# **DRAFT**

# **MINUTES – 28 NOVEMBER 2017**



COUNCIL

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 28 November 2017, commencing at 5.30pm.

PRESENT:

Mayor R Palmer, Councillors J Abbott, G Arnott, G Dunkley, P. Le Mottee, J Nell, S Tucker, General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Development Services Group Manager and Governance Manager.

281	Councillor Steve Tucker
	Councillor Glen Dunkley

It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 14 November 2017 be confirmed.

282	Councillor Steve Tucker
	Councillor Giacomo Arnott

It was resolved that apologies from Councillors Sarah Smith, Chris Doohan and Ken Jordan be received and noted.

Cr Abbott declared a significant non-pecuniary conflict of interest in item 2. The nature of the interest is that Cr Abbott is an employee of the Department of Defence.

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# **MOTIONS TO CLOSE**

ITEM NO. 1 FILE NO: 17/214092

RM8 REF NO: PSC2017-00180

# **MOTION TO CLOSE**

REPORT OF: WAYNE WALLIS - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

# **RECOMMENDATION:**

1) That pursuant to section 10A(2) (c) of the *Local Government Act 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1on the Ordinary agenda namely *Ground Lease over Part of 4 Leisure Way, Raymond Terrace for Telecommunications Facility*.

- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
- information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

# ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION

# 283 Councillor Steve Tucker Councillor Giacomo Arnott

It was resolved that Council:

- That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely Ground Lease over Part of 4 Leisure Way, Raymond Terrace for Telecommunications Facility.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
- information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

ITEM NO. 2 FILE NO: 17/228976 RM8 REF NO: PSC2017-00180

# **MOTION TO CLOSE**

REPORT OF: WAYNE WALLIS - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

#### **RECOMMENDATION:**

1) That pursuant to section 10A(2) (c) of the *Local Government Act 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely *Lease of the Menzies Centre, 72 Port Stephens Street Raymond Terrace*.

- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
- information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

# ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION

# 284 Councillor Steve Tucker Councillor Giacomo Arnott

It was resolved that Council:

- That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely Lease of the Menzies Centre, 72 Port Stephens Street Raymond Terrace.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
- information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

# **COUNCIL REPORTS**

ITEM NO. 1 FILE NO: 17/205113

RM8 REF NO: 16-2017-540-1

DEVELOPMENT APPLICATION NO. 16-2017-540-1 FOR AN EMERGENCY SERVICES FACILITY (NSW RURAL FIRE SERVICE STATION) AND BOUNDARY REALIGNMENT AT 24 BOULDER BAY ROAD, FINGAL BAY (LOT 12 SEC 1 DP758410) AND 43 FARM ROAD, FINGAL BAY (LOT 1 DP41396)

REPORT OF: ANDREW ASHTON - ACTING DEVELOPMENT ASSESSMENT &

**COMPLIANCE SECTION MANAGER** 

GROUP: DEVELOPMENT SERVICES

#### RECOMMENDATION IS THAT COUNCIL:

1) Approve Development Application DA No. 16-2017-540-1 for an Emergency Services Facility at 24 Boulder Bay Road, Fingal Bay (LOT 12 SEC 1 DP758410) and 43 Farm Road, Fingal Bay (LOT 1 DP41396) subject to the conditions contained in (ATTACHMENT 3).

# ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION

# Councillor John Nell Councillor Glen Dunkley It was resolved that Council approve Development Application DA No. 162017-540-1 for an Emergency Services Facility at 24 Boulder Bay Road, Fingal Bay (LOT 12 SEC 1 DP758410) and 43 Farm Road, Fingal Bay (LOT 1 DP41396) subject to the conditions contained in (ATTACHMENT 3).

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

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

Those against the Motion: Nil.

# **BACKGROUND**

The purpose of this report is to present to Council for determination, Development Application (DA) 16-2017-540-1 for the construction of an Emergency Services

Facility and Boundary Realignment located at No. 24 Boulder Bay Road, Fingal Bay and No. 43 Farm Road, Fingal Bay. A locality plan is provided in (ATTACHMENT 1).

The Rural Fire Service (RFS) currently occupy a building located on No. 43 Farm Road, Fingal Bay and propose to relocate into the building the subject of this application.

The DA is being reported to the elected Council for determination as the subject land is classified as community land under the *Local Government Act 1993*.

## Proposal

The applicant proposes to construct a new building with associated land clearing, together with car parking and landscaping at No.24 Boulder Bay Road, Fingal Bay. The proposed works are to accommodate a new station building for the NSW RFS. It is noted that No. 43 Farm Road, Fingal Bay forms part of the subject application as a result of the proposed boundary realignment.

The proposed RFS building would be single storey, measuring 6.5m in height, and accommodate truck storage, office and multi-function area, amenities such as kitchen and toilets and storage area. The sites car park shall consist of four parking spaces, including vehicle manoeuvring area for the fire vehicles. The car park and building would be raised on fill approximately 600mm high to allow sufficient stormwater drainage of the car park. The proposal results in the removal of two significant trees, together with smaller vegetation, and would provide landscaping primarily around the edges of the site.

The proposal also includes a boundary realignment between No.24 Boulder Bay Road and No.43 Farm Road. The subdivision would result in the following allotments:

- Lot 1 comprising the new station building and measuring 1,560m<sup>2</sup>.
- Lot 2 comprising the existing RFS building and measuring 1,530m<sup>2</sup>.

# Site Details

The subject site consists of two lots, being No.24 Boulder Bay Road and No.43 Farm Road and legally known as Lot 12 in DP 758410 and Lot 1 DP 41396 respectively. The lots are individually described as follows:

- 24 Boulder Bay Road is zoned R2 Low Density Residential and measures approximately 961m<sup>2</sup>. The site contains a small tin shed used by a community gardening group and picnic seating, together with areas of vegetation.
- 43 Farm Road is zoned RE1 Public Recreation and measures approximately 2,128m<sup>2</sup>. The site contains an existing building used by the RFS to store vehicles, together with landscaped areas.

The two lots, together with parts of Lot 420 to the north, are known collectively as Dave Nunn Reserve and is Council owned community land. The surrounding area is generally residential in nature, including the Fingal Bay Holiday Park located nearby. Small commercial development is also located on the corner of Boulder Bay Road and Market Street.

# Site History

The site has no known planning history and no compliance matters are known that might impact on the determination of this application.

# **Assessment Outcomes**

The subject site is located adjacent to an existing facility with sufficient space for access and manoeuvring. Whilst the site is identified as being part of a reserve, the area for the building is located on Zone R2 land. The land is identified as being Council owned community land, with the proposed emergency services facility considered to provide significant community benefit. Therefore the site is considered to be suitable for the proposed development. A detailed assessment of the proposal is included at (ATTACHMENT 2) and the key issues identified within the assessment are outlined below.

# Key Issues

# 1) Permissibility

The proposed development meets the definition of emergency services facility and is permissible with consent on land zoned R2 under State Environmental Planning Policy (Infrastructure) 2007 (The Infrastructure SEPP).

# 2) Tree Removal

The proposal seeks to remove two trees. Council's DCP requirements specify that removal of the subject trees requires consent for removal. Under the heads of consideration listed within requirement B1.2 of the DCP, the trees would be threatened by the consent of the RFS building.

Furthermore, the proposed trees, given the residential locality, are not considered to provide significant habitat to threatened species or ecological communities. Finally, considering the benefits of providing the emergency services facility and replacement landscaping, any impact from the loss of the trees is not considered to be sufficient to warrant their retention.

# **COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services.
	Provide Development Assessment and Building Certification Services.

# FINANCIAL/RESOURCE IMPLICATIONS

There are no anticipated financial or resource implications as a result of the proposed development.

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

# LEGAL, POLICY AND RISK IMPLICATIONS

The development application is consistent with Section 79C of the Environmental Planning and Assessment Act 1979.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that a third party or the applicant may appeal the determination.	Low	Approve the application as recommended. The assessment carried out details the merits of the proposed development.	Yes

# **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposal is expected to provide short term employment during the construction phase of the development, which would provide cumulative economic activity in the area. Therefore some minor economic benefits are likely as a result of the development.

The purpose of the application is to provide RFS with improved facilities to store vehicles and equipment, as well as improved offices and functioning area for the protection of the community from bushfire threats. Therefore the proposal would have substantial social benefits. On the other hand, it is noted that the David Nunn Reserve would be reduced with the additional building; however, considering the current use levels of the area in question, together with the relatively minor area taken up by the building, it is not considered to significantly impact on the usability of the park or the wider publicly accessible areas in general. Furthermore, the potential negative impact of the reduction in park space would be offset by the benefits of the improved RFS functioning. As such, on balance the proposal is considered to have beneficial social impacts overall.

The proposed development would include the construction of a metal building to facilitate the RFS station. The design of the building is led by the need to be functional, low maintenance and within a limited budget. Whilst it is acknowledged that the building would not necessarily be within the character of the residential area, it is still considered that the articulation of openings and materials is sufficient to ensure it is of appropriate quality. Additionally, landscaping would be used to soften the appearance within the open setting. The proposal is not considered to result in an adverse impact to the built environment.

The proposed development results in the removal of two trees and other understorey vegetation. It is noted that the site is not located within an environmentally sensitive area and does not contain significant habitat. It is also noted that suitable landscaping would ensure no adverse impact from the loss of trees on any species in the area. Further, appropriate stormwater controls would be introduced to protect water quality. Therefore there would be no adverse impact on the natural environment as a result of the proposed development.

# **CONSULTATION**

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

#### Internal

The application was referred to Council's Development Engineer, Building Surveyor, Vegetation Management Officer and Section 94 Officer. Each internal staff member assessed the relevant portion of the original application and where necessary requested additional information. Following receipt of amended plans and additional information, the application was referred back to the internal staff members for review. No objections were raised by the internal staff to the amended design and relevant conditions have been incorporated into the Schedule of Conditions provided at (ATTACHMENT 3).

# External

The application was not required to be referred to any external authorities.

# **Public Consultation**

In accordance with the requirements of PSDCP2014, the development application was notified and advertised for a period of 14 days, ending 6 September 2017. Three submissions have been received in relation to the proposed development. The issues identified in the submissions and the assessment responses are discussed below:

# 1) Poor Aesthetics

The submissions received raised concerns with the proposed design, in particular the concern was raised that the development resulted in poor aesthetics.

Response: The design of the building is led by the need to be functional, low maintenance and within a limited budget. Whilst it is acknowledged that the building would not necessarily be within the character of the residential area, it is still considered that the articulation of openings and materials is sufficient to ensure it is of appropriate quality.

# 2) Loss of Reserve

The submissions received identified that the loss of reserve was a key concern.

Response: The area of the proposed building currently contains a vacant tin shed. It is also noted that a picnic table and area of vegetation is to be removed to facilitate the car park. Whilst it is acknowledged that the area would be lost to the emergency services facility, when considering the overall area of the park, the area is comparatively small. Furthermore, when assessed against the benefit of providing an improved function for the RFS, any adverse impact on the park is significantly outweighed by the benefit. Therefore the loss of the park is considered to be acceptable.

# 3) Fill Impact

Review of the submissions identified that the proposed fill required to facilitate the development was raised as a matter for consideration.

Response: The fill is located close to the boundary of 22 Boulder Bay Road, however it is considered that sufficient space would be allocated for the drainage of water towards the rear of the site where it would be discharged as overflow. This has been secured through a condition of consent.

# 4) Landscaping and Tree Removal

The proposed tree removal and landscaping was raised within the submissions. Response: The proposal seeks to remove two trees that meet the requirements of the DCP and therefore require consent for removal. Under the heads of consideration listed within the DCP, the trees would be threatened by the consent of the RFS building. Furthermore, the proposed trees, given the residential locality, are not considered to provide significant habitat to threatened species or ecological communities. Finally, considering the benefits of providing the emergency services facility and replacement landscaping, any impact from the loss of the trees is not considered to be sufficient to warrant their retention.

In addition, a landscaping plan submitted with the development which demonstrates the incorporation of suitable landscaping to soften the impact of the development.

# 5) Car Parking

Within the submissions it is noted that there are parking issues related to the laneway to the rear of the commercial buildings at 2-14 Market Street.

Response: Contrary to the submissions, this road is not maintained by Council and is outside Council's ownership. As such the enforcement of parking restrictions is not conducted by Council. However, the subject site is on Council owned community land. Therefore any unauthorised nuisance parking can be dealt with by Council officers. Furthermore, it is expected that the car park would only be used by RFS employees and volunteers when necessary and therefore no nuisance is expected from the use of the car park.

The proposed emergency facility is not expected to generate significant levels of traffic, taking into account the frequency of use and the scale of the building. Therefore the impact on the existing road network is considered to be insignificant. It is considered that the use of the site would be infrequent, with the main use being in an emergency situation. It is considered that the four parking spaces would be sufficient for the regular use of the building.

# 6) Remaining RFS Building

The use of the remaining RFS building was a matter raised within the submissions received during the notification period.

Response: The applicant has not provided an indication of the future use of the existing building, which would be vacated following the completion of the subject development. Whilst the future use would not impact on the acceptability of this application, it is understood that a number of community groups are interested in using the building.

It should also be noted that any future use would have to be compliant with the Council's Plan of Management and may also require further scrutiny under another Development Application.

## **OPTIONS**

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

# **ATTACHMENTS**

- 1) Locality Plan.
- 2) Assessment Report.
- 3) Proposed Conditions of Consent.

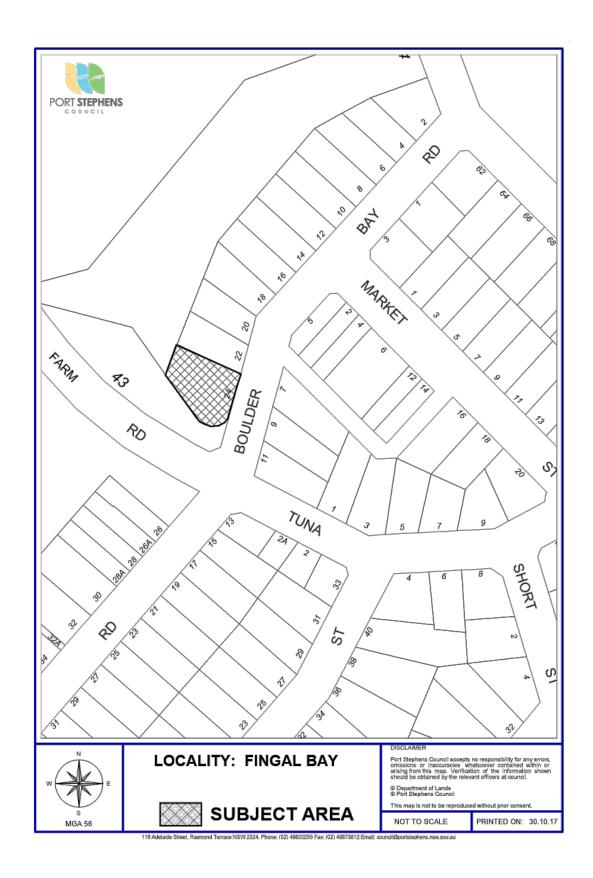
# **COUNCILLORS ROOM**

1) Development Application Plans.

# **TABLED DOCUMENTS**

Nil.

# ITEM 1 - ATTACHMENT 1 LOCALITY PLAN.



## ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.



APPLICATION DETAILS			
Application Number	16-2017-540-1		
Development Description	Emergency Services Facility (NSW Rural Fire Service) - Station Building, Vegetation Removal, Landscaping, Car Parking and Boundary Realignment		
Applicant	PORT STEPHENS COUNCIL		
Date of Lodgement	10/08/2017		
Value of Works	\$500,000.00		

# **Development Proposal**

The application proposes to construct a new building with associated land clearing, together with car parking, landscaping at 24 Boulder Bay Road, Fingal Bay. The proposed works are to accommodate a new station building for the NSW Rural Fire Service (RFS).

The building measures 6.5m in height, and accommodate truck storage, office and multi-function area, amenities such as kitchen and toilets and storage area. The building would be constructed primarily of layered colourbond.

Figure 1: Front elevation



The proposed car park would consist of 4 parking spaces, including vehicle manoeuvring area for the fire vehicles. The car park and building would be raised on fill approximately 600mm high to allow sufficient stormwater drainage of the car park. The proposal would result in the removal of two significant trees, together with smaller vegetation, and would provide landscaping primarily around the edges of the site.

The proposal also includes a boundary realignment between 24 Boulder Bay Road and 43 Farm Road. The subdivision would result in the following allotments:-

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# ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

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- Lot 1 comprising the new station building and measuring 1,560m2; and,
- Lot 2 comprising the existing RFS building and measuring 1,530m<sup>2</sup>.

PROPERTY DETAILS			
Property Address	24 Boulder Bay Road FINGAL BAY, 43 Farm Road FINGAL BAY		
Lot and DP	LOT: 12 SEC: 1 DP: 758410, LOT: 1 DP: 41396		
Current Use	Emergency Services Facility/Public Park		
Zoning	R2 LOW DENSITY RESIDENTIAL/RE1 PUBLIC RECREATION		
Site Constraints	Acid Sulphate Soils – Class 4 and Class 5 Draft Coastal Management SEPP 2016 – Coastal Use SEPP 71 – Coastal Protection Community Land		

# Site Description

Figure 2: Site location, including existing development.



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# ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

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The subject site consists of two lots, being 24 Boulder Bay Road and 43 Farm Road and legally known as Lot 12 in DP 758410 and Lot 1 DP 41396 respectively (see Figure 2). The lots are individually described as follows:-

- 24 Boulder Bay Road is zoned R2 Low Density Residential and measures approximately 961m<sup>2</sup>. The site contains a small tin shed used by a community gardening group and picnic seating, together with areas of vegetation.
- 43 Farm Road is zoned RE1 Public Recreation and measures approximately 2,128m<sup>2</sup>. The site contains an existing building used by the RFS to store vehicles, together with landscaped areas.

The two lots, together with parts of Lot 420 to the north, are known collectively as Dave Nunn Reserve and is Council owned community land. The surrounding area is generally residential in nature, including the Fingal Bay Holiday Park located nearby. Small commercial development is also located on the corner of Boulder Bay Road and Market Street.

#### Site History

The site has no known planning history and no compliance matters are known on the site that impact on the determination of this application.

#### Site Inspection

A site inspection was carried out on 1 September 2017. The subject site can be seen in the figures below.



Photo 1: View from Boulder Bay Road

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# ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

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Photo 2: View from Farm Road



Photo 3: Existing shed to be removed

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# ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

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Photo 4: Existing tree to be removed

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

# Internal Referrals

The proposed development was referred to the following internal specialist staff. The comments of the listed staff have been used to carry out the assessment against the S79C Matters for Consideration below.

<u>Development Engineer</u> – Further information was requested regarding the infiltration system, water quality targets and vehicle movements. Revised documentation was submitted and in principle, the proposed stormwater management concept for the site is acceptable for the development. A number of Conditions have been proposed 'prior to issue of the construction certificate'.

<u>Building Surveyor</u> - No objections were made, subject to standard conditions being added to the development consent.

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#### ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

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<u>Vegetation Management Officer</u> – It was recommend that 10 replacement *Cupaniopsis anacardioides* trees be conditioned to replace the trees removed from the site. The recommended conditions have been included in the NOD.

<u>Section 94 Officer</u> – The application is considered to be a form of community facility and therefore there is no nexus between this type of development and the need for additional public facilities. Subsequently imposing Section 94A contributions has not been recommended.

#### **External Referrals**

No external referrals were undertaken.

#### **MATTERS FOR CONSIDERATION - SECTION 79C**

#### s79C(1)(a)(i) - The provisions of any EPI

Port Stephens Local Environmental Plan 2013 (LEP)

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

Under the standard definitions, NSW Rural Fire Service is considered to be an emergency services organisation. Taking into account the proposal seeks to use the building as the RFS Fingal Bay station building, the proposed use is considered to meet Emergency Services Facility definition. On land zoned RE1 Public Recreation, emergency services facility is permissible with consent; however, on land zoned R2 Low Density Residential, emergency services facility is prohibited. Notwithstanding this, the application seeks permissibility through the Infrastructure SEPP, which is discussed further below. In short, the proposed use is considered to be permissible with Council consent.

The objectives of Zone R2 are as follows:-

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- · To protect and enhance the existing residential amenity and character of the area.
- To ensure that development is carried out in a way that is compatible with the flood risk of the area.

Whilst the proposal does not meet the housing need of the community, it is acknowledged to provide a necessary emergency service. Furthermore, the proposed building would be of suitable design to ensure there is no adverse impact on the residential amenity or the character of the land. It is noted that the site is not located on flood prone land. Therefore the proposal is considered to generally comply with the objectives of the zone.

The objectives of Zone RE1 are as follows:-

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- · To protect and enhance the natural environment for recreational purposes.

The proposal would increase the level of development on Dave Nunn Reserve, however this is not considered to significantly impact on the public open space to restrict the use of the land for recreational purposes, nor affect the natural environment. Furthermore, the proposed emergency services facility is considered to be a compatible land use. Therefore the proposal is considered to generally comply with the objectives of the zone.

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#### ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

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#### Clause 2.6 - Subdivision

The proposal includes the boundary realignment, which is considered to be a subdivision. Subdivisions are permitted with development consent under this clause.

#### Clause 2.7 - Demolition

The removal of the existing tin shed is considered to be development exempt from consent, provided it is completed in accordance with AS 2601-2001.

# Clause 4.1 - Minimum Subdivision Lot Size

The site at 24 Boulder Bay Road has a minimum subdivision lot size of 500m² and therefore the proposed realignment conforms to this standard. 43 Farm Road does not have a minimum lot size, and therefore the resulting lot would not contravene the development standard. Overall the proposal complies with this clause.

#### Clause 4.3 - Height of Buildings

The area of the site containing the building has a height limit of 9m. The proposed building would be 7.1m from the natural ground level (6.5m building height plus 0.6m of fill) and therefore it complies with the standards of this clause.

#### Clause 5.5 - Development within the Coastal Zone

The subject site is located within the coastal zone and therefore the development should be consistent with the principles of the NSW Coastal Policy.

The site is located approximately 200m from the Fingal Bay coastline with existing pathways to the coast via paths to the rear of the site and along Boulder Bay Road. The proposed development is sited so that it would not impede pedestrian paths and therefore would not comprise existing access to the coastal foreshore.

The site is surrounded by residential development to the north and east, together with the public park to the west. The proposed emergency services facility is not considered to be in conflict with these surrounding uses. Furthermore, the bulk, scale and built form design is considered to be appropriate with the surrounding scenic quality, as discussed under the DCP requirements. The site is considered to be suitably distanced to ensure there is no impact on the amenity or scenic qualities of the foreshore. Considering the site is also void of any significant ecological habitat and located within a residential area, the ecological impact on the coastal area would be negligible. Finally, the cumulative impact is not expected to be significant as a result of this development.

It is noted that the development includes a stormwater management plan, which includes appropriate infiltration measures. As such the development is not considered to discharge untreated stormwater into the nearby coastal waters. The development is also expected to discharge effluent into the reticulated system. Lastly, the development is not considered to be significantly affected by, or increase the impact of, coastal hazards, given the distance from the coastal shore.

Overall the application is considered to satisfy this clause.

## Clause 7.1 - Acid Sulfate Soils

The area for the proposed building works is located within class 4 acid sulfate soils; however, the development is not expected to result in excavations 2m below the natural ground level. Therefore the need for an acid sulfate soils management plan is not required and the development is not considered to contravene any requirements within this clause.

#### Clause 7.2 - Farthworks

It is noted that the proposed development includes filling the land up to 600mm in height and therefore the requirements of this clause must be considered.

The proposed fill is located close to the boundary with 22 Boulder Bay Road, which is a residential property. Whilst it is noted that the fill will create water run-off towards the property, appropriate measures would be put in place to ensure water is drained towards the rear of the site with

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## ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

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overland flows towards the existing drain, which is similar to the current drainage pattern. This would be secured through a condition of consent. Therefore no significant affect on the drainage patterns or the adjoining property is expected. Further to this, the fill would elevate the building above the adjoining property; however, given the northerly siting of the adjoining property, limited sensitive views towards the neighbour and expected low level of use of the area nearest to the neighbour, there is no expected adverse impact on the amenity of the adjoining property from the fill.

The quality and source of the fill would be controlled through conditions for VENM soil, which would ensure no adverse environmental impact or preclude future development on the site. Furthermore, conditions for appropriate erosion and sediment measures would ensure no adverse impacts on the surrounding water quality during the placement of fill. Finally, there are no known relics and the filling of the land is not expected to impact on any buried relics that may occur on the site.

Taking the above into account, the application is considered to satisfy the requirements of the clause.

#### Clause 7.6 - Essential Services

The site is located within the Fingal Bay residential area with appropriate vehicle access from two public roads. Therefore it is considered that essential services are available to the site for the purposes of the development.

#### State Environmental Planning Policy No 71 - Coastal Protection

The site is located within the coastal zone and therefore the requirements of this SEPP apply, specifically the aims of the SEPP and the matters for consideration under Clause 8.

As discussed under Clause 5.5 of the LEP, the proposal would not affect the amenity, visual scenery, public access or ecological process of the coastal foreshore. Furthermore, the development is considered to be suitable in relation to the surrounding development. Therefore the application is considered to be compliant with the aims of the policy and the matters within Clause 8.

#### State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP includes provisions for development relating to emergency services facilities, which are provided under Division 6 of Part 3, and therefore these provisions apply to this application.

The SEPP identifies land zoned R2 to be in the prescribed zone under Division 6, Part 3. Under Clause 47, development for the purpose of an emergency facility by or on behalf of the RFS is permitted with consent within the prescribed zone. Therefore, irrespective of the permissibility under Council's LEP zones, the development is considered to be permissible on the site zoned R2. There are no other matters within the SEPP that relate to the proposed development.

# s79C(1)(a)(ii) - Any draft EPI

#### Draft State Environmental Planning Policy (Coastal Management) 2016

The draft State Environmental Planning Policy (Coastal Management) 2016 (Coastal SEPP) was on public exhibition until 23 December 2016 and is still being considered before final adoption.

The draft policy aims to balance social, economic and environmental interest by promoting a coordinated approach to coastal management, consistent with the objectives of Part 2 of the Coastal Management Act 2016.

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The Act divides the coastal zone into four (4) management areas:

- · Coastal Wetland and Littoral Forest areas;
- Coastal Vulnerable areas;
- Coastal Environment areas; and
- Coastal Use areas.

The subject land is located with the Coastal Use area and the objectives for this area are:

- (a) to protect and enhance the scenic, social and cultural values of the coast by ensuring that:
  - the type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast, and
  - adverse impacts of development on cultural and built environment heritage are avoided or mitigated, and
  - urban design, including water sensitive urban design, is supported and incorporated into development activities, and
  - (iv) adequate public open space is provided, including for recreational activities and associated infrastructure, and
  - (v) the use of the surf zone is considered,
- (b) to accommodate both urbanised and natural stretches of coastline

The proposed development is consistent with the objectives of the Coastal Use areas, as identified in the draft policy, and can therefore be supported.

#### s79C(1)(a)(iii) - Any DCP

Port Stephens Development Control Plan 2014

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

#### Chapter A.12 - Notification and Advertising

In accordance with the requirements of chapter A.12, the development application was notified and advertised for a period of 14 days.

#### Chapter B.1 - Tree Management

The proposal seeks to remove two trees that meet the requirements of Column 1 and therefore requires consent for removal. Under the heads of consideration listed within requirement B1.2, the trees would be threatened by the consent of the RFS building. Furthermore, the proposed trees, given the residential locality, are not considered to provide significant habitat to threatened species or ecological communities. Finally, considering the benefits of providing the emergency services facility and replacement landscaping, any impact from the loss of the trees is not considered to be sufficient to warrant their retention.

Therefore having considered the requirements of this chapter, the application is considered to be acceptable.

#### Chapter B.3 - Environmental Management

The proposal includes earthworks as well as works within acid sulfate soils, which is considered within the LEP provisions above and considered to be acceptable. In terms of noise impacts, the proposal would be used intermittently during emergencies. As such the proposal is not considered to generate noise levels that will impact significantly on the surrounding amenities.

## Chapter B.4 - Drainage & Water Quality

In principle, the proposed stormwater management concept for the site is acceptable for the development. A number of Conditions have been proposed prior to issue of the construction certificate.

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#### Chapter B.9 - Road Networking & Parking

The subject site has access from both Boulder Bay Road and Farm Road, which are Council maintained roads in good condition. The proposed emergency facility is not expected to generate significant levels of traffic, taking into account the frequency of use and the scale of the building. Therefore the impact on the existing road network is considered to be insignificant.

Figure BQ does not include car parking standards for emergency services facilities. It is considered that the closest standard would be community facilities, which is a merit based assessment. No information has been provided in the assessment, however it is considered that the use of the site would be infrequent, with the main use being in an emergency situation. It is considered that the five parking spaces would be sufficient for the regular use of the building, considering the size of the building, and any overflow during an emergency period would be adequately catered for around the site with on street parking. Therefore the parking is considered to be sufficient for the development proposed.

It is noted that the parking area would be located to the front of the building, towards Boulder Bay Road. Whilst this is not ideal in providing an appropriate response in the residential streetscene, it is acknowledged that the site has access to two roads and therefore any parking area would be highly visible. Furthermore, the provision of services along Farm Road (such as power poles and electricity boxes) impedes any access for parking off Farm Road. Finally, through appropriate landscaping, the visual impact of the car parking area would be softened, improving the appearance of the development slightly. Overall the location of the car park is considered to be appropriate.

The site contains existing vehicle access to the RFS building on 43 Farm Road, however there is no access onto 24 Boulder Bay Road.

#### Chapter C - Development Types

The proposed development proposes the boundary realignment and therefore C.1 of this chapter applies. However, it is noted that there are no specific controls for emergency facilities or community facilities within the chapter. Nonetheless, given the site is located within a residential area, it is considered that these provisions, were applicable, would be appropriate.

#### Subdivision

The proposed boundary realignment is considered to be a minor subdivision with appropriate documents to support the development. With respect to the remaining requirements within Chapter C.1, the application is considered to satisfy these requirements.

#### Site Coverage

Taking into account the boundary realignment, the development would have site coverage of 59% of the total site, which includes the car parking area. This is within the surface area limit under Figure BD and therefore ensures the proposal has an appropriate bulk and scale.

#### Setbacks

The adjoining residential buildings have a front setback of approximately 5m. The proposed development would be setback 7.5m from Boulder Bay Road and, whilst this is a considerably larger setback than the adjoining dwellings, this is not considered to have a harmful impact on the consistency of the streetscape as it would not be forward of the current setback. It is also noted that the existing RFS building has a front setback of 18m from Farm Road, however this is not considered to provide a clear character to the street edge. Therefore the setback of 12m from Farm Road is considered to be appropriate.

The building would have a side setback of 2m from the boundary with 22 Boulder Bay Road and a rear setback of 3m from the boundary with the park to the rear. This is considered to meet the objectives of providing consistency to the street.

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#### Streetscape & Privacy

It is acknowledged that the proposed emergency services facility would provide less surveillance than a residential dwelling, therefore the street adherence to the requirement for habitable rooms facing the street would be unreasonable. Nonetheless the building would have the large roller doors facing Boulder Bay as well as office windows facing Farm Road and therefore is considered to provide sufficient surveillance for its use.

The proposed building would be constructed primarily of metal, which is acknowledged as being inconsistent with the surrounding building material. In addition, it is also acknowledged that the building form in terms of design and layout would not be overly sympathetic with the existing character. However, the design is considered to be typical of an RFS building, reflecting the practicality of the building, need for low maintenance and budgetary constraints. Also, the development is such that any adverse impact on the built environment would not outweigh the social benefits. Finally, with appropriate articulation of doors and windows, location of the office to the visible frontage along Farm Road and changes in materiality, the building is considered to provide a satisfactory quality of design to ensure there is no significant impact on the built environment. A recently finished RFS building elsewhere in the Council area is shown as an example of the final building is shown in figure 3.

Figure 3: Existing RFS building built at Tanilba Bay



No windows are proposed that would overlook the adjoining residential building. Furthermore, whilst the addition of fill would allow elevated views into the rear private open space of the adjoining building, this is not considered to result in severe adverse impacts on privacy due to the irregular use of the building and lack of purpose to the space nearest to the adjoining rear garden. Therefore adjoining privacy would not be affected.

Overall the application is considered to comply with the provisions of this chapter.

#### Private Open Space

The building would be located adjacent to the rear garden of 22 Boulder Bay Road; however, given the siting of the building to the south, there would not be sufficient overshadowing to reduce sunlight access.

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#### Ancillary (fencing)

The proposal would include new fencing along the boundary to the rear, totalling approximately 8m in length. This is not considered necessary to restrict access to the building and is not considered to impact on the amenity of the area or the public access to the park, taking into account the relatively minor length of fencing. Therefore the proposed fencing is considered to be acceptable.

# <u>s79C(1)(a)(iiia) – Any planning agreement or draft planning agreement entered into under section 93F</u>

There are no planning agreements that have been entered into under section 93F relevant to the proposed development.

#### s79C(1)(a)(iv) - The Regulations

It is noted that under Clause 92 of the Regulations, land within Port Stephens Council that is within the coastal zone must consider the provisions of the *NSW Coastal Policy 1997*. It is noted that the principles of the coastal policies are included under Clause 5.5 of the LEP, which has been considered above. As the proposal is compliant with Clause 5.5 and SEPP 71, the proposal is considered to be compliant with the coastal policy.

The proposal includes removal of the existing shed, which is expected to be completed under exempt development. As such it would be completed in accordance with AS 2601.

Overall, the application is compliant with the relevant matters within the Regulations.

#### s79C(1)(a)(v) - Any coastal management plan

There are no coastal management plans applicable to the proposed development.

#### s79C(1)(b) - The likely impacts of the development

#### Social and Economic Impacts

The proposal is expected to provide short term employment during the construction phase of the development, which would provide cumulative economic activity in the area. Therefore some minor economic benefits are likely as a result of the development.

The purpose of the application is to provide RFS with improved facilities to store vehicles and equipment, as well as improved offices and functioning area for the protection of the community from bushfire threats. Therefore the proposal would have substantial social benefits. On the other hand, it is noted that the David Nunn Reserve would be reduced with the additional building; however, considering the current use levels of the area in question, together with the relatively minor area taken up by the building, it is not considered to significantly impact on the usability of the park or the wider publicly accessible areas in general. Furthermore, the negatives of the reduction in park space would be offset by the benefits of the improved RFS functioning.

Therefore the proposal is considered to have beneficial social impacts overall.

# Impacts on the Built Environment

The proposed development would include the construction of a metal building to facilitate the RFS station. The design of the building is led by the need to be functional, low maintenance and within a limited budget. Whilst it is acknowledged that the building would not necessarily be within the character of the residential area, it is still considered that the articulation of openings and materials is sufficient to ensure it is of appropriate quality. Additionally, landscaping would be used to soften

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the appearance within the open setting. Therefore the impact of the built environment is considered to be acceptable.

#### Impacts on the Natural Environment

The proposed development would remove two trees. It is noted that the site is not located within an environmentally sensitive area and does not contain significant habitat. It is also noted that suitable landscaping would ensure no adverse impact from the loss of trees on any species in the area. Finally, appropriate stormwater controls would be introduced to protect water quality. Therefore there would be no adverse impact on the natural environment.

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

The subject site is located adjacent to an existing facility with sufficient space for access and manoeuvring. Whilst the site is identified as being part of a reserve, the area for the building is located on Zone R2 land. Finally, the land is identified as being Council owned community land, with the proposed emergency services facility considered to provide significant community benefit. Therefore the site is considered to be suitable for the proposed development.

#### s79C(1)(d) - Any submissions

As a result of the notification and advertising of the application, three (3) submissions were received from nearby neighbours. The submissions raised concerns with the proposed development, which are detailed in the table below.

Issue	Response
Poor quality building	The design of the building is led by the need to be functional, low maintenance and within a limited budget. Whilst it is acknowledged that the building would not necessarily be within the character of the residential area, it is still considered that the articulation of openings and materials is sufficient to ensure it is of appropriate quality. An example of how the building would look has been provided and this is considered to have a satisfactory appearance.
Loss of the park	The area of the proposed building currently contains a vacant tin shed. It is also noted that a picnic table and area of vegetation is to be removed to facilitate the car park. Whilst it is acknowledged that the area would be lost to the emergency services facility, when considering the overall area of the park, the area is comparatively small. Furthermore, when assessed against the benefit of providing an improved function for the RFS, any adverse impact on the park is significantly outweighed by the benefit. Therefore the loss of the park is considered to be acceptable.
Fill deflecting water onto adjoining properties	The fill is located close to the boundary with 22 Boulder Bay Road, however it is considered that sufficient space would be allocated for the drainage of water towards the rear of the site where it would be discharged as overflow. This would be secured through a condition of consent.

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Landscaping and impact on the operation of the facility The proposal seeks to remove two trees that meet the requirements of Column 1 and therefore requires consent for removal. Under the heads of consideration listed within requirement B1.2, the trees would be threatened by the consent of the RFS building. Furthermore, the proposed trees, given the residential locality, are not considered to provide significant habitat to threatened species or ecological communities. Finally, considering the benefits of providing the emergency services facility and replacement landscaping, any impact from the loss of the trees is not considered to be sufficient to warrant their retention.

Improper use of the proposed car park

Within the submissions it is noted that there are parking issues related to the laneway to the rear of the commercial buildings at 2-14 Market Street. Contrary to the submissions, this road is not maintained by Council and is outside Council's ownership. As such the enforcement of parking restrictions is not conducted by Council.

On the other hand, the subject site is on Council owned community land. Therefore any unauthorised nuisance parking can be dealt with by Council officers. Furthermore, it is expected that the car park would only be used by RFS employees and volunteers when necessary and therefore no nuisance is expected from the use of the car park.

What is to happen with the remaining RFS building? There is no indication of the future use of the existing building, which would be vacated. Whilst the future use would not impact on the acceptability of this application, it is understood that a number of community groups are interested in using the building. It should also be noted that any future use would have to be compliant with the Council's Plan of Management and may also require further scrutiny under another Development Application.

#### s79C(1)(e) - The public interest

The proposal would facilitate improvements in the protection of the community from bushfire threats and therefore it would provide significant benefits to the community. As such the proposal is considered to be beneficial to the public interest.

# **DETERMINATION**

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

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Recommended Conditions of Consent

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

#### **SCHEDULE 1**

#### REASONS FOR CONDITIONS

The following conditions are applied to:

- · confirm and clarify the terms of Council's Approval;
- identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts,
- set standards and performance measures for acceptable environmental performance, and
- · provide for the ongoing management of the development.

#### CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

 The development shall be carried out in accordance with the stamped approved plans and documentation as listed below, except where modified by any condition of this consent or as shown in red colour on the plans.

Architectural (or Design) Drawings prepared by Port Stephens Council				
Drawing No.	Revision	Name of Plan	Date	
03	Rev. B	Subdivision Plan	11/10/2017	
04	Rev. B	Site Works and Utility Services	03/10/2017	
Architectural (or Design) Drawings prepared by NSW Rural Fire Service				
Drawing No.	Revision	Name of Plan	Date	
A01	С	Plan Cat2B	14/06/2012	
A02	С	Roof Plan	14/06/2012	
A03	С	Elevation 1	14/06/2012	
A04	С	Elevation 2	14/06/2012	

Note 1: In the event of any inconsistency between the:

- Approved plans and the conditions, the conditions will prevail; or
- · Approved plans and supplementary documentation, the plans will prevail.

**Note 2**: The consent relates only to those works indicated as proposed on the approved plans. No assessment has been undertaken of those structures marked as existing, and this consent does not extend to include any such structures.

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# Recommended Conditions of Consent

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

 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Environmental Planning and Assessment Regulation 2000.

#### CONDITIONS THAT IDENTIFY OTHER APPROVALS REQUIRED

- Prior to issue of the Construction Certificate / Commencement of Use (whichever occurs first), a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Principal Certifying Authority.
- Prior to the issue of a Construction Certificate / commencement of works (whichever occurs first), a Driveway Construction Application is to be lodged with Council as the Roads Authority.
- Prior to the Issue of a Construction Certificate, an approval under section 68 of the Local Government Act 1993 approval shall be obtained for stormwater drainage works external to the site that discharge into a public system or public land.

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

The following conditions are to be complied with, to the satisfaction of the Certifying Authority, prior to the issue of the Construction Certificate.

- 6. Prior to the issue of a Construction Certificate, a detailed landscape plan is to be prepared in accordance with Council's Tree Technical Specification and submitted to the Certifying Authority for approval. This plan is to indicate the location of all paved and landscaped areas, vegetation to be removed and/or retained, type of species to be planted, and is to state the mature height and spread of all proposed vegetation.
- 7. Prior to the issue of a Construction Certificate, appropriate internal design is to be prepared showing that the amenities are provided in accordance with the BCA requirements. This design is to be submitted and approved by the Certifying Authority.
- Prior to the issue of a Construction Certificate, detailed engineering plans for civil
  works in accordance with the approved plans are to be submitted to the Certifying
  Authority. The detailed plans are to be in accordance with Council's Infrastructure

Specification and include the following information:

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

- a. Plans for all civil works within a road reserve, approved by the Roads Authority and consistent with this condition;
- Details of any required regulatory signage, approved by the Local Traffic Committee and consistent with this condition;
- Concrete footpath 1.2 metres wide along the Boulder Bay Rd frontage of the subject site
- d. Any associated works to ensure satisfactory transitions to existing infrastructure;
- The removal of redundant vehicle driveway and kerb layback and reinstatement as new kerb and gutter;
- Details of a full width 8m driveway access crossing, approved by the Roads Authority and consistent with this condition;
- Details of the proposed concrete slab and carparking area in accordance with AS 2890.1 and consistent with this condition;
- 9. Prior to issue of any Construction Certificate, a detailed stormwater drainage plan is to be submitted to the certifying authority for a system capable of catering for a range of rainfall scenarios up to and including the 1% AEP Rainfall Event. The detailed plans are to be in accordance with Council's Infrastructure Specification as well as the current Australian Rainfall and Runoff guidelines using the current Hydrologic Soil Mapping data for Port Stephens available from Council, and include the following information:
  - a. On-Site Stormwater Detention / Infiltration with supporting calculations;
  - An emergency overland flow path for major storm events, that is directed to the public drainage system;
  - Detailed pavement finished surface levels, to ensure stormwater runoff catchment and its direction into the detention/infiltration system;
  - Water quality control devices that comply with the requirements of the Port Stephens Development Control Plan 2014.
- Prior to the issue of the Construction Certificate a dilapidation report on the visible and structural condition of the following public infrastructure must be provided to Council.
  - a. Boulder Bay Rd (for length of site frontage, full road width):
    - i. Wearing course;
    - ii. Kerb and guttering;
    - iii. Kerb inlet pit(s);
    - iv. Concrete footpath;
    - v. Signage and linemarking;

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## ITEM 1 - ATTACHMENT 3 PROPOSED CONDITIONS OF CONSENT.



Recommended Conditions of Consent

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

- a. Farm Rd (for length of site frontage, full road width):
  - Wearing course;
  - Kerb and guttering;
  - iii. Kerb inlet pit(s);
  - iv. Concrete footpath;
  - v. Signage and linemarking;
  - vi. Traffic island;

The dilapidation report is to be prepared by a practising Structural / Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the applicant.

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

The following conditions are to be complied with prior to the commencement of works on the subject site(s).

- 11. At least two days prior to the commencement of works, the applicant shall submit to Council a "Notice of Commencement and Appointment of Principal Certifying Authority" form.
- 12. Prior to the commencement of work, a 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people. No materials, waste or the like are to be stored on the all-weather access at any time except with the agreement of the Principal Certifying Authority.
- 13. Prior to the commencement of works, a waste containment facility is to be established on site. The facility is to be regularly emptied, and maintained for the duration of works. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site shall be cleared of all building refuse and spoil immediately upon completion of the development.
- 14. Prior to the commencement of works, the property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking". Protection measures may include erosion and sedimentation controls as required. All protection measures are to be installed to the satisfaction of Council and must be regularly maintained for the duration of works and until the site is stabilised by vegetation or the like.

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# Recommended Conditions of Consent

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

#### CONDITIONS TO BE SATISFIED DURING WORKS - SITE REQUIREMENTS

The following conditions are to be complied with during works.

- 15. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.
- 16. The Principal Contractor (or Owner/Builder) shall erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work. The sign shall also display the name, address and telephone number of the Principal Contractor for the work (or Owner/Builder) and shall state that unauthorized entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed.
- 17. A temporary toilet(s) shall be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided shall be one toilet per 20 persons or part thereof employed on the site at any one time. The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.
- 18. Unless otherwise approved by Council in writing, all general building/demolition work shall be carried out between the hours of:
  - a. 7.00am to 6.00pm Monday to Friday
  - b. 7.00am to 5.00pm Saturday

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

- 19. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the surrounding land and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.
- 20. The only fill material that may be received at the development site is:
  - Virgin excavated natural material (VENM) within the meaning of the Protection of the Environment Operations Act 1997 (POEO); or
  - b) Any other waste-derived material the subject of a resource recovery exemption under s.91 of the *Protection of the Environment Operations (Waste) Regulation* 2014 that is permitted to be used as fill material.

Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's

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## ITEM 1 - ATTACHMENT 3 PROPOSED CONDITIONS OF CONSENT.



Recommended Conditions of Consent

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

compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

- 21. Tree removal will be restricted to the months of May through to September inclusively so to not interfere with key breeding periods for fauna species. Tree clearing outside of the nominated months will require fauna ecologist to supervise the removal of all trees and to advise the site manager and tree clearing staff of any habitat potential and precautions necessary during tree felling including:
  - a) Remove and modify hollows and nests from felled trees and re-establish these on the site or as near as possible to the site to provide compensatory habitat. This could include mounting of hollows& nests on trees or poles, or on other buildings or structures.
  - b) Where original hollows cannot be retained, artificial nesting boxes must be provided to provide compensatory habitat.

In circumstances where native fauna is detected during the removal of trees, removal should cease until a licensed wildlife carer or consultant relocates the fauna species.

# CONDITIONS TO BE SATISFIED DURING WORKS – CONSTRUCTION REQUIREMENTS

The following conditions are to be complied with during works and relate to the construction of the approved development.

- All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 23. Immediately following the installation of any roof, collected stormwater runoff shall be piped to either an infiltration trench in accordance with Council's Standard Drawing S 136, or an infiltrating raingarden in accordance with Council's standard Drawing S161. It is to be located in the landscaped area(s) with an overflow pipe connected to the existing easement/system.
- 24. Filling of the site:
  - Shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.
  - Shall not be placed on land in such a manner that surface water will be diverted.
- 25. Alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.

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

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to the issue of either an Interim or Final Occupation Certificate (as specified within the condition).

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

- 26. Prior to the issue of each Occupation Certificate, a fire safety schedule and a fire safety certificate issued under Divisions 2 and 4, Part 9 of the Environmental Planning and Assessment Regulations 2000 (the Regs) must be submitted to the Principal Certifying Authority, Council and the Commissioner of New South Wales Fire Brigades. A copy of the schedule and certificate must also be prominently displayed in the building. Subsequent annual fire safety statements issued under Division 5, Part 9 of the Regs are to be provided to the authorities listed in this condition and displayed within the building each year.
- Prior to the issue of any Occupation Certificate, all stormwater and drainage works required to be undertaken in accordance with this consent shall be completed.
- 28. Prior to issue of any Occupation Certificate, all landscape works detailed on the approved landscape plan shall be installed. Landscaping shall be maintained in perpetuity. All landscaped areas shall be kept free of parked vehicles, stored goods, garbage or waste material and the like at all times.
- 29. Prior to issue of any Occupation Certificate, a minimum of four (4) car parking spaces including one (1) disabled car parking spaces are to be provided in accordance with AS2890 Parts 1, 2 and 6 (as current at the time of construction). Parking shall be permanently marked on the pavement surface.
- 30. Prior to the issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that all outdoor lighting installed as part of the development is designed and positioned to minimise any detrimental impact upon the amenity of surrounding properties, or cause nuisance to motorists on nearby roads.
- 31. Prior to the issue of the final Occupation Certificate, a waste storage area is to be provided for the approved development. The waste storage area is to be screened so as not to be visible from a public place or a communal area and the enclosure is to be constructed of materials that are durable, imperious to moisture and capable of being easily cleaned, and consistent with those used in the approved building. The enclosure is to be capable of separate storage of recyclable and non-recyclable material.
- 32. Prior to the issue of any Occupation Certificate, the applicant shall rectify any new damage to public infrastructure to the satisfaction of the Council as the relevant Roads Authority.
- 33. Prior to the issue of a Final Occupation Certificate, the works required under Condition 8 and 9 are to be completed to the satisfaction of the certifying authority.
- 34. Prior to the issue of a Final Occupation Certificate, an Operation and Maintenance Plan for the stormwater system shall be prepared by a suitably qualified engineer, detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator.

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#### ITEM 1 - ATTACHMENT 3 PROPOSED CONDITIONS OF CONSENT.



#### Recommended Conditions of Consent

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

- 35. Prior to the issue of a Final Occupation Certificate, a driveway footway crossing is to be constructed in accordance the approved Driveway Construction Approval. A compliance certificate must also be obtained from the Roads Authority.
- 36. Prior to the issue of any Occupation Certificate, 10 trees are to be planted at a suitable location as agreed by Council. The compensatory trees are to be Cupaniopsis anacardioides. The trees must be planted in accordance with Council's Tree Technical Specification and are to be a minimum of 45 litre pot size and taller than 1.2m at the time of planting. The trees shall be inspected and approved by Council's Vegetation Management Officer. The replacement trees are to be maintained to maturity through use of watering and mulch as required to achieve natural height.
- 37. All noise generating equipment associated with approved development must be located and/or soundproofed so the equipment is not audible within a habitable room in any adjoining residential premises. Acoustic certification confirming this condition has been satisfied is to be provided to the Certifying Authority prior to the issue of any Occupation Certificate.

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

The following conditions are to be complied with prior to the issue of a Subdivision Certificate by Council.

- 38. Prior to issue of the Subdivision Certificate, one signed original copy of the original plans and/or documents, and final plan of survey/title, shall be submitted to Council. A USB containing an electronic copy of all relevant documents must also be provided.
- 39. **Prior to the issue of a Subdivision Certificate**, a copy of the Section 50 certificate issued by Hunter Water Corporation is to be submitted to Council.
- 40. Prior to the issue of a Subdivision Certificate, evidence is to be provided to Council demonstrating that the following reticulated services are available to each lot:
  - Telecommunications;
  - b. Electricity:
  - c. Water; and
  - d. Sewer.

Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.

#### CONDITIONS TO BE SATISFIED AT ALL TIMES

The following conditions are to be complied with at all times.

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#### ITEM 1 - ATTACHMENT 3 PROPOSED CONDITIONS OF CONSENT.



Recommended Conditions of Consent

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

41. At all times ,a copy of the Fire Safety Schedule and Fire Safety Certificate shall be prominently displayed in the building and a copy forwarded to the Commissioner of New South Wales Fire Brigades in accordance with Division 4 and 5 of Part 9 of the Environmental Planning and Assessment Regulation 2000.

#### ADVISORY NOTES

- A. The following advice is limited in scope and should not be understood to encompass all areas of responsibility of the consent holder, relating to the development.
- B. The Applicant shall apply to Council (or the relevant Authority) for all necessary permits including but not limited to; crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act 1993 or Section 138 of the Roads Act 1993.
- C. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
- D. It is the responsibility of the applicant to erect a PCA sign. Where Council is the PCA, the sign is available free of charge, from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay. The applicant is to ensure the PCA sign remains in position for the duration of works.
- E. Construction works approved by this consent must not commence until:
  - A Construction Certificate has been issued by the consent authority, Council
    or the Certifying Authority; and
  - A Principal Certifying Authority has been appointed by the person having benefit of the development consent in accordance with Section 109E of the EP&A Act 1979: and
  - If Council is not the Principal Certifying Authority notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifying Authority; and
  - d. At least two days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.
- F. Before any excavation work starts, contractors and others should phone the "Dial Before You Dig" service to access plans/information for underground pipes and cables. www.dialbeforeyoudig.com.au
- G. You are advised that any proposed advertising signs that are not shown on the approved plans, or classified as exempt development, are subject to a separate Development Application to Council.
- H. You are advised that, in accordance with the EP&A Act, (sec.109F) payment of the building industry Long Service Leave levy, where applicable, must be paid prior to issue of any Construction Certificate.

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#### ITEM 1 - ATTACHMENT 3 PROPOSED CONDITIONS OF CONSENT.



Recommended Conditions of Consent

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

I. The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act. Further information can be obtained from Council or the Human Rights and Equal Opportunity Commission at www.hreoc.gov.au.

#### **SCHEDULE 2**

#### RIGHT OF APPEAL

If you are dissatisfied with this decision:

- . a review of determination can be made under Section 82A of the Act, or
- a right of appeal under Section 97 of the Act can be made to the Land and Environment Court within six (6) months from the date on which that application is taken to have been determined.

#### **NOTES**

- This is not an approval to commence work. Building works cannot commence until a construction certificate is issued by Council or an accredited certifier.
- Consent operates from the determination date. For more details on the date from which the consent operates refer to section 83 of the Environmental Planning and Assessment Act 1979
- Development consents generally lapse five years after the determination date, however different considerations may apply. For more details on the lapsing date of consents refer to section 95 of the Environmental Planning and Assessment Act 1979.

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ITEM NO. 2 FILE NO: 17/185848

RM8 REF NO: PSC2015-03236

### PLANNING PROPOSAL TO AMEND ZONING AND MINIMUM LOT SIZE PROVISIONS AT GEORGE STREET AND COXS LANE, FULLERTON COVE

REPORT OF: MARC GOODALL - ACTING STRATEGY & ENVIRONMENT

**SECTION MANAGER** 

GROUP: DEVELOPMENT SERVICES

#### RECOMMENDATION IS THAT COUNCIL:

1) Adopt the planning proposal **(ATTACHMENT 1)** under the *Environmental Planning and Assessment Act 1979* (NSW) (s55) to amend the *Port Stephens Local Environmental Plan 2013* for land at 16, 16A George Street; 3, 3A Zircon Lane, 10, 12 Road 530, 21 Coxs Lane, Fullerton Cove to:

- a) Rezone from RU2 Rural Landscape to part R5 Large Lot Residential and part E2 Environmental Conservation; and
- b) Amend the minimum lot size from 20 Ha to 4,000 m<sup>2</sup> for all land proposed to be rezoned R5 Large Lot Residential Zone and 40 Ha for all land proposed to be rezoned E2 Environmental Conservation Zone.
- 2) Forward the planning proposal to the NSW Department of Planning and Environment to seek a gateway determination and request delegated authority to make the Plan.

Councillor Jaimie Abbott left the meeting at 5:37pm.

### ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION

### 286 Councillor Steve Tucker Councillor Glen Dunkley

It was resolved that Council:

- 1) Adopt the planning proposal **(ATTACHMENT 1)** under the *Environmental Planning and Assessment Act 1979* (NSW) (s55) to amend the *Port Stephens Local Environmental Plan 2013* for land at 16, 16A George Street; 3, 3A Zircon Lane, 10, 12 Road 530, 21 Coxs Lane, Fullerton Cove to:
  - Rezone from RU2 Rural Landscape to part R5 Large Lot Residential and part E2 Environmental Conservation; and
  - b) Amend the minimum lot size from 20 Ha to 4,000 m<sup>2</sup> for all land proposed to be rezoned R5 Large Lot Residential Zone and 40 Ha for all land proposed to be rezoned E2

Environmental Conservation Zone.

2) Forward the planning proposal to the NSW Department of Planning and Environment to seek a gateway determination and request delegated authority to make the Plan.

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

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Glen Dunkley, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

#### **BACKGROUND**

The purpose of this report is to advise Council of a request to rezone 26 hectares of land at 16, 16A George Street; 3, 3A Zircon Lane, 10, 12 Road 530, 21 Coxs Lane, Fullerton Cove (the site) from RU2 Rural Landscape to part R5 Large Lot Residential Zone and part E2 Environmental Conservation for the purposes of rural residential development and environmental conservation.

A summary of the planning proposal (ATTACHMENT 1) is provided below:

Proponent: Pulver Cooper & Blackley (pcb) on behalf of Coastal

Developments Pty Ltd

Site: 16 George Street, Fullerton Cove (Lot 991 DP 627179)

16A George Street, Fullerton Cove (Lot 201 DP 39968)
3 Zircon Lane, Fullerton Cove (Lot 1910 DP 557701)
3A Zircon Lane, Fullerton Cove (Lot 1 DP 1142113)
10 Road 530, Fullerton Cove (Lot 1 DP 794575)
12 Road 530, Fullerton Cove (Lot 3 DP 111519)
21 Coxs Lane, Fullerton Cove (Lot 1 DP 1006307)

Site Area: 26.08 hectares

Existing Zoning: Part RU2 Rural Landscape

Recommended Zoning: R5 Large Lot Residential Zone and part E2

**Environmental Conservation** 

**Existing Minimum Lot** 

Size:

20 hectares

Proposed Minimum Lot Part 4,000m2 and part 40 hectares

Size:

The site is located off George Street and Coxs Lane in Fullerton Cove. Access is gained by George Street and Coxs Lane. The site is surrounded by rural housing and properties. Land uses adjoining the subject land are a mix of large lot residential

development and businesses (such as bus depot, Boral Quarries and the RAAF Base 3km north).

The current land use has been extractive industry (sand quarry) since 2008. The current approvals for the site include a total extraction area of 18ha with the approved resource of 1,056,500 tonnes of sand until 30 June 2020. Given the nature of the current development activity and the site being located on the periphery of the Williamtown RAAF Base affected area consideration has been provided to potential contamination matters.

The remaining portions of the subject land are considered either native bushland or rural land. The northern and southern portion of the site is identified as minimal risk flood prone land, with the north-west corner identified as low hazard flood fringe area as well as being mapped Class 2 acid sulphate soils. The entire site is identified as bushfire prone land.

The proposal considers the lifecycle of the sand quarry and seeks a future land use that is most appropriate, suitable and compatible for the surroundings. From a preliminary assessment, it is considered the future use for the site as rural residential may be considered an appropriate end use once the sand quarry extraction has ceased. Any new rural residential development on the site will be consistent with the rural residential nature of the adjoining allotments and surrounding area. It is also considered the site meets the assessment criteria of the Port Stephens Rural Residential Policy 2017. Further information is provided in the policy implication section of this report.

Additional information to support the proposal and confirm site suitability for potential rural residential development will be required by the proponent following a conditional gateway determination. Key issues to be further investigated and updated prior to public exhibition include: Bushfire, Stage 2 contamination assessment and further flora and fauna investigation for the purposes of a Revegetation Management Plan.

#### **COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services.
	Provide Development Assessment and Building Certification Services.

#### FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications if Council resolves to proceed with the proposal. The proponent has paid proposal fees in accordance with Council's Fees and Charges Schedule, being \$5,250 for Stage 1. The Stage 2 Post Gateway fee of \$10,640 and Stage 3 Gazettal fee of \$5,319 will apply if the proposal proceeds.

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

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

#### Environmental Planning and Assessment Act 1979 (NSW)

Under the *Environmental Planning & Assessment Act 1979 (Part 3) (NSW)*, only the Minister or Council can initiate a local environmental plan. If Council resolves to proceed with the recommendation and adopt the planning proposal, it will be forwarded to the NSW Department of Planning and Environment for a gateway determination. This will include a request for the delegation of plan making functions.

#### Regional Planning

Department of Planning and Environment, 2016, Hunter Regional Plan outlines the vision, goals and actions for sustainable growth in the Hunter region between now and 2036. The proposal is considered consistent and relevant with the goals, directions and actions (Goal 2: Protect and connect natural areas and Direction 22 Promote Housing Diversity). Further detail and justification on the consistency against the Hunter Regional Plan criteria for rural residential development is provided in the proposal (ATTACHMENT 1).

#### Port Stephens Rural Residential Policy 2017

The Port Stephens Planning Strategy 2011 (PSPS) identifies concerns surrounding rural residential development on account of increased costs to providing services to dispersed populations, effluent and waste disposal, weed control and rural land management. In addition to this, Port Stephens has limited land suitable for future higher density urban development land. As such, rural land with urban potential should, where reasonable, be protected from premature or inappropriate development such as rural residential development or smaller lot subdivision.

The Rural Residential Policy provides a framework and guidance to consider the appropriateness of future rural residential planning proposals. The Policy provides assessment criteria on the suitability of rural residential development. The assessment under this policy concludes the subject site is adequately justified under the criteria. Further information on this assessment is provided in the planning proposal (ATTACHMENT 1).

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
The site is located on the periphery of the Williamtown RAAF Base Contamination Investigation Area and the current development activity means the site should provide due consideration to contamination.	Medium	It is recommended that a detailed site investigation (Stage 2 contamination assessment) is needed to confirm that the identified contaminants of concern do not present an issue for the subject land to be rezoned for rural/residential purposes.  This additional assessment will be required post-Gateway Determination.	Yes
The existing development consent includes conditions that require the site to be rehabilitated following the completion of the extractive industries licence.	Medium	Correspondence from the Department has been received that acknowledges they are aware of the future potential rural residential use of the site.	Yes

#### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposal considers the lifecycle of the sand quarry and seeks a future land use that is most appropriate, suitable and compatible for the surroundings. From a preliminary assessment, it is considered that the future use for the site and landform may be considered an appropriate end use once the sand quarry extraction has ceased. Any new rural residential development on the site will be consistent with the rural residential nature of the adjoining allotments and surrounding area.

Given the nature of the current development activity (extractive industry) and the site being located on the periphery of the Williamtown RAAF Base Contamination it may mean the site may be associated with legacy contamination. It is recommended a detailed site investigation (Stage 2 contamination assessment) will be required post-Gateway Determination. This additional assessment will confirm that any identified contaminants of concern do not present an issue for the subject land to be rezoned for rural residential purposes.

In addition to this, the planning proposal provides an E2 Environmental Conservation zoning over areas which include the existing biodiversity offset lands (under the existing condition of consent) and areas of high ecological value located outside of

the approved excavation extents. The zoning also covers a 40m buffer around the freshwater Wetland/Paperbark Swamp Forrest, areas identified as preferred and supplementary koala habitat and a corridor along the northern boundary and eastern site boundary along Nelson Bay Road.

The social and economic impacts associated with the proposal are considered to be of a minor nature.

#### **CONSULTATION**

#### Internal

Internal consultation has been undertaken by the Strategy and Environment Section. The objective of this consultation was to review the proposal submitted by the proponent prior to preparing a proposal for Council's consideration. Internal consultation was undertaken with: Natural Resources, Social Planning, Engineering Services (infrastructure requirements, flooding, drainage and traffic) and Economic Development.

#### **External**

Consultation with Government Agencies will be undertaken in accordance with the gateway determination. It is suggested that consultation with the following agencies will take place: Roads and Maritime Services, Rural Fire Services, Hunter Water Cooperation, Office of Environment and Heritage, Department of Primary Industries, NSW Trade & Investment, Division Resources and Energy and NSW Environment Protection Authority (EPA).

#### Community

The proposal will be publically exhibited in accordance with the Gateway determination. Due to the size of the proposal, an exhibition period of 28 days is recommended to allow the community with enough time to provide input.

#### **OPTIONS**

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

#### **ATTACHMENTS**

1) Planning Proposal - George Street and Cox Lane, Fullteton Cove.

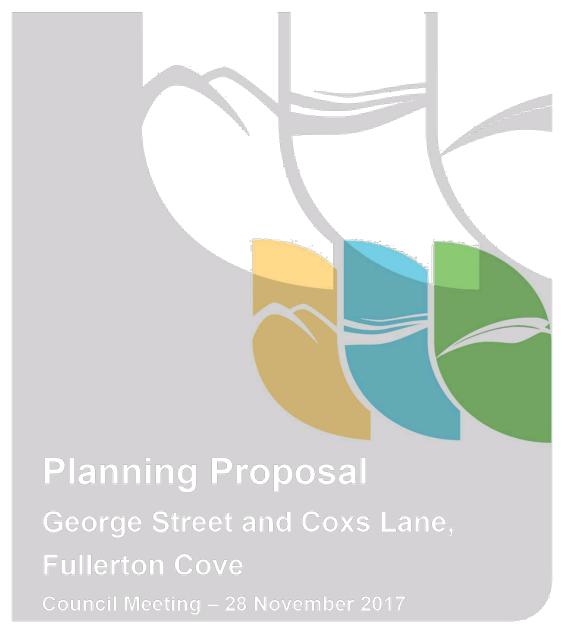
#### **COUNCILLORS ROOM**

Nil.

#### **TABLED DOCUMENTS**

Nil.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.



### Proposed Amendment to Port Stephens Local Environmental Plan 2013:

16 George Street, Fullerton Cove (Lot 991 DP 627179)
16A George Street, Fullerton Cove (Lot 201 DP 39968)
3 Zircon Lane, Fullerton Cove (Lot 1910 DP 557701)
3A Zircon Lane, Fullerton Cove (Lot 1 DP 1142113)
10 Road 530, Fullerton Cove (Lot 1 DP 794575)
12 Road 530, Fullerton Cove (Lot 3 DP 111519)
21 Coxs Lane, Fullerton Cove (Lot 1 DP 1006307)



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#### **PLANNING PROPOSAL - GEORGE STREET AND ITEM 2 - ATTACHMENT 1** COX LANE, FULLTETON COVE.

#### **FILE NUMBERS**

Council: PSC2015-03236

Department: To be provided at Gateway Determination.

SUMMARY

16 George Street, Fullerton Cove (Lot 991 DP 627179) Subject land:

> 16A George Street, Fullerton Cove (Lot 201 DP 39968) 3 Zircon Lane, Fullerton Cove (Lot 1910 DP 557701) 3A Zircon Lane, Fullerton Cove (Lot 1 DP 1142113) 10 Road 530, Fullerton Cove (Lot 1 DP 794575) 12 Road 530, Fullerton Cove (Lot 3 DP 111519) 21 Coxs Lane, Fullerton Cove (Lot 1 DP 1006307)

Proponent: Pulver Cooper & Blackley (pcb) on behalf of Coastal

Developments Pty Ltd

Area of land: 26 Ha

Existina RU2 Rural Landscape

Zoning: 20 Ha minimum lot size for subdivision

Proposed Rezone the subject land to part R5 Large Lot Residential

and part E2 Environmental Conservation changes:

Amend the lot size map to 4,000m2 and 40 Ha respectively

Potential Lot Preliminary concept proposes 33 lots

vield:

Supporting Flora and Fauna Assessment - GHD - May 2017 studies: Traffic Assessment - Seca Solution - August 2016

Flooding and Drainage Report - Pulver Cooper & Blackley -

May 2017

Preliminary Groundwater Application - GHD - August 2016 Preliminary Bushfire Assessment - GHD - August 2016 Onsite Effluent Dispersal Preliminary Assessment - GHD -

August 2016

Geotechnical Assessment - GHD - August 2016

Phase 1 Environmental Site Assessment - GHD - August

Preliminary Engineering Design - Pulver Cooper & Blackley -

September 2017

#### **BACKGROUND**

In September 2016 Council received a Planning Proposal to amend the Port Stephens Local Environmental Plan 2013 (PS LEP 2013).

As identified in this Planning Proposal, the following additional investigations will be required post Department of Planning Gateway determination, including:

# ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.

- 1. The site is adjacent to a classified road. Consideration should be given to the State Environmental Planning Policy (SEPP) Infrastructure 2007 and practical advice provided in the Department of Planning, 2008, 'Development Near Rail Corridors and Busy Roads Interim Guideline'. The guideline gives direction to potential impacts of development adjacent to road corridors (such as noise and vibration impacts). It is proposed future consultation with RMS will be undertaken and consideration may need to be given on SEPP Infrastructure 2007.
- 2. A commitment has been provided in the planning proposal (PCB 2017a) that revegetation works in the E2 conservation areas will be completed as part of the site Revegetation Management Plan which forms part of the mine closure plan linked to the completion of the extractive industries licence on site. An updated site Revegetation Management Plan which incorporates the additional revegetation requirements for the rezoning planning proposal should be prepared post-gateway and provided to Council for review.
- 3. The site is located on the periphery of the Williamtown RAAF Base Contamination Investigation Area and the current development activity is development for a purpose referred to in Table 1 of the Contaminated Land Planning Guidelines. SEPP 55 – Remediation of Land (c6) requires contamination to be considered at the rezoning stage. The Stage 1 – Contamination Assessment provided identifies the need for further investigations. A future report to Council will recommend the need for Stage 2 investigations post-gateway.
- 4. The site is identified as bushfire prone land. The Bushfire Report is to be amended post-gateway to include a contour map that identifies the location of Asset Protection Zones (APZ)'s within the site boundary and should not encroach into the retained vegetation and movement corridors on site.

It is considered that the Planning Proposal has sufficient merit to proceed to gateway on the basis that the additional information will be submitted post-gateway. The Planning Proposal will not be exhibited until the additional information is provided.

#### SITE

The site is approximately 26 hectares and located off George Street and Coxs Lane in Fullerton Cove. Access is gained from George Street and Coxs Lane. The site is surrounded by rural housing and properties. Land uses adjoining the subject land are a mix of large lot residential development and businesses (such as bus depot, Boral Quarries and the RAAF Base 3km north). The site is currently zoned RU2 Rural Landscape under Port Stephens Local Environmental Plan 2013, with RU2 zoned land also surrounding the site. Nelson Bay Road is adjacent to the east of the site. Further east is the Worimi State Conservation Area, Tomago Nature Reserve and Stockton Beach, while further to the west is Fullerton Cove on the Hunter River.

### ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.

Between 1975 and 1977 the site was mined for mineral sands (rutile and zircon) with the previous mine tailings (essentially sand) reshaped and rehabilitated to form the larger part of the current site landform.

Part of the site has a quarry development consent issued by the NSW Department of Planning and has operated as an extractive industry (sand quarry) since 2008 (MP 07\_0145 18/07/2009, 07\_0145 MOD 1 17/11/2010 and 07\_0145 MOD 2 18/01/2016). The original modification was to include an additional 3.1 hectares to access 96,000 tonnes of sand. The second modification was to extend the approved duration of quarrying activities at the Fullerton Cove Sand Quarry, as permitted under Project Approval 07\_0145, by four years. The current approvals for the site include a total extraction area of 18ha with the approved resource of 1,056,500 tonnes of sand until 30 June 2020

The existing development consent (PA07\_0145 including MOD 1 and MOD 2) includes conditions that require the site to be rehabilitated following the completion of the extractive industries licence. Written correspondence has been provided from the NSW Department of Planning and Environment (the Department) which has stated the proposed modification to facilitate future residential subdivision of the site. The Department does not object to, in principle, to altering the final landform in order to facilitate an appropriate post-closure land use. The proposed changes would need to be supported by a detailed Environmental Assessment to demonstrate all environmental impacts from the development can be suitably managed as well as information on the proposed modification and supporting justification.

The remaining portions of the subject land are considered either native bushland or rural land. The northern and southern portion of the site is identified as minimal risk flood prone land, with the north-west corner identified as low hazard flood fringe area as well as being mapped Class 2 acid sulfate soils. The entire site is identified as bushfire prone land.

Figure 1– George Street and Coxs Lane, Fullerton Cove Planning Proposal, identifies the subject land.

#### ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.

Port Stephens Local Environmental Plan 2013 PORT STEPHENS. Site Identification Map

FIGURE 1 – George Street and Coxs Lane, Fullerton Cove (land subject to Planning Proposal is shown in red)

Version - Council Report

# ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.

#### PART 1 – Objective of the proposed Local Environmental Plan

The Planning Proposal seeks to amend the Port Stephens Local Environmental Plan 2013 (PS LEP) to achieve the following outcomes on 16 George Street, 16A George Street, 3 Zircon Lane, 3A Zircon Lane, 10 Road 530, 12 Road 530, 21 Coxs Lane, Fullerton Cove:

- 1. Enable the development for rural residential purposes and;
- To protect and conserve the areas within the site that has high ecological value.

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

The objectives of this Planning Proposal will be achieved by the following amendments to the PS LEP:

- Amending the Land Zoning Map on the subject land at Fullerton Cove in accordance with the proposed zoning map shown at Attachment 2, which indicates a R5 Large Lot Residential Zone and E2 Environmental Conservation Zone;
- Amending the Lot Size Map on the subject land at Fullerton Cove in accordance with the proposed lot size map shown at Attachment 4, which indicates a maximum permissible lot size of 4,000 square metres for all land proposed to be rezoned R5 Large Lot Residential Zone and 40 hectares for all land proposed to be rezoned E2 Environmental Conservation Zone;

#### PART 3 – Justification for the Planning Proposal

#### **SECTION A - Need for the Planning Proposal**

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

#### Port Stephens Rural Residential Policy 2017

The Rural Residential Policy provides a framework to consider the appropriateness of future rural residential planning proposals in the interim of undertaking future work as part of the Port Stephens Planning Strategy review.

Justification for the planning proposal and analysis of the assessment criteria is described below.

Exclusionary Criteria	
1.1 Located within a Future Urban	The site is not identified as a future
Growth Areas identified in a Local or	urban growth area.
Regional Strategic Plans, as they are	_
proposed to be developed for urban	Therefore it satisfies this criterion.
purposes including land within	

# ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.

(Karuah, Raymond Terrace, Medowie, Mallabula, Anna Bay, Nelson Bay and Fern Bay).	The site is not within a Olymphistones
1.2 Within a 2km distance from existing or planned major employment areas.	The site is not within a 2km distance to an existing or planned major employment area.
	Therefore it satisfies this criterion.
1.3 Slopes greater than 18 degrees because of slope instability and clearing of vegetation are restricted under State legislation including the Native Vegetation Act 2003.	The site elevations are typically between 5 and 10 m Australian Height Datum (AHD).  Therefore it satisfies this criterion.
1.4 Class 1 and 2 acid sulphate soils	The site does not have Class 1 and 2
because of the high risk of exposing acid soils during dwelling and	acid sulphate soils.
infrastructure construction.	Therefore it satisfies this criterion.
1.5 Below the flood planning level as identified on Councils Flooding Hazard map.	A portion of the site is positioned below the 1:100 year flood level. The majority of the site is above the 1:100 year flood level, with future buildings able to be constructed with a 500m freeboard to the flood level with no significant filling of the site necessary.
	Therefore it satisfies this criterion.
1.6 High environmental value land including SEPP 14 Coastal Wetlands or local wetlands plus a 100 m buffer or any SEPP 71 Coastal Lakes.	The E2 Environmental Conservation zoning has been allocated to the areas which include the existing biodiversity offset lands and areas of high ecological value located outside of the approved excavation extents. The zoning also covers a 40m buffer around the freshwater Wetland/Paperbark Swamp Forrest, areas identified as preferred and supplementary koala habitat and a corridor along the northern boundary and eastern site boundary along Nelson Bay Road.
470	Therefore it satisfies this criterion.
1.7 Noise exposure areas within an ANEF 25 or greater, in keeping with Australian Standards and Port Stephens Aircraft Noise Policy.	The site is not identified in the noise planning area (ANEF 2012 and ANEF 2025).  Therefore it satisfies this criterion
1.8 Identified as Important Agricultural	Therefore it satisfies this criterion.  The site is not identified as Important
Land as defined by the Biophysical Strategic Agricultural land (BSAL)	Agricultural Land as defined by the Biophysical Strategic Agricultural land

# ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.

mapping prepared by the State Government for the purposes of	(BSAL) mapping.
Strategic Regional Land Use Planning.	Therefore it satisfies this criterion.
1.9 Located on known extractive industries, quarrying or mining or within a 500m buffer.      1.10 Identified by the State Government as having known mineral resource potential in accordance with S117 Directions.	From a preliminary assessment it is considered the future use for the site and landform may be considered an appropriate end use once the sand quarry extraction has ceased.  Therefore it satisfies this criterion.
Management Criteria	
2.1 Development that has the potential to be isolated in flood events, must demonstrate access to evacuation facilities via a public road that is given 24 hours warning of flood isolation.  2.2 Development in flood prone areas are to identify minimum lot sizes that provide appropriate stock refuge in the event of flooding.	A Flooding and Drainage Report by Pulver Cooper & Blackley (May 2017) has been completed on the site and shows the Port Stephens flood hazard mapping depicts the area around Cox's Lane as 'Minimal Flood Prone Land', which is capable of facilitating emergency flood access to the proposed development site via Nelson Bay Road and the proposed development site will not be isolated in the a 1:100 year flood event.  The planning proposal is able to be supported at the rezoning stage, however more precise engineering details for sizing of drainage, lot
	layout and road network to be detailed at subdivision development application stage.
	Therefore it partly satisfies this criterion.
2.3 Development on areas identified as bush fire prone on Councils Bush Fire Prone Land Map must demonstrate consistency with the planning principles for rezoning including the provision of contour map with Bushfire Attack Level (BAL) applied.	A Preliminary Bushfire Assessment by GHD (August 2016) was undertaken the recommendation of which was the subject sites could accommodate buildings on site once active safe guards were adopted in accordance with AS3959- 1999. This would be investigated and given further consideration during the development application stage.
	Therefore it satisfies this criterion.
2.4 Development identified in SEPP 71 Coastal Zone needs to provide for the protection of the coastal	The site is identified in SEPP71 and an assessment has been completed against the Clause 8 matters

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environment of the State for the benefit of both present and future generations through promoting the	contained in the SEPP. The planning proposal is consistent with these matters.
principles of ecologically sustainable	The section is a selection with a selection
development.  2.5 Koala habitat areas and corridors	Therefore it satisfies this criterion. The E2 Environmental Conservation
are to be protected in accordance with the Port Stephens	zoning has been allocated to the areas which include the existing
Comprehensive Koala Plan of Management.	biodiversity offset lands and areas of high ecological value located outside
2.6 Development must not impact on native vegetation, endangered ecological communities, threatened species or habitats.	of the approved excavation extents. The zoning also covers a 40m buffer around the freshwater Wetland/Paperbark Swamp Forrest,
2.7 Development must contribute to the conservation of important	areas identified as preferred and supplementary koala habitat and a
biodiversity values or the establishment of important biodiversity corridor linkages.	corridor along the northern boundary and eastern site boundary along Nelson Bay Road.
	Therefore it satisfies this criterion.
2.8 Development must include a provision to ensure that development meets AS 2021-2015 regarding interior noise levels in areas where	The site is not identified in the noise planning area (ANEF 2012 and ANEF 2025).
the ANEF is between 20 and 25.	Therefore it satisfies this criterion.
2.9 Development near items identified within the PSLEP 2013 need to consider the impact on heritage values, including the setting of the items and any archaeological remains.	Between 1975 and 1977 the site was mined for mineral sands (rutile and zircon) with the previous mine tailings (essentially sand) reshaped and rehabilitated to form the larger part of the current site landform. Therefore
2.10 Any development should undertake an initial assessment of the	there is an unlikely chance of Aboriginal cultural heritage values.
likelihood of Aboriginal cultural heritage values including: - a search of the Aboriginal Heritage Information Management System (AHIMS); - Determination of whether the sites include landscape features that	Further east is the Worimi State Conservation Area (Stockton Beach Dune System, identified as an item of local heritage significance), Tomago Nature Reserve and Stockton Beach, the planning proposal is not
indicate the likely presence of aboriginal objects; - Site inspections; and	considered to have an impact on the item.
- Consultation with the Aboriginal community.	Therefore it satisfies this criterion.
2.11 Development within a drinking water catchment must be able to be connected to reticulated sewer and	The site is not identified within a drinking water catchment.
able to demonstrate NorBE 'neutral	Therefore it satisfies this criterion.

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and beneficial effect' in accordance with Hunter Water requirements.	
2.12 Development is a minimum 1km buffer from existing agricultural industries (e.g. Poultry farms, aquaculture) measures from property boundary to property boundary. Development proposed within the 1km buffer if required to provide expert reports to establish appropriate setbacks. These reports may relate to but not be limited to noise, odour, visual amenity and biosecurity risks.	The site is surrounded by rural housing and properties. Land uses adjoining the subject land are a mix of large lot residential development and businesses (such as bus depot, Boral Quarries and the RAAF Base 3km north).  Therefore it satisfies this criterion.
2.13 Development must not impact on strategic or important energy, mineral or extractive resource viability.	From a preliminary assessment it is considered the future use for the site and landform may be considered an appropriate end use once the sand quarry extraction has ceased.  Therefore it satisfies this criterion.
2.14 A visual impact assessment is required for land within a high or very high landscape area as defined in the Rural Land Study.	The site is not identified as high landscape area as defined in the Rural Land Study.  Therefore it satisfies this criterion.
2.15 Development fronting road corridors to identify appropriate buffer zone to prevent clearing and protect scenic qualities.     2.16 Development must be accessed via sealed roads.     2.17 Development must not result in the creation of direct access to a state	A Traffic Assessment by Seca Solution (August 2016) and a Preliminary Engineering Design by Pulver Cooper & Blackley (September 2017) has been completed and reviewed by our Engineering Services Traffic team and no objections are raised.
2.18 Local infrastructure contributions must not require a level of infrastructure greater than the nexus of apportionment and/or are equivalent to \$20,000 per lot, or less.  2.19 Development must not create additional demand for unplanned state infrastructure upgrades.  2.20 Development must be able to be connected to reticulated power supply.	The site is adjacent to a classified road. Consideration should be given to the State Environmental Planning Policy (SEPP) Infrastructure 2007 and practical advice provided in the Department of Planning, 2008, 'Development Near Rail Corridors and Busy Roads – Interim Guideline'. The guideline gives direction to potential impacts of development adjacent to road corridors (such as noise and vibration impacts). It is proposed future consultation with RMS will be undertaken and consideration may need to be given on SEPP Infrastructure 2007.

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	The proponent proposes reticulated services including water; telecommunications and electrical infrastructure are all available to the subject land. A specific servicing strategy has not been prepared at this point.
	Further information and agency consultation is required post-Gateway to determine satisfaction of this criterion.
2.21 Development requiring on-site sewage disposal must be carried out in accordance with Councils Development Assessment Framework (DAF) for the management of on-site sewage management, which includes a	An Onsite Effluent Dispersal Preliminary Assessment was conducted by GHD (August 2016) and the provision of a 4,000m² minimum lot size requirement for the site will allow for allotments to be created which provide adequate area
performance standards and recommendations about appropriate areas.	for the installation of onsite effluent disposal areas.  Therefore it satisfies this criterion.
Land to where the assessment criteria	
3.1 Zoned RU1 – Primary Production, RU2 Rural Landscape, E3 Environmental Management, E4	The site is zoned RU2 Rural Landscape.
Environmental Living.	Therefore it satisfies this criterion.
3.2 Located a minimum of 800 metres from existing RU5 - Rural Village or R2 Low Density Residential zoned land.	While the assessment criteria applies to land located a minimum of 800 metres from existing RU5 - Rural Village or R2 Low Density Residential zoned land, it does consider land outside this criteria if it is considered of minor significance. The subject site is within 1.2km of an existing R2 Low Density Residential zoned land and can be considered rural fringe as it in close proximity to an urban area or village centre and seeks a minimum lot size of 4,000 square metres (the Strategy defines a range of between 4,000 square metres up to 2 hectares).
	criterion.
3.3 Any part of the lot is located within 800 metres of existing R5 Large Lot	The site is not located 800 metres to existing R5 zoned land.

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Residential zoned land at the time this Policy was adopted.	Therefore it does not satisfy this criterion.
3.4 Land outside that identified above may be considered if it can be justified that its inconsistency is of minor significance.	Any inconsistency identified above is considered of minor significance.

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

The proposal can only be achieved through an amendment to the Port Stephens Local Environmental Plan 2013.

#### 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?

#### Hunter Regional Plan

Department of Planning and Environment, 2016, Hunter Regional Plan outlines the vision, goals and actions for sustainable growth in the Hunter region between now and 2036. The Planning Proposal is considered consistent and relevant with the following goals, directions and actions:

#### Goal 2: Protect and connect natural areas

Action 14.4: Protect biodiversity by maintaining and, where possible, enhancing the existing protection of high environmental value areas; implementing appropriate measures to conserve validated high environmental value areas; developing local strategies to avoid and minimise the impacts of development on areas of high environmental value and biodiversity corridors; and identifying offsets or other mitigation measures for unavoidable impacts. The proposal seeks to protect biodiversity by maintaining and conserving habitat connectivity and local habitat corridors. Part of the Planning Proposal area is identified as high environmental value.

Goal 4: Greater housing choice and jobs Direction 21 Create a compact settlement

Action 21.4 Create well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values.

The proposal seeks to makes efficient use of existing infrastructure networks and capacity by seeking to develop adjacent to the existing rural residential footprint.

Direction 22 Promote Housing Diversity

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Action 22.5 Include guidance in local land use strategies for expanding rural villages and rural residential development so that such developments will:

Hunter Regional Plan	Planning Proposal – Consistency and Implications
not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values;	The current land use is extractive industry. The proposal considers the lifecycle of the sand quarry and seeks a future land use that is most appropriate, suitable and compatible for the surroundings.
	Any new rural residential development on the site will be consistent with the rural residential nature of the adjoining allotments and surrounding area.
not impact on drinking water catchments;	The site is not identified within a drinking water catchment.
not result in greater natural hazard risk; (flooding, coastal inundation, erosion and bushfires)	It is considered that natural risks such as flooding and bushfires have been considered through preliminary assessments such as a Bushfire Assessment (GHD, August 2016), Flooding and Drainage Report (Pulver Cooper & Blackley, May 2017) and a Geotechnical Assessment (GHD, August 2016). None of these assessments have identified any greater natural hazard risk.
occur on land that is unlikely to be needed for urban development;	The site meets the criteria of the rural residential policy and is not considered likely to be needed for urban purposes.
contribute to the conservation of important biodiversity values or the establishment of important corridor linkages; and	The proposal seeks to protect biodiversity by maintaining and conserving habitat connectivity and local habitat corridors. Part of the Planning Proposal area is identified as high environmental value.
facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region.	The proposal will not facilitate new tourism development activities. The site is not identified in agricultural or resource lands. From a preliminary assessment it is considered the future use for the site and landform may be considered an appropriate end use once the sand quarry extraction has ceased.

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

Integrated Strategic Plan (Community Strategic Plan 2013- 2023)
The proposal is consistent with Council's Integrated Strategic Plan (Port Stephens 2023) which states that Council should review and prepare statutory

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plans (Local Environment Plan, Development Control Plan and Planning Proposals).

#### Port Stephens Planning Strategy (PSPS)

The Port Stephens Planning Strategy identifies Fern Bay - Fullerton Cove as a Priority 1 Infill and New Release Area. The Planning Proposal will contribute towards infill development in Fullerton Cove.

The *Port Stephens Planning Strategy* identifies Fullerton Cove within the Eastern Growth Corridor, however does not identify any significant growth potential within this locality. The potential for additional growth in the medium to long term in the Eastern Growth Corridor area will be re-evaluated following review of the Lower Hunter Regional Strategy and completion of the Raymond Terrace/Heatherbrae Growth Strategy.

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

An assessment of the Planning Proposal against the relevant State Environmental Planning Policies is provided in the table below.

**Table 1: Relevant State Environmental Planning Policies** 

SEPP	Consistency and Implications
SEPP 44 – Koala	Any inconsistency of the planning proposal with the
Habitat	CKPOM performance criteria for rezoning is minor.
Protection	
	The Port Stephens Comprehensive Koala Plan of
This SEPP	Management (CKPoM) is applied in Port Stephens for
applies to land	the purposes of implementing SEPP 44.
across NSW that	
is greater than 1	Assessment is that the CKPOM performance criteria for
hectare and is not	rezoning have limited practical application because the
a National Park or	site is highly disturbed and consists of cleared land and
Forestry Reserve.	bushland, with majority of the site having been cleared
The SEPP	for the extraction of heavy mineral sands.
encourages the	
conservation and	Council koala habitat mapping from 2000 shows
management of	"Preferred Habitat" (blue), "Supplementary Habitat"
natural vegetation	(pink), "50m Buffer over Cleared Land" (yellow) and
areas that provide	"Mainly Cleared" (cream) (shown below).
habitat for koalas	
to ensure	
permanent free-	
living populations	
will be maintained	
over their present	
range.	

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A preliminary assessment has been undertaken against the Comprehensive Koala Plan of Management. The relevant assessment criteria and an appropriate response is provided below:

- a. Not result in development within areas of preferred koala habitat;
  - Sites that are identified as "Preferred Habitat" will be protected in the proposed E2 zone and protected from development pressures. Any future development on the site that requires development consent will be assessed on its merits at that time.
- b. Allow only for low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas:
  - The areas identified as "Supplementary Habitat" is proposed to be protected in the proposed E2 zone and protected from development pressures. The "50m Buffer over Cleared Land" (yellow) are proposed to be low impact rural residential development.
- c. Minimise the removal of any individual preferred koala food trees, where ever they occur on the site; Primary feed trees such as the Swamp Mahogany will be protected in the proposed E2 zone and protected from development pressures.
- d. Not result in development which would sever koala movement across the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.
  - The proposed development areas have been constrained to historically cleared areas. Areas of Koala habitat present on site are accessible via the

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corridor of vegetation that exists to the east. The
planning proposal has minimised the removal of any
individuals of preferred koala food trees, wherever
they occur on the site. Habitat restoration is
proposed to provide additional links.

Consultation is recommended to occur with Office of Environment and Heritage should it receive a favourable outcome at the Gateway stage.

#### SEPP 55 – Remediation of Land

Requires further investigation. The consistency of the Planning Proposal with this SEPP is subject to confirmation following a Gateway Determination.

This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.

The site is located on the periphery of the Williamtown RAAF Base Contamination Investigation Area and the current development activity is development for a purpose referred to in Table 1 of the Contaminated Land Planning Guidelines. SEPP 55 – Remediation of Land (c6) requires contamination to be considered at the rezoning stage.

A Phase 1 Environmental Site Assessment has been carried out by GHD to identify any potential contamination issues on the subject land and provide recommendations as to potential remediation measures.

The assessment concluded that further investigation is needed to confirm that the identified contaminants of concern do not present an issue for the subject land to be rezoned for rural/residential purposes.

Council recommends Stage 2 investigations postgateway if a favourable outcome is received at the Gateway stage. This recommendation is supported by preliminary advice from EPA which recommended a detailed site investigation be undertaken.

#### SEPP 71-Coastal Protection

#### Consistent.

The subject site is mapped as being located within the identified "coastal zone" as per the NSW Coastal Protection Act 1979 Coastal Zone map.

# Provides consideration to development in the NSW coastal zone.

The planning proposal has been considered against the Clause 8 matters contained in the SEPP. The planning proposal is consistent with these matters.

- Access to foreshores will not be affected.
- The proposal is suitable for the location and relationship with surrounding areas.
- There will be no adverse impacts on the foreshore.

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	<ul> <li>The scenic qualities of the coast will not be affected.</li> <li>The land is not subject to coastal hazards.</li> <li>The proposal will not impact Aboriginal cultural aspects.</li> <li>The proposal will not impact coastal waterbodies.</li> <li>The proposal will not affect any items of heritage, archaeological or historic significance.</li> </ul>
SEPP (Rural Lands) 2008  Provides consideration to the protection of rural lands for rural purposes.	Inconsistent. As the planning proposal would rezone rural land to large lot residential, the proposal is inconsistent with both the rural planning principles and the rural subdivision principles of the SEPP.  The site is currently incapable of meeting the objectives of the RU2 rural landscape zone, given the existing use of the site as a sand quarry and is not practical for sustainable agricultural practices.
	Therefore any inconsistency with the aims of the Rural Lands SEPP 2008 is justified or is of minor significance.  The Department of Primary Industries to be consulted if a favourable outcome is received at the Gateway stage.
H	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Any inconsistency of the planning proposal is considered minor.  The subject land is currently used for sand mining. Once the existing approval and extraction capacity have been exhausted the mining activities will be ceased. It is not viable to remove any further sand resource.
Petroleum Production and Extractive	considered minor.  The subject land is currently used for sand mining. Once the existing approval and extraction capacity have been exhausted the mining activities will be ceased. It is not
Petroleum Production and Extractive Industries) 2007  Provides consideration to the proper management and development of land containing mineral, petroleum and extractive material resources.	considered minor.  The subject land is currently used for sand mining. Once the existing approval and extraction capacity have been exhausted the mining activities will be ceased. It is not viable to remove any further sand resource.  However as the PP would rezone the land to residential, and in doing so make mining, petroleum and extractive industries prohibited, the direction applies (subclause 3a).  Trade and Investment (Minerals and Resources Division) to be consulted if a favourable outcome is received at the Gateway stage.
Petroleum Production and Extractive Industries) 2007  Provides consideration to the proper management and development of land containing mineral, petroleum and extractive material	considered minor. The subject land is currently used for sand mining. Once the existing approval and extraction capacity have been exhausted the mining activities will be ceased. It is not viable to remove any further sand resource.  However as the PP would rezone the land to residential, and in doing so make mining, petroleum and extractive industries prohibited, the direction applies (subclause 3a).  Trade and Investment (Minerals and Resources Division) to be consulted if a favourable outcome is

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the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities. Interim Guideline'. The guideline gives direction to potential impacts of development adjacent to road corridors (such as noise and vibration impacts).

RMS to be consulted if a favourable outcome is received at the Gateway stage to determine whether further consideration may need to be given on SEPP Infrastructure 2007.

### 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.

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Consistency and Implications
1. EMPLOYMENT AND RES	OURCES
1.2 Rural Zones  The direction applies when a proposal will affect land within an existing rural zone	Inconsistent, however this is considered of minor significance.  The planning proposal is inconsistent because it rezones land from a rural zone to a residential zone (subclause 4a). The inconsistency is considered of minor significance as:  The land has limited agricultural values. This site is not mapped as regionally significant agricultural land.  The effect on rural land is considered to be of minor significance as the site is currently used for sand mining, not agricultural production purposes.  Despite its zoning as RU2 Rural Landscape is not conducive to any financially viable agricultural enterprise.  Will require consultation with Department of Primary Industries on the inconsistency to seek the Secretary's agreement to the inconsistency with the direction.
1.3 Mining, Petroleum Production and Extractive Industries  The direction applies when a proposal will affect land	Inconsistent, however this is considered of minor significance.  The existing sand mine located on the site will cease once the current approval has been fully exhausted. After this time the site will be developed for residential purposes.  However as the planning proposal would

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that will impact on the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials. rezone the land to residential, and in doing so make mining, petroleum and extractive industries prohibited, the direction applies (subclause 3a).

Consultation with Trade and Investment (Minerals and Resources Division) should occur, (subclause 4) post-Gateway before consistency can be determined.

#### 1.5 Rural Lands

The direction applies when the proposal will affect land within an existing rural zone.

### Inconsistent, however this is considered of minor significance.

As the planning proposal would rezone rural land to large lot residential, the proposal is inconsistent with this Direction, the rural planning principles and the rural subdivision principles of the SEPP.

The site is currently incapable of meeting the objectives of the RU2 Rural Landscape zone, given the existing use of the site as a sand quarry and is not practical for sustainable agricultural practices. Therefore any inconsistency with the aims of the Rural Lands SEPP 2008 is justified or is of minor significance.

Consultation with Department of Primary Industries (Agriculture) should occur and Council seek the Secretary's agreement to the inconsistency with the direction if a favourable outcome is received at the Gateway stage.

#### 2. ENVIRONMENT AND HERITAGE

#### 2.1 Environmental Protection Zones

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

### Consistent, however further investigations are required post-Gateway.

The planning proposal is consistent with this Direction as it includes provisions that facilitate the protection and conservation of environmentally sensitive areas.

It is proposed revegetation works will be conducted in the E2 areas as part of the site Revegetation Management Plan. It is recommended post-gateway an updated site Revegetation Management Plan incorporating the revegetation requirements and provided to Council for review.

The flora and fauna assessment (GHD, 2017)

a relevant planning authority prepares a planning proposal.

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	recommended the preparation of a property vegetation plan for proposed lots 1 to 12, 16, 23 to 25 which contain spilt R5 and E2 zones. This was proposed as it has been successfully applied to other developments on land subject to the Native Vegetation Act 2003 (NV Act). However, as of the 25 August 2017, the NV Act was repealed by the amendments to Local Land Services Act 2013 (LLS Act) and the preparation of PVPs under the NV Act is no longer a viable option. Alternative options were considered on how the spilt R5 and E2 zones will operate and be protected from future development. Consultation with Office of Environment and Heritage is recommended to consider the most appropriate option.
2.2 Coastal Protection  The direction applies when the proposal will affect land within the coastal zone, as defined in the Coastal Protection Act 1979	Consistent. The subject site is mapped as being located within the identified "coastal zone" as per the NSW Coastal Protection Act 1979 Coastal Zone map.  The planning proposal is consistent with the Coastal Policy and Coastal Design Guidelines.  Access to foreshores will not be affected.  The proposal is suitable for the location and relationship with surrounding areas.  There will be no adverse impacts on the foreshore.  The scenic qualities of the coast will not be affected.  The land is not subject to coastal hazards.  The proposal will not impact Aboriginal cultural aspects.  The proposal will not impact coastal waterbodies.  The proposal will not affect any items of heritage, archaeological or historic significance.
2.3 Heritage Conservation  The direction applies when	Consistent.  There are no items of European heritage on the site or listed in the LEP. Investigations into
a relevant planning authority prepares a	potential for indigenous heritage have not been undertaken by the proponent.

Between 1975 and 1977 the site was mined for mineral sands (rutile and zircon) with the

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previous mine tailings (essentially sand) reshaped and rehabilitated to form the larger part of the current site landform. Therefore there is an unlikely chance of Aboriginal cultural heritage values.

Heritage can be managed through the existing planning instruments, legislation and regulations that apply to the land. Further detailed assessment of the proposal may be required at detailed development application stage to ensure consistency with this SEPP.

#### 3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

#### 3.1 Residential Zones

# The direction applies as the part of the land is proposed residential.

### 3.4 Integrating Land Use and Transport

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

#### 3.5 Development Near Licensed Aerodromes

The objectives of this direction are: to ensure the effective and safe operation of aerodromes: to ensure

#### Consistent.

This Direction applies as the planning proposal seeks to apply an R5 Large Lot Residential Zone to the site. The proposal aims to support the growing population in the area while providing rural residential housing choice for residents.

#### Inconsistent.

This Direction applies because the Planning Proposal seeks to apply the R5 Large Lot Residential Zone and increase residential density on the site. While the site provides high levels of accessibility to the existing road networks. Give the sites location it is will require dependence on cars to access jobs and services. It will increase travel demand and the number trips generated by the development and the distances travelled, especially by car.

Consultation with Department of Planning should occur and Council seek the Secretary's agreement to the inconsistency with the direction if a favourable outcome is received at the Gateway stage.

#### Consistent.

The subject lands are located outside of the mapped aircraft noise planning area. The Port Stephens Height Trigger map shows the site as being included within the area for which structures higher than 7.5m would be referred.

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

The planning proposal will not compromise the operation and any future structures constructed on the site will need to take into consideration any obstacle height limitations.

#### 4. HAZARD AND RISK

### 4.1 Acid Sulfate Soils

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

#### Consistent.

The site is nominated as Class 2 and 4 lands in terms of Acid Sulfate Soils. Future development may require Acid Sulfate Soils Management Plan; however, it will not impede the additional development controls proposed in this planning proposal. The issue will be managed through existing provisions of the LEP.

#### 4.3 Flood Prone Land

The direction applies to all flood prone land.

### Inconsistent, however is considered of minor significance.

The planning proposal is inconsistent with the Direction as it proposes to rezone land from a Rural zone to a Residential zone.

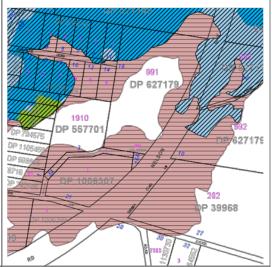
A Flooding and Drainage Report by Pulver Cooper & Blackley (May 2017) has been completed on the site and shows the Port Stephens flood hazard mapping depicts the area around Cox's Lane as 'Minimal Flood Prone Land', which is capable of facilitating emergency flood access to the proposed development site via Nelson Bay Road and the proposed development site will not be isolated in the a 1:100 year flood event.

Councils Engineering Section has supported the proposal at rezoning stage, however more precise engineering details for sizing of drainage, lot layout and road network to be

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detailed at subdivision development application stage.

Consultation with Department of Planning should occur and Council seek the Secretary's agreement to the inconsistency with the direction if a favourable outcome is received at the Gateway stage.



#### 4.4 Planning for Bushfire Protection

This direction applies as the land is identified as bushfire prone.

### Consistent, however further investigation required post-Gateway.

The site is identified as bushfire prone land. The Bushfire Report is to be amended post-gateway to include a contour map that identifies the location of Asset Protection Zones (APZ)'s within the site boundary and should not encroach into the retained vegetation and movement corridors on site.

The Bushfire Report recommends the subject sites can accommodate buildings on site once active safe guards were adopted in accordance with AS3959- 1999.

The APZs will be considered as part of the development footprint as part of the subdivision layout. This will be assessed post-Gateway in accordance with the new provisions of the Biodiversity Conservation Act 2016 as part of the Biodiversity Development Assessment Report (BDAR). The E2 conservation zones within the lots will be

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	considered as avoid areas within the subdivision layout for the proposed development.
5. REGIONAL PLANNING	
5.1 Implementation	Consistent.
of Regional	Under Section 4 of this report, it considers the
Strategies	consistency with the following Hunter Regional Plan:
The direction applies when a relevant planning authority prepares a planning proposal.	<ul> <li>Action 14.4: Protect biodiversity by maintaining and, where possible, enhancing the existing protection of high environmental value areas;</li> <li>Action 22.5 Include guidance in local land use strategies for expanding rural villages and rural residential development.</li> </ul>

#### 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?

A Flora and Fauna Assessment (GHD, 2017) was undertaken which concluded that:

- The site is highly disturbed and consists of cleared land and bushland, with majority of the site having been cleared for the extraction of heavy mineral sands. The remainder of the site consists of remnant and revegetated bushland including 2.47 ha of conservation area that was established as biodiversity offset land as part of the existing quarry approval. This proposal will not impact that area.
- Areas mapped as high ecological constraints contain areas proposed as E2 conservation zones, EECs and other areas of native vegetation, and Koala habitat and fauna movement corridors.
- Two endangered ecological communities were recorded at the study area, Swamp Sclerophyll Forest and Freshwater Wetlands. These EECs provide potential habitat for a range of threatened flora and fauna species and migratory fauna species. The majority of these areas will be retained as E2 conservation zones part of the planning proposal.
- In addition to maintaining the established biodiversity offset areas, a buffer area of 40 metres will be retained around the area of Freshwater Wetland/Paperbark Swamp Forest in the northwest of the study area, this buffer area has also been included within the E2 zoning. A portion of this buffer is located over the proposed access road and is not possible to maintain.
- No threatened flora species were recorded. Threatened flora species
  predicted to occur based on habitat assessments would likely only occur in
  the area of Freshwater wetland/Paperbark Swamp Forest in the study
  area, which is part of the proposed E2 conservation zones and would not
  be impacted by the proposal.

### ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.

Eight threatened fauna species have been previously recorded on site, including the Koala, Grey-headed Flying-fox, Powerful Owl and microchiropteran bats (OEH 2016a, Orogen 2008). Additional threatened species may also occur in the study area. A number of migratory species may also occur on occasion. The proposal is unlikely to result in a significant impact on any of these species given that any clearing of native vegetation would be restricted to the disturbed edges of larger tracts of vegetation.

The Flora and Fauna Assessment (GHD, 2017) recommends the following:

- Mitigation measures are recommended to reduce the impact on identified biodiversity values where avoidance is not possible. It is recommended that a soil and water management plan, groundwater management plan, vegetation management plan, weed management plan, fauna management plan, revegetation plan and property vegetation plan be incorporated into the Construction Environment Management Plan for the site.
- A recommendation for future development of the site includes restrictions on land use, vegetation maintenance and management and domestic animal access within the E2 zones. Other Koala sensitive management recommended include the following: provision for Koala friendly fencing, restrictions on dog access and ownership, 'Koala Warning Signs' and restrictions on speed limits and/or use of traffic calming devices.
- A flora and fauna impact assessment report be prepared at the development application stage.

It is proposed revegetation works will be conducted in the E2 areas as part of the site Revegetation Management Plan. It is recommended post-Gateway an updated site Revegetation Management Plan incorporating the revegetation requirements and provided to Council for review.

The flora and fauna assessment (GHD, 2017) recommended the preparation of a property vegetation plan for proposed lots 1 to 12, 16, 23 to 25 which contain spilt R5 and E2 zones. This was proposed as it has been successfully applied to other developments on land subject to the Native Vegetation Act 2003 (NV Act). However, as of the 25 August 2017, the NV Act was repealed by the amendments to Local Land Services Act 2013 (LLS Act) and the preparation of PVPs under the NV Act is no longer a viable option. Alternative options were considered on how the spilt R5 and E2 zones will operate and be protected from future development. Consultation with Office of Environment and Heritage is recommended to consider the most appropriate option.

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

### ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.

Environmental Site Assessment GHD (2016) report concluded:

Based on the Phase 1 ESA, GHD concluded that there was a potential for contamination to exist within the Site, particularly in the following areas:

- Northern and central portion of the Site former and current sand mining area including use and maintenance of vehicles and machinery, stockpiling of fill materials and potential burial of radioactive wastes.
- Western Area Parking of buses from adjacent (off-site) depot.
- Southern Area Administration area and potential for use of hazardous building materials, stockpiling/storage of wastes.
- Throughout the Site stockpiling and use of fill associated with development of the sand mine and accesses and the potential for use of pesticides/herbicides.
- Throughout the Site Groundwater contamination migrated from RAAF Williamtown.

The overall likelihood for widespread significant chemical or asbestos contamination to be present within the proposed area for rezoning is considered to be low. However, it is noted that given the location of the site to the Department of Defence PFOS/PFOA investigation area, there is a potential for groundwater to be impacted with PFOS/PFOA.

Council recommends Stage 2 investigations post-gateway if a favourable outcome is received at the Gateway stage. This recommendation is supported by preliminary advice from EPA which recommended a detailed site investigation be undertaken.

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

The main social and economic benefits resulting from this planning proposal include the potential for additional large lot residential housing supply in Fullerton Cove and the utilisation of the land for a higher order use.

As such, the social and economic impacts associated with the planning proposal are considered to be of a minor nature. In the broader context of providing land supply for residential growth, the extension of the existing large lot residential development in the area assists in reducing urban sprawl, which results in a more efficient use of existing infrastructure and the provision of services to the general public.

Using the Remplan Economic Modelling and Planning System the following is a list of flow-on economic impacts for the Port Stephens economy when considering an increase of an additional 33 additional dwellings. It is estimated that the additional housing capacity would support an estimated increase of 87 persons in Port Stephens across a range of age cohorts. From this net population increase of 87 persons it is estimated that the number of working residents would increase by 36 persons, of which it is estimated 19 persons would work in Port Stephens, with the remainder working outside of

# ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.

Port Stephens. Under this scenario Gross Region Product is estimated to increase by \$5.2 million (0.13 %) to \$3,992,995 million. Contributing to this is a direct increase in output of \$7.399 million and 19 jobs. From this direct expansion in the economy, flow-on industrial and consumption effects result in total output expected to rise by \$11.126 million, and a total of 30 jobs.

#### SECTION D - State and Commonwealth interests

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

The Proponent provides the following summary of the ability to provide utilities to the site:

Reticulated water, electricity and telecommunications infrastructure are available in the area and can be provided to the subject site. It is considered that there is adequate public infrastructure available or suitable capacity for upgrading at the proponents expense. On site effluent treatment systems will be installed on all new residential lots as part of the applications for future dwellings.

This planning proposal is not considered to place significant additional demands on the public infrastructure and general infrastructure needs of the locality, given the limited size and scale of future anticipated development within the site.

#### <u>Traffic</u>

The Traffic Assessment (Seca Solution, 2016) based on the concept subdivision (Preliminary Engineering Design, Pulver Cooper & Blackley, 2017) states the proposed rezoning would not have a significant impact on the surrounding road network with traffic flows in the general locality of the subject site within the capacity of these roads. Access to the subdivision is acceptable and all intersections provide adequate visibility which is consistent with the Austroads Guides in terms of approach sight distance and safe intersection sight distance. The proposed subdivision road is generally consistent with the Port Stephens Council Development Control Plan.

The site is adjacent to a classified road. Consultation with RMS ire recommended post-Gateway and consideration may need to be given to the State Environmental Planning Policy (SEPP) Infrastructure 2007 and practical advice provided in the Department of Planning, 2008, 'Development Near Rail Corridors and Busy Roads – Interim Guideline'. The guideline gives direction to potential impacts of development adjacent to road corridors (such as noise and vibration impacts).

#### Flooding and Drainage

The Flooding and Drainage Report (Pulver Cooper & Blackley, 2017) shows the majority of the site is considered minimal risk flood prone land, with the middle of the site considered flood free. The north-west corner of the site is

# ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.

mapped as high-hazard flood storage area; this area is to remain undeveloped as E2 Environmental Conservation.

Site contours show the flood level wrapping around the edges of the subject land, the remainder of the site will remain elevated above RL3.2m and therefore flood-free. Dwellings constructed on the subject land after regrade and the construction of roads and drainage, be situated above RL3.2m. This will ensure that there is minimal risk to life and property on the subject land in a 1:100-year flood event.

The site is capable of facilitating emergency flood access to the proposed development site via Nelson Bay Road and the proposed development site will not be isolated in the a 1:100 year flood event.

The planning proposal is able to be supported at the rezoning stage, however more precise engineering details for sizing of drainage, lot layout and road network to be detailed at subdivision development application stage.

#### Preliminary Groundwater Assessment

The Preliminary Groundwater Assessment (GHD, 2016) stated the planning proposal may introduce activities (such as onsite effluent disposal, movement and stockpiling of potentially contaminated soil across the site and storage of fuels and chemicals) which may impact on groundwater quality.

To reduce the impacts on groundwater a range of mitigation measures have been recommended:

Potential impact	Mitigation measures
Reduced recharge of	Minimise impermeable surface area as part of the
aquifer due to increase	proposed development. Impermeable areas to be
in impermeable	small and disconnected. Ensure a sufficient buffer
surface area	distance between impermeable areas and GDEs.
Groundwater	Minimise the size and depth of any excavation below
interception and	the water table (approximately 2 m AHD).
groundwater	Continuation of groundwater level monitoring at
drawdown due to	existing groundwater monitoring locations.
excavation and bore	Backfill or line excavations as soon as practicable.
use	Ensure a sufficient buffer distance between
	bores/excavations and GDEs.
	New bores to be installed and operated in
	accordance with the rules of the WSP.
Accidental spills of	Fuels should be stored in bunded areas during
fuels and chemicals	construction. Refuelling should occur in bunded
impact groundwater	areas.
quality	
Movement of	Identify areas of soil contamination and implement
contaminated soils	appropriate contaminated soil handling methods
impacting groundwater	during construction.
quality	

#### ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.

#### Preliminary Bushfire Assessment

The Preliminary Bushfire Assessment (GHD, 2016) shows the site is mapped as Vegetation Category 1 on the eastern half of the site and Vegetation Buffer on the western half of the site. Large areas of bush fire prone land are also located to the east of the site. The report recommended the subject sites could accommodate buildings on site once active safe guards were adopted in accordance with AS3959- 1999.

groundwater level.

designed to withstand a fluctuating and high

The Bushfire Report is to be amended post-gateway to include a contour map that identifies the location of Asset Protection Zones (APZ)'s within the site boundary and should not encroach into the retained vegetation and movement corridors on site.

This assessment has identified a number of bush fire management measures that need to be incorporated into the subdivision design should the site be rezoned and a development application lodged.

The APZs will be considered as part of the development footprint as part of the subdivision layout. This will be assessed post-Gateway in accordance with the new provisions of the Biodiversity Conservation Act 2016 as part of the Biodiversity Development Assessment Report (BDAR). The E2 conservation zones within the lots will be considered as avoid areas within the subdivision layout for the proposed development.

#### Onsite Effluent Dispersal Preliminary Assessment

The onsite effluent dispersal assessment (GHD, 2016) concludes the recommended treatment system for the proposed rezoned lots should provide for a secondary quality effluent and include disinfection. This is due to the expected groundwater use and sandy soil. All proposed lots would be a minimum of 4000m<sup>2</sup>, so adequate land area would be available.

The assessment recommends that the following options be considered during design to reduce the size of the disposal area:

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# ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.

- Mounded or Raised System, utilising imported soils with better nutrient removal characteristics
- · Importing soils with better nutrient removal characteristics
- · Providing a higher level of treatment
- Undertaking more detailed modelling of the site based on a daily time step model

GHD has also recommended that subsurface irrigation be adopted for future allotments on the site as this type of system maximises evapotranspiration and nutrient uptake.

#### Geotechnical Assessment

The assessment (GHD, 2016) concludes that the subject site is considered suitable for rural residential development. However, several aspects will require further consideration and assessment at the development application stage. These include:

- Potential zones of loose sand that require densification to avoid unacceptable future settlements
- Potential zones stripped bund material containing trees and stumps
- General filling and re-grading, with consideration of final lot classification to AS2870-2011 Residential Slabs and Footings
- Final site levels and potential for groundwater table rises during and following periods of wet weather
- · Batter slopes and erosion protection measures
- In low lying areas and watercourses, consideration of potentially weak or wet soils which may contain organics and may be ASS.

It is recommended that an experienced geotechnical engineer or engineering geologist be consulted in preparing a scope of work for the proposed development once the rezoning is approved and a subdivision layout is finalised.

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

The existing development consent (PA07\_0145 including MOD 1 and MOD 2) includes conditions that require the site to be rehabilitated following the completion of the extractive industries licence. Written correspondence has been provided from the NSW Department of Planning and Environment (the Department, 12 January 2017) which has stated the proposed modification to facilitate future residential subdivision of the site. The Department does is not objected to, in principle, to altering the final landform in order to facilitate an appropriate post-closure land use. The proposed changes would need to be supported by a detailed Environmental Assessment to demonstrate all environmental impacts from the development can be suitably managed as well as information on the proposed modification and supporting justification.

# ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.

Council recommends Stage 2 investigations post-Gateway if a favourable outcome is received at the Gateway stage. This recommendation is supported by preliminary advice from EPA (3 October 2017) which recommended a detailed site investigation be undertaken.

Consultation with relevant State and Commonwealth Agencies will be undertaken following a Gateway Determination. It is envisaged that the following agencies will be consulted with:

- · Roads and Maritime Services
- Rural Fire Services
- Hunter Water Cooperation
- · Office of Environment and Heritage
- · Department of Primary Industries
- NSW Trade & Investment, Division Resources and Energy
- NSW Environment Protection Authority (EPA)

#### Part 4 - Mapping

The proposed map layer amendments are included as attachments to the planning proposal as follows:

Attachment One - Current Zoning Plan - Sheet LZN\_004

Attachment Two - Proposed Zoning Map - Sheet LZN\_004

Attachment Three - Current Lot Size Map - Sheet LSZ\_004

Attachment Four - Proposed Lot Size Map LSZ\_004

#### Part 5 - Details of Community Consultation

Community consultation will be undertaken in accordance with the gateway determination.

Notice of the public exhibition period will be placed in the local newspaper, The Examiner. The exhibition material will be on display at Council's Administration Building 116 Adelaide Street, Raymond Terrace. The planning proposal will also be available on Council's website.

#### Part 6 - Project timeline

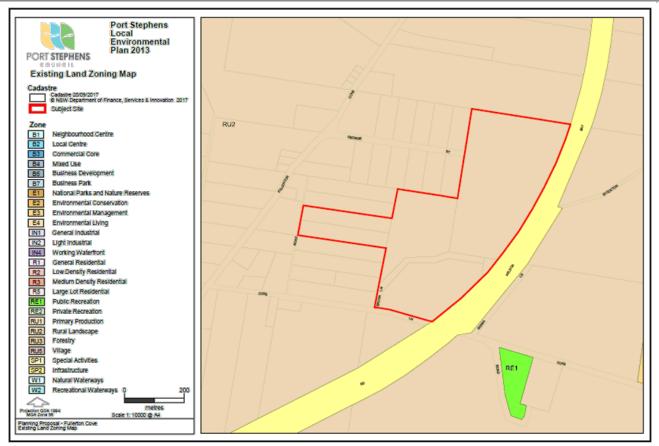
The planning proposal is expected to be reported to Council following the completion of the public exhibition period.

# ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - GEORGE STREET AND COX LANE, FULLTETON COVE.

The following timetable is proposed:

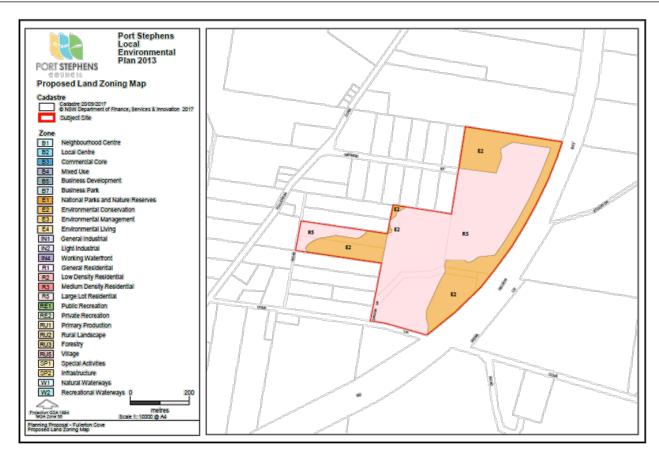
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Council								
Report								
Gateway								
Determination								
Agency								
Consultation								
Public								
Exhibition								
Council								
Report								
Parliamentary								
Counsel								

#### Attachment One - Current Zoning Map

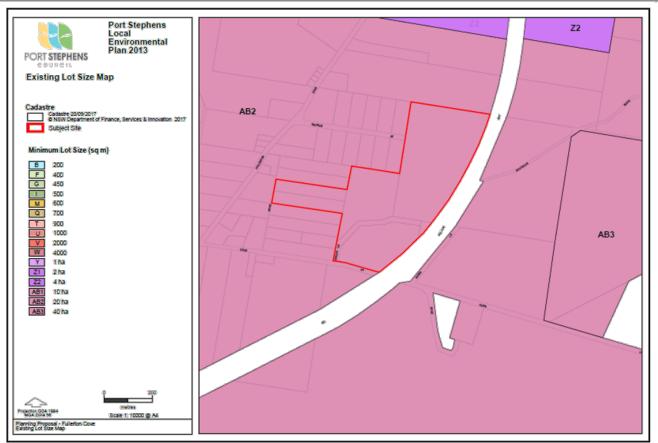


Version - Council Report

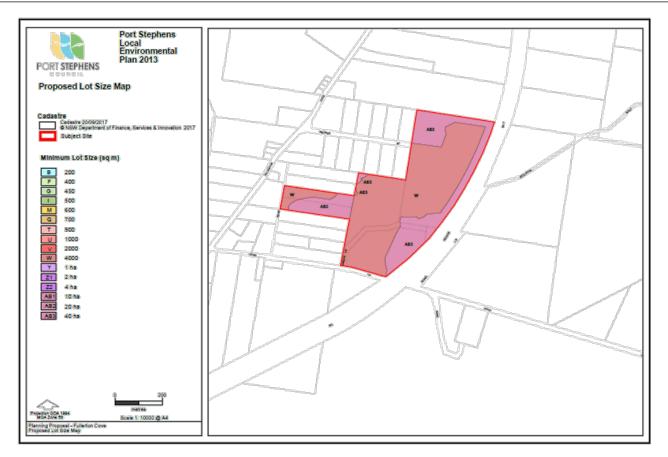
#### Attachment Two - Proposed Zoning Map



#### Attachment Three - Existing Lot Size Map



### Attachment Four - Proposed Lot Size Map



Councillor Jaimie Abbott returned to the meeting at 5:45pm.

ITEM NO. 3 FILE NO: 17/209568

RM8 REF NO: PSC2013-00406

#### LOCAL WEED PRIORITISATION POLICY

REPORT OF: MARC GOODALL - ACTING STRATEGY & ENVIRONMENT

**SECTION MANAGER** 

GROUP: DEVELOPMENT SERVICES

#### **RECOMMENDATION IS THAT COUNCIL:**

1) Endorse the Local Weed Prioritisation Policy shown at (ATTACHMENT 1).

 Place the Local Weed Prioritisation Policy on public exhibition for a period of 28 days and should no submissions be received, adopt the Policy without a further report to Council.

# ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION

# 287 Councillor John Nell Councillor Steve Tucker

It was resolved that Council:

- Endorse the Local Weed Prioritisation Policy shown at (ATTACHMENT 1).
- Place the Local Weed Prioritisation Policy on public exhibition for a period of 28 days and should no submissions be received, adopt the Policy without a further report to Council.

#### **BACKGROUND**

The purpose of this report is to seek Council's endorsement of the Local Weed Prioritisation Policy.

The *Biosecurity Act 2015* was developed to reduce red tape, simplify existing procedures and to provide greater flexibility in managing biosecurity risks in NSW. The *Biosecurity Act 2015* came into force on 1 July 2017, and replaced 14 separate pieces of legislation (including the *Noxious Weeds Act 1993* which is of particular relevance in the context of Port Stephens Council).

As a result of the introduction of the *Biosecurity Act 2015*, weeds are no longer listed as noxious under the *Noxious Weeds Act 1993*. Council now has an obligation to exercise its regulatory functions as a Local Control Authority under the *Biosecurity Act 2015* in relation to any weed representing a biosecurity risk.

Regionally prioritised species have been established under the Hunter Regional Strategic Weed Management Plan (HRSWMP).

However, given the locally specific nature of weeds in Port Stephens, it is important that Council and the community are able to effectively manage the most important weeds to Port Stephens, not just those that are important regionally. Paterson's Curse is the most notable example of this, whereby it is not a high priority across the region due to the fact that it is so widespread and therefore control/eradication is less feasible, however it is a high priority weed in the Port Stephens local government area due to its current limited extent, and therefore its potential to be effectively controlled and/or eradicated locally.

Weeds are a major threat to our unique natural environment, threatening the survival of native plants, animals and ecosystems in Port Stephens. They also impact on the price of food, human health through allergies and asthma, recreational activities and as a result, the local economy.

The Local Weed Prioritisation Policy has been developed to provide direction for Council's approach to exercising its regulatory functions under the *Biosecurity Act* 2015 and to address a perceived gap in Council's regulatory response created by the legislative change from the *Noxious Weed Act* 1993 to the *Biosecurity Act* 2015.

The policy also provides for Council applying the NSW Weed Risk Management System process to the Ports Stephens local government area, in order to determine local priority weeds. The system uses assessment criteria and scoring to establish a weed risk category whilst also considering feasibility of coordinated control.

Weed risk categorisation is a function of invasiveness, impacts (economic and ecological) and potential distribution. Feasibility of coordinated control considers control costs, persistence and current distribution. This allows determination of practical and appropriate weed management priorities and communication to land managers.

#### **COMMUNITY STRATEGIC PLAN**

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

#### FINANCIAL/RESOURCE IMPLICATIONS

There is no direct financial implication for Council in relation to the adoption of the draft policy.

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

#### LEGAL, POLICY AND RISK IMPLICATIONS

The Local Weed Prioritisation Policy outlines Council's approach to meeting its statutory responsibilities as a Local Control Authority under the *Biosecurity Act 2015*. Whilst Council's approach to biosecurity risk, compliance and environmental management is influenced by this policy (i.e. local priority weeds become a priority for all land owners including Council) the policy should be read in conjunction with Council's Integrated Risk Management Policy (Council's overall direction on systematic management of risk), Compliance Policy, and Environment Policy.

A Local Weed Prioritisation Policy will assist Council be more effective in carrying out its regulatory or compliance functions under the *Biosecurity Act 2015* as they relate to local priority weed species.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that local priority weed species will not be effectively managed, posing a threat to the local environment and a number of industry sectors such as agriculture and tourism.	High	Adopt the Policy and continue to assess the risk of invasive species at an LGA scale to determine local priority species.	Yes

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that compliance action that Council takes under the <i>Biosecurity Act 2015</i> for local priority species may be unnecessarily challenged for species not on the regional list and consume resources.	Medium	Adopt the policy and continue to assess the risk of invasive species at an LGA scale to determine and communicate local priority species and strengthen compliance management.	Yes

#### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Weeds are a major threat to our unique natural environment, threatening the survival of native plants, animals and ecosystems in Port Stephens. They also impact on the price of food, human health through allergies and asthma, recreational activities and as a result, the local economy.

A healthy natural environment is critical to the people of Port Stephens as it provides essential environmental services such as clean air, clean water and healthy soils. In turn this supports ecological, cultural, recreational, economic and aesthetic values. The Local Weed Prioritisation Policy ensures that local priority species are effectively targeted and managed under the *Biosecurity Act 2015*.

#### CONSULTATION

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

#### Internal

The Local Weed Prioritisation Policy was developed with input from a number of staff within Strategy and Environment with input from external stakeholders and partners at neighbouring local government and state government colleagues within the Department of Primary Industry and Local Land Services.

### External

Council's approach to the management of Invasive Species locally, and Council's intention to develop a Local Weed Prioritisation Policy was workshopped with community groups undertaking environmental works on Council land in August 2017.

In accordance with the *Local Government Act 1993* the Local Weed Prioritisation Policy will go on public exhibition for 28 days.

# **OPTIONS**

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

# **ATTACHMENTS**

1) Draft Local Weed Prioritisation Policy.

# **COUNCILLORS ROOM**

Nil.

# **TABLED DOCUMENTS**

Nil.

**Policy** 



FILE NO: PSC2013- 00406

TITLE: LOCAL WEED PRIORITISATION POLICY

POLICY OWNER: STRATEGY & ENVIRONMENT SECTION MANAGER

PURPOSE:

This Policy provides direction for Council's approach to exercising its regulatory functions under the *Biosecurity Act 2015*, specifically by ensuring that priority invasive species are specific to the Port Stephens Local Government Area.

#### CONTEXT/BACKGROUND:

Council is to function as a Local Control Authority under the *Biosecurity Act* 2015 (The Act). The Act prescribes the functions of Authorised Officers in relation to control of priority weeds as the Local Control Authority.

The Act requires all landowners in NSW to manage and mitigate Biosecurity risks (General Biosecurity Duty) on their land. In order to determine the level of risk, a regional weed prioritisation process was undertaken using the NSW Weed Risk Management (WRM) system (a standard, nationally accepted and transparent process). The Hunter Regional Strategic Weed Management Plan (HRSWMP) outlines these regional priorities in detail.

Given the locally specific nature of weeds in Port Stephens, it is important that Council and the community are able to effectively manage the most important weeds to Port Stephens, not just those that are important regionally.

A specific assessment of risks posed by weed species to Port Stephens will allow for these the right species to be targeted, managed and controlled more effectively in the local context.

This Policy outlines the approach Council will take to ensure that priority weed species are locally specific and will do so consistent with the standard, nationally accepted and transparent process used at the regional level.

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Issue Date: xx/11/2017 Printed: 17/11/2017 Review Date: xx/11/2019

Page: 1 of 4

# **Policy**



#### SCOPE:

This Policy applies only to Council's role as a Local Control Authority under the *Biosecurity Act* 2015.

#### **DEFINITIONS:**

Authorised Officer As described in Section 7 of general definitions of the

Biosecurity Act 2015 referring to the Invasive Species Officers

(for the purposes of this Policy).

Biosecurity Matter Anything posing a Biosecurity Risk as defined in Section 10 of

the Biosecurity Act 2015.

EMS Council's Environmental Management System.

General Biosecurity Duty 
Any person who deals with biosecurity matters has a

biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or

minimised (Biosecurity Act 2015).

Invasive Species Animals and plants introduced into Australia that have negative

effects on Agriculture, Environment, Economic or Social

values

Local Control Authority Meaning Council as described in Section 370 of the Biosecurity

Act 2015.

#### **POLICY STATEMENT:**

#### Council will:

- Ensure processes and structures are in place that enable Council to effectively function as the Local Control Authority under the Act;
- Apply the NSW Weed Risk Management System process to the Port Stephens local government area to determine local priority weeds;
- Maintain and publish, annually or more frequently as required, a list of local priority weed species;
- Undertake compliance and enforcement activity as a Local Control Authority under the Biosecurity Act 2015 using the list of local priority weed species;
- Undertake compliance action in accordance with Council's Compliance Policy and the Biosecurity Act 2015.

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# **Policy**



#### **POLICY RESPONSIBILITIES:**

- Strategy and Environment Section is responsible for monitoring, reviewing and providing advice on the Policy;
- Strategy and Environment Section is responsible for undertaking Council's role as a Local Control Authority under the Biosecurity Act 2015.

#### RELATED DOCUMENTS:

- 1) Port Stephens Council:
  - a. Community Strategic Plan 2013-2025;
  - b. Compliance Policy;
  - c. Environment Policy;
  - d. Legislative Compliance Policy;
  - e. Environmental Risk Management Directive;
- 2) Hunter Regional Strategic Weed Management Plan 2017 2022 (HRSWMP);
- 3) NSW Invasive Species Plan 2008-2015;
- 4) Biosecurity Act 2015;
- 5) Local Government Act 1993.

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RM8 container
No

PSC2013 - 00406

RM8 record No

Audience

Councillors, Council Staff and Community Members

Process owner

Strategy and Environment Section Manager

Author

Bushland Management Officer / Environmental Strategist

Policy

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Issue Date: xx/11/2017 Printed: 17/11/2017 Review Date: xx/11/2019

# Policy



Review timeframe	Two years	Next review date	November 2019
Adoption date	New Policy – Yet to be adopted.		

#### **VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0		Bushland Management Officer / Environmental Strategist	New draft Policy	



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Issue Date: xx/11/2017 Printed: 17/11/2017 Review Date: xx/11/2019 Page: 4 of

ITEM NO. 4 FILE NO: 17/211726 RM8 REF NO: T02-2017

#### T02-2017 HALIFAX HOLIDAY PARK MULTIPURPOSE BUILDING

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

#### IS THAT COUNCIL:

1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 4 on the Ordinary Council agenda namely T02-2017 Halifax Holiday Park Multipurpose Building.

- 2) That the reasons for closing the meeting to the public to consider this item be that:
- i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
- ii) In particular, the report includes confidential pricing information in respect of the T02-2017 Halifax Holiday Park Multipurpose Building.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the Local Government (General) Regulation 2005.
- 5) That Council reject all tender submissions from Ausco Pty Ltd, Castlereagh Group Industries Pty Ltd, Uniplan Group, and Wendgold Pty Ltd trading as Eastcoast Homes & Park Cabins.

# **ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION**

288	Councillor Steve Tucker Councillor Jaimie Abbott
	It was resolved that Council reject all tender submissions from Ausco Pty Ltd, Castlereagh Group Industries Pty Ltd, Uniplan Group, and Wendgold Pty Ltd trading as Eastcoast Homes & Park Cabins.

#### **BACKGROUND**

The purpose of this report is to reject all tender submissions received for the Halifax Holiday Park Multipurpose Building.

The purpose for this rejection is that all tender submissions substantially exceeded the budget allocation when combined with the total cost of the project.

The tender submissions were received from:

- Ausco Pty Ltd
- Castlereagh Group Industries Pty Ltd
- Uniplan Group
- Wendgold Pty Ltd trading as Eastcoast Homes & Park Cabins

The tender was advertised and closed on 24 August 2017 with a total of four submissions received at the close of the tender period, a summary of which is included as **(ATTACHMENT 1)**.

The objective of the project was to build a new amenities and multifunction facility comprising of male, female, disabled and parents' amenities, a modern and functional camp kitchen and a conference centre with a capacity to seat 100 people (150 m2) at our Halifax Holiday Park.

The amenities were originally constructed in circa 1960. Accordingly, the amenities are now considered in need of a refurbishment or replacement to ensure that the Halifax Holiday Park continues to maintain its stature as a destination of choice for tourists to Port Stephens and surrounding areas.

The weightings agreed for this tender were:

Criteria	Weighting (%)
Price	30
Commercial Terms	15
Capability	20
Timing & Work Plan	15
Relevant Experience	20
Total	100

#### Tender review outcomes

The tender submissions highlighted a number of project actions and deliverables which were outside of the initial project scope. These were outside the estimated project budget and would have been considered as project variances which have not been funded.

The additional project cost items (based on original project scope):

- Existing electrical kiosk location (which has new building constraints and changes proposed layout and footprint).
- Demolition of existing building.
- Connection of services to new building.
- Hire of temporary facilities.
- Installation and removal costs of the temporary facilities.
- Structural assessment and engineering design of footings for the proposed building.
- Walkway and stair infrastructure required to connect proposed new building to existing infrastructure.

Based on the above project findings, it is estimated that these works would be projected to be an additional \$350,000. The overall project cost would therefore be expected to be in the vicinity of \$1,150,000 based on the lowest price tenderer.

# Proposed revised strategy

- Seek professional guidance regarding structural assessment of existing amenities.
- Seek architectural concepts for the refurbishment of existing amenities block.
- Refurbishment provision of approximately \$400,000.
- Remaining funding to be set aside for a site specific multipurpose building.

The desired outcomes would be a project of total lower overall cost, and having a dedicated multipurpose facility which would be more suited to the expectations of the holiday park guests and users.

## **COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2013-2017
A Sustainable Council.	Council will maintain its underlying financial performance to budget at break even or better.  Council will increase its revenue from non-rates sources.
	Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

#### FINANCIAL/RESOURCE IMPLICATIONS

There is a significant financial implication as the compliant tenders are over the expected funding arrangements for this project.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		Tenders were significantly over existing budget provisions.
Section 94	No		
External Grants	No		
Other	No		

# LEGAL, POLICY AND RISK IMPLICATIONS

There is a significant risk implication as listed below.

Recent changes to the Local Government Act have made it possible to delegate acceptance of tenders to the General Manager, however, where tenders are to be rejected this must be presented to Council for resolution.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the multipurpose building cannot be built for the budgeted amount.	High	Reject the tenders.	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There is a social implication, whereby not building the multipurpose building will affect holiday park guests and the reputation of Halifax Holiday Park, as it continues to maintain its stature as a destination of choice for tourists to Port Stephens.

#### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Property Services Section.

# <u>Internal</u>

- Holiday park management.
- Holiday park staff.

# External

Holiday park guests.

# **OPTIONS**

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

#### **ATTACHMENTS**

1) CONFIDENTIAL Weighted criteria methodology summary. (Provided under separate cover)

# **COUNCILLORS ROOM**

Nil.

# **TABLED DOCUMENTS**

Nil.

ITEM NO. 5 FILE NO: 17/217613 RM8 REF NO: T29-2017

#### T29-2017 PROVISION OF LABOUR HIRE AND RECRUITMENT SERVICES

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

#### **RECOMMENDATION IS THAT COUNCIL:**

1) That pursuant to section 10A(2)(d) of the *Local Government Act, 1993*, the Council resolve to close to the public that part of its meetings to discuss Item 5 on the Ordinary Council agenda namely T29-2017 Provision of Labour Hire and Recruitment Services.

- 2) That the reasons for closing the meeting to the public to consider this item be that:
- The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
- ii) In particular, the report includes confidential pricing information in respect of the T29-2017 Provision of Labour Hire and Recruitment Services.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the *Local Government* (General) Regulation 2005.
- 5) That Council accept the tenders submitted from:
- Forsythes Recruitment Holdings Pty Limited
- Complete Staff Solutions
- CoreStaff NSW Pty Ltd
- The Trustee for Gail Whipper Family Trust T/A Whipper Recruitment
- Peoplefusion Pty Ltd as trustee for Recruitment Unit Trust
   1)With regards to the schedules of rates for the provision of labour hire and recruitment services.
- 6) That the contract will commence on 1 December 2017 for a period of two years, terminating on 30 November 2019 with no option to extend.

# ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION

# 289 Councillor John Nell Councillor Paul Le Mottee

It was resolved that Council:

- 1) Accept the tenders submitted from:
  - Forsythes Recruitment Holdings Pty Limited
  - Complete Staff Solutions
  - CoreStaff NSW Pty Ltd
  - The Trustee for Gail Whipper Family Trust T/A Whipper Recruitment
- Peoplefusion Pty Ltd as trustee for Recruitment Unit Trust
   With regards to the schedules of rates for the provision of labour hire and recruitment services.
- 2) That the contract will commence on 1 December 2017 for a period of two years, terminating on 30 November 2019 with no option to extend.

#### **BACKGROUND**

The purpose of this report is to recommend the acceptance of the tenders received from the following suppliers for the varying scheduled prices across the multiple categories for the provision of labour hire and recruitment services:

- Forsythes Recruitment Holdings Pty Limited
- Complete Staff Solutions
- CoreStaff NSW Pty Ltd
- The Trustee for Gail Whipper Family Trust T/A Whipper Recruitment
- Peoplefusion Pty Ltd as trustee for Recruitment Unit Trust

The tender was advertised and closed on 23 October 2017 with a total of 16 submissions received at the close of the tender period, a summary of which is included as **(ATTACHMENT 1)**.

The list of Tenderers are:

- Forsythes Recruitment Holdings Pty Limited
- Complete Staff Solutions
- Peoplefusion Pty Ltd as trustee for Recruitment Unit Trust
- CoreStaff NSW Pty Ltd
- The trustee for Gail Whipper Family Trust T/A Whipper Recruitment

- Hays Specialist Recruitment (Australia) Pty Ltd
- Jason Barry (Alliance)
- Randstad Pty Ltd
- Australian Recruiting Group Pty Ltd
- DOB Enterprises Pty Ltd
- Challenge Recruitment Ltd
- Monica Clare Recruitment
- Puro Partners Pty Ltd
- Davidson Recruitment Pty Ltd
- Men at Work
- Hunternet

## Background:

Recruitment, Selection and Employment on merit has long been a philosophy within the NSW Public Sector. The Local Government Act provides the framework through which selection on merit is achieved. The Recruitment, Selection and Employment process of Port Stephens Council is based on this framework.

From time to time, Council may experience temporary and casual vacancies within its workforce which need to be filled by non-Council staff to ensure operations can continue in an efficient and effective manner. Occasionally, when direct advertising by Council has been unsuccessful, Council may seek the services of Labour Hire Service Provider/s (Service Provider/s) to source a permanent staff member.

The objectives are to create a panel contract that reflects the requirements of Council; obtaining rates that are market competitive and providing the flexibility to access the Service Provider's full range of services. As part of the tender requirements; access to human resource expertise and assurance of receiving quality labour hire and recruitment services Council will select a panel of preferred Service Providers to deliver temporary employment solutions and recruitment services from each of the pricing categories.

A summary of each of the recommended successful Tenderers and their evaluation is as follows:

# Forsythes Recruitment Holdings Pty Limited

They have operated since 1987 and are a member of the global *NPAworldwide* cooperative since 2003. They employ 400 temporary, contract, part-time and freelance staff per week in a diversity of white and blue collar job functions throughout NSW.

Forsythes have been in operation for over 30 years, and are locally owned and operated. They have relevant experienced personnel who have many years' exposure and experience within the recruitment industry.

The submitted hourly rates were competitive in all categories, and Forsythes have relevant insurances and were fully compliant to the tender schedules. They are a current provider to Council, and have experience in local government requirements and also a provider to other Hunter Councils (eg Singleton, Maitland, Cessnock, Muswellbrook and Central Coast). They have been in the Public Sector for over 13 years and have demonstrated that they are a progressive company, actively involved and integrated into the Hunter Region's recruitment market and needs.

Forsythes have innovative options available and have great initiatives and ideas aimed to streamline the recruitment process.

#### Complete Staff Solutions:

They have been operating for the past 26 years and provide recruitment services throughout NSW and South East Queensland. They provide temporary staff and labour hire for all positions, including administration, executive contract positions, technical roles and project management.

The tender submission received from Complete Staff Solutions is compliant to the tender schedules. They are experienced in local government and are previously a labour hire supplier to Council. They have the ability to source a wide variety of roles and have the capability to fulfil the recruitment services requirements. Their staff has many years' experience and are suitable in selecting the right people for Council.

#### Peoplefusion Pty Ltd as trustee for Recruitment Unit Trust

Peoplefusion was established in 2007 (Directors have been in the industry since 1999 as Richardson Whipper Recruitment and then Richardson Recruitment). Their tender submission is compliant to the tender schedules and commercial terms.

Peoplefusion has referees such as Hunter Water Corporation, Port Waratah Coal and the Newcastle Coal Infrastructure Group. They currently provide services to Cessnock City Council and Port Stephens Council. They have experience working with Port Stephens Council's online timesheets, CRM, digital communications and networking clubs. Peoplefusion has access to *Worka Australia* that offers a wider range of candidate pool and innovative networking options.

Peoplefusion is an experienced provider of recruitment services who are an incumbent supplier to Council and have previously demonstrated that they are experienced in the recruitment of administrative and professional roles.

#### CoreStaff NSW Pty Ltd

CoreStaff was founded in 2008, originated in Darwin and now has branches in every Australian capital city including a number of regional locations. The tender submission from CoreStaff is compliant to the tender schedules and their focus is on blue collar workers and roles predominantly in manufacturing, construction, mining

and the resources sector. They offer psychometric testing and pre-employment screening, and have an indigenous development program.

CoreStaff has listed relevant experienced staff capable of meeting the requirements of Council.

# The trustee for Gail Whipper Family Trust T/A Whipper Recruitment

Whipper Recruitment is a Newcastle based business established in 2005 who are experienced in the supply of blue collar workers. They have experience in supplying recruitment services predominantly for manufacturing, construction, mining and resources.

Whipper Recruitment's tender submission is compliant, providing pricing for all three categories. They offer psychometric testing, pre-employment screening and have an indigenous development program. Their innovative solutions are accepted within the market and offer experienced staff in managing the recruitment services for Council.

In the last three financial years, Council has spent approximately \$6,740,248 on the provision of labour hire and recruitment across all services and activities.

The weightings agreed for this tender were:

Criteria	Weighting (%)
Price	20
Commercial Terms	20
Capability	15
Innovation and Solution	5
Relevant Experience	20
Staff Expertise	20
Total	100

#### **COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2013-2017
A Sustainable Council.	Council will maintain its underlying financial performance to budget at break even or better.
	Council will increase its revenue from non-rates sources.
	Manage risks across Council.
	Attract, retain and develop staff to meet current and future workforce needs.
	Provide enabling business support services for Council's operations.

#### FINANCIAL/RESOURCE IMPLICATIONS

There are no significant financial implications.

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

# LEGAL, POLICY AND RISK IMPLICATIONS

There are no known legal or policy implications. The risks are listed in the table below.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if there is no Labour Hire and Recruitment Services Contract for Council, Council will be subject to the open market pricing and in breach of the Local Government Act regulations.	High	Award the Tender.	Yes

# **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no significant sustainability implications.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Organisation Development Section.

# <u>Internal</u>

Consultation with internal customers on their needs was undertaken as part of the tender process.

# **External**

Not applicable.

# **OPTIONS**

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

# **ATTACHMENTS**

1) CONFIDENTIAL Weighted criteria methodology summary. (Provided under separate cover)

# **COUNCILLORS ROOM**

Nil.

# **TABLED DOCUMENTS**

Nil.

ITEM NO. 6 FILE NO: 17/205090

RM8 REF NO: A2004-1288

#### APPROVAL TO WRITE OFF UNRECOVERABLE DEBTS

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

#### RECOMMENDATION IS THAT COUNCIL:

1) Write off outstanding debts totalling \$45,422.48 as unrecoverable.

# ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION

290	Councillor Paul Le Mottee Councillor Glen Dunkley
	It was resolved that Council write off outstanding debts totalling \$45,422.48 as unrecoverable.

#### **BACKGROUND**

The purpose of this report is to recommend that Council resolve to write off outstanding debts for the following:

#### BD (NSW) PROJECT BD075 PTY LTD \$8,464.60

BD (NSW) Project BD075 Pty Ltd were invoiced in August 2014 for \$7,150.00 for the legal costs of preparing and finalising a voluntary planning agreement for Pepper Tree Road, Medowie (Woolworths Development - Tinkler Group).

A Statement of Claim was issued and served on 10 November 2015. Judgment was then obtained on 13 January 2016. A Writ of Execution was attempted on 17 May 2016 at Level 3, 1 Honeysuckle Drive, Newcastle and a Notice of Non-Levy was received as the company had sold the premises with settlement being 23 May 2016. An examination notice was issued on the Director. This notice was completed by his solicitor stating the company had NIL assets and had ceased trading two years prior and would likely be wound up. The legal fees associated with this process were \$1,314.60.

On 5 August 2016 the same Director advised he ceased to be a Director of the company in April 2016. The company was part of the Tinkler Group and the offices have now closed. Council is of the understanding that the company has limited, if

any, financial resources. A company search on 14 September 2016 indicated the company was still registered at that time.

The only option left to Council to recover the amount owed would be to wind up the company. This is costly and there is no guarantee the money owed will be recovered. This option is considered uneconomical to pursue.

# **GAMERS AUCTIONS AUSTRALIA \$14,070.03**

Gamers Auctions Australia was invoiced on 21 March 2012 for \$14,160.00 for a Mazda BT50 Extra Cab Utility which they won the tender for.

Council received a letter from Jirsch Sutherland advising they were appointed administrators of the company on 1 June 2012 and a subsequent letter advising the company would be wound up voluntarily on 7 June 2012.

A first and final dividend of 0.6c in the dollar was declared on 15 September 2017 which equated to \$89.97.

The outstanding debt balance of \$14,070.03 is not legally recoverable.

#### LE MEILLEUR PTY LTD \$22,887.85

Le Meilleur Pty Ltd owned the Horizons Golf Resort and leased Horizons golf driving range from Port Stephens Council. The unpaid annual licence fees were as follows:

26 May 2008 to 25 May 2009 \$11,057.75 26 May 2009 to 25 May 2010 \$11,000.00

Legal action was taken and a Statement of Liquidated Claim served on 16 June 2010 to attempt to recover the above fees. Administrators were appointed on 24 June 2010.

The liquidation took several years, with winding up completed on 29 September 2016 and the company deregistered on 11 December 2016. There was no distribution to unsecured creditors.

The outstanding debt balance including legal fees is \$22,887.85 and is not legally recoverable.

## **COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2013-2017
A Sustainable Council.	Council will maintain its underlying financial performance to budget at break even or better.
	Council will increase its revenue from

# non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs.

Provide enabling business support services for Council's operations.

# FINANCIAL/RESOURCE IMPLICATIONS

Writing off the outstanding debts amounts to a financial loss to Council. A provision has been made for the full amount of these debts therefore there will be no impact on Council's budgeted 2018 financial result.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	\$45,422.48	

# LEGAL, POLICY AND RISK IMPLICATIONS

A Council resolution is required in order to write off these debts under Clause 213 of the *Local Government (General) Regulation 2005.* 

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that expending further funds attempting to recover these debts will be unsuccessful.	High	Write off debt as uneconomical to recover and not legally recoverable.	Yes

#### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

#### CONSULTATION

Consultation with key stakeholders has been undertaken by the Financial Services Section.

The objective of the consultation was to ensure all recovery action has been taken.

# Internal

Legal Services Manager was consulted in relation to BD (NSW) PROJECT BD075 PTY LTD regarding any other avenues to pursue the debt.

# External

Nil.

# **OPTIONS**

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

#### **ATTACHMENTS**

Nil.

# **COUNCILLORS ROOM**

Nil.

#### **TABLED DOCUMENTS**

Nil.

ITEM NO. 7 FILE NO: 17/193354

RM8 REF NO: PSC2013-04993

#### **BUSINESS SYSTEMS SUPPORT SERVICE REVIEW**

REPORT OF: ZOE PATTISON - BUSINESS SYSTEMS SUPPORT SECTION

**MANAGER** 

GROUP: CORPORATE SERVICES

#### RECOMMENDATION IS THAT COUNCIL:

 Endorse the Business Systems Support Section's service package as outlined, to deliver the required level of service to meet the organisation's future needs at a reduced cost.

# ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION

# Councillor Glen Dunkley Councillor Giacomo Arnott It was resolved that Council endorse the Business Systems Support Section's service package as outlined, to deliver the required level of service to meet the organisation's future needs at a reduced cost.

#### **BACKGROUND**

The purpose of this report is to endorse the Business Systems Support Section's service package.

Port Stephens Council's investment in Business Systems technology and service based capabilities is strategically managed to ensure alignment with the business requirements and priorities and the pace of delivery is consistent with available resources.

Alignment with the Principles of Business Excellence means that the Business Systems Support service focuses on supporting continuous improvement to allow the most effective use of data, information and knowledge across the organisation.

At Port Stephens Council this means addressing the following elements:

- Assisting the organisation to capture the right information.
- Determining how we can automate processes (no double handling, direct input at source etc) and retain data in core Corporate Systems.

- Enabling the organisation to understand, interpret and analyse information and trends.
- Managing data, information and knowledge through the use of policies and standards.
- Finding the best way to store and share information and knowledge.
- Understanding the various mediums that information and knowledge are retained in and can be found.
- Ensuring the integrity of data.
- Through alignment with the Principles of Business Excellence, provide solutions to enable the organisation to use data, information and knowledge to make informed and wise decisions.
- To deliver on the organisation's strategic priority of 'Council staff and customers, wherever they are, being able to access the right data and information needed, in the right format and at the right time', the Business Systems Support Section has a clear program of work.

Council is committed to staff using, where possible, the four key corporate systems: These being Civica's Authority, HPs Content Manager, IFM GIS System, and SharePoint.

Our customers want things 'now' but often without understanding the workload required to get us there in a sustainable manner. Therefore there is some tension between delivering this at a pace that is required whilst working within the constraints of our budget.

The following projects have been identified over the next four years:

- 1) Improve the organisation's approach to data management including developing a data governance framework, security management, better risk consideration regarding cloud based systems, and data warehousing.
- 2) ICT infrastructure improvements including a large body of work to ensure that the architecture of Active Directory, and the associated permissions, are accurately set up and maintained.
- 3) Reduce the share drive foot print.
- 4) Migrate the CAMMS system into Council's own environment.
- 5) Deliver the Authority Improvement Program of Work, which is made up of 20 projects.
- 6) Explore how we can better store and interact with our GIS Data this may include a new system.
- 7) Undertake various upgrades including our Electronic Document Records Management System (EDRMS), currently HPRM8 and ControlPoint.
- 8) Review the architecture of the EDRMS.
- 9) Evolve the Records Management practices including digitisation of records, microfiche and microfilm, and review the outwards correspondence process.
- 10) Improve the integration between key corporate systems such as the EDRMS and SharePoint.

- 11) Have a stronger ICT presence in in the organisation's approach to business continuity in order to continue to evolve the ICT response to threats including cyber security.
- 12) Implement the new telephone system.
- 13) Improve management of Council's ICT assets and licences.
- 14) Explore and implement a new solution to manage the corporate risk and safety management data.
- 15) Continue to evolve the organisation's approach to Business Excellence/continuous improvement including facilitation of the Service Review Program.

### **COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2013-2017
A Sustainable Council.	Council will maintain its underlying financial performance to budget at break even or better.
	Council will increase its revenue from non-rates sources.
	Manage risks across Council.
	Attract, retain and develop staff to meet current and future workforce needs.
	Provide enabling business support services for Council's operations.

### FINANCIAL/RESOURCE IMPLICATIONS

The Service Review will achieve annual savings of \$122,000.

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

# LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy implications. The table below outlines the risks.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of inadequate data management.	Low	<ul> <li>Digitisation program.</li> <li>Data Management         Framework and         associated program of         work.</li> <li>Electronic federated         search facility.</li> <li>Census of data holdings.</li> </ul>	Yes
There is a risk of non-compliance with the State Records Act 1998.	Low	<ul> <li>Digitisation program.</li> <li>Mobile device management and software.</li> <li>Records Management Management Directive.</li> <li>Training in records management including online training.</li> <li>Contract with Grace for secure archive of records.</li> <li>Councillor awareness on recordkeeping obligations.</li> </ul>	Yes

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that unauthorised access to ICT systems and data may lead to loss a cyber or virus attack, loss of data and damage to reputation.	Medium	<ul> <li>Independent security penetration testing.</li> <li>Information and Communication Technologies Systems and Information Access Management Directive.</li> <li>Forced password resets.</li> <li>Secure tokens for external ICT access.</li> <li>ICT Physical Infrastructure and Environmental Protection Management Directive.</li> <li>ICT access has to be authorised by system owner.</li> <li>Re-implement security access controls within RM8.</li> <li>Mobile Device management.</li> </ul>	Yes
There is a risk that failure of key software providers to provide required services may lead to increased urgent workload and inability to meet agreed service levels.	Low	Licensing Agreements.	Yes
There is a risk that an inadequate rate of investment in ICT, inadequate management and maintenance may lead to poor service delivery and loss of productivity.	Low	<ul> <li>Business Systems         Program of Work.     </li> <li>Business Systems         Support Strategic         Directions Plan.     </li> <li>ICT Disaster Recovery         Plan.     </li> <li>Information &amp;         Communication         Technologies Asset         Management         Management directive.     </li> </ul>	Yes

#### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There will be no social, economic and environmental implications.

#### CONSULTATION

Consultation with key stakeholders has been undertaken by the Business Systems Support Section.

#### Internal

As an internal service provider levels of service were agreed to with the Council's senior leadership team. This ensures that the services provided and the projects delivered by the Business Systems Support Section enable the organisation to deliver services valued by our community in the best possible way.

### External

As an internal service provider external consultation was not required. External facing service providers collect and collate any relevant information as part of their own service reviews. These requirements are then communicated to the Business Systems Support Section through internal communication and prioritised into a structured program of work.

### **OPTIONS**

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

#### **ATTACHMENTS**

Nil.

**COUNCILLORS ROOM** 

Nil.

**TABLED DOCUMENTS** 

Nil.

ITEM NO. 8 FILE NO: 17/217282

RM8 REF NO: PSC2016-01499

### PORT STEPHENS COUNCIL ANNUAL REPORT 2016-2017

REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES

GROUP: CORPORATE SERVICES

#### **RECOMMENDATION IS THAT COUNCIL:**

1) Adopt the Annual Report 2016-2017 (TABLED DOCUMENTS 1, 2 and 3).

.....

# ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION

292	Councillor John Nell Councillor Glen Dunkley
	It was resolved that Council adopt the Annual Report 2016-2017 (TABLED DOCUMENTS 1, 2 and 3).

#### **BACKGROUND**

The purpose of this report is to present to Council and the community the Annual Report 2016-2017. The Annual Report is in three volumes:

- Volume 1 (TABLED DOCUMENT 1) is the report of activities and operations of Council for the financial year to 30 June 2017, reporting on statutory requirements and Council's achievements in implementing its Delivery Program 2013-2017.
- Volume 2 (TABLED DOCUMENT 2) is the audited financial statements of Council to 30 June 2017.
- Volume 3 (TABLED DOCUMENT 3) is the End of Term Report 2012-2017. This
  report was noted by Council at its Ordinary Meeting on 1 August 2017 (Minute No.
  208).

# **COMMUNITY STRATEGIC PLAN**

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

#### FINANCIAL/RESOURCE IMPLICATIONS

Volume 1 of the Annual Report contains a summary of Council's financial performance, capital expenditure and governance across the whole of Council's operations. As at 30 June 2017 Council achieved its organisational target of an underlying financial surplus.

Volume 2 of the Annual Report 2016-2017 contains the audited accounts of Council.

Volume 3 is the End of Term Report 2012-2017.

In accordance with the *Local Government Act 1993* (NSW) (Local Government Act) section 428(2) and the Integrated Planning and Reporting Guidelines for Local Government in NSW (March 2013) an End of Term report 2012-2017 has been appended outlining Council's achievements in implementing the Community Strategic Plan.

The End of Term report 2012-2017 addresses the environmental objectives of Council and thus, as discussed with the Office of Local Government, it was not necessary to prepare an additional report on the State of the Environment.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

Local Government Act 1993

Section 428(1) states:

"Within 5 months after the end of each year, a Council must prepare a report (its annual report) for that year, reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed."

Section 428(3)

"An Annual Report must be prepared in accordance with the guidelines under section 406."

Local Government (General) Regulation 2005

Clause 217 refers to additional information for inclusion in the annual report.

Volume 1 of the Annual Report has been prepared in accordance with these sections of the Act and clause of the Regulation.

Local Government Act 1993

Section 428(4)(a) states:

"An Annual Report must contain the following: a copy of the Council's audited financial reports prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting, published by the Department, as in force from time to time."

Volume 2 of the Annual Report 2016-2017 has been prepared in accordance with this section.

Local Government Act 1993

Section 428(2) states:

"The annual report in the year in which an ordinary election of Councillors is to be held must also report as to the Council's achievements in implementing the community strategic plan over the previous 4 years."

Circular 16-28 from the Office of Local Government refers to councils' obligations for annual and end of term reporting where ordinary elections were deferred. Port Stephens Council was one of the affected Councils.

Volume 3 of the Annual Report 2016-2017 the End of Term report 2012-2017, was prepared, tabled and resolved by the previous Council on 1 August 2017 representing Council's achievements in implementing the Community Strategic Plan.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that failure to provide the Annual Report within the legislated timeframe could lead to financial and reputational loss.	Low	Council adopts the Annual Report 2016-2017 Volumes 1, 2 and 3.	Yes

#### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic, Environmental and Governance Implications.

The Annual Report 2016-2017 provides information on Council's performance and achievements across a range of social, economic and environmental indicators, outlining the principal activities of Council which are based on the four pillars of sustainability.

#### **CONSULTATION**

Consultation in compiling the Annual Report 2016-2017 occurred with the following key stakeholders:

### Internal

- Executive Team.
- Section Managers.

The Annual Report 2016-2017 was compiled from information gathered across Council.

## **External**

Office of Local Government.

The adopted Annual Report 2016-2017 will be placed on Council's website and hard copies distributed to Council's libraries, the State Library of New South Wales and the Office of Local Government.

### **OPTIONS**

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

### **ATTACHMENTS**

Nil.

### **COUNCILLORS ROOM**

Nil.

#### **TABLED DOCUMENTS**

- 1) Port Stephens Council Annual Report 2016-2017 Volume 1.
- 2) Port Stephens Council Annual Report 2016-2017 Volume 2.
- 3) Port Stephens Council Annual Report 2016-2017 Volume 3.

ITEM NO. 9 FILE NO: 17/211499

RM8 REF NO: PSC2008-2574

#### BIRUBI POINT ABORIGINAL PLACE MANAGEMENT PLAN - MASTER PLAN

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION

MANAGER

GROUP: FACILITIES & SERVICES

#### RECOMMENDATION IS THAT COUNCIL:

1) Note the submissions to the draft Master Plan for Birubi Point Aboriginal Place (ATTACHMENT 1).

2) Endorse the Master Plan for Birubi Point Aboriginal Place (ATTACHMENT 2).

# ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION

# 293 Councillor Steve Tucker Councillor Glen Dunkley

It was resolved that Council:

- 1) Note the submissions to the draft Master Plan for Birubi Point Aboriginal Place (ATTACHMENT 1).
- Endorse the Master Plan for Birubi Point Aboriginal Place (ATTACHMENT 2).

#### **BACKGROUND**

The purpose of this report is to seek Council's endorsement of the draft Master Plan for Birubi Point Aboriginal Place ('the Place').

The Place was gazetted in 2007 and includes land that is part of the Tomaree National Park, Crown Land and Crown Land that is managed in trust by Port Stephens Council. Council established the Birubi Point Cultural Heritage Advisory Panel (a 355c committee of Council) ('the Panel') in 2014 with the purpose of overseeing the development of a management plan for the Place. The purpose of the management plan is to ensure the protection of Worimi cultural and spiritual heritage and the enhancement of the environment.

The development of the management plan commenced earlier in 2017 and has followed a three stage process consisting of:

- 1. Stage 1 Concept visions for community consultation (completed 7 June 2017).
- 2. Stage 2 Master plan for community consultation (completed 19 September 2017).
- 3. Stage 3 Management Plan (in progress).

The Master Plan (**ATTACHMENT 2**) was endorsed by the Panel on 19 September 2017.

The decision to include a Master Plan stage in the management plan process was deemed appropriate by the Panel due to the complex nature of the Place. The Place is complex as it is gazetted over six parcels of land with three land tenures and includes areas around the headland that have been excised to enable development of the surf club precinct, car parking, roads and pathways. The Master Plan stage has enabled detailed discussion with all stakeholders and the broader Anna Bay community on the issues that impact contemporary use of the Place in the context of a cultural landscape that has unquantifiable cultural value to all people, but especially the Worimi Aboriginal People.

## **COMMUNITY STRATEGIC PLAN**

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

#### FINANCIAL/RESOURCE IMPLICATIONS

Endorsement of the Master Plan will result in a funding plan to deliver the works. The funding plan will be developed in the management plan stage. Funding will be sourced from all avenues including, but not limited to, general revenue, Crown Lands Cluster Plan, grants and other funding agreements. The value of delivering all of the works identified in the Master Plan is estimated at \$10 million over 10 years and will be planned for and overseen by the Panel.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	10M	Estimated value of works identified in the Master Plan over a 10 year period. Note that this is an estimate only and has not been quantity surveyed.

#### LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement to develop a Master Plan for the Place. However the Master Plan has been an important stage in planning for the Place and is the precursor to the management plan for the Place.

Aboriginal Places are gazetted under the *National Parks and Wildlife Act 1974* (NP&W Act). The management plan must comply with the New South Wales Office of Environment and Heritage's (OEH) 'Guidelines for developing management plans for declared Aboriginal Places'.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that not endorsing the Master Plan will delay the completion of the management plan process resulting in legal risk from actions or in actions that result in damage to the Aboriginal Place.	High	Adopt the Master Plan and continue with the program for the management plan.	Yes
There is a risk that endorsing the Master Plan may raise unrealistic expectations in the community regarding the delivery of all proposed improvements resulting in reputation damage.	Low	Implement a communication plan that clarifies the Aboriginal Place management plan process and timelines associated with program delivery.	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Endorsing the Master Plan provides the whole community with a clear vision for how the Aboriginal Place will be developed and managed into the future. It removes the potential for speculation and rumour through a lack of information in the community. The development proposals in the Master Plan are intended to provide recreation spaces that are attractive and of a quality that builds a sense of civic pride.

The proposal to develop a tourism transport interchange at the 4WD track entrance to Worimi Conservation Lands is the linchpin to the success of the Master Plan proposals. An interchange designed for tourism reception and transfer to the dunes

will create jobs in the construction phase as well as create an opportunity for a third party to manage the site under a commercial lease. Work is currently underway to design an interchange at the proposed location on the Master Plan as well as prepare an economic assessment and business case for such a proposal. This work will be used to apply for funding for the construction phase subject to all development approvals and land tenure agreements.

The Master Plan has been designed to improve the environment of the Place by focusing on weed removal, sand dune stabilisation and vegetation development. It is expected that the Master Plan fully implemented will produce a nett benefit to the landscape and ecology of the area.

# **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Community Services Section. The objective of the consultation has been to ensure Aboriginal cultural values are prioritised and balanced with contemporary values of Birubi Point Aboriginal Place.

# <u>Internal</u>

The Master Plan was reported to Council on 24 October 2017 and was deferred for a Two Way Conversation. A Two Way Conversation with Councillors was subsequently held on 21 November 2017.

Birubi Point Cultural Heritage Advisory Panel consists of representatives from Port Stephens Council, Worimi Local Aboriginal Land Council, Worimi Conservation Lands Board of Management, Registered Traditional Owners of Worimi Conservation Lands, NSW Department of Primary Industry (Lands), NSW National Parks and Wildlife Service, Birubi Point Surf Life Saving Club and an Anna Bay community representative. There are 14 members of which seven are Aboriginal people who are considered the Registered Aboriginal Parties to the Place as listed on the gazettal for the Place.

In addition to emails and telephone conversations with Panel Members, the Panel has formally met on the following occasions to oversee the project:

- Consultants briefing and project plan endorsement 7 April 2017.
- Review and endorsement of concept visions 31 May 2017.
- Review of draft version 1 Master Plan 12 July 2017.
- Endorsement of Master Plan 19 September 2017.

Future meetings of the Panel to review and endorse the management plan are scheduled for February 2018 and April 2018.

Council's Community and Recreation Assets team were involved in the development of the Master Plan and in the community engagement aspects of the project as have the Community Development and Engagement team.

# **External**

Correspondence was sent to Sand Dune Operators detailing the history of the development of the Master Plan including the proposal to develop a purpose built tourism interchange.

Council's consultant for the project, Umwelt, has contacted individual Aboriginal families who are known to have an interest in the cultural values of Birubi Point Aboriginal Place. Umwelt has confirmed that these families have reviewed and had input into the Master Plan. These families will continue to be invited to participate in the process for the management plan through Umwelt's team.

The OEH has been involved in the review of the management plan process including a review of the Master Plan on 13 September 2017. OEH has endorsed the approach that Council has taken in developing the management plan for the Place.

Concept Visions were placed on Council's 'Have Your Say' online engagement platform for 12 days in May 2017. The draft Master Plan was then placed on public exhibition on Council's 'Have Your Say' online engagement platform for 22 days in August 2017. The online engagement platform resulted in a total of 1770 individual participants for both stages of the Master Plan. The breakdown of their interaction is shown in the table below.

# aware participants (ie visit the page)	# informed participants (ie downloaded something)	# engaged participants (ie contributed to the discussion)
1302	622	91

A community drop in day was also held for four hours on Saturday 12 August 2017. It was estimated that some 150 people attended the day to view and ask questions about the Master Plan prior to making a submission.

The draft Master Plan was presented to the board of Destination Port Stephens on 19 September 2017.

#### **OPTIONS**

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

#### **ATTACHMENTS**

- 1) Submissions to the Draft Master Plan for Birubi Point Aboriginal Place.
- 2) Master Plan for Birubi Point Aboriginal Place.

# **COUNCILLORS ROOM**

1) Birubi Point Aboriginal Place Management Plan – Master Plan.

# **TABLED DOCUMENTS**

1) Birubi Point Aboriginal Place Management Plan – Master Plan.

Number	Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
1	It's a good mix of providing for the infrastructure that Anna Bay requires for locals and visitors whilst protecting the Aboriginal cultural values.		Include location of a place for temporary event ablution blocks near the surf club to cater for peak load holiday times.	Include space for temporary loilet blocks.	Master Plan amended to redesign Top Car Park to create space for small buses, delivery vans, skip bins and temporary toilets.
2	I like that there could be a information centre to show aboriginal heritage I do like the idea of boardwalks and viewing platforms	do not like that the size of robinson reserve will be made smaller to accommodate more car park as it will restrict any future add ons like more tables and bbqs or add ons to playground as the community and visitor numbers grow, carpark can be made bigger without sacrificing reserve and play area (this is just a play so that the council has less area to mow and manage and also gives them the opportunity to knock back any more add ons in the future) don't think it is a good idea to have the tables bbq etc close to the road at robinson reserve	as a person that was born and bread in the area and has run a business for nearly 20 years in anna bay and have the original urban management plan guidelines and skatepark plans from back in 2002 I would think we need constructive criticism from community / council members /visitors and aboriginal community .  we also need to act and get these plans moving or we as a community and port stephens council will be left behind and forgotten once again like back in the early 2000's this area can become one of the jewels in the crown for port stephens council / visitors and community alike so we need to not run with so called bandaid solutions and provide things that will withstand the test of time and also cater for the increased numbers that will be using these facilities in the years to come its time that the planners / engineers in council do something brilliant that they will be remembered for	No specific recommendations made in this submission.	Comments noted.
3	Raised coastal walkways (22 SP, even in front of the houses in Ocean Avenue and regardless of the potential cost for this vision. NIMBYs should not spoil it for the rest of the community. There are engineering solutions available to accommodate the terrain. Interpretive Walk from Surf Club to proposed Aboriginal Heritage and Interpretative Centre. See notes in improvements Viewing Platforms H (DP) Passive Recreation Area G (DP) to provide another area for viewing and safe passive recreation. Retaining Wall I (DP) particularly to store garbage bins! Should be high priority Retention of Aboriginal site (vegetated midden) opposite Robinson Reserve M (DP) (with renewed signage) SP = Site Plan DP Detailed Plan BPAPMP = Birubi Point Aboriginal Place Master Plan	Non inclusion of adjacent Community and Commonwealth owned land in overall plan and consultation, eg South Tomaree Integrated Place Space Non inclusion of existing WD access to link with 11 SP Beach Carpark (regardless of the engineering challenges) This is the only real way to take pressure off James Patterson Drive and the congestion around Birubi Surf Club 19 SP Community facilities on site plan and Q (DP (Skate Park) see notes below The roundabout at James Patterson Drive won't work and will congest further as people drive round and round waiting for a carpark to open up. They need to be encouraged to use the	1. Identify all the community land and Commonwealth owned which adjoins the boundaries of the Aboriginal Place Plan and incorporate a whole plan for the community and put that out for consultation. For example, Areas around the Scout Hall, old tennis courts and Iris Moode Park plus the area on the corner of James Patterson Drive and Gan Gan Road. Council did this at Soldiers Point and it makes much more sense.  Management issues for the Aboriginal Place and the surrounding areas are interlinked, particularly with transport issues impacting on the whole Port Stephens community, not just Anna Bay Residents.  2. What the community have been shown is only part of the bigger picture for Anna Bay and it is not surprising that after such a long time, the residents who provided feedback at the consultation would be	1. Expand management planning process for all council 'community' land and Crown Land around Birubi Point Aboriginal Place.  2. no specific recommendation made;  3. Interpretive walk from tourism interchange to headland expanded to enable low impact transports between points;  4. Pathway from headland to Robinson Reserve expanded to enable low impact transports between points;  5. Relocate skate park to land next to Scout Hall and use old skatepark area as car parking area;  6. Minimise playground area at Robinson Reserve and create Aboriginal themed playground for under five year olds  7. Build large water park on land next to Scout Hall;  8. Question - Why focus equipment at Robinson Reserve?;	1. Not agreed. The management plan process is for the Birubi Point Aboriginal Place as required by the Office of Environment and Heritage's guidelines for preparing management plans for declared Aboriginal Places.  2. Noted.  3. Noted and for further consideration in the detailed design phase of the proposed interpretive walk.  4. Not agreed. Significant Aboriginal cultural values in this location with too great a potential to damage.  5. Not agreed.  6.Partially agreed. Aboriginal themed recreation area to be planned further with community.  7. Not agreed. Outside of the scope of this management plan.  8. Good practice shows that placement of recreational equipment is best where people want to congregate.

Submission What do you like about the draft Birubi What don't you like about the What do you recommend to improve the Summary of recommendations Council response

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
		overflow at Robinson Reserve or the beach carpark. SP = Site Plan DP Detailed Plan BPAPMP = Birubi Point Aboriginal Place Master Plan	excited about "absolutely anything" happening to improve the play spaces available to young children and teenagers.  3. The Interpretative walk A (DP) should be wide enough for interpretative bays, should be raised and capable of carrying golf buggy type vehicles or even a tourist train. That will be the only way that the Interchange Plan will work. Tourists need to be encouraged to "walk back to their coach" or "take the train" back, thus stopping coaches from making a double visit to the congested Surf Club carpark. The interpretative walkway should be linked to the Beach carpark so that those taking rides and the like can make their own way back up to their waiting coach at the Interpretative centre (that's if the better idea of access via existing 4WD can't be achieved)  4. Similarly, the pathway from Robinson Reserve carpark to the Surf Club should be upgraded to accommodate suggestion as per interpretative walk.  5. Relocate the skatepark to community land adjacent the Scout Hall and turn the old skatepark into additional overflow parking (as per plan N DP)  6. Reduce the playground equipment to swings and a dual flying fox over the existing retention basin. Have this play area Aboriginal themed with equipment also suitable for Under Five year olds (Dreamtime stories & the like) and aboriginal educational signage along the pathway leading through (plus an upgrade of the existing midden signage adjacent (M DP)  7. Consider the installation of a large water park with intermittent sprays and buckets of water (as seen elsewhere) This could also go in the proposed Play Space near the Scout Hall as could a BMX track?  8. Why is Council proposing to focus all the play equipment/skate park there when the main beneficiaries are the caravan park tenants over summer, not the permanent residents?  9. Consider the cost of backfilling into the current Robinson Reserve to accommodate more play equipment (and skate park) the \$300,000 will go nowhere and we'll end up with a Park when we are not having a park because of la	9. Leave the Robinson Reserve as mainly a drainage area and use the money elsewhere; 10. Prioritise a new toilet at Robinson Reserve; 11. Prioritise new toilets at Surf Club; 12. Create one way street access to Robinson Reserve from Campbell Ave, Margaret St, Fitzroy St, Pacific Ave, Davidson St, Morna Point Rd. 13. Create left turn only one way street through pathway from headland to Robinson Reserve car park; 14. Purchase part of the caravan park to create one way street access to Robinson Reserve; 15. Review plans for a community recreational complex near Scout Hall and Iris Moore Park; 16. Source funding to undertake all works.	9. Not agreed. Good practice shows that placement of recreational equipment is best where people want to congregate.  10. Agreed. Included in final Master Plan.  11. Agreed. Master Plan amended to redesign Top Car Park to create space for small buses, delivery vans, skip bins and temporary toilets  12. Not agreed. Not feasible.  13. Not agreed. Significant Aboriginal cultural values in this location with too great a potential to damage.  14.Not agreed. Not feasible.  15. Not agreed. Outside of the scope of this management plan.  16. Agreed.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
			issue. Why no leave the retention basin as just that — open space?  10. Give priority to amenities block at Robinson Reserve overflow carpark (see Moodie products Custom Spec Restroom at Stockton beach with Solar powered lighting and door locking; prefabricated off site with impact paneling on all walls. If septic is an issue, then look at composting options.  11. Similarly, there should be amenities at Beach carpark D (DP) to take pressure off the totally inadequate toilet facilities included in the "\$4M" Surf Club building.  12. Consider One way Street access from Gan Gan Road to Robinson Reserve overflow carpark making a loop from Campbell Avenue to Margaret Street to Robinson Street and out via Fitzroy Street and Pacific Avenue; Davidson Street to link with Morna Point Road as the exit (thus taking pressure off entry points to Gan Gan Road at the shopping centre)  13. Could the current pathway from Robinson Reserve to the Surf Club become a left hand turn only off James Patterson Road and become a one way access to overflow parking, provided safe provision is made for pedestrians.  14. Alternatively, is there a chance of Council purchasing part of the caravan park to gain access from James Patterson Street to Robinson Reserve overflow carpark — even if this was a one-way street access?  15. Council officers should immediately review the "panned community sporting plans" from the Fishermen's Bay Landcom development which was not approved and reallocate those funds to improving the whole area as per the South Tomaree Community Association plan for the area. It could be staged using the listed projects already on the Works Plan Plus for Anna Bay, ie, toilet block at Iris Moode Reserve and the like.  16. All sources of funding available for Aboriginal projects should be accessed SP = Site Plan DP = Detailed Plan		

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
4	Having an interchange somewhere for busesProvision for remodelling of Robinson Reserve with playground equipment,skate park for younger children and a toilet block	The buses should not use James Patterson drive at alNot sure if boardwalk would get enough use and be cost effectiveThe buses should not use James Patterson Drive at all Buses should use the beach and sand dune road only as there are acres of room in that area no matter who owns it and there should Bea rounderbout off Gan Gan rd onto this road. The interchange should be closer to the beachJames Patterson Drive should not be for buses at allNot sure if boardwalk would get enough use especially in the summer months or be cost effective.	There should be a rounderbout off GAN GAN road onto the beach road	Build a round-about at Gan Gan Road / 4WD access track intersection.	Noted and for further consideration in the detailed design phase of any tourism transport interchange at this site.
5	It's also about us, the locals who live here.			No recommendations made.	Noted.
6	Finally the people of Anna Bay have something to look forward to. Nice park areas & boardwalks that help us to enjoy this beautiful area & make us feel proud to live here. This is not just about the tourists but more about the locals that live here 365 days of the year.	I think the location of the childrens playground in Robinson Reserve is a BIG mistake. There is no way I would allow children to play so close to the road & entry to the carpark. The speed at which some people drive their cars around that bend in Fitzroy St would make that playground an accident waiting to happen. Also the removal of the toilet block at the end of Ocean Ave is a no no. I know they have plans to build another one in Robinson Reserve but we need both sets of toilets especially at "high tourist" times.	Widening of the road that goes down to the bottom carpark at the Surf Club. This is rather narrow & doesn't leave much room for two large 4WD's passing each other.	Widen the road from the Top Car Park to Bottom Car Park	Not agreed. The width of the road from Top Car Park to Bottom Car Park is determined by the gazetted boundary of the Aboriginal Place. Maintenance of the sand drift at this site is only method to maintain road width.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
7	RE: Robinson ReserveThis busy area needs to be improved for locals and the many visitors to the area. The plan has many great improvements to Robinson Reserve play equipment and skate park.	Parking still limited Play equipment too close to busy cornerRemoval of toilets in Ocean Ave not a good idea. Build more toilets but please don't take existing ones awayLimited shade	More shadeSolar lighting Water bottle refill facilities- Hunter Water could support Adult exercise equipment- funds available from Nelson Bay Action GroupMaintenance and rubbish removal needs to be increasedEnsure play equipment is suitable for all ages and abilitiesA fenced play area would be good as park is near road and waterSignage regarding Aboriginal Place and history Signage regarding walking tracks in the area and beyondAmple rubbish bins	1. More shade 2. Solar lighting 3. Install water bottle refill facilities 4. Adult exercise equipment 5. Maintenance and rubbish removal needs to be increased 6. All abilities play equipment 7. Fence the play area at Robinson Reserve 8. Install signs regarding Aboriginal Place and history 9. Signage regarding walking tracks in the area and beyond 10. Install more garbage bins	1. Noted. Plantings included on Master Plan. 2. Noted. Not a matter for Master Plan, rather to form part of any annual works program for the site. 3. Noted. Not a matter for Master Plan, rather to form part of any annual works program for the site. 4. Noted and for further consideration in planning for the design of recreational spaces at Robinson Reserve 5. Noted. 6. Noted and for further consideration in planning for the design of recreational spaces at Robinson Reserve 7. Noted and for further consideration in planning for the design of recreational spaces at Robinson Reserve 8. Agreed. 9. Agreed. 10. Noted.
8	Improvements to aesthetics with the park and pathways are great. Increasing awareness of the Aboriginal Place significance is also very good. Efforts to remove buses and improve traffic flow and parking are great.	Traffic flow not adequately addressed to avoid gridlock at peak times Toilet facilities are inadequate to cope with visitor numbers Road to lower carpark remains an issue Access for emergency vehicles not addressed Council or ranger presence at peak times to manage traffic and parking No provision for shade Parking leading back to James Paterson Street ( area currently marked as no stopping) needs consideration Viewing deck appears to be located on top of current skip bin location. Where would these go? How will the roundabout be managed?	We would recommend the following: Road to bottom carpark is one way and an exit provided via the 4WD access road. Could also provide emergency vehicle access Additional lighting -solar-for security purposes will be needed Additional outdoor seating/picnic tables provided Loading zone needs to be maintained How will buses be stopped from entering James Paterson St? Will people want to walk to Birubi Point? Will there be a system for buses to drop passengers off and then leave? Where will buses park? Increased multi language signage Regular ranger presence is required particularly in summer months. Will changes to the park/passive recreation area mean increased camping? Rubbish removal/clean up is inadequate at the moment. Will there be more regular rubbish patrols? Will there be increased bins? Walkways will generate extra rubbish - particularly water bottles from tour activity companies  As we are at the site almost every day we are keen to discuss these plans. Were excited to improve our wonderful area and believe it can be made better for everyone with the right planning.	1. Road to bottom carpark is one way and an exit provided via the 4WD access road. Could also provide emergency vehicle access 2. Additional lighting -solar-for security purposes will be needed 3. Additional outdoor seating/picnic tables provided 4. Loading zone needs to be maintained 5. How will buses be stopped from entering James Paterson St? Will people want to walk to Birubi Point? Will there be a system for buses to drop passengers off and then leave? Where will buses park? 6. Increased multi language signage 7. Regular ranger presence is required particularly in summer months. Will changes to the park/passive recreation area mean increased camping? 8. Rubbish removal/clean up is inadequate at the moment. Will there be more regular rubbish patrols? Will there be increased bins? 9. Walkways will generate extra rubbish -particularly water bottles from tour activity companies	1. Not agreed. The proposal to create a road adjacent to the AP from the formed 4WD access track off Gan Gan Road has been considered and not recommended on the grounds of cultural heritage impacts, water table levels restricting access, coastal and sand dune processes creating inaccessibility. Engineering of such a road through a high water table area and sand dune field would be insuperable.  2. Noted and for further consideration in the annual works program for the site;  3. Noted and for further consideration in the annual works program for the site.  4. Agreed.  5. Limits on coaches and buses to the headland will require the tourism interchange to be built plus agreements with transport companies to change drop off and pick up processes. An operations plan is required to clarify how the peak load traffic will be managed once interchange is operational.  6. Noted. A matter for the management plan.  7. Noted. A matter for normal Council operations.  8. Noted. A matter for normal Council operations.  9. Noted.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
9	- Plans for new paths and boardwalks with viewing platforms and interpretive signing are fantastic! Also like provisions for bench seating along the new paths Includes provision for new playground and skate park Sand drift management and re-vegetation provisions.	- New playground adjoins the road, which may require some sort of fence. It would be a shame to have to maintain a fence in such a corrosive environment.  - New skatepark is located significantly closer to houses, which would likely lead to increased noise levels.  - Little detail pertaining to the small park area adjoining Ocean Ave (49B Ocean Ave). Currently the plan has it drawn as a single park area with new native tree planting and an amenities building marked for future decommission. But this area currently also incorporates car parking, picnic tables, shower, and a wind break wall. These features should probably be identified on the plan and retained/improved.	The current location of the skate park enjoys protection from the westerly winds and is away from houses. Please consider re-building the skate park in part of the existing location and the North West corner of the existing car park. The car park could then reclaim most of the old skate park and be expanded eastwards into Robinson reserve and/or include angle parking on Fitzroy St. The new playground and amenities could then be located where the existing playground is.	Keep skatepark in current location;     New playground and toilet where current playground is;     Expanded car park across old skatepark area and eastern part of Robinson Reserve.	Noted and for further consideration in planning for the design of recreational spaces     Noted and for further consideration in planning for the design of recreational spaces     Noted and for further consideration in planning for the design of recreational spaces
10 – hard copy submission also provided.	The bus interchange seems to be a good ideaThe proposed platform (not the one over the bins!!!) and walkway at very top of Birubi will be greatToilets in Robinson Reserve are great, lets get them soon!	The round about (and ranger?) are an unnecessary cost - there will already be an increased number of carparks and no buses, the huge cost of a roundabout and ranger are unnecessary (use these funds to relocate Robinson reserve carpark?)*If Campbell Ave is be an alternate route to an overflow carpark and considering it is already a main route for locals (especially youth) to the beach/park/skatey, a safe path needs to be completed. *Toilets are a priority! Especially if increasing traffic/use of area. *The proposed location of the playgound is too close to the road*The fact council are taking the area of the skatey for carpark AND a small section of the reserve seems extremely unfair emphasising the feeling Councils priority is tourists and parking, not locals*The fact the the funds we keep being assured council have ready for playground and skatey are going to be required to prepare the proposed site leaving very little for the actual facilities *Raised walkway from terminal POSSIBLY a good idea but at	I will send (very rough) drawing of below suggestions for Robinson Reserve to council as I am unable to attach. PLEASE CONSIDER THOROUGHLY. I believe it will create great spaces that will appeal to the majority of users. In my (un-expert) opinion it makes great use of the available space with minimal disturbance. It also seems like an ideal way to work with the existing drainage problemconnecting the drains under what will be a built up car park area, therefore requiring minimal excavation. The area that currently becomes a large 'puddle' of water should therefore be reduced, however, only lays in the proposed free space area, requiring little if any attention. "Place the playgorund where the existing skatepark is "Place the Skatey above/behind where it currently is "Having these in this location is ideal, it is more sheltered from the Westerly winds that blow through the reserve "Have a path run along the front (where the existing one is) and one running between the playground and skatey (possibly with sleepers as seating)" A bbq and small(ish) grass area to the side of these (inside existing carpark) "Beach side path turns (at existing bottom corner of carpark, to be built up over drain) to meet up, at a cross section with path separating play areas (to the outer of above mentioned bbq area),	1. Place the playground where the existing skatepark is 2. Place the Skatey above/behind where it currently is 3. Having these in this location is ideal, it is more sheltered from the Westerly winds that blow through the reserve 4. Have a path run along the front (where the existing one is) and one running between the playground and skatey (possibly with sleepers as seating) 5. A bbq and small(ish) grass area to the side of these (inside existing carpark) 6. Beach side path turns (at existing bottom corner of carpark, to be built up over drain) to meet up, at a cross section with path separating play areas (to the outer of above mentioned bbq area), walking path from Campbell Ave/Robinson St and path running along below mentioned carpark. 7. Toilet block on existing reserve side of this path at beachfront 8. Reverse/rear to curb parking along Fitzroy St 9. Existing driveway to carpark to turn left entering road to new carparks (to left and right, depending how much reserve it would use up) running the length of reserve (along Fitzroy direction). This area to be built up level (possibly using rubble from existing carpark and skatey).	1 - 14. Noted and for further consideration in planning for the design of recreational spaces 15. Not agreed. Round-about or 'U'Turn lane required to give exit options to traffic and thus relieve traffic build up at peak times. 16. Partially agreed. Continued use of the Bottom car park for tourism activities to be further planned in conjunction with development of the tourism transport interchange.

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		what cost, how is it to be constructed on moving sand without disturbing Worimi land and will it actually get enough use to justify such a huge expenditure unlike Robinson Reserve that it used 345 days a year by locals and tourists	walking path from Campbell Ave/Robinson St and path running along below mentioned carpark. *Toilet block on existing reserve side of this path at beachfront*Reverse/rear to curb parking along Fitzroy St*Existing driveway to carpark to turn left entering road to new carparks (to left and right, depending how much reserve it would use up) running the length of reserve (along Fitzroy direction). This area to be built up level (possibly using rubble from existing carpark and skatey). Path behind rear to curb parking and on beachside of carpark - allows safe, easy access from vehicles and a great view along the path*Carpark area built up, existing drains at top ends of reserve run under carpark and join to drain at bottom of reserve. Path running from beach up to raod to be built up over this, allowing drains to be concealed *Retaining wall below path/carpark area to border free rec space including bbqs, possible exercise area and toilet block. Retaining wall painted/mosaiced with Worim/aboriginal art and stories *Whole park/paths to be themed with Worimi/Aboriginal art and education. *Existing toilet block area to include bbq - excellent view (particularly at sunset) and allows seperate area for those preferring to be away from 'younger' groups and possibly include exercise stations (very poorly laid out carpark area with alot of wasted space)*Ensure area is well lit *Remove roundabout (and ranger) at end of James Patterson - funds best spent elsewhere*Sandboarding companies should continue to be allowed to operate out of bottom carparks if they wish (just not to bus groups)	Path behind rear to curb parking and on beachside of carpark - allows safe, easy access from vehicles and a great view along the path 10. Carpark area built up, existing drains at top ends of reserve run under carpark and join to drain at bottom of reserve. Path running from beach up to raod to be built up over this, allowing drains to be concealed 11. Retaining wall below path/carpark area to border free rec space including bbqs, possible exercise area and toilet block. Retaining wall painted/mosaiced with Worim/aboriginal art and stories 12. Whole park/paths to be themed with Worimi/Aboriginal art and education. 13. Existing toilet block area to include bbq - excellent view (particularly at sunset) and allows seperate area for those preferring to be away from 'younger' groups and possibly include exercise stations (very poorly laid out carpark area with alot of wasted space) 14. Ensure area is well lit 15. Remove roundabout (and ranger) at end of James Patterson - funds best spent elsewhere 16. Sandboarding companies should continue to be allowed to operate out of bottom carparks if they wish (just not to bus groups)	

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11	Any improvement at Anna Bay would be a positive step forward, as Anna Bay looks very tired and neglected. But it would need to be done with the full support of the Worimi people. And with extensive community consultation not just one drop in session.	The idea of a being built very close to the road and on a dangerous corner just seems to be very bad planning.  Removal of an existing public toilet block and one being built elsewhere also seems strange.  Anna Bay is a very popular area and having more public toilet blocks is what is needed especially in holiday times not removing one.  Excavation of Worimi Land, since living in Anna Bay I have heard many accounts of the community wanting to do things at Birubi but not being able to due to the fact there may be aboriginal artifacts buried so I am wondering how the Worimi feel about having nearly all of Robinson Reserve excavated for the new skate park facility.  A roundabout on James Patterson St would only lead to more problems and traffic congestion in the busy holiday times.  Not sure but the entrance to the bottom carpark at Birubi Beach looked very narrow on the preliminary plans. Maybe it will be different in real life.	More community consultation with Anna Bay residents as we will be to ones living with the plans day to day.	More consultation with Anna Bay residents.	Noted. Draft management plan to be put out for public exhibition in early 2018.

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12	Whilst I agree that the area needs to be improved and some of the planned improvements are very welcome, e.g. Hilltop Park, Walking and Bicycle Paths, New Skate Park, Playground etc It needs to be an area for "all" people, not just aboriginals but local residents who live here and visitors alike.	Very little is being done about improving road access and car parking which will be impacted heavily in peak times. Also I see no plans for tourist bus parking who clog the roads allowing no traffic to flow in and out especially the lower car park where the entry and exit is basically one way. The improvement of the carparks is probably going to add only a couple of dozen extra car spaces. Buses and Tour operators need to be banned from bring their vehicles into the beachside car parks. With regard to the Aboriginal Place marked M, whenever something gets called "aboriginal" it means putting a fence around it and locking everyone out. This is wrong. It should be opened up with paths through it and opened up so that it can be used for education and recreation. Fencing things off and limiting access causes resentment in the community and will cause angry people to disrespect and vandalise it.	1. A proper place for tourist buses and cars to park for the sand dunes tour operators on the main road where the proposed Worimi Centre will be. No buses allowed in the other carparks.2. Free parking for residents, paid parking for tourists/ visitors to help pay for all this. Walking and bicycle access for Dog exercise to remain unchanged.3. Open up the Aboriginal Place 'M' No fences, make walking paths through the area and around the middens, with some open areas with seats to sit and reflect. Some artist signs and information for learning purposes would be a much better place than a fenced off corner where nobody is allowed. 4. Install CCTV to protect the sensitive areas.	1. Support for the tourism transport interchange as proposed. 2. Prohibit coaches and buses from using all other car parks 3. Free parking for residents, paid parking for tourists/ visitors. 4. Walking and bicycle access for dog exercise to remain unchanged. 5. Remove fences to enable access over Fitzroy Street midden site and install seats and information signs at the site. 6. Install CCTV to protect the sensitive areas	1. Noted. 2. Partially agreed. Limits on coach and buses parking is dependent on development of tourism transport interchange and agreements with transport companies that use this space. 3. Partially agreed. The introduction of time based restricted parking shall be explored in the management plan process. 4. Agreed. 5. Not agreed. Fitzroy Street midden is a significant artifact that requires conservation through restricted access 6. Not agreed. Not feasible.

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13	Aboriginal culturally appropriate signage and visitor centre for public education. Better facilities for Anna Bay.  I don't understand the need for a roundabout unless it is a drop off point for tourist bussesso they can then leave the area and park elsewhere- but then you would need to provide a safe on /off point and access to the beach for the tourists. I would prefer big tourist buses don't go down James Patterson at all.	Playground is very close to the road and would require fencing whereas there is none required at present. There is no provision for picnic tables or Bbqs or shelters. Probably not enough done to address parking issues during peak times. Where are the commercial operators going from (i.e. the camel guy and the safari sandboarding people)? Does everyone from the new cultural centre have to walk to the beach? Where do tourist buses park? More toilet facilities are also required at birubi surf club as the current toilets are overused and disgraceful at peak times. Disabled access to the beach? The current ramp at Birubi is too steep. Any other disabled accesses to the beaches? What about disabled parking spots there are none indicated. Removing existing toilets on Fitzroy St -I would suggest upgrading these as well and adding a few car parking spaces here as people park here regardless. Can the current sewerage system cope? I doubt it!	As above	1. Fence off playground at Robinson Reserve as it is close to road; 2. Install more picnic tables, BBQs, shelters. 3. More peak period car parking; 4. Question - Where are the commercial operators going from (i.e. the camel guy and the safari sandboarding people)? 5. Question - Does everyone from the new cultural centre have to walk to the beach? 6. Where do tourist buses park? 7. More toilets at surf club; 8. Improve disabled access to beach; 9. More disabled access car parking at the beaches; 10. Keep old toilet at Fitzroy Street and build new one at Robinson Reserve.	<ol> <li>Noted and for further consideration in planning for the design of recreational spaces</li> <li>Carparking solutions are linked to Tourism Transport Interchange and additional parking spaces along James Paterson Street.</li> <li>Immediate future commercial operations to remain from Bottom Car park. Longer term solution is to have commercial operations coordinated from a purpose built tourism transport interchange with access to Bottom Car Park from sand dunes.</li> <li>Proposed cultural centre will be a separate venue with own parking.</li> <li>Access to headland will be via car or walking.</li> <li>Immediate tourist bus parking will remain largely unchanged until the proposed tourism transport interchange is built.</li> <li>Noted. Master Plan includes redesign of top car park to include a utilities area for more toilets. Council is redeveloping Female Toilets at Surf Club to increase from 3 to 5 in time for summer period 2017.</li> <li>Noted. Access to the beach is limited by the landscape of the site.</li> <li>Noted. Two car parking spaces are allocated to disabled parking.</li> <li>Noted. Master Plan recommends new toilet at Robinson Reserve and retaining old toilet at Fitzroy Street until the term of its asset lifespan with replacement with shower and drinking fountain only.</li> </ol>
14	*No submission made.	*No submission made.	*No submission made.	No recommendations made. Submission used the online survey only.	Noted.
15	The fact that it's being done, and the people involved.	No seating for oldies	Provide seating for walkers and whale watchers. The form of seating need only be lengths of tree trunks let into the ground to a comfortable seat height, singly or in small groups, to cater to local oldies and walking visitors, at appropriate spots.	Install more seating along pathways and at whale viewing spots.	Noted. Seating to be included in annual works plan for the area.
16	Making this area more natural	Not enough weed emphasis	Weed control as seen lots I can supply training etc website is weedbiocontrol.com.au	Greater focus on weed control.	Noted. Weed management forms part of the management plan process.

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17	Extra Parking and Worimi conservation and Tourism Interchange .Interpretive walk. Coastal Boardwalks and Passive recreation area G and New paths linking Fishermans Bay Road markings directing traffic to lower car park at Robertson Res.	Play area P is on a dangerous corner so please either put speed restriction or fencing to eliminate motor vehicles taking corner too fast and ending up in park.	Please ensure there are adequate rubbish bins for influx of visitors once they know how great our Birubi Beach area is II When designing finishes on buildings/bins consider graffiti proof paint or materials.	More garbage bins especially during peak visitor times.	Noted. Waste management forms part of the management plan process.
18	Love the boardwalk idea through the bush and along the waterfront to Fisherman's bay, the buses down near the entrance to beach access and not coming up James Patterson and that there will be toilets there for tourists to take away from the high toilet traffic at Crest. I like the idea of the park and skate park but not the placement. I like the passive recreation area (G - is this going to have picnic tables)? And is the park skatepark area going to have BBQ's still and shade shelters? I like the idea that it will have better lighting.	I don't like that there is no picnic table/bbq's in the current toilet block area that is going to be decommissioned. That needs to have a quiet area where families can have a BBQ away from the other stuff if they want. I don't like the fact that the park/skatepark is going closer to houses when apparently the reason it needs to be moved is because residents don't like the noise of the skatepark? There are no residents where it currently is - if you move it - it will get worse.	I think that the skatepark should remain where it is and be extended and have the playground in where the carpark is (near the skatepark)- where it is sheltered and also away from the road traffic. Then you won't have to worry about all the underground drainage issues with the drains and the carpark can be incorporated from where it is (away from the skatepark) into where the current park is. The toilet block could then be down the front, with outdoor showers. Is there going to be bbq shelters and shade areas here as well? It definitely needs it and then the kick around area can stay where it is closer to the houses so that they get green grass and less noise still.	Keep skate park in current location;     New playground next to skate park;     Car park into Robinson Reserve area;     New toilet and shower near beach;     More seats, BBQs and shelters.     Kick around space close to houses.	6. Noted and for further consideration in planning for the design of recreational spaces
19	Love the boardwalk idea through the bush and along the waterfront to Fisherman's bay, the buses down near the entrance to beach access and not coming up James Patterson and that there will be toilets there for tourists to take away from the high toilet traffic at Crest. I like the idea of the park and skate park but not the placement. I like the passive recreation area (G - is this going to have picnic tables)? And is the park skatepark area going to have BBQ's still and shade shelters? I like the idea that it will have better lighting.	I don't like that there is no picnic table/bbq's in the current toilet block area that is going to be decommissioned. That needs to have a quiet area where families can have a BBQ away from the other stuff if they want. I don't like the fact that the park/skatepark is going closer to houses when apparently the reason it needs to be moved is because residents don't like the noise of the skatepark? There are no residents where it currently is - if you move it - it will get worse.	I think that the skatepark should remain where it is and be extended and have the playground in where the carpark is (near the skatepark)- where it is sheltered and also away from the road traffic. Then you won't have to worry about all the underground drainage issues with the drains and the carpark can be incorporated from where it is (away from the skatepark) into where the current park is. The toilet block could then be down the front, with outdoor showers. Is there going to be bbq shelters and shade areas here as well? It definitely needs it and then the kick around area can stay where it is closer to the houses so that they get green grass and less noise still.	1. Keep skate park in current location; 2. New playground next to skate park; 3. Car park into Robinson Reserve area; 4. New toilet and shower near beach; 5. More seats, BBQs and shelters. 6. Kick around space close to houses.	6. Noted and for further consideration in planning for the design of recreational spaces

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20			Submitted plan but forgot to add that Fitzroy st and Robinson/Campbell Ave sts aren't wide enough and some people park on Fitzroy street as you come around that corner and you nearly crash into them when there are cars either side - are there no parking sides along that road - because there should be for safety reasons. It is also really hard to drive up Fitzroy st when cars are parked either side. Not sure if the road can be widened. Wondering though if more traffic coming up there if that will create more of a problem like that?	Widen Fitzroy Street to improve on road parking and travel lane.	Noted. Not a matter for the Master Plan or management plan.
21	New transport interchange site will relieve traffic pressure, especially from commercial operators. I hope there is enough room to achieve what is planned	I don't like the concept of moving the skatepark to the new site. This site currently has the playpark for kids and this is the best site for this activity. It would be criminal to put this under concrete. The new planned site for the playpark is right next to the road, is unven and too small to house the play park and amenties. The planned new park where the skip bins currently stand is not viable, too small, not level, any lookout would have the carpark in the foreground. Visitors naturally go to the current lookout on top of the surf club or in front of the cafe. The proposed new walkway from the new transport interchange to the surf club is a good concept, however could be difficult to construct due to terrain and aboriginal sites.	It would be great if the location of the problematic Anna Bay resort site at the four wheel drive entry off Gan Gan Rd could be used as the transport interchange, there is much more space than the adjacent site proposed by Council. I know it is privately owned, but if it could be purchased by Council, it makes the long term parking outlook more viable. I wonder if the scale of the proposed facilities in the supplied maps are acurate, I just don't think some of the proposals will fit where indicated. Please don't add trees to the concept maps where they will never grow, this site gets blasted by southerlies. Despite my criticisms, I support what you are trying to achieve. The site deserves careful consideration. Thank you.	Purchase tourist resort at 10 Gan Gan Road Anna Bay for use as transport interchange.     Don't include new trees into the landscape.	Not agreed. 10 Gan Gan Road Anna Bay is private property and being developed for a tourism resort.     Not agreed. Trees to be included and species selected on suitability.

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22	I do like the proposed viewing platforms and board walks and the proposed paths ways	I strongly object to the proposed skate park for Robinson Reserve. I strongly believe that there is a far more suitable position at for a much larger integrated regional recreational play area on Community Land at 6 Fishermans Bay Road and 7 Birubi Lane that runs down to Iris Moore Reserve that the proposed Aboriginal walking path to Fishermans Bay will go past. A better PSC strategy would be a New Integrated Regional Recreation Park for Anna Bay at 6 Fishermans Bay Road and 7 Birubi Lane and running down to Iris Moore Reserve overlooking our magnificent Coastline This site would allow for the clustering of All Abilities Play Equipment Pedal Park for our young to learn to ride their bikes and scooters at least 3 or if lucky 4 Rope Climbing Poles graded in height and ability to allow for all levels of play a well-constructed Skate Park similar to one at Port Macquarie well planned kiddies' playground that encourages development and coordination along with problem solving and socialisation skills for our young children along with Adult exercise stations. Seating, Tables, BBQ facilities, Water station, Public Amenities, and shared Path/Cycle way All combined in an attractive, safe sustainable Integrated Recreational Park on Community Land. A green space planted with identified preferred Koala trees throughout. A buffer zone next to the existing Laneway to add additional privacy and appealing ascetics for adjoining properties. A shared pathway/cycleway to create a functional urban area in close proximity to areas of natural beauty.	time and this brings the bush bees and mankung (honey) is made. Q. As an example could our paperbark trees be used along with 'Bee' type play equipment in this area if it depicts a Worimi season? As an example the theme could follow the natural water line that runs through Robinson Park. Landscaped for wet and dry passage in the area.  YEKKE – is the cold weather time. The	1. Create Aboriginal themed childrens play area at Robinson Reserve; 2. Move skatepark and other features to Iris Moore Park.  1. Create Aboriginal themed childrens play area at Robinson Reserve; 2. Move skatepark and other features to Iris Moore Park.	1. Noted and for further consideration in planning for the design of recreational spaces 2. Not agreed. There is broad support from the Aboriginal and non Aboriginal community for improvements to recreational facilities at Robinsons Reserve including such a proposal being on Council's works program.

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			odour. Q. Could a Flying Fox be installed, as they are very popular, to depict fruit bats if it is appropriate to the Worimi culture?  The three Kunwinjku examples above are used to paint a picture to show the potential of what Robinson Reserve could become. The interactive play area would become a great educational tool for all our local Schools. Our local children would know the Worimi names for certain foods, and the Worimi names for our native flora and fauna. The next generation would know our Worimi history because they grew up playing and learning in a unique Worimi Educational Reserve.		
23 – hard copy submission also provided.	*Summary taken from hard copy submission - refer to hard copy for details: Reduced traffic along James Paterson Street; Shared walkways to Robinsons Reserve and Birubi Beach.	*Summary taken from hard copy submission - refer to hard copy for details: Proposed roundabout near top car park; Alternative parking at Robinsons Reserve; Skate park design; Proposed recreation area at Robinsons Reserve;	*Summary taken from hard copy submission - refer to hard copy for details:  1. Educational Worimi themed recreational park at Robinson Reserve;  2. Roundabout at Gan Gan Road and 4WD access track to sand dunes to direct all tourist traffic to proposed Interchange at beach parking area (bottom car park);  3. Integrated Regional Recreational Play Park on community land at Fishermans Bay Road and Birubi Lane Anna Bay;  4. Remove proposed alternative route from parking at Robinsons Reserve.	1. Educational Worimi themed recreational park at Robinson Reserve; 2. Roundabout at Gan Gan Road and 4WD access track to sand dunes to direct all tourist traffic to proposed Interchange at beach parking area (bottom car park); 3. Integrated Regional Recreational Play Park on community land at Fishermans Bay Road and Birubi Lane Anna Bay; 4. Remove proposed alternative route from parking at Robinsons Reserve.	1. Noted and for further consideration in the detailed planning of the recreational area at Robinsons Reserve.  2. Noted and for further consideration in the detailed design phase of the tourism interchange.  3. Not agreed. There is broad support from the Aboriginal and non Aboriginal community for improvements to recreational facilities at Robinsons Reserve including such a proposal being on Council's works program.  4. Not agreed. There is a need to provide better access to Robinsons Reserve for parking for the headland as well as Robinsons Reserve in general.
24	It will make the area more attractive and usable and is a good thing to do. I applaud the effort and money going into this.	I think the layout of the skate rink area is all wrong The talked about closure of the much used existing toilet block at Ocean Ave. would inconvenience a lot of beachgoer's at this point. The closure of the car park at this point would also be a step backwards. There is no mention of the existing Biribi Point cemetery of early families.	Ocean Ave car park closure. This car park is used all the time as access to the beach and putting another 10 or 12 cars parked on the street seems a backward step. The toilet at the car park and at the entrance to the beach is very convenient. This beach is used consistantley by families with small children as there are 2 small headlands there that break up the wave action and form a safe small bay. The 2 headlands are about 60-70 meters wide and because of this bay, it is also used by swimmers swimming laps. The toilets and car park are in continual use for these activities. The grassed area by the WC already has a watering system there and landscape could be improved.	Keep car parking and toilet at Ocean Street access to Little Birubi Beach and improve landscape.     Keep skate park in current location;     New toilet for Robinson Reserve;     More planning and consultation required for the final layout of recreational activities in Robins Reserve.     More planning and research required for sand drift management areas, as past experiences and trials have not been successful.	Agreed with exception that toilet will be retained for the term of its asset life span and be replaced after that by a shower and drinking fountain.     -4. Noted and for further consideration in planning for the design of recreational spaces     Noted.

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			It seems a shame that to spend a lot of money and leave potentially the best beach picnic area waterlogged with rain water should also be planned to be totally redeveloped.  I think the best place for the skateboard rink is to modify it where it is. The rink is very accessible yet it is not in everyone's face.  Putting the rink where the picnic tables are now, puts it in the prime beach viewing area. Putting the picnic area and children's playground by the road seems dangerous and for the picnicer's to see the ocean they would have to look through the skateboard area.  Yes another toilet block is needed there. Could the open water pipe near the existing car park be extended and that area filled as extra car park and toilet block.  This area does need Skateboard rink, car parks, Toilet block, picnic area and tables, open shower, football kicking area.  However the area is small and development would have to be on a smaller scale than what a prime recreational site like this deserves and should be totally planned, even if developed in stages.  Surf Club area.  Pathways and viewing areas are always good to have.  Sand Drift management (no. 5) approximately 12 years ago a test paddock was fenced off with a 1000 ht. post and wire fence and boardwalk, and planted with grass that grows in sand. The grass grew to about 200 mm ht. in about 12 months before the grass, boardwalk and 1000 ht. fence was covered in sand, so I assume that sand drifts have had careful thought.		

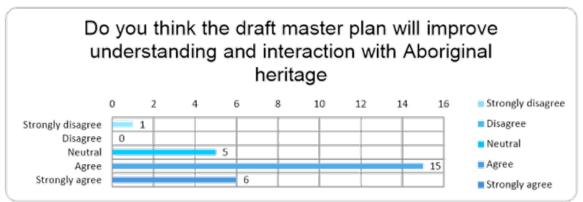
Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
25	Interchange, but don't think small mini buses will work running between it and beach. Interpretive centre, Interpretive walk (but more likely to be used it can be made that you only have to walk one way), viewing platforms	Concern about traffic flow, I feel most tourists will be happy to walk one way from the proposed new parking area to the beach, but would like to be able to be dropped off in their big buses at one end.	Connect the 4WD track to the bottom carpark to allow at least large buses to drop off tourists at beach, then after looking around, walk back along the interpretive walk back to the centre, or other way around. is it possible to locate the centre over/adjacent to a midden?	Create link road from bottom car park to 4WD access track.	<ol> <li>Not agreed. The proposal to create a road adjacent to the AP from the formed 4WD access track off Gan Gan Road has been considered and not recommended on the grounds of cultural heritage impacts, water table levels restricting access, coastal and sand dune processes creating inaccessibility. Engineering of such a road through a high water table area and sand dune field would be insuperable.</li> </ol>
26	I like that - the skate park, playground and toilet facilities will be upgraded the middens will be protected there will be more signage to hi light the significance of Aboriginal heritage in the area - there will be more walkways	I would like any new pathways to be wide enough to be used as shared cycle/walking paths. I don't think the local Anna Bay residents will like the new skate park close to houses.	I would like any path projects to be wide enough to encourage more cycling (or any physical activity). I have just spent time holidaying on the South Coast at Huskisson - their parks, cycleways and pathways in the township are beautiful. Perhaps we could have something similar?Perhaps the skate park should stay where it is and be upgraded rather than relocated. I wonder if the car park near Crest could be redesigned so that traffic does not drive through the middle of the car park - it slows thoroughfare and leads to congestion. The same for access to the lower car park - it would be good if traffic could access it without adding to congestion of the upper car park. I look forward to the upgrade of this area - it is so beautiful - I take every visitor to enjoy it.	1. All new pathways to be shared paths to encourage cycling; 2. Keep skatepark in current location; 3. Redesign top car park to improve traffic flow; 4. Redesign access to Bottom Car Park to remove need to enter via Top Car Park.	1. Noted and agreed that shared pathways will be prioritised where possible. 2. Noted and for further consideration in planning for the design of recreational spaces 3. Agreed. Master Plan amended to redesign top carpark to create spaces for utilities and toilet area that also improves traffic flow. 4. Not agreed. Access to bottom car park is entirely limited to being from top Car park. Road width is limited by boundary of Aboriginal Place.
27 – hard copy submission also provided.	*Summary taken from hard copy submission - refer to hard copy for details: Protection of Aboriginal heritage in the context of the wider use of Birubi headland; proposed tourism transport interchange; proposed Aboriginal Heritage Interpretive Centre; gateways to Worimi Conservation Lands; Sand Drift Management; Interpretive walks; Revegetation and bushland management; Headland open space and passive recreation; improvements to surf club environment; Viewing platforms and retaining wall;paths and boardwalks.	*Summary taken from hard copy submission - refer to hard copy for details: The online feedback process for detailed submissions.	*Summary taken from hard copy submission - refer to hard copy for details: Master Plan references the Worimi Conservation Lands Management Plan of 2015; That the management plan for Birubi taken the form and process similar to that taken for Soldiers Point Aboriginal Place; That a preamble of the next iteration of the Master Plan include more details on the background information relating to the Aboriginal Place, land use, land zone, visitor demand, conflicts and constraints etc; Greater beach access for 4WD's; Create a new road to link Gan Gan Road with the bottom car park; Further consideration of any proposal to prohibit buses and coaches from the headland; Further consultation with residents of	1. Master Plan references the Worimi Conservation Lands Management Plan of 2015;  2. That the management plan for Birubi taken the form and process similar to that taken for Soldiers Point Aboriginal Place;  3. That a preamble of the next iteration of the Master Plan include more details on the background information relating to the Aboriginal Place, land use, land zone, visitor demand, conflicts and constraints;  4. Greater beach access for 4WD's;  5. Create a new road to link Gan Gan Road with the bottom car park;  6. Further consideration of any proposal to prohibit buses and coaches from the headland;  7. Further consultation with residents of James Paterson Street on benefits of fewer large coaches versus more small buses;	1. References to the Worimi Conservation Lands Plan of Management (2015) will be included in the management plan phase.  2. Not agreed. The Soldiers Point AP plan of management was made on Council owned land under the Local Government Act provisions for community land. Birubi Point AP is on Crown Land and National Park Land thus is best planned for under the provisions of the Office of Environment and Heritage's guidelines for preparing management plans for Aboriginal Places.  3. Noted. The management plan will provide a more detailed preamble on the issues relating to the AP.  4. Not agreed. 4WD access to the beach area is permitted south of the vehicle access to Stockton Bight as per

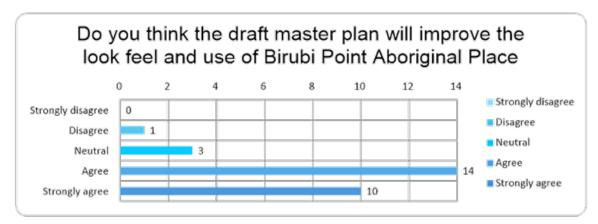
Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
			James Paterson Street on benefits of fewer large coaches versus more small buses; review the Master Plan and funding for playground and skate park facilities at Robinsons Reserve with a view to creating a regional recreation park on land at Fishermans Bay Road Anna Bay; Create a financial plan for the proposed works; Include fee income from National Parks to be used to manage Birubi Point AP and the wider Birubi precinct.	8. Review the Master Plan and funding for playground and skate park facilities at Robinsons Reserve with a view to creating a regional recreation park on land at Fishermans Bay Road Anna Bay; 9. Create a financial plan for the proposed works; 10. Include fee income from National Parks to be used to manage Birubi Point AP and the wider Birubi precinct.	the Worimi Conservation Lands Plan of Management. Vehicles are not permitted in or around the patrolled beach area near the headland.  5. Not agreed. The proposal to create a road adjacent to the AP from the formed 4WD access track off Gan Gan Road has been considered and not recommended on the grounds of cultural heritage impacts, water table levels restricting access, coastal and sand dune processes creating inaccessibility. Engineering of such a road through a high water table area and sand dune field would be insuperable.  6. Noted and for further consideration in the management plan.  7. Noted and for further consideration in planning phase for the design of road improvements.  8. Not agreed. There is broad support from the Aboriginal and non Aboriginal community for improvements to recreational facilities at Robinsons Reserve including such a proposal being on Council's works program.  9. Noted. Financial considerations will be factored into the management plan.  10. Noted. Council and Worimi Conservation Lands Board of Management already have a fee sharing agreement in place to fund maintenance and heritage protection works at Birubi Point AP.
28	Love the planned skate park and playground with kick around area. Also the aboriginal signage.	That it will take a long time!	Consultation sought on design of the skate park with local skaters and reputable skate park design company. Some kind of barrier that fits with the look of the area and possibly Worimi theme to go between the playground area and road/carpark.	More planning and consultation on skate park design.     Aboriginal themed designs for the playground.	and 2. Noted and for further consideration in planning for the design of recreational spaces

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
29	I am so glad the council & aboriginal management team are working together to beautify our unique coastal attractions at Anna Bay. I like the proposed development/improvement of amenities off Robinson St and the viewing platforms, boardwalks & passive recreation area on and around the headland area. I really like the fact that the sandrift problem is being recognised with proposed dune stabilisation & revegetation is being proposed to stabilise the area. I also like the proposed increase in parking available to both tourists and locals & the restriction to buses entering and exiting James Paterson St.	I am extremely concerned about the route of the "interpretive walk" from the transport hub & AHIC to the headland. The path seems to be traversing through the vegetation - the only thing preventing the sand hills from rolling into the back of properties on the west side of James Paterson St. The vegetation in this area is extremely important to maintain stability of the sand, and as is normal for curious children & visitors alike, they are very likely to trample over and on vegetation in order to climb to the top of the surrounding sand hills just to "see what is over the hill" or to "get a view from the top". This has always created constant problems in maintaining the sand dune stability. (A perfect example of this is the sand hill directly opposite the back entrance of the caravan park onto James Paterson St, that visitors and locals are constantly climbing & sliding down - the vegetation that used to be on this hill has been destroyed as people "assist" themselves up the hill and trample all over what is left (the hill uses to be approximately 5-6 mtrs from the tarred road but is now only about 1.5 mtrs from encroaching over the tar, and is continuing it's NE progression at an alarming rate). If the windward side of this hill is not stabilised and pedestrian traffic prohibited, council will have a major problem trying to maintain road access from James Paterson Street to the headland.	I think the playground & skate park positions should be reversed so that families with children using the playground area are further from the road and closer to the beach that they are more likely to want to wander onto to play in the sand. (The skateboarders, scooter & bike riders that use the current park travel on the road or cycleway & footpaths to arrive at the park anyway and don't go over to the beach as a rule. It also places them further from homeowners who might be disturbed by the clunking around by users of the park. I would love to see some lighting along paths and around paths for visibility and security at night.  I also wonder if there couldn't be 4WD access to the bottom car park via the beach access road as an alternative to all vehicular traffic having to use James Paterson St to access that car park and amenities?	1. Remove interpretive walk behind dunes from interchange to headland as will impact vegetation holding dunes together;  2. More planning and consultation on design of recreational space at Robinson Reserve;  3. More lighting on pathways;  4. Create a link road from Bottom Car Park to 4WD access track to improve traffic flow.	1. Not Agreed. Design of interpretive walk to be act as a 'hold point' for sand drift and establishment of new vegetation.  2. Noted and for further consideration in planning for the design of recreational spaces  3. Noted. Lighting will be considered through an annual works program for the area.  4. Not agreed. The proposal to create a road adjacent to the AP from the formed 4WD access track off Gan Gan Road has been considered and not recommended on the grounds of cultural heritage impacts, water table levels restricting access, coastal and sand dune processes creating inaccessibility. Engineering of such a road through a high water table area and sand dune field would be insuperable

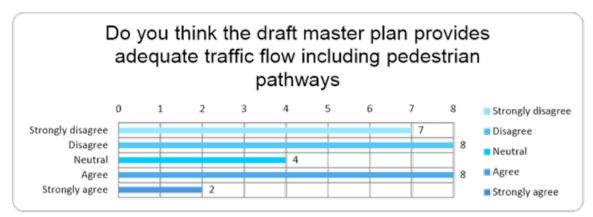
# "Have Your Say" -Survey results





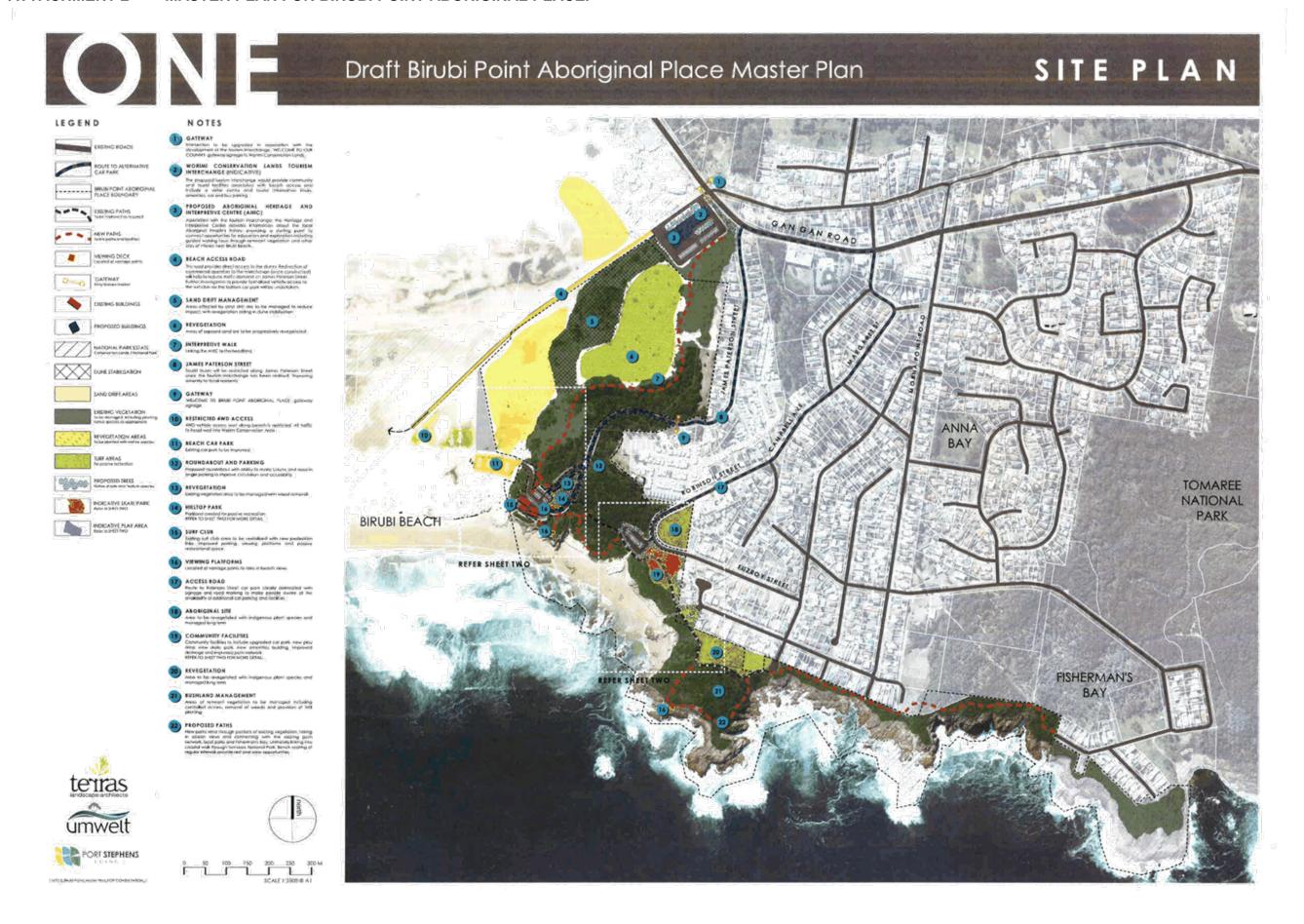






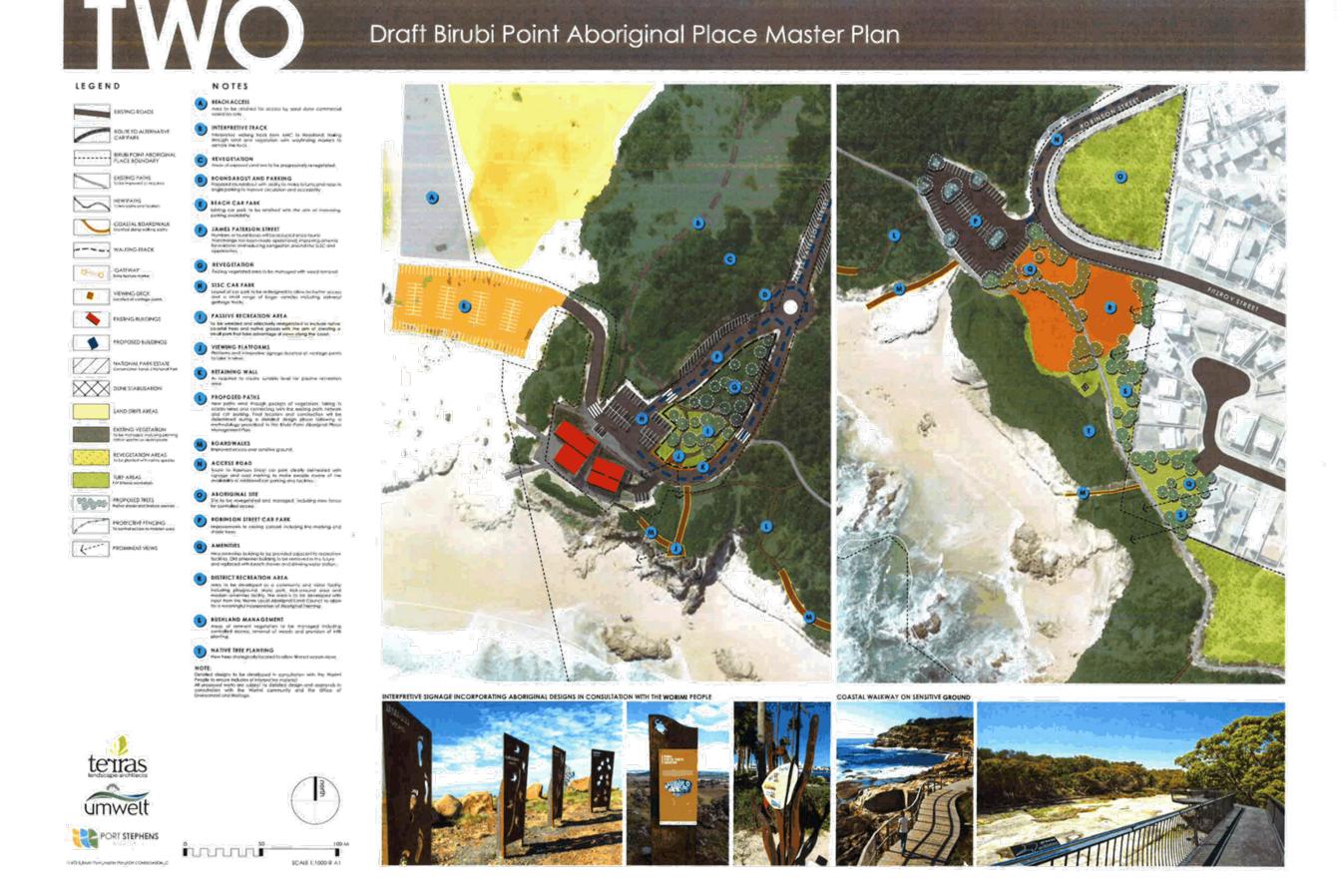
**ITEM 9 - ATTACHMENT 2** 

MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.



# ITEM 9 - ATTACHMENT 2

# MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.



ITEM NO. 10 FILE NO: 17/221557

RM8 REF NO: PSC2017-03945

#### REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: WAYNE WALLIS - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

#### **RECOMMENDATION IS THAT COUNCIL:**

1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Mayor and Ward Funds to the following:

- a. Mayoral Funds NextGen Academy \$1,000 donation towards NextGen youth development initiatives in Port Stephens.
- b. Mayoral Funds Artisan Collective \$1,000 donation towards Art/Cultural initiative helping businesses.
- c. Mayoral Funds Lions Club of Tilligerry Peninsula Inc \$500 donation towards 2018 Third Annual Fishing Competition.

# ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION

### 294 Councillor Paul Le Mottee Councillor Glen Dunkley

It was resolved that Council approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from Mayoral Funds to the following:

- a. Mayoral Funds NextGen Academy \$1,000 donation towards NextGen youth development initiatives in Port Stephens.
- b. Mayoral Funds Artisan Collective \$1,000 donation towards Art/Cultural initiative helping businesses.
- c. Mayoral Funds Lions Club of Tilligerry Peninsula Inc \$500 donation towards 2018 Third Annual Fishing Competition.

#### BACKGROUND

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

Council's Financial Assistance Policy provides the community and Councillors with a number of options when seeking financial assistance from Council. Those options being:

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

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

The requests for financial assistance are shown below:

#### **MAYORAL FUNDS – Mayor Palmer**

NextGen Academy	Donation towards NextGen youth development initiative.	\$1,000
Artisan Collective	Donation towards Art/Cultural initiative helping businesses.	\$1,000
Lions Club of Tilligerry Peninsula Inc.	Donation towards 2018 Third Annual Fishing Competition.	\$500

#### **COMMUNITY STRATEGIC PLAN**

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

#### FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Other	No		

#### **LEGAL AND POLICY IMPLICATIONS**

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

The policy interpretation required is whether the Council believes that:

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

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

#### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

#### **CONSULTATION**

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

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

#### **OPTIONS**

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

### **ATTACHMENTS**

Nil.

### **COUNCILLORS ROOM**

Nil.

#### **TABLED DOCUMENTS**

Nil.

ITEM NO. 11 FILE NO: 17/224478

RM8 REF NO: PSC2017-00015

#### **INFORMATION PAPERS**

REPORT OF: WAYNE WALLIS - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

#### RECOMMENDATION IS THAT THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 28 November 2017.

.....

No:	Report Title	Page:
1 2 3	Destination Port Stephens Annual Report Summary Cash and Investments held at 31 October 2017 Designated Persons' Return	173 175 179
	ŭ	

# ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION

295		cillor Paul Le Mottee cillor John Nell
		resolved that Council receives and notes the Information Papers below being presented to Council on 28 November 2017.
	No:	Report Title
	1 2 3	Destination Port Stephens Annual Report Summary Cash and Investments held at 31 October 2017 Designated Persons' Return

# **INFORMATION PAPERS**

ITEM NO. 1 FILE NO: 17/217681

RM8 REF NO: PSC2017-00180

#### **DESTINATION PORT STEPHENS ANNUAL REPORT SUMMARY**

REPORT OF: MARC GOODALL - ACTING STRATEGY & ENVIRONMENT

SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

#### **BACKGROUND**

The purpose of this report is to provide a summary of the information presented in the *Destination Port Stephens 2016-2017 Annual Report* tabled at the Annual General Meeting on the 23 October 2017.

Destination Port Stephens (DPS) is a not for profit organisation owned by over 320 members, supported by Port Stephens Council and managed by a board of 9 industry representatives (including two Council representatives being Mike McIntosh and Janelle Gardner).

During the 2016-2017 financial year, Council provided financial support to Destination Port Stephens to the value of \$390,000 as part of three year funding agreement which was renewed in May 2017.

Through grant funding, industry partnerships and corporate sponsorship, DPS generated a total income of \$1,019,000 which is used to implement marketing and product development programs aimed at driving domestic and international overnight visitation and visitor spend.

Key achievements as outlined in the 2016/2017 Annual Report year include:

- Membership of 320 businesses across the Local Government Area;
- An increase of 5.8% in domestic overnight visitors to Port Stephens;
- 2.2 million overnight visitors to Port Stephens with an estimated \$391.4M economic impact across the Local Government Area;
- Implementation of a new visitor website:
- Strategic development and support of signature events to drive visitation and brand awareness including Love Sea Food and Naturefest.

Ongoing marketing activity over 2017/2018 will continue to drive marketing and product development strategies with a focus on the following:

- Shoulder and low season marketing campaigns aimed at reducing seasonal fluctuations and increasing visitor spend;
- Industry training and education programs designed to increase the quality of service standards across Port Stephens;

- Cooperative marketing campaigns in conjunction with Newcastle Airport and other neighbouring destinations designed to increase the length of stay for international visitors in the region;
- Application for grant funding via the Regional Visitor Economy Fund and Regional Flagship Event Fund;
- Support for the development of the Port Stephens Destination Management Plan.

Ongoing updates on Destination Port Stephens strategies and activity will be provided to Council throughout the year.

#### **ATTACHMENTS**

Nil.

#### **COUNCILLORS ROOM**

Nil.

#### **TABLED DOCUMENTS**

1) Destination Port Stephens Annual Report 2016-2017.

ITEM NO. 2 FILE NO: 17/218293

RM8 REF NO: PSC2006-6531

#### **CASH AND INVESTMENTS HELD AT 31 OCTOBER 2017**

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

#### **BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 31 October 2017.

#### **ATTACHMENTS**

1) October 2017 Cash and Investments.

#### **COUNCILLORS ROOM**

Nil.

#### **TABLED DOCUMENTS**

Nil.

# ITEM 2 - ATTACHMENT 1 OCTOBER 2017 CASH AND INVESTMENTS.

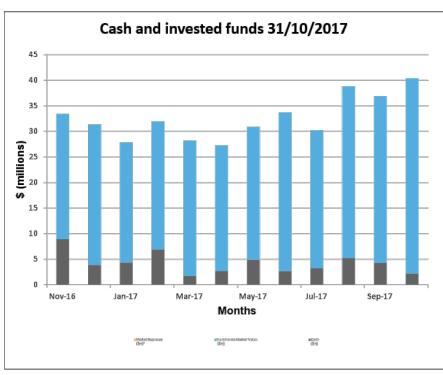
#### CASH AND INVESTMENTS HELD AS AT 31 OCTOBER 2017

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS					21110			771202
BANK OF SYDNEY	RIM	NR	TD	2.83%	181	1-Nov-17	1,250,000	1,250,000
RURAL BANK	LAMINAR	A-	TD	2.65%	190	15-Nov-17	1,250,000	1,250,000
AMP BANK	FARQUHARSON	A+	TD	2.60%	189	22-Nov-17	2,000,000	2,000,000
BANK AUSTRALIA LTD	FIIG	BBB+	TD	2.81%	188	13-Dec-17	1,500,000	1,500,000
NATIONAL AUSTRALIA BANK	FARQUHARSON	AA-	TD	2.40%	124	13-Dec-17	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	FARQUHARSON	AA-	TD	2.40%	152	10-Jan-18	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	CURVE	AA-	TD	2.48%	91	12-Jan-18	6,000,000	6,000,000
ING BANK AUSTRALIA	ING	A-	TD	2.61%	230	24-Jan-18	2,000,000	2,000,000
ING BANK AUSTRALIA	CURVE	A-	TD	2.61%	242	6-Feb-18	2,000,000	2,000,000
HUNTER UNITED EMPLOYEES CU	RIM	NR	TD	2.45%	133	21-Feb-18	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.55%	270	6-Mar-18	750,000	750,000
SUNCORP	SUNCORP	A+	TD	2.45%	210	21-Mar-18	1,500,000	1,500,000
AMP BANK	CURVE	A+	TD	2.60%	182	6-Apr-18	800,000	800,000
MYSTATE	FARQUHARSON	BBB	TD	2.60%	246	2-May-18	1,000,000	1,000,000
AMP BANK	FARQUHARSON	A+	TD	2.60%	272	16-May-18	600,000	600,000
ME BANK	FARQUHARSON	BBB	TD	2.60%	273	23-May-18	1,000,000	1,000,000
DEFENCE BANK	LAMINAR	BBB+	TD	2.77%	376	30-May-18	1,000,000	1,000,000
BANANA COAST CREDIT UNION	CURVE	NR	TD	2.85%	369	13-Jun-18	750,000	750,000
COMMONWEALTH BANK	CBA	AA-	TD	2.53%	314	13-Jun-18	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.58%	300	27-Jun-18	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.55%	356	25-Jul-18	2,250,000	2,250,000
POLICE CREDIT UNION (SA)	FARQUHARSON	NR	TD	2.90%	365	2-Aug-18	750,000	750,000
COMMONWEALTH BANK	CBA	AA-	TD	2.61%	361	27-Aug-18	1,000,000	1,000,000
AUSTRALIAN MILITARY BANK	CURVE	NR	TD	2.65%	364	5-Oct-18	900,000	900,000
COMMONWEALTH BANK	CBA	AA-	TD	2.59%	365	9-Oct-18	500,000	500,000
AUSWIDE BANK LTD	FARQUHARSON	BBB	TD	2.65%	363	10-Oct-18	1,350,000	1,350,000
							1,222,222	.,,
SUB TOTAL (\$)	)						36,150,000	36,150,000
OTHER INVESTMENTS - Notice Saver Account								
AMP BANK LTD (31 day at Notice Account)	CURVE	Α		2.15%			2,000,000	2,000,000
SUB TOTAL (\$)	)						2,000,000	2,000,000
INVESTMENTS TOTAL (\$)	1						38,150,000	38,150,000
CASH AT BANK (\$)	•						2,230,473	2,230,473
TOTAL CASH AND INVESTMENTS (\$)	<u> </u>							
TOTAL CASH AND INVESTMENTS (5)	1						40,380,473	40,380,473
CASH AT BANK INTEREST RATE				1.90%				
BBSW FOR PREVIOUS 3 MONTHS				1.76%				
AVG. INVESTMENT RATE OF RETURN				2.59%				
TD = TERM DEPOSIT	TILLO							
*STANDARD AND POORS LONG TERM RA	IING							
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE								
	LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND							
COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								

#### ITEM 2 - ATTACHMENT 1 OCTOBER 2017 CASH AND INVESTMENTS.

#### **CASH AND INVESTMENTS BALANCE**

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)*	Total Funds (\$m)
Nov-16	8.940	24.506	0.012	33.458
Dec-16	3.875	27.507	0.010	31.393
Jan-17	4.346	23.507	0.010	27.864
Feb-17	6.916	25.011	0.007	31.934
Mar-17	1.689	26.512	0.005	28.206
Apr-17	2.747	24.513	0.005	27.265
May-17	4.894	26.014	0.003	30.912
Jun-17	2.685	31.000		33.685
Jul-17	3.232	27.000	-	30.232
Aug-17	5.201	33.600	-	38.801
Sep-17	4.271	32.600	-	36.871
Oct-17	2.230	38.150	-	40.380

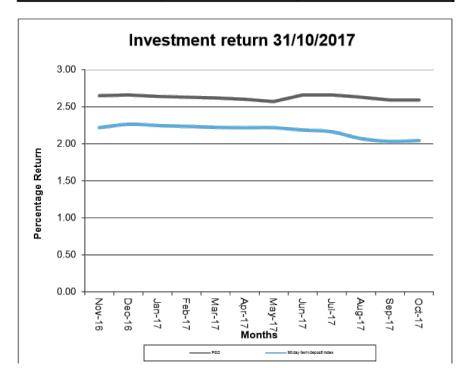


<sup>\*</sup>market exposure is the difference between the face value of an investment and its current market value.

### ITEM 2 - ATTACHMENT 1 OCTOBER 2017 CASH AND INVESTMENTS.

#### **AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX**

Date	90 day term deposit index	PSC
Nov-16	2.2183	2.65
Dec-16	2.2637	2.66
Jan-17	2.2474	2.64
Feb-17	2.2357	2.63
Mar-17	2.2214	2.62
Apr-17	2.2163	2.60
May-17	2.2168	2.57
Jun-17	2.1860	2.66
Jul-17	2.1627	2.66
Aug-17	2.0703	2.63
Sep-17	2.0324	2.59
Oct-17	2.0442	2.59



ITEM NO. 3 FILE NO: 17/224354

RM8 REF NO: PSC2017-01523

#### **DESIGNATED PERSONS' RETURN**

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER

GROUP: GENERAL MANAGER'S OFFICE

#### **BACKGROUND**

The purpose of this report is to advise Council of new Council staff who have submitted their Designated Persons' Return/s (Return).

In accordance with Section 450A of the *Local Government Act 1993*, all new staff are required to lodge a Return within three (3) months of commencement. These Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who has submitted Return/s:

- PSC893 Corporate Analyst.
- Councillor Sarah Smith.

#### **ATTACHMENTS**

Nil.

#### **COUNCILLORS ROOM**

Nil.

#### **TABLED DOCUMENTS**

1) Designated Persons' Return.

Council's Property Services Section Manager presented two awards to Council. The awards were presented to Council at the NSW Tourism Awards 2017 in the Silver category for Thou Walla Sunset Retreat – Unique Accommodation and Fingal Bay Holiday Park – Caravan and Holiday Parks section.

# **CONFIDENTIAL ITEMS**

In accordance with Section 10A, of the *Local Government Act 1993*, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

# ORDINARY COUNCIL MEETING – 28 NOVEMBER 2017 MOTION

296	Councillor Giacomo Arnott Councillor Jaimie Abbott	
	It was resolved that Council move into confidential session.	

The following Council officers were present for the Confidential Session:

Communications Section Manager
Public Relations and Marketing Coordinator
Public Relations and Marketing Officer
Community Services Section Manager
Acting Development Assessment and Compliance Section Manager

#### CONFIDENTIAL

ITEM NO. 1 FILE NO: 17/195179

RM8 REF NO: PSC2017-02127

# GROUND LEASE OVER PART OF 4 LEISURE WAY, RAYMOND TERRACE FOR TELECOMMUNICATIONS FACILITY

REPORT OF: MARK STACE - PROPERTY SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

# ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION

# 297 Councillor Giacomo Arnott Councillor Steve Tucker

It was resolved that Council:

- 1) Resolve to enter into a Lease over Council land on the confidential terms and conditions detailed in this Business Paper.
- Authorise the General Manager to negotiate amendments to the final terms and conditions for the lease as required, except for the commencing rental.
- 3) Authorise the Mayor and the General Manager to affix the Council Seal and execute all documentation necessary for the Lease.

### CONFIDENTIAL

ITEM NO. 2 FILE NO: 17/209144

RM8 REF NO: PSC2017-00659

# LEASE OF THE MENZIES CENTRE, 72 PORT STEPHENS STREET RAYMOND TERRACE

REPORT OF: MARK STACE - PROPERTY SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

# ORDINARY COUNCIL MEETING - 28 NOVEMBER 2017 MOTION

298	Councillor Giacomo Arnott Councillor John Nell
	It was resolved that Council authorise the Mayor and General Manager to sign and affix the Seal of the Council to the lease documentation including documentation relating to any further option periods following execution of the lease documents by the tenant.

# ORDINARY COUNCIL MEETING – 28 NOVEMBER 2017 MOTION

299	Councillor Steve Tucker Councillor Giacomo Arnott
	That Council move out of confidential session.

There being no further business the meeting closed at 6.25pm.