

ITEM 1 - ATTACHMENT 2 SUMMARY OF KEY POINTS AND RESPONSES TO SUBMISSIONS TO PUBLIC EXHIBITION (REDACTED).

Submission Number	Submitted By	Participants to the Submission	Key Points	Worimi Working Group Response	Port Stephens Council Response
1	Andrew Smith	<ul style="list-style-type: none"> Andrew Smith WLALC CEO Uncle Neville Lilley WLALC and Traditional Owner Aunty Val Merrick WLALC and Traditional Owner Aunty Lorraine Lilley WLALC and Traditional Owner Anthony Anderson Murrooma Inc. (Traditional Owner) Rebecca Young (nee Anderson) - Murrooma Inc. (Traditional Owner) Len Anderson Nur-run-gee Pty Ltd (Traditional Owner) 	Support:		
			1.1 Supports the Plan of Management subject to satisfactory inclusion of recommendations made in the submission.	Confirmed as correctly summarised.	Support noted.
			1.2 Support for the installation of an additional boat launching lane at Focus Area 3	Confirmed as correctly summarised.	Noted. Any future third boat ramp for Soldiers Point will be subject to the Council's Strategic Asset Management Planning process and be consulted on through the annual delivery program of the Community Strategic Plan.
			1.3 Support car parking in Mitchell Street subject to recommendations being adopted.	Confirmed as correctly summarised.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			1.4 That there is support for sand replenishment for the western foreshore area of Focus Area 4 however note that this funding would be better allocated to renovation of the public amenities in Focus Area 3.	Confirmed as correctly summarised.	Noted. Sand replenishment for the western foreshore area to be retained in the Plan of Management and the funding of this to be included and prioritised in Councils annual delivery program of the Community Strategic Plan.
			1.5 That there is support for extension and or inclusion of parking for the Memorial Hall use only subject to the details being defined in a Parking Strategy.	Confirmed as correctly summarised.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			Objection:		
			1.6 To any permanent fixtures that are designed to create a third pier/wharf to support a third boat launching lane.	Confirmed as correctly summarised.	Noted. Any third boat ramp will not include a third pier or wharf. Any third boat ramp will use the unused side of the existing pier.
			1.7 That there is opposition to the proposed new car parking for Focus Area 8, Tennis Courts based on a belief that there is no need for additional car parking spaces in this area.	Confirmed as correctly summarised. Better parking arrangements at Resthaven Avenue might assist in alleviating any peak parking issues for this part of Soldiers Point.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			Recommendations:		
			1.8 That all applications for commercial filming and commercial still photography be subject to review by Registered Aboriginal Parties to the Aboriginal Heritage Impact Permit with seven days notification to Registered Aboriginal Parties.	Confirmed as correctly summarised.	Agreed. Port Stephens Council to advise Screen Hunter of requirement to provide Registered Aboriginal Parties to the Aboriginal Heritage Impact Permit with notification within 7 days.
			1.9 That the Plan of Management includes a requirement for annual Cultural Heritage	Confirmed as correctly summarised.	Agreed. Recommend inclusion of annual cultural awareness training of key Council staff in an

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			awareness training for Council field and administration staff.	Cultural content and sensitivity to be approved by the Registered Aboriginal Parties.	Action Table to be inserted into the Plan of Management. This training to include a review process for the methodologies employed for all minor and major work that may cause harm to the Aboriginal Place.
			1.10 That all " <i>examples of activities that could harm an Aboriginal Place</i> " described in Table 9 be work-shopped with the Registered Aboriginal Parties to finalise the agreed approach and methodologies for the major and minor works in each Focus Area.	Confirmed as correctly summarised.	Agreed. A methodology for carrying out minor works and maintenance within the Aboriginal Place to be determined within 90 days of the adoption of the Plan of Management and reviewed annually. The minor works and maintenance methodology will provide specific procedures and guidance on how to manage impacts to the land including cultural awareness and site identification training to be undertaken by key Council staff.
			1.11 That the methodologies for tree maintenance and weed control be reviewed annually as part of annual Cultural training for Council field officers and administration staff.	Confirmed as correctly summarised.	Agreed. A methodology for carrying out minor works and maintenance within the Aboriginal Place to be determined within 90 days of the adoption of the Plan of Management and reviewed annually. The minor works and maintenance methodology will provide specific procedures and guidance on how to manage impacts to the land including cultural awareness and site identification training to be undertaken by key Council staff.
			1.12 That reference to "sand replenishing" in Focus Area 1 be removed as this appears to be an error in the document.	Confirmed as correctly summarised.	Agreed. This is an error in the document.
			1.13 That details within the Soldiers Point Boating Infrastructure and Foreshore Management Plan (2009, Umwelt), specifically a definition to the reference to "Environmental Quality Improvement" be provided to the Registered Aboriginal Parties to the Aboriginal Heritage Impact Permit and agreed to before any minor or major works are conducted in Focus Area 1.	Confirmed as correctly summarised. Clarification that the Soldiers Point Boating Infrastructure and Foreshore Management Plan (2009, Umwelt) does not appear to sufficiently acknowledge Aboriginal heritage conservation approach. Request confirmation of how "Environmental Quality Improvement" as referenced in the Soldiers Point Boating Infrastructure and Foreshore Management Plan captures Aboriginal heritage conservation and for the Registered Aboriginal Parties to the Aboriginal Heritage Impact Permit to confirm major and minor works methodologies prior to any works occurring.	Agreed. The intention of the Plan of Management is to provide guidance for future use and development of the site, treating the site as being of high cultural significance. The Plan of Management states that Council will notify the Registered Aboriginal Parties to the Aboriginal Heritage Impact Permit that are associated with this plan and the Office of Environment and Heritage when Council is undertaking works or activities on the site. Any development applications, proposed works and major management issues will be publicly advertised to residents and nominated key stakeholders for information and comment.

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			1.14 That there is support for the maintenance and minor works in Focus Area 2, subject to all "examples of activities that could harm an Aboriginal Place" described in Table 9 be work shopped with the Registered Aboriginal Parties to finalise the agreed approach and methodologies for the major and minor works in each Focus Area.	Confirmed as correctly summarised.	Agreed. A methodology for carrying out minor works and maintenance within the Aboriginal Place to be determined within 90 days of the adoption of the Plan of Management and reviewed annually. The minor works and maintenance methodology will provide specific procedures and guidance on how to manage impacts to the land including cultural awareness and site identification training to be undertaken by key Council staff.
			1.15 That the short break wall in Focus Area 3 be corrected to remove any issues of safety to persons choosing to walk out along the structure.	Confirmed as correctly summarised.	Public safety of the break wall will be assessed and any mitigation works to be planned and scheduled as part of Council's annual works program.
			1.16 That there is support for delineated car parking spaces along Mitchell Street subject to a Parking Strategy that states that these spaces are for accessing parklands and public boating ramps and cannot be used in any way shape or form to offset development conditions for any other development in the area.	Confirmed as correctly summarised.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			1.17 That the public toilets in Focus Area 3 be prioritised for major renovations and that such works include consultation with the Registered Aboriginal Parties to the Aboriginal Heritage Impact Permit to approve the works methodology.	Confirmed as correctly summarised.	Not an Action for the Plan of Management. The provision of public toilets will be assessed as part of Council's Strategic Asset Management Plan and works will be programmed within the annual budget cycle.
			1.18 That consideration and plans be made to install a concrete pathway or suitably designed raised or floating boardwalk (2m wide) that connects the marina area to the southern end of the boat ramp car park.	Confirmed as correctly summarised.	Not recommended. Construction of a fixed or floating walk way around the western foreshore to link the marina area to the boat ramp area would be too costly and require multiple approvals and conditions given the proximity of such a walk way to the waterway, Marine Park and the adjacent known shell deposits in the foreshore.
			1.19 That any Asset Infrastructure Plan for the Western Holiday Park area be provided to the Registered Aboriginal Parties to the Aboriginal Heritage Impact Permit.	Confirmed as correctly summarised. The reason for this recommendation is due to the significance of this area to the Worimi community.	Current Asset Infrastructure Plan is being finalised. Will be provided to the Registered Aboriginal Parties.
			1.20 That the Registered Aboriginal Parties to the Aboriginal Heritage Impact Permit be informed by site inspection and discussion as to proposed ground disturbance for Focus Area 5 – Western holiday park.	Confirmed as correctly summarised. The reason for this recommendation is due to the significance of this area to the Worimi community.	Agreed.
			1.21 That reference to a 'boat launching lane' in Focus Area 6 is an error.	Confirmed as correctly summarised.	Agreed. This is an error in the document.

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			1.22 That any and all works proposed for the exterior of the building that is leased to the Port Stephens Yacht Club be advised to the Registered Aboriginal Parties to the Aboriginal Heritage Impact Permit.	Confirmed as correctly summarised.	All external works that are proposed for the Yacht Club building will be advised to the Registered Aboriginal Parties to the Aboriginal Heritage Impact Permit with 30 days' notice.
			1.23 That a Signage Strategy be developed as part of the Plan of Management and put in place as soon as possible.	Clarified as being Aboriginal Cultural Interpretation Signage Strategy including compliance signage.	Agreed. Recommend inclusion of an Action Table in the Plan of Management that details the creation of a Signage Strategy within the first year of the Plan of Management. Funding for any actions that comes from such a strategy will be subject to Council's annual works programming and budget process.
			1.24 That Council and the Worimi community determine an annual program that promotes social gatherings and community harmony for the area.	Clarification that this is a request to permit some degree of exclusive access to the Western area of the holiday park and other parts of Aboriginal Place to enable an annual "Back to Country" event.	Noted. This recommendation is not a land management issue. Recommend that this request be included for consideration through Council's Aboriginal Strategic Committee.
			1.25 That there be an urgent meeting onsite at the midden site in front of the Marina to determine a way forward and methodology to protect this midden.	Confirmed as correctly summarised.	Agreed. Recommend inclusion of an Action Table in the Plan of Management that specifies an onsite meeting with Registered Aboriginal Parties to the Aboriginal Heritage Impact Permit to determine suitable methodology for protection works for the midden.
2	-	Not Applicable	Support:		
			2.1 None noted.	Not Applicable.	Not Applicable.
			Objection:		
			2.2 Objection to the creation of new car parking near the Tennis Courts based on a view that this new car parking is to "aid and abet any new submission of a Marina Development Application".	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			2.3 Overall does not support the draft Plan of Management as presented it "is not a clear and transparent management framework".	Clarification that the Soldiers Point Plan of Management and the Aboriginal Place management plan whilst contained in the same document are in fact dictated by the two separate Acts.	The draft Plan of Management complies with both the requirements of the Local Government Act for community land and the National Parks and Wildlife Act for Aboriginal Place management plans.
			2.4 Why are the Tennis Court areas shown as "Park" in one instance and in another as "Sports grounds"?	Not a matter of cultural concern.	Spencer Park (including the Tennis Courts) is referenced as being categorised as "sports ground". This is due to the nature of the site being largely for organised active recreation and sport.
			Recommendation:		
			2.5 That the Master Plan be separated from the Plan of Management to enable greater	Not a matter of cultural concern.	It is common practice to incorporate a master plan to illustrate the proposed future improvements to the subject area aligned with

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			transparency.		the Plan of Management.
3	Simon Brooke	Members of the Soldiers Point - Salamander Bay Landcare Group	Support:		
			3.1 Support the development of an up-to-date plan for managing the mixed use areas and adjacent reserves.	The Aboriginal Place cannot extend to any other areas outside of this Plan of Management. Deferring, the Aboriginal Place nomination is not supported due to the length of time that the Aboriginal Place nomination has been researched and considered (some 30 years) and the known significance of the area to the Aboriginal community.	Support noted.
			Objection:		
			3.2 None noted.	Not Applicable.	Not Applicable.
			Recommendation:		
			3.3 Requests detailed resolution of parking spaces generally and especially around Spencer Park and adjacent streets.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
4	-	Not Applicable	3.4 Requests detailed resolution of how access to and activities on the waterfront will be managed.	Not a matter of cultural concern.	Access to the western waterfront will be retained through Ridgeway Avenue and from the boat ramp area. Access around the eastern foreshore is via unformed tracks through the bush.
			3.5 That the Aboriginal Place proposal be deferred until it can be more easily defined and managed.	The Working Party is supportive of the Land Care group's initiatives and looks forward to there being an agreed set of methodologies that enable land care works to continue and also protect the cultural values of the Aboriginal Place. That all projects, be they existing or future, that fall within the Aboriginal Place and have an impact on ground disturbance require consultation with all Registered Aboriginal Parties to the Aboriginal Heritage Impact Permit.	Not supported. The draft Plan of Management details how the land parcels will be managed as Community land and as an Aboriginal Place. The Plan of Management complies with the requirements of the Local Government Act for community land and the National Parks and Wildlife Act for Aboriginal Places.
			Support:		
			4.1 Supports creation of an Aboriginal Place at Soldiers Point.	Not a matter of cultural concern.	Support noted.
			Objection:		
			4.2 Objects to apparent lack of public access through Thou Walla Sunset Retreat.	Not a matter of cultural concern.	The Holiday Park is a commercial operation and public access through the Park is not permitted

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					without advice to reception. This is normal practice for a commercial operation e.g. Council has a duty of care to its customers. Additionally, in an emergency, it is a requirement for the Managers to know who is in the Park.
			Recommendation:		
			4.3 That restriction on public access to Thou Walla Retreat is removed to allow people to access the Aboriginal Place.	Not a matter of cultural concern.	The Holiday Park is a commercial operation and public access through the Park is not permitted without advice to reception. This is normal practice for a commercial operation e.g. Council has a duty of care to its customers. Additionally, in an emergency, it is a requirement for the Managers to know who is in the Park.
			4.4 Submissions notes that approximately 50% of the whole proposed Aboriginal Place has no public access and that this is contrary to Page 60 of the draft Plan of Management.	Not a matter of cultural concern.	Page 60 in the draft Plan of Management refers to managing public access to the land parcels in a controlled and structured manner to ensure the area is protected for future generations. Controlled access to Thou-Walla Sunset Retreat is required to ensure the facility can offer users a safe holiday experience. Controlling access to the facility also ensures that the cultural values of the western part of the facility are managed in line with conditions of accommodation.
5	Colin Howard	Members of the Soldiers Point Community Group Inc.	Support – Submission 1:		
			5.1 None noted.	Not Applicable.	Not Applicable.
			Objection – Submission 1:		
			5.2 None noted.	Not Applicable.	Not Applicable.
			Recommendation – Submission 1:		
			5.3 Request for two week extension of Public Exhibition period.	Not a matter of cultural concern.	Noted and granted at the time of receipt of submission. Public Exhibition period extended by 14 days.
	-	-	Support – Submission 2:		
			5.4 Support for the "aboriginal claim component of the gazette plan".	Noted.	Noted.
			Objection – Submission 2:		
			5.5 Objects to the draft Plan of Management in its current form.	<p>The Soldiers Point Plan of Management and the Aboriginal Place management plan whilst contained in the same document are in fact dictated by the two separate Acts.</p> <p>Council and the Worimi community have worked together to achieve this draft Plan of Management and have done so in the spirit of partnership. The Plan of</p>	The draft Plan of Management complies with both the requirements of the Local Government Act for community land and the National Parks and Wildlife Act for Aboriginal Place management plans.

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				Management is a genuine attempt to marry the need for Port Stephens Council to management community land and to ensure Aboriginal heritage and cultural values are protected and that any harm to the Aboriginal Place is mitigated and managed through an Aboriginal Heritage Impact Permit. The creation of a single Plan of Management that includes the management of the Aboriginal Place is seen as a unique and practical approach to Aboriginal Place management on Council owned community land.	
			Recommendation – Submission 2:		
			5.6 Recommend inclusion of an upgraded walking track along the foreshore in Focus Area 1 that links to all foreshore areas and including Aboriginal cultural awareness.	Not supported.	Not recommended. An informal track is suited to the site and creates the least harm to the cultural values of the Aboriginal Place. Identification of significant cultural sites is not recommended.
			5.7 Recognise the existence of the local Landcare Group as a key stakeholder in the maintenance of the Focus Area 1.	Not a matter of cultural concern.	Agreed.
			5.8 Focus Area 2 needs to specify who is responsible for maintenance of the area and any aboriginal significant elements.	Refer to Port Stephens Council as the land owner.	Port Stephens Council is the land owner. The land is classified as "Community" land. The Plan of Management recommends categorising the land as "Park" and "Cultural Significance". Port Stephens Council as the land owner is responsible for maintenance of the land and any aboriginal heritage items within it. The Plan of Management which includes the requirements for the management of an Aboriginal Place includes how harm to the cultural values are mitigated and managed.
			5.9 Focus Area 2 should make mention of the risk to the public from storm damage.	Not a matter of cultural concern.	Noted. Recommend including a management objective of mitigating public harm from dead and dangerous trees.
			5.10 Focus Area 3 – remove reference to new car parking and boating facilities and subject these to a separate Master Planning process.	Not a matter of cultural concern	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area. Any future third boat ramp for Soldiers Point will be subject to the Council's Strategic Asset Management Planning process and be consulted on through the annual delivery program of the Community Strategic Plan.

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			5.11 Western Foreshore – Plan needs to clearly define which agency is responsible for which parcel of land or activity.	Not a matter of cultural concern	<p>Noted.</p> <p>Port Stephens Council – All land covered under this Plan of Management is owned by Council to Mean High Water Mark.</p> <p>National Parks and Wildlife – No responsibility.</p> <p>Office of Environment and Heritage – determine the conditions of an Aboriginal Heritage Impact Permit relating to an Aboriginal Place and ensure compliance with such Permit.</p> <p>Crown Lands – Foreshore land below Mean High Water Mark.</p> <p>Marine Park Authority – Area of land below Mean High Water Mark and zoned as a 'Special Purpose Zone'. Refer to Marine Park Authority's website for more details on the specific management requirements and protection aimed to conserve marine habitats and species whilst allowing for multiple use</p> <p>NSW Waterways – management of boating activities below Mean High Water Mark.</p>
			5.12 Western Foreshore – maintain continuity of access along the foreshore	Not a matter of cultural concern.	Noted. Access to the western foreshore is to remain via Ridgeway Avenue and the boat ramp area.
			5.13 Western Foreshore – that the land that is subject to the current reclassification from Community to Operational Land be recognised in the Plan of Management and that there is some form of legal protection to ensure that this land cannot be sold.	Not a matter of cultural concern.	The land being reclassified to "operational" is to allow Council to formalise leases and licences to current users of the land. Council has no intention of selling the land as it provides an ongoing recurrent income for the Council which outweighs the value of the land should it be sold.
			5.14 Western Foreshore – if land is reclassified to Operational land and sold the Plan of Management should identify who would be beneficiary of such a sale. Will the revenue flow to the aboriginal community or the general community?	Not a matter of cultural concern.	As above.
			5.15 Remove the requirement to undertake tidal and sand movement studies as this has been already undertaken (Umwelt, 2006).	Not a matter of cultural concern.	Agreed and amended.
			5.16 Western Holiday Park – reference to tree maintenance to include Council providing	Not a matter of cultural concern.	Not a matter for a Plan of Management. This is a matter for the operations of the Holiday Park.

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			suitable insurance in the event that storm damage may cause injury or death to park users.		
			5.17 Eastern Holiday Park and Hall - reference to tree maintenance to include Council providing suitable insurance in the event that storm damage may cause injury or death to park users.	Not a matter of cultural concern.	Not a matter for a Plan of Management. This is a matter for the operations of the Holiday Park and Council as the hall owner.
			5.18 Eastern Holiday Park and Hall – remove car management from the draft plan.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			5.19 Yacht Club – remove the requirement for pre-approval for large gatherings to be held at the Yacht Club.	Not a matter of cultural concern.	Size and intensity of use including gatherings at the Yacht Club is not defined in the Plan of Management. Use arrangements for the Yacht Club are defined in their lease agreement.
			5.20 Tennis Courts – oppose the idea of including all of Spencer Park in the Aboriginal Place nomination recommend only include the Tennis Courts in the Aboriginal Place nomination.	Spencer Park is not included in the Aboriginal Place nomination. However it has been included in the Plan of Management as it has its own cultural significance which the Plan of Management will acknowledge as being "Culturally Significant".	Spencer Park is not included in the Aboriginal Place nomination nor is it categorised in the Plan as being of "cultural significance". However during the public exhibition period for the Plan the park has been identified as having cultural value to some local Aboriginal people. In order to afford reasonable protection of these cultural values and to not prolong the adoption of the Plan or the Aboriginal Place nomination process, the Plan shall include a recommendation to include Spencer Park as part of the Aboriginal Place area.
			5.21 Tennis Courts – remove reference of new car parking at Spencer Park.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			5.22 Master Plan – remove the Master Plan from the Plan of Management.	Not a matter of cultural concern.	It is common practice to incorporate a landscape master plan into a specific Plan of Management to illustrate proposed future improvements to the subject area.
6	Nigel Waters	Members of the Tomaree Ratepayers & Residents Association	Support – Submission 1:		
			6.1 None Noted.	Not Applicable.	Not Applicable.
			Objection – Submission 1:		
			6.2 None Noted.	Not Applicable.	Not Applicable.
			Recommendation – Submission 1:		
			6.3 Request for extension of Public Exhibition	Not a matter of cultural concern.	Noted and granted at the time of receipt of

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			period.		submission. Public Exhibition period extended by 14 days.
	Nigel Waters	Members of the Tomaree Ratepayers & Residents Association	Support – Submission 2:		
			6.4 Supports objective of protecting and promoting Aboriginal cultural heritage.	Noted with pleasure.	Support noted.
			6.5 Supports formalising parking at the Soldiers Point Memorial Hall.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			Objection – Submission 2:		
			6.6 Objects to the size of the draft plan as a PDF file.	Not a matter of cultural concern.	Noted.
			6.7 Objects to the inclusion of Spencer Park in the draft Plan of Management.	Not a matter of cultural concern.	Not endorsed. Spencer Park is community land used largely for active recreation and sport. The inclusion of Spencer Park in a Plan of Management for community land is a requirement of the local Government Act.
			6.8 Objects to limitations on public access to the Western Holiday Park area.	Not a matter of cultural concern.	Controlled access to Thou-Walla Sunset Retreat is required to ensure the facility can offer users a safe holiday experience. Controlling access to the facility also ensures that the cultural values of the western part of the facility are managed in line with conditions of accommodation.
			6.9 Objects to any suggestion that of any new car parking being "taken up by the commercial Soldiers Point Marina operation".	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			Recommendation – Submission 2:		
			6.10 Provide draft documents for public exhibition in smaller part files and "no frills versions" in black and white or grey scale.	Not a matter of cultural concern.	Noted. This recommendation is to be passed onto the Communications Section and Community Development and Engagement Unit.
			6.11 That this submission be made in full with no redaction.	Not a matter of cultural concern.	Agreed.
			6.12 That in future all submissions to public exhibitions be made fully public unless the submitter can make a case for confidentiality.	Not a matter of cultural concern.	Noted however this recommendation cannot be acted upon as Council has statutory obligations not to disclose certain information, including personal information.
			6.13 That the wording of the "standard DA" advert in the weekly Council notice be amended to remove reference to "Freedom of Information Act" and replace with GIP Act and that the standard wording be	Not a matter of cultural concern.	Noted. This recommendation is to be passed on to the Communications Section and Development Assessment & Compliance Section.

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			rationalised for clarity.		
			6.14 Questions how workable the entire area proposed as Aboriginal Place would be when subject to stricter controls or approvals processes.	Not a matter of cultural concern.	Concerns noted. Declaration of an Aboriginal Place does place new controls on the use of the land. These controls are determined between the land owner and the Aboriginal community and are detailed in a management plan for the Aboriginal Place. In preparing the Plan of Management inclusive of the requirements for an Aboriginal Place, Council and the Aboriginal community have determined up front what the controls are and how they will be managed. This approach ensures that prior to endorsing an Aboriginal Place nomination, Council is fully aware of its obligations associated with managing the cultural values of the area.
			6.15 Questions that "Nowhere in the document is the precise area covered by any application for an Aboriginal Place declaration explained".	Not a matter of cultural concern.	Page 19 of the draft Plan of Management includes Table 4. Table 4 details the properties covered by the Plan of Management and notes whether the land parcel is included in the Aboriginal Place nomination. For clarity this Table 4 will be amended to delete acronym "AP" and replace with "Aboriginal Place".
			6.16 That Council creates a separate traffic and parking plan for the areas in the Plan of Management.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			6.17 Withdraw Spencer Park from the Plan of Management and deal with traffic and parking separately.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			6.18 Ensure the views of the Soldiers Point Salamander Bay Landcare Committee are taken into account.	Not a matter of cultural concern.	The views of the Soldiers Point Salamander Bay Landcare Group have been considered as part of the public exhibition period for the draft Plan of Management.
			6.19 Recommend that if parking in proposed at Mitchell Street that both a separately marked footpath/cycleway and appropriate low speed limit apply (refer to similar at Fly Point to Little Beach Nelson Bay).	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			6.20 Recommend that the Plan of Management confirm public access to Sunset Beach north between the Marina operation and the Yacht Club.	Not a matter of cultural concern.	Public access to Sunset Beach will be confirmed and maintained through signage. Recommend inclusion of an Action Table in the Plan of Management that details the creation of a Signage Strategy within the first year of the Plan

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					of Management. Funding for any actions that comes from such a strategy will be subject to Council's annual works programming and budget process.
			6.21 Recommend sign posting the public access paths.	Not a matter of cultural concern.	Agreed. Recommend inclusion of an Action Table in the Plan of Management that details the creation of a Signage Strategy within the first year of the Plan of Management. Funding for any actions that comes from such a strategy will be subject to Council's annual works programming and budget process.
			6.22 Recommend that land classified as "operational" in the area be noted in the Plan of Management and that assurances given that there is no intention to reduce public access to any of the land within the Plan of Management areas.	Not a matter of cultural concern.	The land being reclassified to operational is to allow Council to formalise leases and licences to current users of the land. Council has no intention of selling the land as it provides an ongoing recurrent income for the Council which outweighs the value of the land should it be sold.
			6.23 Recommend clarifying the relationships between the proposed license of land east of the Marina to the Marina and arrangements for Yacht Club parking.	Not a matter of cultural concern.	Reclassification will allow Council to enter into formal legal arrangements to address all outstanding issues. Correspondence has been sent to Yacht Club to outline Council's intentions including the provision of a new lease for the yacht Club to include car parking.
			6.24 Recommend that the long term future accommodation facilities at the holiday park be "realistically" dealt with in the Plan of Management.	Not a matter of cultural concern.	Asset Management Plans for the Holiday Park's existing assets have been included in the Plan of Management. No future development of the Park is required once the eco-tents are rebuilt. The eco-tents do not constitute a "fixed asset".
			6.25 Recommend that new car parking at the Memorial Hall needs to be sensitively designed and landscaped.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			6.26 Recommend clarification of the future of the Yacht Club including parking for the Club.	Not a matter of cultural concern.	Reclassification will allow Council to enter into formal legal arrangements to address all outstanding issues. Correspondence sent to Yacht Club to outline Council's intentions including the provision of a new lease to include car parking.
			6.27 Recommend assurance that public access between the Western Foreshore, the Western Holiday Park and the Yacht Club areas be provided.	Not a matter of cultural concern	Public access along the western foreshore will be retained via Ridgeway Avenue and the boat ramp area. Controlled access to Thou-Walla Sunset Retreat is required to ensure the facility can offer users a safe holiday experience. Controlling access to

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					the facility also ensures that the cultural values of the western part of the facility are managed in line with conditions of accommodation.
			6.28 Recommend that if angle parking was to be pursued at Spencer Park that any parking be limited to the northern end of the Soldiers Point Road frontage.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
7	-	Not Applicable	Support:		
			7.1 None noted.	Not Applicable.	Not Applicable.
			Objection:		
			7.2 Objection to 90 degree parking in Spencer Park on grounds that it removes play areas for children and may cause traffic congestion due to parking vehicles holding up traffic on Soldiers Point Road.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			Recommendation:		
8	-	Not Applicable	7.3 None noted.	Not Applicable.	Not Applicable.
			Support:		
			8.1 None noted.	Not Applicable.	Not Applicable.
			Objection:		
			8.2 Objection to new car parking at Spencer Park.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			Recommendation:		
			8.3 Recommends a separate plan for the Aboriginal significance areas.	<p>The Soldiers Point Plan of Management and the Aboriginal Place management plan whilst contained in the same document are in fact dictated by the two separate Acts.</p> <p>Council and the Worimi community have worked together to achieve this draft Plan of Management and have done so in the spirit of partnership. The Plan of Management is a genuine attempt to marry the need for Port Stephens Council to manage community land and to ensure Aboriginal heritage and cultural values are protected and that any harm</p>	Not supported. The draft Plan of Management details how the land parcels will be managed as Community land and as an Aboriginal Place. The Plan of Management complies with the requirements of the Local Government Act for community land and the National Parks and Wildlife Act for Aboriginal Places.

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				to the Aboriginal Place is mitigated and managed through an Aboriginal Heritage Impact Permit. The creation of a single Plan of Management that includes the management of the Aboriginal Place is seen as a unique and practical approach to Aboriginal Place management on Council owned community land.	
			8.4 Recommend using 2 Sunset Boulevard as free parking area.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
9	-	Not Applicable	Support:		
			9.1 Sympathetic to the Aboriginal Place Plan of Management.	Noted with pleasure.	Support noted.
			Objection:		
			9.2 Reject the Master Plan on the basis that it should be treated as a separate process.	Not a matter of cultural concern.	It is common practice to incorporate a landscape master plan to illustrate proposed future improvements to the subject area, as proposed in the Plan of Management.
			Recommendation:		
			9.3 Undertake a separate process for the Master Plan.	Not a matter of cultural concern.	It is common practice to incorporate a landscape master plan to illustrate proposed future improvements to the subject area, as proposed in the Plan of Management.
			9.4 Provide an access infrastructure plan for Salamander Bay to Soldiers Point.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			9.5 Provide third party forecasts for proposed developments for Spencer Park and boat ramps.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			9.6 Provide evidence of assessments of alternative sites and why Soldiers Point has been determined as the best option.	Refer to the Plan of Management for information of cultural significance of the area.	The draft Plan of Management identifies the cultural values of the areas nominated for the Aboriginal Place. The NSW Office of Environment and Heritage have undertaken cultural assessments of the area and these assessments have informed the creation of the draft Plan of Management.
			9.7 Provide evidence of the Master Plan being	Not a matter of cultural concern.	The Master Plan is a supporting tool, developed

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10	Paul McQuarrie	Soldiers Point Tennis Club - Committee	compliant with aspects of the Local Environmental Plan and Development Control Plan and all statutory legislation.		to illustrate how the site is to be improved, in alignment with this Plan of Management. In this regard, all proposed uses and proposed future improvements in this Soldiers Point Aboriginal Place Plan of Management are in line with the Port Stephens Local Environmental Plan 2013, which has zoned Soldiers Point as RE1 Public Recreation Zone. Specifics for how this Plan of Management complies with relevant legislation is outlined in detail within Section 3 of the Plan of Management.
			9.8 Provide a statement that the Master Plan is not a proxy for addressing private enterprise group's interests.	Not a matter of cultural concern.	The Master Plan is not a proxy for addressing private enterprise group's interests.
			Support:		
			10.1 Overall supports the general objectives of the Soldiers Point Aboriginal Place Draft Plan of Management.	Noted with pleasure.	Support noted.
			Objection:		
			10.2 Objection to reduction in size of Spencer Park to provide additional parking based on: - The appearance that proposed car parking at Spencer Park is designed to "satisfy the needs of commercial activities..." - No apparent need for additional parking in the area; - Cost of providing additional parking would be better used to build a fourth tennis court and club house; - Removal of trees from Spencer Park to accommodate new parking spaces would remove shade from park users.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			Recommendation:		
			10.3 Better location for additional parking would be Resthaven Avenue.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
11	Jean Armstrong	Soldiers Point Community Group Inc. - Environmental Sub-Committee	Support – Submission 1:		
			11.1 None noted.	Not Applicable.	Not Applicable.
			Objection – Submission 1:		
			11.2 None noted.	Not Applicable.	Not Applicable.
			Recommendation – Submission 1:		
			11.3 Request for an extension to the Public	Not a matter of cultural concern.	Noted and granted at the time of receipt of submission. Public Exhibition period extended

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			Exhibition Period.		by 14 days.
	Jean Armstrong	Soldiers Point Community Group Inc. - Environmental Sub-Committee	Support – Submission 2:		
			11.4 None noted.	Not Applicable.	Not Applicable.
			Objection – Submission 2:		
			11.5 Objection to the Plan of Management on the basis of it seeks to engage in activities that could harm an Aboriginal Place and is contrary to the Coastal Protection Act 1979- No13 Section 38(1)(b1).	Activities that are permitted in an Aboriginal Place may in fact cause harm to the cultural values, however this harm is mitigated and managed through the Aboriginal Heritage Impact Permit process.	A key objective for this Plan of Management is to recognise the Aboriginal cultural values within the site, as an Aboriginal Place, and to outline the policies and strategies for their management and conservation.
			11.6 Object to encroachment of car parking onto Everitt Park and Spencer Park based on damage to trees due to compaction of soils and potential loss of root mass.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			11.7 Object to extension to third boat ramp based on: - lack of data to support the demand for more marine infrastructure; - probability of not attracting Better Boating Program Grants to fund the works; - interference of boat ramp on tidal processes.	Not a matter of cultural concern.	The NSW Boat Ownership and Storage – Growth Forecasts to 2026 study carried out by NSW Maritime shows that boat ownership figures for the Hunter Inland region of New South Wales being the highest number of registered vessels in the state with 53,705 vessels. This figure is forecast to grow to 92,140 by 2026. Given the high level of boat ownership in the region, Council has been successful in accessing a good proportion of Boating Now funding with the recent announcement of \$1,885,000 for the Port Stephens Local Government Area over the next 3 years starting in 2015/16. One of the requirements of the approval process when constructing a boat ramp is the completion of a coastal process study to ensure that the type of structure being installed will have minimal effect on the coastal processes of the area.
			11.8 Object to current car parking arrangements around Midden Site in Ridgeway Avenue.	The management of the midden needs to be factored into any future traffic and parking strategy.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			Recommendation – Submission 2		
			11.9 Recommend restrict parking to areas north of Sunset Boulevard.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of

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					Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
12	-	Not Applicable	Support: 12.1 None noted. Objection: 12.2 Object to the Plan of Management based on: - has a misleading title; - no justification of including Spencer Park in the Aboriginal Place; - too many errors and inconsistencies; - additional car parking will threaten the future of trees; - 90 degree car parking has been rejected by community and would be a waste of money; - the plan is "only superficially about aboriginal heritage".	Not Applicable. The name "Thou-Walla" is a Worimi word for Meeting Place which is relevant to the area of Soldiers Point and is only used as a commercial branding for the holiday park. The process of the Plan of Management has included many years of consultation initiated by the Worimi community in support of an Aboriginal Place. The Plan of Management ensures that the Worimi community has continual involvement in the management of the Aboriginal Place and association with their country Council and the Worimi community have worked together to achieve this draft Plan of Management and have done so in the spirit of partnership. The Plan of Management is a genuine attempt to marry the need for Port Stephens Council to manage community land and to ensure Aboriginal heritage and cultural values are protected and that any harm to the Aboriginal Place is mitigated and managed through an Aboriginal Heritage Impact Permit. The creation of a single Plan of Management that includes the management of the Aboriginal Place is seen as a unique and practical approach to Aboriginal Place management on Council owned community land.	Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area. Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			Recommendation:		
			12.3 None noted.	Not Applicable.	Not Applicable.
13	-	Not Applicable	Support: 13.1 Supports the Aboriginal Place draft Plan of Management. Objection: 13.2 Objects to any reduction of Spencer Park to include additional car parking.	Noted with pleasure. Not a matter of cultural concern	Support noted. Given the mixed response of the community regarding the supply and demand for more

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					parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			Recommendation:		
			13.3 None noted.	Not Applicable.	Not Applicable.
14	-	Not Applicable	Support:		
			14.1 Supports recognition and conservation of Aboriginal heritage.	Noted with pleasure.	Support noted.
			Objection:		
			14.2 Opposed to additional 90 degree car parking at Spencer Park and Mitchell Street.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			Recommendation:		
			14.3 Recommends no stopping signs or resumption of land in front of the large units to create a wider road along Mitchel Street.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
15	-	Not Applicable	14.4 Recommends shoreline remediation on western boundary of the holiday park.	Not a matter of cultural concern.	Agreed. The Plan of Management recommends ongoing future protection and sensitive management of the western foreshore boundary.
			Support:		
			15.1 None noted.	Not Applicable.	Not Applicable.
			Objection:		
			15.2 Opposed to 90 degree parking at Spencer Park based on: - loss to or damage of trees; - reduction in open space; - safety of children from moving vehicles.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
16	-	Not Applicable	Recommendation:		
			15.3 None noted.	Not Applicable.	Not Applicable.
			Support:		
			16.1 None noted.	Not Applicable.	Not Applicable.
			Objection:		
			16.2 Objects to widening of Soldiers Point Road and Mitchell Street for new angle parking	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more

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			based on: - cost; - reduction in Spencer Park amenity; - damage to and removal of mature trees; - contravenes the Local Government Act if any part of a public reserve is used for a road; - removal of existing trees would reduce amenity and conflict with DCP2007		parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			Recommendation: 16.3 Remove additional areas of parking from the Master Plan as they have no bearing on Aboriginal heritage or artefacts.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
17	-	Not Applicable	Support: 17.1 None noted.	Not Applicable.	Not Applicable.
			Objection: 17.2 Objects to the Plan of Management as presented.	Council and the Worimi community have worked together to achieve this draft Plan of Management and have done so in the spirit of partnership. The Plan of Management is a genuine attempt to marry the need for Port Stephens Council to manage community land and to ensure Aboriginal heritage and cultural values are protected and that any harm to the Aboriginal Place is mitigated and managed through an Aboriginal Heritage Impact Permit. The creation of a single Plan of Management that includes the management of the Aboriginal Place is seen as a unique and practical approach to Aboriginal Place management on Council owned community land.	Objection noted. Refer to Worimi Working Group Response.
			17.3 Objects to the consultation process in general.	Not a matter of cultural concern.	Noted.
			17.4 Questions why Spencer Park is included in the Plan of Management but is not referenced as being an area of Aboriginal significance.	Not including Spencer Park in the original Aboriginal Place nomination, did not extinguish the cultural significance or Aboriginal Place connection to the Soldiers Point area. Therefore, and as a result of further discussion in during the public exhibition period it has been nominated for inclusion in the Aboriginal Place and an amendment of the	Spencer Park is not included in the original Aboriginal Place nomination nor is it categorised in the Plan as being of "cultural significance". However during the public exhibition period for the Plan the park has been identified as having cultural value to some local Aboriginal people. In order to afford reasonable protection of these cultural values and to not prolong the adoption of the Plan or the Aboriginal Place nomination

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		-		boundary has been summited accordingly.	process, the Plan shall include a recommendation to include Spencer Park as part of the Aboriginal Place area.
			Recommendation:		
			17.5 None noted.	Not Applicable.	Not Applicable.
			Support		
			17.6 None noted.	Not Applicable.	Not Applicable.
			Objection:		
			17.7 Objects to Plan of Management based on: - insufficient detail provided to assess the proposal; - conflicting information and discrepancies; - lack of detail about proposed car parking; - lack of detail for proposed parking and boat launching facility.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			17.8 Master Plan Map displays proposed parking at Tennis Courts as parallel parking, whereas elsewhere the Plan of Management states 90 degree parking.	Not a matter of cultural concern.	The Master Plan uses dashed lines to show where future parking would be considered. The use of the dashed lines is not a representation of the angle of any future car parking.
			17.9 Master Plan map shows parallel parking along Mitchell Street.	Not a matter of cultural concern.	The Master Plan uses dashed lines to show where future parking would be considered. The use of the dashed lines is not a representation of the angle of any future car parking.
			17.10 Objects to statements that the car park that supports the boat ramp is "almost always at capacity" and requests quantifiable data to support this claim.	Not a matter of cultural concern.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			17.11 Objects to "renaming the entire Spencer Park as a Sports ground".	Not a matter of cultural concern.	The Plan of Management does not suggest any renaming of Spencer Park. The reference to "Sports ground" relates to the community land 'category' of "sports ground". The Core objectives of the "sports ground" category are detailed in Table 6 on page 24.
			Recommendation:		
18	Neil Hansford	Members of the Soldiers Point Community Group Inc.	17.12 None noted.	Not Applicable.	Not Applicable.
			Support:		
			18.1 None noted.	Not Applicable.	Not Applicable.
			Objection:		
			18.2 Objects to the Plan of Management on the basis of: a) conflicting identification of Focus Area 8	The name "Spencer" in Spencer Park is named after a Worimi Aboriginal man who lived on Spencer Park.	a) Noted and amended. b) Given the mixed response of the community regarding the supply and demand for more

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			<p>being referred to elsewhere as Focus Area 7;</p> <p>b) parking proposal for Spencer Park is not consistent with previous rejections of this same proposal relating to a Development Application for the marina;</p> <p>c) no record kept of attendees to the face to face community sessions held at Soldiers Point Memorial Hall;</p> <p>d) Spencer Park being included as part of the Aboriginal Place area;</p> <p>e) Master Plan (assumed as there is reference in the submissions as "a Future Plan") includes car parking at Spencer Park and Mitchell Street;</p>		<p>parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.</p> <p>c) Council conducted a drop in session for members of the community on Saturday 2 May 2015 at Soldiers Point Hall. This session was intended to enable members of the community to learn about Aboriginal Place management and to ask questions about the draft Plan of Management. This session was not a public meeting therefore no record of attendees required.</p> <p>d) Spencer Park is not included in the Aboriginal Place nomination nor is it categorised in the Plan as being of "cultural significance". However during the public exhibition period for the Plan the park has been identified as having cultural value to some local Aboriginal people. In order to afford reasonable protection of these cultural values and to not prolong the adoption of the Plan or the Aboriginal Place nomination process, the Plan shall include a recommendation to include Spencer Park as part of the Aboriginal Place area.</p> <p>e) Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action that reads "Council to undertake a traffic and parking management strategy during the term of the Plan of Management".</p>
Recommendation:					
			<p>18.3 That there be a fully accessible pathway including an education trail that is unobstructed at all times from the entrance to the Western Foreshore via Ridgeway Avenue to the North Eastern Foreshore.</p>	Not a matter of cultural concern.	Not recommended. Construction of a fixed or floating walk way around the western foreshore to link the marina area to the boat ramp area would be too costly and require multiple approvals and conditions given the proximity of such a walk way to the waterway, marina park and the adjacent known shell deposits in the foreshore.
			<p>18.4 Remove Spencer Park from the Plan of Management until there is detailed proof of the aboriginal significance of the site.</p>	<p>Aboriginal significance cannot be solely measured by physical material evidence. Non tangible values such as social connection to the land and the spiritual nature of land are all accepted cultural values and have been shown to exist.</p> <p>The name "Spencer" in Spencer Park is</p>	Spencer Park is not included in the Aboriginal Place nomination nor is it categorised in the Plan as being of "cultural significance". However during the public exhibition period for the Plan the park has been identified as having cultural value to some local Aboriginal people. In order to afford reasonable protection of these cultural values and to not prolong the adoption of the Plan or the Aboriginal Place nomination process,

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				named after a Worimi Aboriginal man who lived on Spencer Park.	the Plan shall include a recommendation to include Spencer Park as part of the Aboriginal Place area.
			18.5 Remove the "Future Plan" from the Plan of Management;	Not a matter of cultural concern.	It is common practice to incorporate a landscape master plan to illustrate proposed future improvements to the subject area, as proposed in the Plan of Management.
			18.6 Include new items in the Plan of Management that prohibits Council from leasing or selling any "Operational land" adjacent to the marina if by doing so fully unobstructed public pedestrian access via a purpose built pathway from Ridgeway Avenue is not maintained;	Not a matter of cultural concern.	The Plan of Management cannot prohibit the management of Council "operational" land. There is a "right of way" over the land to provide public access at all times. The leasing or licencing of land is required to formalise current use and legally outlines responsibilities.
			18.7 Prescribe financial penalties and agreement conditions that enable agreement termination at Council's discretion to any lessee of new owner of any "Operational land" adjacent to the marina for any blockage to a fully unobstructed public pedestrian access via a purpose built pathway from Ridgeway Avenue.	Not a matter of cultural concern.	Penalties are contained within the legal agreements under legislation.
			18.8 That Council confirm that the land on which the Holiday Park is located is "Community Land" and that Council has no intention of reclassifying this land as "Operational Land" whilst under the umbrella of the Aboriginal Place Plan of Management.	Not a matter of cultural concern.	The Holiday Park is classified "Community Land". The Plan has been amended to include a strategy for Council to develop a planning proposal that aims to reclassify the parcel of land that includes the Yacht Club as "operational land" and subdivide the area around the Yacht Club in order to effect a new lease after the expiration of the current lease in 2021 that includes provision for car parking and curtilage around the building.
19	-	Not Applicable	Support:		
			19.1 Supports the Plan of Management as presented.	Noted with pleasure.	Support noted.
			Objection:		
			19.2 None noted.	Not Applicable.	Not Applicable.
			Recommendation:		
			19.3 Congratulates Council for the way in which the process to draft the Plan of Management has occurred.	Noted with pleasure.	Support noted with pleasure.
20	-	Not Applicable	Support:		
			20.1 Supports the intention of the Aboriginal Place.	Noted with pleasure.	Support noted.

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			Objection:		
			20.2 Objects to the proposed car parking at Spencer Park and Street on basis that it may harm the cultural values of the Aboriginal Place and destroy trees.	Council and the Worimi community have worked together to achieve this draft Plan of Management and have done so in the spirit of partnership. The Plan of Management is a genuine attempt to marry the need for Port Stephens Council to manage community land and to ensure Aboriginal heritage and cultural values are protected and that any harm to the Aboriginal Place is mitigated and managed through an Aboriginal Heritage Impact Permit. The creation of a single Plan of Management that includes the management of the Aboriginal Place is seen as a unique and practical approach to Aboriginal Place management on Council owned community land.	Given the mixed response of the community regarding the supply and demand for more parking at Soldiers Point the final Plan of Management is to have an Action Table that includes an item to undertake a traffic and parking management study for the area.
			Recommendation:		
			20.3 Recommends that the Plan of Management include reference to the classification of parcels of community land adjacent to the Marina.	Not a matter of cultural concern.	Not part of the Plan of Management process.
			20.4 Recommends clarification of the title of the Soldiers Point Master Plan to Soldiers Point Aboriginal Place Master Plan.	Not a matter of cultural concern.	Agreed and amended.
21	-	Not Applicable	20.5 Recommends that the whole Aboriginal Place Plan of Management process cease and commence again with two separate plans created, one for the Aboriginal Place and one for Community Land.	The Aboriginal community has decided to incorporate the management of the Aboriginal Place into Council's existing Plan of Management process for community land at Soldiers Point. This approach is consistent with the National Parks and Wildlife Act requirements for Aboriginal Place management plans. This approach ensures that the Aboriginal community and Port Stephens Council will continue to collaborate on the management of this area.	Not supported. The draft Plan of Management details how the land parcels will be managed as Community land and as an Aboriginal Place. The Plan of Management complies with the requirements of the Local Government Act for community land and the National Parks and Wildlife Act for Aboriginal Places.
			Support:		
			21.1 Supports the Plan of Management as presented.	Noted with pleasure.	Support noted.
			Objection:		
			21.2 None noted.	Not Applicable.	Not Applicable.
			Recommendation:		
			21.3 Congratulates Council for the way in which the process to draft the Plan of	Not a matter of cultural concern.	Support noted with pleasure.

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			Management has occurred.		
22	-	Not Applicable	Support 22.1 Supports the Plan of Management as presented.	Noted with pleasure.	Support noted.
			Objection:		
			22.2 None noted.	Not Applicable.	Not Applicable.
			Recommendation:		
			22.3 Complimentary of the consultation process and the details provided on the Aboriginal cultural values of the area.	Noted with pleasure.	Support noted with pleasure.
23	John Simpson	Hunter Water Corporation	Support: 23.1 None noted.	Not Applicable.	Not Applicable.
			Objection:		
			23.2 None noted.	Not Applicable.	Not Applicable.
			Recommendation:		
			23.3 Provided advice and plans that showed the location of water and sewer line locations in the vicinity of the area and waste water pump near the marina.	Not a matter of cultural concern.	Advice noted.
			23.4 Recommends that Hunter Water be advised of any implications to their operations for the proper maintenance of Hunter Water infrastructure within the Aboriginal Place areas.	Not a matter of cultural concern.	Advice noted.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
EAGLETON.



Planning Proposal – 713 Newline Road, Eagleton

Proposed amendment to Schedule 1 of Port
Stephens Local Environmental Plan 2013
Lot 11 DP881743, 713 Newline Road, Eagleton



PORT STEPHENS
COUNCIL

**ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
EAGLETON.**

FILE NUMBERS

Council: PSC2015-01071
Department: To be provided at Gateway Determination.

SUMMARY

Subject land: Lot 11 DP881743, 713 Newline Road,
Eagleton
Proponent: LeMottee Group
Proposed Changes: Amendment to Schedule 1 of the Port
Stephens Local Environmental Plan 2013 to
allow dual occupancy development on the
subject land
Zone: RU1 Rural Production
Area of land: Six (6) hectares

BACKGROUND

The land holder is seeking to change the approved use of a tourist facility and manager's residence to a detached dual occupancy on the subject land. However, under the Port Stephens Local Environmental Plan 2013, a dual occupancy is not permitted on the subject land as a minimum lot size of 20 hectares is required on land in the RU1 Primary Production Zone. The subject site is 6 hectares.

Previously, the proposed dual occupancy was also not permitted under Clause 14 of the Port Stephens LEP 2000, which prohibited dwelling houses and dual occupancy on lots, such as this one, that were created for another intended use. Furthermore, as discussed below, there is a convenient on the title of the property restricting its use for dual occupancy. The convenient was created at the time of the development application to restrict the use of the land.

In order to allow the proposed change of use, an amendment to Schedule 1 Additional Permitted Uses of the Port Stephens Local Environmental Plan 2013, to include development for the purposes of a dual occupancy on the subject land, is required.

In November 1998, approval was granted on the subject land for a tourist facility, manager's residence and subsequent subdivision, pursuant to Clause 12(b) of the Port Stephens LEP 1987, which, at the time, allowed for the subdivision of rural land for an approved use other than dwellings. As such,

**ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
EAGLETON.**

the subdivision did not result in an additional dwelling entitlement. The development consent required the land to be burdened by an 88B instrument restriction under the *Conveyancing Act 1919*, prohibiting a dwelling or duplex (Condition 6 of L1055/98).

The tourist facility included a water-ski school and associated tourist lodge. However, the business became unviable in 2003 due to changes made by the Department of Land & Conservation, Waters Authority and Council regarding the use of waterways.

A Mayoral Minute dated 28 July 2009 resolved to initiate an amendment to Clause 14 of the Port Stephens LEP 2000 to enable the permissibility of dwellings on allotments created for approved uses prior to the appointed date (being 29 December 2000). Clause 14 dealt with dwelling houses and dual occupancies in Rural Zones. This amendment sought to allow the proposed change of use however it did not proceed. The matter was considered through the preparation of the principal LEP (PSLEP2013), but was not included because the LEP sought to transition the existing provisions into the standard instrument template, without any significant policy change. As such, a standard minimum lot size for rural land use was applied.

Since this time, the land holder has lodged numerous development applications seeking a change of use from tourist facility and manager's residence to dual occupancy. These applications have been refused as dual occupancy is prohibited under previous and current LEPs.

At its meeting on 10 March 2015, Council refused a development application for a change of use from tourist facility to dual occupancy due to the proposed development being prohibited under the LEP 2013. However, at this time, Council indicated support for the applicant to lodge a planning proposal seeking an amendment to Schedule 1 to allow the use of the existing buildings for dual occupancy. Council also resolved to waive any fees associated with the planning proposal.

Should the planning proposal be supported, a new Development Application seeking a change of use to a dual occupancy will need to be lodged. Further, as there is an operational consent over the land which prohibits dual-occupancy/dwellings on the subject lot (condition 6 of L1055/98), a Section 96 application must also be lodged (concurrently) seeking the removal of this condition. The 88B instrument restriction will also need to be removed from the title of the property.

SITE

The planning proposal relates to Lot 11 DP881743, 713 Newline Road, Eagleton. **Figure 1 – 713 Newline Road** (Page 3) identifies the site.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
EAGLETON.

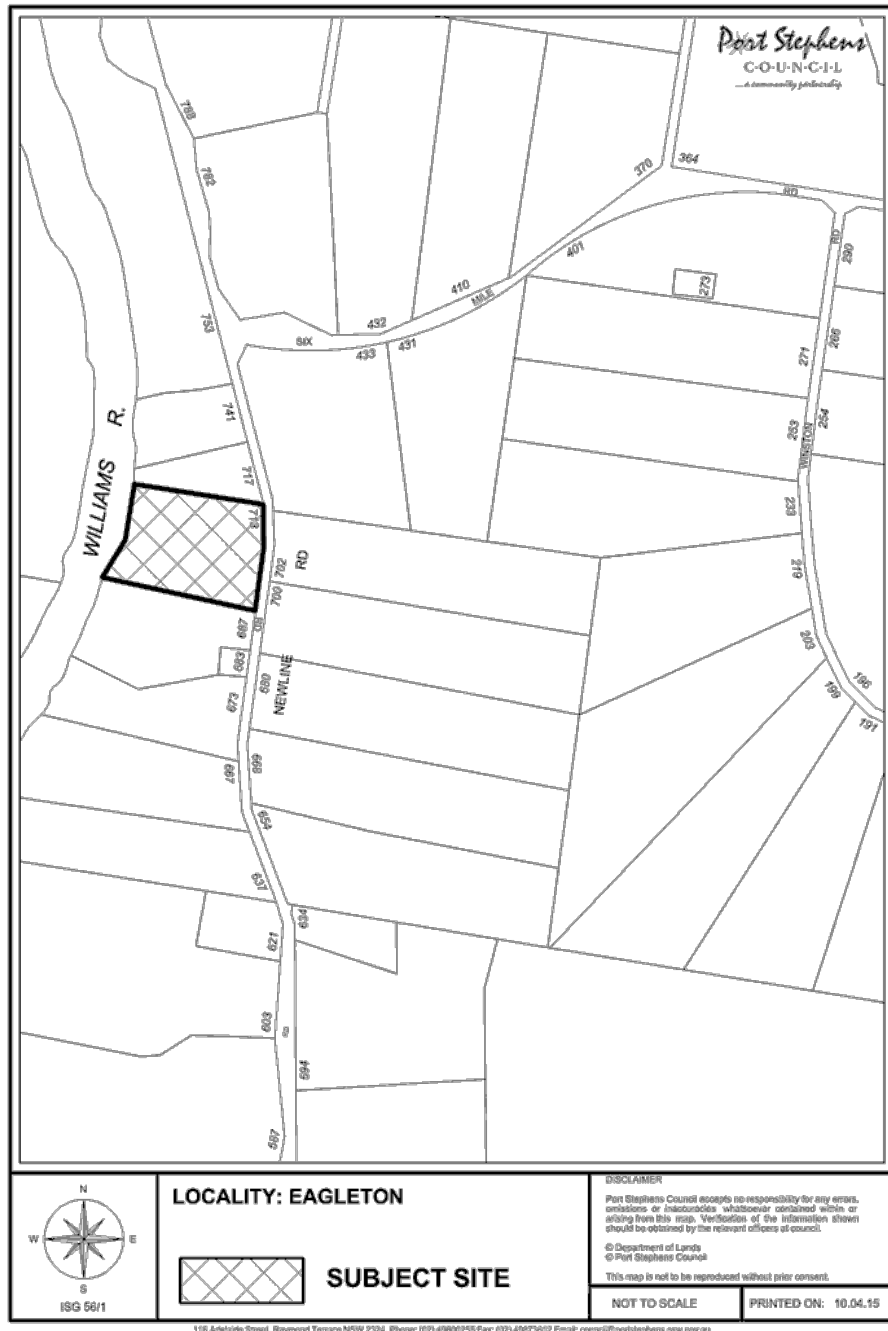


Figure 1 – Locality Plan – 713 Newline Road, Eagleton

**ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
EAGLETON.**

**PART 1 – Objective of the proposed Local Environmental Plan
Amendment**

The planning proposal aims to allow detached dual occupancy as an additional permitted use on Lot 11 DP881743, 713 Newline Road, Eagleton.

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

Under the provisions of the PSLEP 2013, a dual occupancy is only permissible on land in the RU1 Zone where it has a minimum size of 20ha. The subject site is approximately 6 ha.

In order for the proposed dual occupancy to be permitted, an amendment to Schedule 1 Additional Permitted Uses of the PSLEP 2013 is required as follows:

The proposal will be implemented by an amendment of the Port Stephens Local Environmental Plan 2013 by adding the following to Schedule 1 – Additional Permitted Uses:

X Use of certain land at Newline Road, Eagleton

- (1) This clause applies to land at Newline Road, Eagleton, being Lot 11 DP881743
- (2) Development for the purpose of a detached dual occupancy is permitted with consent.

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

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

No. The Planning Proposal is the result of a development application that sought a change of use of an existing tourist facility and managers residence to a dual occupancy on the subject land. Under the Port Stephens Local Environmental Plan 2013 (the LEP), the proposed change of use is not permissible and the application was refused. However, Council resolved to encourage the proponent to lodge a planning proposal to enable an additional permitted use of the site.

The dual occupancy is a prohibited use, and the subdivision and existing buildings were specifically approved for a tourist facility, with a covenant restricting their use as a dwelling / dual occupancy. Furthermore, additional development in rural areas increases the potential for land use conflict between the rural residential land and agricultural pursuits and increases demand for services in remote areas. For these reasons, it is considered that the proposal has limited strategic justification, despite the minimal environmental impacts of the change of use.

**ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
EAGLETON.**

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

Under the provisions of the LEP 2013, a dual occupancy is prohibited on the subject land. An amendment to Schedule 1 is required in order for the existing buildings on the land to be used as a dual occupancy. In this instance, an amendment to Schedule 1 is the best means of allowing a dual occupancy on the subject land, as it will not change the use of other rural land.

- 3. Is there a community benefit?*

The proposal will have minimal social or economic benefit to the community.

SECTION B – Relationship to Strategic Planning Framework

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

Lower Hunter Regional Strategy

The approved use of the site for a tourist facility is no longer viable. The planning proposal will allow the existing buildings on the site to be used as a detached dual occupancy. No additional development will be permitted as part of this proposal and it will create a viable use for the land.

The planning proposal is inconsistent with the objectives of the LHRS, which seeks to limit new dwelling entitlements in Rural Zones. However, it is consistent with the applicable Sustainability Criteria. An assessment of the planning proposal against the Sustainability Criteria is contained in **Attachment 3**.

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

Integrated Planning and Reporting Framework

The Planning Proposal is a statutory planning document, which either directly or indirectly addresses a broad range of measures contained within Council's integrated plans, such as Direction 11.1.1.2 – Prepare and review statutory plans.

Port Stephens Planning Strategy (PSPS)

The PSPS aims to ensure that current and future agriculture is not compromised by the fragmentation of rural land. It further aims to ensure that prime agricultural land and important rural landscapes are protected from undesirable development.

**ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
EAGLETON.**

The planning proposal is consistent with the aims of the PSPS as it will not compromise agricultural land or provide provisions that will allow for its further fragmentation. Given that no further development potential will be created as it is proposed to change the use of the existing buildings, the proposal will have no impact on the rural vista in the area.

State Environmental Planning Policies

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

There are no existing or draft SEPPs that prohibit or restrict the proposed development as outlined in this planning proposal. An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 44 – Koala Habitat Protection	The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	Part of the subject land contains Preferred Koala Habitat/cleared buffer area, however it is mostly cleared land and contains little vegetation. The location of the existing buildings is cleared land and the proposal does not include tree removal. The planning proposal will not impact upon koala habitat.
SEPP (Rural Lands) 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	The proposal complies with the objectives of the SEPP as it provides for the most economically viable use of the land. The proposal will not impact on the surrounding rural land use.

Section 117 Ministerial Directions

7. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD, EAGLETON.

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES		
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	The planning proposal is inconsistent with this Direction as it seeks to increase the permissible density in a rural zone. This inconsistency is considered to be of minor significance as it will provide a mechanism for the viable use of existing buildings on the site.
1.4 Rural Lands	The objective of this direction is to protect the agricultural production value of rural land and facilitate the economic development of rural lands for rural related purposes.	The planning proposal seeks to amend provisions applying to rural zoned land. However, the planning proposal will not impact on the economic viability of rural land.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The planning proposal will have minimal environmental impact.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low impact small businesses in dwelling houses.	Pursuant to the PSLEP 2013, Home occupation is permitted without consent in the RU1 Zone.
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability	The subject site is identified as containing Acid Sulfate Soils. However, the planning proposal seeks to allow a change of use of existing

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD, EAGLETON.

	of containing acid sulphate soils	buildings. As such, no works are proposed and ASS will not be impacted.
4.3 Flood Prone Land	The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	The subject land is partially flood prone. However, the existing buildings are located above the 1:100 year floodplain.
4.4 Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	The proposal is satisfies the requirements of Planning for Bushfire protection Guidelines 2006.
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The planning proposal is inconsistent with the LHRS as it seeks to increase dwelling density on rural land. The planning proposal is of minor significance and satisfies the 'sustainability criteria' contained in the LHRS. An assessment of the sustainability criteria is located at Attachment 3 .

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD, EAGLETON.

6. LOCAL PLAN MAKING		
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	<p>The planning proposal is inconsistent with this Direction as it proposes site specific provisions.</p> <p>The proposal is of minor significance as the proposed site specific provisions will limit the land use changes to this specific site and not alter the rural zone.</p>

SECTION C – Environmental, Social and Economic Impact

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

No. The buildings already exist and therefore the proposal is unlikely to have any significant adverse impacts to the environment or surrounding rural amenity.

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

No.

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

The proposal will have minimal social and economic impacts.

SECTION D – State and Commonwealth interests

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

The proposal will not generate a significant demand for additional public infrastructure.

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

The Gateway Determination will specify any government agency consultation requirements. Given the local nature and minimal impact of the proposal, it is unlikely that any agencies will have an interest in the planning proposal.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD, EAGLETON.

Part 5 - Details of Community Consultation

The planning proposal will be exhibited in accordance with the Gateway determination. Given the minor nature of the proposal, a 14 day exhibition period will suffice.

Notice of the public exhibition period will be placed in The Examiner. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace
- Tomaree Library, Town Centre Circuit, Salamander Bay
- Council's website.

Part 6 – Project timeline

The planning proposal is expected to be reported to Council following the completion of the public exhibition period.

The following timetable is proposed:

	AUG15	SEPT 15	OCT 15	NOV 15	DEC 15	JAN 16	FEB 16
<i>Council consideration</i>							
<i>Gateway Determination</i>							
<i>Public Exhibition</i>							
<i>Council Report</i>							
<i>Parliamentary Counsel</i>							

**ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
EAGLETON.**

Attachment 1 – Council Report and Minutes 10 March 2015

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

ITEM NO. 1

FILE NO: 16-2014-222-1

**DEVELOPMENT APPLICATION FOR A CHANGE OF USE FROM TOURIST LODGE
AND MANAGERS RESIDENCE TO DETACHED DUAL OCCUPANCY DEVELOPMENT
AT NO 713 NEWLINE ROAD, EAGLETON (LOT 11 DP881743)**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-222-1 for change of use from Tourist Facility to Detached Dual Occupancy Development at 713 Newline Road, Eagleton (Lot 11 DP 881743) for the following reasons:
 - a. The proposed development is prohibited under Clause 4.28 of Port Stephens Local Environmental Plan 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979);
 - b. The site does not satisfy the minimum lot size and other requirements for Dual Occupancy development on Rural Land under the Port Stephens Local Environmental Plan (LEP) 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979;
- 2) Council officers write to the owner/applicant encouraging them to lodge a planning proposal for consideration by NSW Planning and Environment to amend the Port Stephens LEP 2013 to enable an additional permitted use on the site (for purposes of a dual occupancy).

ORDINARY COUNCIL MEETING – 10 MARCH 2015

MOTION

040	Councillor Steve Tucker Councillor John Nell
	It was resolved that Council move into Committee of the Whole.

Cr Paul Le Mottee left at 5.31pm, prior to Item 1, in Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Mayor Bruce MacKenzie Councillor Sally Dover
	That Council: 1) Refuse Development Application 16-2014-222-1 for change of use

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD, EAGLETON.

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

	<p>from Tourist Facility to Detached Dual Occupancy Development at 713 Newline Road, Eagleton (Lot 11 DP 881743) for the following reasons:</p> <p>c. The proposed development is prohibited under Clause 4.28 of Port Stephens Local Environmental Plan 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979);</p> <p>d. The site does not satisfy the minimum lot size and other requirements for Dual Occupancy development on Rural Land under the Port Stephens Local Environmental Plan (LEP) 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979;</p> <p>2) Council officers write to the owner/applicant encouraging them to lodge a planning proposal for consideration by NSW Planning and Environment to amend the Port Stephens LEP 2013 to enable an additional permitted use on the site (for purposes of a dual occupancy).]</p> <p>3) Given Council has previously indicated support for this rezoning application via minute no 221 of 28 July 2009, and it was Council's understanding the proposal would be included in the comprehensive Local Environmental Plan (LEP), Council resolve that no fees are applicable for the planning proposal.</p>
--	---

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

Those for the motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

MOTION

Cr Paul Le Mottee left the meeting at 6.04pm, prior to Item 1, in Open Council.

042	<p>Councillor Chris Doohan Councillor John Nell</p> <p>It was resolved that Council:</p> <p>1) [Refuse Development Application 16-2014-222-1 for change of use from Tourist Facility to Detached Dual Occupancy Development at 713 Newline Road, Eagleton (Lot 11 DP 881743) for the following reasons:</p> <p>e. The proposed development is prohibited under Clause 4.28</p>
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**ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
EAGLETON.**

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

	<p>of Port Stephens Local Environmental Plan 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979);</p> <p>f. The site does not satisfy the minimum lot size and other requirements for Dual Occupancy development on Rural Land under the Port Stephens Local Environmental Plan (LEP) 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979;</p> <p>2) Council officers write to the owner/applicant encouraging them to lodge a planning proposal for consideration by NSW Planning and Environment to amend the Port Stephens LEP 2013 to enable an additional permitted use on the site (for purposes of a dual occupancy).]</p> <p>3) Given Council has previously indicated support for this rezoning application via minute no 221 of 28 July 2009, and it was Council's understanding the proposal would be included in the comprehensive Local Environmental Plan (LEP), Council resolve that no fees are applicable for the planning proposal.</p>
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In accordance with Section 375A of the *Local Government Act 1993*, a division is required for this item.

Those for the motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

BACKGROUND

The purpose of this report is to present to Council for determination development application 16-2014-222-1. The application has been called to Council by Councillor Jordan due to community interest. A copy of the call up form is included at **(ATTACHMENT 1)**.

Proposal

The application seeks to change the approved use of a tourist facility and managers residence to a detached dual occupancy under the Port Stephens Local Environmental Plan 2013 located at 713 Newline Road, Eagleton **(ATTACHMENT 2)**.

The key issue with the application relates to permissibility under the Port Stephens Local Environmental Plan 2013. Other impacts of the development are suitable and compliant with the relevant Development Control Plan (DCP) requirements. This is outlined in the Assessment **(ATTACHMENT 3)**.

**ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
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MINUTES ORDINARY COUNCIL – 10 MARCH 2015

Since 2006, Council staff have advised the owner/applicant on a number of occasions that the change of use is prohibited. A report to Council in 2009 resulted in the issue of a refusal. Council has previously advised via Council resolution it would support a planning proposal to change the zoning provisions to accommodate such a use.

Site History

Approval for a tourist facility, managers residence and a subdivision was granted pursuant to Clause 12(b) of the Port Stephens Local Environmental Plan 1987 (DA 1055/98) on 5 November 1998. This clause allowed for subdivision of rural land for an approved use, excluding dwellings, therefore did not include a dwelling entitlement.

The tourist facility was sought to be run as a water-ski school and associated tourist lodge. The site is burdened with an 88B instrument restriction under the Conveyancing Act 1919 prohibiting a dwelling or duplex.

In 2006 the owners sought Council's approval to remove the restriction on the use of the land contained in the 88B instrument. The basis of the request related to changes to the way in which the water-ski school was able to operate, which the owner advised would render the business unviable.

In 2003, the Department of Land & Conservation, Waters Authority and Port Stephens Council undertook a joint investigation into stream bank erosion and the adoption of a new Boating Traffic Management Plan for the Williams River. Following this, Boating Traffic Management Plans were adopted which prohibit slow speed towing, including wakeboarding or knee boarding in the stretch of the river some distance either side of the subject site's frontage to the river. The owner advised that this impacted negatively on the business as novice skiers or wake boarders could not be trained properly without being able to access other areas on the river and requested removal of the 88B restriction.

At the time of the request, Council advised that the restriction could not be removed given a dwelling or duplex was prohibited under the Port Stephens Local Environmental Plan 2000 (as a result of the previous subdivision not being for this purpose).

In 2009, the owners lodged another development application for a change of use from tourist facility to dual occupancy and sought amendment to Clause 14 of Council's Local Environmental Plan 2000 to allow the development. The development application was also refused by Council as consent for the subdivision had been granted pursuant to Clause 12(b) of Port Stephens Local Environmental Plan 1987 on the basis that the new lot would only be for the tourist facility and development for a dual occupancy was prohibited.

Although the site is considered suitable for the proposed development from a merits perspective, the application cannot be supported given the proposal is not permissible under the Port Stephens LEP 2013. The purpose of this LEP provision is to minimise the fragmentation of agricultural land.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD, EAGLETON.

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

Council officers have sought to assist the owner/applicant by seeking them to lodge a planning proposal requesting an amendment to the Port Stephens LEP 2013 to enable an additional permitted use on the site (for the purposes of a dual occupancy). If a planning proposal was lodged, Council officers have advised they would support making a submission to the NSW Planning & Environment for their consideration.

FINANCIAL/RESOURCE IMPLICATIONS

The application could be potentially challenged in the Land and Environment Court. Defending Council's determination could have financial implications.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is prohibited under Council's Local Environmental Plan 2013 and is therefore not consistent with the requirements of Section 79C(a) of the *Environmental Planning & Assessment Act 1979*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused the determination may be challenged in the Land and Environment Court.	Low	Council is confident the assessment is robust and if required is able to proceed through the legal process.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Part of Council's role is to provide services and make decisions that enhance quality of life. The proposal seeks to return a viable use to the land and there are no social and economic implications for Council by allowing for provision of housing within buildings that currently exist on the land.

The Applicant advises that the current existing use was rendered inoperable as a result of concerns over boating and stream bank erosion of the Williams River.

**ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
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Both the manager's residence and tourist lodge (originally a dwelling) exist on the site. The site is well maintained and the proposal does not have any adverse environmental impacts nor will the development have any adverse social or economic implications. |

CONSULTATION

The application did not require public notification in accordance with Council's policies. The application was referred to Council's building surveyors in accordance with Council's service level agreements. Consultation with the applicant and site inspection with the owners has taken place. |

OPTIONS

- |1) Adopt the recommendations;
- 2) Amend the recommendations;
- 3) Reject the recommendations. |

ATTACHMENTS

- |1) Councillor Call to Council Form;
- 2) Locality Plan;
- 3) Assessment;
- 4) Conditions/Reasons for refusal. |

COUNCILLORS ROOM

- |1) Statement of Environmental Effects;
- 2) Site Photos. |

TABLED DOCUMENTS

|Nil.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
EAGLETON.

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

ATTACHMENT 1
COUNCILLOR CALL UP FORM

116 Adelaide Street, Raymond Terrace NSW 2324
16-2014-222-1
CALL TO COUNCIL FORM
DEVELOPMENT APPLICATION

I, Councillor Ken Jordan
require Development Application Number.....16-2014-222-1.....
for a :change of use – tourist lodge to dual occ
at 713 Newline Road, Eagleton.....
to be subject of a report to Council for determination by Council.
Reason:
The reason for this call-up to Council is *so the applicant can do public access and the Councilors can do site visit.*
Declaration of Interest:
I have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this development application on my part or an associated person. I have a conflict of interest? Yes/No (delete the response not applicable).
If yes, please provide the nature of the interest and reasons why further action should be taken to bring this matter to Council:
Signed: .. Date: *20/1/2015*
16255 | Facsimile: 07 4987 3612
www.portstephens.nsw.gov.au

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
EAGLETON.

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

ATTACHMENT 2
LOCALITY PLAN



**ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
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MINUTES ORDINARY COUNCIL – 10 MARCH 2015

**ATTACHMENT 3
ASSESSMENT**

The application has been assessed pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979* and the following is a summary of those matters considered relevant in this instance.

THE PROPOSAL

The application is for a change of use from the approved tourist facility and managers residence to a detached dual occupancy under Port Stephens Local Environmental Plan 2013.

THE APPLICATION

Owner Applicant	Mr. G.A & Ms N M Wright Le Mottee Group
--------------------	--

THE LAND

Property Description	Lot 11 DP881743
Address	713 Newline Road, Eagleton
Area	The site has an area of 5.258ha.
Dimensions	The site has irregular dimensions, however, is generally rectangular in shape and has frontage to the Williams River.
Characteristics	Bushfire prone land, Acid Sulphate Soils (ASS) Class 5, Koala Habitat (cleared buffer/preferred), Prime Agricultural land (classes 1-3), Partially flood affected.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
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MINUTES ORDINARY COUNCIL – 10 MARCH 2015

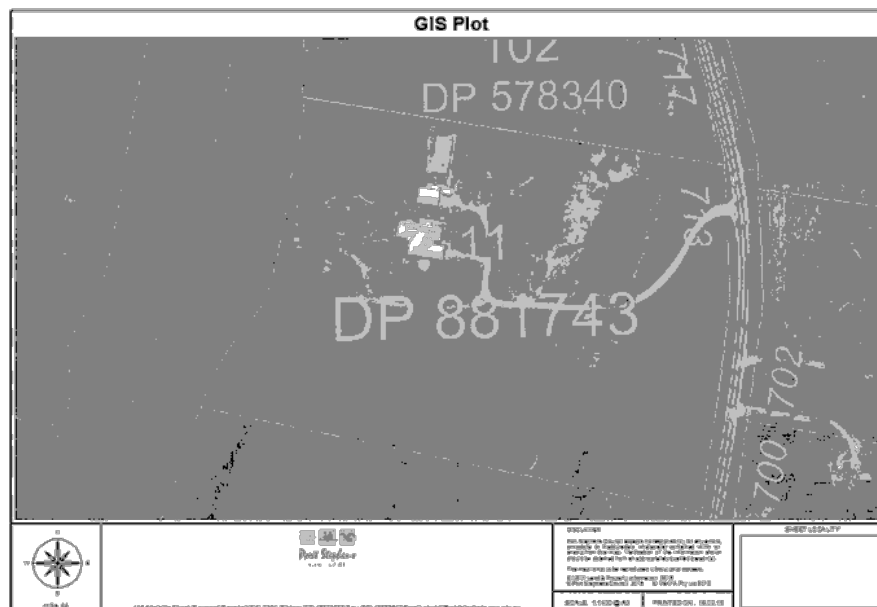


Figure 1 – Aerial Image of Development Site

THE ASSESSMENT

PLANNING PROVISIONS

Environmental Planning and Assessment Act 1979	s.79C Planning provisions Rural Fires Act 1997 (798A)
State Environmental Planning Policies	State Environmental Planning Policy Rural Lands (2008) State Environmental Planning Policy No.44 – Koala Habitat Protection (and Port Stephens Comprehensive Koala Plan of Management)
Port Stephens Local Environmental Plan (2013)	Zone RU1 Primary Production Clause 4.2B Erection of dwelling houses on land in certain rural, residential and environmental protection zones Cl.7.1 Acid sulphate soils. Cl.7.10 – Williams River Catchment
Port Stephens Development Control Plan 2013	B2 Environment and Construction Management

**ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 713 NEWLINE ROAD,
EAGLETON.**

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

B3 Parking and Traffic
B6 Single and Dual Occupancy Dwellings

Port Stephens Section 94 Plan

Section 94 contributions are not applicable as section 94 levies raised under DA 1055/98.

Statutory Acts and Regulations

***Environmental Planning and Assessment (EP&A) Act 1979*
Section 79C – Planning Assessment**

An assessment under Section 79C of the EP& A Act 1979 has been undertaken throughout this report.

Rural Fires Act 1997 (Section 79B)

The proposed development is located on bushfire prone land (south east corner of the site only). The two existing building structures on site were in existence prior to the change of use to the mangers residence and tourist lodge in 1998. The change of use to a dual occupancy development is not a 'special fire protection purpose' under 100B of the *Rural Fires Act 1997* and the proposal is not integrated development under s.91 of the *EP&A Act 1979*. The site is clear of trees and is not within 100m of any significant vegetation. The site is also within 70m of the Williams River. The proposal therefore satisfies Planning for Bushfire Requirements 2006 and does not require referral to RFS, or any upgrades should Council elect to approve the dwelling.

State Environmental Planning Policies

State Environmental Planning Policy (Rural Lands) 2007

The proposal complies with the aims of this State Policy which include the facilitation of the orderly and economic use and development of rural lands for rural and related purposes. The approved use on the site is no longer viable and return of the site to a dual occupancy use will ensure the ongoing viability of land use having regard to social, economic and environmental considerations.

State Environmental Planning Policy No. 44 – Koala Habitat Protection and Port Stephens Comprehensive Koala Plan of Management (CKPoM)

State Environmental Planning Policy No.44 – Koala Habitat Protection, aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

The site is mapped as containing Preferred Koala Habitat/cleared buffer area (western and south western part of the site only). The site is mostly cleared and

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contains little vegetation. The proposal does not include tree removal and the change of use to dual occupancy development will not impact upon koala habitat.

Port Stephens Local Environmental Plan (2013)

Zone RU1 Primary Production

The land is zoned RU1 Primary Production. The proposed development is not inconsistent with the objectives of the zone. Dwelling houses and Dual Occupancies are permissible forms of development under the provisions of the RU1 Zone, subject to compliance with the other provisions of the LEP.

Clause 4.2B Erection of dwelling houses on land in certain rural, residential and environment protection zones

Clause 4.2B(3) states that development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land:

- (a) Is a lot that is at least the minimum lot size shown on the Lot Size Map under Port Stephens Local Environmental Plan 2013.

The current lot size is 5.258ha and therefore does not meet the minimum lot size of 20ha required under this Clause.

Alternatively, Clause 4.2B(3) states development consent can be granted for land in the RU1 Primary Production zone if it is a lot created before the Plan commenced that has an area of at least 4,000 square metres and on which the erection of a dwelling house was permissible immediately before that commencement.

This Clause does not apply because the original approval under Clause 12(B) of Port Stephens Local Environmental Plan 1987 for a Tourist Facility, Manager's Residence and Subdivision resulted in extinguishing the dwelling entitlement relating to this land.

The applicant provided an argument that the development should be permissible as the buildings were already in existence and clause 4.2B relates to the 'erection' of dwelling houses and dual occupancies. Council officers sought legal advice in this regard (from Local Government Legal) who confirmed that the term dwelling house encompasses both the development and use of the land (see case law *Dobrohotoff v Bennic* [2013]).

Furthermore, the *Interpretations* Act 1987 provides that in interpreting a provision of an Act the interpretation that would best achieve the purpose of object (whether or not that purpose is expressly stated) is to be preferred.

In this regard, the principle objective of Clause 4.2(B)3 is to minimise unplanned rural residential development. The objective is achieved by restricting new dwelling entitlements on land to which the clause applies. The objective of Clause 4.2B would be undermined if the clause were interpreted to allow Council to grant consent to a

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change of use of a building for the purpose of a dwelling/dual occupancy. In addition an interpretation of Clause 4.2B that would allow a change of use to a building so as to create a primary dwelling entitlement is contrary to the objectives of the RU1 Primary Production zone. Therefore, legal advice confirmed that Clause 4.2B should be interpreted as if it was drafted as follows:

'development consent must not be granted for the erection of, or for the purpose of a dwelling house on land...'.

Clause 7.1 Acid Sulphate soils

The subject site is identified as containing Acid Sulphate soils (ASS). No works are being undertaken as part of the proposal which is likely to lower the water table below. The proposal is therefore not inconsistent with the provisions of clause 7.1.

Clause 7.3 – Flood Planning

The site is partially flood prone, however, both of the buildings are located outside of the area on the site subject to flooding. In this regard, the proposed development is compatible with the flood hazard of the land and there will be no unsustainable impacts.

Clause 7.10 – Williams River Catchment

The objectives of this clause include environmental protection of the Williams River Catchment. The proposal will promote the sustainable use of the land and will have less impact than the existing approved use of the site given skiing and wakeboarding activities will no longer be undertaken within the river.

Port Stephens Development Control Plan 2013

B2 Environmental and Construction Management

The proposal does not result in adverse impacts to the environment. As detailed above, it is anticipated environmental impacts will decrease (bank erosion within the Williams River) as a result of a decrease in skiers and wakeboarders associated with the tourist facility.

B3 Parking and Traffic

The site provides for existing parking and access and is not considered to require further consideration under Port Stephens Development Control Plan 2013.

B6 Single and Dual Occupancy Dwellings

The two buildings currently exist on the site and comply with the relevant requirements for dwellings under the plan.

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Section 94 Contribution Plan

Section 94 Levies were raised under DA 1055/98 at the time the land was subdivided and therefore are not applicable to the subject proposal.

Community consultation

Consultation with the applicant and site inspection with the owners has taken place.

Internal referrals

Building

The application was referred to Council's Building Surveying Team for review and it was identified that the proposal was satisfactory in regard to building matters.

Likely impacts of the development

The proposal does not present any significant adverse impacts to the environment or surrounding rural amenity.

Suitability of the site

There are no physical constraints on the site that make the land unsuitable for the proposed development. The site is well maintained, retains its rural character and amenity and is suitable for the proposed development.

Public interest

The development does not result in negative social, economic and environmental outcomes. Council has no significant issues with the proposed use of the site, however, the change of use is prohibited under Port Stephens Local Environmental Plan 2013.

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**ATTACHMENT 4
REASONS FOR REFUSAL**

- 1) The proposed development is prohibited under Clause 4.2B of Port Stephens Local Environmental Plan 2013 (Section 79C(1)(a) of the *Environmental Planning & Assessment Act 1979*); and
- 2) The site does not satisfy the minimum lot size and other requirements for Dual Occupancy development on Rural Land under the Port Stephens Local Environmental Plan (LEP) 2013 (Section 79C(1)(a) of the *Environmental Planning & Assessment Act 1979*)

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Attachment 2 – Mayoral Minute dated 28 July 2009

ORDINARY COUNCIL – 28TH JULY 2009

MAYORAL MINUTE

ITEM NO. 1

FILE NO:16-2009-165-1

AMENDMENT TO CLAUSE 14 OF THE PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000

THAT COUNCIL:

Resolve to initiate a draft amendment to Clause 14 of the Port Stephens Local Environmental Plan 2000 to enable permissibility of dwellings on allotments created for approved uses prior to the appointed date.

BACKGROUND

Clause 14 – Dwelling houses and dual occupancy housing in Rural zones.

Clause 14 of the Port Stephens Local Environmental Plan, 2000 outlines the matters to be considered in the development of dwelling houses and dual occupancies within the Rural zones.

Clause 14 states inter alia;

(2) The consent authority shall not consent to the erection of a dwelling house or dual occupancy housing on an allotment of land to which this clause applies if;

(i) if the allotment was created before the appointed day – the consent authority is of the opinion that the allotment was intended to be used for any one or more of the purposes (other than the purpose of dwelling house or dual occupancy housing) for which it could have been used (with or without the consent of the consent authority) under the environmental planning instrument under which it was created,

Clauses 14(2)(i) and 14(2)(ii) serve specifically to prohibit the development of dwellings and/or dual occupancies on allotments that were created for another intended use (other than dwellings and/or dual occupancies).

Development Proposal

Council is in receipt of a Development Application (16-2009-165-1) proposing the change of use from Tourist Facility (Ski School) and Managers Residence to Dual Occupancy.

The Ski School was approved on 5th November 1998 by Development Consent L1055/98 which encompassed approvals for the use of the subject site for Managers Residence, Tourist Lodge, Subdivision and Water Ski School.

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ORDINARY COUNCIL – 28TH JULY 2009

Consent condition Number 6 restricted the use of the site in the following way

The use of the proposed allotments is restricted pursuant to clause 12(b) of Local environmental Plan 1987 and accordingly no dwelling or duplex can be built on the proposed residue Lot1. The title of the relevant property shall be endorsed under Section 88B of the Conveyancing Act to give effect to this condition. In this regard Council shall be nominated as the sole authority permitted to alter/remove the endorsement.

This condition was reflected in the allotments 88B instrument, specifically in Terms of Easement or Restrictions secondly referred to in the plan.

The provisions of Condition 6 of Development Consent L1105/98, the Section 88B instrument for DP 881743 and Clause 12(b) of the LEP 1987 all serve to prohibit this development.

In June 2006, Council received correspondence requesting that the 88B be released by Council to allow a Dual Occupancy on the site. Council's Senior Development Planner responded on 28th August 2006 stating that this restriction on the title of the land could not be varied given that the original approval was granted pursuant to the provisions of Clause 12(b) of the Local Environmental Plan 1987.

Under the provisions of Council's current Planning Instrument, the Port Stephens Local Environmental Plan 2000, Clause 14 deals with dwelling houses and dual occupancies in the rural zone.

Given that the proposal for subdivision and Tourist Facility was approved under Clause 12(b) of the Port Stephens Local Environmental Plan 1987 development for the purposes of Dwelling House or Dual Occupancy Housing is prohibited by clause 14 of LEP 2000.

Hence to enable this request by the land owner to be considered for approval, a relevant amendment is required to the Port Stephens Local Environmental Plan 2000.

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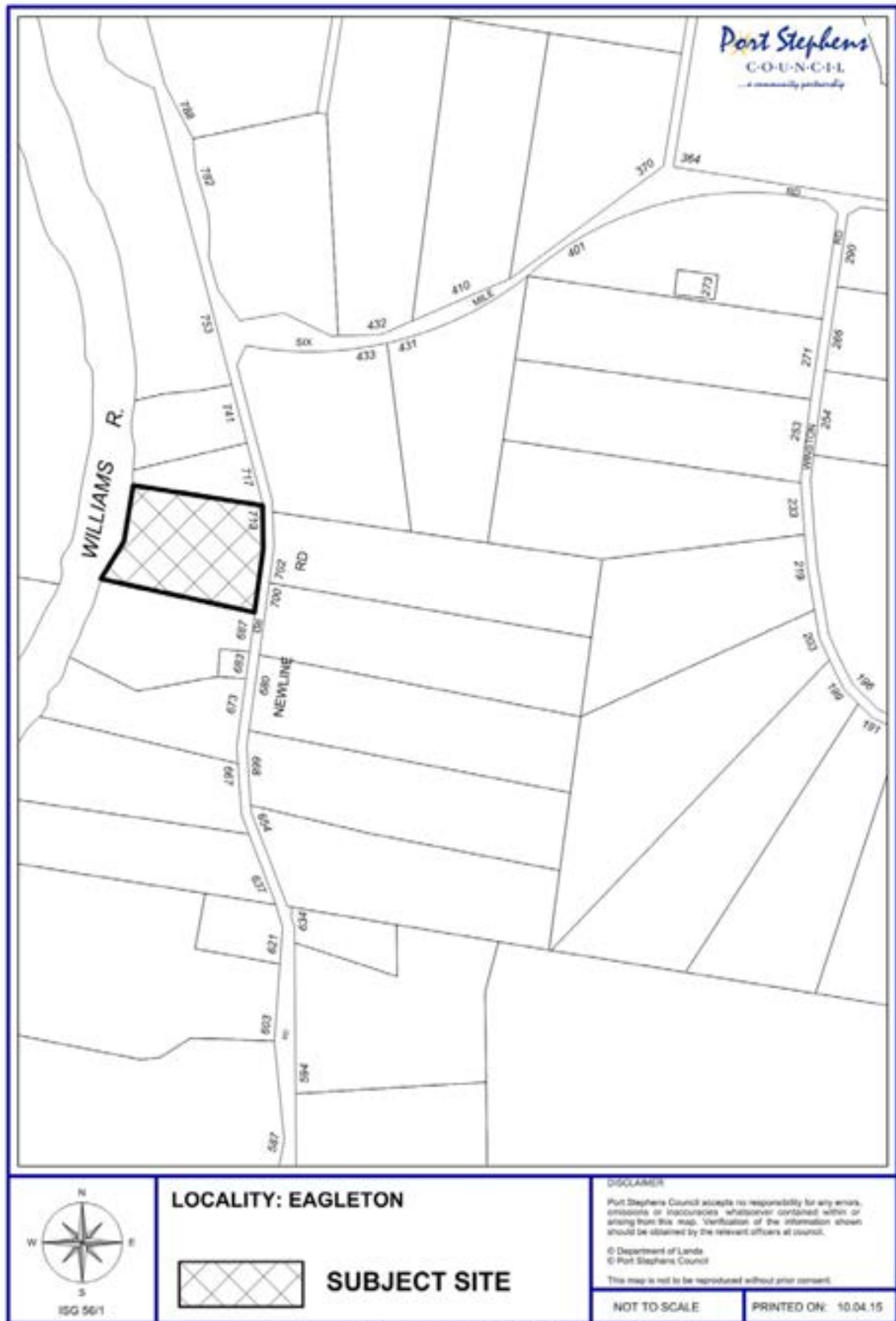
Attachment 3 – Sustainability Criteria assessment

Criteria	Comment
Infrastructure provision	The planning proposal will allow the land holder to lodge an application for a 'change of use' for existing buildings on the site. There is adequate infrastructure in place and the proposal will not generate additional infrastructure requirements.
Access	There is existing and adequate access to the site. The planning proposal and subsequent change of use will have a negligible impact on the existing road network.
Housing diversity	The planning proposal will provide additional housing supply in the LGA. However, this contribution is insignificant.
Employment lands	The planning proposal will not add to, or subtract from employment lands. The existing business on the site is no longer viable due to changes made to the way in which the river can be utilised. The planning proposal will allow an alternate, viable use of the land.
Avoidance of risk	<p>The subject land is partially flood prone. However, the existing buildings are located above the 1:100 year flood level.</p> <p>The proposal satisfies the requirements of Planning for Bushfire protection Guidelines 2006.</p> <p>The proposal will not create land use conflict with adjoining development, which is predominately rural / rural-residential development.</p>
Natural resources	The planning proposal will not impact on natural resources, including agriculture. The current approved use of the site for a tourist facility is no

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	longer viable, and the proposed use for dual occupancy represents the most appropriate and viable use for the site.
Environmental protection	<p>The planning proposal will have minimal environmental impact as the site is mostly cleared and contains little vegetation. No new buildings are proposed.</p> <p>The change of use could potentially improve conditions in the Williams River by decreasing the number of skiers and wakeboarders using the river in association with the tourist facility.</p>
Quality and equity services	Government services in nearby Raymond Terrace can be easily accessed by future residents. The planning proposal will have negligible impact on existing services.

ITEM 2 - ATTACHMENT 2 LOCALITY PLAN.





ITEM 7 - ATTACHMENT 1 SIX MONTHLY REPORT JANUARY - JUNE 2015.

The Six-Monthly Report January to June 2015 has been prepared in accordance with the requirements of Section 404(5) of the *Local Government Act 1993*.

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ITEM 7 - ATTACHMENT 1 SIX MONTHLY REPORT JANUARY - JUNE 2015.

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General Manager's Report

The major event of this six month period was the devastating weather in April which saw extensive damage to property across the Port Stephens local government area. Damage to Council's assets has been assessed at almost \$12 million. Whilst insurances and disaster relief funding will when received provide a buffer to mitigate Council's losses, the clean-up costs are estimated at \$5 million. Work will have to continue for many months to come.



I take this opportunity to thank the members of the Local Emergency Management Committee, the State Emergency Services, the NSW Rural Fire Service, Fire and Rescue NSW, NSW Fire Brigade, the Ministry for Police and Emergency Services, the RAAF Williamtown, Department of Primary Industries, NSW Police, Ausgrid, Ambulance Service of NSW, Department of Family and Community Services, Hunter New England Health and Hunter Water Corporation for their tireless efforts during and after the emergency.

I am especially proud of the Council staff led by Group Manager Jason Linnane who worked amazingly well in putting Council's Disaster Management Plan into effect, doing so in the first hours and days without communications tools that we all too often take for granted. In many cases – like the emergency workers themselves – they were out helping others whilst their own homes were compromised by this awful weather event. Council's volunteers also stepped up to the plate and handled local situations willingly, to make places safe for others to begin repair work.

In May, Council adopted a new Operational Plan and for the first time we planned four years out instead of one year. After the introduction of new software Council also adopted Fees and Charges for 2015-2016, and endorsed the Resource Strategy, including a Long Term Financial Plan that will see Council continue to operate in surplus.

During this period Council completed its improvement proposal for the State Government's 'Fit for the Future' program; it was lodged with the Independent Pricing and Regulatory Tribunal before 30 June. Whilst Port Stephens Council was not required to consider mergers/amalgamations as we are considered to have sufficient scale and capacity to stand alone, the Mayor and I held conversations regarding boundaries with our neighbouring councils. Whilst the extreme weather event was an added distraction, the cost and complexity involved in considering boundary changes meant that those councils like us did not have any appetite for changes at this time or into the foreseeable future. IPART will present its findings to the State government on 16 October 2015, and whilst the government's decisions concerning individual councils cannot be foreseen, it is expected that there will be changes to the local government landscape in the next twelve months. We have a page on Council's web site to keep the community of Port Stephens up to date on this ongoing process.

The storm did interrupt our capital works program to a small extent, but we managed to achieve some notable gains, including rehabilitation of East Seaham Road; contracts let and

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construction to commence in September on the extension to Peppertree Road; design work on the Men's Shed at Raymond Terrace and a development application granted and contracts to be awarded for construction; playground rehabilitations; and much more. There is a list of completed capital works later in this report.

We have been working for some time to improve our Customer Request Management system and this period saw the implementation of our Reflect software, which allows much more efficient – and therefore much more responsive – scheduling of works that are required as a result of community requests.

We have agreed to establish a joint working group with Hunter Water Corporation to work on drainage studies, most especially to focus on the issues around Campvale Drain, Medowie. It is expected to finalise plans and required works for implementation beyond the 2016 financial year.

In my first six-monthly report to December 2014 I outlined that the Executive Team and Councillors will focus on three key areas, and we have made progress in this period:

1. Building a resilient and responsive organisation

Council has completed significant changes to the Facilities & Services Group organisational structure over the last six months. The primary objective of this change is to ensure that Council has the capacity to meet future challenges and grasp opportunities in managing Council's assets and infrastructure.

Sustainability Reviews have been completed for the Strategy and Environment and Development Assessment and Compliance Sections. The critical areas of communicating with and engaging the community and our customers have been the focus of a review during the period. Both the customer service framework and community engagement framework are ongoing bodies of work.

A Sustainability Review of the Financial Services Section was also undertaken: a subsequent restructure will ensure Financial Services has the appropriate skills and resources to support Council to deliver its services to the community and retain its surplus.

Council has introduced new metrics and accountability around the percentage of responses within agreed time targets of Customer Requests. We conduct routine customer surveys in the development assessment area including a measure around responsiveness which averages over 85% satisfaction. Building a resilient and responsive organisation requires leadership at an industry level and staff have presented to various State and national conferences since January 2015.

During these six months a duplicate data centre was constructed at the Raymond Terrace Depot and the migration of servers has occurred. The dual data centre supports disaster recovery and business continuity. We have also made improvements to the Wide Area Network Internet and Microwave links.

Stage 1 of the implementation program of improvements to the Human Resource Information System is complete with the Individual Work and Development Plans for Council

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staff now fully automated. These Plans for employees outline their Key Performance Indicators for the year.

In summary we continue to build a resilient and responsive organisation.

2. Making business with PSC simple and convenient

Council's operational sections have recently implemented a new process and software to improve customer service and work scheduling. It is expected that these changes will enhance the customer experience, deliver efficiencies and continue to create a customer centric culture in the organisation.

Council continues to introduce a number of initiatives that are aimed at making business with PSC simple and convenient. The DA digitisation and E-planning project has allowed us to transition away from a paper based system and provides significant benefits for the community to access development related information online. Along with the electronic lodgement of Development Applications, Council has implemented a Development Enquiry tool that will help the community to check any development on-line; the development possibilities of a particular property; as well as providing information on the lodgement requirements for development applications.

The development and building industry reference group (IRG) meetings continue to increase in popularity and receive excellent reviews. In addition to these IRG meetings a quarterly newsletter is issued to the industry giving them important updates about all things development and building.

A review of the customer charter along with the style guide and new Council logo has meant that Council looks not only highly professional, but is also easier to do business with as the language is plain English and consistent irrespective of the service being used.

Land use strategies like the Raymond Terrace and Heatherbrae Strategy, Medowie Strategy and Comprehensive Development Control Plan have all introduced pragmatic tools to empower Council to make effective and land use planning decisions. Liaison with State government agencies like Hunter Water Corporation (HWC) ensures the planning process remains as streamlined as possible. Port Stephens Council has been an industry leader in ensuring the planning process is not further complicated in such things as HWC plan stamping and Section 50 applications. Initiatives like the DA walkthrough video have sought to use unconventional methods to make Council a pleasure to do business with.

Council has also provided public Wi-Fi to the Nelson Bay Visitors Information Centre and to Halifax and Shoal Bay Holiday Parks. A new Port Stephens Council website is under development and is progressing well. It is set to be an exciting development for the ease at which our customers can connect and transact with Council.

3. Delivering community value

In these six months, Facilities & Services Group has overseen the following works that have added to the store of community value:

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- Raymond Terrace Men's Shed – the tender process has been completed.
- Boomerang Park playground – the tender process, contract negotiation and preliminary site works have all been completed. The materials have been ordered and once they arrive they will be installed on site. This project is expected to be completed in October 2015.
- Peppertree Road – Council approved the tender for this project in June 2015. Works are expected to commence on site in September 2015.
- East Seaham Road – works are well underway on this project. Despite encountering a wide array of site issues, the project is progressing on schedule.
- Ferodale Sports Complex Master Plan – subsequent to a detailed community engagement process, Council endorsed the finalised version of the Master Plan in June 2015. Proposed works will now be included in the Strategic Asset Management Plan.
- Leisure Centre Management – the tender process for the future management of the three (3) sites is nearing completion.

Development application determination times continue to decrease and for the six months the median net processing time was 28 days. The statistics show that the average applicant is better off both in terms of time saved and financially when using Council as a certifier as opposed to a private certifier. Numbers of Section 96 applications have reduced which means that there are less unnecessary conditions to place a burden on appropriate development activity.

Competitive services like Fire Safety, Pool Safety and Certification continue to grow in excess of 10% annually and accordingly are winning additional income. The market share of construction certificates in this six months' period hit a local government high of 80.5%.

Community value is also delivered through the implementation of Natural Resources programs and continued energy efficiency programs, in particular by identifying the Council carbon footprint and introducing reduction targets. Strategic land use policy and strategies now include clear implementation plans and actions. The development and implementation of place making functions of Council have been established in the new Economic Development unit. The Ranger and Development Compliance teams provide community value through a genuine education and behavioural change approach as compared to direct enforcement action – various education days have been delivered during the nominated period with high attendance.

Council has registered 100 Salamander Way, Salamander Bay as a bio banking site. This protects and conserves the high value flora and fauna on the site and provides offsets for other Council development sites.

A 33 allotment subdivision is under development at Tarrant Road, Salamander Bay which will generate additional revenue for Council whilst providing much needed residential housing in the local government area. The project is expected to be completed later in 2015.

Council has issued a request for proposals in developing the car parks situated on Donald Street in Nelson Bay to deliver car parking, commercial and residential development that will assist to reinvigorate the Nelson Bay Town Centre. We have also issued a request for

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proposals for the commercial land surrounding the existing Salamander Bay shopping centre.

During these past six months Council adopted its new logo and this is being progressively introduced across Council's operations. I am delighted to say that this new look was designed and delivered totally in-house by our Marketing team. We have taken a conservative position and will not replace existing things like stationery until the present stock is finished. This means that the cost of the changes will be minimal as they will be absorbed in existing recurrent budgets. It is therefore expected for the change to be progressively rolled out.



We have also made two important senior appointments that add considerable depth and experience to the Senior Leadership Team. Michelle Gilliver-Smith, formerly Human Resources Manager, has been promoted to Organisation Development Manager. I would also like to welcome to our organisation Glenn Bunny, who was appointed Property Services Section Manager.

I would like to take this opportunity to thank Councillors, staff and volunteers for their individual efforts and support during the past six months.

Wayne Wallis
General Manager

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Key Result Areas: A Snapshot

The table below is a snapshot of Council's performance against a set of measures agreed between the Council and the General Manager to be significant priorities for the period. Full details are provided in the report which follows this table.

Legend:
















-  Target Exceeded
-  Target Achieved or on Track to be Achieved
-  Target Not Achieved
-  Data Not Available at Time of Report

Table 1: Key Result Areas Snapshot

Key Result Area	Status
1. Business Improvement Program	
2. Community Strategic Plan/Operational Plan Delivery	
3. Capital Works Delivery	
4. Financial Sustainability Program	
5. Workforce Strategy Implementation	
6. Infrastructure Planning	
7. Technology Improvement Program	
8. Land Use Strategy Development	
9. Flood and Drainage Study Implementation	
10. Integrated Risk Management Program	
11. Community Engagement and Customer Focus Initiatives	

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Six-Monthly Report January – June 2015

1. Business Improvement Program

This program comprises 10 projects with 42 sub-projects to be implemented over four (4) years to June 2016. All projects to be completed and/or in progress by 30 June 2015 are on track. All projects have come within budget with the following work completed:

- CAMM's Interplan and Integrated Project Management (IPM)
- Migrated from Informix to SQL Platforms
- Upgrade to Authority v6.10
- SharePoint (MyPort) upgrade
- E-Planning phase one launch

Work continues on the Website Improvement project and the e-planning improvement project as well as a number of data management related projects such as the Human Resource Information Systems improvement project; the Asset Management improvement projects; and the SharePoint improvement project. These all remain on track and within budget.

2. Community Strategic Plan/Operational Plan Delivery

Target: 90% of Community Strategic Plan/Operational Plan achieved. **Actual: 97.5%.** Of the 169 actions that were required to be completed in this six months, 155 were completed or on track; one was deferred due to the storm event in April (Customer Satisfaction Survey deferred to July 2015); and three were not achieved or not fully achieved (the concept of a housing forum was determined to be of sufficiently low priority at this time that resources could not be justified; the Stage 1 of the Fingal Bay link road was not achieved although considerable progress has been made with the owners of the land required for the building of the road; only one of the proposed four Residents Panel forums was held).

3. Capital Works Delivery

The tables which follow provide details of completed capital works projects and works in progress between 1 January and 30 June 2015.

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(a) Completed Projects

In this six months Council completed capital works totalling \$2,904,994.

Table 2: Completed Capital Works

Description of Works	Estimated Cost
Special Grant: Regional Road301 Raymond Terrace to Boundary Road Upgrade. Note: Project split into actual projects constructed. This included Carmichael's Creek, Clarence Town Road along the river flat, Glenoak; SEG 280 and 290 Clarence Town Road at boundary.	\$2,362,707
Paterson Road SEG 20 to Woodville Road: reconstruction of road pavement, minor road widening and alignment correction.	\$97,688
Newline Road SEG 30: road pavement rehabilitation and widening.	\$125,364
Newline Road SEC 60: road pavement rehabilitation and widening.	\$108,458
Fisherman's Bay: replacement of public amenity with a landmark amenity building incorporating one standard unisex cubicle, one accessible unisex cubicle and external showers.	\$116,613
Salt Ash Hall: new concrete car park, installed storage cupboards and completed external repainting of all previously painted surfaces.	\$43,395
Anna Bay Cemetery: installation of six new concrete beams to allow for a further 120 plots.	\$9,519
Soldier's Point Hall: internal fitting and internal asbestos removal in 2013-2014.	\$41,250

(b) Capital Expenditure – Fleet

Between 1 January and 30 June 2015 Council made fleet replacements totalling \$1,475,183.

Table 3: Fleet Capital Expenditure

Name of Project	Expenditure \$
Major Plant Replacement	802,237
Utes and Light Truck Replacement	595,394
Sundry Plant Replacement	77,552

Note: there was no budget or expenditure on passenger vehicles as Council moved to a novated lease system, and all existing fleet assets in this category were disposed of by 30 June 2015.

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(c) Capital Works scheduled to be commenced in 2014-2015 and/or yet to be completed

Table 4: Capital Projects Commenced

Description of Works	Estimated Cost
Benjamin Lee Drive, Raymond Terrace. Installation of a pedestrian crossing. Project deferred to 2015/16.	\$40,000
Medowie Road SEG 70. Road pavement rehabilitation deferred to 2016/17 due to RAAF base works changing the scope of the project.	\$244,000
Hinton Road – Drainage and reconstruction stage 1 not yet completed and will coincide with funding in 2015/16 to flow as one continuous project.	\$485,000
Foreshore Drive – shoulder widening and shared path not completed due to environmental constraints and requiring additional funding allocated in the 2015/16 budget to complete the project.	\$165,000
East Seaham Road: gravel road sealing stage 1 not completed and will coincide with funding in 2015/16 to flow as one continuous project.	\$600,000
Guardrail Hinton Road. Project deferred due to adjacent property earthworks making way for required fencing adjustments prior to guardrail installation.	\$60,000
Elizabeth Street, Hinton- Project deferred to coincide with stage 2 Hinton Road works for improved cost savings.	\$50,000
Paterson Road SEG 70, Woodville. Road pavement rehabilitation. Project deferred due to design constraints, potential acquisition and consultation required.	\$250,000
Kerb inlet pits – rehabilitation of various kerb inlet pits across the LGA	\$50,000
Glenelg Street, Raymond Terrace. Drainage works along Glenelg Street from Hunter Street to Port Stephens Street.	\$400,000
Campvale Drain, Medowie. Removal of pinch point in Campvale drain.	\$300,000
Kula Road, Medowie. Stabilise the channel bank at the rear of No.28 Kula Road.	\$100,000
661 Medowie Road, Medowie. Construct an open drain from Medowie Road to Campvale Drain.	\$250,000
The Anchorage – Playground upgrade - classed as a 'Neighbourhood' playground, being a medium sized playground with a minimum of five play opportunities that has a total capacity of 40 children.	\$75,000
Tanilba Foreshore stage 2 - Erosion control incorporating rock wall, salt marsh and pocket beaches from Tilligerry Habitat to Peace Park.	\$255,000
Install heat pump tariff control cards at Tomaree, Lakeside and Tilligerry Aquatic Centres.	\$5,500

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Description of Works	Estimated Cost
Salamander Wharf – Replace substructure and baffle boards on both lower landings.	\$37,500
Karuah Wharf – Replace substructure for lower landings and boat access stairs.	\$20,125
Tomaree Foreshore – Installation of fitness stations at Dutchman's Beach, East Bagnalls Beach, West Bagnalls Beach and Conroy Park.	\$25,000
Installation and recertification of roof safety systems: placed on hold to develop full program and future direction.	\$6,250
Georges Reserve – Renovation and switchboard replacement. Project put on hold after a car hit building. Insurance claim submitted and works pending 2015/16.	\$25,000

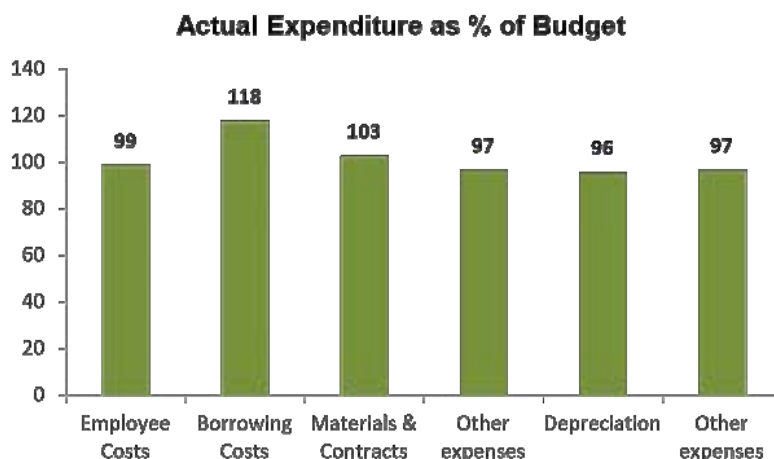
4. Financial Sustainability Program

Note: the figures below have yet to be audited. Audited financial statements will be available in the Annual Report later in 2015.

Income target percentage 100%. Actual YTD = 98.1%.

Expenditure target <100%. Actual = 99.95%.

Figure 1: Expenditure Summary



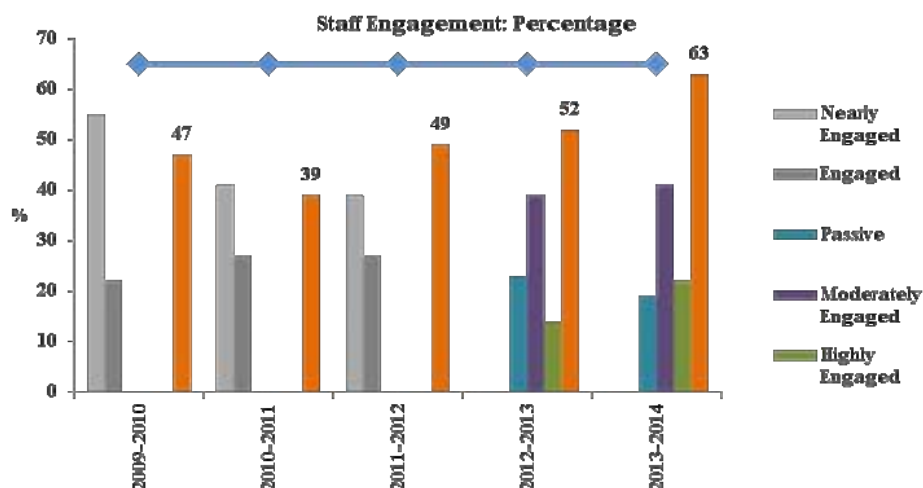
Note: Costs associated with the April storm event have been excluded from the materials and contracts analysis and are included in the employee costs.

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5. Workforce Strategy Implementation

Staff engagement target = >65%. Actual (August 2014) = 41% moderately engaged; 22% highly engaged. Combined, the percentage of engaged staff is 63%.

Figure 2: Staff Engagement



Staff voluntary turnover for the period was 4.87%.

6. Infrastructure Planning

Work on developing an infrastructure plan for Port Stephens has progressed since December 2014 including additional asset mapping (existing and proposed assets) but the project is not yet complete. The project has now involved incorporating the long term infrastructure plan into the existing Strategic Asset Management Plan. Infrastructure plans completed to date include the following asset categories:

- Playgrounds
- Public amenities
- Skate parks
- Surf lifesaving facilities
- Aquatic centres
- Holiday Parks

Work that is due for completion in the next two months includes the following asset categories:

- Open space/Parks and Reserves
- Sports facilities
- Fleet

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- Property
- Visitor information centre
- Depots
- Car parks
- Roadside ancillary assets

This approach will greatly enhance how Council plans for and manages both current and future assets. As a result, a new target date of December 2015 has been set for this project. This will allow for its inclusion to the Integrated Planning process for 2016-2017.

7. Technology Improvement Program

There are eight (8) major information and communication technology projects comprising 62 sub-projects all to be completed by 30 June 2016. All projects to be completed and/or on progress by 30 June 2015 are on track. All projects have come within budget with the following pieces of work having been completed:

- Fibre Cabling – Raymond Terrace Depot to Muree Tower
- Fibre Cabling – Raymond Terrace Library to Communicate Port Stephens
- Fibre Cabling - Raymond Terrace Library to Raymond Terrace Administrative Centre
- Public Wi Fi – Nelson Bay Visitor Information Centre
- Public Wi Fi – Halifax Holiday Park, Shoal Bay Holiday Park and Fingal Bay Holiday Park
- Council Disaster Recovery and Business Continuity (Data Centre duplication)
- Council Wide Area Network improvements – Microwave and Internet links
- Council Wide Area Network improvements – Remote Sites (non-microwave)
- Citrix Upgrade
- Domain Migration
- Multi-Function Device Replacement
- Monitoring Systems improvements
- ICT Security improvements

8. Land Use Strategy Development

Council has continued to progress with review and development of a range of land use strategies across the LGA. The key projects progressed since December include the review of the Medowie Strategy, preparation of the Williamstown Land Use Strategy, compilation of the Raymond Terrace Heatherbrae Strategy, resolution of development in flood prone land policy and the development of the Rural Residential Strategy. The key aspects of these strategies include:

- Medowie: Council has continued to engage with the Medowie Strategy Review Panel to review in detail the revised Medowie Strategy, including the Town Centre Master Plan. The draft Strategy has been presented to panel members on a number of occasions to gain feedback, with Council officers also undertaking additional consultation with potentially affected landholders. Importantly, Council agreed to release the final draft of the Strategy and Town Centre Master Plan for the Panel's review prior to reporting to Council. The revised Strategy and Plan will be reported to Council for endorsement and public exhibition. The revision of the Medowie Strategy aligns with infrastructure development undertaken across Council, in particular aligning with Council's planned extension of Peppertree Road, proposed amendments to Council's Section 94 Plan relating to traffic infrastructure, and the Ferodale Park

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Master Plan. In addition, Council is continuing to progress the review in consultation with key stakeholders including Department of Planning and Environment and Hunter Water Corporation.

- Williamstown Land Use Strategy: since presenting the draft Structure Plan to the project control group consisting of key stakeholders including NSW Department of Planning and Environment, Department of Defence, Hunter Water Corporation, NSW Department of Trade and Investment, Office of Environment and Heritage, Newcastle Airport and the Hunter Business Chamber in December 2014, further detailed work has been completed in relation to drainage within the investigation area. This work was considered critical to determine whether these constraints could be successfully overcome as part of future development. This assessment has identified a number of potential management options that are currently being reviewed. In addition, issues relating to the use of drainage lines within this area are also being further investigated as part of the completion of this study. Resolving these issues is crucial to the determination of future land use options and a key issue that will require resolution to gain Department of Planning and Environment support. These detailed investigations are ongoing and will be completed in late 2015.
- Raymond Terrace and Heatherbrae Strategy: the draft Raymond Terrace and Heatherbrae Strategy was endorsed by Council in May 2015 to be placed on public exhibition. The public exhibition period will commence in late July / early August as part of a coordinated consultation process that will provide opportunities for direct engagement with the community and key stakeholders. The Draft Strategy includes options for potential future upgrades of William Street, along with the identification of potential development sites within Raymond Terrace. Following exhibition and consideration of feedback, the Strategy will be reported back to Council for final adoption. As part of this reporting will be the proposed establishment of a Strategy implementation panel to include a number of stakeholders, Councillors and Council staff to implement and monitor the Strategy.
- Development in Flood Prone Land – in response to Council's resolution on this matter the policy relating to the consideration of development applications on flood prone land has been developed and included as part of the Comprehensive Development Control Plan. The details of the policy were discussed with Councillors in early June and were included in the DCP reported to Council for adoption (the DCP and associated controls were adopted by Council on 14 July 2015). Further work is currently being completed by Council flooding and drainage engineers in relation to more detailed flood mapping on the basis of this policy and will be reported to Council in late 2015.
- Rural Residential Strategy – this Strategy has been drafted with the key aspects having been discussed with Councillors in May 2015. The draft Strategy is currently being completed for reporting to Council for endorsement and placement on public exhibition (reporting will occur on 28 July 2015).
- Comprehensive Development Control Plan – following Council's endorsement of the draft DCP in November 2014 the policy was placed on public exhibition for a period of six weeks during February / March 2015. During this time Council held a number of workshops with the development industry and key stakeholder groups to work through the details of the draft DCP. During the public exhibition period Council received 15 submissions from parties such as government agencies, Hunter Water Corporation, Department of Defence and the community, as well as continued internal comments from key sections that utilise the Plan. Based on the consideration of the issues raised

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in submissions Council officers reported to Council. The DCP was formally adopted by Council at its meeting of 14 July 2015.

9. Flood and Drainage Study Implementation

During the year to June 2015 Council scheduled the following studies and the percentage completed is shown in Table 5 as at 30 June 2015. Work on some of the drainage and flood studies was affected by the April storm event but is back on track as at the end of this period.

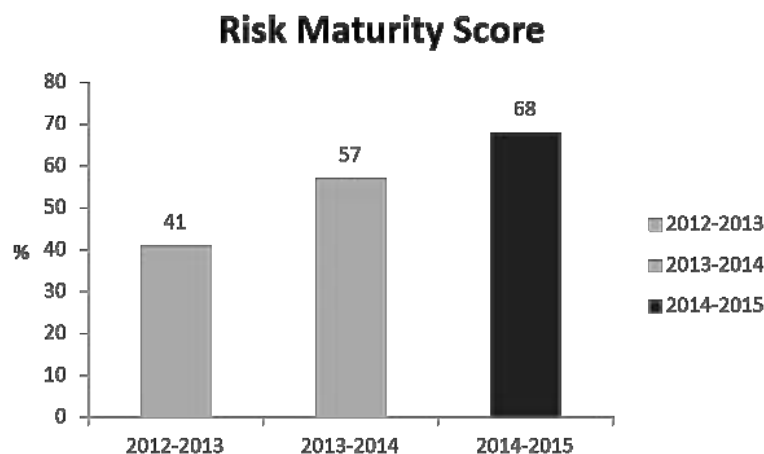
Table 5: Drainage and Flood Studies

Study	% complete
Medowie flood study	95
Williamtown – Fullerton Cover drainage study	95
Francis Avenue, Lemon Tree Passage flood study	95
Williamtown-Salt Ash Flood Risk Management study	65
Hinton Road flood study	100

10. Integrated Risk Management Program

Risk Maturity Score¹ Target: >65%. Actual = 68%.

Figure 3: Risk Maturity Score



Implementation of our Integrated Risk Management Framework has resulted in a significant decrease in the level of risk across Council. In 2014-2015 we have no risks assessed as extreme due to the implementation of a number of controls. This indicates a higher level of

¹ Risk Maturity Score is assessed independently by an expert panel against AS/NZS ISO 31000:2009 *Risk Management*.

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attention is being given to implementing controls by the due date. The Corporate Risk Register and all Group Risk Registers are being reviewed on a quarterly basis.

11. Community Engagement and Customer Focus Initiatives

As well as convening the Port Stephens Youth Interagency and the Youth Advisory Panel, Council worked closely with young people in the lead up to the Youth Mental Health Forum held on 19 June 2015. Council also convened six times this year the Interagency Network. This Network comprises government and non-government suppliers of social and other services into the local government area.

Council's customer service team (five equivalent full time positions) handled a monthly average of 8,311 calls, received a monthly average of 103 development and building applications, issued a monthly average of 2,345 receipts, entered a monthly average 654 customer requests into the Customer Request Management system (CRM), and managed a monthly average 159 face to face interactions. These figures include a call load of 5,094 calls processed and 471 overflow calls in the week immediately following the storm event of 20-21 April. The customer service counter is open 8.30am-5pm Monday to Friday. Reporting on Council's customer service performance includes reports relating to calls answered/lost, development applications received, receipts issued and, commencing in March 2015, monthly CRM reporting, resulting in an overall reduction in overdue CRMs in Council's system. The Customer Relations team is working on a new Customer Service Framework to be implemented in the next financial year.

The annual Customer Satisfaction Survey outcomes were reported to Council and are shown in Figure 3 below. The survey for 2015 was due to be completed in April/May 2015 but was deferred to July 2015 because of the major storm.

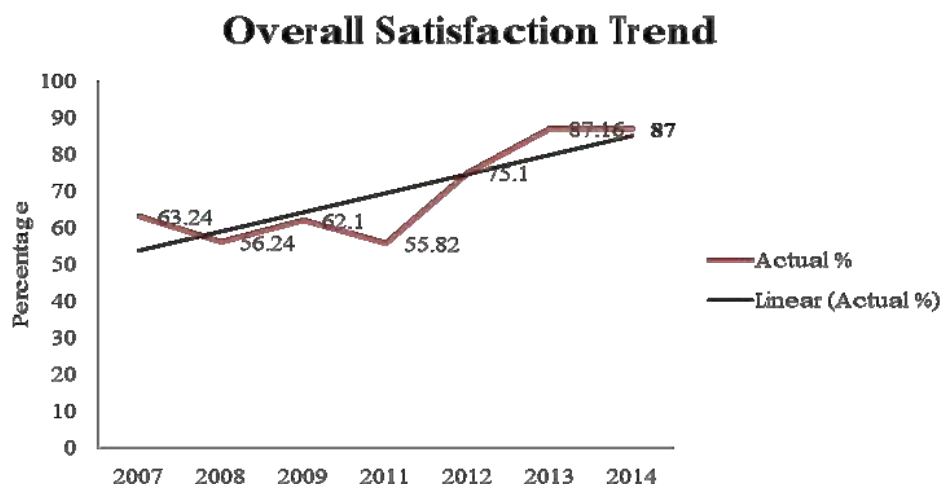


Figure 4: Customer Satisfaction

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**PROPOSED FEE SCHEDULE AMENDMENTS
1.1 COMMERCIAL OPERATOR'S LICENCES**

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
COMMERCIAL OPERATOR'S LICENCE – WATER/LAND ACTIVITIES					
Administration Fee	Establishment and management of licence	\$588.00	Market Pricing	Payable once at the commencement or recommencement of a licence	Per licence
Category 1 Location: Shoal Bay Foreshore Boat Ramp (A), Shoal Bay Foreshore Adjacent Public Wharf (B), Shoal Bay Beach Road Adjacent Harbourside Haven (C), Shoal Bay Foreshore at Intersection of Harwood Avenue and Beach Road (D), Nelson Bay Foreshore on Victoria Parade adjacent to Kiosk and Carpark, Nelson Bay Foreshore on Victoria Parade adjacent Fly Point amenities. These locations are suitable for example for Catamarans, Paddle Boarding, Kayaking, and Other Tourism, Adventure Activities. Category 1 Location: Fly Point (suitable as dive site), Nelson Bay Foreshore on Victoria Parade adjacent to Kiosk and Carpark (bike hire and tours)					
Licence Fee	Category 1	\$2,649.00	Market Pricing	Annual Fee	Per licence
Category 2 Location: Birubi Beach, Fingal Beach (A), Fingal Beach (B), One Mile Beach. These locations are suitable for example for Surf School, Other Tourism, Adventure, Beach Activities. Category 2 Location: Dutchman's Beach 1, Dutchman's Beach 2, Fitzgerald Bridge Boat Ramp, Roy Wood Reserve. These locations are suitable for example for Catamarans, Paddle Boarding, Kayaking, Other Tourism, Adventure Activities					
Licence Fee	Category 2	\$1,762.00	Market Pricing	Annual Fee	Per licence
Category 3 Location: Fisherman's Bay Foreshore Reserve, Bagnall Beach Foreshore adjacent Pantawarra Street, Caswell Reserve, George's Reserve, Forster Park Foreshore, Peace Park Boat Ramp, Taylors Beach. These locations are suitable for example for Catamarans, Paddle Boarding, Kayaking, Other Tourism, Adventure Activities. Category 3 Location: Bagnall Beach Foreshore adjacent Pantawarra Street. This location is suitable for example for Bike Hire and Tours					
Licence Fee	Category 2	\$1,235.00	Market Pricing	Annual Fee	Per licence
COMMERCIAL OPERATOR'S LICENCE – LAND-BASED ACTIVITIES					
The following sites are suitable for example for Boot camps, Personal Training, Tai Chi, Pilates, Other Suitable Fitness Activities: Birubi Beach, Robinson Reserve, Conroy Park, Fingal Bay Foreshore Reserve, Fingal Bay Oval, Fingal Beach (A), Fingal Beach (B) Boat ramp end, Tom O Dwyer Oval, Fisherman's Bay Park, Hinton Foreshore, Stuart Park, Aliceto Reserve, Lionel Morton Oval, Kooindah Park, Mallabula Sports Complex, Boyd Oval, Coachwood Drive Reserve 2, Ferodale Sports Park, Kindiebark Oval, Yulong Oval, Bill Strong Oval, Dutchman's Beach Reserve, Fly Point Reserve, Little Beach Reserve, Neil Carroll Park, Tomaree Sports Complex, One Mile Beach, Alton Park Reserve, Boomerang Park, King Park Sports Complex, Lakeside Reserve 2, Lakeside Reserve 3, Lakeside Sports Complex, Ross Walbridge Reserve, Vi Barnett Oval, Bagnall Beach Road Detention Basin, Joe Redman Reserve, Korora Oval, Salamander Sports Complex, Brandon Park, Seaham Park, Everitt Park, Bowthorne Park.					
Administration Fee	Establishment and management of licence	\$176.00	Market Pricing	Payable once at the commencement or recommencement of a licence	Per licence
Licence Fee	One to three sites	\$325.00	Market Pricing	Payable once at the commencement or recommencement of a licence	Maximum of 3 sites per licence

ITEM 8 - ATTACHMENT 1 PROPOSED FEE SCHEDULE AMENDMENTS.

1.2 THOU WALLA SUNSET RETREAT

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
Accommodation Deposits					
Accommodation deposit	Excluding Christmas School Holidays	Deposit is first 2 nights tariff for accommodation and sites	Market Pricing		
Accommodation deposit	Christmas School Holidays	Villas & Cabins - Deposit is 20% of full tariff or 1st nights tariff (whichever is the greater) Powered & unpowered sites - Deposit is \$200 - Full payment received by 1 December	Market Pricing		
Cancellations					
Cancellation - Reservation Management System online & general bookings	Excluding Christmas School Holidays.	Reservations cancelled with less than 7 days' notice prior to arrival time will forfeit 50% of the deposit. Reservations cancelled more than 7 days' notice prior to arrival time will receive a credit letter or refund less the \$30 processing charge.	Market Pricing		
Cancellation - Reservation Management System online & general bookings for Christmas School Holidays		Reservations cancelled prior to December will forfeit 50% of the deposit. Reservations cancelled from 1st December forfeit the full deposit. (Took out asterisks - no idea what referenced)	Market Pricing		
Late Check Out – subject to availability					
Cabins		\$50.00	Market Pricing	Until noon	

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Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
Cabins		50% of day rate	Market Pricing	Until 5.00pm	
Camp site		\$20.00	Market Pricing	Until 5.00pm	
Wi-Fi Access: Holiday Packages					
3 day short break		\$20.00	Market Pricing	500mb downloads/500mb uploads signup	
7 day relax package		\$30.00	Market Pricing	1000mb downloads/1000mb uploads signup	
30 day long stay package		\$50.00	Market Pricing	2Gb uploads/2Gb downloads signup	
Communication & Administration Charges					
Facsimile Services	Outgoing - International	\$7.60	Market Pricing	First page	First page
Facsimile Services	Outgoing - International	\$2.30	Market Pricing	Additional page	Per additional page
Facsimile Services	Outgoing - Australia	\$4.40	Market Pricing	First page	First page
Facsimile Services	Outgoing - Australia	\$1.60	Market Pricing	Additional page	Per additional page
Facsimile Services	Incoming	\$5.60	Market Pricing	First page	First 5 pages
Facsimile Services	Incoming	\$1.60	Market Pricing	Additional page	Per additional page
Photocopying	A4	\$0.70	Market Pricing		Per copy
Photocopying	A3	\$1.00	Market Pricing		Per copy
Telephone Charges		Local, STD & International calls charged at 3 times the standard rate	Market Pricing		
General Services & Ancillary Charges					
Additional Housekeeping Services		\$60.00	Market Pricing		Per hour or part thereof
Roll away bed		\$25.00	Market Pricing		Per night
Casual Showers		\$5.50	Market Pricing		Per person

ITEM 8 - ATTACHMENT 1 PROPOSED FEE SCHEDULE AMENDMENTS.

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
Extension Lead Hire		\$5.50	Market Pricing		Per day
Gas		Recommended Retail Price as charged by Service Provider	Market Pricing		
Ice		Recommended Retail Price as charged by Service Provider	Market Pricing		
Internet Access		Recommended Retail Price as charged by Service Provider	Market Pricing		
Lost key replacement		\$50.00	Market Pricing		Per key
Re-sanitation costs	Charge to clean vomit or excreta.	\$250.00	Market Pricing		Per service
Remote control replacement		\$150.00	Market Pricing		Per remote device
Tennis Court Hire		Recommended Retail Price as charged by Service Provider	Market Pricing		
Use of Barbeques		No charge applies	Free (zero priced)		
Washing Machines & Dryers		\$4.30	Market Pricing		Per token
Washing Powder		\$1.00	Market Pricing		Per sachet
Day visitors		\$5.00	Market Pricing		Per person
Breakfast packs		\$10.00	Market Pricing		Each
Beachside Bonus Membership		\$15.00	Market Pricing		Each
Group Bookings					
Advanced bookings for next financial year will be subject to increases to reflect CPI.					
Cancellations		Notice less than 50 days, a cancellation fee of 10% will be charged.	Market Pricing		

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Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
		Cancellation between 21 – 30 days a fee of 20% will be charged. Cancellation less than 21 days, there will be no refund of deposit monies paid.			
Final Deposit		Within one month of arrival date 30% of total quoted costs	Market Pricing		
Final Payment		Balance to be paid at least one week prior to arrival.	Market Pricing		
Initial Deposit		Within 50 days of reservation 10% to hold accommodation	Market Pricing		
Security deposits		A credit card imprint must be provided on arrival as security to cover costs if damage is incurred by the park during the group's stay	Market Pricing		
Thou Walla Sunset Retreat Accommodation Tariffs MAXIMUM nightly rates (includes 2 adults unless specified otherwise)					
Best Available Rate (BAR) will be determined on market demand and selected from the Minimum to Maximum tariff bandwidth.					
Advanced bookings for next financial year will be subject to increases to reflect CPI.					
Waterview Deluxe		\$360.00	Market Pricing	\$20.00 per extra person over 3 years old	Per night
Waterview Sunset		\$360.00	Market Pricing	\$20.00 per extra person over 3 years old	Per night
Waterview Bath Cottage		\$250.00	Market Pricing		Per night
Waterview Standard		\$250.00	Market Pricing	\$30.00 per extra person over 3 years old	Per night
Standard Cabin		\$250.00	Market Pricing		Per night

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Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
Thou Walla Tent		\$250.00	Market Pricing		Per night
Camping Site		\$115.00	Market Pricing	\$10.00 per extra person over 3 years old	Per night
Extra Parking		\$30.00	Market Pricing		Per vehicle
Thou Walla Sunset Retreat Accommodation Tariffs MINIMUMM nightly rates (includes 2 adults unless specified otherwise)					
Best Available Rate (BAR) will be determined on market demand and selected from the Minimum to Maximum tariff bandwidth.					
Advanced bookings for next financial year will be subject to increases to reflect CPI.					
Waterview Deluxe		\$185.00	Market Pricing		Per night
Waterview Sunset		\$185.00	Market Pricing		Per night
Waterview Bath Cottage		\$150.00	Market Pricing		Per night
Waterview Standard		\$150.00	Market Pricing		Per night
Standard Cabin		\$121.00	Market Pricing		Per night
Thou Walla Tent		\$121.00	Market Pricing		Per night
Camping Site		\$35.00	Market Pricing		Per night
Extra Parking		\$15.00	Market Pricing		Per vehicle

Note: General fees in the Holiday Parks Schedule would be amended to reflect that at Thou Walla Sunset Retreat the Wi-Fi is free of charge; and that the Breakfast pack is a self-cook pack which is different to the other parks in that it is a cooked breakfast; there are no charges for day visitors.

ITEM 8 - ATTACHMENT 1 PROPOSED FEE SCHEDULE AMENDMENTS.

1.3 SOLDIER'S POINT HALL

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
Meeting Room Hire <i>Casual</i>	Casual Hire Less than 4hrs	\$11.00	Market Pricing	Community Groups or Registered Charities; Chairs and Trestle Tables available	Per hour
Meeting Room Hire <i>Casual</i>	Casual Hire Less than 4hrs	\$15.00	Market Pricing	For Profit Organisations and or other individuals Chairs and Trestle Tables available	Per hour
Meeting Room Hire <i>Half Day</i>	Half Day Hire 4 Hours Between 7am - 5pm	\$40.00	Market Pricing	Community Groups or Registered Charities Chairs and Trestle Tables available	Per Period Four hours
Meeting Room Hire <i>Half Day</i>	Half Day Hire 4 Hours Between 7am - 5pm	\$56.00	Market Pricing	For Profit Organisations and or other individuals Chairs and Trestle Tables available	Per Period Four hours
Meeting Room Hire <i>Full Day</i>	Full Day Hire 8 Hours Between 7am - 5pm	\$80.00	Market Pricing	Community Groups or Registered Charities Chairs and Trestle Tables available	Per Period Eight hours
Meeting Room Hire <i>Full Day</i>	Full Day Hire 8 Hours Between 7am - 5pm	\$112.00	Market Pricing	For Profit Organisations and or other individuals Chairs and Trestle Tables available	Per Period Eight hours
Hall Hire <i>Casual</i>	Casual Hire Less than 4hrs	\$21.00	Market Pricing	Community Groups or Registered Charities Chairs and Trestle Tables available	Per hour
Hall Hire <i>Casual</i>	Casual Hire Less than 4hrs	\$25.00	Market Pricing	For Profit Organisations and or other individuals Chairs and Trestle Tables available	Per hour
Hall Hire <i>Half Day</i>	Half Day Hire 4 Hours Between 7am - 5pm	\$80.00	Market Pricing	Community Groups or Registered Charities Chairs and Trestle Tables available	Per Period Four hours
Hall Hire <i>Half Day</i>	Half Day Hire 4 Hours Between 7am - 5pm	\$96.00	Market Pricing	For Profit Organisations and or other individuals Chairs and Trestle Tables available	Per Period Four hours
Hall Hire <i>Full Day</i>	Full Day Hire - 8hrs Between 7am- 5pm	\$160.00	Market Pricing	Community Groups or Registered Charities Chairs and Trestle Tables available	Per Period Eight hours
Hall Hire <i>Full Day</i>	Full Day Hire - 8hrs Between 7am- 5pm	\$192.00	Market Pricing	For Profit Organisations and or other individuals Chairs and Trestle Tables available	Per Period Eight hours

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Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
Hall Hire <i>Night Function</i>	Night Function - five hours Between 5pm-11pm	\$250.00	Market Pricing	Standard Pricing for all groups Chairs and Trestle Tables available Kitchen facilities available, see additional fee	Per Period five hours
Kitchen Hire	Kitchen Hire inclusive of basic equipment/items	\$15.00	Market Pricing	A small fee for utilisation of this area to compliment the Hire of Meeting Room/Hall	Per Event
Wi-Fi		\$0.00	Zero Pricing	This service is provided free at this facility.	