



ORDINARY COUNCIL MEETING

Monday 14 December 2020

Held remotely via Microsoft Teams

Check the website for livestream details

6:00pm

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This allows our community greater access to Council proceedings, decisions and debate.

The bottom of the page features abstract blue line art patterns, including concentric arcs and parallel lines, mirroring the design at the top.

Ordinary Council Meeting

Agenda

Monday 14 December 2020

6:00pm

Apologies:	For the non-attendance of Councillors	
Declaration of Interests:		
Confirmation of Minutes:	Ordinary Council Meeting held on 30 November 2020	pg 5
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Presentations:	Nil	
Mayoral Minutes:		
	20MM008 February and March 2021 Council and Standing Committee meeting arrangements - ongoing COVID-19 response	pg 33
Recommendations of the:		
	Organisational Services Standing Committee - 7 December 2020	pg 34
	Built and Natural Assets Standing Committee - 7 December 2020	pg 39
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Business arising from Public Forum:		
Special Reports:		
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Inspection Reports:		
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	20SP096 Inspection Report - 20NM009 - Munibung Hill.....	pg 101
	20SP097 Council Site Inspection 20GB062 - Stockland Glendale Shopping Centre - 387 Lake Road, Glendale	pg 103
Tender Reports:	Nil	
Matters Referred:	Nil	
Confidential Items:		
	20SP098 Heads of Agreement for a Transport Infrastructure Contributions Deed..... (separate confidential agenda)	
Notices of Motion:	Nil	
Rescission Motions:	Nil	

Petitions:

Business without Notice:



Minutes of the Ordinary Council Meeting

Monday 30 November 2020

Held remotely via Microsoft Teams

Present: Her Worship the Mayor, Councillor Kay Fraser, who presided; also Deputy Mayor Councillor Christine Buckley, and Councillors Brian Adamthwaite, David Belcher, Luke Cubis, John Gilbert, Colin Grigg, Wendy Harrison, Nick Jones, Barney Langford, Jason Pauling and Adam Shultz.

Officers:	Morven Cameron	Chief Executive Officer
	Tony Farrell	Deputy Chief Executive Officer
	John Ferguson	Director Service Delivery
	David Hughes	Director Built and Natural Assets
	Laura Kendall	Director Organisational Services
	Glenn Bunny	Head of Development and Planning
	Andrew Bryant	Manager Community Partnerships
	Elizabeth Lambert	Manager Development Assessment & Certification
	Tim Browne	Manager Environmental Systems
	Iain Moore	Acting Manager Integrated Planning
	Brendan Callander	Manager Asset Management
	David Antcliff	Manager Property & Business Development
	Dwight Graham	Chief Financial Officer
	Shinead Taylor	Coordinator Council Liaison
	Emily Ford	Council Liaison Officer
	Chris Breaden	Senior Communications and Engagement Advisor

The Mayor declared the meeting open at 6:02pm.

Apologies:

149

Moved. Cr. Grigg

Seconded. Cr. Adamthwaite

Apologies were submitted for the non-attendance of Councillor Kevin Baker.

Declarations of interest:

Councillor Brian Adamthwaite declared a non-pecuniary, less than significant interest in 20SP086 – *Requests for Donations and Financial Assistance under Section 356 of the Local Government Act 1993*, advising that community members associated with Mum's Cottage are known to him. He will remain in the meeting for debate and voting.

Confirmation of Minutes:

150

Moved. Cr. Buckley

Seconded. Cr. Shultz

The Minutes of the Ordinary Council Meeting held on Monday 26 October 2020, be taken as read and be hereby confirmed.

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Adamthwaite	
Cr. Langford	
Cr. Grigg	
Cr. Belcher	
Cr. Pauling	
Cr. Harrison	
Cr. Cubis	
Cr. Shultz	
Cr. Jones	
Cr. Buckley	
Cr. Gilbert	
Cr. Fraser	
(carried)	

(Carried)

Determinations of the Development and Planning Standing Committee
Monday 9 November 2020

151

Moved. Cr. Langford
 Seconded. Cr. Grigg

The determinations of the Development and Planning Standing Committee at its meeting held on 09 November 2020 be Confirmed as detailed below.

For the Motion Against the Motion

Cr. Adamthwaite
 Cr. Langford
 Cr. Grigg
 Cr. Belcher
 Cr. Pauling
 Cr. Harrison
 Cr. Cubis
 Cr. Shultz
 Cr. Jones
 Cr. Buckley
 Cr. Gilbert
 Cr. Fraser
 (carried)

(Carried)

20DP025 Planning Proposal - 87 Oakdale Road Gateshead Rezoning - RZ/4/2020

Folder No: RZ/4/2020
 Report By: Student Landuse Planner - Abigail Hawtin

19

Moved. Cr. Pauling
 Seconded. Cr. Gilbert

Council defer the matter and further investigate site clearing and undertaking a site inspection.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion Against the Motion

Cr. Adamthwaite
 Cr. Baker
 Cr. Langford
 Cr. Belcher
 Cr. Pauling
 Cr. Harrison
 Cr. Cubis
 Cr. Shultz
 Cr. Jones
 Cr. Buckley
 Cr. Gilbert

Cr. Fraser
(carried)

(Carried)

**20DP026 Review of Planning Controls for Dwelling Developments on
Undersized Allotments in Rural and Environmental Zoned
Areas**

Folder No: F2018/01181/02
Report By: Strategic Landuse Planner - Adam Kennedy

20

Moved. Cr. Belcher
Seconded. Cr. Buckley

Council:

- A. endorses the findings and recommendations of the draft Investigation and Options Assessment Report - Review of Planning Controls for Dwelling Developments in Rural and Environmental Zoned Areas, provided in Attachment 1,
- B. prepares an amendment to the Lake Macquarie Development Control Plan (DCP) 2014 consistent with the recommendations of Attachment 1, and places the draft amendment on exhibition for at least 28 days, and
- C. considers a report on the draft DCP amendment after exhibition.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion Against the Motion

Cr. Adamthwaite
Cr. Langford
Cr. Belcher
Cr. Pauling
Cr. Harrison
Cr. Cubis
Cr. Shultz
Cr. Jones
Cr. Buckley
Cr. Gilbert
Cr. Fraser
(carried)

*when votes were called there was no response from Cr. Baker.

(Carried)

Presentations:

Annual Cities Power Partnership Awards

The Mayor acknowledged Lake Macquarie City Council's recent success in the Sustainable Transport category of the Annual Cities Power Partnership Awards. The Awards, run by Climate Council's Cities Power Partnership, recognises the work of local governments across the country in the fields of renewable energy, energy efficiency, sustainable transport, community engagement and innovation, as well as individual climate champion awards. Lake Macquarie were named as winners in the Sustainable Transport category for the City's Electric Vehicle Charging Strategy that was adopted by Council in March 2020. This strategy was led by the Asset Optimisation team and involved significant collaboration of Council departments. The award is shared with the community and external provider who helped to develop the EV Charging Strategy and will continue to work towards a cleaner future.

Highly Commended in the National Local Government Customer Service Network Council of the Year Award

The Mayor acknowledged the Highly Commended title Lake Macquarie City Council received at the National Local Government Customer Service Network Council of the Year Awards. This follows on from Council's win in 2019, and this year recognises Council's commitment to the COVID-19 pandemic response and services provided to the community and staff. This response includes areas such as the Customer Service provisions, the financial assistance offered through the waiving of fees, adaptation of services in the swim centres and libraries, and the support provided to staff with redeployment opportunities. This award recognises the agility Council demonstrated when presented with ever changing challenges, and the commitment to keeping the community needs, staff and safety at the forefront of decision-making.

Recommendations of Committees

The recommendations of the Planning for the Future, Organisational Services Standing Committee, Built and Natural Assets Standing Committee, General Business Standing Committee and Lake Macquarie Traffic Facilities and Road Safety Committee were adopted by way of single resolution as detailed below.

152

Moved. Cr. Grigg

Seconded. Cr. Belcher

That under clause 9.1 of the Code of Meeting Practice, the following items be hereby adopted by way of single resolution, as detailed below:

- Recommendations of the Planning for the Future Standing Committee held on 9 November 2020.
- Recommendations of the Organisational Services Standing Committee held on 9 November 2020.
- Recommendations of the Built and Natural Assets Standing Committee held on 9 November 2020.
- Recommendations of the General Business Standing Committee held on 9 November 2020.
- Recommendations of the Lake Macquarie Traffic Facilities and Road Safety Committee held on 10 November 2020.

For the Motion

Against the Motion

Cr. Adamthwaite

Cr. Langford

Cr. Grigg

Cr. Belcher

Cr. Pauling

Cr. Harrison

Cr. Cubis

Cr. Shultz

Cr. Jones

Cr. Buckley

Cr. Gilbert

Cr. Fraser

(carried)

(Carried)

Recommendations of the Planning for the Future Standing Committee Monday 9 November 2020

20PFF003

Investment Policy Review

Folder No: F2005/02220

Report By: Senior Financial Accountant - Kate Chrystal

Council:

- A. rescinds the existing Investment Policy (version 13), and
- B. adopts the amended Investment Policy (version 14) (Attachment 1).

***Recommendations of the Organisational Services Standing Committee
Monday 9 November 2020***

**20OS035 Requests for Donations and Financial Assistance under
Section 356 of the Local Government Act 1993**

Folder No: F2018/00118/07

Report By: Council Liaison Officer - Emily Ford

Council approves donations of:

- A. \$958 to 1st Warners Bay Scouts Group to undertake a recycling program, and
- B. \$2000 to Biraban Local Aboriginal Land Council for its Caring for Country Morisset program.

**20OS036 Fassifern - Proposed Acquisition for Road Widening - Part 106
Macquarie Road**

Folder No: F2020/00488

Report By: Property Contracts Officer - Carlos Ferguson

Council authorises:

- A. acquisition of part of 106 Macquarie Road, Fassifern (Lot 3 DP 9428), outlined in red in Attachment 1, by private treaty for the sum of \$5400 (excl. GST),
- B. dedication of part of 106 Macquarie Road, Fassifern as road widening, to become part of Macquarie Road, Fassifern, by Notice in the NSW Government Gazette, and
- C. execution by Council under its Common Seal, where required, of all documentation necessary to bring effect to the above recommendation.

(Carried)

Recommendations of the Built and Natural Assets Standing Committee

Monday 9 November 2020

20BNA012 Greenhouse Gas Emission Reduction Targets - Council Policy Review

Folder No: F2008/01995
Report By: Coordinator Asset Optimisation - Dean Chapman, Sustainability Analyst
- Ben Maddox

Council:

- A. rescinds the existing Council Greenhouse Gas Emissions Reduction Targets Policy (version 3), and
- B. adopts the updated Council Greenhouse Gas Emissions Reduction Targets Policy (version 4) (Attachment 2).

(Carried)

20BNA013 Membership of the Hunter Region Sustainable Development Goal (SDG) Taskforce

Folder No: F2020/00383
Report By: Ecosystem Enhancement Coordinator - Symon Walpole

Council becomes a network member of the Hunter Region SDG Taskforce and endorses a Pledge indicating that Council agrees to work towards actions that advocate and accelerate the achievement of the SDGs across the Hunter Region.

(Carried)

20BNA014 Review of Council Policy – Protection of Watercourse and Drainage Channels

Folder No: F2005/02212
Report By: Senior Natural Landscapes Officer - Karen Mason, Ecosystem Enhancement Coordinator - Symon Walpole

Council:

- A. rescinds the existing Protection of Watercourses and Drainage Channels Policy (version 6), and
- B. adopts the updated Protection of Watercourses and Drainage Channels Policy (version 7) (Attachment 1).

(Carried)

Recommendations of the General Business Standing Committee**Monday 9 November 2020****20GB064 Update on 20GB062 - Site Inspection - Stockland Glendale Shopping Centre, 387 Lake Rd, Glendale**

Folder No: F2018/01745/03
Report By: Councillor - David Belcher

Councillors receive an update on the scheduling of the site inspection from *20GB062 – Site Inspection – Stockland Glendale Shopping Centre, 387 Lake Rd, Glendale*, regarding pedestrian accessibility through the shopping centre.

20GB065 Roadside Food Retailers

Folder No: F2018/01745/03
Report By: Councillor - John Gilbert

Council staff provide advice to Councillors regarding roadside food retailers trading from vehicles, including:

- A. what licensing or approvals are required, and
- B. what happens regarding those retailers that are not approved?

20GB066 Asbestos Awareness Week 23-29 November 2020

Folder No: F2018/01745/03
Report By: Councillor - Barney Langford

Councillors be briefed by memo on how Council will mark Asbestos Awareness Week 23-29 November 2020, including current programs to deal with and manage asbestos issues within the Local Government Area.

20GB067 Neighbour Notification of Development Applications

Folder No: F2018/01745/03
Report By: Councillor - Kevin Baker

Councillors be advised by memo of the process for notifying neighbours of Development Applications, including information regarding the spread and timing of sending notifications.

Recommendations of the Lake Macquarie Traffic Facilities & Road Safety Committee

Tuesday 10 November 2020

20TFC058 West Ward - Brightwaters - Hall Street - Road closure
Folder No: F2018/00876/18/01
Report By: Technical Investigation Officer Assets Strategy - Robert Morris

No 1

- A. Approve the permanent closure of Hall Street, Brightwaters at its western end.
 - B. Approve the alteration of the priority at the intersection of Hall Street and Buttaba Road to provide priority to Buttaba Road.
- As detailed in the attached plan.

20TFC059 West Ward - Cooranbong - Mountain Ash Drive - Signage and line marking plan
Folder No: F2018/00876/30/01
Report By: Technical Investigation Officer Assets Strategy - Robert Morris

No 2

Approve the signage and line marking plan associated with the construction of a subdivision at several properties between Mountain Ash Drive and Freemans Drive, Cooranbong as detailed in the attached plan.

20TFC060 West Ward - Cooranbong - Blue Wren Drive - Signage and line marking plan
Folder No: F2018/00876/30/01
Report By: Technical Investigation Officer Assets Strategy - Robert Morris

No 3

Approve the signage and line marking plan associated with the construction of a subdivision at 98 Avondale Road, Cooranbong as detailed in the attached plan.

20TFC061 West Ward - Coal Point - Rofe Street - Parking restrictions
Folder No: F2018/00876/29/01
Report By: Technical Investigation Officer Assets Strategy - Robert Morris

No 4

Approve the following actions:

- A. Alter the Rofe Street bus zone times to (8am – 9.30am and 4pm – 5pm school days).
- B. Install Kiss and Ride No Parking (2.30pm- 4pm) restrictions within the Rofe Street bus zone area.

As detailed in the attached plan.

20TFC062 East Ward - Bennetts Green - Groves Road - No Stopping restriction

Folder No: F2018/00876/11/01

Report By: Traffic Engineer Assets Strategy - Tim Mitchell

No 5

Approve the installation of No Stopping restrictions on Groves Road, Bennetts Green as detailed in the attached plan.

20TFC063 East Ward - Swansea - Northcote Avenue - Parking Restriction alterations

Folder No: F2018/00876/78/01

Report By: Technical Investigations Officer - Michael Oost

No 6

Approve the following actions to be implemented subject to an additional school gate being installed:

- A. Relocate and extend the Kiss and Ride No Parking zone (8am – 9.30am and 2.30pm – 4pm school days).
- B. Relocate and reduce the bus zone (8am – 9.30am and 2.30pm - 4pm school days).

As detailed in the attached plan.

20TFC064 East Ward - Gateshead - Sydney Street - Pedestrian Refuge

Folder No: F2018/00876/45/01

Report By: Technical Investigations Officer - Michael Oost

No 7

Approve the installation of a pedestrian refuge on Sydney Street, Gateshead.

As detailed in the attached plan.

Special Reports of the Chief Executive Officer
Monday 30 November 2020

20SP082 Code of Conduct Statistics Report 2019-20

Folder No: F2014/01899
 Report By: Internal Ombudsman - Martene Archer

153

Moved. Cr. Langford
 Seconded. Cr. Gilbert

Council receives and notes this report.

<u>For the Motion</u>	<u>Against the Motion</u>
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Cr. Adamthwaite Cr. Langford Cr. Grigg Cr. Belcher Cr. Pauling Cr. Harrison Cr. Cubis Cr. Shultz Cr. Jones Cr. Buckley Cr. Gilbert Cr. Fraser (carried)	
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(Carried)

Special Reports of the Deputy Chief Executive Officer
Monday 30 November 2020

20SP083 October 2020 Investments Report

Folder No: F2004/11956/13
 Report By: Treasury Officer - Tanya Klein

154

Moved. Cr. Gilbert
 Seconded. Cr. Grigg

Council receives and notes this report identifying all money Council has invested under section 625 of the *Local Government Act 1993*.

<u>For the Motion</u>	<u>Against the Motion</u>
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Cr. Adamthwaite	
Cr. Langford	
Cr. Grigg	
Cr. Belcher	
Cr. Pauling	
Cr. Harrison	
Cr. Cubis	
Cr. Shultz	
Cr. Jones	
Cr. Buckley	
Cr. Gilbert	
Cr. Fraser	
(carried)	

(Carried)

Special Reports of the Director of Organisational Services
Monday 30 November 2020

20SP084 September review of the Operational Plan and Budget 2020-2021

Folder No: F2016/00780/04/02
Report By: Council & Corporate Liaison Coordinator - Jenni Donaldson

Original Recommendation

Council:

- A. adopts the amendments to the Operational Plan and receives and notes the status of Delivery Program strategies, as outlined in Attachment 1,
- B. receives and notes the status of all Operational Plan actions for the period 1 July 2020 to 30 September 2020, as outlined in Attachment 2, and
- C. adopts the variations to the 2020-2021 budget resulting in a projected budget cash surplus of \$233,000 for the year ending 30 June 2021.

155

Moved. Cr. Langford
Seconded. Cr. Buckley

Council:

- A. adopts the amendments to the Operational Plan and receives and notes the status of Delivery Program strategies, as outlined in Attachment 1, and
- B. receives and notes the status of all Operational Plan actions for the period 1 July 2020 to 30 September 2020, as outlined in Attachment 2, and adopts the variations to the 2020-2021 budget resulting in a projected budget cash surplus of \$393,000 for the year ending 30 June 2021.

For the Motion Against the Motion

Cr. Adamthwaite
Cr. Langford
Cr. Grigg
Cr. Belcher
Cr. Pauling
Cr. Harrison
Cr. Cubis
Cr. Shultz
Cr. Jones
Cr. Buckley
Cr. Gilbert
Cr. Fraser
(carried)

(Carried)

20SP085 Review of Code of Meeting Practice

Folder No: F2005/02446

Report By: Council Liaison Project Coordinator - Loren Cousins

156

Moved. Cr. Harrison

Seconded. Cr. Gilbert

Council:

- A. places the revised draft Code of Meeting Practice (Attachment 1) on public exhibition for a period of at least 28 days and accepts submissions for a period of at least 42 days, and
- B. notes staff will prepare a further report about the outcomes of the public exhibition for the revised Code and rescinding related policies.

For the Motion

Against the Motion

Cr. Adamthwaite

Cr. Langford

Cr. Grigg

Cr. Belcher

Cr. Pauling

Cr. Harrison

Cr. Cubis

Cr. Shultz

Cr. Jones

Cr. Buckley

Cr. Gilbert

Cr. Fraser

(carried)

(Carried)

20SP086 Requests for Donations and Financial Assistance under Section 356 of the Local Government Act 1993

Folder No: F2018/00118/07
Report By: Council Liaison Officer - Emily Ford

157

Moved. Cr. Gilbert
Seconded. Cr. Belcher

Council approves a donation of \$1800 to Mums Cottage to hold its Volunteer Appreciation Day.

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Adamthwaite	Cr. Langford
Cr. Grigg	Cr. Pauling
Cr. Belcher	Cr. Cubis
Cr. Harrison	Cr. Jones
Cr. Shultz	
Cr. Buckley	
Cr. Gilbert	
Cr. Fraser	
(carried)	

(Carried)

20SP087 Model Code of Conduct and Procedures update

Folder No: F2006/02120
Report By: Coordinator Council Liaison - Shinead Taylor, Internal Ombudsman - Martene Archer

158

Moved. Cr. Belcher
Seconded. Cr. Harrison

Council:

- A. rescinds Council's Code of Conduct for Councillors – version 4, Code of Conduct for Council Staff - version 4, Code of Conduct for Council Committee Members, Delegates of Council, and Council Advisors – version 1, the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (2018), and Access to Council Information and Staff by Councillors – Council Policy – version 3 (Attachment 5),
- B. adopts the Code of Conduct for Councillors – version 5 (Attachment 1); Code of Conduct for Council Staff – version 5 (Attachment 2); and Code of Conduct for Council Committee Members, Delegates of Council, and Council Advisors – version 2 (Attachment 3), and
- C. adopts without amendment, the Office of Local Government's Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (2020), as amended or replaced by the OLG from time to time (Attachment 4).

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Adamthwaite	

Cr. Langford
 Cr. Grigg
 Cr. Belcher
 Cr. Pauling
 Cr. Harrison
 Cr. Cubis
 Cr. Shultz
 Cr. Jones
 Cr. Buckley
 Cr. Gilbert
 Cr. Fraser
 (carried)

(Carried)

***Special Reports of the Head of Development and Planning
 Monday 30 November 2020***

20SP088 Short Term Rental Accommodation - LEP Amendment

Folder No: F2014/01451/03
 Report By: Strategic Landuse Planner - Samantha Hardie

Original Recommendation

Council:

- A. resolves to permit Short Term Rental Accommodation as permissible 365 days per year, as exempt or complying development, for dwellings where a host is not present under the draft State Environmental Planning Policy (Short Term Rental Accommodation) 2019,
- B. endorses the planning proposal to amend the *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)*, outlined in Attachment 1, to permit short term rental accommodation, and
- C. advises the NSW Department of Planning Industry and Environment of its decision and requests the Minister for Planning and Public Spaces to finalise the amendment to the *LMLEP 2014*.

159

Moved. Cr. Langford
 Seconded. Cr. Gilbert

Council:

- A. resolves to permit Short Term Rental Accommodation as permissible 365 days per year, as exempt or complying development, for dwellings where a host is not present under the draft State Environmental Planning Policy (Short Term Rental Accommodation) 2019,

- B. endorses the planning proposal to amend the *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)*, outlined in Attachment 1, to permit short term rental accommodation,
- C. advises the NSW Department of Planning Industry and Environment of its decision and requests the Minister for Planning and Public Spaces to finalise the amendment to the *LMLEP 2014*, and
- D. provides Councillors with an evaluation report after 12 months of operation.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion

Against the Motion

Cr. Adamthwaite
 Cr. Langford
 Cr. Grigg
 Cr. Belcher
 Cr. Pauling
 Cr. Harrison
 Cr. Cubis
 Cr. Shultz
 Cr. Jones
 Cr. Buckley
 Cr. Fraser
 (carried)

*when votes were called there was no response from Cr. Gilbert.

(Carried)

Special Reports of the Director of Service Delivery
Monday 30 November 2020

20SP089 Cultural Collections Consultative Committee - Councillor Representative

Folder No: F2004/06823-03
 Report By: Cultural Support & Asset Development Coordinator - Katherine McNaughton

160

Moved. Cr. Belcher
 Seconded. Cr. Grigg

Council:

- A. adopts the amended Terms of Reference for the Cultural Collections Consultative Committee (Attachment 1), and
- B. appoints Councillor Christine Buckley, Councillor Brian Adamthwaite and Councillor Barney Langford to the Cultural Collections Consultative Committee.

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Adamthwaite	
Cr. Langford	
Cr. Grigg	
Cr. Belcher	
Cr. Pauling	
Cr. Harrison	
Cr. Cubis	
Cr. Shultz	
Cr. Jones	
Cr. Buckley	
Cr. Gilbert	
Cr. Fraser	
(carried)	

(Carried)

Notices of Motion
Monday 30 November 2020

20NM013 DA/1593/2020 10, 12 and 14 Wilsons Road, Mount Hutton

Folder No: F2020/00237
Report By: Councillor - Barney Langford

161

Moved. Cr. Langford
Seconded. Cr. Buckley

That DA/1593/2020 10, 12 and 14 Wilsons Road, Mount Hutton be “called up” before full Council for determination in lieu of determination by staff due to concerns relating to matters including:

- A. 24 hour operation of premises
- B. noise and light spill
- C. potential for anti-social behaviour
- D. impacts on neighbouring properties
- E. traffic issues.

For the Motion Against the Motion

Cr. Adamthwaite
Cr. Langford
Cr. Grigg
Cr. Belcher
Cr. Pauling
Cr. Harrison
Cr. Cubis
Cr. Shultz
Cr. Jones
Cr. Buckley
Cr. Gilbert
Cr. Fraser
(carried)

(Carried)

20NM014 DA/1578/2020 46 Tuloa Street, Wangi Wangi NSW 2267

Folder No: F2020/00237
Report By: Councillor - Jason Pauling

162

Moved. Cr. Pauling
Seconded. Cr. Adamthwaite

That DA/1578/2020 46 Tuloa Street, Wangi Wangi NSW 2267 be “called up” before full Council for determination in lieu of determination by staff due to concerns relating to matters including:

- A. impacts on trees
- B. impacts on neighbouring properties
- C. solar access impacts
- D. sulphate soil considerations
- E. view sharing considerations
- F. aesthetics.

For the Motion Against the Motion

Cr. Adamthwaite
Cr. Langford
Cr. Grigg
Cr. Belcher
Cr. Pauling
Cr. Harrison
Cr. Cubis
Cr. Shultz
Cr. Jones
Cr. Buckley
Cr. Gilbert
Cr. Fraser
(carried)

(Carried)

20NM015 An enabling approach to building single dwellings on undersized lots in the E2, E3 and RU2 zones

Folder No: F2020/00237
 Report By: Councillor - Jason Pauling

163

Moved. Cr. Pauling
 Seconded. Cr. Harrison

That Council:

- A. notes the resolution from 9 November 2020 (20DP026);
- B. undertakes further investigation regarding additional measures for a clearer and more enabling planning approval pathway for a dwelling on an undersized lot in E2, E3 and RU2 zones;
- C. consults with Councillors during investigation of options;
- D. reports back to Full Council with options and recommended future actions to facilitate an enabling approaching to dwellings on undersized lots in E2, E3 and RU2 zones.

For the Motion Against the Motion

Cr. Adamthwaite
 Cr. Langford
 Cr. Grigg
 Cr. Belcher
 Cr. Pauling
 Cr. Harrison
 Cr. Cubis
 Cr. Shultz
 Cr. Jones
 Cr. Buckley
 Cr. Gilbert
 Cr. Fraser
 (carried)

(Carried)

20NM016 Female participation in local sporting organisations

Folder No: F2020/00237

Report By: Councillor - Barney Langford

164

Moved. Cr. Langford

Seconded. Cr. Harrison

- A. Council notes the uptake in participation by females in traditional male sports and the “facilities gap” that has ensued from this uptake and efforts by council to respond to this uptake.
- B. Council works with local sporting clubs as the new Sports Strategy is developed (2.2.1.3 of the 20/21 Operational Plan) with a view to continuing to improve the opportunities for equitable participation, including the upgrade of facilities that are suitable for all users.
- C. State and Federal representatives be consulted as the new Sports Strategy is being developed.
- D. Council makes representation to Hunter Joint Organisation of Councils (HJO) with a view to HJO making female sport participation in the Hunter a priority goal and action to ensure facilities for female participation in sport are commensurate with male facilities.

For the Motion

Against the Motion

Cr. Adamthwaite

Cr. Langford

Cr. Grigg

Cr. Belcher

Cr. Pauling

Cr. Harrison

Cr. Cubis

Cr. Shultz

Cr. Jones

Cr. Buckley

Cr. Gilbert

Cr. Fraser

(carried)

(Carried)

*Petitions**Monday 30 November 2020***20SP090 Petition - Climate Emergency Declaration**

Folder No: F2008/00945

Original Recommendation

Council receives and notes the issues raised in the petition.

165

Moved. Cr. Adamthwaite

Seconded. Cr. Grigg

Council receives and notes the issues raised in the petition and matters raised during Public Forum. Councillors be provided with a memo addressing the issues raised.

For the Motion

Cr. Adamthwaite

Cr. Langford

Cr. Grigg

Cr. Belcher

Cr. Harrison

Cr. Shultz

Cr. Jones

Cr. Buckley

Cr. Gilbert

Cr. Fraser

(carried)

Against the Motion

Cr. Pauling

Cr. Cubis

(Carried)

In accordance with Clause 7.47 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020 and Section 10A of the Local Government Act 1993, at 7:04pm the Ordinary Council Meeting moved into a closed meeting in order to deal with a confidential item.

In accordance with Clause 10.21 of the Code of Meeting Practice, the Mayor reopened the Ordinary Council Meeting at 9:45pm to make public the resolution passed in closed session.

Confidential Items

Monday 30 November 2020

167

Moved. Cr. Langford
Seconded. Cr. Belcher

Council:

- A. notes that an investigation was undertaken into a Code of Conduct complaint against a councillor in accordance with the Procedures for the Administration of the Code of Conduct;
- B. receives the Final Investigation Report of the Conduct Reviewer at Attachment 1;
- C. accepts the finding of the Conduct Reviewer that on 24 February 2020, Councillor Kevin Baker breached clauses 3.1a), 3.1c) and 7.6h) of the Code of Conduct for Councillors, by making comments in the press and in social media that were suggestive that Council had provided 'misinformation' about the Internal Loans Scheme. Councillor Baker's comments had the potential to significantly adversely affect Council's reputation and the reputation of Council officers.
- D. notes that Councillor Baker was consulted by the Conduct Reviewer throughout the investigation and was provided with a formal opportunity to make a written or oral submission to the Council;
- E. in accordance with section 440G of the Local Government Act 1993 and based on the findings and recommendation of the Conduct Reviewer, formally censures Councillor Baker for breaching clauses 3.1a), 3.1c) and 7.6h) of the Code of Conduct for Councillors; and
- F. treats this report and attachment relating to the matters specified in section 10A(2)(i) of the Local Government Act 1993 as confidential.

(Carried)

As this concluded the business the
Chairperson terminated the meeting at 9:47pm.
Minutes adopted by resolution of Council,
at its meeting held on 14 December 2020.

..... MAYOR



Determinations of the Development and Planning Standing Committee Meeting

Monday 7 December 2020

Held remotely via Microsoft Teams

Present: Her Worship the Mayor, Councillor Kay Fraser, who presided; also Deputy Mayor Councillor Christine Buckley, and Councillors Brian Adamthwaite, Kevin Baker, David Belcher, Luke Cubis, John Gilbert, Colin Grigg, Barney Langford, Jason Pauling and Adam Shultz.

Apologies: Councillors Wendy Harrison and Nick Jones.

Officers:	Morven Cameron	Chief Executive Officer
	Tony Farrell	Deputy Chief Executive Officer
	David Hughes	Director Built and Natural Assets
	Glenn Bunny	Head of Development and Planning
	Elizabeth Lambert	Manager Development Assessment & Certification
	Andrew Bryant	Manager Community Partnerships
	Tim Browne	Manager Environmental Systems
	Wes Hain	Manager Integrated Planning
	Brendan Callander	Manager Asset Management
	David Antcliff	Manager Property & Business Development
	Shinead Taylor	Coordinator Council Liaison
	Emily Ford	Council Liaison Officer
	Alannah Totterdell	Media and Communications Advisor

Your Development and Planning Standing Committee Meeting wishes to report having met remotely via Microsoft Teams on Monday 7 December 2020 at 6:00pm.

Declaration of interest: Nil.

Determinations of the Development and Planning Standing Committee Meeting Monday 7 December 2020

Councillor Luke Cubis joined the meeting at 6:04pm.

20DP027 Planning Proposal and draft Heritage Conservation Area Plan for Catherine Hill Bay

Folder No: F2019/00778/05

Report By: Heritage Support Officer - Sherrie-Lee Evans, Senior Strategic Planner -
Gabriele Calcagno

21

Moved. Cr. Buckley

Seconded. Cr. Gilbert

Committee's determination

Council:

- A. requests a Gateway Determination from the Department of Planning, Industry and Environment pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) in relation to the Planning Proposal in Attachment 1,
- B. requests the use of delegations in respect of the Minister for Planning and Public Space's plan making function under section 59 of the *EP&A Act 1979* for the Planning Proposal,
- C. prepares an amendment to the Catherine Hill Bay Heritage Conservation Area Plan (Attachment 2) as part of the Lake Macquarie Development Control Plan 2014,
- D. places the Planning Proposal and draft Catherine Hill Bay Heritage Conservation Area Plan on public exhibition for at least 28 days, subject to the outcome of the Gateway Determination, and
- E. notifies stakeholders and affected landowners of the Gateway Determination and public exhibition period.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion

Cr. Adamthwaite

Cr. Baker

Cr. Langford

Cr. Grigg

Cr. Belcher

Cr. Pauling

Cr. Cubis

Cr. Shultz

Cr. Buckley

Against the Motion

Cr. Gilbert
Cr. Fraser
(carried)

(Carried)

As this concluded the business the
Chairperson terminated the meeting at 6:14pm.
Determinations adopted by resolution of Council,
at its meeting held on 14 December 2020.

..... MAYOR

Mayoral Minutes**Monday 14 December 2020**

20MM008	February and March 2021 Council and Standing Committee meeting arrangements - ongoing COVID-19 response
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File	F2004/06312 - D09935688
Author	Mayor - Kay Fraser

We are all aware of the huge impact COVID-19 has had on our community in 2020. In April, under public health orders, Council was required to hold its Standing Committee and Council meetings virtually, for the first time ever. Councillors and the public adapted very quickly to this new, remote way of conducting business. Since restrictions eased slightly in July, we have been reviewing our meeting arrangements on a monthly basis, to ensure we are considering the most up-to-date health advice for our Councillors, staff and community.

Thankfully, restrictions continue to ease just in time for family and friends in New South Wales to be able to celebrate Christmas together in person. However, until the end of the prescribed period of 26 March 2021 legislation states that councillors may meet their attendance requirements by attending meetings via audio-visual link. The Office of Local Government advised that councillors and council staff may attend council meetings in person but councils must continue to allow participation by audio visual links where it is reasonably practicable to do so.

As this is the last meeting of 2020, I propose that Council authorise the Chief Executive Officer (CEO) to determine the method and/or location of Standing Committee and Council meetings until the end of the prescribed period. The CEO's determination will be based on the most current health advice at the time when meetings are required to be advertised.

Recommendation

Council:

- A. delegates the decision to the CEO to determine the method and/or location of the following meetings:
 - a. 8 February 2021 – Standing Committee
 - b. 22 February 2021 – Ordinary Council
 - c. 8 March 2021 – Standing Committee
 - d. 22 March 2021 – Ordinary Council, and
- B. requests the CEO to make the determination in consultation with the Mayor and Councillors and based on the health advice and public health orders in place at the time meetings are required to be advertised.

Attachments

Nil.



Minutes of the Organisational Services Standing Committee Meeting

Monday 7 December 2020

Held remotely via Microsoft Teams

Present: Her Worship the Mayor, Councillor Kay Fraser, who presided; also Deputy Mayor Councillor Christine Buckley, and Councillors Brian Adamthwaite, Kevin Baker, David Belcher, Luke Cubis, John Gilbert, Colin Grigg, Barney Langford, Jason Pauling and Adam Shultz.

Apologies: Councillors Wendy Harrison and Nick Jones.

Officers:	Morven Cameron	Chief Executive Officer
	Tony Farrell	Deputy Chief Executive Officer
	David Hughes	Director Built and Natural Assets
	Glenn Bunny	Head of Development and Planning
	Elizabeth Lambert	Manager Development Assessment & Certification
	Andrew Bryant	Manager Community Partnerships
	Tim Browne	Manager Environmental Systems
	Wes Hain	Manager Integrated Planning
	Brendan Callander	Manager Asset Management
	David Antcliff	Manager Property & Business Development
	Shinead Taylor	Coordinator Council Liaison
	Emily Ford	Council Liaison Officer
	Alannah Totterdell	Media and Communications Advisor

Your Organisational Services Standing Committee Meeting wishes to report having met remotely via Microsoft Teams on Monday 7 December 2020 at 6:14pm.

Declaration of interest: Nil.

Recommendations of the Organisational Services Standing Committee Meeting

Monday 7 December 2020

200S037 Requests for Donations and Financial Assistance under Section 356 of the Local Government Act 1993

Folder No: F2018/00118/07
Report By: Council Liaison Officer - Emily Ford

Committee's recommendation

Moved. Cr. Grigg
Seconded. Cr. Gilbert

A. Council approves donations of:

- i) \$2000 to 1st Byattunga Scout Group for purchase of laptops and tablets,
- ii) \$2000 to 1st Edgeworth Scout Group for security upgrade at the Scout Hall,
- iii) \$2000 to Community Activities Lake Macquarie Inc. (CALM) for its Torque it Up! Program, and

B. Council does not approve the donation of \$225 of Council services to a Dudley resident for an additional green waste service.

For the Motion Against the Motion

Cr. Adamthwaite
Cr. Baker
Cr. Langford
Cr. Grigg
Cr. Belcher
Cr. Pauling
Cr. Cubis
Cr. Shultz
Cr. Buckley
Cr. Gilbert
Cr. Fraser
(carried)

(Carried)

200S038 Booragul - Proposed Concept Plan - Awaba House

Folder No: PM19/0126/10

Report By: Principal Project Officer - Bohdan Laforest

Committee's recommendation

Moved. Cr. Belcher

Seconded. Cr. Grigg

Council:

- A. progresses design and consultation in accordance with option 2 as described in the Assessment of options section of this report,
- B. requests delivery works for option 2 be included in the relevant draft operational plan for final Council endorsement.

For the Motion

Cr. Adamthwaite

Cr. Langford

Cr. Grigg

Cr. Belcher

Cr. Pauling

Cr. Cubis

Cr. Shultz

Cr. Buckley

Cr. Gilbert

Cr. Fraser

(carried)

Against the Motion

Cr. Baker

(Carried)

Moved. Cr. Belcher

Seconded. Cr. Gilbert

That under clause 9.1 of the Code of Meeting Practice, the following items of the Organisational Services Standing Committee – Monday 7 December 2020 be adopted by way of single resolution:

- 200S039 Cardiff - Allen Street - Acquisition of Land for Road purposes
- 200S040 Nords Wharf - Branter Road and Winnie Crescent - Transfer of Crown Roads to Council
- 200S041 Teralba - Railway Street - Transfer of Crown Road to Council

For the Motion

Cr. Adamthwaite

Cr. Baker

Cr. Langford

Cr. Grigg

Cr. Belcher

Cr. Pauling

Cr. Cubis

Against the Motion

Cr. Shultz
Cr. Buckley
Cr. Gilbert
Cr. Fraser
(carried)

(Carried)

200S039 Cardiff - Allen Street - Acquisition of Land for Road purposes

Folder No: F2019/01675
Report By: Statutory Property Officer - Joanne Marshall

Committee's recommendation

Council authorises that the land contained within the old creek bed of Winding Creek at the end of Allen Street, Cardiff, outlined in red on Attachment 1, vests with Council through an application to Land Registry Services under Ad Medium Filum Aquae.

200S040 Nords Wharf - Branter Road and Winnie Crescent - Transfer of Crown Roads to Council

Folder No: F2020/01591
Report By: Statutory Property Officer - Joanne Marshall

Committee's recommendation

Council authorises the transfer of Crown roads, known as Branter Road and Winnie Crescent, Nords Wharf, outlined in red on Attachment 1, to Council for the purpose of public roads, on the basis that such transfers take place at no cost to Council.

200S041 Teralba - Railway Street - Transfer of Crown Road to Council

Folder No: F2020/01553
Report By: Statutory Property Officer - Joanne Marshall

Committee's recommendation

Council authorises the transfer of the Crown road, known as Railway Street, Teralba, outlined in red on Attachment 1, to Council for the purpose of a public road on the basis that such transfer takes place at no cost to Council.

As this concluded the business the
Chairperson terminated the meeting at 6:31pm.

Minutes adopted by resolution of Council,
at its meeting held on 14 December 2020.

..... MAYOR



Minutes of the Built and Natural Assets Standing Committee Meeting

Monday 7 December 2020

Held remotely via Microsoft Teams

Present: Her Worship the Mayor, Councillor Kay Fraser, who presided; also Deputy Mayor Councillor Christine Buckley, and Councillors Brian Adamthwaite, Kevin Baker, David Belcher, Luke Cubis, John Gilbert, Colin Grigg, Barney Langford, Jason Pauling and Adam Shultz.

Apologies: Councillors Wendy Harrison and Nick Jones.

Officers:	Morven Cameron	Chief Executive Officer
	Tony Farrell	Deputy Chief Executive Officer
	David Hughes	Director Built and Natural Assets
	Glenn Bunny	Head of Development and Planning
	Elizabeth Lambert	Manager Development Assessment & Certification
	Andrew Bryant	Manager Community Partnerships
	Tim Browne	Manager Environmental Systems
	Wes Hain	Manager Integrated Planning
	Brendan Callander	Manager Asset Management
	David Antcliff	Manager Property & Business Development
	Shinead Taylor	Coordinator Council Liaison
	Emily Ford	Council Liaison Officer
	Alannah Totterdell	Media and Communications Advisor

Your Built and Natural Assets Standing Committee Meeting wishes to report having met remotely via Microsoft Teams on Monday 7 December 2020 at 6:31pm.

Declaration of interest: Nil.

Recommendations of the Built and Natural Assets Standing Committee Meeting

Monday 7 December 2020

20BNA015 Evaluation of Belmont Baths

Folder No: F2005/01550

Report By: Recreation and Land Planning Coordinator - Stephen Prince

Original recommendation

Council:

- A. receives and notes the information outlined in this report, and
- B. investigates potential future enclosed lakeside bathing areas as part of the Lake Aquatic Strategy.

Original motion

Moved. Cr. Shultz

Seconded. Cr. Baker

Council:

- A. receives and notes the information outlined in this report,
- B. investigates potential future enclosed lakeside bathing areas as part of the Lake Aquatic Strategy, and
- C. receive a comprehensive financial breakdown of the project identifying all major project aspects via memo.

Amendment (1)

Moved. Cr. Adamthwaite

Seconded. Cr. Gilbert

Council:

- A. receives and notes the information outlined in this report on the \$1.9 million project as well as the estimated \$40 000 annual maintenance cost, and
- B. investigates potential future enclosed lakeside bathing areas as part of the Lake Aquatic Strategy.

For the Motion Against the Motion

Cr. Adamthwaite Cr. Baker

Cr. Langford
Cr. Belcher
Cr. Gilbert

Cr. Grigg
Cr. Pauling
Cr. Cubis
Cr. Shultz
Cr. Buckley
Cr. Fraser

(lost)

(Lost)

Committee's recommendation

Moved. Cr. Shultz
Seconded. Cr. Baker

Council:

- A. receives and notes the information outlined in this report,
- B. investigates potential future enclosed lakeside bathing areas as part of the Lake Aquatic Strategy, and
- C. receive a comprehensive financial breakdown of the project identifying all major project aspects via memo.

For the Motion

Cr. Adamthwaite
Cr. Baker
Cr. Langford
Cr. Belcher
Cr. Pauling
Cr. Cubis
Cr. Shultz
Cr. Buckley
Cr. Gilbert
Cr. Fraser
(carried)

Against the Motion

Cr. Grigg

(Carried)

As this concluded the business the
Chairperson terminated the meeting at 7:06pm.
Minutes adopted by resolution of Council,
at its meeting held on 14 December 2020.

..... MAYOR



Minutes of the Service Delivery Standing Committee Meeting

Monday 7 December 2020

Held remotely via Microsoft Teams

Present: Her Worship the Mayor, Councillor Kay Fraser, who presided; also Deputy Mayor Councillor Christine Buckley, and Councillors Brian Adamthwaite, Kevin Baker, David Belcher, Luke Cubis, John Gilbert, Colin Grigg, Barney Langford, Jason Pauling and Adam Shultz.

Apologies: Councillors Wendy Harrison and Nick Jones.

Officers:	Morven Cameron	Chief Executive Officer
	Tony Farrell	Deputy Chief Executive Officer
	David Hughes	Director Built and Natural Assets
	Glenn Bunny	Head of Development and Planning
	Elizabeth Lambert	Manager Development Assessment & Certification
	Andrew Bryant	Manager Community Partnerships
	Tim Browne	Manager Environmental Systems
	Wes Hain	Manager Integrated Planning
	Brendan Callander	Manager Asset Management
	David Antcliff	Manager Property & Business Development
	Shinead Taylor	Coordinator Council Liaison
	Emily Ford	Council Liaison Officer
	Alannah Totterdell	Media and Communications Advisor

Your Service Delivery Standing Committee Meeting wishes to report having met remotely via Microsoft Teams on Monday 7 December 2020 at 7:06pm.

Declaration of interest: Nil.

***Recommendations of the Service Delivery Standing Committee Meeting
Monday 7 December 2020***

20SD010 Adoption of Community Leasing and Licensing Policy

Folder No: F2019/01144

Report By: Property Officer Community Leasing - Anne Hoyer, Coordinator
Community Facilities Management - Jennifer Lojszczyk

Committee's recommendation

Moved. Cr. Belcher

Seconded. Cr. Adamthwaite

Council:

- A. rescinds the Community Services and Facilities Policy (Attachment 1), and
- B. adopts the new Community Leasing and Licensing Policy (Attachment 2).

For the Motion

Against the Motion

Cr. Adamthwaite

Cr. Baker

Cr. Langford

Cr. Grigg

Cr. Belcher

Cr. Pauling

Cr. Cubis

Cr. Shultz

Cr. Buckley

Cr. Gilbert

Cr. Fraser

(carried)

(Carried)

20SD011 Draft Crime Prevention Strategy

Folder No: F2004/08424/22

Report By: Community Planner Youth and Safer Communities - Tony Ellitt

Committee's recommendation

Moved. Cr. Langford

Seconded. Cr. Buckley

Council:

- A. exhibits the draft Crime Prevention Strategy 2021-2024 (Attachment 1) for a minimum of 28 days and accepts public submissions, and
- B. notes staff will prepare a further report outlining the outcomes of the public exhibition of the draft Crime Prevention Strategy 2021-2024.

For the Motion

Cr. Adamthwaite

Cr. Baker

Cr. Langford

Cr. Grigg

Cr. Belcher

Cr. Pauling

Cr. Cubis

Cr. Shultz

Cr. Buckley

Cr. Gilbert

Cr. Fraser

(carried)

Against the Motion

(Carried)

20SD012 Council Operated Closed Circuit Television (CCTV) Policy

Folder No: F2005/02193

Report By: Coordinator Social & Community Planning - Stephen McAlister

Committee's recommendation

Moved. Cr. Langford

Seconded. Cr. Belcher

Council:

- A. rescinds the existing Community Facilities Video Surveillance Policy (Version 1) (Attachment 1), and
- B. adopts the new Council Operated Closed Circuit Television (CCTV) Policy (Attachment 2).

For the Motion

Cr. Adamthwaite

Cr. Langford

Cr. Grigg

Cr. Belcher

Against the Motion

Cr. Baker

Cr. Pauling

Cr. Cubis

Cr. Shultz
Cr. Buckley
Cr. Gilbert
Cr. Fraser
(carried)

(Carried)

Councillor Adam Shultz left the meeting at 7:28pm.
Councillor Adam Shultz returned to the meeting at 7:30pm.

20SD013 **Community Environment Grants - 2020/2021 Round 1 Funding recommendations**

Folder No: F2020/01030/05
Report By: Sustainability Engagement Officer - Bridget Saint

Committee's recommendation

Moved. Cr. Belcher
Seconded. Cr. Grigg

Council funds nine applications for a total of \$28,704 as part of the Community Environment Grants 2020-21 Round 1 program, to applicants and for amounts as detailed in Attachment 1 of the report.

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Adamthwaite	Cr. Baker
Cr. Langford	
Cr. Grigg	
Cr. Belcher	
Cr. Pauling	
Cr. Cubis	
Cr. Shultz	
Cr. Buckley	
Cr. Gilbert	
Cr. Fraser	
(carried)	

(Carried)

As this concluded the business the
Chairperson terminated the meeting at 7:31pm.
Minutes adopted by resolution of Council,
at its meeting held on 14 December 2020.

..... MAYOR



Minutes of the General Business Standing Committee

Monday 7 December 2020

Held remotely via Microsoft Teams

Present: Her Worship the Mayor, Councillor Kay Fraser, Deputy Mayor, Councillor Christine Buckley and Councillors Brian Adamthwaite, Kevin Baker, David Belcher, Luke Cubis, John Gilbert, Colin Grigg, Barney Langford, Jason Pauling and Adam Shultz, and Chief Executive Officer Morven Cameron.

Apologies: Councillors Wendy Harrison and Nick Jones.

Officers:	Tony Farrell	Deputy Chief Executive Officer
	David Hughes	Director Built and Natural Assets
	Glenn Bunny	Head of Development and Planning
	Elizabeth Lambert	Manager Development Assessment & Certification
	Andrew Bryant	Manager Community Partnerships
	Tim Browne	Manager Environmental Systems
	Wes Hain	Manager Integrated Planning
	Brendan Callander	Manager Asset Management
	David Antcliff	Manager Property & Business Development
	Shinead Taylor	Coordinator Council Liaison
	Emily Ford	Council Liaison Officer
	Alannah Totterdell	Media and Communications Advisor

Your General Business Standing Committee wishes to report having met remotely via Microsoft Teams on Monday 7 December 2020 at 7:31pm.

Declaration of interest: Nil.

Recommendations of the General Business Standing Committee Meeting
Monday 7 December 2020

20GB068 Referral of Caves Beach Road to Lake Macquarie Traffic Facilities & Road Safety Committee

Folder No: F2018/01745/03
Report By: Councillor - John Gilbert

Committee's recommendation

Council refer the section of Caves Beach Road, to the south of the Mawson Street intersection, to the Lake Macquarie Traffic Facilities & Road Safety Committee for investigation.

20GB069 Considerations when closing weir at Barnsley

Folder No: F2018/01745/03
Report By: Councillor - Kevin Baker

Committee's recommendation

Councillors receive a memo regarding the conditions Council consider when closing the weir at Barnsley.

20GB070 Briefing request regarding traffic issues on Hillsborough Road

Folder No: F2018/01745/03
Report By: Councillor - Barney Langford

Committee's recommendation

Council staff prepare a briefing for Councillors addressing current and future pressures on Hillsborough Road. The briefing to include;

- A. advice on current traffic problems,
- B. advice on how traffic impacts from potential future developments is being accounted for, and
- C. advice on any planned or recommended mitigation measures.

20GB071 135 Ocean Street, Dudley

Folder No: F2018/01745/03
Report By: Councillor - Colin Grigg

Committee's recommendation

Councillors receive information by way of memo in relation to 135 Ocean Street, Dudley.

20GB072 Update on progress at the Catalina Hangar at Rathmines

Folder No: F2018/01745/03
Report By: Councillor - Colin Grigg

Committee's recommendation

Councillors be advised on the progress of the Catalina Hangar at Rathmines.

20GB073 Update on works at Swansea Jetty

Folder No: F2018/01745/03
Report By: Councillor - Colin Grigg

Committee's recommendation

Councillors be provided with an update on the progress and timing of the works on Swansea Jetty.

20GB074 Heritage signage at Bernie Goodwin Oval

Folder No: F2018/01745/03
Report By: Councillor - David Belcher

Committee's recommendation

Council investigates the installation of interpretive heritage signage to acknowledge the history behind the naming of Bernie Goodwin Oval.

As this concluded the business the
Chairperson terminated the meeting at 7:43pm.
Minutes adopted by resolution of Council,
at its meeting held on 14 December 2020.

..... MAYOR

*Business arising from Public Forum**Special Reports of the Head of Development and Planning**Monday 14 December 2020*

20SP092	Design Review Panel Recruitment
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Key focus area	1. Unique landscape
Objective	1.3 New development and growth complements our unique character and sense of place
File	F2018/00689/10 - D09911575
Author	Chief Development Planner - Amy Regado
Responsible manager	Manager Development Assessment and Certification - Elizabeth Lambert

Executive Summary

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) enables Council to establish a design review panel that provides independent expert advice on applications for design quality of apartment development, such as residential flat buildings.

Council has an existing design review panel which consists of five members. In accordance with SEPP 65, Council is required to review the membership of the panel.

An expression of interest was advertised seeking applications for the next design review panel. Applications have been assessed and the report recommends the appointment of a new design review panel.

Recommendation

Council:

- A. endorses appointment of experts Stacey Brodbeck, Robert Denton, Brian McDonald, Imogen Miller, John O'Grady, Philip Pollard, Kristy Ryan and Trevor Ryan to Council's design review panel for a term of four years, and
- B. appoints Philip Pollard as chair of the design review panel for a term of four years.

Discussion

SEPP 65 aims to improve the design quality of residential apartment development, such as residential flat buildings.

SEPP 65 enables Council to establish a design review panel that provides independent expert advice on applications for residential apartment development relating to architecture, landscape architecture and urban design, with reference to the design quality principles contained in the policy. Design review meetings are conducted monthly, as required.

Advice from the design review panel is a matter to be taken into consideration by an assessing officer during the assessment of a development application or modification application to which the policy applies.

A design review panel must:

- consist of three or more persons, one of whom is to be appointed as chairperson of the panel
- have expertise in architecture, landscape architecture, or urban design
- not include members who are Council employees or Councillors
- hold a minimum term of two years.

A panel should have a mix of expertise in the disciplines referred above.

Lake Macquarie Design Review Panel

The Lake Macquarie Design Review Panel was established following a resolution of Council at its meeting of 12 September 2005 (05OP044).

Council has an existing design review panel which consists of five members.

An expression of interest was advertised on Council's website and through the Planning Institute of Australia (PIA) from 26 October to 6 November 2020 seeking applications for the design review panel. Ten applications were received and all applications have been assessed against the selection criteria outlined in the Apartment Design Guide (ADG) (a complementary guideline to SEPP 65).

It is proposed to appoint the following eight panel members to the next design review panel:

- Stacey Brodbeck - urban and town planner with considerable experience in urban design and landscape architecture.
- Robert Denton - architect with expansive experience in architecture, urban design, and landscape architecture. Robert has been a member of Council's design review panel since 2007.
- Brian McDonald - architect and urban planner with extensive knowledge and experience in these fields. Brian has been a member of Council's design review panel since 2018.
- Imogen Miller - urban planner with experience in urban design.
- John O'Grady - landscape architect and urban planner with substantial experience in architecture, landscape architecture, and urban design. John has been a member of Council's design review panel since 2007.
- Philip Pollard - architect with extensive local knowledge and expertise in architecture, landscape architecture and urban design. Phillip has been a member of Council's design review panel since 2007 and is the chair of the current design review panel. It is recommended Phillip Pollard be reappointed as the chair.

- Kristy Ryan - architect with extensive local knowledge and expertise in urban design and architecture. Kristy has been a member of Council's design review panel since 2018.
- Trevor Ryan - landscape architect with experience in landscape architecture and urban design. Trevor is a former staff member from Lake Macquarie City Council.

The proposed panel comprises a variety of fields of expertise and levels of experience, including existing experienced panel members and new panel members.

The proposed composition of the panel will continue to take advantage of the panel's well-established relationship with Council and the community, whilst providing opportunities for new members to shape the future in achieving quality-built outcomes for residential apartment development in Lake Macquarie.

Panel members will be engaged for each design review panel meeting based upon their field of expertise. Currently, at least four panel members are engaged per meeting. The proposal to appoint eight panel members provides more adaptability and builds in contingency in the event of panel members being unavailable.

The design review panel will have a term of four years from the appointment.

Assessment of options

The report recommends Council endorses the appointment of the applicants specified above for a term of four years.

The report also recommends Council endorses the appointment of Philip Pollard as chair of the design review panel for a term of four years.

This is recommended as the proposed panel composition provides Council with a breadth of experience and knowledge across the required fields of expertise.

Alternatively, Councillors may defer the appointment of the panel members to consider alternate panel members. This option is not recommended as it will delay the appointment of the new panel.

Community engagement and internal consultation

An expression of interest was advertised on Council's website and through the Planning Institute of Australia (PIA) from 26 October to 6 November 2020 seeking applications for the next design review panel. Ten applications were received.

All applications were reviewed and assessed against the selection criteria outlined in the Apartment Design Guide (ADG) (a complementary guideline to SEPP 65) by Council's Chief Development Planner, Acting Manager Development Assessment and Certification, and Senior Administration Officer.

Key considerations

Economic impacts	Appointment of the new design review panel will continue to encourage high quality residential apartment development outcomes in the City, which contributes to our economy through increased housing supply and employment opportunities.
Environment	None.

Community	Appointment of the new design review panel will enable the continuation of this service for our development community.
Civic leadership	Appointment of the new design review panel will assist Council to implement planning controls and consider the merits of residential apartment development.
Financial	<p>Council charges a fee for review of residential apartment applications by the design review panel in accordance with Council's Fees and Charges.</p> <p>Design review panel members are remunerated for preparation and attendance at each design review panel meeting.</p> <p>Council provides administrative support for design review panel meetings.</p>
Infrastructure	None.
Risk and insurance	None.

Legislative and policy considerations

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

Apartment Design Guide

Attachments

Nil.

20SP093	Dwelling house - alterations and additions - 186 Tobins Road, Mandalong
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Key focus area	1. Unique landscape
Objective	1.3 New development and growth complements our unique character and sense of place
File	DA/1148/2020 - D09890330
Author	Building Surveyor - Jim Suters
Responsible manager	Manager Development Assessment and Certification - Elizabeth Lambert

Address	186 Tobins Road, Mandalong
Owner	Mr Jaan Sanaam Jerabek and Ms Gina Burn
Applicant	Cherry Building Company Pty Ltd

Executive summary

Council has received a development application which seeks to construct modest alterations and additions at the rear of an existing dwelling at 186 Tobins Road, Mandalong. A minor extension is proposed to the existing roof line that already exceeds the permissible height limit. This comprises a 3.22m or 58.5 per cent variation to the maximum building height development standard of 5.5m and as such, is required to be reported to Council for determination.

Planning Circular PS18-003 issued by the NSW Department of Planning, Industry and Environment identifies elected Council as the determining authority for development applications where a variation to a numerical standard is greater than 10 per cent. A detailed assessment of the application has been undertaken with the proposal deemed to meet the objectives of the *Lake Macquarie Local Environmental Plan (LMLEP) 2014* and the *Environmental Planning and Assessment Act 1979*.

The development application is considered acceptable on merit and is therefore recommended for approval, subject to conditions.

Recommendation

Council:

- A. endorses the development standard variation under clause 4.6 of the *Lake Macquarie Local Environmental Plan 2014*, providing a maximum height of 8.722m, exceeding the 5.5m development standard by 3.22m or 58.5 per cent, and
- B. approves development application DA/1148/2020 for alterations and additions at 186 Tobins Road, Mandalong, subject to conditions of consent.

Discussion

The proposed works include modest alterations and additions at the rear of an existing dwelling including a new alfresco area, sub floor and extension of a games room. Dwelling consent was granted in 1994 (DA/51/1994). A detached ancillary shed was approved in 2005 which has since been constructed.

The proposed alterations and additions are located on a 10.57 hectare site known as 186 Tobins Road, Mandalong, shown in Figures 1 and 2. The existing improvements, and those proposed under this application, are compatible with the surrounding context.

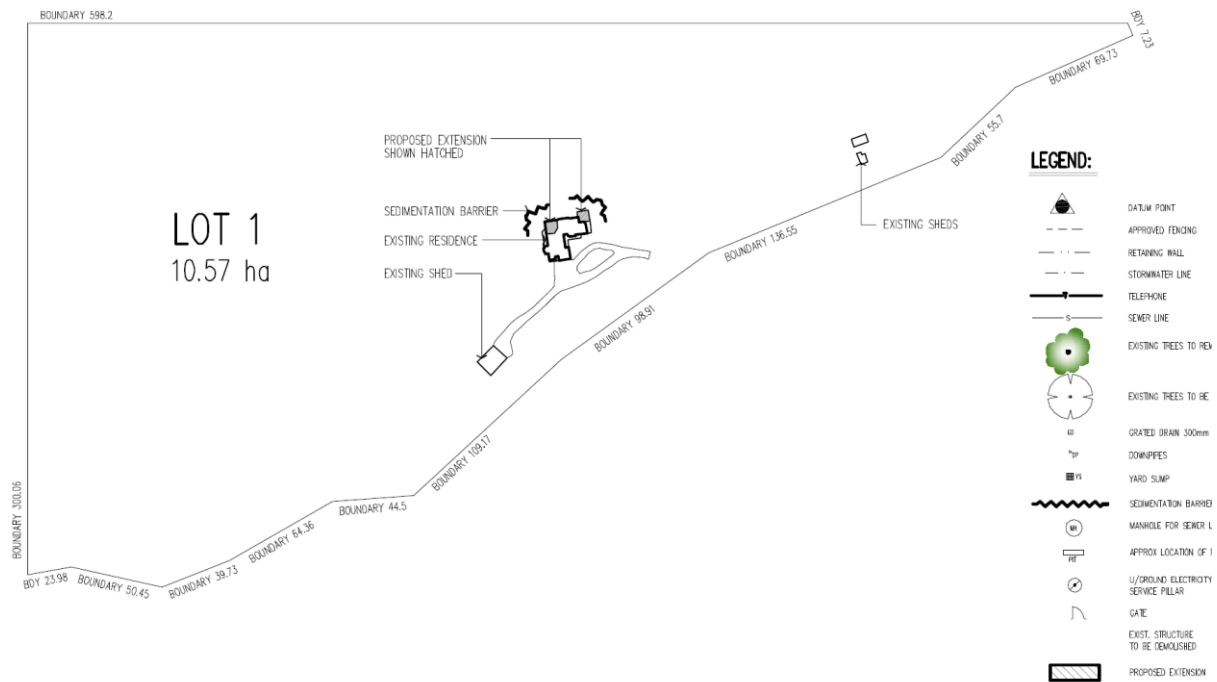


Figure 1 - Site plan



Figure 2 - Site context

The land has a split zoning of E2 Environmental Conservation and E3 Environmental Management under the *LMLEP 2014*. The proposed works are contained wholly on the E3 portion of the site.

Proposal

It is proposed to construct two separate additions to the existing dwelling. It is proposed to continue the roof pitch and height of the existing dwelling's ridge line for a very short length, (less than 2m), before sharply receding, following the established geometry of the roof. The proposal seeks to vary the maximum permissible height of 5.5m to 8.722m at its highest point. This is a continuation of the existing roof height which already exceeds the permissible height limit.

The second modest addition follows a similar principle, with a series of smaller roofs, articulated to breakdown overall roof form. Figure 3 provides details of the relevant elevation and section of the development proposal.

The proposed roof forms are of good design, sympathetic to the existing geometry and without adverse impact on surrounding amenity.

Height of buildings

Clause 4.3 of the *LMLEP 2014* provides a maximum building height for this site of 5.5m. The development proposes an overall height of 8.722m, a 58.5 per cent variation.

A submission under clause 4.6 of the *LMLEP 2014* has been submitted requesting a variation to the maximum height.

The written submission provides the following justification as to why the development standard is unreasonable or unnecessary:

- The development displays high quality architectural design consistent with existing built form. It will not generate any adverse impacts in relation to scenic values, result in any loss of views or generate any overshadowing or overlooking concerns.
- The objectives of the zone and development standard are achieved despite the building height variation.
- The development is not contrary to the public interest.

The application demonstrates strict adherence to the development standard in the circumstance of this case is unreasonable and unnecessary. The development is consistent with the underlying purpose of the standards and there are sufficient environmental planning grounds to justify contravening the development standard.

Given no adverse impacts from the height exceedance or any other aspects, the variation is worthy of support.

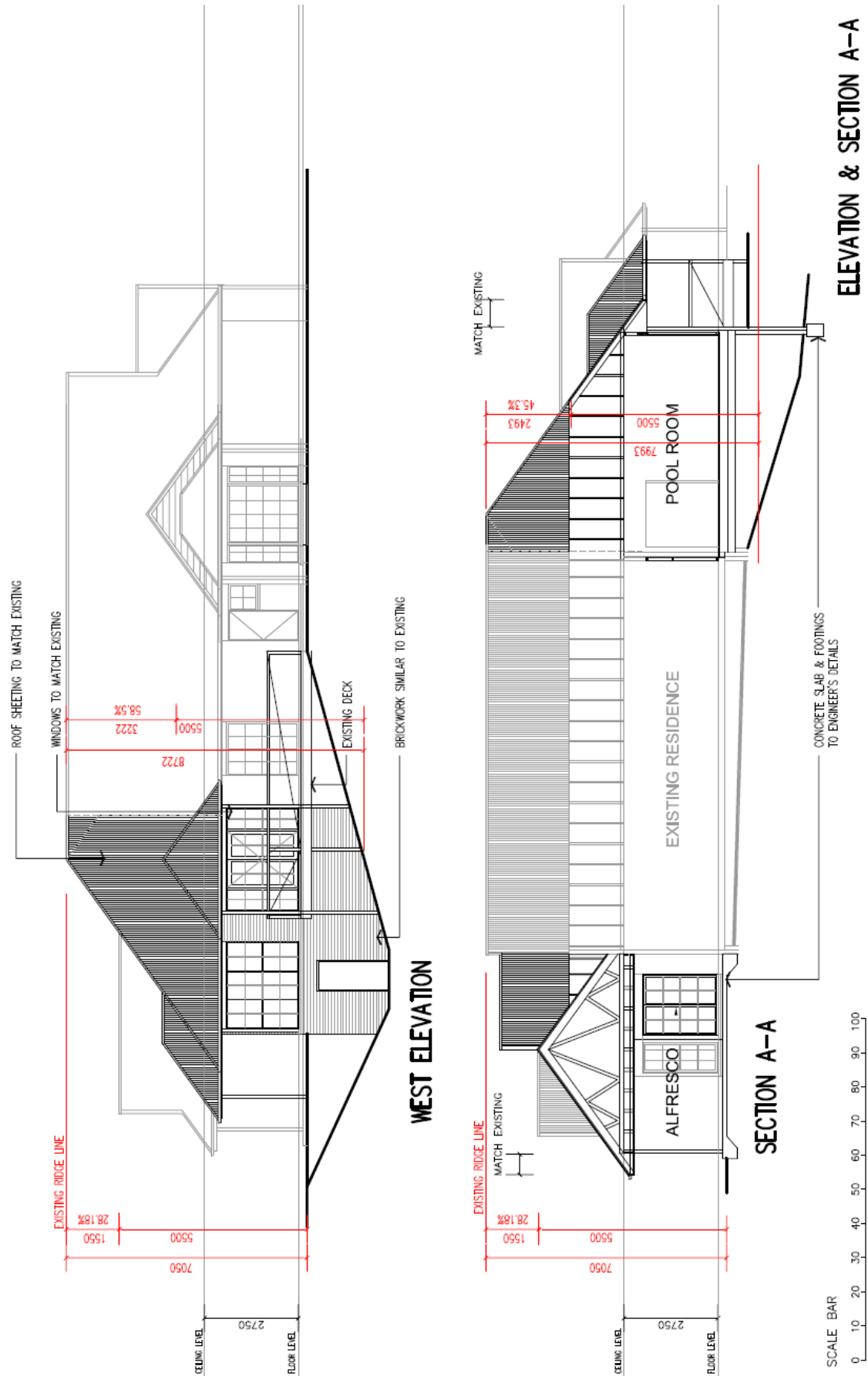


Figure 3 - West elevation and building section

Assessment of options

This report recommends Council approves development application DA/1148/2020 for alterations and additions to the dwelling house, subject to conditions. This is recommended as the land meets the minimum lot size, is consistent with the objectives of the E3 Environmental Management zone, and will have no significant impacts on the amenity of neighbours as a result of the height variation or any other aspect of the development.

Should Council determine to refuse the development application, the reasons for refusal should be noted in the motion for refusal. Alternatively, Councillors may determine to refer the development application to the assessing officer to address specific issues identified.

Community engagement and internal consultation

The development application has not been notified. The Lake Macquarie Community Participation Plan allows Council to dispense with notification where it 'is of the opinion that the development is of a minor nature that will not adversely affect the amenity of adjoining land or the locality'. As the dwelling is located 283m and 112m from the side boundaries and 43m from the street and the nearest dwelling is located 300m from the proposed works, this provision is applicable in this circumstance.

Key considerations

Economic impacts	None.
Environment	<p>The application has been assessed in detail and deemed satisfactory under the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>The proposed increase in building footprint is minor and located within a previously cleared portion of the site. No tree removal is required.</p> <p>The development is considered acceptable with regard to environmental impacts.</p>
Community	Development is of a minor nature and will not adversely affect the amenity of adjoining land or the locality.
Civic-leadership	Civic leadership is shown through Council's ability to implement planning controls having undertaken a merit-based assessment of the proposal.
Financial	None.
Infrastructure	None.
Risk and insurance	The recommendation of Council officers presents low risk to Council as it has been subject to detailed consideration by Council officers.

Legislative and policy considerations

Environmental Planning and Assessment Act 1979

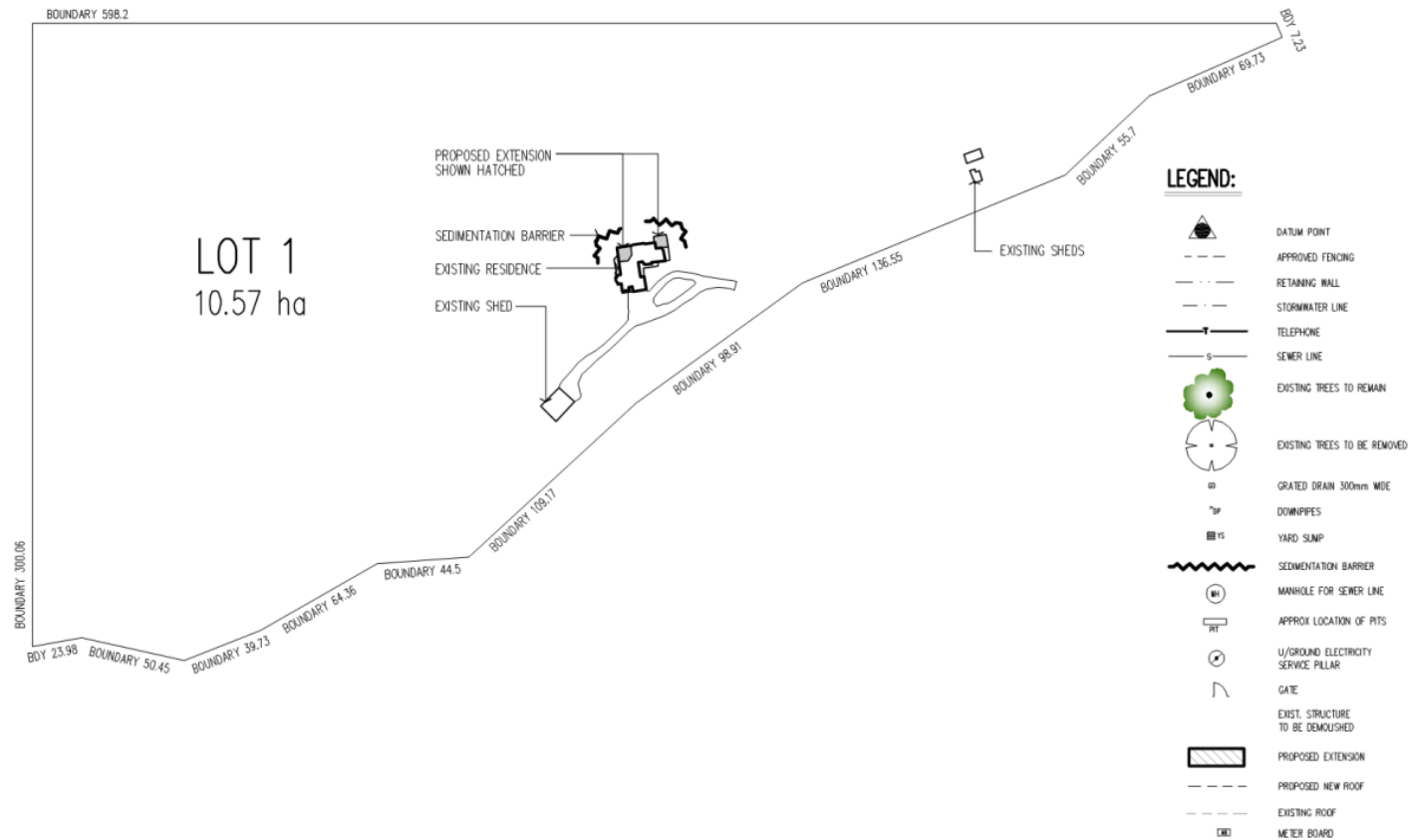
Environmental Planning and Assessment Regulation 2000

Lake Macquarie Local Environmental Plan 2014

Lake Macquarie Development Control Plan 2014

Attachments

- | | | |
|----|---|-----------|
| 1. | Plans - DA/1148/2020 - 186 Tobins Road, MANDALONG | D09917491 |
| 2. | Clause 4.6 Variation Report - DA/1148/2020 - 186 Tobins Road, MANDALONG | D09931524 |



SCALE BAR

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**CHERRY BUILDING CO**

187 Matthews Valley Road
 COORANBONG NSW 2265
 M: 0412 686 552
 T: 02 4977 2657
 F: 02 4977 2658
 E: paul@cherrybuilding.com.au
 Builder's Licence No. 111892C

08.07.20
DATEA
REV.DA COUNCIL SUBMISSION
DESCRIPTION

DRAWN BAC

APPROVED

DATE JULY 2020

SCALE 1:2000

PROPOSED ALTERATIONS & ADDITIONS

FOR: P & K Sayer

AT: Lot 1 No 186 Tobins Road

Mandalong NSW 2264 DP 840145

JOB N°

20-054

SHEET

1 OF 6

SITE PLAN



NORTH ELEVATION



EAST ELEVATION

SCALE BAR

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**CHERRY BUILDING CO**

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25.09.20 B
 30.07.20 A
 DATE REV.

ADDITIONAL ROOF HEIGHTS ADDED
 DA COUNCIL SUBMISSION
 DESCRIPTION

DRAWN BAC
 APPROVED
 DATE JULY 2020
 SCALE 1:100

PROPOSED ALTERATIONS & ADDITIONS

FOR: P & K Sayer

AT: Lot 1 No 186 Tobins Road

Mandalong NSW 2264 DP 840145

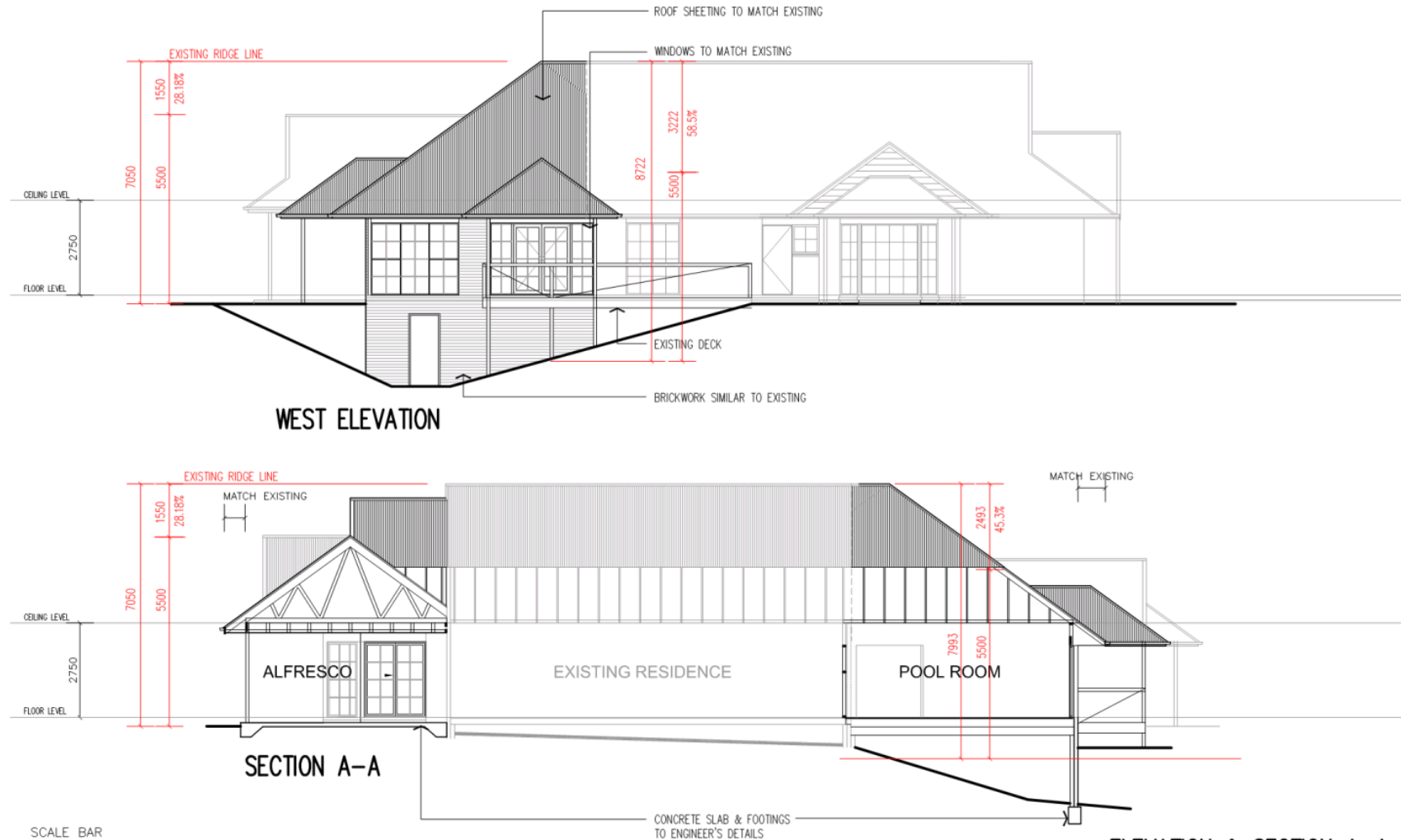
JOB N°

20-054

SHEET

3 OF 6

ELEVATIONS



SCALE BAR

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APPROVED
DATE JULY 2020
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PROPOSED ALTERATIONS & ADDITIONS

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Mandalong NSW 2264 DP 840145

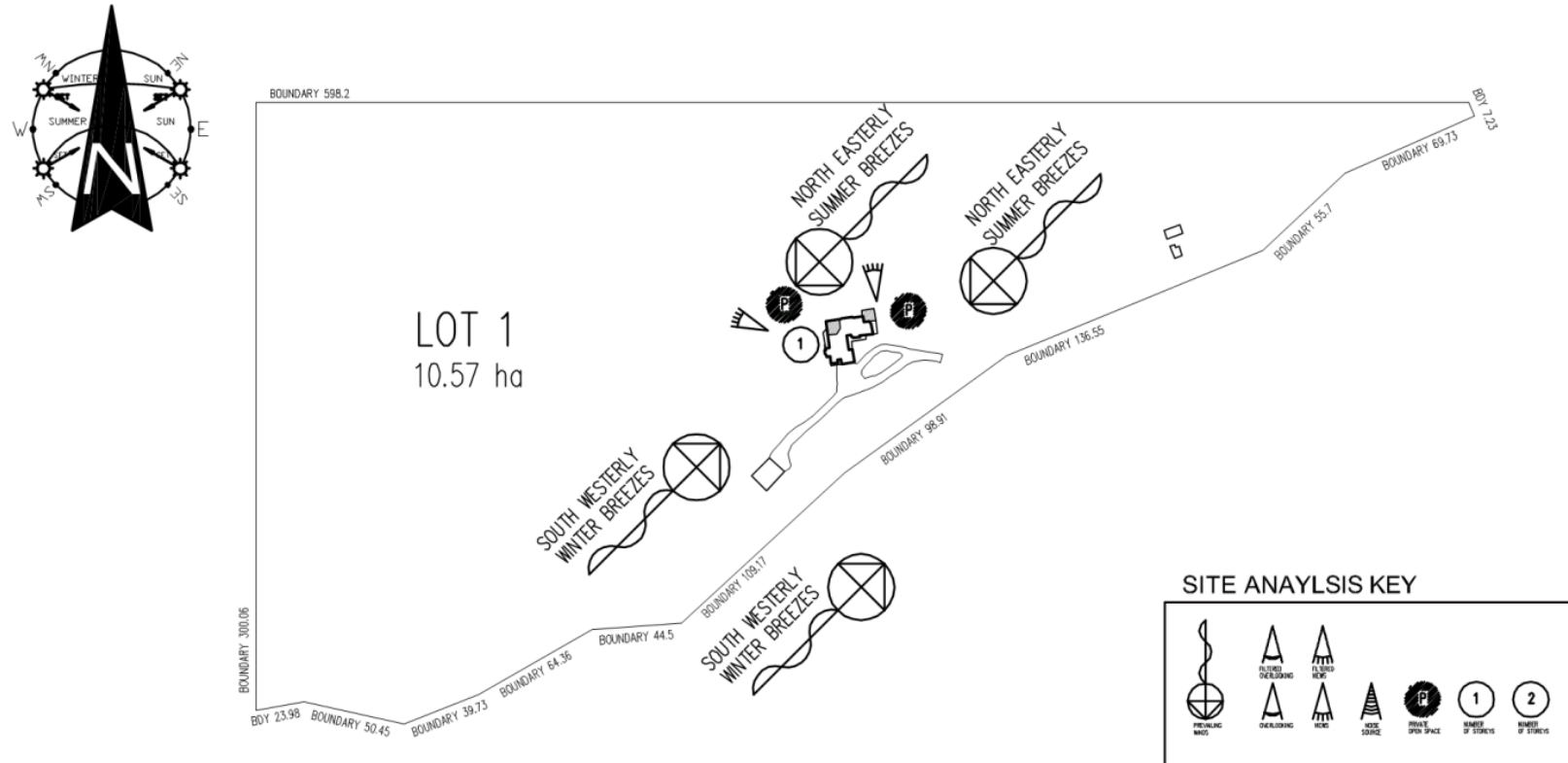
JOB N°

20-054

SHEET


4 OF 6

ELEVATION & SECTION A-A



SCALE BAR
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SITE ANALYSIS PLAN

 CHERRY BUILDING CO 187 Matthews Valley Road COORANBONG NSW 2265 M: 0412 686 562 T: 02 4977 2657 F: 02 4977 2658 E: paul@cherrybuilding.com.au Builder's Licence No. 111892C	08.07.20 DATE	A REV.	DA COUNCIL SUBMISSION DESCRIPTION	DRAWN BAC	PROPOSED ALTERATIONS & ADDITIONS FOR: P & K Sayer AT: Lot 1 No 186 Tobins Road Mandalong NSW 2264 DP 840145	JOB NO 20-054
				APPROVED		SHEET
				DATE JULY 2020		5 OF 6
				SCALE 1:2000		

GUIDELINES

Appendix 3: Application Form to vary a development standard

Written application providing grounds for variation to development standards

To be submitted together with the development application (refer to EP&A Regulation 2000 Schedule 1 Forms).

1. What is the name of the environmental planning instrument that applies to the land?

LEP 14

2. What is the zoning of the land?

E2 & E3 (dwelling is entirely within E3).

3. What are the objectives of the zone?

• To protect, manage + restore areas with special ecological, scientific, cultural or aesthetic values. • To provide for a limited range of development that does not have an adverse effect on those values. • To protect, manage + enhance corridors to facilitate species movement, dispersal + interchange of genetic material. • To protect water quality, land surface conditions + important ecosystems.

4. What is the development standard being varied? e.g. FSR, height, lot size

Roof height above E-5m

5. Under what clause is the development standard listed in the environmental planning instrument?

Clause 4.3 - Height of buildings.

6. What are the objectives of the development standard?

a) to ensure the height of buildings are appropriate for their location,
b) to permit building heights that encourage high quality urban form.

7. What is the numeric value of the development standard in the environmental planning instrument?

5.5m max building height

8. What is proposed numeric value of the development standard in your development application?

It varies - 5.546m, 7.050m & 8.722m high.

9. What is the percentage variation (between your proposal and the environmental planning instrument)?

It varies - 0.8% , 28.18% & 58.5%

GUIDELINES

10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The objectives of height + height control complies with the objectives.

11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

Strict compliance of building height would not be in keeping with the aesthetic design of the existing residence.

Note: If more than one development standard is varied, an application will be needed for each variation (eg FSR and height).

12. Is the development standard a performance based control? Give details.

No.

Additional matters to address

As outlined in "Varying Development Standards: A Guide" there are other additional matters that applicants should address when applying to vary a development standard.

13. Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?

As written above.

14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

There are sufficient planning grounds to justify contravening the development standard. The east elevation proposed roof line is only 46mm above the 3.5m max. height. The main proposed roof extension is behind the existing roof & the same ridge height & won't be visible from the street. The nearest neighbour is about 350m away in a bush setting. There is no overshadowing & no overlooking into neighbouring private open space. The proposed alterations & additions are in keeping with the existing residence. Strict compliance in this instance will have a negative outcome for the subject site. Providing flexibility to the height limit in this situation will provide for a positive outcome.

*Special Reports of the Director of Service Delivery**Monday 14 December 2020*

20SP094	Event Funding Program 2020 - 2021 Round Two
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Key focus area	5. Connected communities
Objective	5.2 We are a supportive and inclusive community
File	F2019/00916/04 - D09873821
Author	Events and Festivals Coordinator - Petti McInnes
Responsible manager	Manager Arts, Culture and Tourism - Jacqui Hemsley

Executive Summary

The Event Funding Program Panel met on 10 November 2020 to discuss applications submitted for the Events Funding Program Round Two 2020/2021.

Recommendation

Council funds 28 applications for a total of \$114,479 as part of the Event Funding Program Round Two 2020/21, to applicants and for amounts as detailed in Attachment 1 of this report.

Discussion

Council supports event organisers and community groups to deliver events, festivals, sporting celebrations and conferences across the City, which benefit the community and support the outcomes of Council's Event and Festival Strategy and Action Plan 2019 – 2024.

This funding round is the second and last round for 2020/2021.

Council advertised the opening of the grant application period on 15 October 2020 until 1 November 2020. Thirty (30) applications were received, requesting a total of \$184,169.

Panel members were provided online access to the applications, with the panel meeting held on 10 November 2020. Applications were assessed according to established criteria before making recommendations to Council. The funding application guidelines request all applicants demonstrate if the event is financially viable with or without Council funding.

Of the 30 applications received, 28 are recommended for funding, totalling \$114,479.

Two applications were unsuccessful.

The application from Newcastle Restored Vehicle Club, to host a car display during Lake Mac Big Weekend Super Boats Racing event, was removed from the funding round and deemed more appropriate to be funded as a value adding partnership event, from existing Arts, Culture and Tourism department Super Boat Weekend budget.

The other unsuccessful application from Rafferty's Coastal Run was not recommended for funding as the applicant had increased their successful request in 2019 from \$15,000 to \$20,000 in 2020. This application's budget showed a surplus of \$5000. The organisers will be invited to further discuss their budget requirements and will be encouraged to apply for funding in Round One, 2021/2022 if required.

Assessment of options

It is recommended Council funds 28 applications for a total of \$114,479 as part of the Event Funding Program Round Two 2020/2021, as these events will benefit the community and support the outcomes of Council's Event and Festival Strategy and Action Plan 2019 – 2024.

Community engagement and internal consultation

An open expression of interest for the grant round (via Smartygrants) was promoted through Council's media and social media channels, including Council's 600-plus subscriber e-newsletter – 'Lake Mac Create'. Applicants could seek support from Council officers during the application process via email and phone.

Councillors from the Connected Communities and Creativity Portfolio Committees were invited to review the applications. The Event Funding Program panel members include Councillors Langford, Cubis, Buckley, Jones, Grigg, Belcher and the Mayor Councillor Fraser.

In attendance at the meeting on 10 November 2020 were Councillors Cubis, Langford, Buckley and the Mayor Councillor Fraser.

Council officers were present to answer questions and provide additional information as required.

The funding recommendation in this report was unanimously supported by all members present at the Event Funding Program Panel meeting.

Key considerations

Economic impacts	Supporting events and festivals post COVID-19 is an important economic recovery action for the City. Events and festivals stimulate community spending, which will provide employment and economic stimulus for local food caterers, stallholders and artists. With 59,555 people anticipated to attend the funded events, the potential economic impact of these events totals \$1,488,875 (calculated using the domestic rate per head spend of \$25).
Environment	Each applicant was required to include details on how they would meet Council's environmental requirements. All applications met the environmental expectations.
Community	The applicants recommended for funding have been assessed using criteria that includes demonstrating positive social outcomes that will result from the project, including increasing community participation and opportunities to gather, building stronger community networks and stimulating local economies. In addition, supporting these events is anticipated to have a positive effect on the lives of residents and as such, result in

	improving and supporting the growth and diversity of world-class cultural and artistic activities throughout the City.																
Civic leadership	The funding round has a robust evaluation process which ensures committed funds are distributed fairly in accordance with the funding guidelines and policy.																
Financial	<p>This is the second and final round from the 2020/2021 funding budget. Funding is recommended for 28 applicants to the value \$114,479.</p> <p>After funding Rounds One and Two, a balance of \$4011 remains from a total annual budget of \$240,000. The Event Funding Program Panel agreed to use the balance of funds to assist with costs to implement COVID Safe events, if required.</p> <table> <tr> <td></td><td>2020/2021</td></tr> <tr> <td>Total allocated funding budget 2020/21</td><td>\$240,000</td></tr> <tr> <td>Total allocated funding Round One 2020/21</td><td>-\$156,510</td></tr> <tr> <td>Balance available for Round Two 2020/21</td><td>\$83,490</td></tr> <tr> <td>Returned funds from Round One 2020/21 due to COVID-19 cancellations</td><td>\$35,000</td></tr> <tr> <td>Total budget available for Round Two 2020/21</td><td>\$118,490</td></tr> <tr> <td>Recommended funding amount Round Two 2020/21</td><td>-\$114,479</td></tr> <tr> <td>Remaining allocation available</td><td>\$4011</td></tr> </table>		2020/2021	Total allocated funding budget 2020/21	\$240,000	Total allocated funding Round One 2020/21	-\$156,510	Balance available for Round Two 2020/21	\$83,490	Returned funds from Round One 2020/21 due to COVID-19 cancellations	\$35,000	Total budget available for Round Two 2020/21	\$118,490	Recommended funding amount Round Two 2020/21	-\$114,479	Remaining allocation available	\$4011
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Recommended funding amount Round Two 2020/21	-\$114,479																
Remaining allocation available	\$4011																
Infrastructure	There are no infrastructure and asset implications in supporting these applications outside general licencing use of Council land and existing event equipment.																
Risk and insurance	It is a condition of funding that all successful applicants provide written evidence of public liability insurance to a value of \$20 million and any other insurance cover appropriate for their project. All applicants must submit a COVID Safe plan.																

Attachments

1. Events Funding Assistance program 2020 - 2021 Round Two D09944992
2. Event funding program guidelines 2020 -2021 D09921056

Event Funding Program 2020 - 2021 Round Two

Applications received

Application Number	Applicant	Brief proposal/project summary	Total amount sought	Total amount granted	Community benefits	Additional information (if relevant, including reasons a proposal may have been unsuccessful)
1	Boolaroo Speers Point RSL Sub-Branch	ANZAC Day 2021 Funds will be used for traffic management and road closure costs during ANZAC Day commemorations.	\$2000	\$2000	Building a stronger community	Fund at agreed amount of \$2000 (maximum for ANZAC Day commemorations)
2	Wangi Wangi RSL Sub-Branch	ANZAC Day 2021 Funds will be used for traffic management and road closure costs during ANZAC Day commemorations.	\$5200	\$2000	Building a stronger community	Fund at agreed amount of \$2000 (maximum for ANZAC Day commemorations)
3	Pelican Flat RSL Sub-Branch	ANZAC Day 2021 Funds will be used for traffic management and road closure costs during ANZAC Day commemorations.	\$2000	\$2000	Building a stronger community	Fund at agreed amount of \$2000 (maximum for ANZAC Day commemorations)
4	Lions Club of Valentine Inc	ANZAC Day 2021 Funds will be used for traffic management and road closure costs	\$2000	\$2000	Building a stronger community	Fund at agreed amount of \$2000 (maximum for ANZAC Day commemorations)

Application Number	Applicant	Brief proposal/project summary	Total amount sought	Total amount granted	Community benefits	Additional information (if relevant, including reasons a proposal may have been unsuccessful)
		during ANZAC Day commemorations.				
5	Swansea RSL Sub-Branch	ANZAC Day 2021 Funds will be used for traffic management and road closure costs during ANZAC Day commemorations.	\$2000	\$2000	Building a stronger community	Fund at agreed amount of \$2000 (maximum for ANZAC Day commemorations)
6	South Lake Macquarie RSL Sub- Branch	ANZAC Day 2021 Funds will be used for traffic management and road closure costs during ANZAC Day commemorations.	\$2400	\$2000	Building a stronger community	Fund at agreed amount of \$2000 (maximum for ANZAC Day commemorations)
7	Belmont RSL Sub-Branch	ANZAC Day 2021 Funds will be used for traffic management and road closure costs during ANZAC Day commemorations.	\$2000	\$2000	Building a stronger community	Fund at agreed amount of \$2000 (maximum for ANZAC Day commemorations)
8	Sugarvalley Neighbourhood Centre Inc.	ANZAC Day 2021 Funds will be used for traffic management and road closure costs	\$2000	\$2000	Building a stronger community	Fund at agreed amount of \$2000 (maximum for ANZAC Day commemorations)

Application Number	Applicant	Brief proposal/project summary	Total amount sought	Total amount granted	Community benefits	Additional information (if relevant, including reasons a proposal may have been unsuccessful)
		during ANZAC Day commemorations.				
9	Toronto RSL Sub-Branch	ANZAC Day 2021 Funds will be used for traffic management and road closure costs during ANZAC Day commemorations.	\$2000	\$2000	Building a stronger community	Fund at agreed amount of \$2000 (maximum for ANZAC Day commemorations)
10	Dudley War Memorial Land Manager	ANZAC Day 2021 Funds will be used for traffic management and road closure costs during ANZAC Day commemorations.	\$4700	\$2000	Building a stronger community	Fund at agreed amount of \$2000 (maximum for ANZAC Day commemorations)
11	Cardiff RSL Sub-Branch	ANZAC Day 2021 Funds will be used for traffic management and road closure costs during ANZAC Day commemorations.	\$4289.96	\$2000	Building a stronger community	Fund at agreed amount of \$2000 (maximum for ANZAC Day commemorations)
12	Cardiff Northlakes Brass Band Inc.	CNL Brass in Concert Funds will be used for printing programs and advertising.	\$620	\$620	Building a stronger community	Panel agreed to fund the full amount as requested

Application Number	Applicant	Brief proposal/project summary	Total amount sought	Total amount granted	Community benefits	Additional information (if relevant, including reasons a proposal may have been unsuccessful)
13	Speers Point Amateur Sailing Club Inc.	Tasar 2021 NSW State Titles Funds will be used for a support boat and water safety items.	\$2000	\$2000	Stimulate local economy	Panel agreed to fund the full amount as requested
14	Toronto Tigers Baseball Club	Toronto Tigers Masters Funds will be used for amenity hire and to purchase caps.	\$2000	\$800	Increase community participation	Panel agreed to fund at reduced amount due to Event profitability.
15	Kahibah Bus. and Community Alliance	Kahibah Village Celebration Funds will be used for printing and equipment hire.	\$1500	\$1500	Increase community participation	Panel agreed to fund the full amount as requested
16	Hunter Academy of Sport	NSW Regional Academy Games 2021 The Academy Games is a youth led pre-elite athletes' competition. Funds will be used for COVID-19 safety signage and resources.	\$2500	\$1500	Stimulate local economy	Panel agreed to support at a lesser amount as this funding is to implement COVID -19 safety measures, and is in addition to funding received in Round One

Application Number	Applicant	Brief proposal/project summary	Total amount sought	Total amount granted	Community benefits	Additional information (if relevant, including reasons a proposal may have been unsuccessful)
17	Australian Fife Canary Club of NSW Inc.	Annual Canary & Caged Bird Exhibition Funds will be used for printing costs.	\$720	\$720	Increase community participation	Panel agreed to fund the full amount as requested
18	NSW Rogaining Association	Lake Macquarie Rogaine Funds will be used for printing maps.	\$2000	\$2000	Increase community participation	Panel agreed to fund the full amount as requested
19	Rotary Club of Warners Bay	Lake Mac Autumn Fayre Funds will be used for printing promotional material and event infrastructure hire.	\$10,000	\$5000	Increase community participation	Panel agreed to fund at a lesser amount inline with previous funded events of this scale
20	Newcastle Pride Inc (trading as Lake Macquarie Pride)	Ride with Pride and Pride by Night Street Eats Funds will be used for promotional materials; event infrastructure hire costs and COVID-19 safety signage and equipment.	\$7000	\$7000	Increase community participation	Panel agreed to fund the full amount as requested

Application Number	Applicant	Brief proposal/project summary	Total amount sought	Total amount granted	Community benefits	Additional information (if relevant, including reasons a proposal may have been unsuccessful)
21	Northern NSW Sabot Sailing Association Inc	58th Sabot Sailing National Titles 2021-2022 Funds will be used for promotional materials, with Lake Macquarie City Council listed as a major sponsor.	\$9000	\$7500	Stimulate local economy	Panel requested more information. Information was received and panel agreed to fund at \$7500.
22	Opera Hunter	Young Frankenstein the Musical Funds will be used for printing, orchestra fees and venue hire.	\$10,839.30	\$10,839	Increase community participation and support the creative industries	Panel agreed to fund the full amount as requested
23	MG Car Club Newcastle Inc	MG Car Clubs of Australia National Meeting "MG's by the Lake" Funds will be used for barriers and fencing, traffic management plan creation and implementation.	\$7500	\$5000	Stimulate local economy	Panel agreed to fund at a reduced amount

Application Number	Applicant	Brief proposal/project summary	Total amount sought	Total amount granted	Community benefits	Additional information (if relevant, including reasons a proposal may have been unsuccessful)
24	Warners Bay Business Network	Lake Macquarie Spring Fair This is a new festival for 2021. Funds will be used for event infrastructure including staging, entertainment and advertising.	\$20,000	\$20,000	Stimulate local economy	Panel agreed to fund the full amount as requested
25	NSW Impulse Sailing Association Inc.	2021 NSW States + 2021 Impulse Nationals Funds will be used for promotional materials of T-shirts, banners and event infrastructure.	\$7500	\$7500	Stimulate local economy	Panel agreed to fund the full amount as requested
26	Tangerine Events	Lake Macquarie Food & Wine Festival Funds will be used for traffic management plans, road side advertising boards and entertainment.	\$20,000	\$12,500	Stimulate local economy	Panel agreed to fund at a lesser amount due to budget queries
27	Intensive Events	Lunar Electric This event is an electronic dance music festival aimed at the 18	\$20,000	\$5000	Stimulate local economy and	Panel requested more information. Information was received and panel agreed to fund at \$5000

Application Number	Applicant	Brief proposal/project summary	Total amount sought	Total amount granted	Community benefits	Additional information (if relevant, including reasons a proposal may have been unsuccessful)
		– 30-year-old demographic. Funds will be used for promotion and marketing, and for COVID-19 safety signage and infrastructure.			support a youth event	
28	Swansea Belmont Surf Life Saving Club	Swansea Belmont Hit Out Series This event is a Surf Life Saving swim and surf board challenge, inviting clubs from Sydney and the Central Coast to participate. Funds will be used for promotional material and to pay a DJ on the beach.	\$3000	\$3000	Increase community participation	Panel agreed to fund the full amount as requested
29	Newcastle Restored Vehicle Club	Lake Mac Big Weekend No funds allocated.	\$2400	\$0		Removed from the funding round and deemed more appropriate to be funded as a value adding partnership event from existing ACT budget for Lake Mac Big Weekend Super Boats Racing 2021

Application Number	Applicant	Brief proposal/project summary	Total amount sought	Total amount granted	Community benefits	Additional information (if relevant, including reasons a proposal may have been unsuccessful)
30	Maximum Adventure	Raffertys Coastal Run No funds allocated.	\$20,000	\$0		Not supported. The applicant has been previously funded in 2019 at \$15,000 and have increased their request to \$20,000 in this Round Two 2020, while the applicants budget shows a surplus of \$5000. The organisers will be invited to further discuss their budget requirements and will be encouraged to apply for funding in Round One 2021/2022 if required.
			TOTAL	\$114,479		



EVENT FUNDING

Event funding program guidelines

Lake Macquarie City Council is committed to supporting event organisers and community groups to deliver events and activities across the City that benefit the community and support the outcomes of Council's Event and Festival Strategy and Action Plan 2019-2024.

The Event Funding Program has three funding categories with applications accepted twice a year.

Community events

Community funding recognises the vital contribution that not-for-profit organisations and groups play in the development of a strong and resilient community. Community events should make a positive and ongoing contribution to the community. This funding is provided to assist event organisers to develop new events or improve existing ones while working towards event sustainability.

Local events and celebrations

Local events, activities and celebrations, staged for local audiences, can be funded to support small businesses and increase community participation. These may be one-off activities or new events for the community, sporting or recreation clubs that celebrate a location or themes that are relevant to the local population.

Sponsored events and festivals

Sponsorship funding is provided for high profile events and festivals, in recognition of the economic benefit and vibrancy they bring to Lake Macquarie City. Events and festivals in this category will attract visitation to the City, from outside the region, and encourage residents to participate in major cultural, sporting and recreational activities.

Funding limits

FUNDING PROGRAM	MAXIMUM FUNDING AMOUNT
Community events	Up to \$10,000
Local events and celebrations	Up to \$2,000
Sponsored events and festivals	Up to \$20,000

Objectives

The program aims to fund meaningful, creative and high-quality events for our community and visitors.

FUNDING IS PRIORITISED FOR EVENTS AND FESTIVALS THAT:

- Celebrate community and Lake Macquarie's unique culture and identity
- Assist in building a diverse and economically strong communities
- Are attractive to visitors
- Are engaging, surprising and entertaining

Funding eligibility

Funding is competitive. Putting together a strong application takes time and energy. Give yourself time to plan, review and gain support for your application before submission.

Use clear, simple language to outline your activity. You should demonstrate how it meets the assessment criteria and how it supports the key themes in Council's **Event and Festival Strategy and Action Plan 2019-2024**.

TO BE ELIGIBLE FOR ALL FUNDING CATEGORIES, THE FOLLOWING CRITERIA MUST BE MET:

1. Conduct the event/activity within Lake Macquarie City.
2. Contribute to one or more of the key themes in Council's Event and Festival Strategy and Action Plan 2019-2024.
3. Demonstrate social, economic and environmental benefits to Lake Macquarie City, as per the assessment criteria.
4. Provide an event budget (income and expenditure) and demonstrate that the event/activity is financially viable with or without Lake Macquarie City funding. (Tip: your budget should be realistic, viable and make good use of the funding)
5. Obtain all regulatory approvals for the event/activity such as an event license.
6. Hold current and relevant Public Liability Insurance to the value of \$20 million.
7. Commence the event/activity between six* and 12 months from the application cut-off date (retrospective funding is not available).
8. Organisations/individuals must have the ability to provide evidence of experience in delivering events.

* Community Events or Local Events may commence between three and 12 months from the application cut-off date.

TO BE ELIGIBLE FOR COMMUNITY EVENT OR LOCAL EVENT FUNDING, THE ABOVE CRITERIA MUST BE MET PLUS THE FOLLOWING:

1. Be a not-for-profit entity or have a not-for-profit entity manage the funding on your behalf.

FUNDING ASSISTANCE WILL NOT BE CONSIDERED FOR THE FOLLOWING:

- capital expenses
- ongoing operational or administrative costs
- individuals
- government agencies
- payment of debt or insurance premiums
- committees of Lake Macquarie City Council
- religious ceremonies
- the core business of educational, religious and medical organisations
- organisational programs
- activities that duplicate existing services
- political parties
- academic research, coursework or fees, or projects seeking financial support for research, studio work or activities that will be submitted for academic assessment

Assessment criteria

- The assessment process is a competitive one. Once submitted, applications will be assessed on merit, against the assessment criteria, eligibility criteria, available funding and other applications.
- The following criteria must be met:
- Alignment with Council's **Event and Festival Strategy and Action Plan 2019-2024**
- The extent to which the event/activity proposes to raise awareness of, or increase the profile of, Lake Macquarie City
- Demonstrate benefits to Lake Macquarie City Council as a sponsor or supporter of the event/activity
- Provide a sound event management plan (if required) and a comprehensive budget, demonstrating financial viability
- Present the size of the marketing audience/reach (international/state/regional/local)
- Demonstrate environmentally sustainable practices
- The degree to which the event/festival increases participation for people of all ages, cultures and means
- Review of the applicant's funding history and compliance

Assessment process

There are two funding rounds each year, which generally open in June and October.

Please visit lakemac.com.au/community/grants-and-funding-assistance for up-to-date application open and close dates.

FUNDING PROGRAM	ROUND ONE APPLICATION OPEN/CLOSE	OUTCOME KNOWN	PROPOSED EVENT DATE**
Community events	1 October-1 November 2020	25 November 2020	January-October 2021
Local events and celebrations	1 October-1 November 2020	25 November 2020	January-October 2021
Sponsored events and festivals	1 October-1 November 2020	25 November 2020	March 2021-December 2022

** Subject to COVID-19 and physical distancing requirements.

You must submit your application online through the SmartyGrants portal at smartygrants.com.au.

As part of the application, you will be required to answer all questions in the application and submit supporting documentation.

Following an eligibility check, applications will be assessed against the assessment criteria and the funding outcome recommended to Council for consideration and endorsement. When assessing applications, Council may contact the event organiser or community group for further information.

If awarded funding, applicants are unable to seek additional support from other Council funding programs for the same event/activity.

SUPPORTING DOCUMENTATION

As part of your application, you will be required to submit the following documentation.

- a copy of the organisation's Certificate of Currency and/or schedule for Public Liability Insurance to the value of \$20 million
- if applicable, evidence of the organisation's legal
- not-for-profit status or auspice letter provided by a
- not-for-profit entity
- for Sponsored events, an event management plan, including marketing activity that demonstrates the benefits to Lake Macquarie City and letters of support and images of past events.

Tip: Support material plays a vital role in how we understand and assess your application. Choose high-quality support material that is concise, current and directly relevant to your application.

Receiving assistance

All applicants will be notified in writing of the outcome of their application, within seven days of Council's decision.

Council may offer a lower funding amount than requested and place conditions or be specific about the items in the budget, it is offering to fund. If Council approves your application for funding, you are responsible for confirming your venue booking, required infrastructure, Workers Compensation for employed staff and liability insurance to hold your event/activity.

Successful applicants must sign and comply with a funding agreement detailing the terms and conditions of the funding, including:

- acknowledgement of Lake Macquarie Council (including but not limited to; logo, website links, verbal or written mention) as a sponsor of the event/activity on all official event, media and advertising material
- use funds for the purpose for which the assistance was awarded, unless written permission for variation has been obtained from Council prior to the activities being undertaken
- obtain all appropriate permits, approvals, and insurance relating to the project

Reporting

All successful applicants will be required to provide an acquittal report within two months of completion of the sponsored event/activity.

The report must include outcomes of the event/activity funded by Lake Macquarie City Council, an income and expenditure summary, examples of promotional material and photos of the event/activity.

Applicants will not be considered for future funding if the report is not completed and returned.

Inspection Reports
Monday 14 December 2020

20SP095	Gateshead - 87 Oakdale Road - Planning Proposal
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Key focus area	4. Diverse economy
Objective	4.2 We have an adaptable and diverse economy
File	RZ/4/2020 - D09932280
Author	Student Landuse Planner - Abigail Hawtin
Responsible manager	Manager Integrated Planning - Wes Hain
Location	87 Oakdale Road, Gateshead
Applicant	Mr D C Crane
Owner	Mr D C Crane
Inspection date and time	3 December 2020 – 5:35pm to 6:00pm
Previous Items:	20DP025 - Planning Proposal - 87 Oakdale Road Gateshead Rezoning - RZ/4/2020 - Development and Planning Standing Committee - 09 Nov 2020 6:30pm

Inspection Committee (Councillors present):

Councillor Kay Fraser (Mayor) and Councillors Christine Buckley (Deputy Mayor), Brian Adamthwaite, Barney Langford, Colin Grigg and Jason Pauling.

Apologies

Councillors Kevin Baker, Nick Jones, Adam Shultz, John Gilbert, David Belcher, Luke Cubis and Wendy Harrison.

Others present

Iain Moore, Principal Strategic Planner

Abigail Hawtin, Student Landuse Planner

Garry Warnes, JW Planning Pty Ltd

Recommendation

Council:

- A. requests a Gateway Determination from the Department of Planning, Industry and Environment, pursuant to the *Environmental Planning and Assessment Act 1979*, in relation to the Planning Proposal in Attachment 1,

- B. requests the use of delegations in respect of the Minister for Planning, Industry and Environment's plan making function under the *Environmental Planning and Assessment Act 1979* for the Planning Proposal,
- C. places the Planning Proposal on exhibition, subject to the outcome of the Gateway Determination, and
- D. notes the mature native trees at 87 Oakdale Road, Gateshead will be appropriately considered during the rezoning and as part of any development application.

Discussion

The inspection was carried out in accordance with the decision of the Development and Planning Standing Committee on 9 November 2020 (in relation to item 20DP025 – Planning Proposal – 87 Oakdale Road Gateshead) to “defer the matter to further investigate site clearing and undertake a site inspection”.

Mayor Fraser opened the meeting at approximately 5.35pm. Councillor Buckley declared a less than significant, non-pecuniary interest in the proposal, advising that interested parties are known to her.

Council staff provided an overview of the planning proposal, highlighting the site has been predominantly cleared since at least 1961, with the site maintained in its current state through routine maintenance to control weeds. The zoning history of the site was presented.

The land owner's representative provided further information on the proposal.

Councillors discussed the condition of the site and its context. Councillors noted a number of established native trees on the site and requested that these be appropriately considered as part of any development application.

Attachments

1. Planning Proposal - 87 Oakdale Road Gateshead D09805978

Planning Proposal – 87 Oakdale Road Gateshead

Lake Macquarie Local Environmental Plan 2014

Pre-Gateway Version

Local Government Area	Lake Macquarie City
Name of Draft LEP:	Lake Macquarie Local Environmental Plan 2014 – 87 Oakdale Road
Subject Land:	87 Oakdale Road Gateshead (Lot 100 DP 717604)
Land Owner:	Mr D C Crane
Applicant:	Lake Macquarie City Council
Council Folder Number:	RZ/4/2020
Maps:	Map 1 – Locality Map 2 – Aerial Photograph Map 3 – Existing Zones Map 4 – Proposed Zones Map 5 – Existing Lot Sizes Map 6 – Proposed Lot Sizes Map 7 – Existing Height of Buildings Map 8 – Proposed Height of Buildings
Date:	August 2020
Prepared by:	Abigail Hawtin – Student Land Use Planner
Attachments:	Nil

Part 1 – Objective of the Planning Proposal

The objective of this planning proposal is to amend the Lake Macquarie Local Environmental Plan (*LMLEP*) 2014 to enable a range of light industrial uses at 87 Oakdale Road Gateshead, compatible with the disturbed condition of the site and surrounding land uses.

Part 2 – Explanation of Provisions

The amendment proposes the following changes to LMLEP 2014:

Land Zoning Map	Amending LMLEP 2014 Land Zoning Map to rezone the entire site at 87 Oakdale Road Gateshead from E3 Environmental Management to IN2 Light Industrial, as shown at Map 4.
Lot Size Map	Amending LMLEP 2014 Lot Size Map in accordance with the proposed Lot Size map, shown at Map 6, which indicates a minimum lot size of 1500m ² onsite.
Height of Buildings Map	Amending LMLEP 2014 Height of Buildings Map in accordance with the proposed height map, shown at Map 8, which indicates a maximum building height of 15m.

Part 3 – Justification for the Provisions

A. NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal is not the result of a strategic study or report. The E3 Environmental Management zone is not considered the most suitable zone for the site given the site is predominantly cleared. This proposal aims to enable a more intensive use on the site in line with the disturbed nature of the site and its location adjacent to an existing industrial precinct (see Figure 1). The proposal will contribute to the supply of employment land in Lake Macquarie.

The subject site was a Deferred Matter site in the *Lake Macquarie Local Environmental Plan (LMLEP) 2004*. The E3 Environmental Management Zone was applied to the site in conversion to the standard instrument *LMLEP 2014*. It is understood the current zoning was applied to the site based on its former agricultural use and its underlying zoning as 7A Environmental Protection (Scenic) under *LMLEP 1984*. At the time the Environmental Protection (Scenic) Zone was applied a major intersection was proposed between Oakdale Road and the now abandoned East Charlestown bypass to the west of the subject site. It is expected the Environmental Protection (Scenic) Zone was applied to protect the scenic amenity of the proposed intersection. The East Charlestown Bypass has since been abandoned and the site is no longer considered a visually sensitive landscape.



Figure 1: Local context map of subject site. Source: Nearmap.

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

Yes. Rezoning the site to IN2 Light Industrial will enable development consistent with the nearby employment precinct. It would not be appropriate to amend the land use table for the E3 Environmental Management Zone or to add an additional permitted use for light industrial development as industrial land uses are not compatible with the zone objectives of the E3 Environmental Management Zone.

RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Hunter Regional Plan

The planning proposal is consistent with the Hunter Regional Plan which identifies productive industries as the second highest employment industry in 2036. The proposal contributes to the supply of industrial lands to support manufacturing, construction, transport and supply chain industries. It is well located with access to transport corridors, customers and existing supply chains. The proposed rezoning is consistent with the following directions:

- *Direction 4: Enhance inter-regional linkages to support economic growth*
- *Direction 24: Protect the economic functions of employment land- locate new employment land so that it does not conflict with surrounding residential uses*

Greater Newcastle Metropolitan Plan

The proposal is consistent with Action 7.1: *Greater Newcastle councils will align local plans to: ensure an adequate supply of employment land including industrial zoned land, to cater for demand of urban services in accessible locations.*

The proposal is adjacent to an extensive area of Crown land which forms part of the Greater Newcastle Green Network. Given the site is predominantly cleared, the change of

zoning is unlikely to impede on the green corridor. The large lot size enables setbacks to buffer the development footprint from the green corridor.

4. Is the planning proposal consistent with the local council's Community Strategic plan or other local strategic plan?

Community Strategic Plan 2017-2027

The Lake Macquarie City Community Strategic Plan 2017-2027 has been developed with the people of Lake Macquarie outlining the vision and values of the community and providing clear strategies to achieve this.

The rezoning is consistent with the vision for a diverse economy. The planning proposal will support a sustainable and diverse economy.

Lake Macquarie Housing Strategy

The Housing strategy aims is to facilitate housing diversity that is well located, and that responds to the changing population, ensuring our housing meets people's needs into the future. A key aspect of the strategy is to facilitate infill housing close to centres with access to transport and services.

The subject site is not strategically located for residential development due to its distance from strategic centres and its proximity to industrial land uses.

5. Will the planning proposal give effect to Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Lake Macquarie Local strategic Planning statement

The site is strategically located for light industrial land uses with access to residential areas, transport connections and other supporting land uses. The rezoning is consistent with economic goals to ensure that well-located employment land is available for future employment growth. The rezoning specifically contributes to *Planning priority 3: a city of prosperity* and associated principles:

- *Closely monitor changes in the local, national, and global economies, and respond appropriately*
- *Facilitate complementary land uses within proximity of health precincts and other industry clusters*
- *Maximise the potential of existing infrastructure and natural assets to encourage investment and economic and employment growth*
- *Provide sufficient land for a range of employment activities, including industrial precincts and larger format business areas in accessible locations outside of economic centres*

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

An assessment has been undertaken to determine the level of consistency the proposal has with relevant State Environmental Planning Policies (SEPPs). The assessment is provided below:

SEPP	Relevance	Comment
SEPP 19 – Bushland in Urban Areas	Aims to prioritise the conservation of bushland in urban areas, and requires consideration of aims in preparing a draft amendment. Council should give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.	Consistent. The proposal will potentially disturb or remove a portion of partially cleared native vegetation to the north and east of the site. However, any impact is likely to be minor as the site is predominantly cleared. Given the demand for light industrial land in the Lake Macquarie it is considered that the economic benefits arising from the proposal outweigh the conservation value of the bushland.
SEPP (Koala Habitat Protection) 2019	Aims to encourage the proper conservation and management of areas of natural vegetation that provide koala habitat.	Consistent. The land is not identified on the Koala Development Application Map and does not have an approved koala plan of management applying to the land. It is unlikely that the proposal will impact on core koala habitat given the minor extent of vegetation on the site.
SEPP (Coastal Management) 2018	This SEPP ensures that development in the NSW coastal zone is appropriate and suitably located to ensure that there is a consistent and strategic approach to coastal planning and management.	Consistent. The site is not located within the coastal zone.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Aims to provide for the proper management and development of land containing mineral, petroleum and extractive material resources.	The proposal is unlikely to impact on mining, petroleum or extractive industries.

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

The following assessment has been undertaken to determine the level of consistency the proposal has with relevant Ministerial Directions.

Ministerial direction	Relevance	Comment
1.1 – Business and Industrial zones	The direction aims to support the growth and retention of existing employment areas in accordance with local and regional strategies.	Consistent. The planning proposal will make a minor increase in area to an existing employment area.
1.3 – Mining, Petroleum and Extractive Industries	The direction requires consultation with the Director-General of the Department of Primary Industries where a draft LEP will restrict extractive resource operations.	Consistent. The proposal is unlikely to impact on mining, petroleum or extractive industries.
2.1 – Environmental Protection Zones	The direction requires that a draft LEP contain provisions to facilitate the protection of environmentally sensitive land.	<p>Inconsistent. The planning proposal would rezone the site from E3 Environmental Management Zone to IN2 Light Industrial Zone which will reduce the environmental protection standards that apply to the land. Whilst this is inconsistent with this direction, the site is largely cleared and the rezoning is considered of minor significance.</p> <p>The E3 Environmental Management Zone was applied to the site during the conversion of <i>LMLEP 2004</i> to <i>LMLEP 2014</i>. It is understood the current zone was applied to the site based on its former agricultural use and its previous zoning as 7(a) Environmental Protection (Scenic) under <i>LMLEP 1984</i>.</p> <p>The 7(a) Environmental Protection (Scenic) Zone was likely applied to the site in an endeavour to protect visual amenity given the proposal for a major intersection between Oakdale Road and the now abandoned east Charlestown bypass. The purpose of the 7(a) Scenic Protection zone consequently fell away upon the state government's abandonment of the east Charlestown bypass</p>

Ministerial direction	Relevance	Comment
		<p>route.</p> <p>The E3 Environmental Management Zone is not considered the most appropriate zone given the site is predominantly cleared and the site has limited ecological significance. Rezoning to IN2 Light Industrial will permit a range of light industrial uses compatible with the adjacent employment lands and the disturbed nature of the site.</p> <p>The Director General's concurrence would be required that the inconsistency is of minor significance.</p>
2.2 - Coastal Management	This direction seeks to give effect to the objects of the Coastal Management Act 2016.	Consistent. The site is not within the Coastal Zone.
2.3 – Heritage Conservation	The direction requires that a draft LEP include provisions to facilitate the protection and conservation of Aboriginal and European heritage items.	Consistent. The site is mapped as a Sensitive Aboriginal Landscape. An Aboriginal Heritage Study will be required if the proposal proceeds following the Gateway determination.
2.6 – Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	Consistent. The site has a moderate risk of contamination. A preliminary contamination investigation is required to ascertain if there are any contamination issues affecting the site.
3.4 – Integrating Land Use and Transport	The direction requires consistency with State policy in terms of positioning of urban land use zones.	Consistent. The site is adjacent to an existing employment area and is located close to the Pacific Highway and Newcastle Inner City Bypass. The site is approximately 1.5km from the nearest bus stop and

Ministerial direction	Relevance	Comment
		approximately 300m from the Fernleigh track which connects to nearby residential areas.
4.2 – Mine Subsidence and Unstable Land	The direction requires consultation with the Subsidence Advisory NSW where a draft LEP is proposed for land within a mine subsidence district.	Consistent. The site is located in Lake Macquarie Mine Subsidence district. Council will consult with Subsidence Advisory NSW if the proposal proceeds.
4.4 – Planning for Bushfire Protection	The direction applies to land that has been identified as bushfire prone, and requires consultation with the NSW Rural Fire Service and consideration of <i>Planning for Bush Fire Protection 2019</i> .	The site is bushfire prone. A bush fire assessment will be required to ensure bushfire risks can be addressed in accordance with <i>Planning for Bush Fire Protection 2019</i> . Consultation with RFS will occur following the Gateway determination.
5.10 – Implementation of Regional Plan	The direction seeks to give effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	Consistent. The proposed rezoning is considered consistent with relevant regional strategies as detailed in section 4 and 5.
6.1 – Approval and Referral Requirements	The direction prevents a draft amendment from requiring concurrence from, or referral to, the Minister or a public authority.	Consistent. The proposal does not require concurrence, consultation or referral of development applications to a Minister or public authority and will not identify development as designated development.
6.2 – Reserving Land for Public Purposes	The direction prevents a draft LEP from altering available land for public use.	Consistent. The proposal does not create, alter or reduce existing zonings or reservation of land for public purposes.

B. 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 site is mostly cleared with the understorey largely consisting of weeds, however there are some trees on the site. The vegetation communities on the site are Kahibah Snappy Gum Forest and Lake Macquarie Spotted Gum Forest, though only a small extent. It is

considered unlikely that the proposal will adversely impact threatened species, populations 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?

Visual Impact

The proposed land use and resulting visual landscape will be consistent with the industrial land uses to the west. An initial assessment against *Council's Scenic Management Guidelines 2013* indicates the site is not located in a visually sensitive landscape and does not have a high or moderate level of visibility. It is considered the visual impact of the proposal is of minor significance. Moreover, the DCP contains relevant controls to ameliorate visual impacts at the development application stage.

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

Site context

The site is nearby to an extensive area of Crown land designated as Deferred Matter. The deferred matter land has an under-lying zone of 6 (d) Open Space (Regional) under the *LMLEP 1984*. The land was exhibited as 10 Investigation (Urban/ Conservation) Zone in the Draft *LMLEP 2001*. Draft versions of *LMLEP 2011* indicate a Zone of E2 Environmental Conservation. The land is constrained by topography, ecology, bushfire and would require significant investigation prior to being developed. Preliminary consultation with Landcom indicates no current intentions to further investigate or develop the land. Notwithstanding, it is considered the proposal is unlikely to impede future development of the Deferred Matter land.

Economic

The proposal is likely to have positive economic effects by contributing to the supply of industrial land in Lake Macquarie. The Hunter Regional Plan identifies productive industries as a key employment industry for the region and light industrial uses depend on efficient supply chains, access to customers, land availability and access to main roads. Council is currently undertaking a review of employment land in the Local Government Area. The preliminary results indicate that approximately 30 hectares of industrial land is undeveloped. Based on current population and employment growth trends, there is an anticipated demand for 320 hectares of industrial zoned land by 2030. As such the results indicate a shortfall of 290 hectares. The proposal will make a minor contribution to this shortfall in a location adjacent to an existing industrial precinct with access to existing supply chains, customers and main roads.

Social

The proposal is likely to have positive social impacts by facilitating additional employment generating land uses on the site.

The site is located opposite an existing private dwelling. The dwelling is situated within the RU6 Transition Zone and is isolated from other residential development. The dwelling is associated with the Mantles Building and Landscape Supplies business operating to the south. Considering the configuration of the subject lot and anticipated APZ requirements, the western portion of the lot is considered more conducive to development than the eastern portion. It is expected the development footprint would occur largely to the west and provide a sufficient buffer between light industrial development on the subject site and the dwelling opposite.

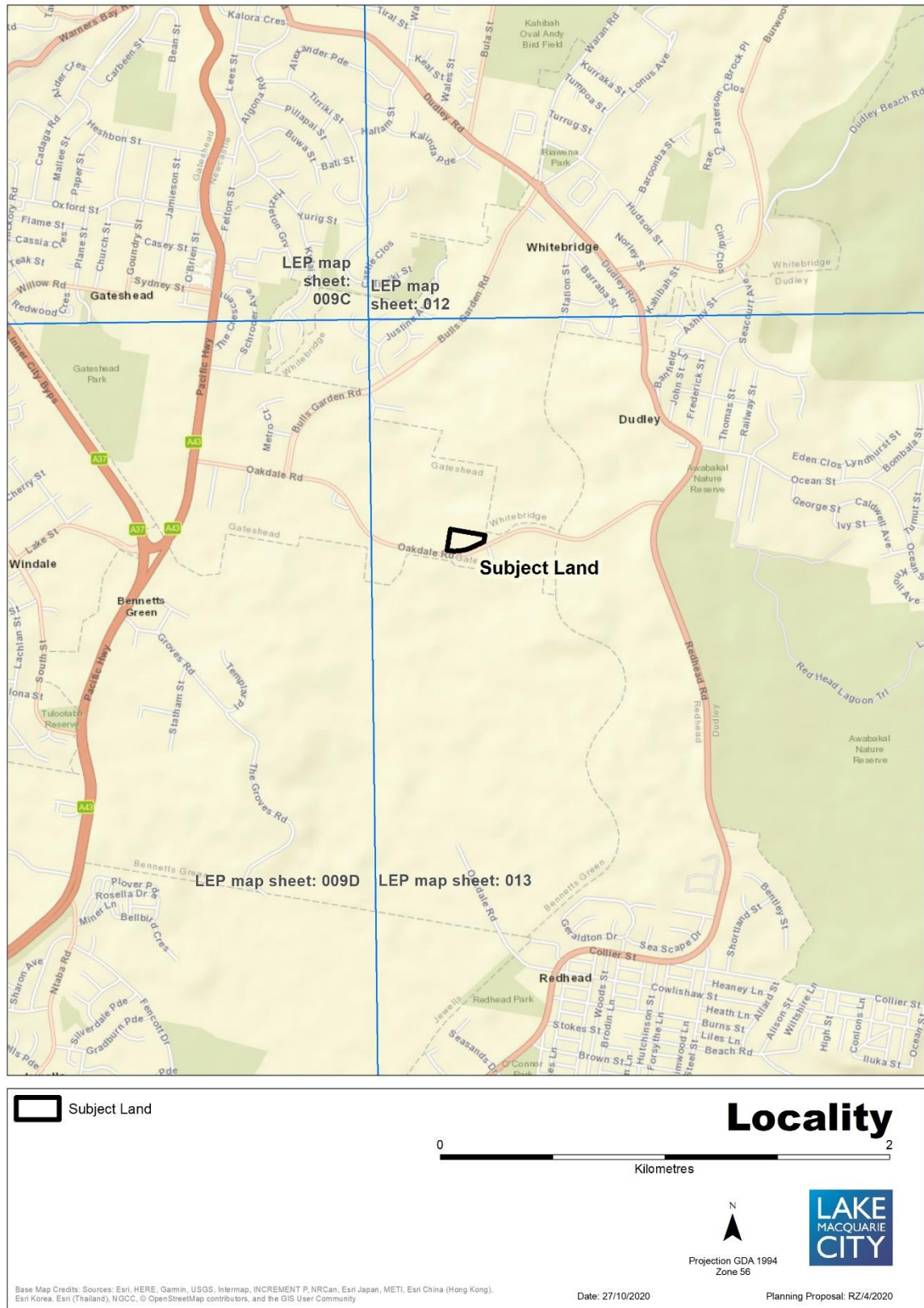
D. STATE AND COMMONWEALTH INTERESTS**11. Is there adequate public infrastructure for the planning proposal?**

Public infrastructure adjoins the site, and the proposal will require minimal extension of existing water, sewer, electricity, drainage and telecommunication services at development stage.

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

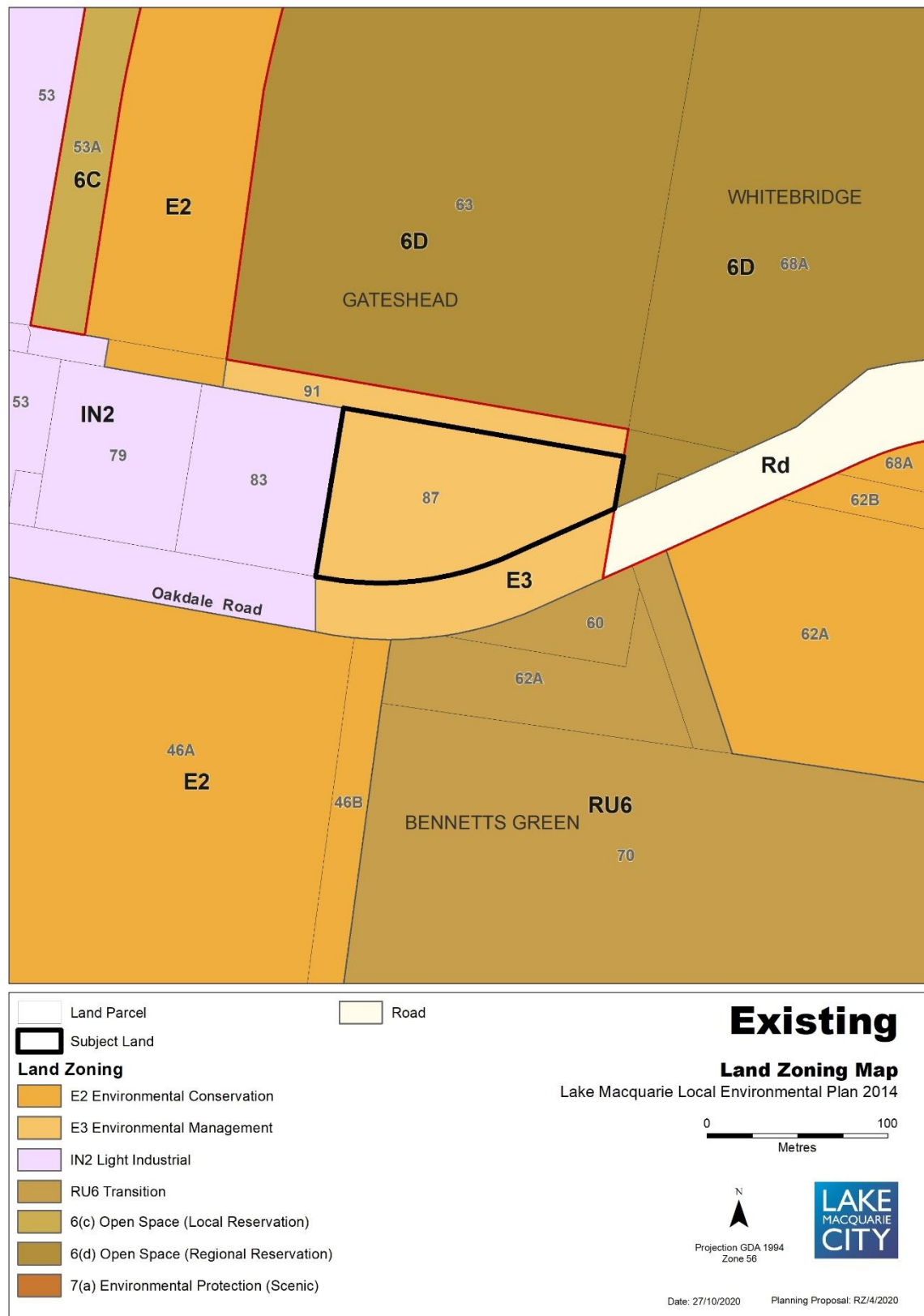
Consultation with State and Commonwealth public authorities will occur as directed by the Gateway determination.

Part 4 – MAPPING

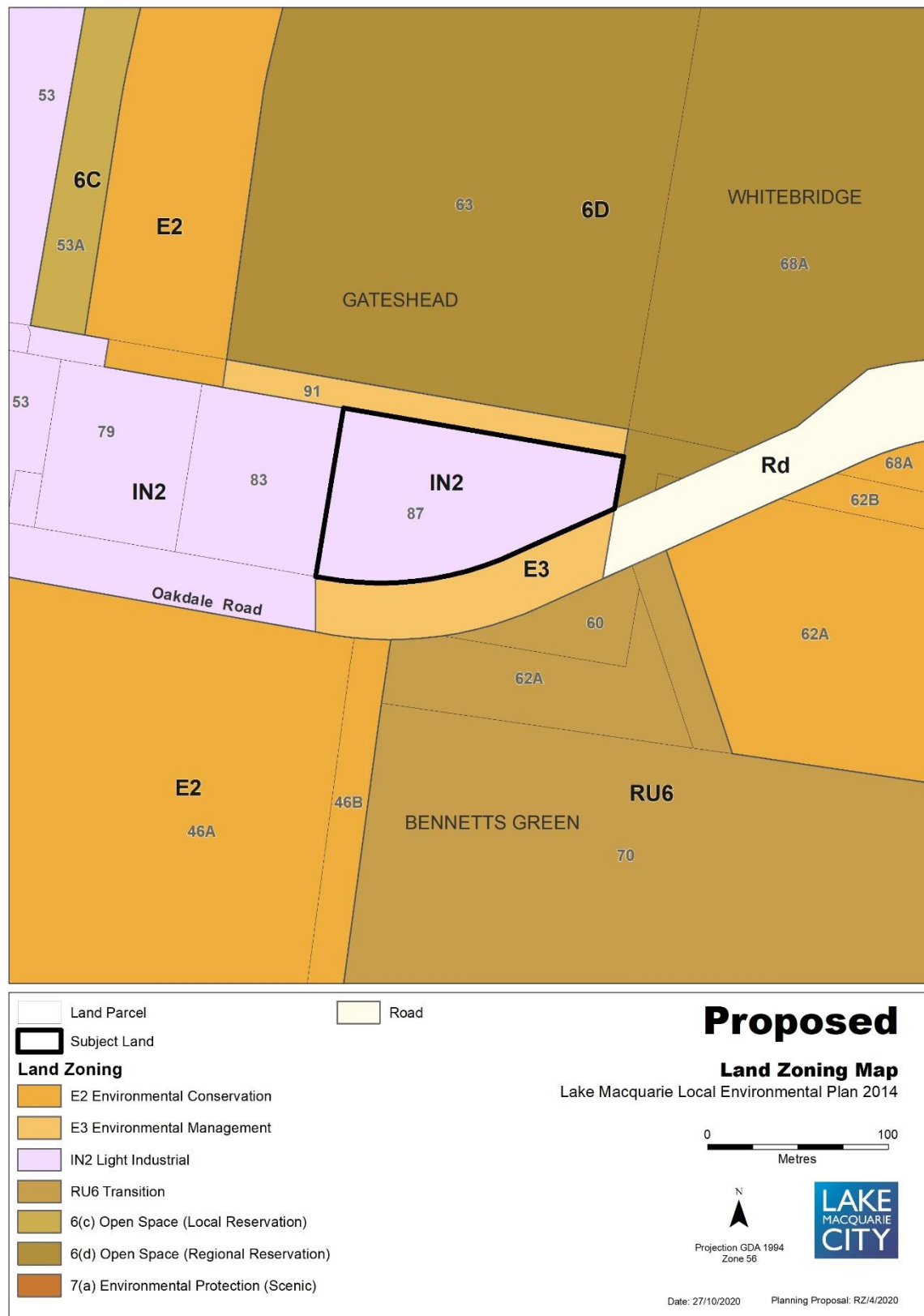


Map 1 – Locality

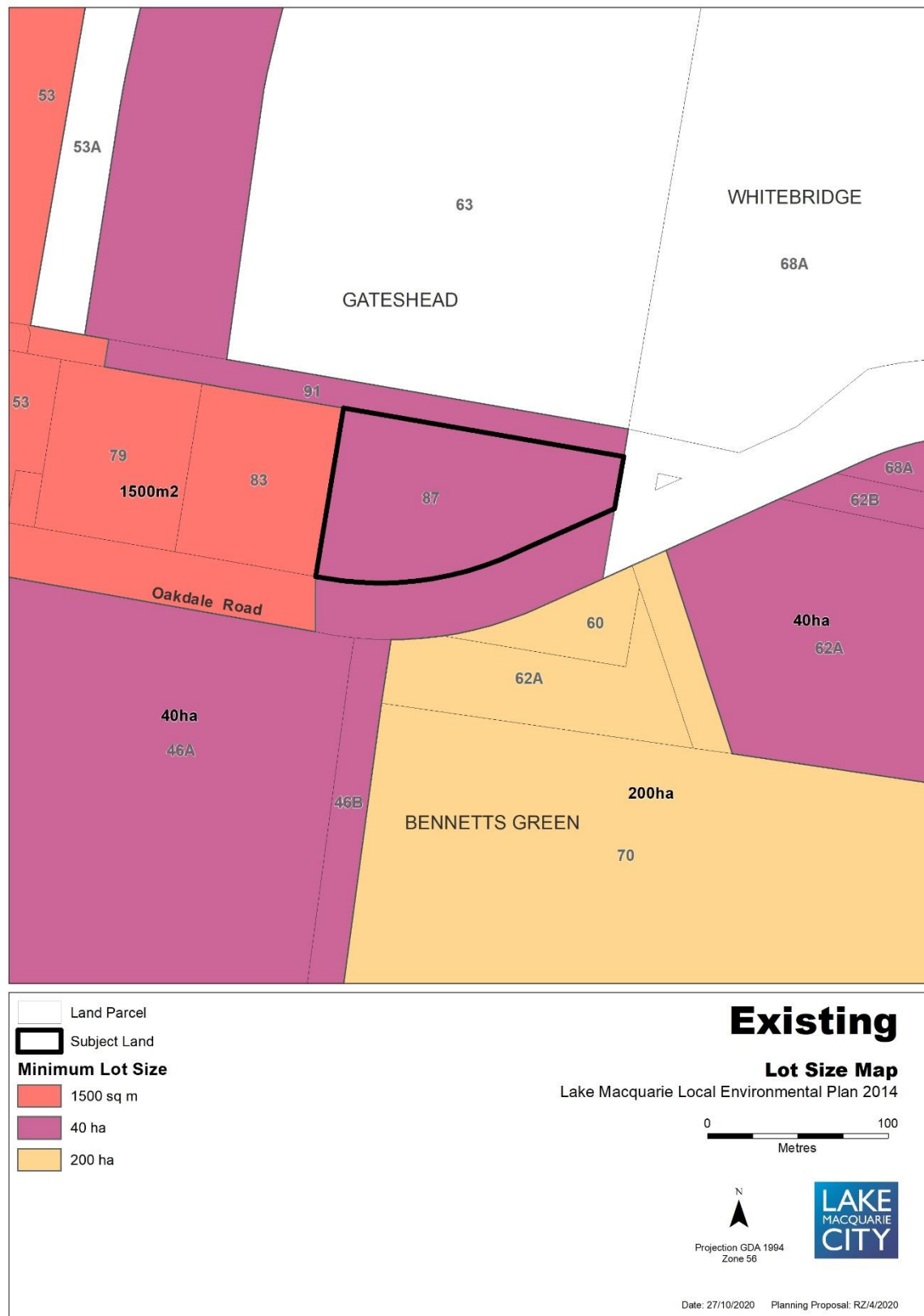
**Map 2 – Aerial Photograph**



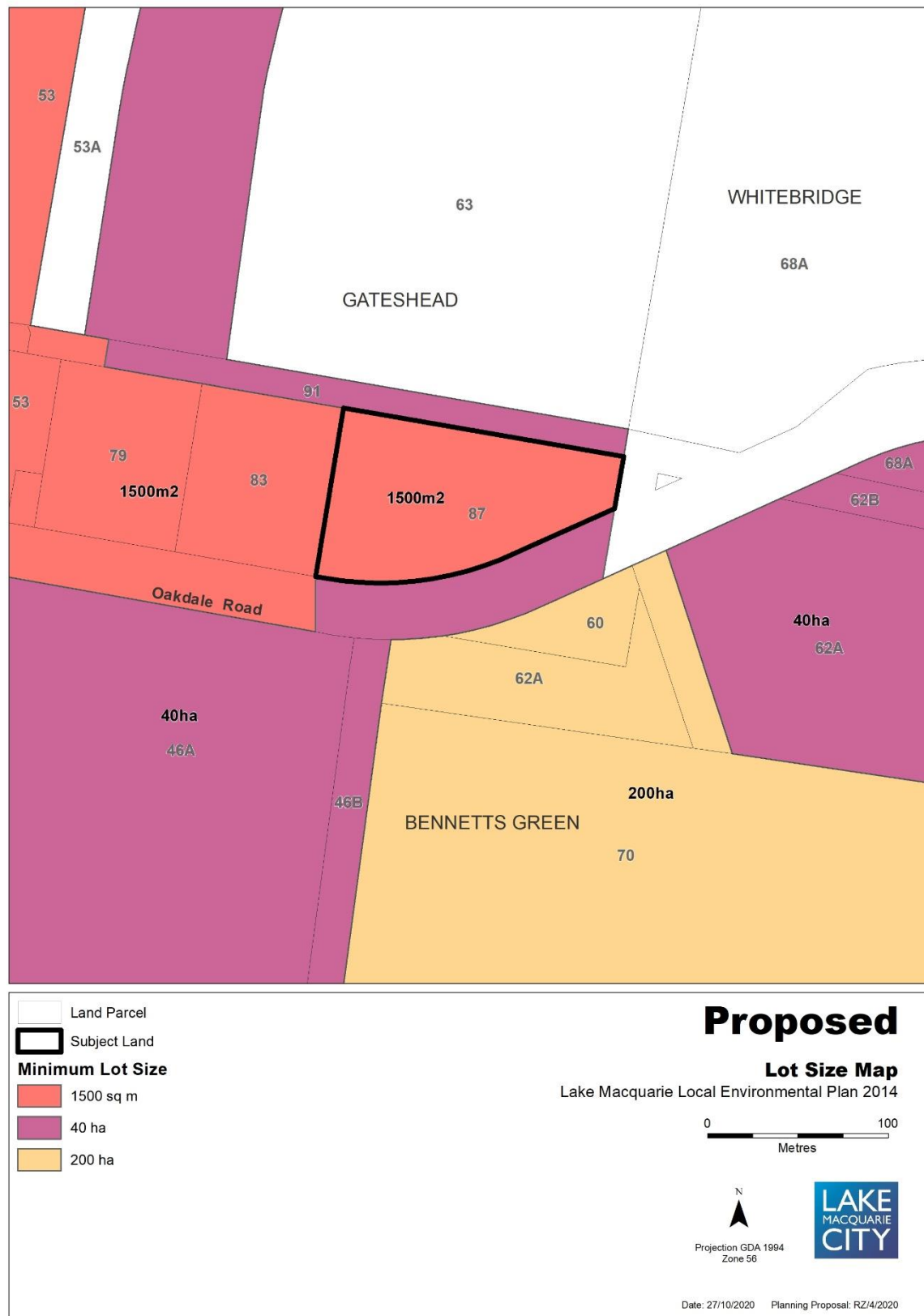
Map 3 – Existing Zones



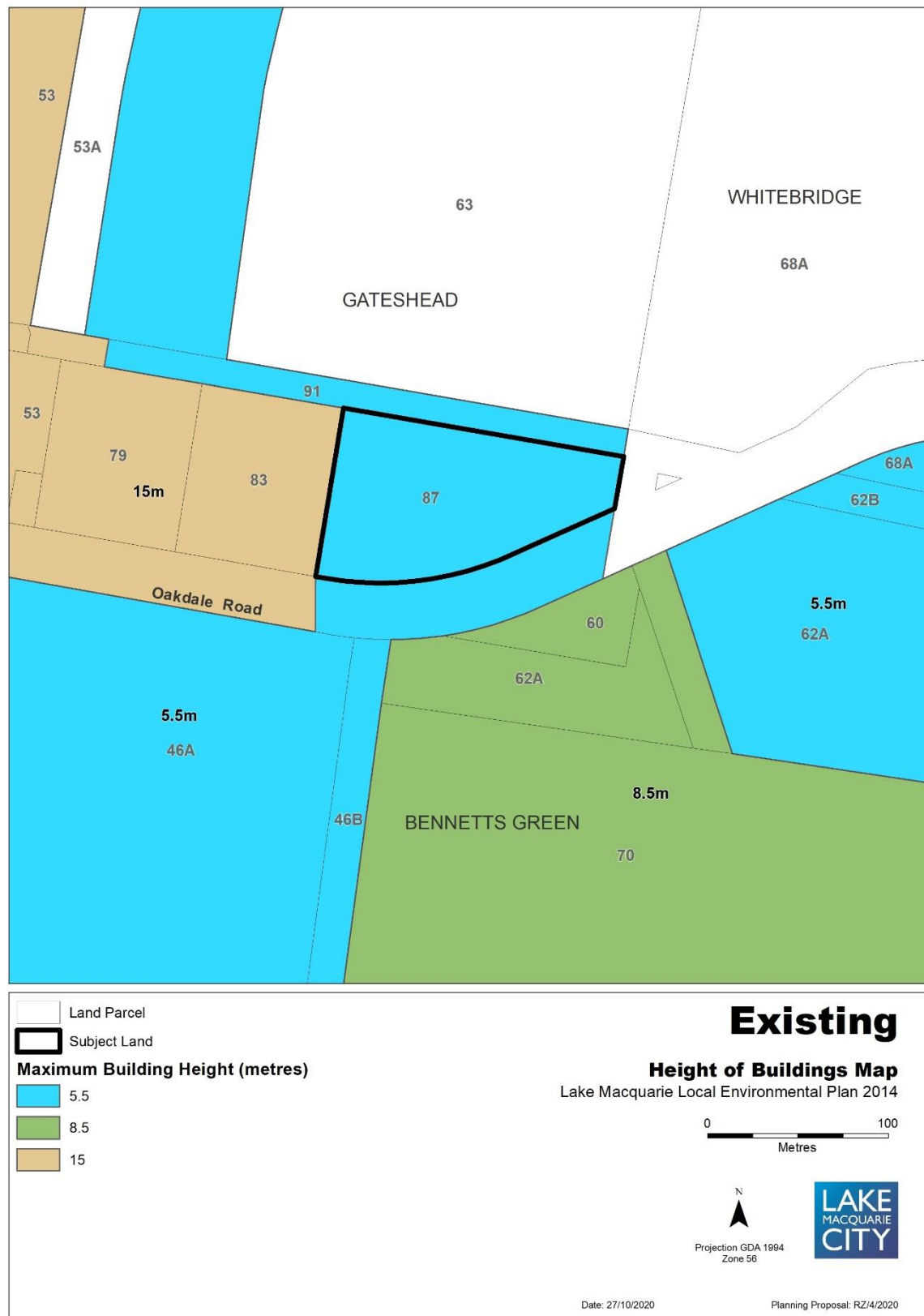
Map 4 – Proposed Zones



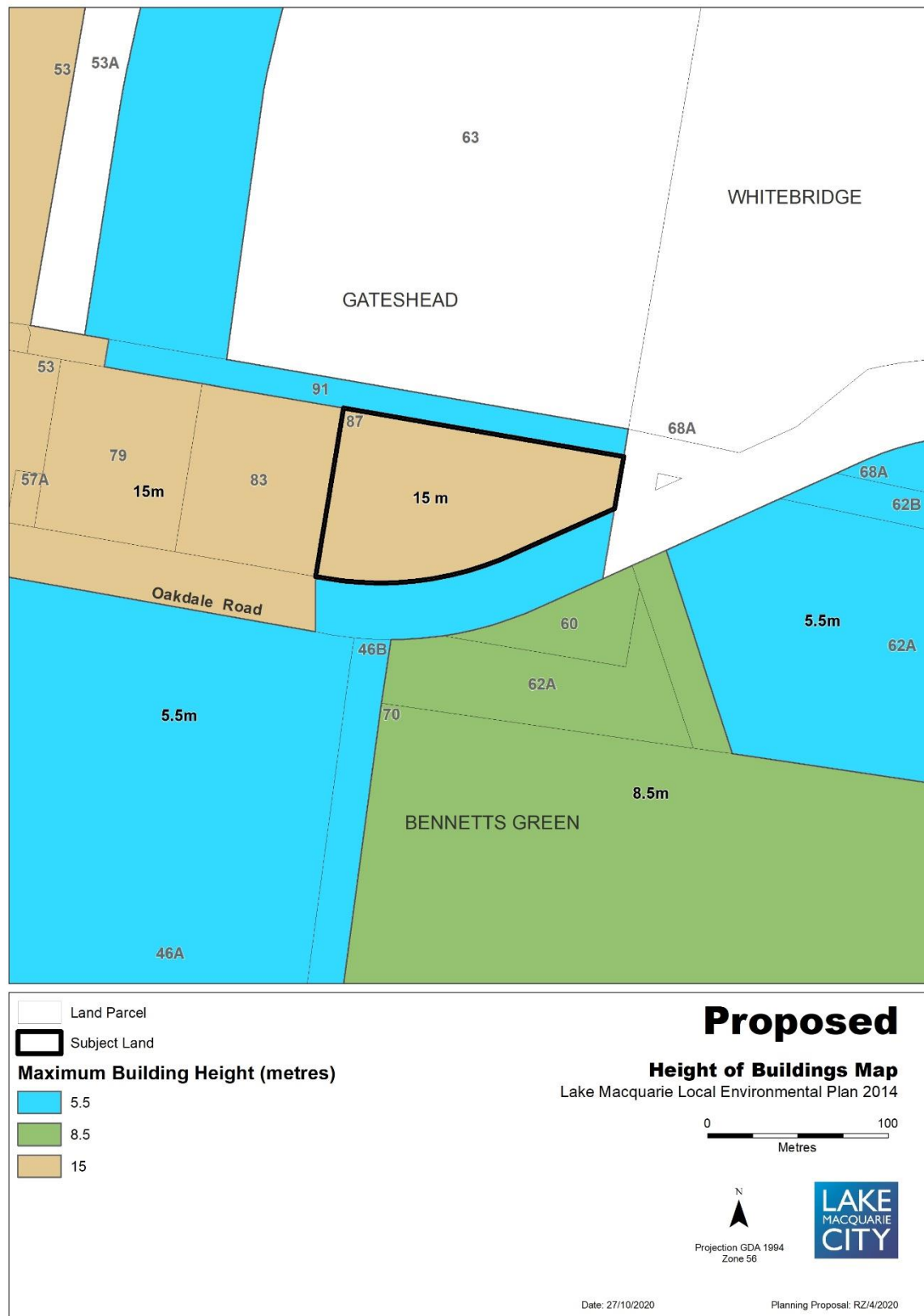
Map 5 – Existing Lot Size



Map 6 – Proposed Lot Size



Map 7 – Existing Height of Building



Map 8 – Proposed Height of Building

Part 5 – Details of Community Consultation

Community consultation has not been undertaken to date. Community consultation will be determined as part of the Gateway determination. LMCC considers that the proposal is low impact and recommends public exhibition of the proposal for 28 days.

Part 6 – Project Timeline

Action	Timeframe
Anticipated commencement date (date of Gateway determination)	February 2021
Anticipated timeframe for completion of required technical information	April 2021
Timeframe for government agency consultation (pre exhibition)	June 2021
Public exhibition (commencement and completion dates)	August 2021
Date of Public hearing (if required)	N/A
Consideration of submissions	September 2021
Timeframe for government agency consultation (post exhibition if required)	N/A
Post exhibition planning proposal consideration / preparation	October 2021
Submission to Department to finalise LEP	November 2021
Date RPA will make Plan (if delegated)	December 2021
Date RPA will forward to the Department for notification (if not delegated)	December 2021

20SP096	Inspection Report - 20NM009 - Munibung Hill
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Key focus area	1. Unique landscape
Objective	1.1 Natural environments are protected and enhanced
File	F2020/00237 - D09936116
Author	Capital Works Project Manager - Simon Collins
Responsible manager	Manager Assets Management - Brendan Callander
Location	Munibung Hill
Applicant	N/A
Owner	N/A
Inspection date and time	3 December 2020 – 4:00 to 4:50pm
Previous Items:	20NM009 - Munibung Hill - Ordinary Council Meeting - 22 Jun 2020 6:00pm

Inspection Committee (Councillors present):

Councillor Kay Fraser (Mayor) and Councillors Christine Buckley (Deputy Mayor), Brian Adamthwaite, Wendy Harrison, Barney Langford and Colin Grigg.

Apologies

Councillors Luke Cubis, John Gilbert, Adam Shultz, David Belcher, Jason Pauling, Kevin Baker and Nick Jones.

Others present

Robert Simmons – Property NSW

Tony Farrell – Deputy CEO

Brendan Callander – Manager Asset Management

Iain Moore – Principal Strategic Planner

Simon Collins – Capital Works Program Manager

Recommendation

Council:

- A. notes the opportunities that are present within the land holdings that comprise Munibung Hill, and
- B. supports the development of a management plan in conjunction with the adjoining major landholders of Munibung Hill.

Discussion

Councillors were provided with an overview of the site, including an understanding of major land holders, access considerations, and history of the locality. The inspection committee also discussed opportunities for Council to provide community access to Munibung Hill and the process by which this may be achieved.

Attachments

Nil.

20SP097	Council Site Inspection 20GB062 - Stockland Glendale Shopping Centre - 387 Lake Road, Glendale
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Key focus area	3. Mobility and accessibility
Objective	3.1 It is safe and easy to connect with others and get around our City
File	F2018/01745/03 - D09945619
Author	Section Manager Infrastructure Assets - Karen Partington
Responsible manager	Manager Assets Management - Brendan Callander
Location	387 Lake Road, Glendale
Applicant	N/A
Owner	N/A
Inspection date and time	4.30pm – 5.15pm 10 December 2020

Inspection Committee (Councillors present):

Councillor David Belcher

Apologies

Mayor Kay Fraser

Councillor Barney Langford

Councillor Christine Buckley

Others present

Karen Partington – Section Manager Infrastructure Assets

Robert Morris – Transport Operations Lead

Michael Oost – Technical Investigations Officer

Darryl Loney – Acting Centre Manager, Stockland Glendale

Recommendation

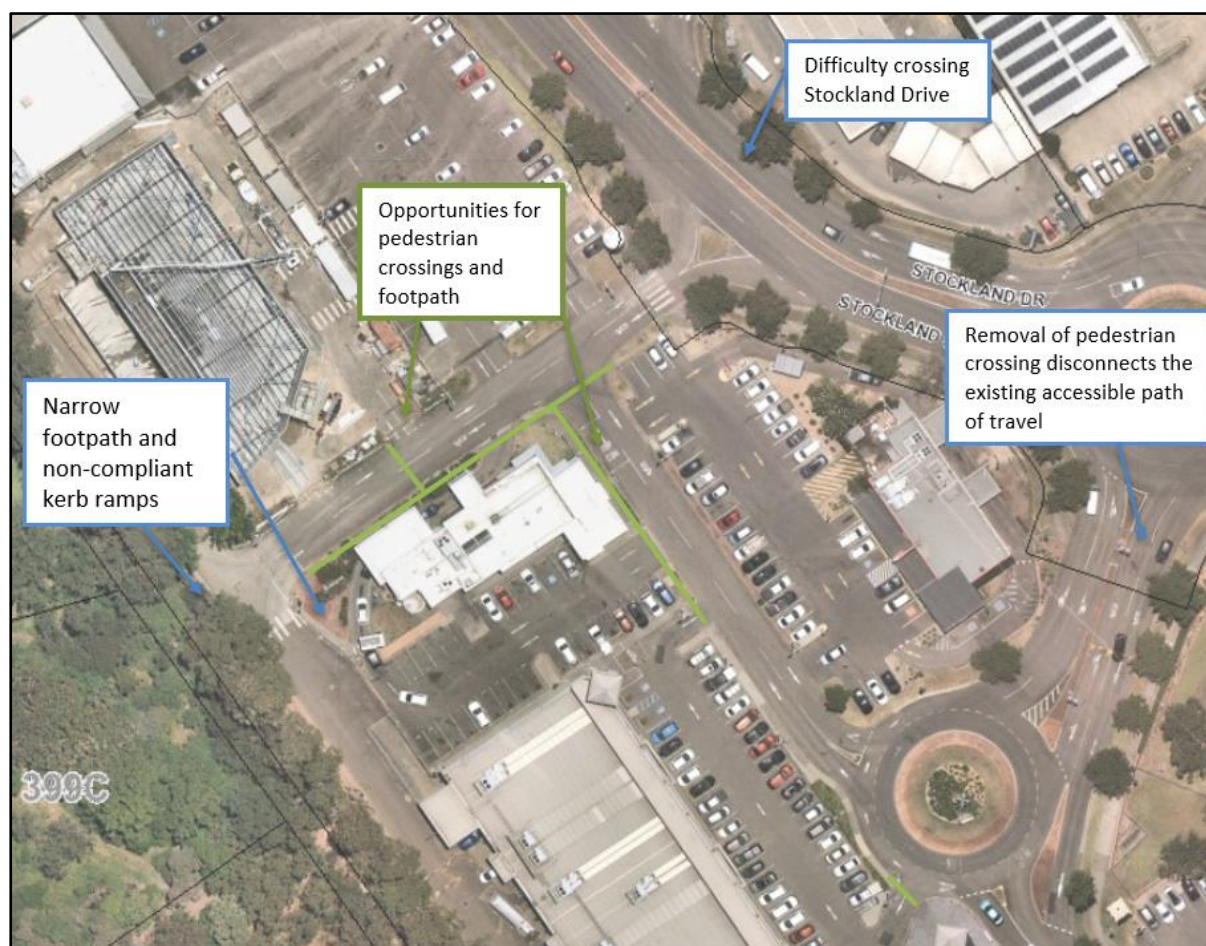
Council notes this report.

Discussion

As a quorum of the Inspection Committee was not achieved, the Committee was unable to make a formal recommendation to Council. Staff facilitated a discussion with Councillor Belcher and the Acting Centre Manager of Stockland Glendale.

Councillor Belcher identified a number of concerns relating to accessibility issues in the Stockland Glendale area.

The figure below highlights the main areas of concerns (blue) and opportunities for improved accessibility (green).



It was agreed that Council staff would work with Stockland Glendale representatives to explore opportunities to address accessibility issues identified in this report.

Attachments

Nil.