water quality outcome. 	Before water is released into public drainage it must achieve Council's water quality stripping targets	Water Quality Modelling, such as MUSIC Modelling

Objective		
B4.D	Riparian Corridors	To protect and retain riparian corridors as localities of environmental importance
Requirements		
B4.11	Development involving a controlled activity within waterfront land (within 40m from the highest bank of the river, lake or estuary) adheres to the <i>Water Management Act 2000</i> Note: Council can advise on the location and order of waterfront land	
B4.12	Development provides the following buffers to riparian corridors that are generally consistent with the recommendations of the NSW Office of Water, 2012, 'Guidelines for riparian corridors on waterfront land' ¹⁵ : <ul style="list-style-type: none"> 50m buffer from 3rd order water courses or above with a 40m vegetated riparian zone and 10m vegetated buffer 30m buffer from 1st-2nd order water courses with a 20m vegetated riparian zone and 10m vegetated buffer 	
B4.13	Riparian corridors are dedicated as public open space when Council agrees to take ownership of that land	

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B6

B6 Essential Services

Application	
This Part applies to development not connected to essential services being, water, electricity, sewerage, stormwater drainage and suitable vehicular access	
Objective	
B6.A	Essential Services To facilitate development by ensuring it is accompanied by the essential services of water, electricity, sewerage and suitable vehicular access
Requirements	
B6.1	<p>To give effect to the provisions of the Local Environmental Plan that relate to essential services and provision of public utility infrastructure, a development application must demonstrate that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> • the supply of water <ul style="list-style-type: none"> - development must make adequate arrangements for the supply of water either through reticulated services or on-site supply and storage • the supply of electricity <ul style="list-style-type: none"> Note: In areas where it is demonstrated that connection to the grid is unreasonable Council may accept alternate electrical supply measures (e.g. dwelling solar panels). • the disposal and management of sewage <ul style="list-style-type: none"> - development without access to reticulated sewer demonstrates that the proposal for the disposal and management of sewage is consistent with the Port Stephens On-site Sewage Development Assessment Framework¹³ - subdivision without access to reticulated sewer contains a minimum 4,000m² of usable land per lot for the purpose of sustaining an On-Site Sewage Management System (OSMS) in accordance with the On-Site Development Assessment Framework contained within the Port Stephens Council 2004, 'On-Site Sewage Management Policy'^{16 & 17} <ul style="list-style-type: none"> • subdivision that cannot demonstrate 4,000m² of usable land for the purpose of sustaining an OSMS must provide connection to a sewerage reticulation system or demonstrate through more site specific investigations how the proposal provides a long term sustainable wastewater management solution in accordance with the Port Stephens On-site Sewage Development Assessment Framework¹³ • stormwater drainage or on-site conservation <ul style="list-style-type: none"> - refer to Part B4 of this Plan • suitable vehicular access <ul style="list-style-type: none"> - refer to Part B9 of this Plan

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B7

WILLIAMTOWN/RAAF BASE – AIRCRAFT NOISE AND SAFETY

B7 Williamtown RAAF Base – Aircraft Noise and Safety

Application	
This Part applies to development that is situated within the 2025 ANEF, bird strike zone, extraneous lighting area or the Williamtown RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map	
Objectives	
B7.A	<p>Site Acceptability</p> <ul style="list-style-type: none"> To ensure development satisfies the requirements of the Local Environmental Plan To ensure appropriate consideration is given to land burdened by aircraft noise
Requirements	
B7.1	<p>When development is located within the 2025 ANEF, which is identified by Figure BM it is classified into one of the following classifications through referencing Figure BJ</p> <ul style="list-style-type: none"> Acceptable – no design measures required to reduce aircraft noise, or Conditionally acceptable – design measures required, or <ul style="list-style-type: none"> An acoustic report is required for the following: <ul style="list-style-type: none"> to support development that is classified as conditionally acceptable to support subdivision of land and subsequent permissible development types by referencing Figure BJ and Figure BK Unacceptable – development is generally unacceptable. However, details submitted with a development application that demonstrate the following will be considered on a merit-based approach: <ul style="list-style-type: none"> Development on a vacant pre-existing lot within the ANEF 25-30 noise contours that satisfies AS 2021 – Acoustics – Aircraft noise intrusion – Building siting and construction indoor noise requirements²⁰ Replacement of a pre-existing dwelling in any of the ANEF noise contours satisfies the AS 2021 – Acoustics – Aircraft noise intrusion – Building siting and construction indoor noise requirements²⁰ Development on land zoned B7 Business Park and adjacent to the Williamtown (Newcastle) Airport <p>Note: Part D15 - DAREZ provides site specific requirements for land zoned B7 Business Park and adjacent to the Williamtown Airport</p>

Figure BJ: Development acceptability based on ANEF Zone

Development Type	Acceptable	Conditionally Acceptable	Unacceptable
	ANEF Zone		
<ul style="list-style-type: none"> residential accommodation caravan parks 	<20	20 – 25	25>
<ul style="list-style-type: none"> tourist & visitor accommodation 	<25	25 – 30	30>
<ul style="list-style-type: none"> educational establishments 	<20	20 – 25	25>
<ul style="list-style-type: none"> respite day care centres 	<20	20 – 25	25>

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B7

WILLIAMTOWN RAAF BASE - AIRCRAFT NOISE AND SAFETY

• health services facilities			
• places of public worship	<20	20 – 30	30>
• entertainment facility			
• information and education facility			
• commercial premises	<25	25 – 35	35>
• general industry	<30	30 – 40	40>
• light industry			
• heavy industry	Acceptable in any ANEF Zone		

Figure BK: Indoor Design Sound Levels

Development type	Indoor Design Average Maximum Sound Level dB(A)
residential accommodation & caravan parks	
• sleeping areas & dedicated lounges	50
• habitable room other than sleeping areas & dedicated lounges	55
• bathrooms, toilets & laundries	60
tourist and visitor accommodation	
• relaxing & sleeping	55
• social activities	70
• service activities	75
educational establishments	
• libraries & study areas	50
• teaching & assembly areas	55
• workshop areas & gymnasias	75
respite day care centres & health facilities	
• wards, theatres, treatment & consulting rooms	50
• laboratories	65
• service areas	75
public buildings	
• places of public worship	50
• entertainment facility	40
• information & education facility	50
commercial buildings, offices & retail premises	
• private offices & conference rooms	55
• drafting & open offices	65
• typing & data processing	70
• shops, supermarkets & showrooms	75

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WILLIAMTOWN/RAAF BASE AIRCRAFT NOISE AND SAFETY

Development type	Indoor Design Average Maximum Sound Level <i>dB(A)</i>
industrial	
• inspection, analysis & precision work	75
• light machinery, assembly & bench work	80
• heavy machinery, warehouse & maintenance	85

Objective		
B7.B	Indoor Noise	To ensure acceptable levels of indoor noise in accordance with the relevant Australian Standards
Requirements		
B7.2	Development must satisfy the maximum internal sound levels specified in Figure BK by providing an acoustic report	
B7.3	Noise attenuation levels that comply with Figure BK are not considered to be reasonable or practicable for a dwelling when seeking to achieve noise reduction greater than: <ul style="list-style-type: none"> • 35 dB(A) for sleeping areas • 30 dB(A) for habitable spaces 	
Objective		
B7.C	Alterations & Additions	To facilitate alterations and additions of existing development within the 2025 ANEF
Requirements		
B7.4	Additions and/or alterations less than 40% of gross floor area of an existing building must be constructed to the same indoor sound levels as the existing building	
B7.5	Additions and/or alterations greater than 40% gross floor area of an existing building requires noise attenuation measures consistent to meet the indoor noise levels listed in Figure BK	
Objective		
B7.D	Bird Strike	To ensure that the operational needs of the Williamtown RAAF Base are considered
Requirement		
B7.6	When development is located within the bird strike zone , which is identified by Figure BN, the Department of Defence is notified and provided with a period of 14 days to provide a submission. After a period of 14 days, no response is deemed as a non-objection. <ul style="list-style-type: none"> • Group A – The following development types are avoided within 13km from airport runways <ul style="list-style-type: none"> - Putrescible waste disposal sites • Group B – The following development types are avoided within 3km of an airport runway or provide measures that prevent food sources attracting wildlife within 8km of an airport runway <ul style="list-style-type: none"> - Commercial fish processing - Artificial water bodies - Bird sanctuaries and fauna reserves - Sewer treatment facilities - Aquaculture 	

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WILLIAMTOWN/RAAF BASE AIRCRAFT NOISE AND SAFETY

- Turf farming
- Animal farming that attracts birds/bats
- Fruit farming
- Fruit processing plants
- Group C – The following **development types** within 3km of an airport runway should include measures to manage waste disposal
 - Race tracks
 - Sports grounds
 - Fair grounds
 - Outdoor theatres
 - Dine-in restaurants

When **development types** listed in column 1 are proposed in the bird strike zone, which is identified by Figure BU, the development application must be prepared in accordance with the provisions of column 2.

Figure BU – Development types to be avoided or where impacts can be mitigated in a bird strike zone

Development type	Column 2		
	Group A (3km Radius from airport runway)	Group B (3km - 8km Radius from airport runway)	Group C (8km - 13km Radius from airport runway)
Agriculture			
Intensive plant agriculture (Turf farm)	A	Mi	Mo
Horticulture (Fruit tree farm)	A	Mi	Mo
Livestock produce industry (Fish processing / packing plant)	A	Mi	Mo
Intensive livestock agriculture (Piggery)	A	Mi	Mo
Intensive livestock agriculture (Cattle, dairy or poultry farm)	Mi	Mi	Mo
Conservation			
Environmental Protection Works (Wildlife sanctuary - wetland)	A	Mi	Mo
Environmental Protection Works (Wildlife sanctuary - dryland)	Mi	Mi	Mo
Recreation			
Recreation facility - major (Showground)	A	Mi	Mo
Recreation facility - major (Racecourse, sports stadium, theme park)	Mi	Mi	Mo
Recreation facility - outdoor (Golf course, park, playground, sports)	Mi	Mi	Mo
Camping Ground	Mi	Mi	Mo
Commercial			
Agricultural produce industry (Food processing plant)	A	Mi	Mo
Utilities			
Waste or resource management facility (Food / organic waste facility)	A	Mi	Mo
Waste disposal facility (Putrescible waste facility – landfill / transfer station)	A	Mi	Mo
Waste disposal facility (Non-putrescible waste – landfill / transfer station)	Mi	Mi	Mo
Sewage treatment plant (Sewage / waste water treatment facility)	Mi	Mi	Mo
Avoid (A) – Development not supported.			
Mitigate (Mi) – Waste management report is required which demonstrates that the development will not increase the risk of bird strike to aircraft.			

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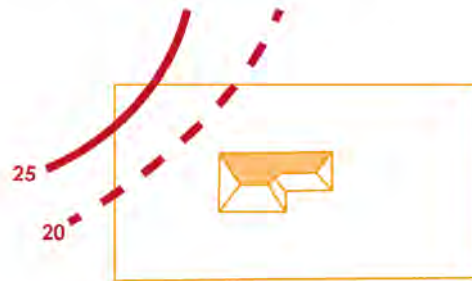
WILLIAMTOWN/RAAF BASE AIRCRAFT OBSTACLE SAFETY

Monitor (Mo) – Demonstrate compliance with B7.7.	
Note: Development within the birdstrike zone should adhere to the National Airports Safeguarding Advisory Group (NASAG) – Guideline C: Managing the Risk of Wildlife Strikes in the Vicinity of Airports (Wildlife Strike Guidelines).	
B7.7	Any development located within the bird strike zone is to limit, cover and/or enclose any organic waste and/or the storage of bins on site.
Objective	
B7.7	Referral Requirements To ensure that the operational needs of the Williamtown RAAF Base are considered
Requirements	
B7.8	When development deemed to be noise sensitive development is located within the 2025 ANEF , which is identified by Figure BM, the Department of Defence is notified and provided with a period of 14 days to provide a submission. After a period of 14 days, no response is deemed as a non-objection. Note: The Port Stephens Community Engagement Strategy details general notification requirements to be administered by Council Officers
B7.9	When development seeks to penetrate the RAAF Base Williamtown Obstacle Limitations or Operations Surface or Procedures for Air Navigation Systems Operations Surface as identified by Figure BQ the Department of Defence is notified and provided with an opportunity for comment. Note: Development that does not seek to penetrate these surfaces has complied with the Commonwealth Department of Defence requirements of PSLEP 2013 clause 7.4 Airspace Operations Note: PSLEP 2013 clause 7.4 requires the consent authority to be provided with the Commonwealth's consideration of the Limitation or Operations Surface
B7.10	When development is proposed within the extraneous lighting boundaries as identified by Figure BP and Figure BQ the Department of Defence is notified and provided with a period of 14 days to provide a submission. After a period of 14 days, no response is deemed as a non-objection. Note: The Port Stephens Community Engagement Strategy details general notification requirements to be administered by Council Officers

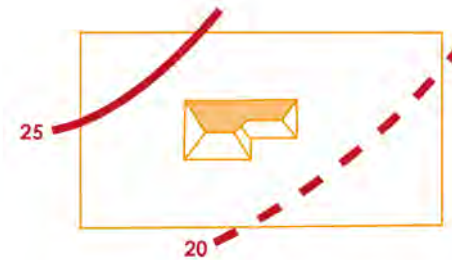
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WILLIAMTOWN RAAF BASE - AIRCRAFT NOISE AND SAFETY

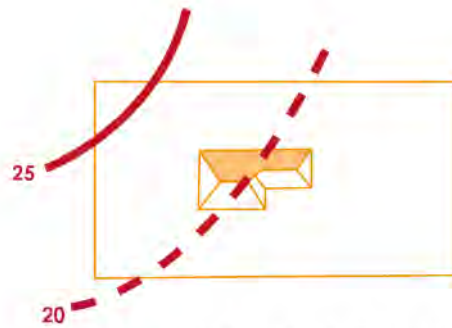
Figure BL: Illustration of Building Site Acceptability based on ANEF Zone



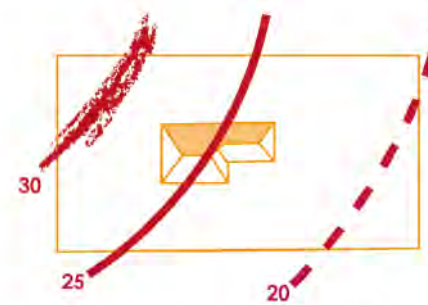
Acceptable - No design measures are required to reduce aircraft noise



Conditionally Acceptable - Design measures are required to reduce aircraft noise



Conditionally Acceptable - Design measures are required to reduce aircraft noise

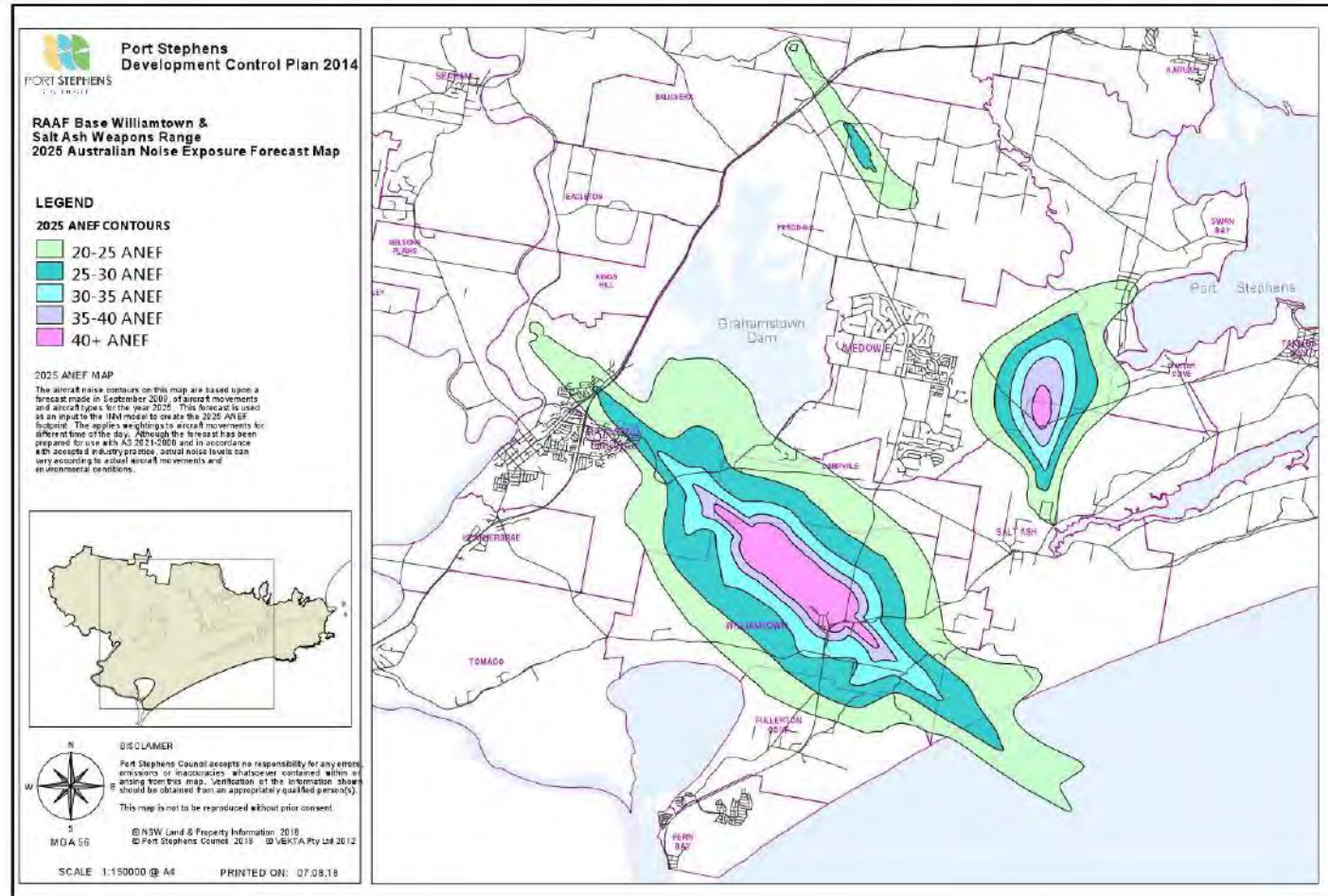


Where the contour line is placed over part of a building the higher contour will be applied

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WILLIAMTOWN RAAF BASE – AIRCRAFT NOISE AND SAFETY

Figure BM:
2025 ANEF
shown on the
RAAF Base
Williamtown &
Salt Ash
Weapons
Range 2025
Australian
Noise
Exposure
Forecast Map

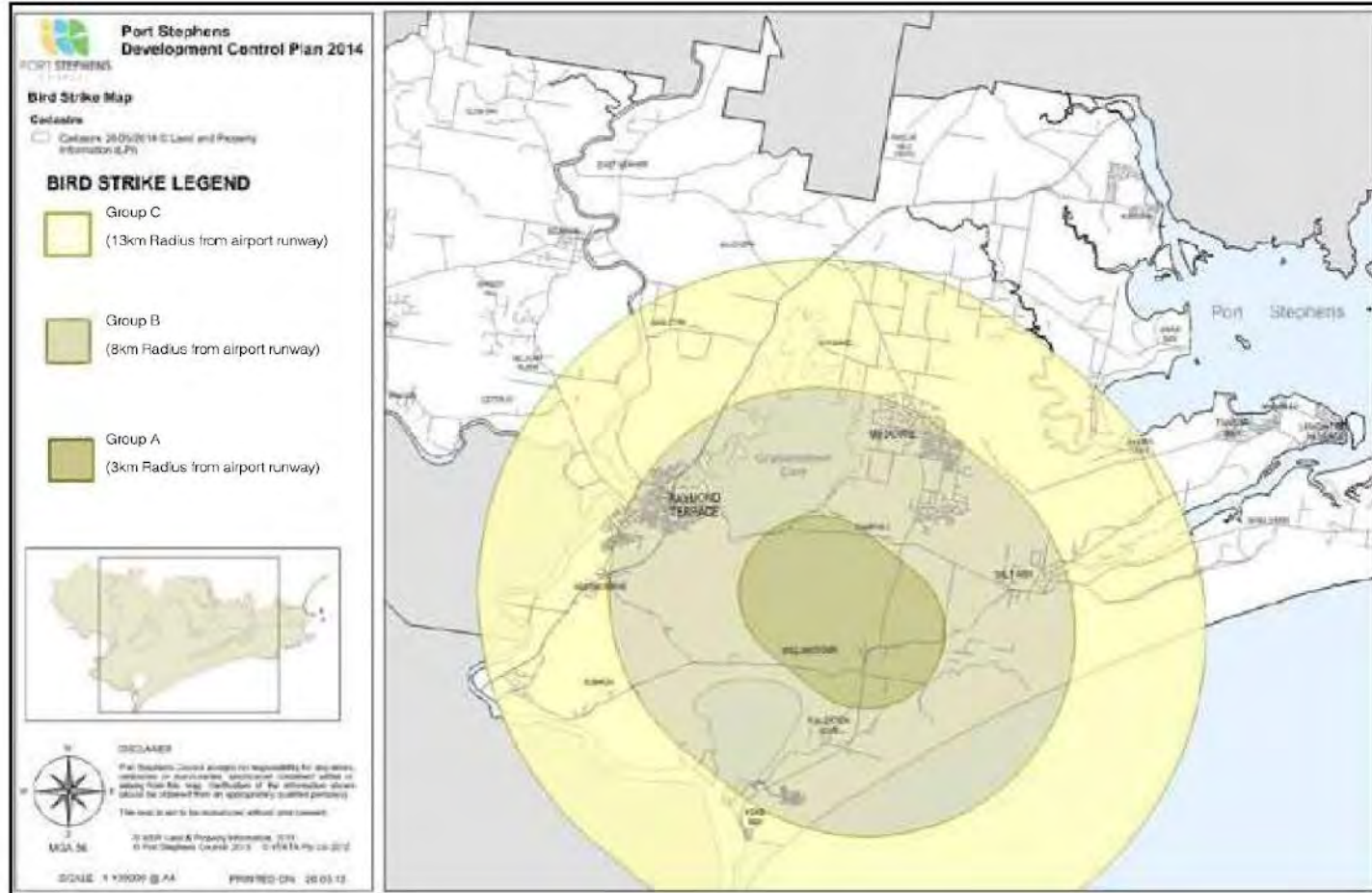


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WILLIAMTOWN RAAF BASE – AIRCRAFT NOISE AND SAFETY

Figure BN: Bird Strike Zone

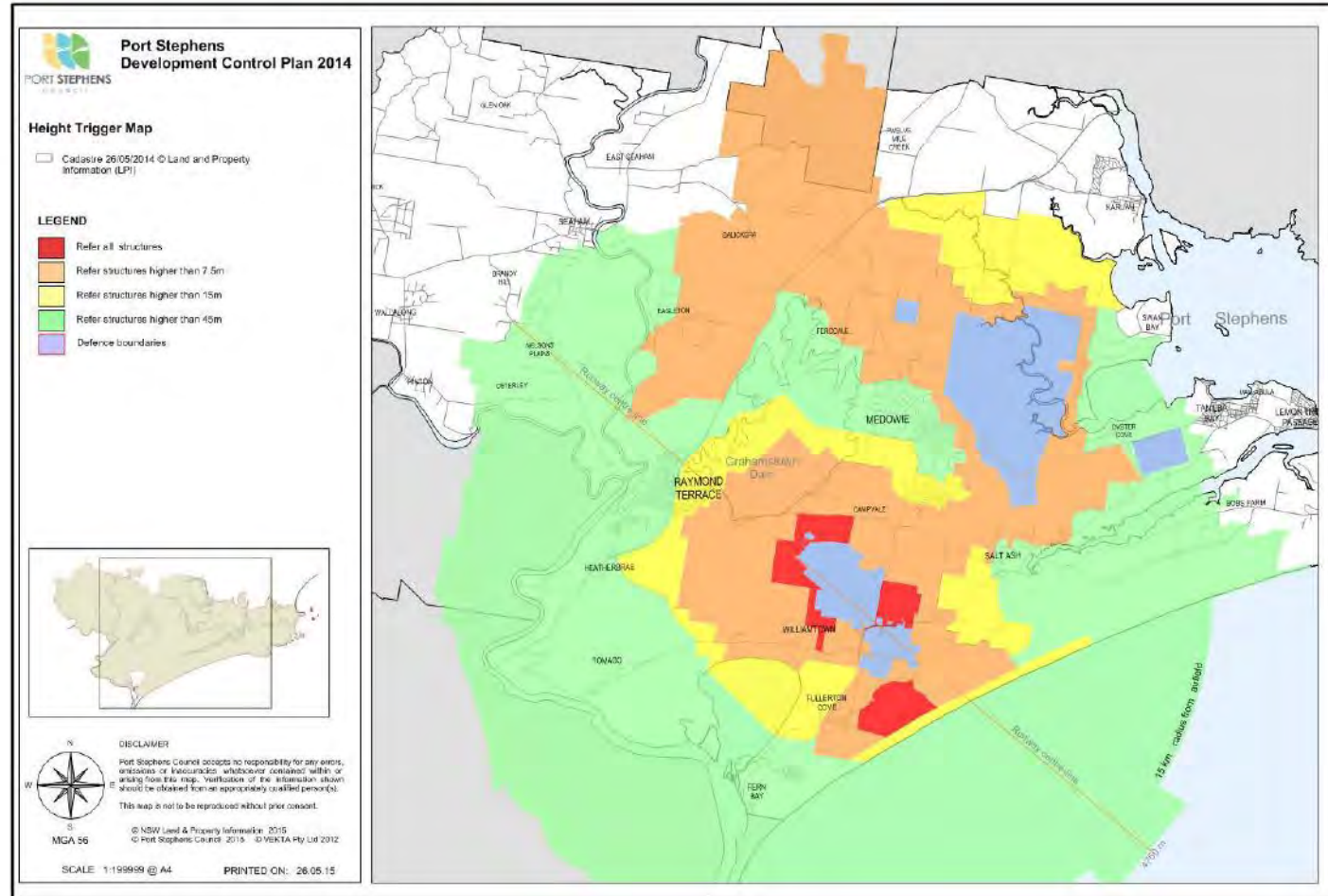


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WILLIAMTOWN RAAF BASE – AIRCRAFT NOISE AND SAFETY

Figure B0:
RAAF Base
Williamtown
Obstacle
Limitation or
Operations
Surface Map
and Height
Trigger Map

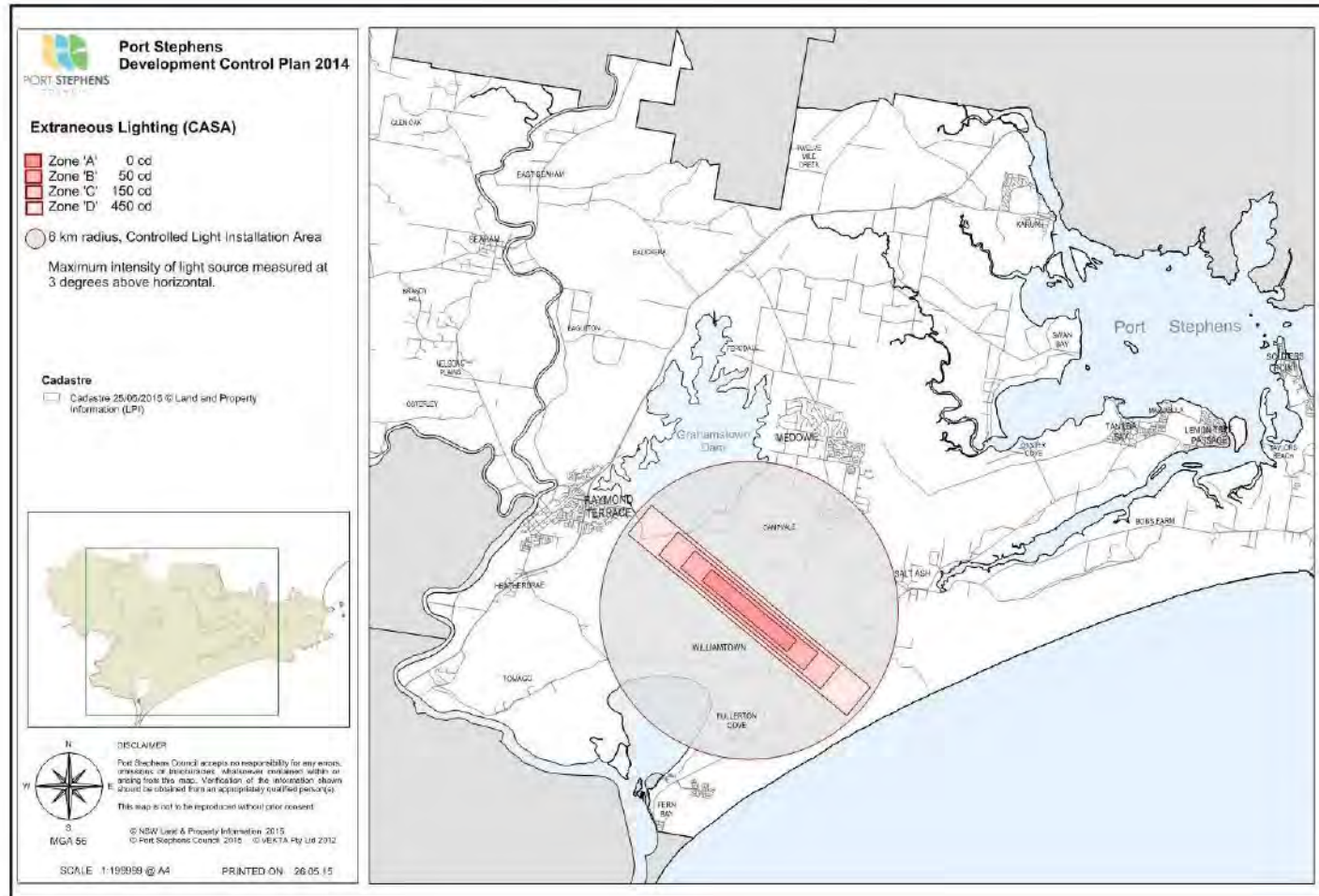


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WILLIAMTOWN RAAF BASE - AIRCRAFT NOISE AND SAFETY

Figure BP:
Extraneous
Lighting Map 1

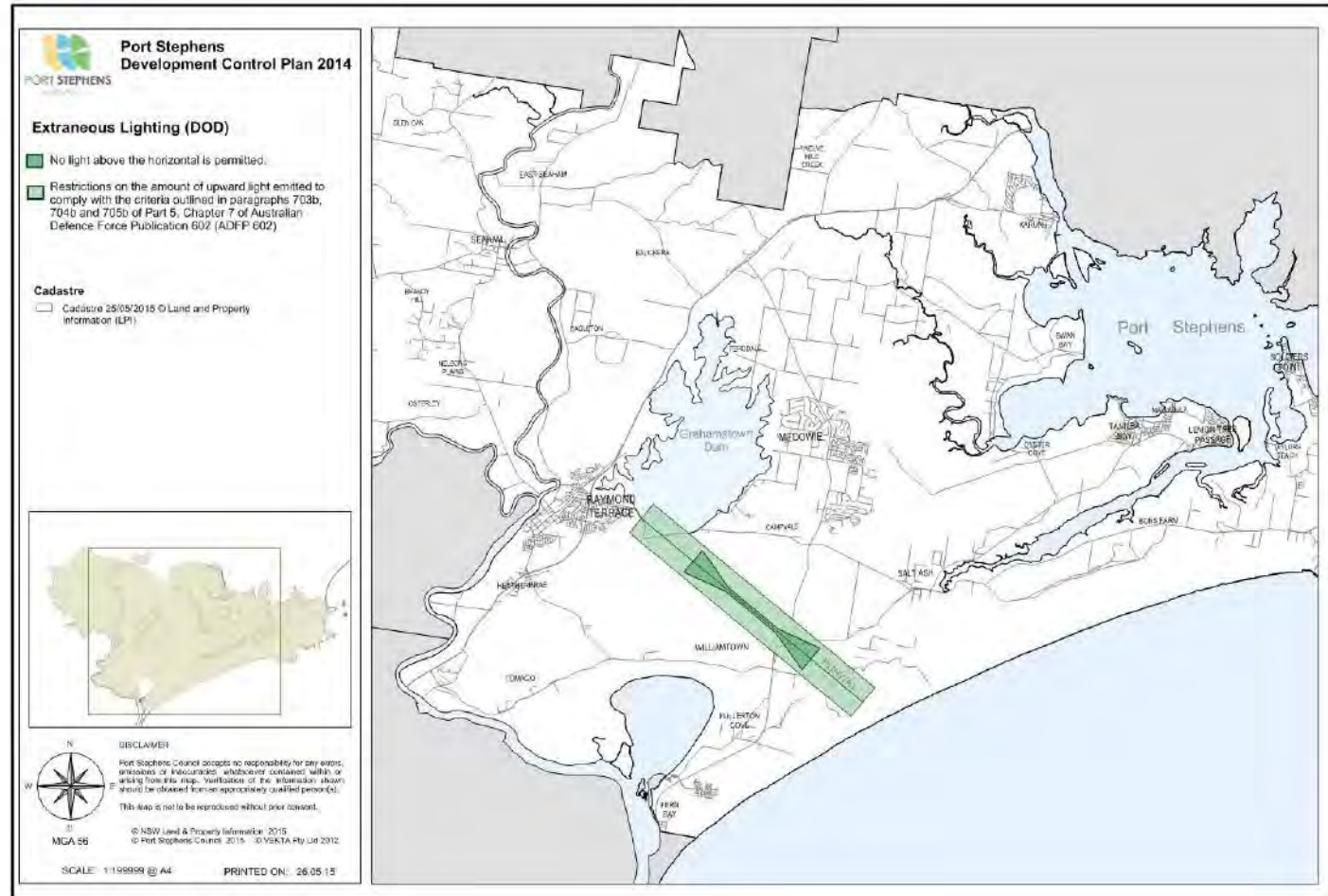


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WILLIAMTOWN RAAF BASE AIRCRAFT NOISE AND SAFETY

Figure BQ:
Extraneous
Lighting Map 2



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ROAD NETWORK AND PARKING

B9 Road Network and Parking

Application		
This Part applies to development with the potential to impact on the existing road network or create demand for on-site parking . This Part lists general requirements more specific requirements relating to development types may be provided under Section C Development Types		
Objective		
B9.A	Traffic Impacts	To ensure that the impacts of traffic generating development are considered and that the existing level of service of the road network is maintained
Requirements		
B9.1	The SEE details:	<ul style="list-style-type: none"> • car parking location, number and dimensions; • access arrangements; • traffic implications on the existing road network and junctions; • street features, such as trees, footpaths and pipes; and • pedestrian impacts and access for disabled persons.
B9.2	A Traffic Impact Assessment (TIA) is required for:	<ul style="list-style-type: none"> • development for 20 or more dwellings; • development defined as traffic generating development; or • development deemed in Council's opinion to impact on the existing road network.
B9.3	A construction management plan is provided prior to the issuing of a construction certificate or subdivision works certificate when development will impact on traffic movements during the construction phase	
Objectives		
B9.B	On-Site Parking Provisions	<ul style="list-style-type: none"> • To ensure development provides adequate on-site parking, loading and servicing spaces • To ensure that vehicle access is in a safe location and has minimal impacts on existing transit movements • To ensure driveways have adequate sight distances for traffic and pedestrians on footpaths
Requirements		
B9.4	Except as required by B9.5, B9.6, or B9.7, all development that has the potential to create demand for on-site parking must provide parking in accordance with Figure BT.	<ul style="list-style-type: none"> • Where these parking requirements cannot be provided on-site in accordance with Figure BT, Council may consider alternative off-site arrangements for parking demand, such as: <ul style="list-style-type: none"> - Parking provision on another site in proximity - A planning agreement for contribution to common public parking areas in Raymond Terrace or Nelson Bay, if available • A reduction in the number of spaces required in accordance with Figure BT may be considered when supported by a TIA in the following circumstances: <ul style="list-style-type: none"> - Parking has a negative visual impact on heritage - The current land-use has been approved with a parking shortfall and the

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	<p>proposed parking concession does not exceed the current shortfall for the approved use calculated in accordance with Figure BT</p> <ul style="list-style-type: none"> - Peak demand between commercial and residential development types is shared - An upgraded public transit facility, such as a bus stop, is provided in proximity to the site
--	--

Figure BT: On-Site Parking Requirements

Development Type	Parking Requirements	Accessible Parking
Commercial Premises		
bulky goods	<ul style="list-style-type: none"> • 1 car space per 55m² floor area • 1 bike space per 20 employees 	<ul style="list-style-type: none"> • 1 car space per 30 parking spaces
entertainment facilities and function centres	<ul style="list-style-type: none"> • A traffic impact study is required • 1 bike space per 20 employees • 1 bike space per 20 visitors 	<ul style="list-style-type: none"> • 1 car space per 20 car spaces
food and drink premises, including restaurants, cafes and take-away drink premises	<ul style="list-style-type: none"> • 1 car space per 25m² floor area within commercial premises • 15 car spaces per 100m² floor area or 1 car space per 3 seats outside of commercial premises • Minimum queuing area of 5 cars for drive-thru • 1 bike space per 200m² 	<ul style="list-style-type: none"> • 1 car space per 30 parking spaces
garden centre and plant nursery	<ul style="list-style-type: none"> • 1 car space per 130m² nursery area 	<ul style="list-style-type: none"> • 1 car space
hardware building supplies and industrial retail outlets	<ul style="list-style-type: none"> • 1 car space per 55m² floor area 	<ul style="list-style-type: none"> • No requirement
market	<ul style="list-style-type: none"> • 2.5 car spaces per stall 	<ul style="list-style-type: none"> • No requirement
motor showroom and vehicle sales or hire premises	<ul style="list-style-type: none"> • 0.75 car spaces per 100m² vehicle display area • 1 bike space per 20 employees 	<ul style="list-style-type: none"> • 1 car space per 30 car spaces
office premises and business premises	<ul style="list-style-type: none"> • 1 car space per 40m² floor area • 1 bike space per 200m² floor area 	<ul style="list-style-type: none"> • 1 car space per 30 parking spaces
pub and registered clubs	<ul style="list-style-type: none"> • 1 car space per 7m² of floor area within commercial centres • 1 car space per 10m² courtyard / beer garden within commercial centres • 1 car space per 3.5m² of floor area outside of commercial centres • 1 bike space per 25m² bar area • 1 bike space per 100m² courtyard/ beer garden • 1 bike space per 20 accommodation rooms 	<ul style="list-style-type: none"> • 1 car space per 20 parking spaces

NOTE: This figure has been relocated to follow the controls to which it relates

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roadside stall	<ul style="list-style-type: none"> 4 car spaces 	<ul style="list-style-type: none"> No requirement
rural supplies, timber yards, landscaping material supplies and wholesale supplies	<ul style="list-style-type: none"> 1 car space per 130m² of supplies area 1 bike space per 20 employees 	<ul style="list-style-type: none"> No requirement
service station	<ul style="list-style-type: none"> 4 car spaces per work bay 1 car space per 20m² floor area 1 bike space per 15 employees 	<ul style="list-style-type: none"> 1 car space
sex services premises	<ul style="list-style-type: none"> 2 car spaces per room used for prostitution 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
shop	<ul style="list-style-type: none"> 1 car space per 20m² floor area 	<ul style="list-style-type: none"> 1 car space per 30 car spaces
veterinary premises and health consulting rooms	<ul style="list-style-type: none"> 3 car spaces per practitioner 1 car space per 2 employees not a practitioner 2 bike space per 10 practitioners and other employees not practitioners 	<ul style="list-style-type: none"> 1 car space per 10 car spaces
Industry		
heavy industrial storage establishments, heavy industry and general industry	<ul style="list-style-type: none"> 1 car space per 100m² floor area or 4 space per work bay 1 bike space per 20 employees 	<ul style="list-style-type: none"> 1 car space per 30 car spaces
light industry	<ul style="list-style-type: none"> 1 car space per 100m² 1 car space for each employee 1 bike space per 20 employees 	<ul style="list-style-type: none"> No requirement
rural industries	<ul style="list-style-type: none"> Merit-based approach 	<ul style="list-style-type: none"> No requirement
vehicle body repair workshops and vehicle repair stations	<ul style="list-style-type: none"> 4 car spaces per work bay 	<ul style="list-style-type: none"> No requirement
warehouse or distribution centres, storage premises and depots	<ul style="list-style-type: none"> 1 car space per 200m² 1 bike space per 20 employees 	<ul style="list-style-type: none"> 1 car space
Infrastructure		
bowling alley	<ul style="list-style-type: none"> 3 car spaces per bowling alley 1 bike space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
bowling green	<ul style="list-style-type: none"> 30 car spaces for first bowling green, then 15 for each additional bowling green 1 bike space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
charter and tourism boating facilities	<ul style="list-style-type: none"> 4.5 car spaces per 100m² floor area or 1 space per 10 passengers 	<ul style="list-style-type: none"> 1 car spaces per 20 car spaces
child care centre	<ul style="list-style-type: none"> 1 car space for every 4 childcare places 	<ul style="list-style-type: none"> 1 car space
community facilities	<ul style="list-style-type: none"> Merit-based approach 	<ul style="list-style-type: none"> 1 car space per 20 car spaces

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educational establishment	<ul style="list-style-type: none"> 1 car space per employee 1 car space per 8 senior high school students 2 bike spaces per 20 employees and students 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
gymnasium	<ul style="list-style-type: none"> 5 car space per 100m² 1 bike space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
indoor soccer/cricket/netball	<ul style="list-style-type: none"> 15 car spaces per pitch/court 1 bike space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
Marina	<ul style="list-style-type: none"> 0.6 spaces per wet berth 0.2 spaces per dry storage berth 0.2 spaces per swing mooring 0.5 spaces per marina employee 1 bike space per 15 employees <p>Note: Additional car parking is to be provided for the uses carried out as part of, or ancillary to a marina which are identified in this Figure and car parking is to be provided for those uses in accordance with the relevant rates set out in this Figure.</p>	<ul style="list-style-type: none"> No requirement
medical centres	<ul style="list-style-type: none"> 1 car space per 25m² floor area 	<ul style="list-style-type: none"> 1 car space per 10 car spaces
passenger transport facility	<ul style="list-style-type: none"> Merit-based approach 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
place of public worship	<ul style="list-style-type: none"> Merit-based approach 2 bike spaces per 20 employees and visitors 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
squash/tennis courts	<ul style="list-style-type: none"> 3 car spaces per tennis court 1 bike space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
Residential Accommodation		
boarding houses, secondary dwellings , supported accommodation and group homes	<ul style="list-style-type: none"> Refer to State Environmental Planning Policy (Affordable Housing) 2009 1 car space per 20 rooms 	<ul style="list-style-type: none"> Refer to SEPP (Affordable Housing) 2009
dwelling house, dual occupancy and semi-detached dwellings	<ul style="list-style-type: none"> 1 car space for one and two bedroom dwellings 2 car spaces for three > bedroom dwellings 	<ul style="list-style-type: none"> No requirement
home business or home industry	<ul style="list-style-type: none"> 1 car space, plus 1 car space for each employee 	<ul style="list-style-type: none"> No requirement
hostels	<ul style="list-style-type: none"> 1 car space per 10 beds 1 car space for every 2 employees 1 parking space for services and deliveries 	<ul style="list-style-type: none"> No requirement
residential flat	<ul style="list-style-type: none"> 1 car space for one and two 	<ul style="list-style-type: none"> No requirement

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B9

ROAD NETWORK AND PARKING

buildings , attached dwellings, multi dwelling housing and shop-top housing	<ul style="list-style-type: none"> bedroom dwellings 2 car spaces for three > bedroom dwellings 1 visitor space for every three dwellings 	
seniors housing	<ul style="list-style-type: none"> Refer to SEPP (Housing for Seniors or People with a Disability) 2004 	
Tourist and Visitor Accommodation		
backpackers accommodation	<ul style="list-style-type: none"> 1 car space per 10 beds or 1 space per 5 rooms 1 car space per 2 employees 	<ul style="list-style-type: none"> 1 space per 20 parking spaces
bed and breakfast establishment and farm stay	<ul style="list-style-type: none"> 1 car space per guest room 	<ul style="list-style-type: none"> No requirement
camping ground and caravan park	<ul style="list-style-type: none"> 1 car space per site 1 visitor space for every 10 sites 	<ul style="list-style-type: none"> No requirement
hotel or motel accommodation, and eco-tourist facilities	<ul style="list-style-type: none"> 1 car space for each accommodation unit 1 car space per 2 employees 1 bike space per 20 accommodation units 	<ul style="list-style-type: none"> 1 space per 20 parking spaces
serviced apartments	<ul style="list-style-type: none"> Refer to PSLEP 2013 7.13 Serviced apartments 	

B9.5	Where the parking requirements for B9.4 cannot be provided for onsite in accordance with Figure BT, Council may consider alternative off-site arrangements for parking demand, such as providing parking on another site in proximity to the development.
B9.6	<p>A reduction in the number of spaces required in accordance with Figure BT may be considered when supported by a TIA in the following circumstances:</p> <ul style="list-style-type: none"> - Parking has a negative visual impact on heritage - The current land use has been approved with a parking shortfall and the proposed parking concession does not exceed the current shortfall for the approved use calculated in accordance with Figure BT - Peak demand between commercial and residential development types is shared - An upgraded public transit facility, such as a bus stop, is provided in proximity to the site - Where it can be demonstrated that ancillary uses carried out as part of, or ancillary to a marina do not generate demand for on-site parking, consistent with the relevant rate prescribed in Table BT.
B9.7	<p>A reduction in the number of spaces required in accordance with Figure BT (p. B-56) may be considered for commercial premises on land zoned B2 Local Centre or B3 Commercial Core when dedicated car sharing service spaces equipped with electric vehicle charging provisions are provided. The maximum reduction is not to exceed:</p> <ul style="list-style-type: none"> - For development requiring up to 5 spaces – no reduction - For development requiring more than 5 and up to 20 spaces – 1 space - For development requiring more than 20 spaces – 5% <p>Note: dedicated car sharing service spaces are included as a car parking space for the purposes of calculating the total number of spaces provided.</p>
B9.58	All internal driveways and parking areas of public car parks are concrete pavement or

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B9

PARKING NETWORK AND PARKING

	gravel sealed with bitumen or asphalt					
B9.69	Walking routes through large car parks are to be delineated by markings, signage , grade separation and pedestrian crossings in accordance with AS 2890 – Parking facilities					
B9.710	Parking for people with a disability is designed and constructed: <ul style="list-style-type: none"> in accordance with AS 2890 – Parking facilities and AS 1428 – Design for access and mobility to be located as close to wheelchair accessible entrances/lifts and linked by an accessible/ continuous path 					
B9.811	On-site parking is located behind the building line or setback by 1m Note: C4.18 requires a minimum garage setback of 1m behind the building line or setback					
Objectives						
B9.C	On-Site Parking Access	<ul style="list-style-type: none"> To ensure that vehicle access is located in a safe location, where it least impacts on existing transit movements To ensure driveway exits maximise intersection sight distances for traffic and pedestrians on footpaths 				
Requirements						
B9.912	The entry, exit and driveway separation widths of access points from a site to a street frontage is provided in accordance with these steps: <ol style="list-style-type: none"> Determine the class of parking, either being A, B or C Determine the ingress/egress category by identifying whether that class is located on either an arterial road or local street and by referencing the number of parking spaces that are required, which is determined by B9.4 Determine entry, exit and driveway separation widths by using the ingress/egress category 					
Step 1.						
Class	Examples of Uses	Required Door Opening				
A	All-day parking – resident, employee, commuter parking and universities	Front door, first stop				
B	Medium-term parking – long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels and airport visitors	Front door, second stop				
C	Short-term parking – town Centre parking, shopping centres, department stores, supermarkets, hospitals and medical centres	Rear door, full-opening				
Step 2.						
Street Hierarchy	Number of Parking Spaces					
	<25	25-100	101-300	301-600	>600	
Class	Ingress/Egress Category					
A	Arterial	1	2	3	4	5
	Local	1	1	2	3	4
B	Arterial	2	2	3	4	5
	Local	1	2	3	4	5
C	Arterial	2	3	4	4	5

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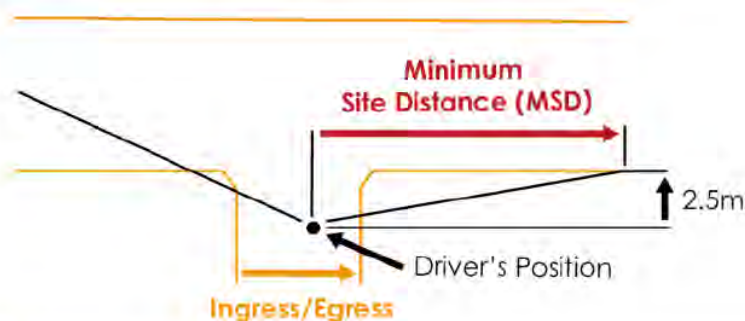
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TABLE 1 - DEVELOPMENT CONTROL PLAN

	Local	1	2	3	4	4
Step 3.						
Ingress / Egress Category		Entry Width		Exit Width		Driveway Separation
1		Single Maximum: 3m Double Maximum: 4m		Combined		-
2		6- 9m		Combined		-
3		6m		4-6m		1-3m
4		6-8m		6-8m		1-3m
5		Direct connection from a dedicated public road via controlled intersection				
Ingress/Egress dimensions may need to be increased to 6.5m for the first 6m inside the property boundary when: <ul style="list-style-type: none"> ingress/egress exceeds 30m in length <ul style="list-style-type: none"> Ingress/Egress exceeding 30m in length provides passing bays at 30m intervals sight distance in accordance with Figure BR cannot reasonably be achieved development provides direct access to an arterial road 						

Figure BR: Illustration of Ingress and Egress Minimum Site Distances



- B9.401
3
- Ingress and egress to parking areas is:
- not located in proximity to intersections or where queuing and sight distances are restricted
 - not located opposite other **traffic generating developments**, unless separated by a median strip
 - not located within the sections of kerb illustrated by Figure BS
 - to provide a minimum of 0.5m from the **side boundary** at the **front property line** and minimum 0.5m clearance from the edge of existing street furniture
 - intersect with the road between 70 to 90 degrees
 - to provide a **driveway cross-fall** for the first 3 metres, which is to match the longitudinal gradient of the kerb/road pavement
 - to ensure vehicles can enter and leave in a forward direction
 - to provide the **Minimum Sight Distances (MSD)** required by Figure BR in

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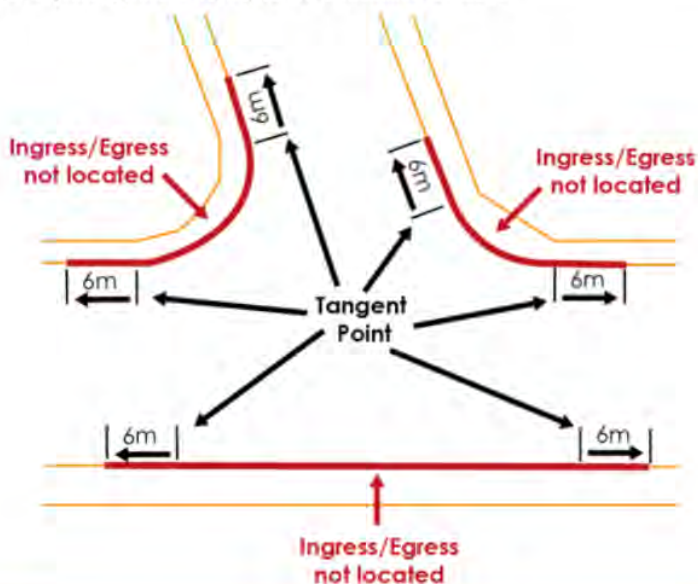
B9

ROAD NETWORK AND PARKING

accordance with the following table:

Road Speed km/h	Large Car Park MSD		Residential MSD
	Safe Intersection Side Distance (SISD)	Stop Site Distance	
40	65	40	30
50	90	55	40
60	115	75	55
70	140	90	70
80	170	115	95
90	200	140	-
100	235	165	-

Figure BS: Ingress/Egress is not supported in identified locations



Objectives

B9.D	Visitor Parking & Loading Facilities	<ul style="list-style-type: none"> To ensure visitor parking is conveniently located and easily identifiable To ensure loading facilities do not adversely impact on the road network and are visually concealed
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Requirements

B9.41 4	Visitor parking is clearly marked, signposted and located in proximity to the main building of the development
B9.42 5	Service areas, car parking and loading bays are provided: <ul style="list-style-type: none"> At the basement or ground level at rear Away from pedestrian public spaces Away from residential areas Separately to staff and customer parking

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B9

ROAD NETWORK AND PUBLIC

B9.43 6	Parking layouts provide direct pedestrian paths to building entries and street frontage and is screened from the street	
Objective		
B9.E	Access to Public Transport for 20 or more dwellings	To encourage more active lifestyles and ecologically sustainable development by providing convenient and accessible public transport options
Requirements		
B9.44 7	A development application for 20 or more dwellings shall demonstrate that bus stops and shelters are: <ul style="list-style-type: none"> Existing and fully accessible to current standards within a 400m walking catchment or bus stops within a 400m catchment are able to be upgraded (at the proponents cost). Located as close as possible to the common destination, being the development site, and are connected to the entry of the development by a continuous accessible footpath 	
B9.45 8	Council may require the provision of taxi, private vehicle and bus/coach drop off/set down areas for significant scale developments , such as educational establishments or commercial premises	
B9.46 9	Ensure clear crossing points adjacent to public transport stops that are designed for pedestrian desire lines <ul style="list-style-type: none"> Development unable to demonstrate the above is required to liaise with the public transport providers and Transport for NSW to meet the requirements 	

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B10

Social Impacts

B10 Social Impact

Application	
This Part applies to development deemed to have a significant social impact	
Objectives	
B10-A	<p>Social Impact</p> <ul style="list-style-type: none"> To promote community well-being and quality of life To achieve intergeneration equity To ensure social impacts are measured and effective mitigation strategies implemented To implement the Port Stephens Council, 2014, 'Social Impact Policy'²⁷
Requirement	
B10-1	<p>A social impact assessment is required for development with the potential to have a significant social impact, which may include:</p> <ul style="list-style-type: none"> backpacker accommodation boarding houses caravans parks entertainment facilities hostels major subdivisions pubs registered clubs restricted premises sex services premises tourist and visitor accommodation transitional group homes any other development deemed by Council to have a significant social impact <p>Note: All development types are defined under the Local Environmental Plan with the exception of major subdivisions, which is defined under this Plan</p>

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C

DEVELOPMENT TYPES

C Development Types

The Parts listed below apply to all *land-use types* to which this Plan applies.

C Development Types			
No	Part	This Part applies to development that:	Page
C1	Subdivision	<ul style="list-style-type: none"> is defined as subdivision 	C-56
C2	Commercial	<ul style="list-style-type: none"> is defined as commercial premises 	C-61
C3	Industrial	<ul style="list-style-type: none"> is defined as industry and/or development within the Zone B5 Business Development. 	C-67
C4	Dwelling Houses, Secondary Dwelling, Dual Occupancy or Ancillary Structures	<ul style="list-style-type: none"> is defined as a dwelling house is defined as a secondary dwelling is defined as a dual occupancy is defined as an ancillary structure, which includes a swimming pool, shed, fence, retaining wall or shipping container 	C-71
C5	Multi Dwelling Housing or Seniors Housing	<ul style="list-style-type: none"> is defined as multi dwelling housing is defined as seniors housing 	C-78
C6	Home Business or Home Industry	<ul style="list-style-type: none"> is defined as home business or home industry 	C-87
C7	Restricted or Sex Services Premises	<ul style="list-style-type: none"> is defined as restricted premises is defined as sex services premises 	C-88
C8	Signage	<ul style="list-style-type: none"> is defined as signage 	C-90
C8	Ancillary Development	<ul style="list-style-type: none"> is defined as ancillary structures, including: sheds, swimming pools, fencing, retaining walls and shipping containers. 	C-90

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C1

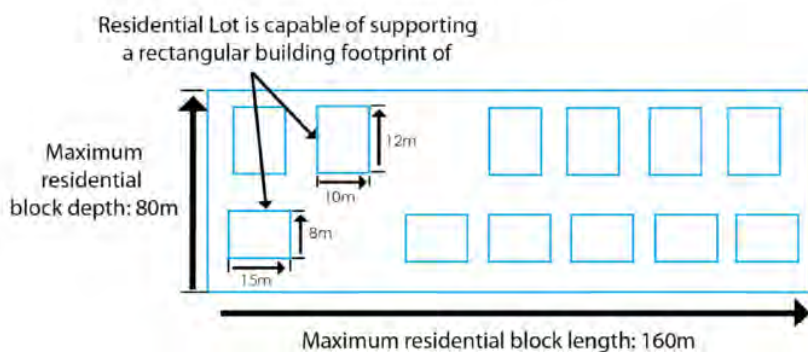
SUBDIVISION

C1 Subdivision

NOTE: The order of the controls in Chapter C1 Subdivision have been re-arranged to improve readability, and to clearly identify controls that only apply to major subdivisions. Additions to existing controls have been highlighted in yellow.

Application		
This Part applies to development that is defined as subdivision .		
Objective		
C1.A	All Subdivision - Lot Size and Dimensions	To ensure all new lots have a size and shape appropriate to their proposed use, and to allow for the provisions of necessary services and other requirements
Requirements		
C1.1	Lot Size	Subdivision adheres with Local Environmental Plan Part 4
C1.2	Rectangular Footprint	A residential lot is capable of supporting a rectangular building footprint of 15m x 8m or 10m x 12m as illustrated by Figure CA
C1.3	Battle-axe Lots	All lots provide direct street frontage <ul style="list-style-type: none"> • Battle-axe lots are only considered when there is no practical way to provide direct street frontage • Right of carriageway is constructed prior to the issuing of a subdivision certificate and is provided in accordance with Figure CB <ul style="list-style-type: none"> - Alternative solutions are to be considered for lots created prior to the Local Environmental Plan, but only where safety is not impeded
C1.4	Splay Corners	Splay corners are provided for corner lots and must be a minimum of: <ul style="list-style-type: none"> • 4m x 4m for residential zones • 8m x 8m for commercial and industrial zones • 6m x 6m or merit-based approach for other zones

Figure CA: Residential Block Dimensions and Rectangular Building Footprint



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SUBDIVISION

Figure CB: *Battle-axe Lot* Requirements

	Entry Width	Max Length	Misc.	Torrens
▪ <i>Dwelling house</i> ▪ <i>Dual occupancy</i>	3.6m	30m	Max 2 <i>dwellings</i>	Max 3
▪ <i>Multi dwelling housing</i> ▪ <i>Residential flat building</i>	6m	50m	-	-
▪ Business ▪ Industrial	10m	-	-	Max 3
▪ Rural less than 2 lots	6.5m	200m	-	Max 3
▪ Rural greater than 3 lots	10m	200m	-	Max 3

Objectives		
C1.B	All Subdivision - Street trees	To ensure street tree planting is of an appropriate species and undertaken in accordance with Council's guidelines.
Requirement		
C1.5	Street Tree Requirements	Street trees are required as a component of the <i>road reserve</i> for the following: <ul style="list-style-type: none"> ▪ residential <i>subdivisions</i> ▪ commercial <i>subdivisions</i> ▪ industrial <i>subdivision</i> creating 10 or more lots <ul style="list-style-type: none"> - Street trees are provided in accordance with the <i>tree technical specification</i>¹ <ul style="list-style-type: none"> o Attachment 1 – Tree Planting Guidelines of the <i>tree technical specification</i>¹ provides guidance to the application of Attachment 2 to determine the total number of trees to be provided
C1.6	Street Tree Replacement	Where street trees are required to be removed to facilitate development, they must be replaced in a practical location, in accordance with Section 4.6 of the <i>tree technical specification</i> ¹
Objective		
C1.C	All Subdivision - Solar Access	To maximise <i>solar access</i> for residential <i>dwellings</i>
Requirement		
C1.7	Solar Access	Residential <i>subdivision</i> addresses the following guidelines for <i>solar access</i> . Any inconsistency clearly justifies how alternative energy efficiency is achieved <ul style="list-style-type: none"> ▪ Where possible, lots should be oriented to provide one axis within 30 degrees east and 20 west of true solar north ▪ Where a northern orientation of the long axis is not possible, lots should be wider to allow <i>private open space</i> on the northern side of the <i>dwelling</i>

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SUBDIVISION

		<ul style="list-style-type: none"> Topography and landform should inform the subdivision layout in order to maximise solar access opportunities
Objective		
C1.D	All Subdivision - Public Scale Drainage	To ensure further guidance is provided for subdivision that is consistent with B4 Drainage and Water Quality and the infrastructure specification – design¹¹ (where relevant).
Requirements		
C1.7	Inter-allotment Drainage	Each lot must be able to be gravity drained through the drainage system to public drainage
C1.8		Inter-allotment drainage may be required for subdivision where a lot does not drain directly to the road kerb
C1.9	Drainage Reserves	An overland flow path is provided for the 1% Annual Exceedance Probability(AEP) storm event and is a drainage reserve dedicated to Council as operational land

Objectives														
C1.E	Major Subdivision - Block and Street Layout	<ul style="list-style-type: none"> To ensure local streets are well-connected to the street network with obvious pedestrian and cycle links to higher order streets To ensure priority is provided to residents' needs when designing local streets to encourage usability To ensure pathways follow desire lines 												
Requirements														
C1.8	Block Dimensions	A block seeks to achieve the following dimensions:												
		<table border="1"> <thead> <tr> <th>Zone</th> <th>Maximum depth</th> <th>Maximum length</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>80m</td> <td>160m</td> </tr> <tr> <td>Commercial</td> <td>50m</td> <td>80m</td> </tr> <tr> <td>Industrial</td> <td>120m</td> <td>200m</td> </tr> </tbody> </table>	Zone	Maximum depth	Maximum length	Residential	80m	160m	Commercial	50m	80m	Industrial	120m	200m
		Zone	Maximum depth	Maximum length										
		Residential	80m	160m										
Commercial	50m	80m												
Industrial	120m	200m												
C1.9	Technical Specifications	Street layout complies with the road network specifications in infrastructure specification – design¹¹												
C1.10	Street Layout Attributes	<p>The street layout addresses the following:</p> <ul style="list-style-type: none"> All street components are integrated, such as kerbing, pavement type, width, street tree planting, footpaths, on road cycleway, shared paths, lighting and seating are provided as specified in infrastructure specific – design¹¹ Road widths accommodate the necessary movements of service and emergency vehicles Driveways and footpaths are provided at subdivision as a part of the subdivision works Footpaths and shared paths follow desire lines Street layout is interconnected to provide a grid-like structure Street layout is informed by street connections for future subdivisions on adjacent lands 												

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		<ul style="list-style-type: none"> Street layout enables each lot to front a street and for corner lots to face both streets Street layout seeks to provide a perimeter road between residential dwellings and; <ul style="list-style-type: none"> bush fire prone land open space defined as a regional park, district park or local park Street layout ensures public access to public open space is maintained and encouraged Street layout responds to the topographical features of the site, such as: <ul style="list-style-type: none"> where land slopes at a grade of 6% or more the predominant street alignment is perpendicular to the contours straight or gently curved to frame vistas <p>Note: Development should have consideration for the Port Stephens Pathways Plan.</p>																				
C1.11	Cul-de-sacs	<p>Cul-de-sacs are generally only supported where:</p> <ul style="list-style-type: none"> the existing street layout does not permit a through street connectivity to an adjoining street is not required the cul-de-sac has a maximum length of 75m access is provided to no more than 10 allotments clear line of sight is provided from the nearest intersection 																				
Objectives																						
C1.F	Major Subdivision - Public Open Space	<ul style="list-style-type: none"> To provide a hierarchy of public open space in accordance with public open space hierarchy To provide parks that are multi-functional To ensure parks achieve centrality by being located near transport nodes, public buildings, waterfronts, libraries or places of public worship To ensure public open space meets the demands of the local community to encourage usability and critical mass 																				
Requirements																						
C1.12	Open Space Hierarchy	Council may require the provision of public open space in accordance with the following:																				
		<table border="1"> <thead> <tr> <th></th> <th>Category</th> <th>Area</th> <th>Catchment</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>regional park</td> <td>merit-based approach</td> <td>merit-based approach</td> </tr> <tr> <td>B</td> <td>district park</td> <td>1-2ha</td> <td>500 -800m</td> </tr> <tr> <td>C</td> <td>local park</td> <td>0.5ha</td> <td>150-400m</td> </tr> <tr> <td>D</td> <td>corridor open space</td> <td>merit-based approach</td> <td>-</td> </tr> </tbody> </table>		Category	Area	Catchment	A	regional park	merit-based approach	merit-based approach	B	district park	1-2ha	500 -800m	C	local park	0.5ha	150-400m	D	corridor open space	merit-based approach	-
			Category	Area	Catchment																	
		A	regional park	merit-based approach	merit-based approach																	
		B	district park	1-2ha	500 -800m																	
C	local park	0.5ha	150-400m																			
D	corridor open space	merit-based approach	-																			
C1.13	Open Space Reduction	<p>The quantity of public open space may be reduced if:</p> <ul style="list-style-type: none"> accessibility is improved through such measures as providing extended connections to the wider pedestrian network; 																				

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SUBDIVISION

		<ul style="list-style-type: none"> value of open space is improved through such measures as an increased amount and/or quality of park furniture, amenities, play equipment, sports infrastructure; or
C1.14	Open Space Attributes	<p>Public open space for the purpose of a local park, district park or regional park must:</p> <ul style="list-style-type: none"> be of regular shape (rectangle/square) to maximise recreation opportunities; Note: Long narrow open spaces are not acceptable unless used for linkages. be generally flat and centrally located near transport nodes, public buildings, waterfronts, libraries or places of public worship to maximise accessibility for all members of the public; provide for safe and convenient access by being located on pedestrian and cycle routes; clearly demonstrate that it is a public space and be bounded by a street and faced by lots zoned or used for residential or commercial purposes; be designed with consideration to CPTED principles; and include access for services (e.g. garbage collection, maintenance, water, sewerage and electricity) <p>Note: The provision of playgrounds is assessed on a case by case basis by primarily considering proximity to other community and recreation facilities.</p> <p>Note: Further attributes specific to a local park, district park and regional park are provided in Part E 1 of the PSDCP 2014.</p>
C1.15		<p>Land that may be deemed unsuitable as public open space for the purposes of a local park, district park or regional park includes:</p> <ul style="list-style-type: none"> contaminated land; land primarily used for stormwater management or drainage control purposes; land containing sites or items of cultural significance; or land identified as an Asset Protection Zone (APZ).
C1.16		<p>Corridor open spaces are drainage reserves classified as operational land under the <i>Local Government Act 1993</i></p>
Objective		
C1.G	Major Subdivision - Infrastructure	To ensure detailed consideration is provided to the provision of integrated and quality public infrastructure
Requirements		
C1.17	Technical Specifications	Infrastructure in accordance with the infrastructure specification – design ¹¹ is identified on the Concept Utility Plans or more detailed Preliminary Engineering Plans
C1.18	Public Infrastructure	Subdivision provides public infrastructure within the adjoining road or public land, including kerb/gutter, stormwater drainage, footpaths, street lighting, street trees and bus shelters, excluding:

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SUBDIVISION

		<ul style="list-style-type: none"> Public utilities, such as water and electricity, are kept within private lot boundaries and are not located within the road reserve
C1.19	Lifecycle and Maintenance	<p>Lifecycle and maintenance costs are a key determinant when considering alternative methods, products and manufacturers to those specification in the infrastructure specification – design¹</p> <ul style="list-style-type: none"> Council will request life cycle costing and maintenance manual details for infrastructure to assist in ongoing maintenance

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C2

COMMERCIAL

C2 Commercial

Application		
This Part applies to development defined as commercial premises		
<ul style="list-style-type: none"> This Part also provides additional requirements for bulky goods premises 		
Objectives		
C2.A	Height	<ul style="list-style-type: none"> To ensure development is of an appropriate height that minimises privacy loss and over-shadowing To ensure that floor to ceiling height allows for flexible uses over time
Requirements		
C2.1	Building Height	Building height is provided in accordance with the Local Environmental Plan clauses 4.3 and 5.6
C2.2	Floor to Ceiling Height	Minimum ground floor to ceiling height for all new development within a commercial zone is 3.5m
C2.3		Minimum first floor and above floor to ceiling height for commercial premises is 3m
C2.4		Minimum first floor and above floor to ceiling height for residential accommodation is 2.7m
C2.5		Ground level (finished) must be between 100-500mm above adjacent footpath levels
Objective		
C2.B	Site Frontage and Setbacks	To ensure development provides continuity and consistency to the public domain
Requirements		
C2.6	Site Frontage for buildings higher than 10.5m	Minimum 20m site frontage where development is proposed to be more than 10.5m in height
C2.7	Front Setback and Façade Articulation	Development is built to the front property line for the ground and first floor
C2.8		Minimum 3m front setback from the front property line for the second floor and above
C2.9		Minimum 3.5m front setback from the front property line for mixed use development for second floor and above
C2.10		Parts of a building may give variation in setback to provide design articulation
C2.11	Side Setback	Development should be built to the side boundary to maximise continuous activate street frontage , except where side access is provided
C2.12	Rear Setback	Commercial premises adjacent to a lot that is zoned or used for residential purposes or a public reserve is to provide a minimum rear setback of 5m, plus an additional 0.5m for each metre of the height of the building that exceeds 8m

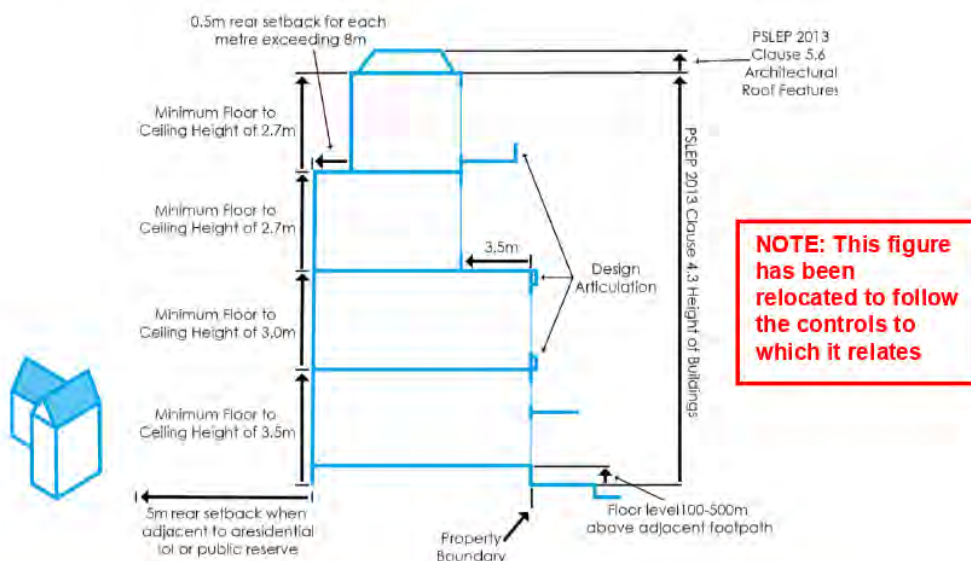
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C2

COMMERCIAL

C2.13		Rear setback is built for purpose and informed by a site analysis plan
C2.14	Longitudinal gradient	Where there is a level of change in excess of 500mm at the front property boundary the floor plate and rooflines of development steps with the longitudinal grade of street

Figure CDC: Illustration of Commercial Building Envelope



Objective		
C2.C	Building Form and Massing	To ensure development reinforces, compliments and enhances the visual character of the street
Requirements		
C2.15	Amenity	Building mass does not result in unreasonable loss of amenity to adjacent properties or the public domain
C2.16	Proportions	Building proportion is complimentary to the form, proportions and massing of existing building patterns
Objectives		
C2.D	Facades	<ul style="list-style-type: none"> To ensure street activation and passive surveillance through active street frontage To facilitate development that is safe and secure for pedestrians and contributes to public domain safety by

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		<p>incorporating principles of Crime Prevention through Environmental Design (CPTED), such as:</p> <ul style="list-style-type: none"> - Territorial Re-enforcement - Surveillance - Access Control - Space/Activity Management <ul style="list-style-type: none"> • To ensure the bulk of large floor plate development is concealed by a sleeve of smaller buildings fronting the street
Requirements		
C2.17	Materials	Building facades use materials, colours and architectural elements to reduce bulk and scale that are complimentary to existing built-form and natural setting
C2.18	Active Street Frontage	<ul style="list-style-type: none"> • Development provides continuity of an active street frontage for localities where business premises or retail premises predominately face the street and have direct pedestrian access from the street, which may be identified in Part D- Specific Areas • An active street frontage provides the following: <ul style="list-style-type: none"> - Maximum unarticulated wall is 2m in length - Minimum 50% of ground floor front is windows, which does not include false windows <p>Note: C1.3 requires that the street layout enable each lot to front a street or corner lots to face both streets</p>
C2.19		<p>A big box development may achieve an active street frontage by providing a sleeve of smaller buildings that conceal its bulk to the street frontage</p> <p>Note: C2.K provides additional requirements for bulky goods premises</p>
C2.20		Development incorporates Crime Prevention through Environmental Design (CPTED) principles by providing passive surveillance to public spaces through building design and orientation
C2.21	Public Footpath	Development provides paving to the public footpath for the entire length of the development street frontage
Objectives		
C2.E	Awnings	<ul style="list-style-type: none"> • To ensure continuous awnings along pathways to provide shelter where most pedestrian activity occurs • To ensure awning design is integrated with the building façade to integrate with adjoining buildings
Requirements		
C2.22	Awnings	<p>Awnings must be provided over pedestrian pathways</p> <ul style="list-style-type: none"> • New awnings must maintain the same dimensions, alignment and materials of existing awnings along the street • A continuous or stepped solid box awning should be provided for the full extent of the building frontage with awnings 3m in width or setback 750mm from the curb, whichever is less

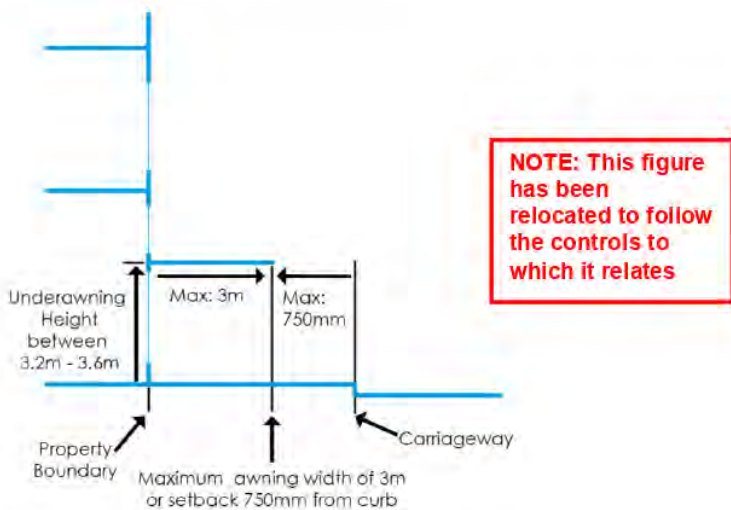
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	<ul style="list-style-type: none"> Under awning height will be between 3.2m and 3.6m Awnings on sloping sites should be a cantilevered steel box section that steps with street slope Awnings are varied when there is a need to highlight the location of a major building entrance
--	--

Figure CCD: Illustration of Commercial Awning Dimensions



Objective		
C2.F	Building Entries	To provide clear direction to access points
Requirements		
C2.23	Access Points	Provide a recognisable entry from the primary street <ul style="list-style-type: none"> Entries on corner sites address both streets by providing a splayed entry on that corner A separate and secure access point that provides a clear sense of building address is provided for the residential component of mixed-use development
C2.24	Entry Structures	Entry structures, such as access ramps, are located within the site behind the property boundary so as not to obstruct pedestrian footpaths in the public domain
Objective		
C2.G	Building Facilities and Services	To appropriately locate building facilities and services that do not adversely impact on the public domain
Requirement		
C2.25	Location of Building	Plant, equipment, storage areas, communication structures and servicing areas are located at the rear of a building and

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C2

COMMERCIAL

	Facilities and Services	not be visible from streets, parks and other public spaces, except for service lanes
C2.26	Public Toilets	Commercial development with a capital investment value over \$2 million shall provide toilets that are accessible to the public
Objective		
C2.H	Public Art	To ensure that features of the public domain contribute to identity, character, safety, amenity and accessibility
Requirements		
C2.27	Public Art	Commercial development with a capital investment value over \$2 million and that provides frontage to the public domain shall incorporate public art in accordance with Council's <i>Public Art Policy</i> and <i>Guidelines for the approval and installation of public art in Port Stephens</i> Note: Evidence must be provided with a commercial development application value over \$2 million demonstrating that the developer has obtained Public Art Approval from Council.
Objective		
C2.I	Shipping Container Stacks	To ensure development that proposes the use of shipping containers does not impact upon the amenity of the area
Requirements		
C2.28	Scale and Height	The scale and height of shipping container stacks shall have regard to the scale and height of nearby buildings.
C2.29	Siting	Shipping container stacks shall be located at the rear of the site where possible, unless the rear of the site abuts a sensitive use.
C2.30	Formation	Shipping containers stacked adjacent to landscaped areas or along property boundaries shall be stacked in a tier or pyramid formation to reduce their visual bulk.
Objectives		
C2.J	Landscaping	<ul style="list-style-type: none"> To enhance the appearance and amenity of developments through the retention and/or planting of large and medium sized trees. To encourage landscaping between buildings for screening. To ensure landscaped areas are consolidated and maintainable spaces that contribute to the open space structure of the area. To improve the aesthetics of commercial areas, especially major commercial road corridors, through landscape works and co-ordination of architectural and signage elements To reduce hydrocarbon emission by providing shading of untendered vehicles To reduce energy consumption through microclimate regulation To reduce air borne pollution by reducing the heat island effect

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C2

COMMERCIAL

		<ul style="list-style-type: none"> To intercept stormwater to reduce stormwater runoff
Requirements		
C2.31	Landscaping Coverage	<p>Landscaping is provided as follows:</p> <ul style="list-style-type: none"> 10% of the site area consisting of deep soil planting 30% shading over car park areas <p>Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping</p>
C2.32	Landscaping Dimensions	To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.
C2.33	Landscaping Qualities	<p>Landscaping is in accordance with the following:</p> <ul style="list-style-type: none"> Landscape works incorporate adequate screening from the street and adjacent neighbours; Corner lots provide landscaping to both street frontages; Tree and landscape planting shall be of a scale and extent that reflects the scale of the proposed development's buildings and pavement areas Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council tree technical specification¹
C2.34	Rear Setback	<p>The rear setback area is to be:</p> <ul style="list-style-type: none"> a deep soil landscape planting area where the development adjoins a residential zone or land used for residential purposes; or assessed by a merit-based approach where the development does not adjoin a residential zone or land used for residential purposes
C2.35	Species Selection	Landscape species are to be selected in accordance with the Landscape Technical Specification ⁴
Objectives		
C2.K	Bulky Goods Premises	<ul style="list-style-type: none"> Establish requirements for bulky goods premises Ensure the design of bulky goods contributes positively to the streetscape and public domain through quality architecture, materials and finishes
Requirements		
C2.36	Bulky Goods Premises Principles	<p>Bulky goods premises are to be designed to:</p> <ul style="list-style-type: none"> incorporate detail and architectural interest avoid creating ambiguous external spaces with poor pedestrian amenity and security provide a clearly identifiable and dedicated pedestrian access to the building and across the site from the primary street frontage provide pick-up areas next to the entrance to reduce unnecessary movement of heavy objects across the site

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C2

COMMERCIAL

Objective		
C2.L	Signage	To ensure signage is complementary to its surroundings
Requirement		
C2.37	Types of Signage	<p>The following types of signage are generally not supported:</p> <ul style="list-style-type: none"> • Flashing signs <p>Note: Flashing signs may be permitted in the road reserve if the text is a road safety message</p> <ul style="list-style-type: none"> • Roof signs • Vehicular signs where the primary use of the vehicle is for advertising. • Above awning signs • Anchored balloons or airborne signs • Inflatable signs • Hoarding signs • A-Frame signs

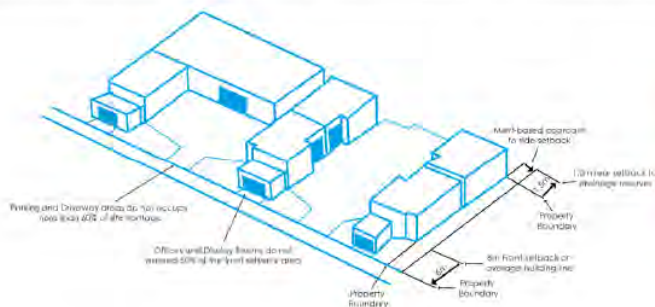
ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 AMENDMENT.

C3

INDUSTRIAL

C3 Industrial

Application		
This Part applies to development defined as industry and/or development within the Zone B5 Business Development.		
Objectives		
C3.A	Height	<ul style="list-style-type: none"> To ensure the height of buildings is appropriate for the context and character of the area To ensure building heights reflect the hierarchy of centres and land use structure
Requirement		
C3.1	Building Height	<p>Development must not exceed a height of 15m</p> <p>Note: The Local Environmental Plan clause 4.3 Height of buildings overrides this requirement, if a height is specified</p>
Objective		
C3.B	Building Siting and Design	To ensure development is situated within an appropriate building envelope
Requirements		
C3.2	Front Setback	Maximum 6m front setback from the front property line or in line with the existing average building line
C3.3		<p>Single storey offices and display rooms within the front setback must:</p> <ul style="list-style-type: none"> not exceed 50% of the front setback area ensure sightlines are maintained for pedestrian and vehicle movement
C3.4	Side Setback	Side boundary setbacks are to be in accordance with the BCA
C3.5	Rear Setback	Merit-based approach to rear setback with a 1.5m buffer zone provided to drainage reserves



NOTE: This figure has been relocated to follow the controls to which it relates

Figure CF: Illustration of Industrial Building Principles

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 AMENDMENT.

C3

INDUSTRIAL

Objective		
C3.C	Shipping Container Stacks	To ensure <i>development</i> that proposes the use of shipping containers does not impact upon the amenity of the area
Requirements		
C3.6	Scale and Height	The scale and height of shipping container stacks shall have regard to the scale and height of nearby buildings.
C3.7	Siting	Shipping container stacks shall be located at the rear of the site where possible, unless the rear of the site abuts a sensitive use.
C3.8	Formation	Shipping containers stacked adjacent to landscaped areas or along property boundaries shall be stacked in a tier or pyramid formation to reduce their visual bulk.
Objective		
C3.D	Fencing	To avoid the dominance of fences on the streetscape and similar hostile design, and to soften the built environment in industrial areas
Requirements		
C3.9	Fencing Height	Fencing forward of the building line must not exceed a height of 1.2m.
C3.10	Fencing Materials	Fencing forward of the building line must be constructed of masonry or dark coloured picket in combination with vegetation
C3.11	Security Fencing	Security gates and other fencing may be utilised behind the setback, provided that it does not exceed a height of 2m
Objectives		
C3.E	Facades and Articulation	<ul style="list-style-type: none"> To ensure facades consist of appropriate materials and colours that contribute to streetscape amenity To ensure weather protection is provided at building entrances
Requirements		
C3.12	Colours and Materials	Building colours and materials are sympathetic to the natural environment and existing site context
C3.13	Awnings	Weather protection awnings are provided for building entrances
C3.14	Building Access	The building access point provides a clear sense of building address for residents and their visitors
C3.15	Building Frontage	Offices, showrooms and customer service areas are located towards the front of the <i>development</i>
C3.16		Parking and <i>driveway</i> areas do not occupy more than 60% of the site frontage
C3.17		Buildings face the street and provide clear entry points
C3.18	Blank Walls	Blank walls are minimised by incorporating an opening or change in the wall's articulation. This should include a combination of change in materials, setback variation, architectural details or landscaping

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C3

INDUSTRIAL

C3.19	Screening	Screening of poorly designed buildings with vegetation is not an acceptable streetscape treatment. A combination of quality building design and landscaping is to be used to provide a positive contribution to the streetscape
Objectives		
C3.F	Landscaping	<ul style="list-style-type: none"> To enhance the appearance and amenity of developments through the retention and/or planting of large and medium sized trees. To encourage landscaping between buildings for screening. To ensure landscaped areas are consolidated and maintainable spaces that contribute to the open space structure of the area. To minimise the visual impact and noise pollution generated by development on nearby residential areas and road corridors To use land efficiently and minimise disturbance to the local natural environment To integrate existing landscape features and/or architecture into development To reduce energy consumption through microclimate regulation To reduce air borne pollution by reducing the heat island effect To intercept stormwater to reduce stormwater runoff
Requirements		
C3.20	Landscaping Coverage	<p>Landscaping is provided as follows:</p> <ul style="list-style-type: none"> 20% of the site area consisting of deep soil planting 30% shading over car park areas <p>Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping</p>
C3.21	Landscaping Dimensions	To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.
C3.22	Landscaping Qualities	<p>Landscaping is in accordance with the following:</p> <ul style="list-style-type: none"> Landscape works incorporate adequate screening from the street and adjacent neighbours; Corner lots provide landscaping to both street frontages; Landscape planting must provide adequate shading to the eastern and western elevations of poorly insulated buildings Tree and landscape planting shall be of a scale and extent that reflects the scale of the proposed development's buildings and pavement areas Remnant trees are retained and protected where possible Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure

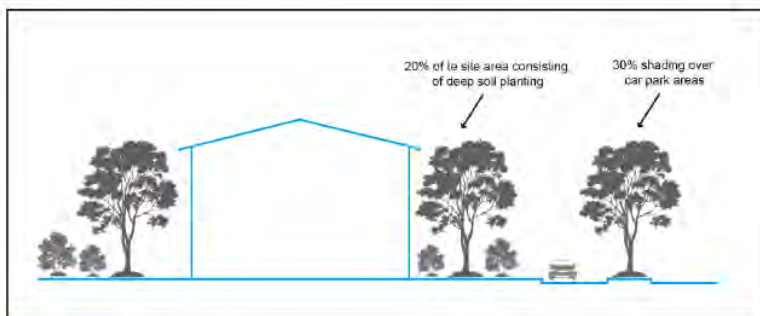
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C3

INDUSTRIAL

		<ul style="list-style-type: none"> Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council tree technical specification¹
C3.23	Species Selection	Landscape species are to be selected in accordance with the Landscape Technical Specification ⁴

Figure CE: Landscape design requirements for *industry development*



Objective		
C3.G	Signage	To ensure signage is complementary to its surroundings
Requirement		
C3.24	Types of Signage	The following types of signage are generally not supported: <ul style="list-style-type: none"> Flashing signs Note: Flashing signs may be permitted in the road reserve if the text is a road safety message Roof signs Vehicular signs where the primary use of the vehicle is for advertising. Above awning signs Anchored balloons or airborne signs Inflatable signs Hoarding signs A-Frame signs

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 AMENDMENT.

C4

DWELLING HOUSE, SECONDARY DWELLING, **C3** DUAL OCCUPANCY OR ANCILLARY STRUCTURES

C4 Dwelling House, Secondary Dwelling, or Dual Occupancy or Ancillary Structures

Application											
This Part applies to development that is defined as a dwelling house, secondary dwelling or dual occupancy or ancillary structure , which includes a swimming pool , shed, fencing, retaining wall or shipping container											
Objectives											
C4.A	Height	<ul style="list-style-type: none"> To ensure the height of buildings is appropriate for the context and character of the area To ensure building height reflects the hierarchy of centres and land use structure 									
Requirements											
C4.1	Building Height	Maximum height limit of 8m or a merit-based approach is taken where no height limit is specified under Local Environmental Plan clause 4.3 Note: C2.4 requires a minimum first floor and above ceiling height for residential accommodation in a commercial zone of 2.7m									
Objective											
C4.B	Setbacks	<ul style="list-style-type: none"> To ensure development provides continuity and consistency to the public domain To ensure development contributes to the streetscape and does not detract from the amenity of the area 									
Requirements											
C4.2	Front Setback	Minimum 4.5m front setback from the front property line for a greenfield site within a residential or RU5 Rural-Village zone									
C4.3		Minimum 4.5m front setback or the average building line from the front property line for an infill site, whichever is less, within a residential or RU5 Rural-Village zone									
C4.4		Minimum 10m front setback from the front property line for rural (other than RU5 Village), environmental or R5 Large Lot Residential zones									
C4.2	Setback Requirements	Development is to be setback from the subject property boundary, in accordance with the provisions outlined in Table C4.1 . Table C4.1 – Setbacks for dwellings, dual occupancies and secondary dwellings <table border="1" style="margin-left: 20px;"> <thead> <tr> <th></th> <th>Residential or RU5 (Village) zone</th> <th>Rural, Environmental or R5 (Large lot residential) zone</th> </tr> </thead> <tbody> <tr> <td>Front setback</td> <td>Greenfield - 4.5m Infill - 4.5m or the average building line (whichever is less)</td> <td>10m</td> </tr> <tr> <td>Secondary setback (corner lots)</td> <td>2m</td> <td>10m</td> </tr> </tbody> </table>		Residential or RU5 (Village) zone	Rural, Environmental or R5 (Large lot residential) zone	Front setback	Greenfield - 4.5m Infill - 4.5m or the average building line (whichever is less)	10m	Secondary setback (corner lots)	2m	10m
	Residential or RU5 (Village) zone	Rural, Environmental or R5 (Large lot residential) zone									
Front setback	Greenfield - 4.5m Infill - 4.5m or the average building line (whichever is less)	10m									
Secondary setback (corner lots)	2m	10m									

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C4

DWELLING HOUSE, SECONDARY DWELLING, C4.3 DUAL OCCUPANCY OR ANCILLARY STRUCTURES

		Side setback – ground level (finished)	0.9m	5m
		Side setback – upper storey	2m	5m
		Rear setback – ground level (finished)	2m	5m
		Rear setback – upper storey	6m	5m
C4-5 C4.3	Front setback encroachment	Maximum 1.5m encroachment of front setback for architectural features, such as an entry porch or deck		
C4-6 C4.5	Secondary dwelling setback	Development for a secondary dwelling must be located behind the building line of the principal dwelling it is in conjunction with		
C4-7	Secondary Setback	Minimum 2m secondary setback		
C4-8	(Corner Lots)	Minimum 40m secondary setback for rural (other than RU5 Village) or environmental zones		
C4-9 C4.4	Secondary setback encroachment	Maximum 1m encroachment to secondary setback for architectural features, such as an entry porch or deck		
C4-10	Side Setback – ground level (finished)	Minimum 0.9m side boundary setback for the ground level (finished)		
C4-11		Minimum 5m side boundary setback for the ground level (finished) in rural (other than RU5 Village) or environmental zones		
C4-12	Side Setback – upper storey	Minimum 2m side boundary setback for an upper storey		
C4-13		Minimum 5m side boundary setback for an upper storey in rural (other than RU5 Village) or environmental zones		
C4-14	Rear Setback – ground level (finished)	Minimum 2m rear setback for the ground level (finished)		
C4-15		Minimum 5m rear setback for the ground level (finished) in rural (other than RU5 Village) or environmental zones		
C4-16	Rear Setback – upper storey	Minimum 6m rear setback for an upper storey		
C4-17		Minimum 5m rear setback for an upper storey in rural (other than RU5 Village) or environmental zones		
C4-18 C4.6	Garage Setback	Garage setback minimum 1m behind the building line or setback		
C4-19 C4.7	Public Reserve and Waterfront Setback	Minimum 3m setback from a public reserve boundary		
C4-20 C4.8		Minimum 4.5m setback from a waterfront reserve boundary		
C4-24 C4.9		Minimum 1m setback from waterfront land from the access boundary		
C4-22 C4.10	Battle-axe Lot Handle	Minimum 1m setback from a battle-axe lot handle, access corridor or easement that is required for access Note: C1.13 details when battle-axe lots are provided		

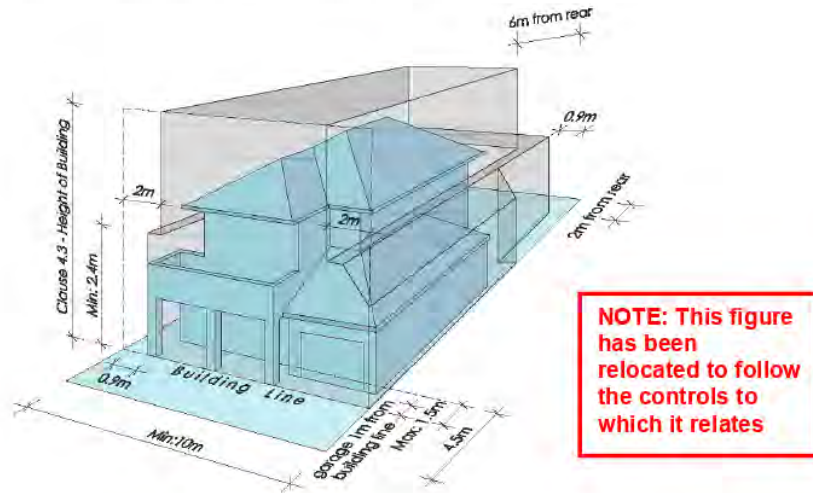
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C4

DWELLING HOUSE, SECONDARY DWELLING, C3 DUAL OCCUPANCY OR ANCILLARY STRUCTURES

<p>C4.23 C4.11</p>	<p>Adjoining Agricultural Buffers</p>	<p>An agricultural buffer of 150m or greater should be provided between a rural dwelling house, secondary dwelling or an ancillary structure for habitable purposes to adjoining land in separate ownership that is used or capable of being used for agricultural purposes</p> <ul style="list-style-type: none"> Where the 150m buffer or greater cannot be achieved the planting of a 30m wide native vegetation strip is to be provided between the proposed development building envelope and the adjacent agricultural land <p>Note: B2.1 requires a suitable buffer on the land which is the subject of development to items of environmental significance</p>
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Figure CH: Dwelling House Building Envelope



Objective		
C4.C	Streetscape and Privacy	To ensure development activates the streetscape to provide passive surveillance and privacy.
Requirements		
C4.24 C4.12	Passive Surveillance	Development is to address the street by having at least one habitable room front the street and/or adjoining public spaces
C4.25 C4.13		Development on corner lots is to address both street frontages by having habitable rooms face both streets
C4.26 C4.14	Streetscape Character	To be sympathetic to the existing landscape character and built-form with regard to design, bulk, scale, form, materials and roof configuration

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C4

DWELLING HOUSE, SECONDARY DWELLING, ~~C3~~ DUAL OCCUPANCY OR ANCILLARY STRUCTURES

C4.27 C4.15	Privacy and Two-Storey Development	Two storey development is to include a balcony or deck facing the street on the upper floor at least 1.5m deep across 25% of the dwelling frontage
C4.28 C4.16		Balconies are to be located to minimise overlooking of adjoining properties
C4.29 C4.17		Privacy screens are required for balconies and patios, which result in unreasonable privacy impacts to properties
C4.30 C4.18		Privacy screens , high-light windows or opaque glass is to be used for windows of habitable rooms (other than bedrooms) which overlook adjoining properties
Objective		
C4.D	Private Open Space	To ensure private open space with solar access is provided to allow opportunity for passive and active outdoor recreation
Requirements		
C4.31 C4.19	Private Open Space Dimensions	Minimum of 50m ² of ground floor private open space comprising a minimum of 35m ² that is usable. Private open space is considered usable if it: <ul style="list-style-type: none"> • has minimum dimensions of 4m x 4m; • has direct access from internal living areas; • is not located within a front setback; and • has a northerly aspect.
C4.32 C4.20		Where development cannot provide private open space on the ground floor, provisions shall be made for a balcony of not less than 20m ² with a minimum width of 3m for the use as private open space
C4.33 C4.21	Solar Access	Minimum of 2 hours sunlight to the principal private open space area between the hours of 9am-3pm midwinter
C4.34 C4.22		Minimum of 30% of private open space of adjoining dwelling s must remain unaffected by any shadow for a minimum of 3 hours between 9am-3pm midwinter
Objective		
C4.E	Car Parking and Garages	To ensure car parking caters for anticipated vehicle movements to and from the development and does not adversely impact on building articulation
Requirements		
C4.35 C4.23	Driveway Width	A driveway should have a minimum width of 3m 3-6m Note: B9.9 requires ingress/egress widths to provide the listed dimensions
C4.36 C4.24	Garage Dimensions	Maximum garage door width of 6m for residential lots or 50% of the building frontage, whichever is less
C4.37 C4.25		Maximum garage width of 9m for lots exceeding 1,500m ²
Objectives		

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C4

DWELLING HOUSE, SECONDARY DWELLING, **C3** DUAL OCCUPANCY OR ANCILLARY STRUCTURES

C4.F	Landscaping	<ul style="list-style-type: none"> To enhance the appearance and amenity of developments through the retention and/or planting of large and medium sized trees. To encourage landscaping between buildings for screening. To ensure landscaped areas are consolidated and maintainable spaces that contribute to the open space structure of the area. To add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities. To create and enhance vegetation links between natural areas and reduce weed potential to environmentally sensitive areas To reduce energy consumption through microclimate regulation To reduce air borne pollution by reducing the heat island effect To intercept stormwater to reduce stormwater runoff
Requirements		
C4.38 C4.26	Dwelling House	<p>Development located on land that slopes at more than 18 degrees to the horizontal or that is within 50m of land that contains:</p> <ul style="list-style-type: none"> a SEPP-14 Coastal Wetland identified in State Environmental Planning Policy (Coastal Management) 2018; or koala habitat; or species or communities listed within the TSC Act Biodiversity Conservation Act 2016 <p>must provide landscaping that:</p> <ul style="list-style-type: none"> will enhance the environmental constraints of the site; retains trees within the outer protection area of the APZ identified by a bushfire report; and constrains turf areas within the inner protection area of the APZ identified by a bushfire report.
C4.39 C4.27	Dual Occupancy Landscaping Coverage	<p>Landscaping is provided as follows:</p> <ul style="list-style-type: none"> 20% of the site area; or 40% of the site area where development is located within 50m of: <ul style="list-style-type: none"> a SEPP-14 Coastal Wetland identified in State Environmental Planning Policy (Coastal Management) 2018; or koala habitat; or species or communities listed within the TSC Act Biodiversity Conservation Act 2016; or a public reserve; and 30% shading over uncovered car park areas
C4.40 C4.28	Dual Occupancy	To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.

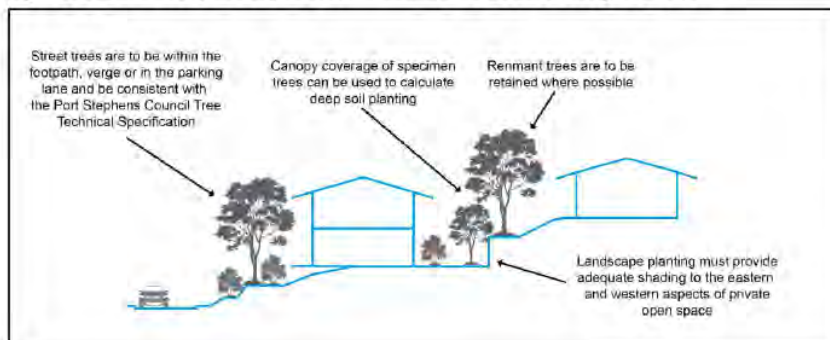
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C4

DWELLING HOUSE, SECONDARY DWELLING, **C3** DUAL OCCUPANCY OR ANCILLARY STRUCTURES

	Landscaping Dimensions	
C4.41 C4.29	Dual Occupancy Landscaping Qualities	<p>Landscaping is in accordance with the following:</p> <ul style="list-style-type: none"> • Landscape works incorporate adequate screening from the street and adjacent neighbours. • Corner lots provide landscaping to both street frontages. • Front boundary structures (e.g. fencing and retaining walls) provide visual relief with the use of landscape planting. • Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council tree technical specification¹ • Landscape planting must provide adequate shading to the eastern and western aspects of private open space • Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure <p>Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping</p>
C4.42 C4.30	Species Selection	Landscape species are to be selected in accordance with the Landscape Technical Specification ⁴
Objective		
C4.G	Site Facilities and Services	To ensure development provides appropriate facilities and services in the most appropriate site location
Requirements		
C4.6	Waste Storage	An adequately screened waste storage and recycling area is to be provided behind the building line
C4.7	Clothes Drying	A suitable open-air area for clothes drying is to be provided for each dwelling behind the building line with a northerly aspect

Figure CG: Landscape design requirements for **dual occupancy development**



ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 AMENDMENT.

C5

MULTI DWELLING HOUSING OR SENIORS HOUSING

C5 Multi Dwelling Housing or Seniors Housing

Application
<p>This Part applies to development that is defined as multi dwelling housing or seniors housing</p> <p>Note: Development defined as a residential flat building refers to SEPP No 65 – Design Quality of Residential Apartment Development</p>

Objectives		
C5.A	Landscaping	<ul style="list-style-type: none"> To enhance the appearance and amenity of developments through the retention and/or planting of large and medium sized trees. To encourage landscaping between buildings for screening. To ensure landscaped areas are consolidated and maintainable spaces that contribute to the open space structure of the area. To add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities. To reduce energy consumption through microclimate regulation To reduce air borne pollution by reducing the heat island effect To intercept stormwater to reduce stormwater runoff
Requirements		
C5.1	Landscaping Coverage	<p>Landscape area is provided as follows:</p> <ul style="list-style-type: none"> 15% of the site area consisting of deep soil planting where the lot is equal to or less than 250m² and zoned R1 – General Residential or R2 – Low Density Residential; or 20% of the site area consisting of deep soil planting where the lot is greater than 250m² and zoned R1 – General Residential or R2 – Low Density Residential; or 10% of the site area consisting of deep soil planting when the site is zoned R3- Medium Density Residential or B4 – Mixed Use; and <p>Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping</p> <ul style="list-style-type: none"> 50% of the landscaped area must be located behind the building line to the primary road; and 30% shading over uncovered car park areas
C5.2	Landscaping Dimensions	To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.
C5.3	Landscaping Qualities	<p>Landscaping is in accordance with the following:</p> <ul style="list-style-type: none"> Landscape works incorporate adequate screening from the street and adjacent neighbours.

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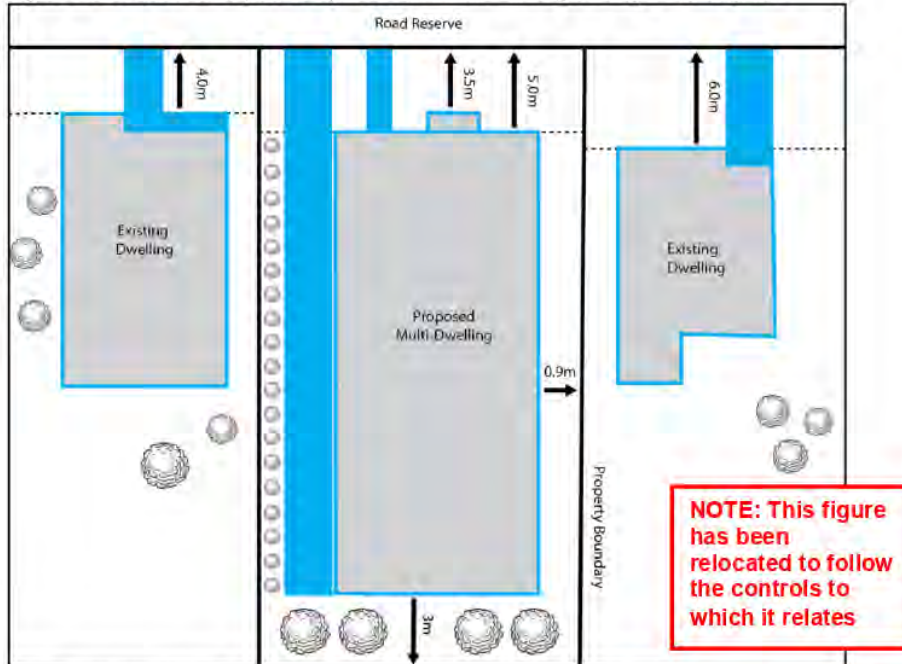
C5

MULTI DWELLING HOUSING OR SENIORS HOUSING

		<ul style="list-style-type: none"> • Corner lots provide landscaping to both street frontages. • Front boundary structures (e.g. fencing and retaining walls) provide visual relief with the use of landscape planting. • Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure • Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council tree technical specification¹
Objectives		
C5.B	Height	<ul style="list-style-type: none"> • To ensure building height is appropriate for the context and character of the area. • To ensure building heights reflect the hierarchy of centres and land use structure. • To ensure ceiling heights achieve sufficient ventilation and daylight access. • To ensure ceiling heights increase the sense of space and provides for well-proportioned rooms. • To ensure ceiling heights contribute to the flexibility of building use over the life of the building.
Requirements		
C5.4	Building Height	<p>Maximum height limit of 8m or a merit-based approach is taken where no height limit is specified under the Local Environmental Plan clause 4.3</p> <p>Note: C2.4 requires a minimum first floor and above ceiling height for residential accommodation in a commercial zone of 2.7m</p>
C5.5	Floor to Ceiling Height	Minimum floor to ceiling heights of 2.4m
Objective		
C5.C	Setbacks	<ul style="list-style-type: none"> • To ensure development provides continuity and consistency to the public domain. • To ensure adequate space between buildings to enable effective landscaping. • To alleviate impacts on amenity including privacy, solar access, acoustic control and natural ventilation. • To reduce the visual bulk of buildings from the street. • To maintain the rhythm and built form on the street.
Requirements		
C5.6	Front Setback	<p>Minimum 4.5m front setback from the front property line or the existing average building line for 75% of the building façade.</p> <p>The remaining 25% of the façade may allow a 2m encroachment provided the encroachment contains habitable rooms, terraces, balconies or bay windows.</p>

C5
MULTI DWELLING HOUSING OR SENIORS HOUSING

Figure C1. *Ground level (finished)* setbacks for the existing *average building line*



Note: The Figure C1 demonstrates application of the formula: $C = (A + B)/2$

C5.7		Podium structures and basement car parks are not to be within the front setback area
C5.8		Setback areas are not to be used for at grade parking.
C5.9		Minimum 5.5m front setback from the front property line for a garage to enable a parked car to be situated in front of the garage.
C5.10	Secondary Setback (Corner Lots)	Minimum 3m secondary setback , except for an open veranda, porch or deck which must be setback a minimum of 2m
C5.11	Side Setbacks	Minimum 0.9m side boundary setback for any part of a building at or below 5.5m in height
C5.12		Minimum 3m side boundary setback for any part of a building above 5.5m in height
C5.13		Despite the above requirements, a dwelling may be built to a side boundary if within a commercial zone or the zone R3 – Medium Density Residential, if the following is achieved: <ul style="list-style-type: none"> The maximum wall height is 6m and the maximum wall length is 6m and there will be no impact on privacy, use of private open space and solar access for adjoining properties unless these properties have approval/are proposed for medium density residential. Wall openings comply with the fire resistance levels of the BCA.

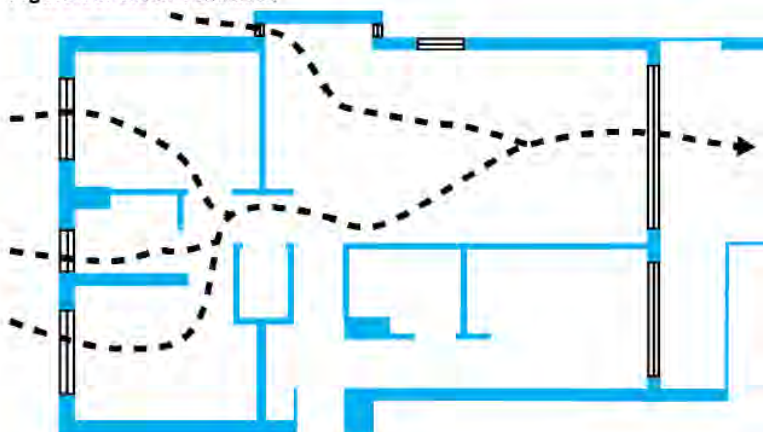
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C5

MULTI DWELLING HOUSING OR SENIORS HOUSING

		<ul style="list-style-type: none"> The wall height and length match a similarly constructed wall on the adjoining site.
C5.14	Rear Setbacks	For the ground level (finished) , rear setback must not exceed whichever of the following is greater: <ul style="list-style-type: none"> Minimum 3m from the rear boundary, or 25% of the average of the length of the side boundaries.
C5.15		Minimum 4m rear setback for the upper levels.
C5.16		Despite the above requirements, development may be built to the rear boundary on lots that have rear lane access.
C5.17		Podium structures and basement car parks are not to be placed in the rear setback area.
C5.18	Driveway Setback	Minimum 0.9m side boundary setback to provide for landscaping, which can be included in calculations.
Objectives		
C5.D	Natural Ventilation	<ul style="list-style-type: none"> To ensure all habitable rooms are naturally ventilated. To ensure a comfortable indoor environment is created for residents.
Requirements		
C5.19	Natural Ventilation	The buildings orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms .
C5.20		Depths of habitable rooms support natural ventilation.
C5.21		Doors and openable windows maximise natural ventilation opportunities by using the following design solutions: <ul style="list-style-type: none"> Adjustable windows with large effective openable areas; A variety of window types that provide safety and flexibility such as awnings and louvres; and Windows which the occupants can reconfigure to funnel breezes into the dwelling such as vertical louvres, casement windows and externally opening doors.

Figure CJ: Cross-Ventilation



ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 AMENDMENT.

C5

MULTI DWELLING HOUSING OR SENIORS HOUSING

Objective		
C5.E	Streetscape and Privacy	To ensure development activates streetscape to provide passive surveillance and privacy
Requirements		
C5.22	Access	Dwellings that have street frontage provide direct and legible pedestrian access from the street to the front entry. Note: Development should have consideration for the Port Stephens Pathways Plan.
C5.23	Openings	The front door entrance of each dwelling must be sheltered and be located forward of the designated car parking space
C5.24		Windows and walls are located to avoid noise sources from adjacent lots and streets
C5.25		Windows on the second floor considers impacts on the privacy or amenity of neighbouring buildings
C5.26		Privacy screens , high-light windows or opaque glass is to be used for windows of habitable rooms (other than bedrooms) which overlook adjoining properties.
C5.27	Colour Schemes	Building colours should adopt a colour scheme to express building massing, articulation and detailed façade elements
C5.28	Corner Lots	Development on a corner lot has one or more dwellings facing each street frontage.
C5.29	Façade	The façade of each dwelling within a building should be identifiable as such to indicate that the building consists of separate dwellings . Subtle changes provide individuality between the proposed dwellings while seeking to maintain pattern continuity of the overall building.
C5.30		Unbroken roof ridgelines should not exceed 10m in length and blank walls without a window should not exceed 5m in length.
C5.31		The dwelling with street frontage provides a recognisable pedestrian entry point from the street.
C5.32	Privacy	Balconies, terraces and decks must include privacy screens where they face onto side boundaries or are orientated to avoid direct overlooking onto adjoining lots.
Objectives		
C5.F	Noise	<ul style="list-style-type: none"> To minimise noise transfer through the siting of buildings and building layout To ensure noise impacts are mitigated within units through layout and acoustic treatments
Requirements		
C5.33	Noise	Window and door openings are generally oriented away from noise sources
C5.34		Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas
C5.35		Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources

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C5

MULTI DWELLING HOUSING OR SENIORS HOUSING

C5.36		The number of part walls (a common wall shared with another dwelling) are limited and are appropriately insulated
Objectives		
C5.G	Car Parking and Garages	<ul style="list-style-type: none"> To ensure car parking caters for anticipated vehicle movements to and from the development and does not adversely impact on building articulation. To ensure vehicular access has minimal impacts on neighbouring dwellings. To ensure that vehicular access points and parking is safe and convenient for residents, visitors and service providers.
Requirements		
C5.37	Driveway Width and Access	Where a common driveway is to be provided it is to have a minimum width of 3.6m
C5.38		Where a common driveway is not provided and individual driveways connect to the street, the garage is to be setback 5.5m to allow for a parked car to be situated in front of the driveway door.
C5.39		Visual impact of long driveways should be minimised through changing alignments and screen planting
C5.40		Traffic calming devices, such as changes in paving material or textures, should be used where appropriate.
C5.41		<p>Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include:</p> <ul style="list-style-type: none"> changes in surface materials; level changes; the use of landscaping for separation.
Objective		
C5.H	Private Open Space	To ensure private open space with solar access is provided to allow the opportunity for passive and active outdoor recreation
Requirements		
C5.42	Private Open Space Dimensions	<p>Minimum of 16m² of ground floor private open space for each dwelling containing one or two bedrooms that:</p> <ul style="list-style-type: none"> has minimum dimensions of 4m x 4m; has direct access from internal living areas; is not located within a front setback; and has a northerly aspect.
C5.43		<p>Minimum area of 25m² of ground floor private open space for each dwelling containing three or more bedrooms that:</p> <ul style="list-style-type: none"> has minimum dimensions of 4m x 4m; has direct access from internal living areas; is not located within a front setback; and has a northerly aspect.

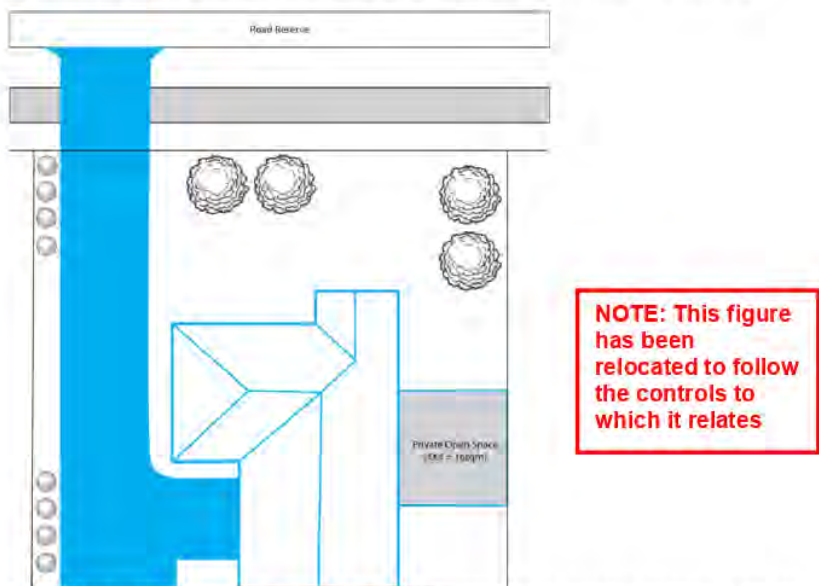
ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 AMENDMENT.

C5

MULTI DWELLING HOUSING OR SENIORS HOUSING

C5.44		Where development cannot provide private open space on the ground floor, provisions shall be made for a balcony of not less than 16m ² with a minimum width of 2.4m and minimum depth of 1.5m for the use as private open space
C5.45	Private Open Space Dimensions for Seniors Housing	Despite the above requirements, ground floor private open space for each dwelling in development for seniors housing may be reduced to a minimum area of 9m ² and minimum dimensions of 3m x 3m

Figure CK: **Private open space** requirements for one or two bedroom **dwelling**s.



Note: **Dwellings** containing three or more bedrooms must provide a minimum **private open space** area of 25m²

C5.46	Solar Access	Minimum of two hours sunlight to the private open space area between the hours of 9am-3pm midwinter
C5.47		Minimum of 50% of private open space of adjoining dwelling s is not affected by any shadow for a minimum of three hours between 9am-3pm mid-winter
Objective		
C5.1	Site facilities and services	To ensure development provides appropriate facilities and services in the most appropriate site location
Requirements		
C5.48	Equipment	Equipment, such as water tanks, pool pumps and air conditioners, are to be located and shielded to minimise the impact of noise on adjoining dwelling s

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C5

MULTI DWELLING HOUSING OR SENIORS HOUSING

C5.49	Waste Storage	Adequately screened waste storage and recycling area are to be provided behind the building line or setback of a dwelling
C5.50	Mail boxes	Mail boxes are adjacent to the major entrance
C5.51	Street Numbers	Street/unit numbers are identifiable from the street
C5.52	Clothes Drying	A suitable open-air area for clothes drying is to be provided for each dwelling behind the building line or setback with a northerly aspect
C5.53	Site Facilities & Services	The provision of electricity and gas for new dwelling s should be provided underground.
C5.54	Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <ul style="list-style-type: none"> • 6m³ for one bedroom units • 8m³ for two bedroom units • 10m³ for three or more bedroom units
Objective		
C5.J	Additional Requirements for Seniors Housing	<ul style="list-style-type: none"> • To establish additional requirements for seniors housing development • To ensure development for seniors housing provides adequate area for communal open space • To provide communal open space within seniors housing development that is accessible from dwellings and promotes interaction between residents • To allow a merits based assessment of communal open space dependant on the quality of facilities, accessibility, furniture, and landscaping and feature elements <p>To ensure adequate community facilities are provided for residents in seniors housing development</p>
Requirements		
C5.55	Communal Open Space	<p>Development for seniors housing must provide communal open space that:</p> <ul style="list-style-type: none"> • has a minimum area equal to 25% of the site or a merit-based approach; • is clearly identifiable and easily accessible to all residents; • is overlooked by windows of habitable rooms; • incorporates a landscaped area between 10% and 25% of the total communal open space area. Landscaped areas should be vegetated with native species; • provides seating areas connected to dwellings by a continuous sealed pathway according with AS 1428.1 – Design for access and mobility; • contains ornamental features such as sculptures, ponds, water features, art work and the like; and • provides a barbeque area for development of 20 or more dwellings.

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C5

MULTI DWELLING HOUSING OR SENIORS HOUSING

C5.56	Community Facilities	<p>Community facilities such as common rooms, libraries, gyms and the like are to facilitate use by on-site residents and should comply with the following:</p> <ul style="list-style-type: none"> • A minimum floor to ceiling height of 3m; • Be accessible from common areas; • Be serviced by a minimum of three on-site car parking spaces or spaces provided at a rate of one space per twenty dwellings, whichever is the greater; and • Meet enhanced access and mobility requirements of AS 1428.2 – Design for access and mobility.
C5.57		<p>Outdoor community or common facilities/spaces are to meet the requirements of AS1428.1 and are to include accessible access options such as ramps or lifts into swimming pools.</p>
C5.58		<p>Where dwellings are serviced by contractors such as cleaners, rubbish collectors or the like, storage and support structures may be centralised.</p>

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C6

HOME BUSINESS OR HOME INDUSTRY

C6 Home Business or Home Industry

Application		
This Part applies to development that is defined as home business or home industry		
Objective		
C6.A	Operational Requirements	To ensure operating hours do not adversely impact on residential amenity
Requirements		
C6.1	Hours of Operation	Hours of operation merit-based or considered: <ul style="list-style-type: none"> Monday to Friday, 8am-6pm Saturday, 9am-12pm Sunday or Public Holidays, not allowed to operate <ul style="list-style-type: none"> Hours of operation may be further restricted depending on the location and nature of the development
C6.2	Goods Storage	Storage of goods or equipment must be contained within the confines of the building
Objective		
C6.B	Vehicle Repair and Trucking Operations	To ensure adequate consideration is given to the impacts of vehicle repair operations on neighbourhood amenity
Requirements		
C6.3	Vehicles and Trailers	A maximum of two vehicles or trucks associated with the operation of the home business or home industry may be kept on the site at any one time
C6.4		Only one trailer per truck is permitted
C6.5	Vehicle Storage	Vehicle storage areas are located behind the building line
Objective		
C6.C	Signage	To ensure signage is complementary to its surroundings
C6.6	Types of Signage	The following types of signage are generally not supported: <ul style="list-style-type: none"> Flashing signs <ul style="list-style-type: none"> Note: Flashing signs may be permitted in the road reserve if the text is a road safety message Roof signs Vehicular signs where the primary use of the vehicle is for advertising. Above awning signs Anchored balloons or airborne signs Inflatable signs Hoarding signs A-Frame signs

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SIGNAGE

C8 Signage

Application	
This Part applies to development that is defined as signage	

Objective	
C8.A	General To ensure signage is complimentary to its surroundings

Requirements		
C8.1	Local Environmental Plan	The Local Environmental Plan Schedule 2 Exempt Development details what signage is defined as exempt development
C8.2	Integration	Signage is integrated with the building facade
C8.3	Types of Signage	The following types of signage are generally not supported: <ul style="list-style-type: none"> • Flashing signs Note: Flashing signs may be permitted in the road reserve if the text is a road safety message • Roof signs • Vehicular signs where the primary use of the vehicle is for advertising. • Above-awning signs • Anchored balloons or airborne signs • Inflatable signs • Hoarding signs

C8

ANCILLARY STRUCTURES

C8 Ancillary Structures – Sheds, swimming pools, fencing, retaining walls and shipping containers

Application
This Part applies to development that is defined as ancillary structures , including: <i>sheds, swimming pools, fencing, retaining walls and shipping containers.</i>

Objective		
C8.A	Ancillary Structures	<ul style="list-style-type: none"> To provide further guidance for ancillary structures to ensure consistent and desired amenity is attained To ensure ancillary structures do not adversely impact upon the amenity of the surrounding area To ensure ancillary structures are consistent in terms of height, bulk and scale with the surrounding area

Requirements		
C8.1	Sheds (Residential)	<p>Except as provided for in C8.2, development in a residential zone (except R5 Large Lot Residential) adheres to a:</p> <ul style="list-style-type: none"> maximum gross floor area of 72m²; maximum height of 3.6m; minimum side and rear setback of 0.9m; and minimum 1m behind the building line or setback <p>Note: SEPP (Exempt and Complying Development Codes) 2008, Subdivision 9 Cabanas, cubby house, ferrieries, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 20m² in a residential zone to be exempt development</p>
C8.2	Exceptions for Residential Sheds (except on land zoned R5 Large Lot Residential)	<p>Development for the purposes of a shed in a residential zone (except R5 Large Lot Residential) may exceed the limits in C8.1 where the following can be demonstrated:</p> <ul style="list-style-type: none"> The shed does not unreasonably impact the amenity of an adjoining property, such as by reason of bulk and scale, privacy or overshadowing The shed is not located within 1.8m of a dwelling on an adjacent lot, The shed does not exceed 5% site coverage of the lot, The shed height considers the change in topography from neighbouring allotments, The shed is located so that it does not detract from the dwelling being the primary use of the land, The shed uses colours and materials consistent with the dwelling on the land, The shed is of a similar bulk and scale to surrounding sheds,

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C8

ANCILLARY STRUCTURES

		<ul style="list-style-type: none"> The shed is consistent with the context and character of the area. Must not be a shipping container 																		
C8.3	Sheds (R5 Large Lot Residential)	<p>Except as provided for in C8.4, development in the R5 Large Lot Residential zone, adheres to the following:</p> <table border="1"> <thead> <tr> <th>R5 Large Lot Residential</th> <th>Site <4,000m²</th> <th>Site >4,000m²</th> </tr> </thead> <tbody> <tr> <td>Maximum floor area</td> <td>120m²</td> <td>200m²</td> </tr> <tr> <td>Maximum eave height</td> <td colspan="2">4.8m</td> </tr> <tr> <td>Minimum front setback</td> <td>Behind the front building line of the dwelling</td> <td>15m</td> </tr> <tr> <td>Minimum side boundary and rear setback</td> <td colspan="2">5m</td> </tr> <tr> <td>Colour scheme</td> <td colspan="2">Consistent with the existing character of the area.</td> </tr> </tbody> </table> <p>Note: SEPP (Exempt and Complying Development Codes) 2008, Subdivision 9 Cabanas, cubby house, ferrieries, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 50m² in a RU1, RU2, RU3, RU4, RU6 or R5 zone to be exempt development</p>	R5 Large Lot Residential	Site <4,000m ²	Site >4,000m ²	Maximum floor area	120m ²	200m ²	Maximum eave height	4.8m		Minimum front setback	Behind the front building line of the dwelling	15m	Minimum side boundary and rear setback	5m		Colour scheme	Consistent with the existing character of the area.	
R5 Large Lot Residential	Site <4,000m ²	Site >4,000m ²																		
Maximum floor area	120m ²	200m ²																		
Maximum eave height	4.8m																			
Minimum front setback	Behind the front building line of the dwelling	15m																		
Minimum side boundary and rear setback	5m																			
Colour scheme	Consistent with the existing character of the area.																			
C8.4	Exceptions for Sheds (R5 Large Lot Residential)	<p>Development for the purposes of a shed on land zoned R5 Large Lot Residential may exceed the limits in C8.3 where the following can be demonstrated:</p> <ul style="list-style-type: none"> The shed does not unreasonably impact the amenity of an adjoining property, such as by reason of bulk and scale, privacy or overshadowing The shed is not located within 10m of a dwelling on an adjacent lot The shed does not exceed 5% site coverage of the lot The shed does not result in the combined site coverage of all ancillary structures on the land exceeding 7.5% site coverage The shed is located so that it does not detract from the dwelling being the primary use of the land The shed uses colours and materials consistent with the dwelling on the land The shed is of a similar bulk and scale to surrounding sheds The shed is consistent with the context and character of the area Must not be a shipping container 																		
C8.5	Sheds (Rural)	<p>Development in a rural zone adheres to a:</p> <ul style="list-style-type: none"> minimum 10m side boundary and rear setback; minimum 5m setback from another building; and 																		

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C8

ANCILLARY STRUCTURES

		<ul style="list-style-type: none"> colour scheme consistent with the existing character of the area. <p>Note: SEPP (Exempt and Complying Development Codes) 2008, Subdivision 9 Cabanas, cubby house, ferrieres, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 50m² in a RU1, RU2, RU3, RU4, RU6 or R5 zone to be <i>exempt development</i></p>
C8.6	Swimming Pools	The water edge must be setback at least 1m from the side and rear boundaries
C8.7		Maximum decking height of 1.4m in height if the pool is located more than 600mm above the ground level (finished)
C8.8	Front (Including Forward of the Building Line) Fences	Maximum height of 1.2m and is not of solid infill construction
C8.9		Maximum height of 1.5m along main roads and secondary street frontages
C8.10		Compatible with street facilities, such as mailboxes, and allow easy access to public utilities
C8.11	Side and Rear Fences	Maximum height of 1.8m
C8.12		Side fences must not encroach on the front setback area of any dwelling
C8.13		Solid sheet fencing is not to be used. Fencing materials should reflect context and character of the area
C8.14		Fences within the root zone of an existing tree must be constructed of light weight suspended panels supported by posts with pier footings
C8.15	Retaining Walls	Maximum height of 1m
C8.16		Masonry construction within 0.9m of the property boundary when greater than 0.6m in height
C8.17		Retaining walls are wholly contained within the site
C8.18	Shipping Containers	Shipping containers are to be sited behind existing buildings, not be located in front of the established or proposed building line and be screened from view from any adjoining property.
C8.19		The total number of shipping containers ancillary to residential accommodation development must not exceed more than 2 per lot.
C8.20		Shipping containers are to be placed at ground level only and may not be stacked on top of another shipping container.

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D

SPECIFIC AREAS

D Specific Areas

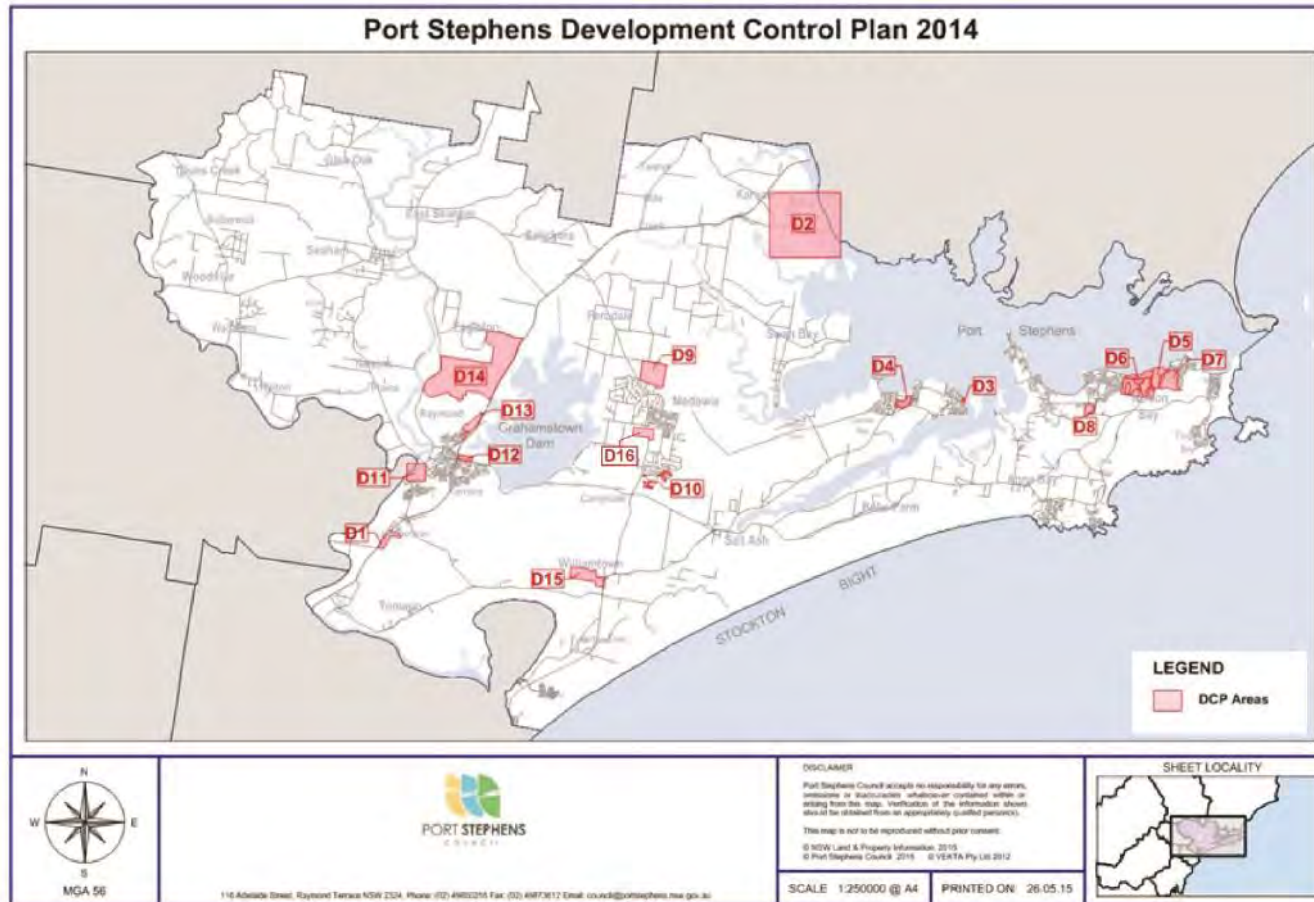
The Parts listed in the table below apply to **development** proposed within the relevant Land Application Map.

D Specific Areas			
No	Part	This Part applies to development that:	Page
D1	Heatherbrae Industrial	<ul style="list-style-type: none"> is situated within Heatherbrae 	D-93
D2	Karuah	<ul style="list-style-type: none"> is situated within Karuah 	D-97
D3	Lemon Tree Passage	<ul style="list-style-type: none"> is situated within Lemon Tree Passage 	D-101
D4	Koala Bay - Tanilba Bay	<ul style="list-style-type: none"> is situated within Koala Bay –Tanilba Bay 	D-105
D5	Nelson Bay Centre	<ul style="list-style-type: none"> is situated within Nelson Bay Centre 	D-107
D6	Nelson Bay West	<ul style="list-style-type: none"> is situated within Nelson Bay West 	D-113
D7	Seabreeze Estate – Nelson Bay	<ul style="list-style-type: none"> is situated within Seabreeze Estate – Nelson Bay 	D-117
D8	Salamander Bay Shopping Centre – Nelson Bay	<ul style="list-style-type: none"> is situated within Salamander Bay – Nelson Bay 	D-119
D9	North Medowie – Medowie	<ul style="list-style-type: none"> is situated within North Medowie 	D-121
D10	Pacific Dunes - Medowie	<ul style="list-style-type: none"> is situated within Pacific Dunes - Medowie 	D-125
D11	Raymond Terrace Centre	<ul style="list-style-type: none"> is situated within Raymond Terrace Centre 	D-131
D12	Richardson Rd – Raymond Terrace	<ul style="list-style-type: none"> is situated within Richardson Rd – Raymond Terrace 	D-137
D13	Rees James Rd – Raymond Terrace	<ul style="list-style-type: none"> is situated within Rees James Rd – Raymond Terrace 	D-141
D14	Kings Hill – Raymond Terrace	<ul style="list-style-type: none"> is situated within Kings Hill – Raymond Terrace 	D-146
D15	William Defence and Airport Related Employment Zone	<ul style="list-style-type: none"> is situated within Williamtown Defence and Airport Related Employment Zone (DAREZ) 	D-159
D16	Medowie Planning Strategy (Precinct E)	<ul style="list-style-type: none"> is situated within Medowie Planning Strategy (Precinct E) 	D-163

D

SPECIFIC AREAS

Figure DA: D Specific Areas - Land Application Map



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D1

HEATHERBRAE INDUSTRIAL

D1 Heatherbrae Industrial

Application		
This Part applies to the land identified in Figure DB as Heatherbrae Industrial		
Objective		
D1.A	Setback	To ensure development has regard to the Pacific Hwy
Requirements		
D1.1	Pacific Highway Setback	Provide a minimum 10m front setback from the Pacific Highway road reserve
D1.2	Landscaping	Provide 5m of landscaping from the building line or setback and define this as a 'restriction to user' under section 88D of the <i>Conveyancing Act 1919</i>
Objective		
D1.B	Street Trees	To ensure suitable street trees are appropriately sited
Requirement		
D1.3	Street Trees	Development continues the row of Hills Figs on the western side and replicates the row of Hill Figs on the eastern side of the Pacific Highway, Heatherbrae Note: C1.5 requires street trees as a component of the road reserve at subdivision
Objective		
D1.C	Street Layout	To ensure a permeable and connected street network with safe access from the Pacific Highway
Requirements		
D1.4	Street Layout	Street layout adheres with Figure DC <ul style="list-style-type: none"> Giggins Road connects to Griffin Street Extension of Camfield Drive
D1.5		Access to the Pacific Highway is restricted to those two intersections identified on Figure DC
D1.6		Internal intersections contain concrete mediums with either a give-way or stop treatment Note: C1.7E ensures the street layout adheres to the infrastructure specification –design¹
Objective		
D1.D	Drainage	To mitigate for negative impacts on water quality
Requirement		
D1.7	Water Quality Control Measures	Water quality measures comply with the <i>Hunter Water Regulation 2015</i> given the area's location within the Tomago Sandbeds Catchment. Note: B4.5 requires water quality measures to provide further guidance to clauses in the relevant Local Environmental Plan relating to water quality

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D1

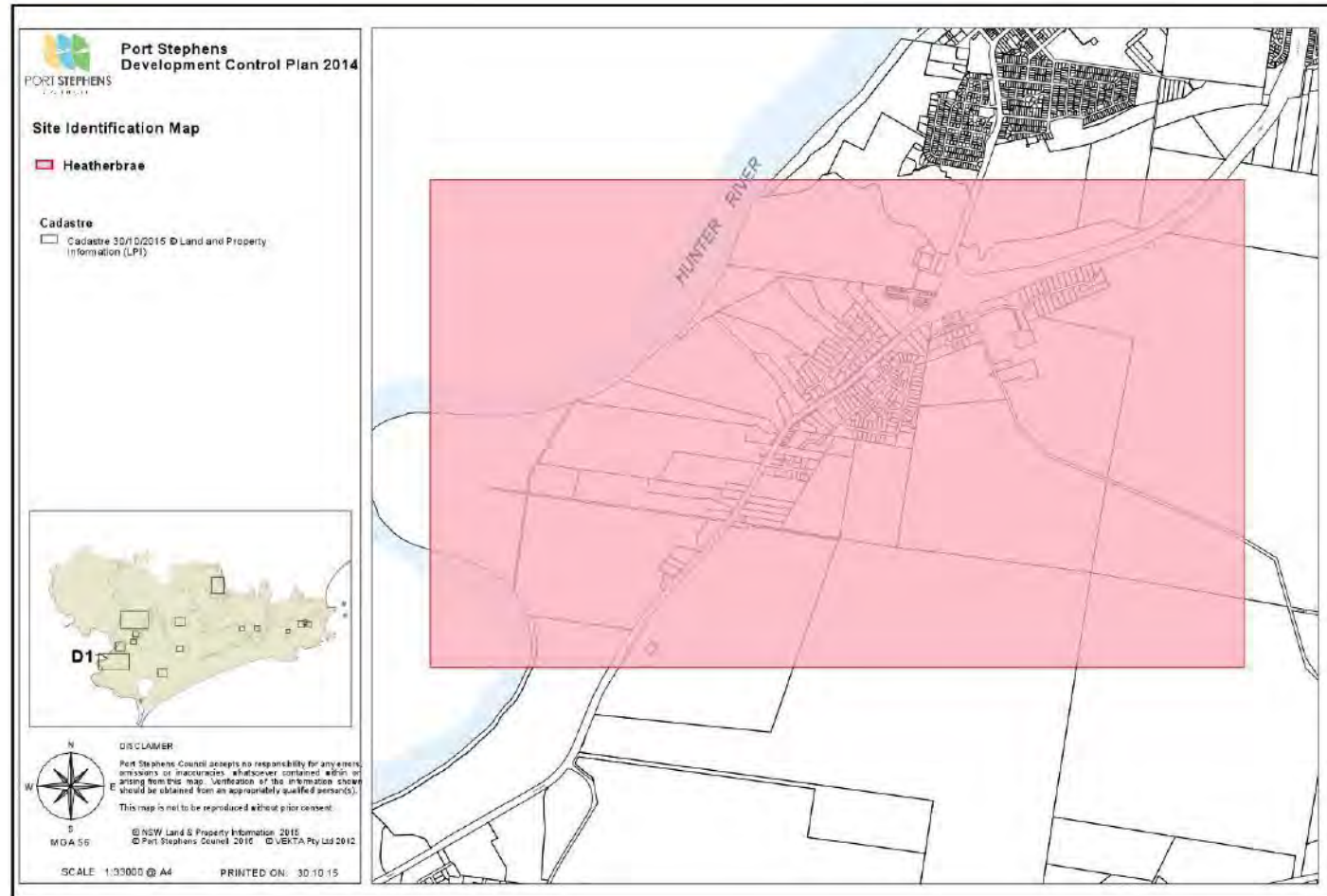
HEATHERBRAE INDUSTRIAL

Objective		
D1.E	Airport Operational Requirements	To ensure that the operational needs of the Williamtown RAAF Base are provided consideration in the development of lands in proximity to the Airport
Requirement		
D1.8	General Requirements	Note: Heatherbrae is located within the Williamtown RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map. B7 provides requirements relating to the Williamtown RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map
Objective		
D1.F	Gateway Signage	To ensure the location of gateway signage is appropriately sited to signify an entry point
Requirement		
D1.9	Gateway Signage	Gateway signage is provided in the locations identified on Figure DC

D1

HEATHERBRAE INDUSTRIAL

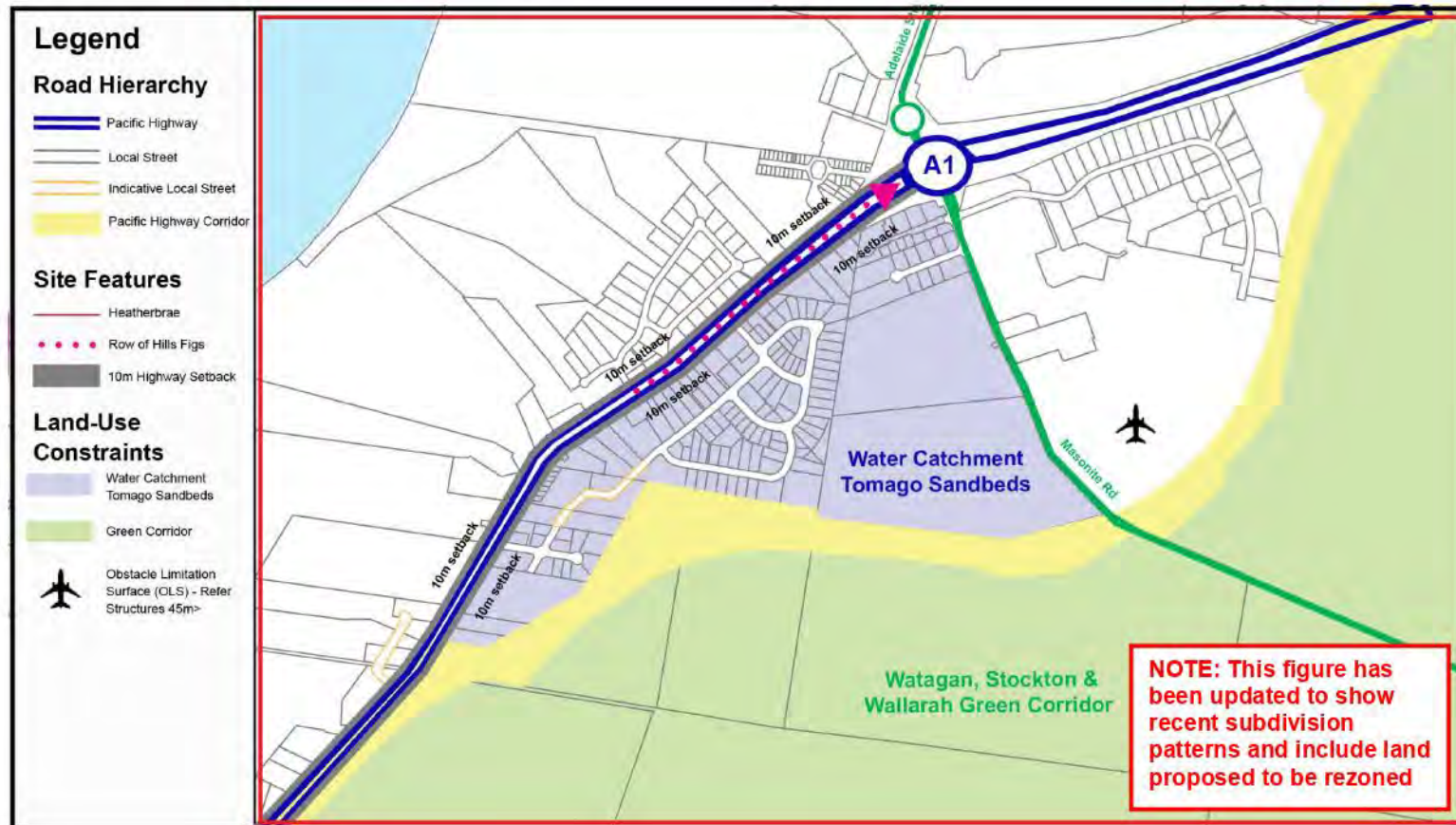
Figure DB:
Heatherbrae
Industrial Land
Application
Map



D1

HEATHERBRAE INDUSTRIAL

Figure DC: Heatherbrae-Industrial Locality Controls Map



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D16

MEDOWIE PLANNING STRATEGY (PRECINCT E)

D16 Medowie Planning Strategy (Precinct E)

Application

This part applies to the land identified in Figure DAG Medowie Planning Strategy (Precinct E) Land Application Map.

Objectives

D16.A	Layout and Staging	<ul style="list-style-type: none"> To ensure the timely and efficient release of urban land. To make provision for necessary infrastructure and sequencing. To ensure consideration is given to the overall planning and coordination of development within the precinct and sub-precincts.
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Requirements

D16.1	Layout	Overall development layout needs to be consistent with the Figure DAH.
D16.2	Staging	A development application for large-scale residential accommodation or major subdivision must include a staging plan demonstrating that development will occur in a coordinated sequence.
D16.3		Initial residential accommodation or major subdivision is to take place in proximity to the main intersection with Medowie Road and be staged sequentially from that location.
D16.4	Sub-Precincts	A development application for large-scale residential accommodation or major subdivision is able to occur separately within 'sub-precincts': one on the western side of Medowie Road and another on the eastern side of Medowie Road.
D16.5	'Lifestyle' Developments	A development application for 'lifestyle' residential accommodation must include a master plan demonstrating consideration and achievement of the objectives of C5 Multi Dwelling Housing or Seniors Living and identifying key common development design controls for dwellings (for example dwelling setbacks).

Objectives

D16.B	Natural Resources	<ul style="list-style-type: none"> To provide an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and landscaping requirements for both the public and private domain. To provide an attractive and low maintenance landscape along Medowie Road.
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Requirements

D16.6	General	Environmental areas, corridors and additional planting with koala feed trees will be retained and enhanced in general accordance with Figure DAH.
D16.7	Vegetation management	Development must take into consideration the implications of the Vegetation Management Plan that applies to land within

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D16

MEDOWIE PLANNING STRATEGY (PRECINCT E)

	and biodiversity offsets	the precinct
D16.8		Clearing of land on the eastern side of the precinct shall not occur until the requirements of the associated Vegetation Management Plan are implemented (a Vegetation Management Plan has been prepared that provides for vegetation offsets and improvements to vegetation corridors within the site – refer to Vegetation Management Plan, Kleinfelder, 10 March 2017).
D16.9	Landscaping along Medowie Road	A landscaping plan for major residential development or major subdivision must provide for an attractive and low maintenance landscape along the frontage with Medowie Road.
Objectives		
D16.C	Transport Movement Hierarchy	<ul style="list-style-type: none"> To provide an overall transport movement hierarchy for major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists. To maintain good traffic flow and safety along Medowie Road. To achieve connection between adjoining land and potential future residential precincts identified by the <i>Medowie Planning Strategy</i>. To ensure pedestrian and cycle connections are provided to the town centre, the Ferodale Park Sports Complex and the Medowie Community Centre for precinct residents and the broader community.
Requirements		
D16.10	General	The transport movement hierarchy for private vehicles, pedestrians and cyclists needs to be generally consistent with the layout shown in precinct plan at Figure DAH.
D16.11	Road Connections to other Precincts	The road layout must provide for potential future connections to other potential future residential planning precincts identified by the <i>Medowie Planning Strategy</i> including Brocklesby Road.
D16.12	Road Connections to Medowie Road	A roundabout intersection must be provided to Medowie Road to serve as the main access point for development.
D16.13		The main roundabout intersection must be designed to accommodate upgrades for increased future traffic flows along Medowie Road identified by the <i>Medowie Planning Strategy</i> .
D16.14		The main roundabout intersection may be provided by a staged approach to facilitate development of a single sub-precinct. Consideration for the future roundabout intersection must be included in the design and construction of any interim intersection.
D16.15		Additional intersections (intersections in addition to the main roundabout intersection with Medowie Road) must be limited in number and provided as left-in/left-out only.
D16.16		No direct driveway access to and from Medowie Road is permitted.
D16.17	Shared Path Connections	Walking and cycling infrastructure which connects the precinct to adjacent areas must be made accessible to precinct residents and the broader community.
D16.18		A shared path must be provided along the eastern side of

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D16

MEDOWIE PLANNING STRATEGY (PRECINCT E)

		Medowie Road, in conjunction with the development of the land on the eastern side of Medowie Road. The shared-use path must be provided along the eastern frontage with Medowie Road and connect north to Ferodale Road (to the extent that a shared path is able to be accommodated).
D16.19		A shared path must be provided along the western side of Medowie Road, in conjunction with the development of land on the western side of Medowie Road. The shared path must be provided along the western frontage with Medowie Road and connect north to Ferodale Road and connect south to the small local neighbourhood centre (to the extent that a shared path is able to be accommodated).
D16.20		A shared path must be provided directly linking the precinct to the Ferodale Sports Complex, in conjunction with the development of land on the western side of Medowie Road - subject to engineering, risk, and cost/benefit assessment. Alternative solutions and routes can be considered.
D16.21		Consideration must be given to a potential mid-block shared path linking the western sub-precinct to the Medowie Community Centre - subject to engineering, risk, and cost/benefit assessment. Alternative solutions and routes can be considered.
Objectives		
D16.D	Managing Risk from Agricultural Land Uses	<ul style="list-style-type: none"> To ensure the land is suitable for residential occupation in relation to previous agricultural land uses. To ensure the potential for negative effects from the operation of poultry sheds on residential amenity are adequately managed.
Requirements		
D16.22	Managing the potential requirement for land remediation	A development application for large-scale residential accommodation or major subdivision must be accompanied by the contamination and remediation reports identified by NSW State Environmental Planning Policy No. 55 – Remediation of Land with particular regard to the previous agricultural activities on the subject land.
D16.23	Managing Potential Risk from Odour and Noise from Poultry Farming	New residential allotments and dwellings must not be constructed until the poultry sheds at 733 Medowie Road (Lot 199 DP 17437) are decommissioned.
Objective		
D16.24	Road Noise	To ensure that development is not adversely affected by noise and vibration from traffic on Medowie Road.
Requirement		
D16.25	Considering Road Noise from Medowie Road	A development application for large-scale residential accommodation or major subdivision must demonstrate by provision of an acoustic report that future residential development will meet appropriate noise and vibration standards for development along Medowie Road.

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 AMENDMENT.

D16

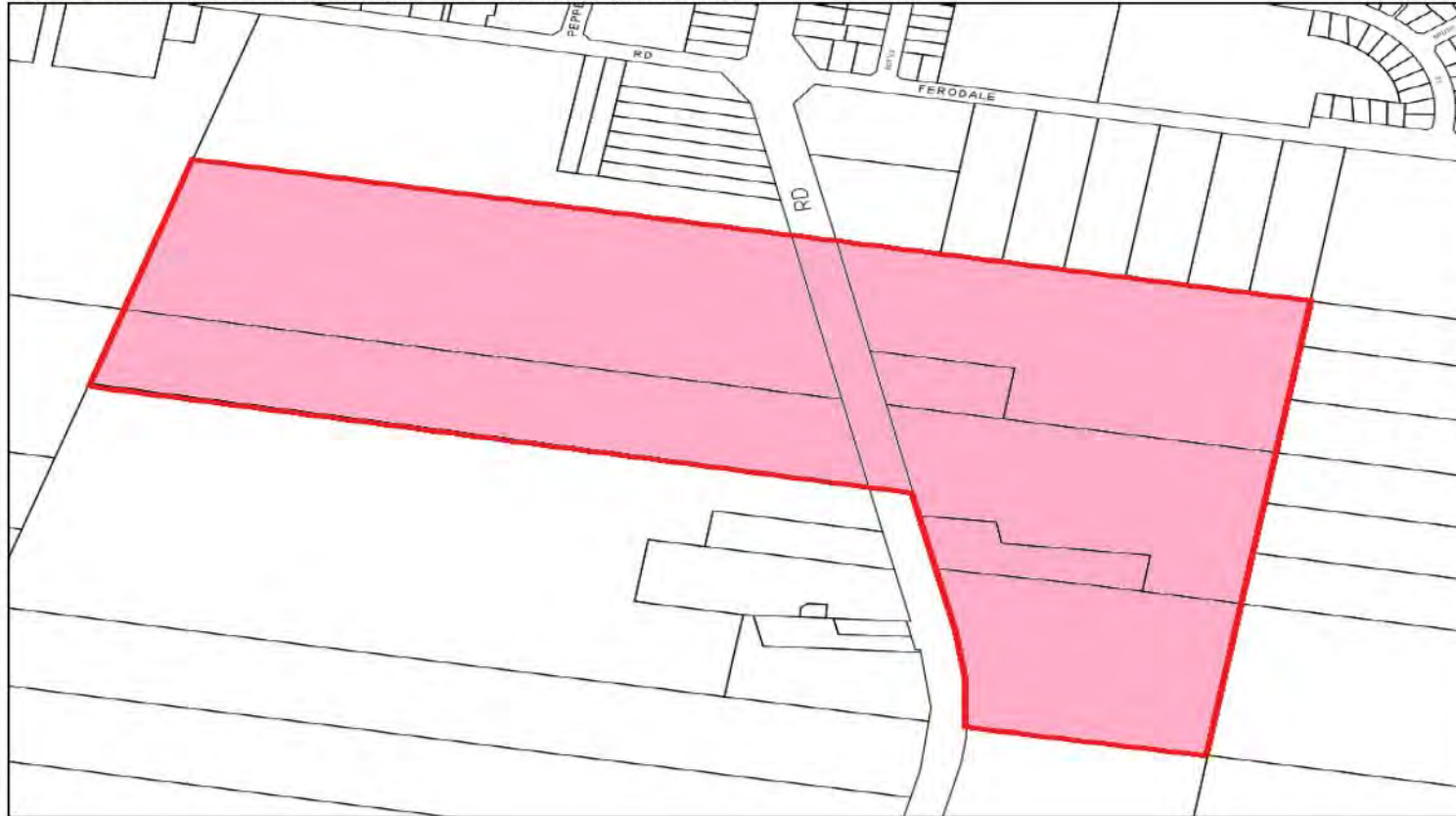
MEDOWIE PLANNING STRATEGY (PRECINCT E)

Objective		
D16.26	Stormwater	<ul style="list-style-type: none"> To provide for common and adequate stormwater management within the precinct.
Requirements		
D16.27	Stormwater Basins	Stormwater basins are located in general accordance with Figure DAH.
D16.28	Stormwater Culverts under Medowie Road	Development must address the potential effect on the two main culverts under Medowie Road (the desirable design standard for these culverts is 1% AEP+0.3m obvert freeboard for 2100 climate change conditions).
Objective		
D16.29	Williamstown RAAF Base – Aircraft Safety	<ul style="list-style-type: none"> To ensure that development adequately considers aircraft safety.
Requirement		
D16.30		Any requirements for dwellings are placed on the title of the land (for example for extraneous lighting and building height).

D16

MEDOWIE PLANNING STRATEGY (PRECINCT E)

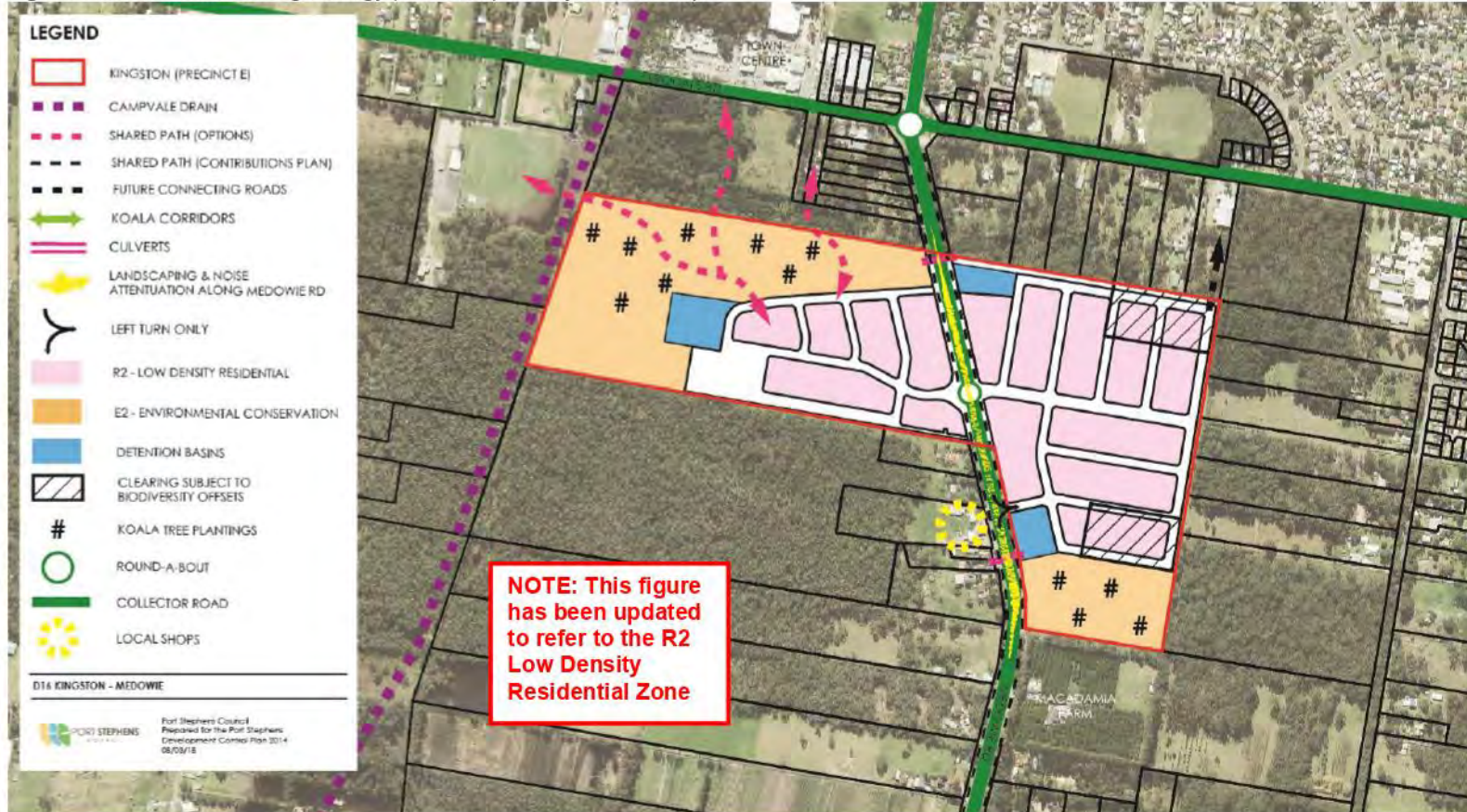
Figure DAG: Medowie Planning Strategy (Precinct E) Land Application Map



D16

MEDOWIE PLANNING STRATEGY (PRECINCT E)

Figure DAH: Medowie Planning Strategy (Precinct E) Locality Controls Map



E

SCHEDULES

E Schedules

E Schedules			
No	Part	This Part:	Page
E1	Glossary	<ul style="list-style-type: none">defines terms used in this Plan	E-170
E2	Acronyms	<ul style="list-style-type: none">expands acronyms used in this Plan	E-195
E3	Reference List – Endnotes	<ul style="list-style-type: none">provides a Reference List for those documents referenced throughout this Plan	E-197

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 AMENDMENT.

E1

GLOSSARY

- operational plan; and
- maintenance plan.

Stormwater Quality Improvement Devices (SQIDs) mean engineering methods that are used to protect the creeks, rivers and beaches that our stormwater drains into. They trap or collect rubbish and pollution that ends up in our stormwater drains. Examples include litter collection cages, trash racks or constructed wetlands

stormwater requirements area means land identified on a map on Council's website where additional stormwater control devices may be required

subdivision means an area or lot of land being subdivided into smaller lots. **Subdivision** under this Plan is either **minor subdivision** or **major subdivision** as defined under C1.2 of this Plan

subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Note: subdivision certificate has the same meaning as in the *EP&A Act*

subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the regulations.

Note: subdivision works certificate has the same meaning as in the *EP&A Act*

surface water means water on the surface of the planet, such as in a stream, river, lake, **wetland**, or ocean

super lot means an area of land created by **subdivision** and intended to be further subdivided into additional lots.

supplementary koala habitat means koala habitat that is supplementary to **preferred koala habitat** as defined under the Port Stephens Comprehensive Koala Plan of Management¹⁰

swimming pool means an excavation, structure or vessel:

- that is capable of being filled with water to a depth greater than 300 millimetres, and
- that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations not to be a **swimming pool** for the purposes of this Act

Note: swimming pool has the same meaning as in the *Swimming Pools Act 1992*

traffic generating development means **development** defined as **traffic generating development** under Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007

Traffic Impact Assessment (TIA) means an assessment to quantify the traffic impacts and associated parking requirements that result from proposed **development**

Explanation of Amendments

Draft Port Stephens Development Control Plan 2013 - Development Assessment Process Improvements Amendment

NO.	EXPLANATION OF AMENDMENTS
1	<p>Section A – Introduction</p> <p>1. Amend the table to chapter A3 to remove amendments that have not been made.</p> <p>Explanation: The amendments table currently includes a number of proposed amendments that have not been completed. Removal of these from the table will clarify the history of amendments. Once these amendments are completed, they can then be added to the table in chronological order.</p>
2	<p>Section B – General Provisions</p> <p>1. Delete Chapter B6 – Essential Services</p> <p>2. Delete Chapter B10 – Social Impact from the table of contents.</p> <p>Explanation: These chapters are proposed to be deleted as outlined in items 4 and 7 below.</p>
3	<p>Chapter B4 – Drainage and water quality</p> <p>1. Amend B4.2 as follows:</p> <ul style="list-style-type: none"> • On-site detention / on-site infiltration is required in stormwater requirement areas where: <ul style="list-style-type: none"> ○ the post-development flow rate or volume exceeds the pre-development flow rate or volume; or ○ impervious surfaces exceed the total percentage of site area listed under Figure BD; or ○ it is identified under Section D Specific Areas of the PSDCP 2014. <p>Note: A map of stormwater requirement areas is published on Council's website.</p> <p>2. Relocate figures BD and BE to follow control B4.4.</p> <p>3. Amend B4.5 to include additional development types exempt from the requirements of the control:</p> <ul style="list-style-type: none"> • Development is to provide Stormwater Quality Improvement Devices (SQIDs) in accordance with Table BF: Water Quality Table, unless: <ul style="list-style-type: none"> ○ a WSUD Strategy that applies to the land has been approved by Council and is listed on Council's website for the purposes of this requirement.

ITEM 2 - ATTACHMENT 2 EXPLANATION OF AMENDMENT.

NO: EXPLANATION OF AMENDMENTS

- o is a dwelling house, semi-detached dwelling, secondary dwelling, and/or ancillary structure to residential development, or,
- o is for alterations and additions to a dwelling house, semi-detached dwelling, secondary dwelling, and/or ancillary structure to residential development, or,
- o is for other minor alterations and additions on a lot of less than 250m²

A document listing approved WSUD Strategies is available on Council's webpage.

4. Delete the flow chart to B4.5.
5. Amend B4.8 to remove reference to single dwellings.
6. Amend B4.10 to remove references to the process for Hunter Water to provide a submission to development applications, and remove the note linking to control B1.5.
7. Amend Figure BF- Water Quality Table to describe development types that no longer require SQIDs.
8. Relocate figure BF to follow B4.10

Explanation: Variations are routinely granted to Control B4.2 and in practice, the control is only applied to land with an acknowledged stormwater management issue. The rewording of this control will align the requirement with the intended function to provide a higher level of stormwater controls, for areas identified as having stormwater management issues.

Currently Stormwater Quality Improvement Devices (SQIDs) such as rain gardens are required under control B4.5, regardless of location or development type. The aim of these devices is to improve the quality of stormwater before it enters natural waterways.

Whilst stormwater quality improvements have been noted for large scale or catchment wide systems, investigations have shown that only 16% of individual SQIDs for minor residential developments on average remain operational for only 6 months after completion. The current requirements are not resulting in sufficient improvements in stormwater quality for small scale residential development such as single dwellings, secondary dwellings (granny flats), or ancillary development (sheds etc).

Further, these controls increase costs for proponents, complicate the assessment process, and extend assessment timeframes. These matters negatively impact housing affordability, without sufficiently improving stormwater quality.

Removing the requirements for SQIDs for single dwellings, secondary dwellings, and ancillary structures will streamline development assessments and reduce the cost for developers and home owners. It is widely acknowledged that stormwater quality improvement solutions should be implemented on a larger scale to be an effective policy response. These larger scale solutions already apply to new residential subdivisions or industrial subdivisions. The Local Strategic Planning Statement and Local Housing Strategy include actions to investigate and implement precinct wide solutions for small scale residential development.

Control B4.8 provides exceptions from requirements for onsite detention and infiltration if compliant SQIDs are provided for single dwellings and dual occupancies. Changes to B4.5 remove the requirement for SQIDs for single dwellings, and so this control will no longer apply to single dwellings.

ITEM 2 - ATTACHMENT 2 EXPLANATION OF AMENDMENT.

NO: EXPLANATION OF AMENDMENTS

Control B4.10 currently includes notes on processes for referred development applications to Hunter Water, and an unrelated link to the vegetation management chapter. These notes do not provide assistance in understanding the control and can be removed.

Relocation of figures and tables to sit adjacent to the controls to which they relate will improve readability.

4 Chapter B6 – Essential Services

1. Delete the chapter

Explanation: Clause 7.6 of the Port Stephens Local Environmental Plan (PSLEP) requires a development application to demonstrate that suitable provision has been made for essential services, including supply of water, supply of electricity, disposal and management of sewage, stormwater management, and vehicular access. The controls of the chapter outline relevant guidelines and options, however these are already considered in the application of clause 7.6 of the PSLEP.

5 Chapter B7 – Williamtown RAAF Base – Aircraft noise and safety

1. Relocate figures BJ and BK to follow control B7.1
2. Amend B7.6 to the following:
 - When **development types** listed in column 1 are proposed in the bird strike zone (identified in Figure BU), the development application must be prepared and assessed in accordance with the provisions of Column 2.

Figure BU – Development types to be avoided or where impacts can be mitigated in a bird strike zone

Development type	Column 2		
	Group A (3km Radius from airport runway)	Group B (8km Radius from airport runway)	Group C (13km Radius from airport runway)
Agriculture			
Intensive plant agriculture (Turf farm)	A	Mi	Mo
Horticulture (Fruit tree farm)	A	Mi	Mo
Livestock produce industry (Fish processing / packing plant)	A	Mi	Mo
Intensive livestock agriculture (Piggery)	A	Mi	Mo
Intensive livestock agriculture (Cattle, dairy or poultry farm)	Mi	Mi	Mo
Conservation			
Environmental Protection Works (Wildlife sanctuary - wetland)	A	Mi	Mo
Environmental Protection Works (Wildlife sanctuary - dryland)	Mi	Mi	Mo
Recreation			

ITEM 2 - ATTACHMENT 2 EXPLANATION OF AMENDMENT.

NO.	EXPLANATION OF AMENDMENTS			
	Recreation facility - major (Showground)	A	Mi	Mo
	Recreation facility - major (Racecourse, sports stadium, theme park)	Mi	Mi	Mo
	Recreation facility – outdoor (Golf course, park, playground, sports)	Mi	Mi	Mo
	Camping Ground	Mi	Mi	Mo
Commercial				
	Agricultural produce industry (Food processing plant)	A	Mi	Mo
Utilities				
	Waste or resource management facility (Food / organic waste facility)	A	Mi	Mo
	Waste disposal facility (Putrescible waste facility – landfill / transfer station)	A	Mi	Mo
	Waste disposal facility (Non-putrescible waste – landfill / transfer station)	Mi	Mi	Mo
	Sewage treatment plant (Sewage / waste water treatment facility)	Mi	Mi	Mo
Avoid (A) – Development not supported				
Mitigate (Mi) - Waste management report is required which demonstrates that the development will not increase the risk of bird strike to aircraft.				
Monitor (Mo) – Demonstrate compliance with B7.7.				

Note: Development within the birdstrike zone should adhere to the National Airports Safeguarding Advisory Group (NASAG) – Guideline C: Managing the Risk of Wildlife Strikes in the Vicinity of Airports (Wildlife Strike Guidelines).

3. Add new control B7.7:
 - Any development located within the bird strike zone is to limit, cover and/or enclose any organic waste and/or the storage of bins on site.
4. Remove objective B7.7 and controls B7.8, B7.9 and B7.10 relating to the Commonwealth Department of Defence referral requirements for noise sensitive development, height limitation and extraneous lighting.

Explanation: The amendment will align the DCP with the National Airports Safeguarding Advisory Group (NASAG) – Guideline C: Managing the Risk of Wildlife Strikes in the Vicinity of Airports (Wildlife Strike Guidelines). Currently control B7.6 requires all development located within the bird strike zone to be referred to the Commonwealth Department of Defence (DoD), adding an average of 14 days to assessment timeframes. Commonly the responses received are generic comments requesting advisory conditions for management of organic waste and dust suppression. The DoD have advised that they rely on the Wildlife Strike Guidelines, which outlines specific land uses that are likely to impact the incidence of bird strike. The DoD have provided support for amendment of the control to align with the Wildlife Strike Guideline.

Objective B7.E and controls B7.8, B7.9 and B7.10 do not inform or guide development outcomes. Rather, these controls outline Council's procedures when undertaking

NO. EXPLANATION OF AMENDMENTS

development assessment. These procedures are already defined in Councils internal processes, which are informed by the assessment requirements set out in relevant legislation, therefore they may be deleted from the DCP.

6 Chapter B9

1. Amend B9.4 and relocate the exceptions to parking requirements as stand-alone controls:
 - Except as required by B9.5, B9.6 or B9.7, all **development** that has the potential to create demand for on-site parking must provide parking in accordance with Figure BT.
2. Move Figure BT to follow B9.4.
3. Amend Figure BT to include the following note under development type 'marina':
Note: Additional car parking is to be provided for the uses carried out as part of, or ancillary to a marina which are identified in this Figure and car parking is to be provided for those uses in accordance with the relevant rates set out in this Figure.
4. Add new control B9.5:
 - Where the parking requirements for B9.4 cannot be provided for on site in accordance with Figure BT, Council may consider alternative off-site arrangements for parking demand, such as providing parking on another site in proximity to the development.
5. Add new control B9.6:
 - A reduction in the number of spaces required in accordance with Figure BT may be considered when supported by a TIA in the following circumstances:
 - Parking has a negative visual impact on heritage
 - The current land use has been approved with a parking shortfall and the proposed parking concession does not exceed the current shortfall for the approved use calculated in accordance with Figure BT
 - Peak demand between commercial and residential development types is shared
 - An upgraded public transit facility, such as a bus stop, is provided in proximity to the site
6. Add new dot point under B9.6:
 - Where it can be demonstrated that ancillary uses carried out as part of, or ancillary to a marina do not generate demand for **on-site parking** consistent with the relevant rate prescribed in Table BT.
7. Add new control B9.7
 - A reduction in the number of spaces required in accordance with Figure BT (p. B-56) may be considered for commercial premises on land zoned B2 Local Centre or B3 Commercial Core when dedicated car sharing service spaces equipped with electric vehicle charging provisions are provided. The maximum reduction is not to exceed:
 - For **development** requiring up to 5 spaces – no reduction
 - For **development** requiring more than 5 and up to 20 spaces – 1 space
 - For **development** requiring more than 20 spaces – 5%

NO. EXPLANATION OF AMENDMENTS

Note: dedicated car sharing service spaces are included as a car parking space for the purposes of calculating the total number of spaces provided.

8. Renumber existing controls from B9.5 onwards to allow for new controls described above.

Explanation: Relocation of figures and tables to sit adjacent to the controls to which they relate will improve readability.

The amendments listed above ensure that consideration is given to the additional parking demand created by ancillary uses carried out at marinas, whilst allowing for a merit based approach supported by a suitable level of information.

Additionally, new control B9.7 will encourage the provision of dedicated car share service spaces with electric vehicle charging infrastructure in new development.

7 Chapter 10 – Social impact

1. Delete the chapter.

Explanation: Social impact is required to be assessed under the Environmental Planning & Assessment Act 1979 (EP&A Act), and applicants will be advised of the need to include a Social Impact Assessment for development which could result in unacceptable social impacts, in accordance with the guidance published for applicants on Council's website in Council's DA Lodgement Guideline.

The control in this chapter does not provide any additional detail or requirements, other than reference to a revoked Council policy. Removal of this chapter will not affect the proper assessment of social impacts required under the planning legislation.

8 Chapter C1 – Subdivision

1. Rearrange chapter to clearly identify the controls that apply to all categories of subdivision and the controls that apply to major subdivisions.
2. Move Figures CA and CB to follow objective C1.B.
3. Add objective C1.B:
 - **All Subdivision - Street trees:** To ensure street tree planting is of an appropriate species and undertaken in accordance with Council's guidelines.
4. Add control C1.6:
 - Where street trees are required to be removed to facilitate development, they must be replaced in a practical location, in accordance with Section 4.6 of the **tree technical specification**¹
5. Add the following in objective C1.D:
 - and the **infrastructure specification – design**¹¹ (where relevant)

Explanation: Rearrangement of the controls will help to improve readability, and will clarify which requirements apply only to major subdivisions. This includes the creation of a new section that outlines street tree requirements. Relocation of figures and tables to sit adjacent to the controls to which they relate will improve readability.

NO: EXPLANATION OF AMENDMENTS

A new control requiring replacement of street trees will result in consideration of existing street trees during the design of development, encouraging the retention of existing, established street trees.

Additional reference to the infrastructure design specification in the Public Scale Drainage objective will ensure inter-allotment drainage design considers relevant infrastructure specifications.

9 Chapter C2 – Commercial

1. Move Figure CD to follow control C2.14, and rename to Figure CC.
2. Move Figure CC to follow control C2.22, and rename to Figure CD.
3. Add objective C2.L:
 - **Signage:** To ensure signage is complementary to its surroundings.
4. Add control C2.37:
 - The following types of signage are generally not supported:
 - Flashing signs. **Note:** Flashing signs may be permitted in the road reserve if the text is a road safety message
 - Roof signs
 - Vehicular signs where the primary use of the vehicle is for advertising.
 - Above awning signs
 - Anchored balloons or airborne signs
 - Inflatable signs
 - Hoarding signs
 - A-Frame signs

Explanation: Relocation of figures and tables to sit adjacent to the controls to which they relate will improve readability.

Signage controls are currently located in Chapter C8 – Signage. A review of Chapter C8 has demonstrated that only a single control in this chapter is not already outlined in other legislation. Consequently it is proposed to delete Chapter C8 and relocate the remaining control to each relevant other chapter, including Chapter C2. In addition, the control has been expanded to identify A-Frame signs as a type of signage that is generally not supported, as they present a pedestrian risk.

10 Chapter C3 – Industrial

1. Move Figure CF to follow control C3.5.
2. Add objective C3.G:
 - **Signage:** To ensure signage is complementary to its surroundings.
3. Add control C2.37:
 - The following types of signage are generally not supported:
 - Flashing signs. **Note:** Flashing signs may be permitted in the road reserve if the text is a road safety message
 - Roof signs
 - Vehicular signs where the primary use of the vehicle is for advertising.
 - Above awning signs
 - Anchored balloons or airborne signs

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NO. EXPLANATION OF AMENDMENTS

- o Inflatable signs
- o Hoarding signs
- o A-Frame signs

Explanation: Relocation of figures and tables to sit adjacent to the controls to which they relate will improve readability.

See explanation in item 8 above in relation to the relocation and amendment of signage controls.

11 **Chapter C4 – Dwelling House, Secondary Dwelling, Dual Occupancy or Ancillary Structures**

1. Rename the chapter to Chapter C4 – Dwelling House, Secondary Dwelling or Dual Occupancy, and update references to the types of development that the chapter applies to.
2. Delete controls C4.2 to C4.4, C4.7, C4.8, and C4.10 to C4.17 and summarise in a new control.
3. Add control C4.2:
 - Development is to be setback from the subject property boundary, in accordance with the provisions outlined in Table C4.1
4. Add Table C4.1:
 - Table C4.1 – Setbacks for dwellings, dual occupancies and secondary dwellings:

	Residential or RU5 (Village) zone	Rural, Environmental or R5 (Large lot residential) zone
Front setback	Greenfield - 4.5m	10m
	Infill - 4.5m or the average building line (whichever is less)	
Secondary setback (corner lots)	2m	10m
Side setback – ground level (finished)	0.9m	5m
Side setback – upper storey	2m	5m
Rear setback – ground level (finished)	2m	5m
Rear setback – upper storey	6m	5m

5. Renumber remaining existing controls C4.5, C4.6, C4.9 and C4.18 to C4.44
6. Amend renumbered control C4.6 (currently C4.18) to add the wording 'Garage setback'.
7. Relocate figure CH to follow renumbered control C4.11 (currently C4.23)
8. Amend renumbered control C4.23 (currently C4.35) to decrease the minimum driveway width requirement from 3.6m to 3m.

NO. EXPLANATION OF AMENDMENTS

9. Replace the references to SEPP 14 and the Threatened Species Conservation Act in C4.26 and C4.27, with referenced to State Environmental Planning Policy (Coastal Management) 2018 and the Biodiversity Conservation Act 2016.
10. Delete objective C4.H and controls C4.45 to C4.62, and relocate to a new separate chapter.

Explanation: The information included in the deleted controls can more easily be read when summarised in a table, which has been included as Table C4.1.

Adding the wording 'Garage setback' to renumbered control C4.6 will clarify what aspect of development this control applies to.

Relocation of figures and tables to sit adjacent to the controls to which they relate will improve readability.

The existing minimum driveway width control is inconsistent with the relevant Australian Standard, which requires a minimum width of 3m. Decreasing the minimum width from 3.6m to 3m aligns the DCP with the Australian Standard, allows for further design flexibility for applicants and will reduce construction costs. In addition, the reduced width requirement will allow for reduced site coverage, improving stormwater quality and drainage outcomes.

SEPP 14 and the Threatened Species Conservation Act have been replaced with State Environmental Planning Policy (Coastal Management) 2018 and the Biodiversity Conservation Act 2016. The references in C4.26 and C4.27 will be updated to ensure current legislation is referenced.

Controls under deleted objective C4.H, being controls C4.45 to C4.62, relate specifically to ancillary development such as sheds, garages and swimming pools. These types of development are typically carried out by home owners or small contractors and separating these controls in a discrete chapter will simplify the document and the development assessment process. The relevant controls have been included in a new chapter titled Chapter C8 – Ancillary Development.

12 Chapter C5 – Multi Dwelling Housing or Seniors Housing

1. Relocate Figure C1 to follow control C5.6 and delete the note to the figure.
2. Relocate Figure CK to follow control C5.47

Explanation: Relocation of figures and tables to sit adjacent to the controls to which they relate will improve readability.

13 Chapter C6 – Home Business or Home Industry

1. Add objective C6.C:
 - **Signage:** To ensure signage is complementary to its surroundings.
2. Add control C6.6:
 - The following types of signage are generally not supported:
 - Flashing signs. **Note:** Flashing signs may be permitted in the road reserve if the text is a road safety message
 - Roof signs

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- o Vehicular signs where the primary use of the vehicle is for advertising.
- o Above awning signs
- o Anchored balloons or airborne signs
- o Inflatable signs
- o Hoarding signs
- o A-Frame signs

Explanation: See explanation in item 8 above in relation to the relocation and amendment of signage controls.

14 Chapter C8 – Signage

1. Delete the Chapter

Explanation: Control C8.1 does not outline any requirements for signage. Rather this control explains the function of the Port Stephens Local Environmental Plan. The removal of this control does not change the requirements for signage.

Control C8.2 duplicates a requirement of State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64), which is identified as an applicable document in Council's DA Lodgement Guideline. The removal of this control does not change the requirements for signage.

Requirement C8.3 lists types of signage which are generally not supported. Signage generally relates to specific development types, and so it is appropriate that this control be relocated to the relevant chapters, being Chapter C2 (Commercial), Chapter C3 (Industrial) and Chapter C6 (Home business).

15 New chapter

1. Create new Chapter C8 – Ancillary Structures
2. Relocate and renumber objective C4.H and controls C4.45 to C4.62 from Chapter C4: Dwelling House, Secondary Dwelling, Dual Occupancy or Ancillary Structures, with the following amendments.
3. Amend C8.1 (previously C4.45) to make reference to new exceptions controls C8.2, and provide eave height controls for sheds in residential zones of 3.6m.
4. Add new exceptions control C8.2:
 - Development for the purposes of a shed in a residential zone (except R5 Large Lot Residential) may exceed the limits in C8.1 where the following can be demonstrated:
 - o The shed does not unreasonably impact the amenity of an adjoining property, such as by reason of bulk and scale, privacy or overshadowing
 - o The shed is not located within 1.8m of a dwelling on an adjacent lot,
 - o The shed does not exceed 5% site coverage of the lot,
 - o The shed height considers the change in topography from neighbouring allotments,
 - o The shed is located so that it does not detract from the dwelling being the primary use of the land,
 - o The shed uses colours and materials consistent with the dwelling on the land,
 - o The shed is of a similar bulk and scale to surrounding sheds.

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NO. EXPLANATION OF AMENDMENTS

- o The shed is consistent with the context and character of the area.
 - o Must not be a shipping container
5. Amend C8.3 (previously C4.46) to make reference to new exceptions control C8.4, and provide numerical controls where 'merit-based approach' is referenced.

R5 Large Lot Residential	Site <4,000m ²	Site >4,000m ²
Maximum floor area	120m ²	200m ²
Maximum eave height	4.8m	
Minimum front setback	Behind the front building line of the dwelling	15m
Minimum side boundary and rear setback	5m	
Colour scheme	Consistent with the existing character of the area.	

6. Add new exceptions control C8.4:
- Development for the purposes of a shed on land zoned R5 Large Lot Residential may exceed the limits in C8.2 where the following can be demonstrated:
 - o The shed does not unreasonably impact the amenity of an adjoining property, such as by reason of bulk and scale, privacy or overshadowing
 - o The shed is not located within 10m of a dwelling on an adjacent lot,
 - o The shed does not exceed 5% site coverage of the lot,
 - o The shed does not result in the combined site coverage of all ancillary structures on the land exceeding 7.5% site coverage,
 - o The shed is located so that it does not detract from the dwelling being the primary use of the land,
 - o The shed uses colours and materials consistent with the dwelling on the land,
 - o The shed is of a similar bulk and scale to surrounding sheds,
 - o The shed is consistent with the context and character of the area.
 - o Must not be a shipping container
7. Amend C8.13 (previously C4.55):
- Fencing materials should reflect context and character of the area
8. Amend C8.19 (previously C4.61):
- The total number of shipping containers ancillary to **residential development** must not exceed more than 2 per lot.

Explanation: The creation of a chapter specifically for ancillary development provides a simplified list of controls for small scale residential development such as sheds, retaining walls and swimming pools, improving readability for people carrying out minor developments.

Amendments to C8.1 and C8.3 provide numerical controls for sheds that set a clearer understanding of acceptable bulk and scale. These are supported by new controls C8.2 and C8.4 which set out the criteria that applies if the numerical controls are exceeded. These changes provide guidance for acceptable design outcomes and clarifies the matters that should be considered when proposing a merit based design for sheds. This

NO. EXPLANATION OF AMENDMENTS

will reduce the need for redesign during development assessment, reducing the cost to land owners and reducing the time for assessment of minor development applications.

Control C8.13 currently prohibits the use of sheet metal fencing materials such as colourbond. Most fences are installed without consent however under State Environmental Planning Policy (Exempt and Complying Codes) 2008, which allows the use of sheet metal fences. This control is inconsistent with the State policy and so has been amended to refer instead to the need for materials to be consistent with the local character.

Control C8.19 currently refers to the term 'residential accommodation development', which is not a defined term in the DCP or LEP. This control has been updated to instead make reference to the defined term 'residential development'.

16 Section D – Specific Areas

1. Amend Figure DA to reference Chapter D16

Explanation: This figure was not updated when Chapter D16 was added.

17 Chapter D1 – Heatherbrae Industrial

1. Amend Chapter name and references throughout from 'Heatherbrae Industrial' to 'Heatherbrae'.
2. Amend the note to D1.4 to remove reference to the extension of Camfield Drive.
3. Amend the note to D1.6 to update the reference to Chapter C controls.
4. Replace Figure DC to reflect recently subdivided land, include land the subject of a current planning proposal, and identify a new indicative road.

Explanation: The chapter name has been amended to acknowledge the use of land in this locality for non-industrial purposes. In addition, a planning proposal to rezone land at Heatherbrae to the B5 Business Development zone received a Gateway determination from the Department of Planning, Industry and Environment on 1 May 2020.

The Heatherbrae Locality Controls Map (Figure DC) has been updated to include the land the subject of the planning proposal and identify an indicative road to facilitate orderly subdivisions and development of the land following rezoning. Additionally the map has been updated to reflect the current roads and subdivision layout.

18 Chapter D16 – Medowie Planning Strategy (Precinct E)

1. Replace Figure DAH

Explanation: The existing figure incorrectly refers to the R1 General Residential zone. The legend has been updated to refer to the correct zone – R2 Low Density Residential.

19 Chapter E1 – Glossary

1. Add definition of 'stormwater requirement area':

ITEM 2 - ATTACHMENT 2 EXPLANATION OF AMENDMENT.

NO. EXPLANATION OF AMENDMENTS

- **stormwater requirements area** means land identified on a map on Council's website where additional stormwater control devices may be required.

Explanation: Control B4.2 sets out controls that apply only to land where it has been identified that additional stormwater control devices are required in order to respond to local stormwater drainage conditions. Definition of this term will help applicants identify whether or not this control is applicable to a development.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

NOTICE OF MOTION

ITEM NO. 2

**FILE NO: 19/358909
EDRMS NO: PSC2017-00019**

**AMEND THE DEVELOPMENT CONTROL PLAN (DCP) TO INCLUDE ADEQUATE
CAR PARKING REQUIREMENTS FOR MARINAS**

MAYOR: RYAN PALMER

THAT COUNCIL:

- 1) Amend the Port Stephens Development Control Plan 2014 to ensure adequate on-site car parking is required for marina development.
-

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

224	Mayor Ryan Palmer Councillor Ken Jordan It was resolved that Council amend the Port Stephens Development Control Plan 2014 to ensure adequate on-site car parking is required for marina development.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

**BACKGROUND REPORT OF: KATE DRINAN – DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER**

BACKGROUND

The Port Stephens Development Control Plan 2014 (DCP 2014) requires that development that has the potential to create demand for on-site parking provide parking in accordance with the DCP (Figure BT). For marina development, the car parking requirements are provided below:

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

- 0.6 spaces per wet berth
- 0.2 spaces per dry storage berth
- 0.2 spaces per swing mooring
- 0.5 spaces per marina employee

The above requirements are consistent with the RTA Guide to Traffic Generating Development. However these requirements do not consider the potential ancillary uses which may generate additional parking requirements.

Under the Port Stephens Local Environmental Plan 2013 (LEP 2013) a marina is defined as:

“A permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.”

The above definition can limit Council’s ability to require car parking for commercial or other components of a marina, noting that those components fall within the definition of marina and, as such, only the marina car parking requirements apply.

Given the nature of a marina and the varied uses that may be included under its definition, the DCP 2014 could be amended to require a parking demand study to accompany applications for marina developments and ensure adequate on-site car parking is provided for the marina and any of the proposed ancillary uses.

ATTACHMENTS

Nil.

MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

ITEM NO. 4

**FILE NO: 19/229869
EDRMS NO: PSC2019-03**

ELECTRIC VEHICLE CHARGING POINTS FOR NEW DEVELOPMENTS

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the report on the review of proposed requirements for Electric Vehicle (EV) Charging Points (**ATTACHMENT 2**).
- 2) Note the proposed changes to the national building regulations and NSW planning system to support requirements for EV Charging Points.
- 3) Amend the Port Stephens Development Control Plan 2014 to enable new commercial and other business uses required to provide parking in town centres to seek a reduction in parking requirements if they provide EV equipped car share spaces.

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019
MOTION**

164	<p>Councillor John Nell Councillor Jaimie Abbott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Note the report on the review of proposed requirements for Electric Vehicle (EV) Charging Points (ATTACHMENT 2).2) Note the proposed changes to the national building regulations and NSW planning system to support requirements for EV Charging Points.3) Amend the Port Stephens Development Control Plan 2014 to enable new commercial and other business uses required to provide parking in town centres to seek a reduction in parking requirements if they provide EV equipped car share spaces.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Those against the Motion: Nil.

BACKGROUND

On 9 July 2019, Council resolved to request the General Manager to prepare a report on the inclusion of Electric Vehicle (EV) Charging Points for all new developments in Port Stephens (Minute No.154) **(ATTACHMENT 1)**.

A report has been prepared to provide a high level review of requirements for EV Charging Points, including the options and alternatives available (the Report) **(ATTACHMENT 2)**.

The Report notes proposed changes to the national building regulations and NSW planning system which will support councils including requirements for EV Charging Points. The Report also notes proposed State requirements that would apply to new residential flat buildings. These initiatives are planned to occur in the short to medium term.

Given these related initiatives, the Report recommends facilitating EV Charging Points in town centres by providing parking concessions for commercial and other business uses if EV equipped car share spaces are provided.

This recommendation is consistent with the Greater Newcastle Metropolitan Plan and the recommendations of the Nelson Bay Independent Citizens Parking Panel.

It is noted that the Local Strategic Planning Statement (the Statement) currently being prepared will include a range of actions related to adaptive and alternative transport that can reduce pollution, congestion and transport costs. These actions will be implemented through Council's planning documents when the Statement has been adopted and the State and national policy and regulatory framework has been updated.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

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

MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Source of Funds	Yes/No	Funding (\$)	Comment
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no known significant legal, policy or risk implications resulting from the proposal. Legal and policy considerations have been addressed in detail at **(ATTACHMENT 2)**.

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

Division 3.6 of the EP&A Act sets out the matters that a Development Control Plan can contain. The proposed amendments are consistent with the EP&A Act.

Environmental Planning & Assessment Regulations (EP&A Regulations)

Division 2 of Part 3 of the EP&A Regulations specifies the requirements for public participation of a draft Development Control Plan. The recommendation is in accordance with the provisions of the EP&A Regulations.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the amendment will be inconsistent with, or will duplicate, future State planning requirements and national building requirements related to EV Charging Points.	Low	Prepare the amendment to encourage new development to make provision for EV Charging Points rather than setting out requirements for EV Charging Points.	
There is a risk that the amendment will be subject to legal challenge.	Low	Publicly exhibit the amendment in accordance with the requirements in the EP&A Act.	

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed Development Control Plan amendment will have overall positive social, environmental, and economic implications given it will support transport options that reduce pollution, congestion and costs.

MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

CONSULTATION

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

Internal

Internal consultation with the Development Assessment and Compliance Section was undertaken with no objections to the recommendation.

External

Community consultation, including consultation with relevant State agencies will be undertaken during the public exhibition process. Consultation during public exhibition will include the Implementation Panels for Raymond Terrace, Medowie and Nelson Bay as well as the Nelson Bay Independent Citizens Parking Panel.

In accordance with the planning legislation, the draft Development Control Plan amendment will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Minutes No. 154 - 9 July 2019. [↗](#)
- 2) Report on Electric Vehicle Charging Points. [↗](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 9 JULY 2019

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 19/166569
EDRMS NO: PSC2017-00019

ELECTRIC VEHICLE CHARGING POINTS FOR NEW DEVELOPMENTS

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) Request the General Manager to prepare a report on the inclusion of Electric Vehicle Charging Points for all new developments in Port Stephens.

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

154	<p>Councillor John Nell Councillor Sarah Smith</p> <p>It was resolved that Council request the General Manager to prepare a report on the inclusion of Electric Vehicle Charging Points for all new developments in Port Stephens.</p>
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BACKGROUND REPORT OF: STEVEN PEART – STRATEGY AND ENVIRONMENT SECTION MANAGER

BACKGROUND

Council officers will complete a high level review on the inclusion of Electric Vehicle Charging Points for all new developments in Port Stephens and provide a future report back to Council on the options and alternatives available.

Action 14.2 in the Greater Newcastle Metropolitan Plan requires all Lower Hunter councils to:

- Plan for a changing climate by developing policies to achieve the NSW Government aspirational target of net zero emissions by 2050.

The Local Strategic Planning Statement currently being prepared will include a range of actions to satisfy this, including policies related to electric charging stations and providing priority parking spots for electric vehicles in town centres.

MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

ITEM 4 - ATTACHMENT 1 MINUTES NO. 154 - 9 JULY 2019.

MINUTES ORDINARY COUNCIL - 9 JULY 2019

Generally speaking, controls to require new developments to install electric charging stations would be implemented via an amendment to the Port Stephens Development Control Plan 2014. However, Council would need to determine the types of new development that these controls would apply to.

ATTACHMENTS

Nil.

MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019**ITEM 4 - ATTACHMENT 2 REPORT ON ELECTRIC VEHICLE CHARGING POINTS.**

Author: Elizabeth Lamb, Strategic Planning Co-ordinator
Date: 24 September 2019
File No: PSC2019-03
Subject: Review of Proposed Requirements for Electric Vehicle Charging Points

Background:

On 9 July 2019 Council resolved to request the General Manager to prepare a report on the inclusion of Electric Vehicle (EV) Charging Points for all new developments in Port Stephens (Minute No.154).

Generally, controls to require new developments to install electric charging stations would be implemented via an amendment to the Port Stephens Development Control Plan 2014 (DCP 2014).

This Report considers the options and alternatives available, including the types of development that these controls could apply to.

Issues:State and national policy and regulatory framework

National building regulations have not yet been updated to provide standards for EV Charging Points. The Australian standard applicable to electrical installations (AS/NZ3000) was recently updated to include standard requirements for EV charging stations. The Building Code of Australia has not been updated to adopt the new standard because changes to the Code only occur every 3 years.

The [NSW Electric and Hybrid Vehicle Plan \(EHVP\)](#), sets out actions the State Government will take to support local councils in planning for the transformation of transport through technology. Under the EHVP, the State Government has committed to:

- Co-invest in EV Charging Points on major regional corridors in partnership with councils.
- Co-invest in charging points in commuter car parks.
- Adopt preferred charging standards to guide council requirements.
- Develop guidelines for the installation of charging points in roadside service centres.
- Publish guides to support EV charging through strategic land use planning by councils to prepare for EV charging.
- Further streamline approval processes for installing EV charging.
- Develop and standardise roadside wayfinding signage – to help guide motorists to charging locations.
- Model the future uptake of EVs in NSW and the likely impacts on the energy system.

1

MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019**ITEM 4 - ATTACHMENT 2 REPORT ON ELECTRIC VEHICLE CHARGING POINTS.**

- Insert requirements for EV Charging Points for new residential flat buildings (Through State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the NSW Apartment Design Guide).

Action 14.2 in the Greater Newcastle Metropolitan Plan (GNMP) requires all Lower Hunter councils to:

- Plan for a changing climate by developing policies to achieve the NSW Government aspirational target of net zero emissions by 2050.

Local policy and regulatory framework

The Local Strategic Planning Statement currently being prepared will include a range of actions to satisfy the directions for local councils in the GNMP, including policies related to electric charging stations and providing priority parking spots for electric vehicles and car sharing in town centres.

The Smart City Blueprint currently being prepared will also include actions to satisfy the GNMP related to clean transport technology and smart infrastructure.

The report of the Nelson Bay Independent Citizens Parking Panel included recommended actions relating to smart parking options and promoting alternative modes of transport in and around town centres.

Note: an amendment to the DCP 2014 is not required to install EV Charging Points in public car parks owned by Council.

Implications:

Until the State Government and the National Building Code of Australia recognise adopted standards for EV charging stations, it may be difficult to prepare and enforce development controls that require EV charging stations.

There are however examples of requirements for precinct plans in growth areas that facilitate EV charging stations in new local centres and in the design of future public spaces. The draft Wilton Growth Area Development Control Plan 2019 includes objectives for neighbourhoods to be designed to be adaptive to change in the form of electric, shared and autonomous vehicles, and to facilitate the take up of safe alternate mobility options that reduce pollution, congestion and transport costs.

Through the EHVP, the State Government has committed to providing requirements for EV charging stations will shortly apply to all new residential flat buildings through State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the NSW Apartment Design Guide.

Other types of residential accommodation (dwelling houses, attached dwellings, multi-dwelling houses) can facilitate EV charging through domestic plugs.

The remaining categories of development subject to DCP controls that have requirements to provide parking facilities include commercial premises (including business, office and retail uses) and other uses permissible in business zones such as medical centres, tourist and visitor accommodation, indoor recreation facilities, registered clubs, etc.

2

MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019**ITEM 4 - ATTACHMENT 2 REPORT ON ELECTRIC VEHICLE CHARGING POINTS.**

A recent research paper on the emerging NSW planning framework for EVs and EV Charging Points recommends local councils promote EV equipped car share spaces as concessions for reduced parking requirements (Drake et al., 2019).

This approach would be consistent with directions in the GNMP and the recommendations of the Nelson Bay Independent Citizens Parking Panel. It would also avoid potential conflicts with the anticipated introduction of State and national adopted standards and proposed State-led changes to the planning system.

Currently there is only 1 car sharing service active in Port Stephens (Drivemycar, a peer-to-peer sharing service), however visitors and tourists may be using car sharing services based in metropolitan areas (e.g. Goget or Carnextdoor). A facilitative provision in the DCP may encourage developers to approach car sharing providers to enter into partnerships and increase their presence in Port Stephens.

A facilitative provision that provided parking concessions for commercial and other uses in town centres would also have the potential to reduce congestion in the long term as electric vehicles and car sharing trends increase.

References

Drake, P., Hornsey, R., Mannix, L. and Piatkov, V. (2019). *Electric Avenue: Preparing the NSW planning system for electric vehicles*. [online] City Futures Research Centre, UNSW Built Environment, UNSW Sydney. Available at: https://cityfutures.be.unsw.edu.au/documents/538/Electric_Avenue_Final_March_2019.pdf [Accessed 19 Aug. 2019].

ClimateWorks Australia (2018). *State of Electric Vehicles in Australia, Second Report: Driving Momentum in Electric Mobility*. [online] Melbourne: ClimateWorks Australia. Available at: https://www.climateworksaustralia.org/sites/default/files/documents/publications/climate_works_australia_state_of_electric_vehicles2_june_2018.pdf [Accessed 19 Aug. 2019].

Recommendations:

- 1) Note the proposed changes to the national building regulations and NSW planning system to support requirements for EV Charging Points.
- 2) Amend the Port Stephens Development Control Plan 2014 to enable new commercial and other business uses required to provide parking in town centres to seek a reduction in parking requirements if they provide EV equipped car share spaces.

Elizabeth Lamb
Strategic Planning Co-ordinator

MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

ITEM 4 - ATTACHMENT 2 REPORT ON ELECTRIC VEHICLE CHARGING POINTS.

Communication method

- Post on myPort
 - Post on PSC website
 - Memo to section managers
 - Presentation to SLT
 - Snapshot article
 - All staff memo from General Manager
 - 2 way conversation with Councillors
 - Councillors weekly PS newsletter
 - Report to Council
 - Media release
 - Other
-

ITEM NO. 3

**FILE NO: 20/254439
EDRMS NO: PSC2012-01402**

POLICY DEVELOPMENT: CLIMATE CHANGE POLICY

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the public exhibition period **(ATTACHMENT 3)**.
- 2) Adopt the draft Climate Change Policy, as amended **(ATTACHMENT 1)**.

BACKGROUND

The purpose of this report is to seek Council’s approval of the draft Climate Change Policy (the draft policy) shown at **(ATTACHMENT 1)** following public exhibition.

The draft policy is in response to the Council meeting resolution on 25 February 2020, Minute Number 040, that resolved to “initiate the development of a Climate Action Policy as a priority” **(ATTACHMENT 2)**.

The draft policy was publically exhibited for a period of 28 days from 25 June 2020 to 24 July 2020. During public exhibition, 20 submissions were received from 19 individuals and groups. The submissions are summarised in **(ATTACHMENT 3)**.

Changes to the draft policy have been made following consultation to reflect the community feedback, on this new policy.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Environmental Resilience	Encourage community resilience to the impacts of climate change.

FINANCIAL/RESOURCE IMPLICATIONS

There are no additional financial or resource implications for Council as a consequence of the proposed recommendations.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There is currently no legal requirement for Council to implement a climate change response. The draft policy sets Council’s broad commitment to managing, mitigating and building resilience to climate change.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the policy will lead to an inconsistent approach to responding to climate change impacts.	Medium	Adopt the recommendations.	Yes
There is a risk that not adopting the policy will create a lag in establishing Council’s response to climate change.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Responding to climate change protects the natural and built environment for the benefit of the community. This approach is expected to reduce potential damage to Council assets, disruption to the delivery of Council services, related costs and adverse effects on the wellbeing of the community. Related initiatives such as Council’s Sustainable Energy Team (Currents) and the preparation of a Sustainability Action Plan and Roadmap will assist in framing Council’s response to climate change.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment section for technical refinement and awareness of the intent of the draft policy.

Internal

Consultation has been undertaken with Council's Enterprise Risk Management and Community Development and Engagement sections.

The Executive Team has been consulted to seek management endorsement.

External

The draft policy was publically exhibited for a period of 28 days from 25 June 2020 to 24 July 2020. During public exhibition, 20 submissions were received. The submissions are summarised in **(ATTACHMENT 3)**.

Changes have been made to the draft policy **(ATTACHMENT 1)** in response to matters raised in submissions.

OPTIONS

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

ATTACHMENTS

- 1) Draft Climate Change Policy. [↓](#)
- 2) Notice of Motion - Climate Change Policy. [↓](#)
- 3) Summary of submissions. [↓](#)

COUNCILLORS ROOM

- 1) Copy of submissions.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2012-01402

TITLE: CLIMATE CHANGE POLICY

POLICY OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

1.1 Port Stephens Council recognises that the climate in Australia is continuing to change and that ongoing action is needed to ensure a sustainable future for Port Stephens. Working in partnership with other Councils, the community and all levels of government, Port Stephens Council is committed to responding to the challenges of climate change.

2. CONTEXT/BACKGROUND:

2.1 Climate change is a significant global challenge with the potential for direct, that according to adopted NSW policy, directly impacts on the natural environment and community wellbeing, community assets, and the natural environment. Climate change has the potential contributes to increased increase the risks of sea level rise, increase storm intensity and frequency, and contribute to changes in rainfall patterns and bushfire behaviour.

2.2 Climate change presents challenges for Council to deliver quality outcomes for the local community. The consequences of climate change have the potential to risk damage to Council assets, cause disruption to the delivery of Council services, increased costs, damage to important industries such as tourism and aquaculture, and affect the impacts on the community's wellbeing of the community.

2.3 To ensure Council's response to climate change risks are prioritised and maintained, it is important that they are embedded in Council's enterprise risk management framework and strategic planning processes.

3. SCOPE:

3.1 Port Stephens Council's approach to managing the risks of climate change will be guided by:

- a) Advice from the federal government and its departments and agencies, including the CSIRO and Bureau of Meteorology; state government departments and agencies; and local government representative bodies, including the Hunter Joint Organisation of Councils.
- b) Information from the United Nations' Intergovernmental Panel on Climate Change (IPCC).
- c) Best practice case studies exhibited at all levels of government in Australia.
- d) Evidence from credible and reliable sources of climate change data.
- e) Feedback, advice and ideas submitted by local residents and businesses.
- f) Risk assessments undertaken by Port Stephens Council.



Policy



4. DEFINITIONS:

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

Climate Change	Any change in climate over time, whether due to natural variability or as a result of human activity.
Intergovernmental Panel on Climate Change (IPCC)	The United Nations body for assessing the science related to climate change.
Risk	The chance of something happening that will have an impact on objectives. Risk is measured in terms of a combination of the consequences of an event and their likelihoods.

5. STATEMENT:

5.1 Port Stephens Council commits to:

- a) Consulting widely with local residents and businesses to raise awareness of climate change risks and management strategies for effective climate change management, mitigation, and adaptation.
- b) Seeking feedback and ideas from the community on how to better manage, mitigate and build community resilience to climate change risks.
- c) Preparing and implementing a sustainability strategy and action plan to clearly communicate our sustainability actions, targets and performance indicators.
- d) Reducing our contribution to climate change by implementing a range of sustainability projects.
- e) Reviewing and maintaining a Climate Change Adaptation Action Plan.
- f) Regularly publishing our progress and achievements in managing climate change risks in alignment with the Integrated Planning and Reporting framework.
- g) Investigating and sourcing funding opportunities to support our climate change management mitigation and adaptation projects.

6. RESPONSIBILITIES:

- 6.1 Strategy and Environment Section is responsible for monitoring, reviewing and providing advice on the policy.
- 6.2 Implementation of and compliance with this policy is the responsibility of all staff, with the Senior Leadership Team responsible for ensuring the policy is implemented throughout the organisation.



Policy



7. RELATED DOCUMENTS:

- 7.1 [Local Government Act 1993](#)
- 7.2 Port Stephens Council Community Strategic Plan
- 7.3 Asset Management Policy
- 7.4 Enterprise Risk Management Policy
- 7.5 Environment Policy
- 7.6 [Coastal Management Act 2016](#)
- 7.7 [State Environmental Planning Policy \(Coastal Management\) 2018](#)
- 7.8 [Biodiversity Conservation Act 2016](#)
- 7.9 Climate Change Adaptation Action Plan

CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
EDRMS container No	PSC2012-01402	EDRMS record No	TBA
Audience	Councillors, staff and community		
Process owner	Strategy and Environment Section Manager		
Author	Environmental Officer		
Review timeframe	Two years	Next review date	TBA
Adoption date	TBA		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.	23 June 2020	Environmental Officer	New policy – first version. Endorsed for public exhibition.	114




Policy



2.	TBA	Environmental Officer	<p>Revised policy in response to public submissions.</p> <p>2.1 Removed references to 'potential risks'. Added community assets to list of impacted targets and re-arranged the order of targets.</p> <p>2.2 Added impacts to tourism and aquaculture industries</p> <p>3.1 Expanded the list of guiding organisations to include federal and state governments and their departments and agencies, and the Hunter Joint Organisation of Councils. Included commitment that Council approach would be based on credible and reliable evidence and data.</p> <p>5.1 (a)(b)(g) Included mitigation and adaptation.</p>	TBA
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Policy

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MINUTES ORDINARY COUNCIL - 25 FEBRUARY 2020

NOTICE OF MOTION

ITEM NO. 2

**FILE NO: 20/38697
EDRMS NO: PSC2017-00019**

CLIMATE CHANGE

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledge and provide its condolences and support to all who have been affected by the 2019-2020 fires across the east coast of NSW.
- 2) Note that former Commissioner of Fire & Rescue NSW, Greg Mullins AFSM, notes that the ferocity and intensity of these fires is a result of climate change.
- 3) Recognise that we are in a state of climate and ecological crisis that requires urgent action by all levels of government.
- 4) Accelerate the development of a Climate Action Policy by making it Council's number one policy priority.

**ORDINARY COUNCIL MEETING - 25 FEBRUARY 2020
MOTION**

**Councillor Giacomo Arnott
Councillor John Nell**

That Council:

- 1) Acknowledge and provide its condolences and support to all who have been affected by the 2019-2020 fires across the east coast of NSW.
- 2) Note that former Commissioner of Fire & Rescue NSW, Greg Mullins AFSM, notes that the ferocity and intensity of these fires is a result of climate change.
- 3) Recognise that we are in a state of climate and ecological crisis that requires urgent action by all levels of government.
- 4) Accelerate the development of a Climate Action Policy by making it Council's number one policy priority.

MINUTES ORDINARY COUNCIL - 25 FEBRUARY 2020**ORDINARY COUNCIL MEETING - 25 FEBRUARY 2020
AMENDMENT**

040	<p>Mayor Ryan Palmer Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Acknowledge and provide its condolences and support to all who have been affected by the 2019-2020 fires across Australia.2) Acknowledge all the hardworking firefighters/emergency services and the tremendous leadership of RFS commissioner Fitzsimmons.3) Recognises that the climate in Australia is changing and that ongoing action is needed on climate change to ensure a sustainable future for Port Stephens.4) As per our previous resolution from the meeting on the 24th of September Port Stephens Council will as part of its 2020 community strategic planning process:<ol style="list-style-type: none">a) engage with the community and business to obtain suggestions for initiatives to reduce their impact on climate changeb) identify initiatives to reduce Councils impact on climate change with an associated funding strategy.5) Initiate the development of a Climate Action Policy as a priority.
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The amendment on being put became the motion which was carried.

Cr Arnott recorded his vote against the amendment.

Cr John Nell and Cr Giacomo Arnott called for a division.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell, and Sarah Smith.

Those against the Motion: Nil.

The Motion was carried.

**BACKGROUND REPORT OF: STEVEN PEART – STRATEGY & PLANNING
SECTION MANAGER****BACKGROUND**

From September 2019, fires heavily impacted various regions of the state of New South Wales, such as the North Coast, Mid North Coast, the Hunter Region, the Hawkesbury and the Wollondilly in Sydney's far west, the Blue Mountains, Illawarra

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and the South Coast, Riverina and Snowy Mountains with approximately 5,200,000 hectares burnt across the state. Since the start of the season, the bushfires have destroyed 2176 homes, as well as 48 facilities and more than 2000 outbuildings in New South Wales alone. 25 people were confirmed to have been killed in New South Wales since October 2019.

In Australia, the Climate Emergency Declaration mobilisation and petition was launched in May 2016. Since then, 89 local government areas across Australia have made the declaration (<https://climateemergencydeclaration.org>; 13/02/2020). The Climate Emergency Declaration proposes to mobilise society-wide resources at sufficient scale and speed to protect civilisation, the economy, people, species, and ecosystems. Declaring a climate emergency is the first step in mobilising government and community resources.

Understanding Port Stephens Council's current and proposed actions to respond to a climate emergency is an important first step in committing to climate action. Some initiatives being undertaken or proposed to be undertaken by Port Stephens Council include:

- Developing a Climate Change Policy for Port Stephens as recommended in the Climate Change Adaptation Action Plan.
- An independent consultant has been appointed to undertake a detailed review of the Climate Change Adaptation Action Plan and its implementation. The review is expected to be completed in June 2020.
- Council's Integrated Risk team are currently coordinating a climate change risk assessment. The risk assessment is being completed by StateWide Mutual.
- Developing a Sustainability Action Plan through the internal sustainable energy steering group ('Currents').
- Council has recently joined the NSW Government's Sustainability Advantage program which is a State government led program that assists local councils and other organisations to identify and achieve their sustainability objectives, including emissions reductions. The development of the Sustainability Action Plan will be guided by the outcomes of the Sustainability Advantage diagnostic session on 5 March 2020.

ATTACHMENTS

Nil.

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Submissions Summary – draft Climate Change Policy

This plan summarises the submissions received on the exhibited draft Climate Change Policy.

No.	Author of submission	Comment	Council response
1	Resident	Distressed and disappointed that Council was initially reluctant to declare a climate emergency when most of Southeast Australia was being destroyed by bushfires fuelled by climate change	Noted. Council recognises that climate change mitigation and adaptation is increasingly important and is working on a number of strategies in partnership with key stakeholders to manage the immediate and future impacts of climate change.
		Council should heed the recent findings of Emergency Leaders for Climate Action (ELCA)	A number of priority recommendations from ELCA's Bushfire and Climate Plan are being addressed in following plans and strategies: <ul style="list-style-type: none"> • Reducing emissions through a focus on renewable energies in Council's Sustainability Action Plan and Roadmap • Adopting an integrated and long-term approach to landscape management that recognises the importance of biodiversity and carbon sinks (through Council's Local Strategic Planning Statement and Biodiversity Strategy) • Building community resilience to climate change through Council's Coastal Management Program • Coordinating and resourcing wildlife recovery efforts (through Council's Flying Fox Camp Management Plan Koala Sanctuary and Comprehensive Koala Plan of Management Committee).
		The continued lack of commitment to immediate achievable local targets is culpable given the urgency of global climate action	Council is currently preparing a Sustainability Action Plan and Roadmap that will identify a number of strategies to reduce Council's footprint and emissions, across areas such as energy, water, waste, and transport.
		Note the inertia of implementing carbon reduction in Council's transport fleet and encouragement of the same for community transport. Electric vehicles (heavy and light) should be phased into the fleet at the earliest opportunity.	See response above.

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		Council should pursue greater initiatives in restoring and protecting sea grass beds	Protection of sea grass beds is predominantly managed and coordinated by NSW Dept Primary Industries (Marine Parks). Council has a role in ensuring its coastal management works are undertaken responsibly and in compliance with biodiversity conservation requirements set out in legislation. Council also invests in programs to educate the community on the value and protection of our unique coastal ecosystem.
		Acknowledge the initiative of installing photovoltaic cells on Council properties and expect the policy to encourage similar community initiatives, such as use of battery storage	Council is currently preparing a Sustainability Action Plan and Roadmap that will identify a number of strategies to reduce Council's footprint and emissions, across areas such as energy, water, waste, and transport.
		Council, through its membership of the Hunter Joint Organisation, gain access to and consider innovative ideas about waste management that can be implemented by Council and communicated to the wider community.	Council is currently preparing a Waste Strategy.
		Council should play a stronger role in educating the community about environmental damage and the impacts of pollution on environmental degradation and climate change.	Council delivers a range of education programs aimed at increasing the awareness and value of the environment, sustainability measures and waste management either directly or in partnership with government and industry stakeholders.
2	Resident	Congratulate, acknowledge and welcome Council's commitment to addressing the concerns of the IPCC on Climate Change and to wide consultation on climate change impacts and responses.	Noted.
3	Resident	Support the submissions of EcoNetwork Port Stephens, Climate Action Port Stephens, and Tomaree Rate Payers Association and their specific recommendations to policy changes.	Noted.
		Pleased to see the development of a Climate Change Policy and agree to the proposals put forward.	Noted.

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		The policy insufficiently addresses mitigating impacts.	<p>The Climate Change Policy sets Council's broad commitment to managing, mitigating and building resilience to climate change.</p> <p>Underpinning the policy is an implementation framework consisting of strategies, action plans, systems and processes that allow Council to achieve genuine results in these areas, including (but not limited to) the Climate Change Adaptation Action Plan and Sustainability Action Plan and Roadmap.</p>
		The policy is too Council-centric. Council needs to take a stronger role in leading the community in climate change mitigation.	<p>Council recognises that responding to climate change and committing to effective climate action is a long-term, ongoing proposition. This policy sets the framework for Council to reduce its contribution to climate change and operate more sustainably.</p> <p>As part of the 2021 Community Strategic Planning process, Council will engage with the community and business to obtain suggestions for initiatives to reduce their impact on climate change.</p> <p>Council will also embed climate change into its broader program of community education. These education initiatives will be delivered both directly and in partnership with key stakeholders alongside existing education programs around waste management and recycling, natural area management, and biodiversity.</p>
		The policy should include commitment to carbon budgeting and high-level, progressive targets, at minimum in line with the State Government commitment of zero carbon emissions by 2050 and preferably much earlier.	<p>The Climate Change Policy sets Council's broad commitment to managing, mitigating and building resilience to climate change.</p> <p>The Sustainability Action Plan and Roadmap (in development) will identify a number of strategies to reduce Council's footprint and emissions, across areas such as energy, water, waste, and transport.</p>
		Energy use is a major source of carbon emissions in Port Stephens and renewable energy presents a considerable cost-saving opportunity. Council should embrace renewal energy initiatives and ensure Council operations are sustainable across waste management, transport, and other operations.	<p>Noted. The Sustainability Action Plan and Roadmap (in development) will identify a number of strategies to reduce Council's footprint and emissions, across areas such as energy, water, waste, and transport.</p> <p>Council has for a number of years implemented a Sustainable Energy Advisory Group which has developed significant energy reduction programs across Council operations.</p>

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		<p>Council should ensure its policies and actions maximise the benefits of trees in regulating climate change.</p>	<p>Tree clearing and offset planting is regulated by Council's Development Control Plan, Tree Technical Specification, and Tree Permit Process, all of which comply with the NSW Vegetation SEPP and Biodiversity Conservation Act.</p> <p>Council also contributes to afforestation and reforestation through its bushland regeneration program and conservation programs (such as the koala feed tree planting program), which facilitate additional tree planting in the Port Stephens Area and reduce the impact of invasive weed species on tree growth and health.</p> <p>Council is committed to an integrated, strategic, and long-term approach to landscape management, as evidenced by the inclusion of biodiversity and blue/green corridors into the Local Strategic Planning Statement and the development of a Biodiversity Strategy that will guide management of natural assets.</p>
		<p>Council should adopt the aspirations in the Hunter Joint Organisation, partner with community groups and organisations such as Beyond Zero Emissions, and take the lead in transitioning the community to more sustainable operations.</p>	<p>The Hunter Joint Organisation are a key partner for Council and have been added as a guiding organisation in the revised policy.</p>
4	The Greens (Port Stephens)	<p>Congratulate Council on addressing the concerns of the UN's IPCC and that local impacts of climate change.</p>	<p>Noted.</p>
		<p>Climate change threatens all aspects of modern life and already contributes to the disruption of human societies. Impacts will escalate and put increasing pressure on natural resources and our ability to satisfy basic human needs, particularly for the most vulnerable in our society. There is an urgent need to reduce emissions to limit the severity of climate change and proactively plan for a more hostile climate.</p>	<p>Noted.</p>

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		Lack of specific targets for Council and the wider community, particularly targets in line with every Australian State Government's commitment of zero carbon emissions by 2050, is disappointing and limits the ability of council to monitor and report.	The Climate Change Policy sets Council's broad commitment to managing, mitigating and building resilience to climate change. The Sustainability Action Plan and Roadmap (in development) will identify a number of strategies to reduce Council's footprint and emissions, across areas such as energy, water, waste, and transport.
		The policy lacks any direction on mitigating the effects of climate change and makes no allowance for Council's sourcing of renewable power, environmentally sound waste management, water collection and storage, and sustainable transportation infrastructure.	See previous response.
		Is Council planning on converting its vehicle fleet to electric? Is it planning on installing more charging stations for electric vehicles? Will it be setting up car pooling areas to be serviced by small electric buses on continuous loop through the area?	The Sustainability Action Plan and Roadmap will guide opportunities and demand for initiatives such as this.
		Are there goals or deadlines set for council to source all its power from renewables?	Council is currently developing a Sustainability Action Plan and Roadmap to identify strategies for renewable energy.
		Will council provide for subsidised installation of solar panels for elderly or disadvantaged residents?	Noted. This is not a current consideration of Council.
		Council needs to protect its natural areas from the effects of climate change by creating secure reserves, linked by corridors, across all estuarine and marine environments and by maximising habitat protection for biological diversity.	Council is committed to an integrated, strategic, and long-term approach to landscape management, as evidenced by the inclusion of biodiversity and blue/green corridors into the Local Strategic Planning Statement and the development of a Biodiversity Strategy that will guide management of natural assets.
		Planning must be guided by Ecologically Sustainable Development principles	Council is committed to the principal of Ecologically Sustainable Development as detailed in its Environment Policy and required under the Environmental Planning & Assessment Act.

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		Council must be transparent with ratepayers about the future risks posed by Climate Change.	Work is currently underway, via the development of a Coastal Management Program, to identify, articulate, assess, and communicate the risks of priority coastal hazards such as inundation, wind-blown sand, coastline recession, and erosion.
		Look forward to Council's implementation plans for this policy	Noted.
5	Resident	Appreciate that Council is beginning to develop a Climate Change Policy, especially given Port Stephens is at great risk of serious impacts from sea level rise.	Noted.
		Council should immediately carry out a detailed risk assessment of the impacts of climate change and the cost that Council will incur over the short and long term.	A detailed assessment of climate change risks was undertaken in 2009 and embedded into Council's Climate Change Adaptation Action Plan. That plan is now under review and will complement the more recent Climate Change Risk Assessment.
6	Resident	Gratifying to know Council recognises the climate in Australia is changing and that ongoing action is needed to ensure a sustainable future for Port Stephens, and that the policy will be guided by the UN's IPCC.	Noted.
		References to climate change having the 'potential' to impact on the natural environment, community wellbeing, coastal hazards, etc, should be changed to "science demonstrates that climate change will..."	The policy has been amended to reflect the language of the NSW Climate Change Policy Framework.
		Good to see Council is seeking feedback and ideas from the community on how to better manage climate change risks.	Noted.
		Give tidal estuary and rivers in Port Stephens, and their proximity to residential and natural asset areas, sea level rise and storm surge risks should be addressed by Council by way of target setting and monitoring.	Work is currently underway, via the development of a Coastal Management Program, to identify, articulate, assess, and communicate the risks of priority coastal hazards such as inundation, wind-blown sand, coastline recession, and erosion.

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		Council decision making regarding purchasing, works, project management, or sourcing power, should take into account carbon emissions and increasing global temperatures.	Council is currently preparing a Sustainability Action Plan and Roadmap that will identify a number of strategies to reduce Council's footprint and emissions, across areas such as energy, water, waste, and transport.
		Council should adopt IPCC target of reduced carbon emissions of 45% of 2010 levels by 2030 and establish a zero emissions policy for the community and participate in the Beyond Zero Emissions carbon communities program.	See previous response.
		Council should, if it hasn't already, consider joining the Cities Power Partnership.	Noted.
		It was wonderful to see Council install 357 solar panels on the roof of the Administration Building. Council should go beyond rooftop solar and investigate the benefits of deriving power from a solar farm.	Noted. This suggestion will be considered during the development of strategies for Council's Sustainability Action Plan and Roadmap.
7	Climate Action Port Stephens	The draft policy is welcome and long overdue considering the impacts of climate change are particularly severe for Port Stephens given its extensive coastline, low lying land, and bushland areas.	Noted.
		Climate change poses many environmental risks and is affecting human health and exacerbating social inequalities now.	Noted.
		Council should align with the scientific evidence that argues for a reduction in emissions by at least 45% on 2010 levels by 2030 and reach net zero emissions by 2050 in order to avoid the most catastrophic climate change outcomes. Council should also align with the NSW Government's recently released Climate Change Policy Framework which commits NSW to net zero carbon by 2050.	Council is currently preparing a Sustainability Action Plan and Roadmap that will identify a number of strategies to reduce Council's footprint and emissions, across areas such as energy, water, waste, and transport.

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		References to climate change having the 'potential' to impact on the natural environment, community wellbeing, coastal hazards, etc, should be changed to "climate change is having an impact..." since these effects are currently observable.	The policy has been amended to reflect the language of the NSW Climate Change Policy Framework.
		Impacts to the marine and coastal environments and flow-on effects to the tourism and fishing industries need inclusion given their vital importance to the Port Stephens' community.	The policy has been amended to include reference to these industries.
		Section 3.1 Part B ("PSC's approach to managing the risks of climate change will be guided by information from the UN's IPCC") should also reference the CSIRO, Bureau of Meteorology and other Australian Government organisations that produce projections and guidance for the Australian East Coast.	The policy has been amended to include reference to these guiding organisations.
		Suggest that the word 'management' (the process of dealing with or controlling something) is replaced with 'mitigation' (the lessening of potential adverse impacts of hazards through actions that reduce the hazard, exposure, and vulnerability).	The policy has been amended to reflect Council's holistic approach of management, mitigation, and adaptation.
		The following commitments should be reflected in the policy:	
		<ul style="list-style-type: none"> A commitment to work with other Councils and the State Government to develop a State-wide approach to emissions reduction and climate action. 	Council is committed to working with other Councils and the NSW State Government to manage the mitigation and adaptation.
		<ul style="list-style-type: none"> A commitment to work with shops and businesses to reduce waste and food waste. 	<p>Council has an ongoing waste education program it delivers to local groups and businesses and has also partnered with other Councils in NSW EPA's "Love Food Hate Waste" program.</p> <p>The non-recyclable general waste that Council collects is transported to a Composting and Recovery Centre at Raymond Terrace. At this Centre the normally useless, and if untreated, most polluting component of Municipal Solid Waste, is converted into a compost product.</p>

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	<ul style="list-style-type: none"> • A commitment to looking at purchasing and generating renewable energy in the LGA. 	<p>Council is currently preparing a Sustainability Action Plan and Roadmap that will identify a number of strategies to reduce Council's footprint and emissions, across areas such as energy, water, waste, and transport.</p>
	<ul style="list-style-type: none"> • A commitment to divest from investments in fossil fuels, and to not use financial institutions which loan to fossil fuel businesses. 	<p>Noted. Council has an adopted Investment Policy.</p>
	<ul style="list-style-type: none"> • A commitment to educating the community on the effects and impacts of climate change and broader education programs on recycling, reducing emissions and single use plastics. 	<p>Council will be embedding climate change into its broader program of community education. These education initiatives will be delivered alongside existing education programs around waste management and recycling, natural area management, and biodiversity.</p>
	<ul style="list-style-type: none"> • A commitment to improving pathways and public transport to encourage the community to walk, ride or catch a bus when travelling locally. 	<p>The current Port Stephens Pathways Plan was adopted in 2016. The next iteration of this plan is currently in development.</p> <p>The Pathways Plan shows existing footpaths and shared paths throughout Port Stephens as well as identifying locations for future pathways construction when funding becomes available. The identification of future pathway locations will allow Council to prioritise construction and to apply for grant funding to assist Council in the provision of pathway connections and missing links.</p> <p>A number of Council's strategic plans also advocate for and pursue opportunities for better pathways and public transport infrastructure, such as the Local Housing Strategy that actions the review of opportunities to provide active transport facilities such as pathways and end of trip facilities for cyclists in centres and employment hubs, the Nelson Bay Strategy's Pedestrian Access and Mobility Plan, and the Raymond Terrace and Heatherbrae Strategy that actions support for future proposals for increased public transport between Port Stephens.</p>
	<ul style="list-style-type: none"> • Adoption of a tree canopy target of greater than 50%. 	<p>Tree clearing and offset planting is regulated by Council's Development Control Plan, Tree Technical Specification, and Tree Permit Process, all of which comply with the NSW Vegetation SEPP and Biodiversity Conservation Act.</p>

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			<p>Council also contributes to afforestation and reforestation through its bushland regeneration program and conservation programs (such as the koala feed tree planting program), which facilitate additional tree planting in the Port Stephens Area and reduce the impact of invasive weed species on tree growth and health.</p> <p>Council is committed to an integrated, strategic, and long-term approach to landscape management, as evidenced by the inclusion of biodiversity and blue/green corridors into the Local Strategic Planning Statement and the development of a Biodiversity Strategy that will guide management of natural assets.</p>
		<ul style="list-style-type: none"> • A commitment to banning the use of single use plastics in Council activities and events on council land. 	<p>Noted. Council is working in partnership with Plastic Free Port Stephens to support initiatives to eliminate single use plastic across the LGA.</p>
		<ul style="list-style-type: none"> • A commitment to resist future land releases if it would require the clearing of habitat. This is crucial, especially considering the recent report highlighting that Koalas could become extinct by 2050. 	<p>Council is bound to assess all applications for development in accordance with relevant legislative provisions including the EP&A Act.</p>
		<ul style="list-style-type: none"> • A commitment to call for the extension of the Tomaree National Park in consultation with the First Nations custodians of the land. 	<p>Noted.</p>
		<ul style="list-style-type: none"> • A commitment to provide support for agricultural operations on the peninsula to transition to regenerative farming practices such as agroforestry. In places such as Bob's Farm, this will help with flood mitigation. 	<p>The Climate Change Policy commits to working with local businesses, community groups, and residents to identify and explore ideas for climate change initiatives.</p>
		<ul style="list-style-type: none"> • A commitment to mitigating coastal erosion and working with affected landowners and communities to address current erosion issues. 	<p>Work is currently underway, via the development of a Coastal Management Program, to identify, articulate, assess, and communicate the risks of priority coastal hazards such as inundation, wind-blown sand, coastline recession, and erosion. Council is also implementing actions from existing certified coastal zone management plans in the LGA.</p>

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		<ul style="list-style-type: none"> A commitment to working towards having a fleet of electric cars and ensuring that electric car charging stations are installed in strategic locations. 	Council is currently preparing a Sustainability Action Plan and Roadmap that will identify a number of strategies to reduce Council's footprint and emissions, across areas such as energy, water, waste, and transport.
		<ul style="list-style-type: none"> A commitment to protecting the marine life of Port Stephens and preserving our marine parks. 	Protection of marine ecosystems is predominantly managed and coordinated by NSW Dept Primary Industries (Marine Parks). Council is committed to ensuring its coastal management works are undertaken responsibly and in compliance with biodiversity conservation requirements set out in legislation. Council also conducts numerous education initiatives to increase awareness across the community on the value of our marine ecosystems.
		<ul style="list-style-type: none"> A commitment to introducing a Green Waste removal service. The Port Stephens LGA is surrounded by Councils, including Mid Coast, Newcastle and Maitland, who have introduced a Green Waste removal service. Green Waste Drop-Off days are inaccessible for many in our community. 	Council currently provides two (2) green waste kerbside removals per year in addition to free green waste drop off days. A comprehensive waste strategy is currently under development.
		Council is encouraged to create a community reference group (including those supportive of actively reducing carbon emissions as well as those who cannot envision a fossil free future, including Industry, and those who are often left out of the conversation, including Indigenous voices)	Noted
		Support Port Stephens Council acknowledging the current global climate and ecological emergency and the need for urgent action, by declaring a Climate Emergency.	Noted. Council resolved at its meeting on 25 February 2020 to recognise that the climate in Australia is changing and that ongoing action is needed on climate change to ensure a sustainable future for Port Stephens. The development of the Climate Change Policy was developed in response to that resolution.
8	EcoNetwork Port Stephens	Congratulate Council on addressing the concerns of the IPCC and the local impacts.	Noted.

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		The October 2018 IPCC report notes the importance of limiting global warming to 1.5 deg C, and the far-reaching and unprecedented changes to society if that target fails to be reached. The report also notes a number of impacts that could be avoided by this smaller incremental rise, which is important in Australia where we are feeling the effects of high summer temperatures, droughts, and unprecedented fire seasons.	Noted. Port Stephens will continue to be guided by the data and findings of bodies such as the IPCC.
		The implications of climate change will be particularly severe for Port Stephens given its extensive coastline, low lying land and bushland areas.	Noted.
		We welcome Council's commitment to wide consultation on climate change impacts and responses.	Noted.
		The lack of specific targets is a disappointing aspect of the new policy. Section 6.1 of the policy outlines monitoring, compliance and reporting responsibilities which would be best assessed against targets set for Council itself and for the whole Port Stephens Community in line with every Australian State Governments' commitment of at least zero carbon emissions by 2050.	Policy provides an overarching framework where Council is currently preparing a Sustainability Action Plan and Roadmap that will identify a number of strategies to reduce Council's footprint and emissions, across areas such as energy, water, waste, and transport.
		We welcome Council's commitment to addressing climate change implications for Council's own activities and operations. We look forward to Council outlining some specific initiatives especially in relation to transport, waste and energy infrastructure.	Noted. See response above.
		The policy should expressly include a leadership role for Council in addressing the implications for the wider community, including mitigation and adaptation.	Noted.

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		In section 2 (Context and Background), there are 3 references to 'potential' risks. This word should be deleted as the risks are real, known and already evident.	The policy has been amended to reflect the language of the NSW Climate Change Policy Framework.
		In Section 3, (Scope), we note that Council has committed to obtaining advice from a wide section of the community and branches of government. Port Stephens Council is a member of the Hunter Joint Organisation which has some innovative ideas about waste management. Beyond Zero Emissions, BZE, is another innovative organization capable of assisting Council with lowering its carbon footprint.	The Hunter Joint Organisation are a key partner for Council and have been added as a guiding organisation in the amended policy.
		In Section 5 (Statement), we suggest an express reference to mitigation (i.e. reducing causes) of climate change risks, as well as adaptation and management of impacts. As the policy stands it paints a picture of Port Stephens as the unwitting victim of Climate Change and then describes how Port Stephens Council intends to react to these impositions. However, we all have a role to play in bringing down carbon emissions, stopping pollution and preventing increased global temperatures.	The policy has been amended to reflect Council's holistic approach of management, mitigation, and adaptation.
		Every decision that council makes should be made after assessing the impact on carbon emissions and increasing global temperatures. For example, the purchase of office supplies, vehicles or power supply.	See previous response regarding the Sustainability Action Plan and Roadmap
9	Resident	It is important that Council's policy and list of organisations who are guiding Council's approach to climate change action is not in conflict with the federal government's approach. Suggest that s3.1 is amended to remove reference to the UN's IPCC and add 'Federal Government (taking into consideration IPCC recommendations)' instead.	Council recognises the IPCC as a leading organisation in these matters. Council has amended the policy to include other guiding organisations, including the State and Federal Governments.

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		<p>Suggest 'climate change' is replaced with 'climate' – e.g. "Climate is a significant global challenge with the potential for direct impacts..."</p> <p>This would also apply to the name of the policy, as the causes of climate impacts are not important and the primary concern of Council should be around appropriate response mechanisms.</p> <p>Implied in the term "climate change" is the belief that (due to human cause) detrimental effects can be reversed by other human activities.</p> <p>If the science determines that specific aspects of climate are not related to human causes, as per "The IPCC states it has "low confidence" in any climate change impact regarding the frequency or severity of floods, going so far as to say it has "low confidence" in even the "sign" of any changes" this does not negate the need for PSC to have a Climate Policy that ensures appropriate response steps are taken damaging weather events occur.</p>	<p>Noted. The policy name will remain as the Climate Change Policy.</p>
		<p>Suggest editing 2.1 to read "Climate change is a significant global challenge with the potential for direct impacts on community wellbeing, community assets, and the natural environment" so as to prioritise people and property before the natural environment.</p>	<p>The policy has been amended to change the order of impacted targets. Council recognises all three are interdependent and note the order of the terms does not indicate their relative vulnerability or significance.</p>
		<p>Suggest editing 2.1 to delete reference to climate change increasing storm intensity and frequency in line with the online article posted by the Heartland Institute entitled "IPCC and sceptics agree: Climate change is not causing extreme weather" June 19, 2020</p>	<p>See previous response about reflecting most current, credible, and reliable data.</p>

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		Suggest removing ambiguous terms such as 'potential' and 'contribution' which raise questions about 'how much potential?' and 'what % contribution'	The policy has been amended to reflect the language of the NSW Climate Change Policy Framework.
		Question whether increasing carbon emissions is detrimentally contributing to rainfall or bushfire patterns, as per Federal Government funded research.	Noted.
		Latest science from NASA suggests that assumptions about Earth's tropical rainforests being the 'lungs' of the planet and a principal absorber and storage place of CO ₂ , with northern boreal forests playing a secondary role, is not supported by the data, which indicates Earth's tropical regions are a net source of CO ₂ to the atmosphere, at least since 2009.	Noted.
		While sea level rise is a concern, there should not be the automatic assumption that a 'reversal' policy is required over and above a 'response' policy. This is supported by eminent scientists who oppose IPCC claims about climate.	Noted.
		Council should focus on local issues that Council can positively influence and leave emotive, ambiguous and yet-to-be-fully-proven issues to State and Federal Governments.	Noted.
10	Resident	Congratulate Council on taking the brave steps to identify climate change as a pressing contemporary issue and committing to play its part in addressing the issue.	Noted.
		Urge Council to implement the recommendations of this policy as a matter of priority, which will ultimately bolster and guide many of the actions articulated in Council's Local Strategic Planning Statement.	<p>The Climate Change Policy sets Council's broad commitment to managing, mitigating and building resilience to climate change.</p> <p>Underpinning the policy is an implementation framework consisting of strategies, action plans, systems and processes that allow Council to achieve genuine results in these areas, including (but not limited to) the Climate Change Adaptation Action Plan and Sustainability Action Plan and Roadmap.</p>

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		Ask that Council reflect on its own operations and strategic line of sight with considerations of the broader Sustainability Development Goals published by the United Nations.	Council is currently preparing a Sustainability Action Plan and Roadmap that will identify a number of strategies to reduce Council's footprint and emissions, across areas such as energy, water, waste, and transport.
		Look forward to seeing strong, transparent goals that Council and Community can work towards together.	Noted.
11	Tomaree Ratepayers and Residents Association	Welcome the development of the policy, which is long overdue, the need for it having been flagged by Council itself since 2009 and the community for much longer.	Noted.
		Submit that the policy can and should be much more ambitious. It is too narrowly focused on Council's own operations and appears limited to management and adaptation, with little recognition for the need for mitigation.	The Climate Change Policy sets Council's broad commitment to managing, mitigating and building resilience to climate change. Underpinning the policy is an implementation framework consisting of strategies, action plans, systems and processes that allow Council to achieve genuine results in these areas, including (but not limited to) the Climate Change Adaptation Action Plan and Sustainability Action Plan and Roadmap.
		Implications for climate change and its effects are particularly severe for Port Stephens.	Noted.
		Welcome the commitment to wide consultation on climate change impacts and responses.	Noted.
		Welcome the commitment to addressing climate change implications for Council's own activities and operations, and recognise Council's established track record in energy efficiency, waste management, and other sustainability initiatives.	Noted.
		Policy should expressly include a stronger and explicit leadership role for Council in addressing implications for the wider community in mitigation and adaptation.	This policy is part of a larger program of work across Council which aims to facilitate community action around climate change mitigation and adaptation.

ITEM 3 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

		Policy should include high level targets for Council and the community, include targets of zero carbon emissions by at least 2050.	See response above.
		Suggest removal of reference to 'potential risks' since risks are known and observable.	The policy has been amended to reflect the language of the NSW Climate Change Policy Framework.
		Section 5 of the Policy should expressly refer to mitigation as well as adaptation and management.	The policy has been amended to reflect Council's holistic approach of management, mitigation, and adaptation.
12	Resident	Welcome the development of the policy, which is long overdue	Noted.
		Submit that the policy can and should be much more ambitious. It is too narrowly focused on Council's own operations and appears limited to management and adaptation, with little recognition for the need for the whole Port Stephens community (including Council) to contribute to mitigation.	The Climate Change Policy sets Council's broad commitment to managing, mitigating and building resilience to climate change. Underpinning the policy is an implementation framework consisting of strategies, action plans, systems and processes that allow Council to achieve genuine results in these areas, including (but not limited to) the Climate Change Adaptation Action Plan and Sustainability Action Plan and Roadmap.
		Implications for climate change and its effects are particularly severe for Port Stephens.	Noted.
		Welcome the commitment to wide consultation on climate change impacts and responses.	Noted.
		Welcome the commitment to addressing climate change implications for Council's own activities and operations, and recognise Council's established track record in energy efficiency, waste management, and other sustainability initiatives.	Noted.
		Policy should expressly include a stronger and explicit leadership role for Council in addressing implications for the wider community in mitigation and adaptation.	This policy is part of a larger program of work across Council which aims to facilitate community action around climate change mitigation and adaptation.

ITEM 3 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

		Policy should include high level targets for Council and the community, include targets of zero carbon emissions by at least 2050.	See response above regarding Councils implementation framework.
		Suggest removal of reference to 'potential risks' since risks are known and observable.	The policy has been amended to remove such references.
		Section 5 of the Policy should expressly refer to mitigation as well as adaptation and management.	The policy has been amended to reflect Council's holistic approach of management, mitigation, and adaptation.
13	Resident	Suggest s2.1 be more accurately worded as " <i>Climate change is a significant global challenge which has increasing direct impacts on the natural environment and community wellbeing. Climate change is causing accelerating sea level rise, increased storm intensity and frequency, and is the primary driver for changes in rainfall patterns and bushfire behavior</i> "	The policy has been amended to reflect the language of the NSW Climate Change Policy Framework.
		Science and data demonstrate that sea levels are rising and CO2 emissions are changing climate and increasing temperatures.	Noted.
		Council is a member of the Hunter Joint Organisation and could make use of the resources and services they make available.	The policy has been amended to include Hunter Joint Organisation as a guiding organisation.
		The State government has a target of zero net emissions by 2050. All levels of NSW government should have this policy as a minimum. Many councils have recently demonstrated that a faster transition, especially in terms of building and also purchasing zero emissions electricity is a win-win for the environment and ratepayers. Newcastle Council is one of many examples – with savings of millions of dollars as well as a very significant reduction in emissions. This is something that would be a selling point for our region, as well as a cost saving measure.	Council is currently preparing a Sustainability Action Plan and Roadmap that will identify a number of strategies to reduce Council's footprint and emissions, across areas such as energy, water, waste, and transport.

ITEM 3 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

		Consider utilising other Council buildings and assets for sustainability measures such as solar panels, e.g. Tilligerry Aquatic Centre	Council is currently preparing a Sustainability Action Plan and Roadmap that will identify a number of strategies to reduce Council's footprint and emissions, across areas such as energy, water, waste, and transport.
		Suggest that Council educate the community about sustainable practices and opportunities. Beyond Zero Emissions could assist with this.	With the adoption of the Climate Change Policy and the development of a revised Climate Change Adaptation Action Plan, Council will be embedding climate change into its broader program of community education. These education initiatives will be delivered alongside existing education programs around waste management and recycling, natural area management, and biodiversity.
		Suggest that Council adopt to the Global Protocol for Community-scale GHG Emission Inventories to measure and reduce emissions waste as per the international standard.	Noted.
14	Resident	Congratulate Council on taking steps to recognise climate change will have a significant impact on Port Stephens' environment and residents.	Noted.
		Concerned the policy does not go far enough and is not explicit enough – specifically, it stresses Council's own operations and has little recognition of the need for mitigation.	The Climate Change Policy sets Council's broad commitment to managing, mitigating and building resilience to climate change. Underpinning the policy is an implementation framework consisting of strategies, action plans, systems and processes that allow Council to achieve genuine results in these areas, including (but not limited to) the Climate Change Adaptation Action Plan and Sustainability Action Plan and Roadmap.
		The policy should contain targets for Council and the wider community that are in line with the State commitment of zero emissions by 2050, and preferably much earlier	See previous response.
		Suggest removal of reference to 'potential risks' since risks are real, known and evident.	The policy has been amended to reflect the language of the NSW Climate Change Policy Framework.

ITEM 3 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

		Policy should set out a leadership role for Council in an urgent 'whole of community' response to climate change risk through mitigation, adaptation, and management.	Noted.
15	Resident	Believe that the PSC Climate Change Policy is little more than the household equivalent of saying they are doing their bit for climate change because they have 1kwh of solar sun on their home and they recycle. We need to move beyond incremental changes and act decisively.	<p>The Climate Change Policy sets Council's broad commitment to managing, mitigating and building resilience to climate change.</p> <p>Underpinning the policy is an implementation framework consisting of strategies, action plans, systems and processes that allow Council to achieve genuine results in these areas, including (but not limited to) the Climate Change Adaptation Action Plan and Sustainability Action Plan and Roadmap.</p>
		Council needs to set an example by joining other councils in pledging to be net zero by 2050.	See previous response.
		All Council decision making needs to consider climate change mitigation and adaptation as the number one priority, including decisions around procurement, council fleet, and electrical vehicle charging stations. Existing charging points are too few or have limited accessibility.	See previous response.
16	Resident	Land clearing and deforestation is contributing to environmental degradation, extreme weather conditions and climate change. Council should stop land clearing; grow more native trees; plant more (size-appropriate) street, reserve and waterfront trees; provide free native trees to the community (like the Sutherland Shire Council); continue its tough stance on tree vandalism; require removal of dangerous trees to be offset with replacement planting; stop Gan Gan Army Camp development (should be Tomaree NP) .	<p>Tree clearing and offset planting is regulated by Council's Development Control Plan, Tree Technical Specification, and Tree Permit Process, all of which comply with the NSW Vegetation SEPP and Biodiversity Conservation Act.</p> <p>Council also contributes to afforestation and reforestation through its bushland regeneration program and conservation programs (such as the koala feed tree planting program), which facilitate additional tree planting in the Port Stephens Area and reduce the impact of invasive weed species on tree growth and health.</p> <p>Council is committed to an integrated, strategic, and long-term approach to landscape management, as evidenced by the inclusion of biodiversity and blue/green corridors into the Local Strategic Planning Statement and the development of a Biodiversity Strategy that will guide management of natural assets.</p>

ITEM 3 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

			A planning proposal for the Gan Gan Army Camp is currently under assessment by Council. Submissions will be invited on the matter when it is placed on public exhibition.
		Climate change is real and its trajectory is established as scientific fact.	Noted.
		Council should take greater responsibility to reduce carbon emissions.	See previous response regarding the Sustainability Action Plan and Roadmap.
17	Resident	I support the proposed policy.	Noted.
18	Resident	Realise our Council is setting excellent examples of reducing our carbon footprint in Port Stephens, with many initiatives including solar panels, indigenous vegetation plantings, parks and reserves management and maintenance, as well as maintaining our vehicles fleet.	Noted
		Please include more stringent Council controls over the RFS in the Policy to ensure they comply with Council's Tree Preservation Policy and undertake committee and community consultation before tree works, such as recent tree removals, under-scrubbing in a dry sclerophyll rainforest on Council-owned lands in Corlette and Soldiers Point. The RFS and Council gave no warnings and no had no consultation with to our committees or our community.	Legislation that govern the RFS and its activities prevail in any instances of conflict with this policy. However, Council will continue to work with the RFS as a key stakeholder to ensure sustainable management of vegetation that can contribute to safety and environmental outcomes.
19	Resident	It is pleasing that Council is taking climate change seriously, especially given its coastal location and housing adjacent to abundant natural bushland	Noted.

ITEM 3 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

		At present the Policy is very general and I assume (and hope) that over time it will develop with further detail. I would like to see targets as well as procedures to work towards those targets.	<p>The Climate Change Policy sets Council's broad commitment to managing, mitigating and building resilience to climate change.</p> <p>Underpinning the policy is an implementation framework consisting of strategies, action plans, systems and processes that allow Council to achieve genuine results in these areas, including (but not limited to) the Climate Change Adaptation Action Plan and Sustainability Action Plan and Roadmap.</p>
		The threats that climate change poses to our environment in this area and the risks resulting from climate change need to be more clearly outlined. There is a need for further education about the risks.	To further support community awareness and action around climate change, Council will also embed climate change into its broader program of community education. These education initiatives will be delivered alongside existing education programs around waste management and recycling, natural area management, and biodiversity.
		The lack of action on addressing climate change now, largely due to misinformation from those who should know better, will negatively affect the sort of society we leave behind for the next generations.	Noted.
		I look forward to hearing more about Council's initiatives in this area.	Noted.

ITEM NO. 4**FILE NO: 20/41600
EDRMS NO: PSC2005-4217****2019-2020 GENERAL PURPOSE FINANCIAL REPORTS****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Ratify the referring of the draft 2019-2020 General Purpose financial reports for audit.
- 2) Sign the statement on the General Purpose financial reports.

BACKGROUND

The purpose of this report is to advise Council that the draft General Purpose Financial Reports for the period ended 30 June 2020 have been prepared and the audit commenced on Monday 7 September 2020.

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

An extract of the General Purpose Financial Statements will be provided by way of a supplementary information paper prior to the Council meeting.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

The 2019-2020 General Purpose Financial Reports have been prepared in compliance with the Local Government Act, the Local Government Code of Accounting Practice and Financial Reporting, and the Australian Accounting Standards.

All revenues for 2019-2020 have been recognised together with any revenues due but not yet received, which have been raised as debtors for the period.

All expenditure incurred for the period has been recognised.

Provision has been made for all unpaid creditors.
Funds received for specific purposes but not expended during the period have been identified as either an external or internal restriction.

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

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

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant sustainability implications.

CONSULTATION

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

Internal

Nil.

External

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Statement By Councillors and Management. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 STATEMENT BY COUNCILLORS AND MANAGEMENT.

Port Stephens Council

General Purpose Financial Statements

for the year ended 30 June 2020

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

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

- the *Local Government Act 1993* (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the *Local Government Code of Accounting Practice and Financial Reporting*.

To the best of our knowledge and belief, these statements:

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

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 08 September 2020.

Ryan Palmer
Mayor
08 September 2020

Councillor
08 September 2020

Wayne Wallis
General Manager
08 September 2020

Tim Hazell
Responsible Accounting Officer
08 September 2020

ITEM NO. 5

**FILE NO: 20/265504
EDRMS NO: A2004-0242**

BUDGET ITEMS CARRIED FORWARD FROM 2019-2020

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the revotes from the 2019-2020 budget as detailed in **(ATTACHMENT 1)** in this report and vote the necessary funds to meet expenditure.

BACKGROUND

The purpose of this report is to advise of the budget items from 2019-2020 that were not completed in that year and are proposed to be carried forward to 2020-2021 to a total of \$20,280,966.12.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

The works included in this report were partially or wholly unexpended at the end of the last financial year; however, the funds are not automatically carried forward and require Council resolution. The majority of the works are funded from reserves and grants, and have little to no impact on Council's Long Term Financial Plan.

Council has traditionally had a number of projects that have been unable to be completed within the current financial year. The attached program is generally in line with this trend, but has been extended due to the cash flow implications caused by the COVID-19 pandemic.

The carried forward items have been factored into the new capital works program and a cash flow forecast has been amended to account for the extended program.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes		Budget from 2019 - 2020

ORDINARY COUNCIL - 8 SEPTEMBER 2020

Source of Funds	Yes/No	Funding (\$)	Comment
Developer Contributions (\$7.11)	Yes		Budget from 2019 - 2020
External Grants	Yes		Budget from 2019 - 2020
Other	Yes		Budget from 2019 - 2020

LEGAL, POLICY AND RISK IMPLICATIONS

In accordance with the Local Government Act 1993 (NSW) and the Local Government (General) Regulations 2005, all budgets lapse at the end of the financial year and require a Council resolution to be reinstated. Failure to reinstate these budget votes would result in these projects being cancelled.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that unspent grant funds may have to be returned.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Financial Services Section for the purpose of peer reviewing the need for projects to be carried forward.

Internal

- Property Services Section Manager.
- Asset Section Manager.
- Community Services Section Manager.
- Holiday Parks Section Manager.

External

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Budget items carried forward. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 BUDGET ITEMS CARRIED FORWARD.

Rollovers – 2020 to 2021

Category	Description	Budget Rollover
Development	RAYMOND TERRACE DEPOT REDEVELOPMENT	208,072.64
Development	BIRUBI POINT ABORIGINAL PLACE TOURISM INTERCHANGE	5,553,462.62
Drainage	SEABREEZE ESTATE DRAINAGE - IMPROVEMENT WORKS	318,709.62
Holiday Parks	KOALA SANCTUARY - TOURISM CENTRE	548,711.29
IT	SERVER STORAGE AND UPGRADE	70,025.00
IT	GIS IMPROVEMENT PROGRAM	48,813.26
Paths and Cycleway	CPTIGS 17-19 - SHELTERS AND PLINTHS SB, FB AND MT HALL RD	46,486.65
Paths and Cycleway	SHARED PATHWAY – WAROPARA ROAD, MEDOWIE	340,554.47
Paths and Cycleway	SHARED PATHWAY – AVENUE OF THE ALLIES, TANILBA BAY	578,660.38
Paths and Cycleway	SHARED PATHWAY – LEMON TREE PASSAGE ROAD, MALLABULA TO LEMON TREE PASSAGE (MISSING LINK)	692,270.35
Paths and Cycleway	SHARED PATHWAY – MEDOWIE ROAD (FERODALE ROAD TO SOUTH STREET) MEDOWIE	114,470.14
Paths and Cycleway	SHARED PATHWAY – LEVEE BANK, RAYMOND TERRACE	79,904.39
Paths and Cycleway	SHARED PATHS – FERN BAY	196,999.88
Paths and Cycleway	ANCILLARY WORKS - PATHWAYS – SHOAL BAY FORESHORE, SHOAL BAY	382,159.67
Road Rehab	EAST SEAHAM ROAD -CAPITAL- JAMES SCOTT BRIDGE LIGHTING UPGRADE	89,203.25
Road Rehab	SWAN BAY ROAD- CAPITAL - SWAN BAY RD SEG 590-160	428,231.00
Road Rehab	SWAN BAY ROAD- CAPITAL - SWAN BAY RD & KARUAH RD SEG 20/30 REHAB & SHOULDER	601,980.72
Road Rehab	HINTON ROAD- CAPITAL - LOCAL ROADS CAPITAL UPGRADE WORKS	23,571.80
Road Rehab	ABUNDANCE ROAD - FROM FERODALE RD SOUTH 400M - CAPITAL	205,132.56
Road Rehab	ITALIA ROAD - SEG 110 - CASWELLS CREEK BRIDGE TO 465 ITALIA RD - CAPITAL	191,704.32
Road Rehab	LEMON TREE PASSAGE RD - SALT ASH - 171 LTP RD TO ROOKES RD - CAPITAL	546,807.50

ITEM 5 - ATTACHMENT 1 BUDGET ITEMS CARRIED FORWARD.

Road Rehab	ROAD SAFETY PROJECT - SHOAL BAY RD PEDESTRIAN CROSSING UPGRADE	21,024.83
Road Rehab	MASONITE RD TOMAGO - BLACKSPOT - CAPITAL	507,000.00
Road Rehab	FORESHORE DRIVE - SALAMANDER BAY - SAFER ROADS GRANT - CAPITAL	39,473.79
Road Rehab	BUS INTERCHANGE – SEAHAM	240,293.04
Road Rehab	ROAD UPGRADE – MUSTONS ROAD, KARUAH	496,233.69
Road Rehab	TOWN CENTRE IMPROVEMENTS (ROAD UPGRADE AND STREETScape) – WILLIAM STREET, RAYMOND TERRACE	94,930.49
Road Rehab	ROAD UPGRADES – DUNS CREEK ROAD, FOREST ROAD	297,202.20
Road Rehab	EAST SEAHAM ROAD - LANDSCAPING WORKS	3,267.21
Sport and Recreation	KARUAH RFS BUILDING CONSTRUCTION - CAPITAL WORK	36,944.45
Sport and Recreation	LIONEL MORTON AMENITIES CONSTRUCTION - CAPITAL WORK	112,113.19
Sport and Recreation	TOMAREE AQUATIC CENTRE - REPLACE FIBREGLASS POOL LINER - CAPITAL	41,160.14
Sport and Recreation	TANILBA BAY HALL - EXTERNAL UPGRADES AND PAINTING - CAPITAL	8,083.18
Sport and Recreation	TOMAREE AQUATIC CENTRE - UPGRADE CAFE & OUTDOOR DINING FACILITIES - CAPITAL	287,420.40
Sport and Recreation	LAKESIDE LEISURE CENTRE - UPGRADE CAFE & OUTDOOR DINING FACILITIES - CAPITAL	271,798.75
Sport and Recreation	BOYD OVAL CLUBHOUSE - NEW AMENITIES BUILDING - CAPITAL	1,147,179.53
Sport and Recreation	AMENITIES REPLACEMENT - GEORGE RESERVE SALAMADER BAY	29,999.51
Sport and Recreation	AMENITIES REPLACEMENT - LITTLE BEACH, NELSON BAY	13,975.34
Sport and Recreation	TOMAREE SPORTS COMPLEX AMENITIES REPLACEMENT – SALAMANDER BAY	2,642,241.54
Sport and Recreation	AMENITIES REPLACEMENT – LONGWORTH PARK, KARUAH	24,999.99
Sport and Recreation	LEE THOMPSON PARK AMENITIES	29,502.94
Sport and Recreation	AMENITIES/CLUBHOUSE UPGRADE – STUART PARK, HINTON	1,172,970.67
Sport and Recreation	PARKING METER UPGRADE 17 OUT OF 25 METERS - CAR PARK CAPITAL WORKS	4,368.00
Sport and Recreation	DONALD STREET CARPARK DEMOLITION AND AT GRADE CAR PARKING INCLUDING	91,923.06

ITEM 5 - ATTACHMENT 1 BUDGET ITEMS CARRIED FORWARD.

	AMENITIES REPLACEMENT – NELSON BAY	
Sport and Recreation	BOYD OVAL - CARPARK - CAPITAL	199,999.99
Sport and Recreation	SOLDIERS POINT ABORIGINAL PLACE INTERPRETIVE SIGNAGE AND AUDIO	50,778.32
Sport and Recreation	PLAYGROUND - BAGNALLS BEACH WEST - REPLACEMENT - CAPITAL	10,000.01
Sport and Recreation	MALLABULA SPORTS COMPLEX - LIGHT TOWER REPLACEMENT	23,063.94
Sport and Recreation	BIRUBI POINT ABORIGINAL PLACE INTERPRETIVE SIGNAGE AND AUDIO	2,219.68
Sport and Recreation	BILL STRONG IRRIGATION	14,066.81
Sport and Recreation	RAYMOND TERRACE DOG PARK	5,500.25
Sport and Recreation	KING PARK IRRIGATION	59,999.99
Sport and Recreation	TILLIGERRY PENINSULA - SKATE PARK RELOCATION & UPGRADE	45,000.02
Sport and Recreation	MALLABULA SPORTS COMPLEX - MULTISPORT COURT FACILITY	30,000.01
Waste	CAP OLD LANDFILL ON NEWLINE RD - CAPITAL WORK	359,476.41
Waste	MEDOWIE LANDFILL REMEDIATION (CVR 115268)	59,999.99
Waste	WATER DELIVERY UPGRADE DEC 2018 - (WTS BUDGET)	234,850.00
Waterways	FORESHORE IMPROVEMENTS - CONROY PARK, CORLETTE	259,372.96
Waterways	REVTMENT WORK - SOLDIERS POINT	46,600.29
	Total	20,280,966.12

ITEM NO. 6

**FILE NO: 20/259172
EDRMS NO: PSC2017-00178**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayor and Ward funds to the following:
 - a. Tanilba Bay Sailing Club Inc. – Cr S Tucker Rapid Response - \$200 donation towards annual sailing club licence fee.
 - b. Nelson Bay Croquet Club – Mayoral funds - \$3500 donation towards the purchase of competition standard hoops for hosting state and national championships.
 - c. Port Stephens Koala & Wildlife Preservation Society Limited – Mayoral funds - \$8000 donation towards the cost of laying asphalt in the Koala hospital precinct.
-

BACKGROUND

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

Council's Grants and Donations Policy provides the community, the Mayor and Councillors with a number of options when seeking financial assistance from Council. Those options being:

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

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

The requests for financial assistance are shown below:

ORDINARY COUNCIL - 8 SEPTEMBER 2020**MAYORAL FUNDS – Mayor Palmer**

Nelson Bay Croquet Club.	A small community club with an objective to conduct, encourage, promote, advance and administer the sport of croquet.	\$3500	Donation towards the purchase of competition standard hoops for hosting state and national championships.
Port Stephens Koala & Wildlife Preservation Society Limited.	To provide the world best practice standards of care to sick, injured and orphaned koalas.	\$8000	Donation towards the cost of laying asphalt in the Koala hospital precinct.

CENTRAL WARD – Councillors Doohan, Smith and Tucker

Tanilba Bay Sailing Club Inc.	A community sailing club on the shores of Port Stephens.	\$200	Donation towards annual sailing club licence fee.
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COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community Partnerships	Support financially creative and active communities.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

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

The Policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7

**FILE NO: 20/262945
EDRMS NO: PSC2017-00015**

INFORMATION PAPERS

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

RECOMMENDATION IS THAT THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 8 September 2020.

No:	Report Title	Page:
1	Council Resolutions	212

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 20/262924
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS

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

BACKGROUND

The purpose of this report is to inform Elected Members of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

ATTACHMENTS

- 1) Corporate Services Group report. [↓](#)
- 2) Development Services Group report. [↓](#)
- 3) Facilities & Services Group report. [↓](#)
- 4) General Manager's Office report. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
Action Sheets		Date To: 25/08/2020
Report		Printed: Monday, 31 August 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Peart, Steven	COMPULSORY ACQUISITION OF AN EASEMENT FOR ACCESS OVER PART OF 6 GOVERNMENT ROAD, SHOAL BAY	28/02/2021	28/03/2018	
13 066		Foster, Carmel				18/66656
28 Aug 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/02/2019	Peart, Steven	King Street, Raymond Terrace Easements	28/02/2021	14/02/2019	
3		Foster, Carmel				19/39843
28 Aug 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Peart, Steven	PROPOSED ACQUISITION OF FORMER FIRE STATION SITE - 51 WILLIAM STREET, RAYMOND TERRACE	28/02/2021	29/05/2019	
5 109		Foster, Carmel				19/148388
28 Aug 2020 - Approval granted. Proposed Acquisition Notices have been issued to stakeholders.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Peart, Steven	COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE NELSON BAY FOR ROAD PURPOSES	28/02/2021	29/05/2019	
6 110		Foster, Carmel				19/148388
28 Aug 2020 - Minister's approval received and Proposed Acquisition Notices served. Anticipate Gazettal November 2020.						

ITEM 1 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
Action Sheets		Date To: 25/08/2020
Report		Printed: Monday, 31 August 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Peart, Steven	GRANT OF EASEMENTS IN FAVOUR OF AGL - PUNT ROAD, TOMAGO	30/09/2020		
7 169		Foster, Carmel				19/200498
21 Aug 2020 - Legal negotiations over contractual terms are ongoing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Peart, Steven	RENEWAL OF OPTUS LEASE - 9 TARRANT ROAD, SALAMANDER BAY	30/09/2020	12/02/2020	
1 027		Foster, Carmel				20/39141
28 Aug 2020 - Documents remain with Optus Legal for execution and registration.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Peart, Steven	COMPULSORY ACQUISITION OF PART 879 SWAN BAY ROAD, SWAN BAY FOR ROAD WIDENING PURPOSE	25/02/2021	12/02/2020	
2 028		Foster, Carmel				20/39141
28 Aug 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Hazell, Tim	Policy Review: Debt Recovery and Hardship	30/10/2020		
9 131		Foster, Carmel				20/192934
27 Aug 2020 - Two Way Conversation scheduled for 20 October 2020.						

ITEM 1 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
Action Sheets		Date To: 25/08/2020
Report		Printed: Monday, 31 August 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/08/2020	Pattison, Zoe	POLICY REVIEW: WORKPLACE SURVEILLIANCE POLICY	10/09/2020		
5 144		Foster, Carmel				20/252451
17 Aug 2020 - Policy now serving public exhibition period.						

ITEM 1 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.



Outstanding **Division:** Development Services **Date From:** 26/09/2017
Action Sheets **Date To:** 25/08/2020
Report **Printed:** Monday, 31 August 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Drinan, Kate	Development Application 16-2019-270-1 for the demolition of existing structures and construction of a new single storey dwelling and garage at 862 Paterson Road, WOODVILLE Lot:510 DP:1150491	30/10/2020	12/02/2020	
1		Crosdale, Timothy				20/39141
006						
28 Aug 2020 - Council resolved to defer this item. A further report is scheduled for Council in October 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Drinan, Kate	DEVELOPMENT APPLICATION 16-2019-679-1 FOR DEMOLITION OF EXISTING STRUCTURE AND CONSTRUCTION OF SHOPTOP HOUSING AND DETACHED DWELLING AT 26 KING STREET, RAYMOND TERRACE	30/09/2020		
1		Crosdale, Timothy				20/265439
151						
28 Aug 2020 - Council resolved to defer this item. A further report will be reported to Council once feedback from the applicant has been received.						

ITEM 1 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
Action Sheets Report		Date To: 25/08/2020
		Printed: Monday, 31 August 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Gutsche, Tammy	Lease of grounds of 43, 45, 47 and 47A Tanilba Avenue Tanilba Bay (Lot 238, Lot 270 and Lot 271 DP753194, Lot 342 DP704442) to Calvary Retirement Communities Hunter-Manning Limited ACN 102625212.	30/09/2020	28/03/2018	
14 067		Kable, Gregory				18/66656
28 Aug 2020 - Signed lease received from Crown Lands to be signed by Calvary Care. Written consent has been received from NSW Local Aboriginal Land Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Maretich, John	ROCK REVETMENT AT KANGAROO POINT, SOLDIERS POINT	1/07/2021		
2 155		Kable, Gregory				19/186501
28 Aug 2020 - NSW Department of Planning, Industry and Environment (DPIE) have made clear that State funding for coastal protection works is contingent on the development and endorsement of the Port Stephens Coastal Management Program (CMP). In terms of CMP priorities, it is expected that this area will be a low priority for protective works given the width of the foreshore reserve, the relatively sheltered location and the peaty makeup of the natural shoreline.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Exemption for environmental approvals for non-maintenance road improvement works	31/08/2020	11/12/2019	
2 259		Kable, Gregory				19/388450
28 Aug 2020 - Currently compiling information to form part of letter to the NSW State Government requesting an exemption for environmental approvals for non-maintenance road improvement works that occur in coastal management (or buffer) areas.						

ITEM 1 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
Action Sheets Report		Date To: 25/08/2020
		Printed: Monday, 31 August 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Solar Infrastructure	8/12/2020	11/12/2019	
6 264		Kable, Gregory				19/388450
<p>28 Aug 2020 - External consultant has undertaken a review of Council's facilities to determine where the energy consumption could be reduced. Methods to reduce energy consumption includes light replacement and also the expansion of solar panels to change where we gain energy from. The external consultant has presented a draft report that does show the potential to reduce our carbon footprint and reduce energy consumption expenditures. The draft report requires further work to check the assumptions used. There are also a number of options to fund the project that also need some investigation.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Gutsche, Tammy	GREEN WASTE DROP OFF - SALAMANDER BAY	26/03/2021	11/12/2019	
7 265		Kable, Gregory				19/388450
<p>28 Aug 2020 - Feasibility report will be prepared with the Waste Management Strategy.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Maretich, John	Indoor Sports Facility	30/06/2021	26/02/2020	
4 042		Kable, Gregory				20/50488
<p>28 Aug 2020 - Undertake community consultation and needs analysis as per the background of the NOM. Noting that COVID 19 has made this consultation difficult for this project.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/05/2020	Maretich, John	Smart Parking Infrastructure Program	30/10/2020	14/05/2020	
7		Kable, Gregory				20/138521
<p>28 Aug 2020 - The finer details of Smart Parking are still underway. Ongoing discussions continue with Civil Assets, ICT and Ranger staff.</p>						

ITEM 1 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
Action Sheets Report		Date To: 25/08/2020
		Printed: Monday, 31 August 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/06/2020	Maretich, John	Naming of Pathway, Gan Gan Road, Anna Bay	30/09/2020	10/06/2020	
1		Kable, Gregory				20/164033
101						
28 Aug 2020 - Design options were discussed with Councillors at the F&S/Quarterly meetings. Agreed with concepts, will need to present final design.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Maretich, John	REVIEW OF THE OFF LEASH DOG AREAS AND TIMES AT ANNA BAY / BIRUBI POINT, FISHERMANS BAY AND BOAT HARBOUR.	31/01/2021		
1		Kable, Gregory				20/192934
138						
28 Aug 2020 - A review to identify suitable sites for fenced off lead areas. A report will be provided as per the background of the NOM. This is currently scheduled for commencement in September 2020 with the return of an additional resource in the team.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Maretich, John	Tomaree Headland	31/12/2020		
2		Kable, Gregory				20/192934
139						
28 Aug 2020 - Preliminary work involves consultation with land owners and agencies. Report will be provided.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Maretich, John	Smart Parking Fees and Charges Amendment	30/11/2020		
8		Kable, Gregory				20/265439
160						
28 Aug 2020 - Paper currently on public exhibition for 28 days, and then responses collated and provided back to Council.						

ITEM 1 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
Action Sheets Report		Date To: 25/08/2020
		Printed: Monday, 31 August 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Maretich, John	King Park Sports Complex Masterplan	31/12/2020		
7 157		Kable, Gregory				20/265439
28 Aug 2020 - Document will remain on Public Exhibition for 28 days. Any submissions will be collated and sent back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Maretich, John	POLICY REVIEW: BUS SHELTER POLICY	30/11/2020		
10 162		Kable, Gregory				20/265439
28 Aug 2020 - Bus Shelter Policy is currently on Public Exhibition closing 5pm, 24 September.						

ITEM 1 - ATTACHMENT 4 GENERAL MANAGER'S OFFICE REPORT.



Outstanding	Division: General Manager's Office	Date From: 26/09/2017
Action Sheets Report		Date To: 25/08/2020
		Printed: Monday, 31 August 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/08/2020	Wickham, Tony	POLICY REVIEW: MANAGING UNREASONABLE COMPLAINANT CONDUCT	11/09/2020		
6		Wallis, Wayne				20/252451
145						
26 Aug 2020 - Policy on public exhibition until 11 September 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Wickham, Tony	POLICY REVIEW: ACCESS TO INFORMATION	28/09/2020		
11		Wallis, Wayne				20/265439
163						
28 Aug 2020 - Public exhibition closes 28 September 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Wickham, Tony	National Cabinet	8/09/2020		
1		Wallis, Wayne				20/265439
166						
28 Aug 2020 - Correspondence being drafted.						

RESCISSION MOTIONS

NOTICE OF RESCISSION

ITEM NO. 1

**FILE NO: 20/268047
EDRMS NO: 58-2018-26-1**

PLANNING PROPOSAL FOR 610 SEAHAM ROAD, NELSONS PLAINS

COUNCILLOR: JOHN NELL
KEN JORDAN
GIACOMO ARNOTT
STEVE TUCKER

THAT COUNCIL:

- 1) Rescind its decision of 25 August 2020 on Item No. 3 Planning Proposal for 610 Seaham Road, Nelsons Plains.

ATTACHMENTS

- 1) Minute No. 153, 25 August 2020. [↓](#)

MINUTES ORDINARY COUNCIL - 25 AUGUST 2020

ITEM NO. 3

**FILE NO: 20/193477
EDRMS NO: 58-2018-26-1**

PLANNING PROPOSAL FOR 610 SEAHAM ROAD, NELSONS PLAINS

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal (**ATTACHMENT 3**) to amend the Land Zoning Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 610 Seaham Road, Nelsons Plains (Lot 1 DP1191203) to rezone the land from RU1 Primary Production to R5 Large Lot Residential and change the minimum lot size requirement for subdivision from 40 hectares to 8,000m².
- 2) Forward the planning proposal to the NSW Department of Planning, Industry and Environment for a Gateway determination and request authority to make the plan.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
MOTION**

	<p>Councillor Ken Jordan Councillor Giacomo Arnott</p> <p>That Council defer the planning proposal (ATTACHMENT 3) to amend the Land Zoning Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 610 Seaham Road, Nelsons Plains (Lot 1 DP1191203) to the Ordinary Council meeting to be held on 22 September 2020.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Giacomo Arnott, Ken Jordan and John Nell.

Those against the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Glen Dunkley, and Sarah Smith.

The motion was lost.

MINUTES ORDINARY COUNCIL - 25 AUGUST 2020**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
PROCEDURAL MOTION**

	Councillor Giacomo Arnott That the Council meeting continue beyond 9pm.
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The motion lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
FORESHADOWED MOTION**

	Councillor Giacomo Arnott That Council take no further action on the planning proposal (ATTACHMENT 3) to amend the Land Zoning Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 610 Seaham Road, Nelsons Plains (Lot 1 DP119120).
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The motion lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
MOTION**

153	Mayor Ryan Palmer Councillor Sarah Smith It was resolved that Council: 1) Adopt the planning proposal (ATTACHMENT 3) to amend the Land Zoning Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 610 Seaham Road, Nelsons Plains (Lot 1 DP1191203) to rezone the land from RU1 Primary Production to R5 Large Lot Residential and change the minimum lot size requirement for subdivision from 40 hectares to 8,000m ² . 2) Forward the planning proposal to the NSW Department of Planning, Industry and Environment for a Gateway determination and request authority to make the plan.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Glen Dunkley and Sarah Smith.

MINUTES ORDINARY COUNCIL - 25 AUGUST 2020

Those against the Motion: Crs Giacomo Amott, Ken Jordan and John Nell.

The motion was carried.

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
AMENDMENT**

	<p>Councillor Giacomo Amott</p> <p>That Council place the planning proposal (ATTACHMENT 3) to amend the Land Zoning Map and Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 610 Seaham Road, Nelsons Plains (Lot 1 DP1191203 on public exhibition for 28 days, and reconsider the matter following the public exhibition period.</p>
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The motion lapsed without a seconder.

BACKGROUND

The purpose of this report is to recommend that Council adopt a planning proposal (**ATTACHMENT 3**) to amend the Port Stephens Local Environmental Plan 2013 (LEP 2013) to enable the subdivision of 610 Seaham Road, Nelsons Plains for rural residential development.

A map showing the location of the subject land is provided at (**ATTACHMENT 1**) and a Strategic Planning Assessment Report is provided at (**ATTACHMENT 2**).

The subject land is currently zoned RU1 Primary Production and the planning proposal seeks to rezone the land to R5 Large Lot Residential, to enable the future subdivision of Lot 1 DP 1191203, creating approximately 38 rural residential lots.

The above changes are justified by the consistency of the planning proposal with the Port Stephens Local Housing Strategy (Live Port Stephens), specifically Appendix 2 – Rural Residential Criteria, and the reports accompanying the planning proposal that demonstrate the suitability of the site for future rural residential use (**ATTACHMENT 3**).

A summary of the planning proposal and property details is provided below:

Date lodged:	21 December 2018
Proponent:	Perception Planning (c/o Portree Park Pty Ltd)
Subject land:	610 Seaham Road, Nelsons Plains (Lot 1 DP 1191203)
Total area:	38.9 hectares
Current zoning:	RU1 Primary Production

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Proposed zoning:	R5 Large Lot Residential
Current minimum lot size:	40 hectares
Proposed minimum lot size:	8,000m ²
Relevant local strategy:	Port Stephens Local Housing Strategy (Live Port Stephens)
Key issues:	<p>Odour Existing poultry farms operate near the subject land, which have the potential to be a source of odour pollution. An Odour Assessment and peer review supports the planning proposal and recommends building envelopes on future allotments nearest to the poultry farms to mitigate potential impacts.</p> <p>Lot Size The site is identified as 'rural lifestyle' in residential character with a recommended minimum lot size of 1 hectares in the Port Stephens Rural Residential Strategy 2015 and Live Port Stephens. Despite this, it is considered that a lot size of 8,000m² is appropriate given the proposed mitigation measures for potential odour impacts, avoidance of environmentally sensitive and flood prone land, proximity to the Raymond Terrace town centre, and consistency with surrounding rural residential developments.</p> <p>Flooding The site is not identified as flood prone land but does become isolated during major flooding events. A Flood Free Access Report supports the planning proposal and identifies sufficient flood free ground available. The report advises that if residents do not choose to stay then adequate warning time exists to permit evacuation prior to the site becoming isolated.</p>

Purpose of the amendment

The purpose of the planning proposal is to amend the LEP 2013 to enable the subdivision for rural residential development.

MINUTES ORDINARY COUNCIL - 25 AUGUST 2020Existing and surrounding uses

The site is currently vacant and has been historically used for cattle grazing and agricultural purposes. It has been largely cleared of native vegetation and has a gentle fall east towards the Williams River and contains scattered vegetation along its western frontage with Seaham Road.

The site is located on the western side of Nelsons Plains, within the rural west of the Port Stephens Local Government Area (LGA). The site has a total area of approximately 38.9 hectares.

The surrounding land use zones are a mixture of RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential. The site is surrounded by a mix of rural residential allotments and larger agricultural allotments with established agricultural activities including grazing land and poultry farms located to the west and south (**ATTACHMENT 1**).

Suitability of the subject land

The site is considered suitable for a large lot residential zoning given its proximity to the Raymond Terrace town centre and surrounding land uses. The Nelsons Plains community have access to community services and facilities within a short drive of strategic centres at Raymond Terrace and in the Maitland LGA.

Additional demand for services and infrastructure (including community services, education and health facilities) from growth in the rural west could continue to be met by Raymond Terrace. Potential impacts from the proposal will be reduced by limiting development on land in proximity to existing poultry farms, retaining significant trees and implementing evacuation arrangements during significant flooding events as detailed in (**ATTACHMENT 3**).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no anticipated financial or resource implications for Council as a consequence of the recommendations of this report.

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Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The costs associated with the amendment will be recovered as part of Council's fees for processing rezoning requests.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no significant anticipated legal, policy, or risk implications as a consequence of the recommendations of this report.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that future rural residential use of the land could create land use conflict with the existing rural uses operating in the locality.	Medium	An Odour Assessment and peer review supports the planning proposal and recommends building envelopes on future allotments nearest to the poultry farms to mitigate potential impacts. Land identified as having an unacceptable impact will be excluded from future rural residential development.	Yes
There is a risk that residents could become isolated in a flood event.	Medium	The site is not identified as flood prone land but does become isolated during major flooding events. A Flood Free Access Report supports the planning proposal and identifies sufficient flood free ground available. The report advises that if residents do not choose to stay then adequate warning time exists to permit evacuation prior to the site becoming isolated.	Yes

MINUTES ORDINARY COUNCIL - 25 AUGUST 2020Environmental Planning and Assessment Act 1979

The planning proposal is being processed in accordance with Part 3 of the Environmental Planning and Assessment Act 1979 (NSW). Should Council resolve to adopt the planning proposal it will be forwarded to the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway determination, including a request for authorisation to make the plan.

Port Stephens Local Environmental Plan 2013

The planning proposal seeks to amend LEP 2013 by rezoning the land from RU1 Primary Production to R5 Large Lot Residential and amending the minimum lot size for subdivision from 40 hectares to 8,000m².

The planning proposal and potential rural residential development on the site is consistent with the objectives of the proposed R5 Large Lot Residential zone:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Regional Plans

The planning proposal is consistent with the vision and goals outlined in the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036 (GNMP). The proposal will assist in meeting the dwelling targets identified within the GNMP. It will reinforce the role of Raymond Terrace as a strategic centre identified by the regional plans by providing housing diversity within a short distance of Raymond Terrace.

Port Stephens Local Strategic Planning Statement

Council adopted the Port Stephens Local Strategic Planning Statement (LSPS) on 14 July 2020. The LSPS identifies the 20-year vision for land use in Port Stephens and sets out social, economic, and environmental planning priorities for the future. Planning proposals are required to include whether the proposed instrument will give effect to the LSPS of the LGA.

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The planning proposal is consistent with the vision and priorities of LSPS, in particular 'Planning Priority 4 – Ensure suitable land supply', 'Planning Priority 5 – Increase diversity of housing choice' and 'Planning Priority 9 – Protect and preserve productive agricultural land'. The proposal will increase the supply of land for residential housing and provide housing that is different to that of locations such as Kings Hill and Raymond Terrace because it will be located on larger lots that have a minimum lot size of 8,000m². As detailed in **(ATTACHMENT 3)** there are sufficient supporting studies to demonstrate potential impacts from surrounding agricultural land uses can be mitigated.

Port Stephens Local Housing Strategy (Live Port Stephens)

The Port Stephens Local Housing Strategy (Live Port Stephens) was adopted by Council on 14 July 2020. Live Port Stephens is the overarching strategy to guide land use planning decisions for new housing in Port Stephens. Live Port Stephens lists priorities and actions to:

1. Ensure suitable land supply
2. Improve housing affordability
3. Increase diversity of housing choice
4. Facilitate liveable communities

Live Port Stephens includes Rural Residential Criteria that outline the key requirements and constraints requiring consideration in preparing rezoning requests for rural residential development. Rural residential rezoning requests are also required to consider the Port Stephens Rural Residential Strategy (RRS) including any matters for investigation relevant to the proposed land.

The land is within the Osterley/Nelson Plains investigation area identified by the RRS. The RRS notes a potential dwelling yield of 25 dwellings with lot sizes ranging from 1-2 hectares for this area. The planning proposal proposes a minimum lot size of 8,000m², which is inconsistent with the relevant RRS guidance. However, the proposal is suitable given the detailed site specific investigations carried out and the existing mix of lot sizes within the surrounding locality ranging from 8000m² to 20,000m².

The planning proposal is consistent with all other requirements of the Rural Residential Criteria. In particular, the site is within 800 metres of an existing R5 Large Lot Residential zone, is unlikely for urban purposes in the future, and is generally unconstrained **(ATTACHMENT 3)**.

The Rural Residential Criteria provides that planning proposals on land within a 1 kilometre 'buffer zone' from existing agricultural industries (eg poultry farms) are required to provide an odour assessment to establish appropriate development setbacks.

MINUTES ORDINARY COUNCIL - 25 AUGUST 2020

An Odour Assessment, along with a peer review, prepared in support of the planning proposal has identified land adjacent to the western boundary as inappropriate for future residential development. An indicative subdivision layout demonstrates the avoidance of this land and building envelopes to ensure future dwellings are appropriately located.

As outlined in **(ATTACHMENT 3)**, the following studies have been completed:

- Aboriginal Heritage Assessment
- Ecological Assessment
- Flood Free Access Report
- Geotechnical Assessment
- Odour Assessment Report
- Peer review of Odour Assessment Report
- Community Survey regarding Odour
- Bushfire Threat Assessment
- Traffic Impact Assessment
- Indicative Subdivision Layout

The planning proposal aligns with Live Port Stephens as it will increase land supply that is close to jobs and services and provides diversity in housing choice.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The planning proposal will have overall positive social and economic implications through the future provision of additional housing for approximately 38 dwellings and will assist in meeting regional dwelling targets identified within the GNMP. The additional housing will service the future population needs of the Port Stephens LGA.

Potential environmental impacts have been considered in assessing the planning proposal and include biodiversity, flooding, bushfire and odour from existing poultry farms. The planning proposal provides adequate mitigation measures to each of these issues and further investigations will be undertaken as required, should the planning proposal receive a Gateway determination.

CONSULTATION

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

Internal

Internal consultation was undertaken with the Environmental Health, Flooding and Drainage, and Natural Resources units.

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External

Consultation with the community and public authorities will be undertaken in accordance with any Gateway determination issued.

It is anticipated that the planning proposal will be exhibited for a minimum 14 days, subject to a Gateway determination.

OPTIONS

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

ATTACHMENTS

- 1) Locality Map. [↓](#)
- 2) Strategic Planning Assessment Report. [↓](#)
- 3) Planning Proposal. (Provided under separate cover)

COUNCILLORS ROOM

Note: All relevant technical studies referenced in this report can be inspected upon request.

TABLED DOCUMENTS

Nil.



MINUTES ORDINARY COUNCIL - 25 AUGUST 2020

ITEM 3 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.



STRATEGIC PLANNING ASSESSMENT REPORT (SPAR)

Application No.	58-2018-26-1
Applicant Name	Perception Planning on behalf of Portree Park Pty Ltd
Applicant Address	PO Box 107 Clarence Town, NSW 2321
Site Location Details	Lot 1 DP 1191203 – 610 Seaham Road, Nelsons Plains Amend Port Stephens Local Environmental Plan 2013 (LEP 2013) to rezone the site from RU1 Primary Production to R5 Large Lot Residential and reduce the minimum lot size from 40ha to 8,000m ² .
Proposal Summary	



The application has been reviewed to determine whether it sufficiently addresses the requirements for preparation of a planning proposal under the EP&A Act and guidelines issued under s3.33(3) of the EP&A Act.

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ITEM 3 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.



Planning Proposal Assessment

Information	Assessment
Internal referrals	
Development Engineering	<p>The planning proposal will need to demonstrate it is in accordance with the floodplain risk management plan for the area and the Floodplain Development Manual 2005 or that the provisions of the planning proposal that are inconsistent with Ministerial Direction 4.3 Flood Prone Land are of minor significance, taking into consideration flooding data and the social and economic benefits of the proposal.</p> <p>There will be a requirement for a traffic impact assessment should the proposal progress.</p>
Natural Resources	<p>The ecological constraints present on site are considered unlikely to be significant due to the following:</p> <ul style="list-style-type: none"> • The degraded nature of native vegetation present • The majority of vegetation is classified as non-threatened • The cleared nature of the landscape around the proposal site • Areas of native vegetation providing habitat links (along the western boundary) would be retained • Visual confirmation by Council's ecologists that the majority of hollows on site are being utilised by non-threatened birds <p>A Biodiversity Development Assessment Report (BDAR) and updated bushfire assessment will be prepared should the proposal receive a Gateway to proceed.</p>
Environmental Health	<p>The Development Assessment Framework (DAF) through the OSMS Technical Manual has determined an appropriate lot size for the sustainable treatment and disposal of wastewater at 4000m². It must be recognised that:</p> <ul style="list-style-type: none"> • For the purpose of development planning, a minimum lot size of 4,000 m² should be considered the default value for the subdivision of unsewered land. • Applicants should be required to demonstrate that each proposed allotment contains 4,000 m² of useable land. • Useable land (for the purpose of on-site sewage management) can be considered to be total allotment area excluding dams, intermittent and permanent watercourses and open stormwater drains and pits in addition to the relevant buffer distances prescribed in the Port Stephens Council Development Assessment Framework for those objects. This means that a lot size may need to be larger than 4000m² if there are identified constraints to OSMS.

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Information	Assessment
Department of Planning Guide to preparing planning proposals	
Part 1 – Statement of objectives or intended outcomes of the proposed instrument	Adequate. The statement of objectives or intended outcomes of the proposed instrument is adequate
Part 2 – Explanation of the provisions that are to be included in the proposed instrument	Adequate. The planning proposal relates to mapping only and does not seek inclusion of additional written provisions. The explanation of the proposed amendment is considered adequate in the circumstances of the case.
Part 3 – Justification for the objectives, outcomes and provisions of the proposed instrument, and whether it will give effect to, or is a product of, a local planning priority or action in an endorsed local strategic planning statement.	Adequate. The justification provided for the objectives, outcomes and provisions of the proposed instrument, and whether it will give effect to, or is a product of, the local planning statement, is considered to be appropriate.
Section A – Need for the planning proposal	
Q1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?	The planning proposal is the result of an endorsed local strategic planning statement, strategic study or report as the Port Stephens Local Strategic Planning Statement (LSPS) includes an action to prepare a local housing strategy that includes assessment criteria for new rural residential development to protect existing and potential productive agricultural land. This amendment is the result of the local housing strategy, Lice Port Stephens.
Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Adequate. The planning proposal is the best means of achieving the objectives or intended outcomes.
Section B – Relationship to strategic planning framework	
Q3. Will the planning proposal give effect to the objectives and actions of the applicable	Adequate. The planning proposal does give effect to the Hunter Regional Plan 2036

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Information	Assessment
regional, or district plan or strategy (including any exhibited draft plans or strategies)?	(HRP) and Greater Newcastle Metropolitan Plan 2036 (GNMP).
Strategic Planning Context and Strategic Merit	
Assessment of consistency with the Hunter Regional Plan.	Adequate. The planning proposal is consistent with the vision of the HRP to provide greater housing choice. It aligns with Goal 4 of the HRP and Direction 22 to promote housing diversity.
Assessment of consistency with the Greater Newcastle Metropolitan Plan.	Adequate. The planning proposal is consistent with the vision of the GNMP for Australia's newest and emerging economic and lifestyle city offering great lifestyles minutes from bushland and the airport.
Give effect to a relevant local strategic planning statement or endorsed local strategy	Adequate. The planning proposal gives effect to LSPS as it is consistent with 'Planning Priority 4 – Ensure suitable land supply', 'Planning Priority 5 – Increase diversity of housing choice' and 'Planning Priority 9 – Protect and preserve productive agricultural land'.
Responding to a change in circumstances	The planning proposal is not responding to a change in circumstances.

SEPP ASSESSMENT

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

SEPP	Overview	Assessment
No. 55 - Remediation of Land	Contains state-wide planning controls for the remediation of contaminated land. The policy requires councils to be notified of all remediation proposals and requires lodgement of information for rezoning proposals where the history of	Adequate. According to the study information for the LEP amendment proposal, the site does not contain contaminated land/potentially contaminated land.

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SEPP	Overview	Assessment
	use of land is unknown or knowledge incomplete.	The submitted planning proposal considers this SEPP and advises the NSW Environmental Protection Agency database confirms of no applicable notices or declarations. A preliminary contamination report can be provided following a Gateway determination.
(Koala Habitat Protection) 2019	Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	The site is mapped as containing marginal koala habitat in the Port Stephens Comprehensive Koala (CKPoM). Further assessment will be undertaken post gateway to ensure consistency with the SEPP and CKPoM.
(Primary Production and Rural Development) 2019	Contains rural planning principles and rural subdivision principles, which must be taken into consideration before developing rural land. Provides for rural land to be subdivided below the minimum lot size for subdivision for the purpose of primary production.	The LEP amendment proposal relates to land within an existing rural zone. The information lodged for the proposal is justifiably inconsistent with the SEPP.

CONCLUSION

The PP has adequately demonstrated consistency with the relevant State Environmental Planning Policies.

MINISTERIAL DIRECTION ASSESSMENT

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Ministerial Direction	Overview	Assessment
1.	Employment and Resources	

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Ministerial Direction	Overview	Assessment
1.2 Rural Zones	Provides for protection of the agricultural production value of rural land by requiring planning proposals to be justified by a relevant strategy or study if they seek to rezone rural zoned land to a residential, business, industrial, village or tourist zone or increase the permissible density of rural (except RU5) zoned land.	<p>Adequate.</p> <p>Whilst this zoning does not aim to protect the agricultural production value of the land it is in keeping with the criteria for Rural Residential Development in Live Port Stephens, providing a mix of lot sizes on suitable land within the Brandy Hill / Seaham area. Further, existing large residential lots are adjoining and adjacent to the site.</p> <p>The information lodged for the proposal is justifiably inconsistent with this direction.</p>
1.5 Rural Lands	<p>Applies to planning proposals that affect land within an existing or proposed rural or environmental zone or changes to the existing minimum lot size on land within a rural or environmental protection zone.</p> <p>By requiring consistency with the rural planning principles and rural subdivision principles of SEPP (Rural Lands) 2008, or justification under a relevant strategy, the direction seeks to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	<p>Adequate.</p> <p>The PP is inconsistent with this direction as it seeks to rezone rural land, however it is considered of minor significance due to the site specific merit and the social and economic benefits.</p>
2. Environment and Heritage		
2.1 Environment Protection Zones	Applies to all planning proposals. Provides for the protection and conservation of environmentally sensitive areas, by ensuring that planning proposals do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor	<p>Adequate.</p> <p>The LEP amendment proposal does not relate to land within an existing or proposed environmental protection zone.</p> <p>The information lodged for the proposal demonstrates consistency with the direction.</p>

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Ministerial Direction	Overview	Assessment
	significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate)..	
2.3	Heritage Conservation	Requires relevant planning proposals to contain provisions to facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.
		<p>Adequate.</p> <p>According to the study information for the LEP amendment proposal, the site does not contain any heritage items/places. The Port Stephens Local Environmental Plan 2013 contains provisions that facilitate the conservation of heritage.</p> <p>In regard to indigenous heritage, a site assessment will be conducted in consultation and collaboration with the Worimi Local Aboriginal Land Council to consider preservation and protection of Aboriginal heritage, values in the event that Aboriginal objects of significance or potential are identified. The planning proposal is likely to be consistent with this direction subject to further investigation.</p>
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Applies to planning proposals affecting existing or proposed residential zoned land or other zoned land upon, which significant residential development is or will be permitted.
		Requires relevant planning proposals to include provisions that encourage housing development, ensures satisfactory arrangements for servicing infrastructure and will not reduce the permissible residential density of land; unless it is suitably justified under a relevant strategy or
		<p>Adequate.</p> <p>The LEP amendment proposal relates to land within a proposed residential zone.</p> <p>The information lodged for the proposal is justifiably inconsistent with the direction because it seeks to provide rural residential housing in an established rural residential area.</p>

Ministerial Direction	Overview	Assessment	
	study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).		
3.4	Integrating Land Use and Transport	Requires planning proposals, which seek to create, alter or remove a zone or provision relating to urban land (including land zoned for residential, business, industrial, village or tourist purposes), to be consistent with the aims, objectives and principles of 'Improving Transport Choice – Guidelines for planning and development' and 'The Right Place for Business and Services – Planning Policy' or that they be suitably justified under a relevant strategy or study or be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate)..	<p>Adequate.</p> <p>The LEP amendment proposal seeks to introduce provisions into the instrument relating to urban land.</p> <p>The information lodged for the proposal does not demonstrate consistency with the direction, however, the proposal is in accordance with the HRP and GNMP therefore the inconsistency is justified.</p>
4. Hazard and Risk			
4.1	Acid Sulfate Soils	Requires the provisions of planning proposals must be consistent with the Acid Sulfate Soils Planning Guidelines and other such relevant provisions provided by the Director-General of the Department of Planning, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	<p>Adequate.</p> <p>The site is mapped as containing Acid Sulfate Soils however the proposed LEP amendment is not likely to affect Acid Sulfate Soils.</p> <p>It is appropriate for this to be addressed during the development application stage.</p>
4.3	Flood Prone Land	Applies requirements for planning proposals that seek to create, remove or alter a zone or a provision that affects flood prone land except where non-	<p>Adequate.</p> <p>The LEP amendment proposal relates to flood prone land</p>

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Ministerial Direction	Overview	Assessment
	compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	within the meaning of the NSW Government's 'Floodplain Development Manual 2005'. The inconsistency with this direction is considered to be minor as an insignificant part of the site is flood prone.
4.4	Planning for Bushfire Protection	Applies requirements for planning proposals affecting land mapped as being bushfire prone land (or land in proximity to such land); except where the Commissioner of the NSW Rural Fire Service has issued written advice to Council that, notwithstanding the noncompliance with the requirements; the NSW Rural Fire Service does not object to progression of the planning proposal.
		Adequate. The LEP amendment proposal relates to bushfire prone land. A new Bushfire Assessment Report will be provided post Gateway to ensure consideration is provided to Planning for Bushfire Protection 2019. The planning proposal is likely to be consistent with this direction subject to further investigation.
5. Regional Planning		
5.10	Implementation of Regional Plans	Requires that planning proposals be consistent with relevant regional strategies released by the Minister for Planning, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.
		Adequate. The Hunter Regional Plan 2036 (HRP) applies to the LEP amendment proposal. This proposal responds to the direction provided by the Hunter Regional Plan and Greater Newcastle Metropolitan Plan by providing housing that is consistent with the Port Stephens Local Housing Strategy. This makes the proposal consistent with that direction.
6. Local Plan Making		
6.1	Approval and	The objective of this direction is to ensure that LEP
		Adequate.

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Ministerial Direction	Overview	Assessment
Referral Requirements	provisions encourage the efficient and appropriate assessment of development.	The proposal seeks to amend the Local Environmental Plan, which provides an existing framework for appropriate assessment of development. This makes it consistent with this direction.
6.2 Reserving Land for Public Purposes	Applies requirements to planning proposals which seek to create, alter or reduce existing zonings or reservations of land for public purposes.	Adequate. The LEP amendment proposal does not seek to create, alter or reduce existing zonings or reservations of land for public purposes. Consistency with the direction is not relevant to the proposal.

Information	Assessment
Section C – Environmental, social and economic impact	
Q7. 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?	Yes A Preliminary Ecological Assessment has identified several vegetation communities and the presence of hollow bearing trees on the site. A Biodiversity Development Assessment Report (BDAR) will be prepared should the proposal receive a Gateway to proceed. A bushfire assessment will also be undertaken to determine the extent of clearing that will be required to maintain asset protection zones, and associated ecological impacts, particularly within the areas shown as vegetation to be retained. Given the size of proposed allotments and the opportunity to site dwellings in a manner that reduces the need

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Information	Assessment
	for vegetation clearing, it is not anticipated that the proposal will adversely affect ecological values of the site.
Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	Yes. The site is located 500m from an existing poultry shed that is located to the south. The rezoning will not undermine the agricultural activities on nearby lots because a suitable buffer has been provided and investigations have been undertaken in relation to odour, including an odour assessment, which has been peer reviewed, and a separate survey.
Q9. Are there any likely social and economic effects as a result of the planning proposal?	Yes. There will likely be positive social and economic effects as a result of the planning proposal.
Section D – State and Commonwealth interests	
Q10. Is there adequate public infrastructure for the planning proposal?	Yes. There is adequate public infrastructure for the planning proposal.
Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?	Consultation with relevant State and Commonwealth agencies can be undertaken following a Gateway Determination to proceed
Part 4 – Maps containing sufficient detail to indicate the substantive effect of the planning proposal.	The maps included in the planning proposal adequately identify the substantive effect of the planning proposal.
Part 5 – Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument	The community consultation detailed in the planning proposal is considered appropriate.

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Information	Assessment
Part 6 – Projected timeline of the plan making process	The projected timeline as detailed in the planning proposal is considered appropriate.

TECHNICAL CONTENT ASSESSMENT

Assessment of technical information

Supporting plans and studies	Assessment
Traffic impact assessment	Yes, to be amended after Gateway
Bushfire hazard assessment	Yes, to be amended after Gateway
Odour assessment	Yes
Flora and fauna assessment	Yes, to be amended after Gateway
Geotechnical assessment	Yes
Stormwater management analysis	Yes
Flood impact assessment	Yes
Contamination assessment	Yes
Heritage impact assessment	Yes
Infrastructure capacity analysis	Yes

RECOMMENDATION

Based on the information lodged with the application, the LEP amendment proposal is considered to have sufficient merit to warrant preparation of a planning proposal by Council. It is recommended that a planning proposal be prepared for the LEP amendment proposal and lodged with the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway determination.