

# DRAFT

## MINUTES – 12 MAY 2020



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 12 May 2020, commencing at 5.51pm.

**PRESENT:** Mayor R Palmer, Councillors J Abbott, G Arnott, C. Doohan, G Dunkley, K. Jordan, P. Le Mottee, J Nell, S Smith, S. Tucker, General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Development Services Group Manager and Governance Section Manager.

	There were no apologies received.
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<b>063</b>	<b>Councillor Glen Dunkley</b> <b>Councillor Jaimie Abbott</b>  It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 14 April 2020 be confirmed.
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The motion was carried.

	<p>Cr Paul Le Mottee declared a pecuniary conflict of interest in item 3. The nature of the interest is the Le Mottee Group prepared the application on behalf of the owner.</p> <p>Cr John Nell declared a significant non- pecuniary conflict of interest in Notice of Motion 2. The nature of the interest is the proposed naming of the match field after Cr Nell.</p>
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# MOTIONS TO CLOSE



**ITEM NO. 1**

**FILE NO: 20/102943  
EDRMS NO: PSC2019-05871**

**MOTION TO CLOSE**

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

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**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 1 on the Ordinary agenda namely **1 CENTRAL AVENUE, SALAMANDER BAY (LOT 8)**.
- 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.

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**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

<b>064</b>	<p><b>Councillor Paul Le Mottee Councillor John Nell</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>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 1 on the Ordinary agenda namely <b>1 CENTRAL AVENUE, SALAMANDER BAY (LOT 8)</b>.</li><li>2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none"><li>• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</li></ul></li><li>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</li></ol>
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The motion was carried.

# COUNCIL REPORTS

**ITEM NO. 1**

**FILE NO: 20/76276  
EDRMS NO: 16-2020-11-1**

**DEVELOPMENT APPLICATION NO. 16-2020-11-1 FOR TELECOMMUNICATIONS INFRASTRUCTURE (UNDERGROUND CABLING, PIT AND ASSOCIATED WORKS) AT 1A MUSTONS ROAD, KARUAH**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application 16-2020-11-1 for telecommunications infrastructure (underground cabling, pit and associated works) at 1A Mustons Road, Karuah and land within the road reserve adjacent to 1 and 1A Mustons Road, Karuah subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.
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**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

<b>065</b>	<b>Councillor Chris Doohan Councillor Giacomo Arnott</b>  It was resolved that Council approve Development Application 16-2020-11-1 for telecommunications infrastructure (underground cabling, pit and associated works) at 1A Mustons Road, Karuah and land within the road reserve adjacent to 1 and 1A Mustons Road, Karuah subject to the Recommended Conditions of Consent contained in <b>(ATTACHMENT 3)</b> .
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

The motion was carried.

## **BACKGROUND**

The purpose of this report is to present to Council for determination development application (DA) 16-2020-11-1 for telecommunications infrastructure (underground cabling, pit and associated works).

The development application is being reported to Council in accordance with Council's 'Development Applications to be Reported to Council Policy' as the application proposes development on Council owned land.

In accordance with Clause 10(1) of State Environmental Planning Policy (Coastal Management) 2018 the proposal includes development within the coastal wetlands area, which classes the proposal as Designated Development. An Environmental Impact Statement was prepared to accompany the development application.

The subject development application relates to 1A Mustons Road, Karuah (Lot 153 DP 753196) and land within the road reserve adjacent to 1 and 1A Mustons Road, Karuah. A locality plan is provided at **(ATTACHMENT 1)**.

### Proposal

The application proposes the installation of 200 metres of underground NBN conduit and cabling parallel with existing telecommunication infrastructure at Mustons Road, Karuah.

The works require the construction of entry and exit pits that require groundcover vegetation removal and excavation. The pits will be connected by horizontal directional drilling and telecommunications cabling will be installed. The site will be demobilised on completion of the works that will include reinstating clean topsoil over entry and exit pits.

### Site Description

The subject site comprises 1A Mustons Road (Lot 153 DP 753196) and the road reserve to the west of Mustons Road Karuah (adjacent to 1A and 1 Mustons Road, Karuah).

The area included in the proposal covers approximately 4.5 hectares and contains areas identified as Coastal Wetlands, under the State Environmental Planning Policy (Coastal Management) 2018.

The proposed works are located within the E2 Environmental Conservation zone and R2 Low Density Residential zone.

### Key issues

The key issues relating to the application relates to potential environmental impacts having regard to State Environmental Planning Policy (Coastal Management) 2018. A detailed assessment of the potential environmental impacts was undertaken and is contained in the Planners Assessment Report **(ATTACHMENT 2)**.

A Biodiversity Development Assessment Report (BDAR) was submitted as part of the application. The BDAR found that the proposed works are considered minor and not likely to impact or affect the Coastal Wetland area or characteristics and the proposed removal of groundcover vegetation to facilitate the entry and exit pits is not likely to result in a significant impact to the coastal wetland areas.

The report was reviewed by Council officers and considered to adequately address the potential impacts on the native vegetation, habitat and threatened species as a result of the subject works.

The application is supported by Council officers subject to the Recommended Conditions of Consent **(ATTACHMENT 3)**.

### Conclusion

The proposed development is consistent with the relevant environmental planning instruments applicable to the subject site including:

- Environmental Planning and Assessment Act 1979
- Port Stephens Local Environmental Plan 2013
- Port Stephens Development Control Plan 2014
- State Environmental Planning Policy No. 44 – Koala Habitat Protection
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Coastal Management) 2018.

Subsequently, the application has been recommended for approval, subject to the Recommended Conditions of Consent **(ATTACHMENT 3)**.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Thriving and Safe Place to Live	Support the amenity and identity of Port Stephens. Provide land use plans, tools and advice that sustainably support the community. Enhance public safety, health and liveability through use of Council's regulatory controls and services.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.12)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The development application is consistent with relevant planning instruments, flood development guidelines, the Environmental Planning and Assessment Act 1979 (EP&A Act), State Environmental Planning Policy (Coastal Management) 2018, Port Stephens Local Environment Plan 2013 (LEP 2013), and the Port Stephens Development Control Plan (DCP 2014).

Detailed assessments against these requirements are contained within the Planners Assessment Report provided at **(ATTACHMENT 2)**.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the application may be challenged at the Land and Environment Court.	Low	Approve the application in line with the officer's recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Social and Economic Impacts

The proposal will result in positive social and economic impacts by improving the telecommunication services available in the area.

The socio-economic impacts as a result of road closure during construction works are considered to be minor and of a short duration.

Overall, it is considered that the proposal would have a positive social and economic impact.

#### Impacts to the Built Environment

Impacts to the built environment would be limited due to the proposal involving the installation of 2 small pits at ground level and underground boring.

#### Impacts to the Natural Environment

The proposal is unlikely to have a significant impact on threatened species, populations, communities or their habitats or any hydrological features of the coastal wetland. As the scale of surface vegetation clearing is limited and the site will be remediated to its natural state, impacts on the natural environment is considered acceptable.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Development Assessment and Compliance Section.

#### Internal

Consultation was undertaken with internal officers including:

- Development Engineering
- Natural Resources.

The referral comments from these officers were considered as part of the Planners Assessment Report provided at **(ATTACHMENT 2)** and contained within the Recommended Conditions of Consent provided at **(ATTACHMENT 3)**.

#### External

The application was referred to Natural Resource Access Regulator (NRAR) as Nominated Integrated Development in accordance with the Water Management Act 2000.

NRAR concluded that, as the proposal complies with the exemptions under Clause 37, Schedule 4 of the Water Management (General) Regulations 2018, a Controlled Activity Approval will not be required for the proposed works.

#### Public exhibition

In accordance with Schedule 1 of the Environmental Planning and Assessment Act 1979, the application was advertised and notified for a period of 28 days. The public exhibition period was between 31 January 2020 and 28 February 2020.

During this period no submissions were received.

### **OPTIONS**

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

### **ATTACHMENTS**

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

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

Note: Any third party reports referenced in this report can be inspected upon request.







PORT STEPHENS  
COUNCILDEVELOPMENT  
ASSESSMENT REPORT

## APPLICATION REFERENCES

<b>Application Number</b>	16-2020-11-1
<b>Development Description</b>	Telecommunications Facility - Installation of 200m of underground telecommunications cable and associated conduit
<b>Applicant</b>	TELSTRA INFRACO
<b>Land owner</b>	Port Stephens Council
<b>Date of Lodgement</b>	20/01/2020
<b>Value of Works</b>	\$20,000.00
<b>Submissions</b>	0

## PROPERTY DETAILS

<b>Property Address</b>	1A Mustons Road KARUAH
<b>Lot and DP</b>	LOT: 153 DP: 753196
<b>Current Use</b>	Road Reserve
<b>Zoning</b>	E2 ENVIRONMENTAL CONSERVATION; R2 LOW DENSITY RESIDENTIAL
<b>Site Constraints</b>	<p>Bushfire Prone Land – Category 1</p> <p>Acid Sulfate Soils – Class 2 and 5</p> <p>Koala Habitat Planning Map – 50m buffer over marginal (road reserve)</p> <p>Endangered Ecological Communities – Swamp Oak Bushland Forest</p> <p>OEH High Environmental Value Mapping</p> <p>Housing Investigation Exclusionary Criteria</p> <p>Port Stephens Rural Residential Strategy</p> <p>OEH Biodiversity Values Map</p> <p>SEPP (Coastal Management) 2018 - Combined foot print and Coastal wetland</p> <p>Combined Corridor Map – Core Habitat and landscape habitat Link</p> <p>Weeds – Giant Parramatta Grass and (adjacent to site) Salvinia</p>

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**SITE DESCRIPTION**

The subject site comprises 1A Mustons Road (Lot: 153 DP: 753196) and the road reserve to the west of Mustons Road Karuah (adjacent to 1A and 1 Mustons Road, Karuah).

Owner's consent has been provided by Council for 1A Mustons Road, Karuah to allow the development application to be lodged over the site. No works are being completed on 1A Mustons Road, with all works to be completed within the Road Reserve.

Mustons Road is a single carriageway road that extends for 615m between Tarean Road to the South and Boronia Road to the north. The project area comprises 200m of Mustons Road across Mustons Gully. The study area covers an area of approximately 4.5 ha with a temporary drill work site located within the road reserve that includes areas of Coastal Wetlands (**Figure 1**).

The site area is relatively flat, gently sloping towards to the north into the coastal wetland and gently rising to residential area of Mustons Road. The proposed works are located within the E2 Environmental Conservation and R2 Low Density Residential zone.



Figure 1: GIS aerial of the subject site; black outline identifies the area of works

**Site History**

The site at 1A Mustons Road Karuah is currently used as a sportsground, identified as the Lionel Moreton Oval. The site is Council owned and operated.

The road formation within the road reserve has been subject to proposed upgrade works which has been noted in Council Development Engineer referral comments further below.

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**Site Inspection**

A site inspection was carried out on **30 January 2020**. The subject site can be seen in photos below:



**Photo 1:** Looking south along Mustons Road



**Photo 2:** Facing north along Mustons road (toward the identified wetland)

**PROPOSAL**

The application proposes the installation of 200m of underground NBN conduit and cabling within Mustons Road, Karuah (**Figure 2**). The proposed project area covers an area of approximately 4.2ha.

The proposal is intended to improve the telecommunications services to the local area within Karuah. The infrastructure is for NBN cables which will upgrade the services and infrastructure available to the Karuah area. The proposal involves the following civil works (**Figure 3**):

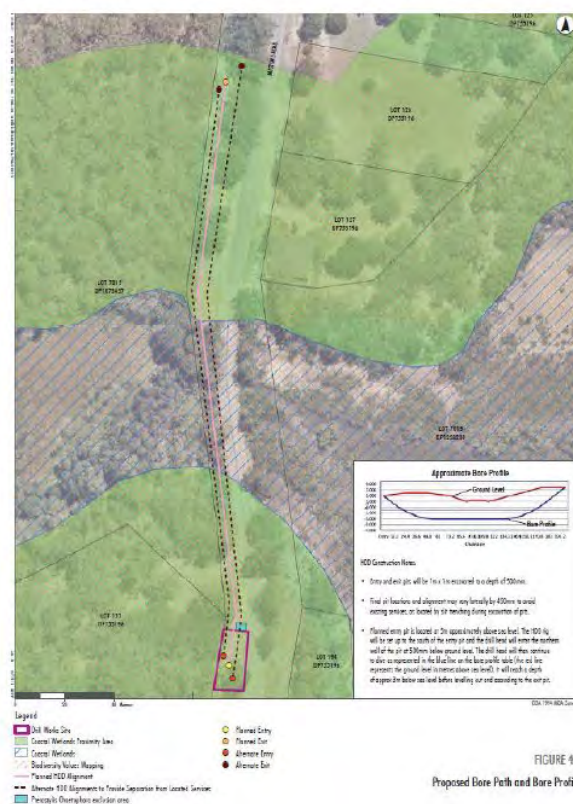
- Setup of temporary work site for drill rig and recycling unit into operating positions and shrouding by security fencing.
- Confirm location of existing Hunter Water and Telstra infrastructure services via slit trenching within both the 1m x 1m entry and exit pits.
- Removal of groundcover vegetation and excavation to an approximate depth of 500mm for each of the 1m x 1m entry and exit pits.
- Horizontal directional drilling along Mustons Road.
- Pull conduit through the bore hole and connect to the communications pits.
- Connect the new NBN cabling.
- Demobilise the site including reinstating imported clean topsoil over entry and exit pits.

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**Figure 2: Mustons Road site area – purple outline site area and red outline proposed works**



### Figure 3: Proposed bore path and profile

**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

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**PLANNING ASSESSMENT**

The application proposes bore drilling for telecommunication NBN underground infrastructure works on land mapped as Coastal Wetland as defined under Clause 10 of the SEPP (Coastal Management) 2018. As a result, the development is deemed Designated Development under section 4.10 of the *Environmental Planning and Assessment Act 1979*.

Secretariat Environmental Assessment Requirements (SEARs) have been provided by the Minister pursuant to the requirements of the Act.

**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 S4.15 Matters for Consideration Below.

Development Engineer

No objection to the proposed application, a recommendation has been made relating to works being completed by Council relating to road works along Mustons Road. The recommendations make note of the proposed works and the location of pits with regard to the road works by Council.

Natural Resources

Additional information was requested relating to the Environmental Impact Statement and Biodiversity Development Application Report (BDAR) prepared and addendums were provided to Council for assessment. The additional information provided the level of detail relating to mitigation and management measures, Acid Sulfate Soil management, and clarity on the BDAR achieving the minimum in accordance with the Biodiversity Assessment Method (BAM).

The proposed application has been considered with regard to the potential impact and effect on the SEPP wetland subject to the works site. The biodiversity values of the study area have been assessed and a BDAR has been provided with the application documentation.

The BDAR and addendum have been reviewed and considered to adequately address the potential impacts on the native vegetation, habitat and threatened species as a result of the subject works. The application has been supported subject to conditions of consent.

Refer to detailed discussion under the Biodiversity Conservation Act below.

**External Referrals**

The proposed development was referred to the following external agencies for comment.

NSW Department of Planning, Industry and the Environment (DPIE)

Clause 81 of the *Environmental Planning and Assessment Regulation 2000* provides that the consent authority must forward a copy of all submissions received in response to the public exhibition at the completion of the advertising and notification period. No submissions were received during this period and DPIE were notified of this.

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**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

16-2020-11-1

Natural Resources Access Regulator (NRAR)

The application was referred to NRAR under the Water Management Act (WM Act) section 91(3) Activity approval for assessment. The assessment comments from NRAR note the proposal has been received and considered and note that under the WM Act, General Terms of Approval and or a Controlled Activity Approval is exempt, under clause 37 of Schedule 4 of the Water Management (General) Regulation 2018 and no further assessment by NRAR is necessary.

***Environmental Planning and Assessment Act 1979******Section 4.46 - Integrated development***

Section 4.46 EP&A Act provides that development is integrated development if in order to be carried out, the development requires development consent and one or more other approvals. The proposed development is integrated as it required approval from NRAR which is addressed in the external referral comments above.

***Section 4.15 - Matters for Consideration***Biodiversity Conservations Act 2016

The SEARs for the application required the project to assess the impact on biodiversity values to determine whether the project will significantly affect threatened species under section 7.2 of the Biodiversity Conservation Act. As the works seek to remove native vegetation on land included on the Biodiversity Values Map (BV Map) the EIS outlines the impact on biodiversity values to be assessing in occurrence with the Biodiversity Assessment Method (BAM) under the BC Act.

There are a number of ecological communities within the locality; however, the project area occurs within mapped Coastal Wetland Proximity Area and land buffering Coastal wetland. The project area (**Figure 4**) occurs within an area mapped as contained high biodiversity values on the BV Map.



**Figure 4:** Survey Plan (figure 2.1 of BDAR) demonstrating the projects area (purples), Development footprint(red) and survey tracks (yellow)

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## ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2020-11-1

The BDAR and addendum to the BDAR addresses the requirement of the BAM as required by the SEARs. The documentation provided addresses the potential impact on native vegetation within the project area. No formal BAM plots of vegetation integrity surveys were undertaken as the footprint is small, 1m<sup>2</sup>. The project area and development footprint has been selected to avoid impacts to the *Pterostylis chaetophora* identified within the area. An exclusion zone will be placed around the vegetation during construction to limit impacts. Six individual *Pterostylis chaetophora* were observed within proximity to the entry pit. Due to the nature of the proposed disturbance and minimal area associated with the works, no ecosystem-credit species are likely to be impacted. The impacts are considered to not be significant given the amount of vegetation and number of threatened species impacted is to be minimal.

**Section 4.15(a)(i) - any environmental planning instrument**

State Environmental Planning Policy – (Coastal Management) 2018

The State Environmental Planning Policy - (Coastal Management) 2018 (Coastal Management SEPP), aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone through management and protection of the coastal zones and assets of the coast.

The proposal is located within a Coastal Wetland area, coastal wetland proximity area and coastal use area as defined by the SEPP. The proposal involves clearing of native vegetation and earthworks on a site identified as coastal wetlands, in accordance with Clause 10 of the Coastal Management SEPP can only be carried out with development consent. Development consent cannot be granted by the consent authority unless it is satisfied that sufficient measures have been or will be, taken to protect and where possible enhance the biophysical, hydrological and ecological integrity of the coastal wetland.



Figure 3 Coastal Management SEPP – Wetland mapping overlaid on the site

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**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

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The proposal includes ground clearing and earthworks to facilitate the horizontal drilling for the instalment of telecommunications cabling and conduit. The impacted coastal wetland area is approximately 60m of the total 200m length of works; the remaining length (140m) of the 100m buffer is where the proposed clearing and excavation works for the entry and exit pits are proposed. The proposed location of the entry and exit locations have been chosen based minimising the potential to impact and effect the coastal wetland and native vegetation within proximity to the site.

The proposed works are considered minor as it does not involve excessive clearing or excavation of native vegetation or harm to marine vegetation.

It is considered that the existing ecological environment and constraints have been assessed and considered within the Environmental Impact Statement (EIS) and the proposal is not likely to result in significant impacts on threatened species or native vegetation.

State Environmental Planning Policy (Infrastructure) 2009 (Infrastructure SEPP)

The proposed works are defined as a Telecommunications facility and as the proposed works are located within lands mapped as Coastal Wetland, in accordance with the Coastal Management SEPP, the project cannot be considered exempt. Clause 115 of the Infrastructure SEPP provides for the development to be permitted with consent.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The subject site and surrounds are identified as koala habitat protection. Consideration of the impact to koala habitat is to be demonstrated with the assessment of development application. The proposed works do not include the removal of koala habitat. The EIS prepared by Umwelt identified one preferred koala food tree species is present within the area of the subject works. The likely impact of the works on the tree is minimal to none. The project does not include the clearing or degradation of preferred koala habitat or habitat buffers.

State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No.55 – Remediation of Land (SEPP No.55) provides a State-wide planning approach to the remediation of contaminated land. The provisions of SEPP No.55 provide that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

The subject site has a history of use as a road and road reserve, facilitating vehicle access across Muston's Road, between Tarean Road to the South and Boronia Road to the north. Further, much of the areas within the road verge and adjacent wetland are largely vegetated. As such, the land is unlikely to be subject to contamination and does not warrant further investigation. The subject site is suitable for the proposed development and the objectives of SEPP No.55 have been satisfied.

Port Stephens Local Environmental Plan 2013 (LEP)

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

The subject site is zoned E2 Environmental Conservation and R2 Low Density Residential, the objectives of the E2 zone includes to protect, manage and restore areas of high ecological, scientific,

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**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

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cultural or aesthetic values and prevent development that would have adverse effect on those values. The objectives of the R2 zone include the provision of housing needs for the community in a low density residential environment; enable other land uses that provide facilities or services to meet the day to day needs of residents; protect and enhance the residential amenity and character; and ensure development is carried out in a way that is compatible with the flood risk of the area.

It is considered that the proposal is not contrary to the objectives of the E2 and R2 zone, as the provision of better telecommunications would better service the needs of the community, while the impacts on the natural environment can be managed through mitigation measures provided by the proponent.

The proposed development includes telecommunications facilities, which are prohibited in the E2 and R2 zones. However, under the SEPP (Infrastructure) provisions the development is permissible with consent.

**Clause 5.10 – Heritage Conservation**

The objective of this clause is to conserve the heritage of Port Stephens, including significant heritage items and areas, environmental features, archaeological sites and Aboriginal heritage. An Archaeological Cultural heritage and historic heritage due diligence assessment has been undertaken in respect of the subject site, which found that the project is unlikely to interact with or disturb any undisturbed deposits that may be present within the project site or cause impact to any sites recorded on the Aboriginal Heritage Information Management System (AHIMS). Four Aboriginal archaeological sites have been registered within the search area; three are registered as modified trees (carved or scarred) and one is an open artefact site. The remaining two sites are over 100m outside any currently proposed impact areas. No impacts are anticipated to occur to any Aboriginal or non-Aboriginal heritage features and therefore the proposal is considered consistent with the requirements of this clause.

**Clause 7.1 – Acid Sulfate Soils**

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The subject site is identified as containing class 2 and class 5 acid sulfate soils (ASS).

The proposed works involve excavations down to 500mm of two 1m x 1m pits for the entry and exit area for the horizontal drilling below the natural ground surface; and the boring depth of 3m below sea level. With the method of construction, underground pipeline, there is low opportunity to expose the ASS at the entry and exit pit. An addendum to the EIS notes all drilling waste will be appropriately classified and disposed of, including consideration of ASS. This includes management measures discussed for lawful disposal spoil material and assist in management and water related impacts. The applicant notes that a geotechnical report investigating groundwater presence and depths is not necessary due to the proposed construction method; which is not likely to result in the exposure of ASS. It is considered that the proposed development satisfies the provisions of clause 7.1.

**Clause 7.2 – Earthworks**

The objective of clause 7.2 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposal involves excavation of two 1m x 1m pits down to 500mm to create the entry and exit

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**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

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points for the below ground drilling. It is noted that no earthworks or alteration of bed depth and width would be required for works associated with the underground telecommunications line. All works are to be undertaken within the road reserves and will require the removal of groundcover vegetation.

The works include the removal of soil in the pit areas and reinstatement of clean topsoil over entry and exit pits; these works will also include the erection and removal of soil erosion and sediment controls installed as part of the construction phase. The EIS provided with the application details rehabilitation of the site to pre-construction equivalent condition are proposed. Subject to the recommended conditions, the development is satisfactory having regard to clause 7.2.

**Clause 7.3 – Flood Planning**

The objective of clause 7.3 is to minimise flood risk to life and property associated with the use of the land. The subject site is partly identified as flood prone within high hazard floodway and flood prone.

The proposed works will not result in an increase in impervious surfaces nor will it include any above ground structures. The proposed works are not likely to have an impact through increase in the hazard or flood characteristics as a result of completion. The proposal will not significantly adversely affect other development or properties or the environment through erosions, siltation, destruction; or result in unnecessary economic or social cost.

To this extent, it is considered that development consent can be granted in accordance with clause 7.3 of the LEP, as the consent authority is satisfied that matters outlined in clause 7.3(3) have been appropriately addressed.

**Clause 7.9 – Wetlands**

The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development. The subject site contains wetlands identified under the LEP.

The subject works are low invasive and not likely to result in adverse impacts to the condition and significance of the native fauna and flora, the quality of the habitat of species and the characteristic of the surface and ground water. The method of construction horizontal below the natural ground level for a total length of 200m; and the entry and exist pit locations have been identified to minimise the potential for impact to the wetland and buffer area for the wetlands. As such the proposal is considered satisfactory having regard to the requirements of clause 7.9.

***Section 4.15(a)(ii) - any draft environmental planning instrument that is or has been placed on public exhibition***

There are no draft EPI's relevant to the proposed development.

***Section 4.15(a)(iii) – any development control plan*****Port Stephens Development Control Plan 2014**

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

**Section B2 – Natural Resources**

The proposed works are located on land that includes vegetation mapped as endangered ecological communities (EEC) – swamp sclerophyll forest on coastal floodplains, freshwater wetlands on coastal flood plains, Swamp Oak Floodplain forest and river-flat eucalypt Forest. Further, the subject site is located within a wetland identified within the LEP. The development does not result in the removal of trees to facilitate the works. A minimal amount of ground layer vegetation will be removed from two 1m x 1m pits; the total anticipated area of native vegetation removal is 2m<sup>2</sup>. The pits have been located outside of the coastal wetland areas and away from identified threatened species and to avoid the removal of vegetation. There is one preferred koala feed tree species present however it is not anticipated to be disturbed.

The assessment of the application has identified the proposal is unlikely to have a significant impact on of threatened species, coastal wetland sensitive matters or koala feed trees. The proposal has been designed to ensure minimal change or impact throughout the works and at the completion of works.

**Section B3 – Environmental Management**Acid sulfate soils

Refer to discussion under clause 7.1 of the LEP within this report. Subject to recommended conditions of consent proposed development meets the requirements of Section B3.

Earthworks

Refer to discussion under clause 7.2 of the LEP within this report. Conditions of consent have been recommended relating to the provision of an Erosion and Sediment Control Plan to ensure any impacts of the development are appropriately avoided, minimised or mitigated. Subject to conditions of consent the proposed development meets the requirements of Section B3.

**Section B4 – Drainage and Water Quality**

The proposed underground telecommunication infrastructure does not result in a change in the impervious area of the site or include any additional above ground structures. The proposed method of construction is via horizontal directional drilling, the method is considered low impact and the potential discharge of drilling fluid into the wetland is low based on the ground conditions. Overall, the proposal will not likely result in impact of change to the stability or erosion and sedimentation are low. Therefore, it is considered that the proposal is consistent with the requirements of this section.

**Section B5 – Flooding**

Refer to assessment under clause 7.3 of the LEP. Overall, the proposal will not impact or change the flood impacts to the site or wetlands and therefore it is considered that the proposal is consistent with the requirements of this section.

**Section B8 – Heritage**

Refer to detailed assessment under Clause 5.10 of the LEP above. No impacts are anticipated to occur to any Aboriginal or non-Aboriginal heritage features and therefore the proposal is considered consistent with the requirements of Section B8.

**Section B9 – Road Network and Parking**

The proposal is considered to have minor impact in traffic delays during the construction of the proposal. The duration of the proposed works is approximately 10 days; traffic management measures have been provided with the application; these include installing traffic and pedestrian management; continued access for nearby residential properties; consultation with nearby resident's prior and during works; consultation with Council during work and specific measures to be included through the CEMP for the proposal.

Due to the works being carried out within a public road reserve, approval is required under section 138 of the *Roads Act 1993* and will be lodged separately, including detailed engineering plans. A condition of consent has been recommended, requiring the lodgement of a Roads Act approval prior to undertaking any works in the road reserve.

***Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)***

In accordance with Schedule 2, Part 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the SEARs were requested from the DPIE for the preparation of the EIS and BDAR. The SEARs have incorporated requirements of agencies including the Environment, Energy and Science Group (former Office of Environment and Heritage).

***Section 4.15 (1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality***Social and Economic Impacts

The proposal will result in positive social and economic impacts by improving the telecommunication NBN services available. Improved access to telecommunications will allow for the amenity within the area to improve for residents and businesses within the local area. The socio-economic impacts as a result of road closures during construction works are considered to be minor and of a short duration and overall, it is considered that the proposal would have a positive social and economic impact.

Impacts on the Built Environment

Impacts to the built environment would be limited due to the nature of the proposal involving a boring of NBN conduit underground. The works will have minor impacts to the appearance of the existing roadway whilst respecting the environmental features of the site.

Impacts on the Natural Environment

The proposal is unlikely to have a significant impact on threatened species, populations, communities or their habitats or any hydrological features of the coastal wetland. Due to the small localised scale of clearing and earthworks and the implementation of mitigation measures throughout the construction and operation of the proposal, impacts are unlikely to be significant.

16-2020-11-1

***Section 4.15(1)(c) the suitability of the site for the development***

It is considered that the site is capable of supporting the proposed development as demonstrated within the EIS and would result in a low to no impact to the wetlands. Despite being within an ecologically diverse location, provided appropriate mitigation and management measures are implemented, the site can be developed without any significant impacts on the natural environment.

***Section 4.15(1)(d) any submissions made in accordance with this act or the regulations***

The application was notified and advertised for a period of 28 days between 31 January and 28 February 2020. During this time no submission were received.

***Section 4.15(1)(e) the public interest***

The proposal would result in improved telecommunication connectivity within the local area and does not result in adverse impact or changes to the natural environment within the surrounding area. Furthermore, the proposed development involves a number of protective measures which will ensure that impacts on the surrounding environment will be appropriately managed and minimised. Accordingly, the proposed development supports and promotes the public interest.

***Section 7.11 – Contribution towards provision or improvement of amenities or services (developer contributions)***

The proposed works do not trigger provisions S7.12 contributions.

**DETERMINATION**

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



## Recommended Conditions

### General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

1. **Approved plans and documentation** – Development must be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan reference/ drawing no.	Name of plan	Prepared by	Date
Figure 4.1	Proposed bore path and bore profile	Umwelt	February 2019

Document title	Prepared by	Date
ENVIRONMENTAL IMPACT ASSESSMENT Mustons Road	Umwelt (Australia) Pty Limited on behalf of Telstra Corporation Ltd	December 2019
4622 RFI Addendum March 2020 V2	Umwelt (Australia) Pty Limited	12 March 2020

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

2. **Protect existing vegetation and natural landscape features** - No vegetation or natural landscape features other than that authorised for removal by this Consent must be disturbed, damaged or removed.

### Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

3. **Roads Act Approval** - For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138B of the Roads Act 1993.
4. **Dilapidation report – Adjoining property** - A dilapidation report including a photographic survey of the following adjoining properties must be provided to the Certifying Authority. The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

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



The dilapidation report is to be prepared by a qualified Structural Engineer and the owner of the adjoining property. All costs incurred in achieving compliance with this condition must be borne by the applicant.

5. **Soil, erosion, sediment and water management** – An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Council's Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.
6. **Hunter Water Corporation approval** - A Section 49 Application under the *Hunter Water Act 1991* must be lodged with Hunter Water Corporation (HWC) and details of the Notice of Compliance from HWC must be provided to the Certifying Authority.
7. **Biodiversity Conservation Credits** - The class and number of ecosystem credits in Table A must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the Consent Authority.

Table A - Ecosystem credits required to be retired – like for like

Impacted plant community type	No. of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
1590-Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest	1	Karuah Manning, Hunter, Macleay Hastings, Mummel Escarpment and Upper Hunter. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Hunter-Macleay Dry Sclerophyll Forests This includes PCT's: 715, 904, 922, 1178, 1215, 1588, 1589, 1590, 1591, 1592, 1593, 1600, 1601, 1602, 1608, 1612, 1626, 1748

8. **Notice of Principal Certifying Authority appointment** – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 103 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:
  - a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the Registered number and date of issue of the relevant development consent;
  - d) the name and address of the Principal Certifying Authority (PCA), and of the person by whom the PCA was appointed;

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**ITEM 1 - ATTACHMENT 3      RECOMMENDED CONDITIONS OF CONSENT.**

- e) if the PCA is an accredited certifier, their accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
  - f) a telephone number on which the PCA may be contacted for business purposes.
9. **Notice commencement of work** – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 104 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:
- a) the name and address of the person by whom the notice is being given;
  - b) a description of the work to be carried out;
  - c) the address of the land on which the work is to be carried out;
  - d) the Registered number and date of issue of the relevant development consent and construction certificate;
  - e) a statement signed by or on behalf of the Principal Certifying Authority to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - f) the date on which the work is intended to commence.
10. **Sign of PCA and contact details** – A sign must be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
  - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
  - c) the name, address and telephone number of the Principal Certifying Authority.
- The sign must be maintained while the work is being carried out and must be removed upon the completion of works.
11. **Site is to be secured** – The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
12. **Soil erosion and sediment control** – Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.
- Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

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ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



13. **All weather access** – 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.

14. **Protection of trees /existing street trees** – All vegetation to be retained with the potential to be impacted by the construction activity shall be fenced. Fencing must be in accordance with AS4907-2009 'Protection of Trees on Development Sites'.

15. **Weed management** – Weed removal and suppression must be undertaken using approved bush regeneration techniques under the supervision of a suitably qualified and approved bush regenerator and in accordance with the requirements for the *NSW Biosecurity Act 2015*, associated Regulations and NSW Weed Control Handbook.

The site is to be inspected by a representative of Council's Invasive Species team one week prior to works commencing.

### During Works

The following conditions of consent shall be complied with during the construction phase of the development.

16. **Construction hours** – All work (including delivery of materials) must be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.

17. **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must 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. **Excavations and backfilling** – All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:

- preserve and protect the building from damage; and
- if necessary, underpin and support the building in an approved manner; and
- give at least seven days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works

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commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

19. **Placement of fill** - Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.

Further, any 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.

20. **Disposal of stormwater** – Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant Environmental Protection Agency and Australian and New Zealand Environment and Conservation Council standards for water quality discharge.

21. **Tree protection measures** – All vegetation to be retained must be protected in accordance with AS4970-2009 'Protection of Trees on Development Sites' for the duration of construction.

22. **Soil, erosion, sediment and water management** – All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.

23. **Offensive noise, dust, odour and vibration** – All work must not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the nearest property boundary.

**Advice Note(s):**

- A) **'Dial Before You Dig'** – 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.
- B) **Aboriginal archaeological deposit** - In the event of any aboriginal artefact, object or structure being unearthed, all work must cease immediately in the affected area, and the Biodiversity Conservation Division (BCD) shall be informed of the discovery. Work must not recommence until the material has been inspected and permission has been given by BCD to proceed.

**SCHEDULE 2 - REASONS FOR DETERMINATION AND REASONS FOR CONDITIONS****REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS**

*The determination decision was reached for the following reasons:*

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; Port Stephens Local Environmental Plan 2013 (PSLEP), State Environmental Planning Policy No 55 - Remediation of Land, State Environmental Planning Policy – Coastal Management and State Environmental Planning Policy No 44 – Koala Habitat Protection.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Port Stephens Council Development Control Plan 2014 (PSDCP).
- Subject to the recommended conditions the proposed development will be provided with adequate essential services required under the PSLEP.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- Council has given due consideration to community views when making the decision to determine the application.

**REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The following conditions are applied to:

1. Confirm and clarify the terms of Council's Approval;
2. Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
3. Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
4. Set standards and performance measures for acceptable environmental performance; and
5. Provide for the ongoing management of the development.

**SCHEDULE 3 – RIGHT OF APPEAL AND REVIEW****RIGHT OF APPEAL**

If you are dissatisfied with this decision (including a determination on a review under Section 8.2), Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after:

- a) the date on which you receive this notice, or
- b) the date on which that application is taken to have been determined under Section 8.11.

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Section 8.8 of the Environmental Planning and Assessment Act 1979, does not give a right of appeal to an objector who is dissatisfied with the determination of the Council to grant consent to a development application, unless the application is for designated development (including designated development that is integrated development). The objector may, within 28 days after the date on which the notice of the determination was given in accordance with the regulations, and in accordance with rules of the Court, appeal to the Court.

#### **RIGHT OF REVIEW**

Section 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six months after the date as specified in this notice of determination, together with payment of the appropriate fee. (**See exclusions note below**).

**Exclusions:** A request to review the determination of a development application pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979 can only be undertaken where the consent authority is Council, other than:

- a) A determination to issue or refuse to issue a complying development certificate, or
- b) A determination in respect of designated development, or
- c) A determination made by the Council under Division 4 in respect of an application by the Crown.

#### **SCHEDULE 4 - APPROVAL(S) UNDER SECTION 4.12(3)**

**NIL**

#### **SCHEDULE 5 - APPROVALS UNDER SECTION 4.46**

**NIL**



**ITEM NO. 2**

**FILE NO: 20/69021  
EDRMS NO: 16-2019-339-2**

**DEVELOPMENT APPLICATION 16-2019-339-2 FOR A S4.55(1A) MODIFICATION TO APPROVED SERVICE STATION AND FOOD AND DRINK PREMISES - AMEND HOURS OF OPERATION AT 795 AND 787 MEDOWIE ROAD, MEDOWIE**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application 16-2019-339-2 for a S4.55(1A) modification to approved service station and food and drink premises – amend hours of operation at 795 and 787 Medowie Road, Medowie (Lot 3 DP 260883 and Lot 1 DP 1215257) subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.
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**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

	<p><b>Councillor Steve Tucker</b> <b>Councillor Sarah Smith</b></p> <p>That Council approve Development Application 16-2019-339-2 for a S4.55(1A) modification to approved service station and food and drink premises – amend hours of operation at 795 and 787 Medowie Road, Medowie (Lot 3 DP 260883 and Lot 1 DP 1215257) subject to the Recommended Conditions of Consent contained in <b>(ATTACHMENT 3)</b>.</p>
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**ORDINARY COUNCIL MEETING - 12 MAY 2020  
AMENDMENT**

	<p><b>Councillor John Nell</b> <b>Councillor Giacomo Arnott</b></p> <p>That Council approve Development Application 16-2019-339-2 for a S4.55(1A) modification to approved service station and food and drink premises – amend hours of operation at 795 and 787 Medowie Road, Medowie (Lot 3 DP 260883 and Lot 1 DP 1215257) subject to the Recommended Conditions of Consent contained in <b>(ATTACHMENT 3)</b> and amend condition 58 to read:</p>
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## MINUTES ORDINARY COUNCIL - 12 MAY 2020

	<p><i>The service station is only to be open for business and uses for the purpose approved within the following hours:</i></p> <p><i>Monday – Sunday/Public Holidays - 6am to 10pm.</i></p> <p><i>Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.</i></p> <p><i>This conditions shall have effect for a 12 month period following commencement of operations after which time a modification application for 24 hour operations may be submitted with evidence that the operation does not cause amenity impacts to the neighbourhood.</i></p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Chris Doohan, Glen Dunkley, Paul Le Mottee, Sarah Smith and Steve Tucker.

The amendment was lost.

### ORDINARY COUNCIL MEETING - 12 MAY 2020 AMENDMENT

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Chris Doohan</b></p> <p>That Council defer the matter to the Council meeting to be held in June 2020 to enable discussions with the applicant to develop conditions to minimise the impact on the amenity of neighbours.</p>
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Councillor Paul Le Mottee left the meeting at 6:27pm prior to voting prior to voting.  
Councillor Paul Le Mottee returned to the meeting at 6:27pm prior to voting.

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

Those for the Motion: Crs Giacomo Arnott, Chris Doohan, Ken Jordan, John Nell and Sarah Smith

## MINUTES ORDINARY COUNCIL - 12 MAY 2020

Those against the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Glen Dunkley, Paul Le Mottee and Steve Tucker.

The amendment was lost on the casting vote of the Mayor.

### ORDINARY COUNCIL MEETING - 12 MAY 2020

#### AMENDMENT

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor John Nell</b></p> <p>That Council approve Development Application 16-2019-339-2 for a S4.55(1A) modification to approved service station and food and drink premises – amend hours of operation at 795 and 787 Medowie Road, Medowie (Lot 3 DP 260883 and Lot 1 DP 125257) subject to the Recommended Conditions of Consent contained in (ATTACHMENT 3) and the following additional conditions to be added to the approval for this proposal:</p> <ol style="list-style-type: none"><li>1. Proponent will install a sign at the entrance to the site, noting that there is no heavy vehicle refuelling.</li><li>2. Fuel deliveries may only occur between 8AM and 8PM.</li><li>3. The night pay window will operate from 10PM-5AM, to reduce the amount of late-night vehicle movements in the vicinity of the business.</li></ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Glen Dunkley, Paul Le Mottee, Sarah Smith and Steve Tucker.

The amendment was lost.

### ORDINARY COUNCIL MEETING - 12 MAY 2020

#### MOTION

<b>066</b>	<p><b>Councillor Steve Tucker</b> <b>Councillor Sarah Smith</b></p> <p>It was resolved that Council approve Development Application 16-2019-339-2 for a S4.55(1A) modification to approved service station and food and drink premises – amend hours of operation at 795 and 787 Medowie</p>
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## MINUTES ORDINARY COUNCIL - 12 MAY 2020

	Road, Medowie (Lot 3 DP 260883 and Lot 1 DP 1215257) subject to the Recommended Conditions of Consent contained in <b>(ATTACHMENT 3)</b> .
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Chris Doohan, Glen Dunkley, Paul Le Mottee and Steve Tucker.

Those against the Motion: Crs Giacomo Arnott, Ken Jordan, John Nell and Sarah Smith.

The motion was carried.

### BACKGROUND

The purpose of this report is to present a modification application (Development Application 16-2019-339-2) to Council for determination. The modification application has been reported to Council in accordance with Council's Development Applications to be reported to Council Policy as the land on which the development is to be carried out is owned by Port Stephens Council.

The original application was approved by Council at its ordinary meeting on 10 December 2019. At this meeting Council resolved to approve the Development Application DA No. 16-2019-339-1 for a service station, food and drink premises and vehicle workshop at 787 and 795 Medowie Road, Medowie (Lot 3 DP 260883 and Lot 1 DP 1215257) subject to the Recommended Conditions of Consent and additional conditions relating to traffic management, light spill and reduced hours of operation, being 6am to 10pm, 7 days per week as provided at **(ATTACHMENT 4)**.

The purpose of the modification application is to modify the approved hours of the service station component of the development, to include 24 hour operation, 7 days per week.

The subject modification application relates to land located at 795 and 787 Medowie Road, Medowie (the subject site) and is legally described as Lot 3 DP 260883 and Lot 1 DP 1215257. A locality plan is provided at **(ATTACHMENT 1)**.

### Proposal

The application seeks modification to the hours of operation of approved DA 16-2019-339-1 for a service station, food and drink premises and vehicle workshop. The approved hours of operation for the service station component of the development are 6am to 10pm, Monday to Sunday / Public Holidays. The proposal includes amendment to the hours, to include 24 hour operation, 7 days per week.

The modification application also proposes that conditions be modified to implement a night pay window for the service station between the hours of 11pm and 5am. The night pay window is already incorporated into the design of the approved service station, therefore, no physical modification to the approved development plans is required.

No modification to the approved hours of operation for the food and drink premises or vehicle workshop are proposed, which are approved as between 7:00am - 10:00pm (food and drink) and 7:00am – 6:00pm (vehicle workshop).

### Site Description and History

The site is located on the western side of Medowie Road approximately 140 metres north of the intersection of Medowie Road and Ferodale Road. The site is commonly known as 787 and 795 Medowie Road, Medowie and is legally described as Lot 3 DP 260883 and Lot 1 DP 1215257 respectively.

Surrounding land uses comprise of commercial uses to the south west and low density residential to the south, east and north. The site at 795 Medowie Road, Medowie forms part of a larger site in the Medowie Town Centre that is currently vacant and identified for future commercial and residential land uses. Council currently has 3 development applications under consideration to the west of the proposed service station, being, a commercial development (16-2019-445-1), a food and drink premises (16-2019-616-1) and an additional food and drink premises which includes 2 commercial tenancies (16-2020-136-1). A development application for an office premises on the northern portion of the site was approved by Council in August 2019.

There is an existing approval (16-2018-696) for the redevelopment of the adjoining site to the north at 791 Medowie Road for the construction of a multi-dwelling housing development comprising 8 units.

### Key Issues

The key issues identified throughout the assessment of the proposal relate to social impacts and impacts to the amenity of adjoining residential land, as outlined below. A detailed assessment of the development is contained in the Planners Assessment Report (**ATTACHMENT 2**).

### Social Impact

Consideration has been given to social impacts resulting from the proposed 24 hour operation and accordingly the modification application proposes that conditions be modified to enforce the use of a night pay window between the hours of 11pm and 5am. The inclusion of a night pay window, builds on the Crime Prevention Through Environmental Design (CPTED) principles already incorporated in the design, creating a safer environment for staff and users of the service station.

The application was referred to NSW Police. In response, NSW Police provided no specific comment in relation to the proposed modification.

#### Impacts to Surrounding Residential Land

The approved development borders low density residential land to the south, east (across Medowie Road) and north.

Impacts to surrounding residential land have been considered under the original Development Application (DA 16-2019-339-1), which proposed 24 hour operation of the service station.

The key matters presenting potential impact to residential properties as a result of the proposed modification relate to noise and light spill.

The original application included the submission of an acoustic assessment report which demonstrates that there would be acceptable impact to the neighbouring residential acoustic amenity during night time hours, subject to the conditions already implemented relating to acoustic fencing and barriers, and restriction of night time truck deliveries.

Light spill is mitigated by the orientation of signage which minimises light spill to adjoining residential properties and approved conditions limiting the allowable light emanating from the approved signage to less than half of the maximum lux allowable as set by AS 1158 and AS 4282.

#### Conclusion

The proposed modification is consistent with the relevant environmental planning instruments applicable to the proposed modification including:

- Section 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979 (EP&A Act)
- Port Stephens Local Environmental Plan 2013 (LEP 2013)
- Port Stephens Development Control Plan 2014 (DCP 2014)

A detailed assessment of the proposal against the provisions of Section 4.15 of the EP&A Act is within the Planners Assessment Report provided at **(ATTACHMENT 2)**.

The key issues arising through the assessment of the application are satisfactorily addressed as indicated by the specialist studies submitted with the original application and by conditions of consent provided within the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**. On this basis, the proposed development supports and promotes the public interest, and is recommended for approval.

## COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Support the amenity and identity of Port Stephens. Provide land use plans, tools and advice that sustainably support the community. Enhance public safety, health and liveability through use of Council's regulatory controls and services.

## FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.12)	Yes		Existing condition includes a development levy to be paid to Council based on a percentage relating to the Capital Investment Value (CIV) of the development.
External Grants	No		
Other	No		

## LEGAL, POLICY AND RISK IMPLICATIONS

The development application is consistent with Section 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979 (EP&A Act). A detailed assessment against these requirements are within the Planners Assessment Report contained in **(ATTACHMENT 2)**.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
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 increased hours of operation will improve the economic viability of the service station and enhance late night service provision in the locality.

Suitable mitigation measures are to be implemented to effectively manage noise and light spill impacts from extended hours of operation.

The modification does not entail any physical alteration to the building design. Potential environmental impacts have been considered and are not expected to adversely impact the natural environment.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken including through the public notification and advertising process. There were no internal referrals required as part of the application.

#### External Consultation

The proposed modification was referred to NSW Police in accordance with Council's Memorandum of Understanding with NSW Police. In response, NSW Police provided no specific comment in relation to the application.

#### Public Consultation

The application was notified and advertised for a period of 14 days from 6 March 2020 to 20 March 2020, in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Council's Community Participation Plan.

During the exhibition period 1 submission was received in relation to the development. The matters raised in submissions have been addressed in detail within the Planners Assessment Report provided at **(ATTACHMENT 2)**.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Locality Plan.
- 2) Planners Assessment Report.
- 3) Recommended Conditions of Consent.
- 4) Council Minutes - 10 December 2019.

**COUNCILLORS ROOM**

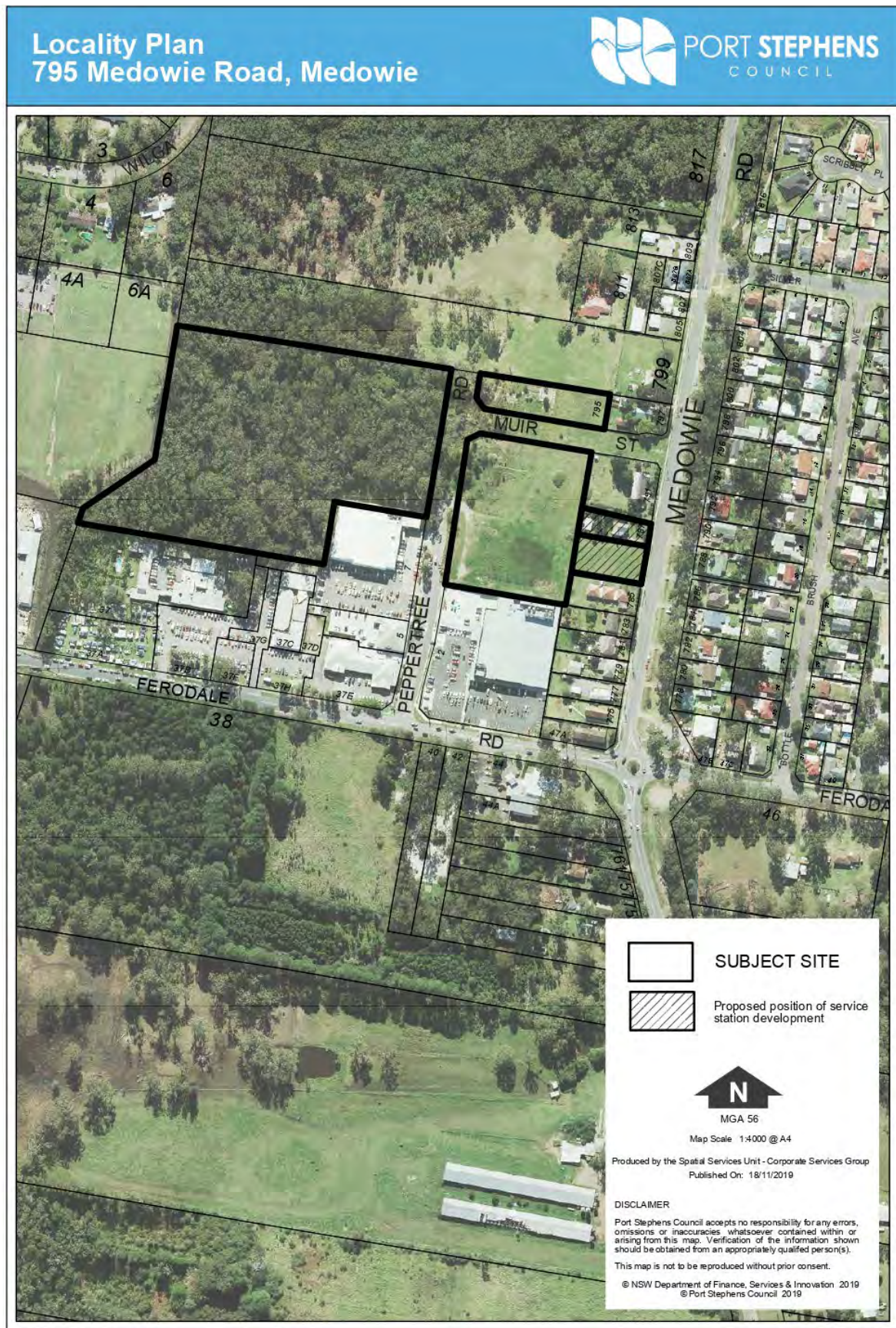
- 1) Copy of Submissions.

**TABLED DOCUMENTS**

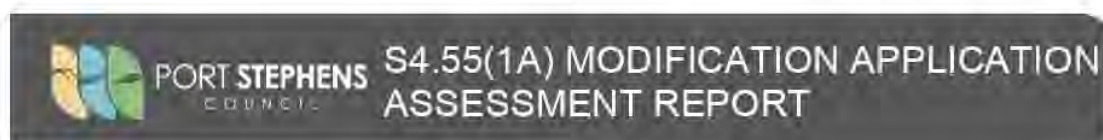
Nil.

Note: Any third party reports referenced in this report can be inspected upon request.









## APPLICATION DETAILS

<b>Modification application no.</b>	16-2019-339-2
<b>Development description</b>	Service station and food and drink premises – including; vehicle repair station, ancillary signage, car parking, landscaping, demolition of existing structures and associated site works
<b>Modification description</b>	S4.55(1A) Modification to approved service station and food and drink premises – amend hours of operation
<b>Applicant</b>	KDC PTY LTD
<b>Date of lodgement</b>	20/02/2020

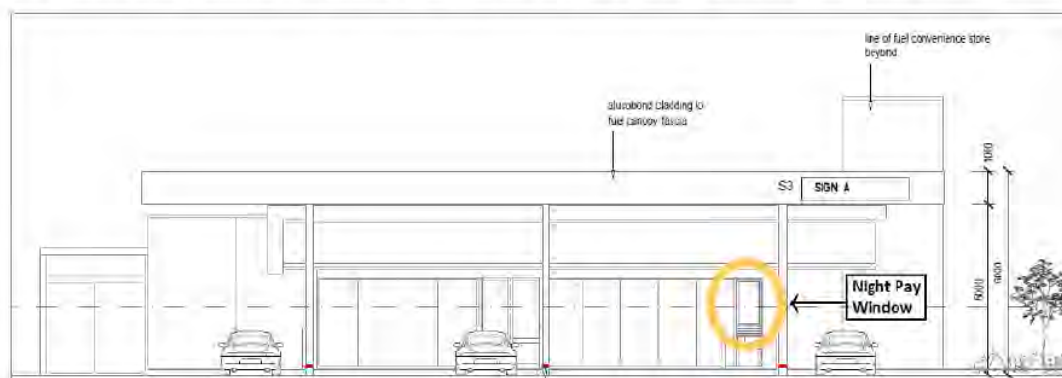
**Modification proposal**

The application proposes to modify the hours of operation of an approved service station.

The approved hours of operation for the service station are 6am – 10pm Monday – Sunday/Public Holidays. The proposal includes amendment to the hours of operation for the service station component of the development, to include 24 hour operation, seven days per week.

The modification application also proposes that conditions be modified to implement a night pay window between the hours of 11pm and 5am. The Night pay window is already incorporated into the design of the approved service station, therefore, no physical modification to the approved development plans is required (See **Figure 1** below).

The conditions of consent proposed to be modified have been discussed in further detail below.



**Figure 1:** Night pay window on approved plan set



**PROPERTY DETAILS**

<b>Property address</b>	795 Medowie Road MEDOWIE, 787 Medowie Road MEDOWIE
<b>Lot and DP</b>	LOT: 1 DP: 1215257, LOT: 3 DP: 260883
<b>Zoning</b>	B2 LOCAL CENTRE / PART R2 LOW DENSITY RESIDENTIAL / PART RE1 PUBLIC RECREATION
<b>Site constraints that affect the modification</b>	Nil

**ASSESSMENT SUMMARY**

<b>Designated Development</b>	The application is not designated development
<b>Integrated Development</b>	The application does not require additional approvals listed under s.4.46 of the EP&A Act
<b>Concurrence</b>	The application does not require the concurrence of another body

**Internal Referrals**

The proposed modification was not required to be referred to any internal specialist staff.

**External Referrals**

The proposed modification was referred to NSW police in accordance with Council's Memorandum of Understanding with NSW Police. In response, no specific issues were raised in relation to the application.

**MODIFICATIONS INVOLVING MINIMAL ENVIRONMENTAL IMPACT – S4.55(1A)****S4.55(1A)(a) – Minimal Environmental Impact**

The proposal does not involve any design changes that would result in additional environmental impact.

The proposed changes to operational hours will not result in unacceptable acoustic impacts and noise emissions are to remain below the maximum allowable night time level.

The proposal is not expected to adversely impact the natural environment.

**S4.55(1A)(b) – Substantially The Same Development**

The development as modified is substantially the same as the approved development as there is no change to the overall design, appearance or land uses of the development as approved. On this basis, the application is considered substantially the same.

**ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

16-2019-339-2

**S4.55(1A)(c) – Notification**

The application has been notified to adjoining neighbours in accordance with Council's Community Participation Plan. At the discretion of Council officers, the application was notified and advertised due to potential for amenity impacts to neighbouring residents for a 14 day period from 6 March 2020 to 20 March 2020.

**S4.55(1A)(d) – Submissions**

During the notification /advertising period one (1) submission was received in relation to the development. The matters raised in the submissions objecting to the development are discussed in detail under s4.15(1)(d) below.

**S4.55(3) – S4.15(1) Assessment**

**s4.15(1)(a)(i) – The provisions of any EPI**

The application is consistent with the provision of the PSLEP2013 and all relevant SEPPs applicable to the proposal.

**Clause 5.3 - Development near zone boundaries**

The development, as proposed to be modified with extended hours of operation, would not be inconsistent with the objectives of the R2 Low Density Residential Zone in that it will further enable land uses that provide services to meet the day to day needs of residents, whilst incorporating suitable mitigation measures to ensure residential amenity is maintained under the extended trading hours.

Conditions of consent, relating to noise, light spill and air quality included with the original application, combined with modified conditions for operation through a night time window are considered to appropriately address potential impacts to residential amenity under the proposed extended hours of operation.

**s4.15(1)(a)(ii) – Any Draft EPI**

		<b>Notes (what draft EPI if needed and comments where not compliant)</b>
	<input checked="" type="checkbox"/> There are no draft EPI's that are relevant to the proposed development	
	<input type="checkbox"/> A draft EPI is relevant to the proposed development however the application is consistent with the aims and objectives of the document.	

## ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

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s4.15(1)(a)(iii) – Port Stephens Development Control Plan 2014

Chapter	Compliant	Notes (where needed or if not compliant)
B	<input checked="" type="checkbox"/> General Controls	<p><b>B3 – Environmental Management</b></p> <p><i>B3.B – Air Quality</i></p> <p>Air quality and odour associated with service station have been addressed in the original assessment. Vapour recovery equipment, designed to capture the displaced vapour and return it to the underground fuel storage tank or other appropriate vessel, has been incorporated into the approved design. The vapour recovery system would limit the emission of fuel vapour when vehicles refuel by at least 85%.</p> <p>Conditions of consent have been included in the approval for the ongoing maintenance and testing of the system to ensure its continued safe operation for the life of the development.</p> <p><i>B3.C - Noise</i></p> <p>A Noise Assessment was prepared as part of the original application on the basis of 24 hour operation of the site. The report recommended a number of noise attenuation measures including acoustic barriers along nominated site boundaries and around rooftop plant equipment. The exclusion of night time truck deliveries were also recommended and applied as a condition of the original consent.</p> <p>The inclusion of these noise attenuation devices, combined with conditions of consent will ensure that modelled noise emissions resulting from the cumulative impact of the proposal will meet all assessment criteria under both the Environment Protection Authority's (EPA's), Noise Policy for Industry (NPI), 2017; and NSW Department of Environment and Climate Change – NSW Interim Construction Noise Guideline (ICNG), 2009 at all assessment receivers at all times of the day and night.</p> <p><b>B9 – Road Network and Parking</b></p> <p>A Traffic and Parking Assessment was prepared as part of the original application, on the basis of 24/7 operation of the site. The</p>

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## ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-339-2

		<p>traffic modelling undertaken for the proposal found that peak traffic volumes were within the capacity of the surrounding road network (both in 2019 and up to 2029).</p> <p>The extended operational hours would not result in any heavy vehicle demand at the site. This is on the basis that the development as approved already does not provide the hi-flow diesel required for truck refuelling, nor is manoeuvring of a truck to the fuel bowser possible.</p> <p>The development as modified, would maintain a reduced level of impact during the night-time hours.</p> <p><b>B10 – Social Impact</b></p> <p>The development, comprising a service station, food and drink premises and vehicle workshop does not conform with any of the development types identified as having a potential for significant social impact under Section B10 of the DCP, therefore, a Social Impact Assessment is not required with the application.</p> <p>Notwithstanding, consideration has been given to social impacts resulting from the proposed 24 hour operation and accordingly the modification application proposes that conditions be modified to implement a night pay window between the hours of 11pm and 5am. The inclusion of a night pay window, builds on the Crime Prevention Through Environmental Design (CPTED) principles already incorporated in the design, creating a safer environment for staff and users of the development.</p> <p>It is noted the NSW Police did not raise any issues with the proposed 24 hour operations.</p>
C	<input checked="" type="checkbox"/> Development Types	<p><b>C2 – Commercial</b></p> <p>The DCP does not include specific design requirements applicable to service station developments. Accordingly, a merit-based assessment has been applied against the</p>

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**ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

16-2019-339-2

		<p>relevant requirements of Chapter C.2 – Commercial.</p> <p>The provisions of Chapter C2 relevant to the proposed modification is C2.20 which requires the incorporation of Crime Prevention Through Environmental Design (CPTED) principles. The original DA included the submission of a CPTED Statement, which details the design principles applied to provide passive surveillance to public spaces.</p> <p>The proposed modification includes modification to conditions to include operation through a night pay window between the hours of 11pm and 5am, further enhancing CPTED for the development.</p>
D	<input checked="" type="checkbox"/> Specific Areas	

s4.15(1)(a)(iia) – Any planning agreement or draft planning agreement entered into under section 93F

	Notes (where needed)
<input checked="" type="checkbox"/> There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.	

s4.15(1)(a)(iv) – The regulations

	Notes (where needed)
<input checked="" type="checkbox"/> There are no matters within the regulations that are relevant to the determination of the application.	

s4.15(1)(b) – The likely impacts of the development

	Notes (where needed)
<input checked="" type="checkbox"/> Social and Economic Environment: There would be beneficial impacts as a result of the development.	<p>The increased hours of operation will improve the economic viability of the service station and enhance late night service provision in the locality.</p> <p>Suitable mitigation measures are to be implemented to effectively manage noise and light spill impacts from extended hours of operation.</p>

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The issues raised in the submissions have been addressed in detail below.

Objection	Comments
<p><u>Traffic</u></p> <p>The proposal will add significantly to the traffic congestion in the area.</p>	<p>A Traffic and Parking Assessment was prepared as part of the original application, on the basis of 24/7 operation of the site. The traffic modelling undertaken for the proposal found that peak traffic volumes were within the capacity of the surrounding road network (both in 2019 and up to 2029).</p>
<p>The proposal will increase night time truck traffic.</p>	<p>The extended operational hours would not result in any heavy vehicle demand at the site and there will be no hi-flow diesel offered at the service station which will maintain a reduced level of impact during the night-time hours.</p> <p>The approved development is not capable of facilitating truck refuelling as the design and layout of the approved development does not accommodate the necessary turning circles required for large trucks to refuel within the forecourt area, making it physically impossible to facilitate refuelling under the fuel canopy and exiting the site onto Medowie Road.</p>

ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

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	Furthermore, the development does not provide the high flow diesel required for heavy vehicle refuelling. On this basis, it is considered the proposal would not increase night time truck traffic
<u>Amenity</u> Increased operational hours will impact residential amenity	The original application included consideration of the potential impacts of the development to residential amenity, based on 24 hour operation. As detailed elsewhere within this report, the key impacts relating to noise, light spill, traffic and air quality have been adequately addressed and conditions of consent included to mitigate those impacts.
<u>Social Impact</u> Increased operational hours could attract negative social activities and rubbish.	<p>The proposed modification, includes the operation through a night pay window between the hours of 11pm and 5am, to improve staff safety and reduce the likelihood of loitering and anti-social behaviour during light night operations. To support the implementation of 24 hour operation, a locked door policy and night pay window policy was submitted to Council, detailing the operational details for late night operation of the service station.</p> <p>In addition, the original application included the submission of a Crime Prevention Through Environmental Design (CPTED) Statement. The statement details a number of measures that are to be implemented to address the key CPTED principles of surveillance, access control, territorial reinforcement and space management, comprising of:</p> <ul style="list-style-type: none"> <li>• Appropriate lighting;</li> <li>• Car park design and layout;</li> <li>• Site and building layout;</li> <li>• Landscaping; and</li> <li>• CCTV surveillance.</li> </ul> <p>Implementation of the measures detailed in the statement will assist in creating an environment that dissuades offenders from committing crimes by manipulating the built environment in which those crimes proceed from or occur.</p>

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## ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-339-2

<b>Precedent</b> The increased operational hours will set a precedent for other businesses in Medowie.	Applications for future development comprising 24 hour operation will be subject to Council assessment and public participation requirements in accordance with the <i>EP&amp;A Act</i> . Assessment of future applications would give consideration to site specific matters as well as the nature of the proposal when considering the appropriateness of 24 hour operation.
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**s4.15(1)(e) – The public interest**

Suitable mitigation measures will be implemented to effectively manage noise and light spill impacts from extended hours of operation. There are no adverse impacts to the natural, social or economic environments that would preclude the proposed modification.

The increased hours of operation will improve the economic viability of the service station and enhance late night service provision in the locality.

On this basis, the proposal is considered to be in the public's interest.

**MODIFIED CONDITIONS**

Existing condition	Modified condition								
<p>58. The service station is only to be open for business and used for the purpose approved within the following hours:</p> <table border="1"> <thead> <tr> <th>Day</th><th>Hours of Operation</th></tr> </thead> <tbody> <tr> <td>Monday – Sunday/Public Holidays</td><td>6am – 10pm</td></tr> </tbody> </table> <p>Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.</p> <p>This condition shall have effect until the properties on the north and south are further developed.</p>	Day	Hours of Operation	Monday – Sunday/Public Holidays	6am – 10pm	<p>58A. The service station is only to be open for business and used for the purpose approved within the following hours:</p> <table border="1"> <thead> <tr> <th>Day</th><th>Hours of Operation</th></tr> </thead> <tbody> <tr> <td>Monday – Sunday/Public Holidays</td><td>24 hours</td></tr> </tbody> </table> <p><b>The service station shall operate through a 'night pay window' only between the hours of 11pm and 5am.</b></p> <p>Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.</p> <p>This condition shall have effect until the properties on the north and south are further developed.</p>	Day	Hours of Operation	Monday – Sunday/Public Holidays	24 hours
Day	Hours of Operation								
Monday – Sunday/Public Holidays	6am – 10pm								
Day	Hours of Operation								
Monday – Sunday/Public Holidays	24 hours								

**DETERMINATION**

The modification application is recommended to be approved by Council, subject to amended conditions as shown above.

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## RECOMMENDED CONDITIONS OF CONSENT

### Details of Conditions:

#### General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

1. 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.

Plan/Doc.Title	Plan Ref. No	Drawn By	Date
Architectural Plans	TP2 Revision J	Hazkem	15-11-19
	TP2a Revision D	Hazkem	15-11-19
	TP3 Revision D	Hazkem	20-09-19
	TP4 Revision F	Hazkem	15-11-19
Concept Stormwater / Civil Plans	CIV01 Revision E	DRB Consulting Engineers	26-09-19
Landscape Plans	Sheet 2-6 Revision E	Mara Consulting	26-09-19

**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.

**Note 3:** Modifications to the approved plans will require the lodgement and consideration by Council of a modification application pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

2. Prior to the issue of a Construction Certificate / commencement of works, a Driveway Construction Application is to be lodged with Council as the Roads Authority.

#### Prior to Issue of a Construction Certificate

#### PORT STEPHENS COUNCIL

115 Adelaide Street  
Raymond Terrace NSW 2324

PO Box 42  
Raymond Terrace NSW 2324

Phone: 02 4980 0255  
Email: council@portstephens.nsw.gov.au

www.portstephens.nsw.gov.au

## ITEM 2 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

3. A monetary contribution is to be paid to Council, pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Port Stephens Council Fixed Development Contributions Plan, related to the Capital Investment Value (CIV) of the development as determined in accordance with clause 25j of the *Environmental Planning and Assessment Regulation 2000* and outlined in the table below.

Capital Investment Value	Levy Rate (% of CIV)
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

The payment of the fixed development consent levy is to be accompanied by a Cost Summary Report Form setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Council Fixed Development Contributions Plan. Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a registered Associate member or above, of the Australian Institute of Quantity Surveyors. This condition cannot be taken to be satisfied until a payment has been made in accordance with the CIV stated on a cost summary report submitted to Council in accordance with this condition.

Payment of the above amount shall apply to Development Applications as follows:

- a. Building work only - **prior to issue of the Construction Certificate.**
4. The development shall be amended as follows:
- a) The proposed pylon sign identified as S1 on the Architectural Plans, Revision H prepared by Hazkem and dated 20-09-19 is to be reduced in height to comply with the 8m height control applying to the site.
  - b) Substitute the following landscaping referenced in the Landscape Plans prepared by Mara Consulting (Revision E, 26-09-19):
    - Large sized native shrub to be substituted Callistemon viminalis 'Dawson River Weeper' in 300mm pot size;
    - Medium sized Native shrub is to be substituted with Syzygium 'Cascade' in 200mm pot size; and
    - Banksia Integrifolia is to be substituted with Lophostemon confertus in 45 lit pot size.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority or Council prior to the issue of a construction certificate.

**ITEM 2 - ATTACHMENT 3      RECOMMENDED CONDITIONS OF CONSENT.**

5. A revised schedule of materials and finishes for the North Elevation of the Convenience Store and Workshop on the Architectural Plans Drawing No. TP3 Revision D prepared by Hazkem and dated 20-09-19 is to be provided to Council for approval. The revised material and finishes are to provide improved articulation of the walls facing the residential property to the north.
6. A Section 49 Application under the Hunter Water Act 1991 must be lodged with Hunter Water Corporation (HWC) and details of the Notice of Compliance from HWC must be provided to the Certifying Authority.
7. Civil engineering plans prepared by a qualified Engineer, indicating drainage, roads, accessways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications.

Details demonstrating compliance must be provided to the Certifying Authority.

**Note.** Under the Roads Act 1993, only the Roads Authority can approve commencement of works within an existing road reserve.

8. Detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council).

Details demonstrating compliance must be provided to the Certifying Authority.

**Note.** Under the Roads Act 1993, only the Roads Authority can approve commencement of works within an existing road reserve.

9. Any retaining walls required to support the approved development, that do not meet the requirements for exempt development, must be designed and certified by a suitably qualified Structural Engineer in accordance with Council's Infrastructure Specifications.

Details demonstrating compliance must be provided to the certifying authority.

10. A certificate must be prepared by a qualified Structural Engineer certifying the structural adequacy of the onsite detention tank and its ability to withstand the proposed structural loads, must be provided to the satisfaction of the Certifying Authority.

11. An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Council's Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.

12. A Construction Environmental Management Plan (CEMP) is to be submitted to the Certifying Authority. The required CEMP must outline the sequence and construction methodology and specify mitigating measures to ensure all works are carried out in accordance with appropriate guidelines and standards and with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management.
13. Prior to the issue of a construction certificate, amended plans must be provided to Council to limit access to left in and left out of Medowie Road. These plans must include a physical restriction on the ingress and egress and are to be approved by the Local Traffic Committee. Any treatment must not restrict neighbouring properties from being able to complete a right hand turn into and out of their properties.
14. Prior to the issue of a construction certificate a lighting plan is to be prepared by a suitably qualified person demonstrating compliance with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'. In addition, the light emanating from the approved signage shall be less than half of the maximum lux allowable (as set by AS 1158 and AS 4282) during the hours of 10pm and 7am. The lighting plan must include details regarding the control of obtrusive lighting associated with the development and be submitted to Council for approval.

**Prior to Commencement of Works**

The following conditions of consent shall be complied with prior to any works commencing on the development site.

15. Notice must be given to Council at least two days prior to building works commencing in accordance with Clause 103 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:
- a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the Registered number and date of issue of the relevant development consent;
  - d) the name and address of the Principal Certifying Authority (PCA), and of the person by whom the PCA was appointed;
  - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
  - f) a telephone number on which the PCA may be contacted for business purposes.
16. Notice must be given to Council at least two days prior to building works commencing in accordance with Clause 104 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:
- a) the name and address of the person by whom the notice is being given;
  - b) a description of the work to be carried out;
  - c) the address of the land on which the work is to be carried out;
  - d) the Registered number and date of issue of the relevant development consent and construction certificate;

**ITEM 2 - ATTACHMENT 3      RECOMMENDED CONDITIONS OF CONSENT.**

- e) a statement signed by or on behalf of the Principal Certifying Authority to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
- f) the date on which the work is intended to commence.

17. A sign must be erected in a prominent position on the site stating the following:

- a) that unauthorised entry to the work site is prohibited;
- b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
- c) the name, address and telephone number of the Principal Certifying Authority.

The sign must be maintained while the work is being carried out and must be removed upon the completion of works.

18. In accordance with the provisions of Section 6.7 of the *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)*, construction or subdivision works approved by this consent must not commence until the following has been satisfied:

- a) a Construction Certificate has been issued by a Consent Authority;
- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the *EP&A Act 1979*; and
- c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

19. The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.

20. 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.

21. Where not already available, 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 must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.

22. Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)' and any Sediment and Erosion plans approved with this Development Consent.



Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

**During Works**

The following conditions of consent shall be complied with during the construction phase of the development.

23. 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.
24. 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.
25. All building work shall be carried out in accordance with the requirements of the Building Code of Australia.
26. All construction traffic management procedures and systems identified in the approved Construction Environmental Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
27. 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.
28. Unless otherwise approved by Council in writing, all general building/demolition work shall be carried out between the hours of:
  - a. 7.00am to 5.00pm Monday to Saturday
  - b. No construction is to be carried out at any time on a Sunday or a public holiday.

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.

**ITEM 2 - ATTACHMENT 3      RECOMMENDED CONDITIONS OF CONSENT.**

29. No building materials, plant, equipment, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath or outside the boundaries of the development site unless approved by Council in writing. Where building activity cannot avoid occupation of the public road reserve, (such as, for the erection of hoarding, scaffolding, partial closure) separate approval from Council for the use of the road reserve is required.
30. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.
31. 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.
32. Following the installation of any roof, collected stormwater runoff from the structure must be connected an existing stormwater drainage easement/system/street.
33. 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 (POEO Act 1997)*; or
  - Excavated natural material (ENM) within the meaning of the *POEO Act 1997*; or
  - 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 compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

Any fill, soil, mulch and plant brought onto the site must be certified as free of weeds and weed seeds.

34. Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.

Further, any 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.

35. Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.

**ITEM 2 - ATTACHMENT 3      RECOMMENDED CONDITIONS OF CONSENT.**

36. All associated excavations and backfilling associated with the development must be executed safely and in accordance with the appropriate professional standards, and must be properly guarded and protected to prevent them from being dangerous to life or property.
37. The design, construction and fit-out of the food premises and/or food storage area must comply with all applicable Acts, Regulation, codes and standards including:
- a) the *Food Act 2003*;
  - b) the *Food Regulation 2004*
  - c) The food Standards Australia and New Zealand, Food Standards Code 3.2.3 and Food standards and Equipment;
  - d) AS 1668 'The Use of Ventilation and Air Conditioning in Buildings'; and
  - e) AS 4674 'Design, Construction and Fitout of Food Premise

Details demonstrating compliance must be provided to the Certifying Authority.

38. Noise generated from demolition and construction activities should comply with the NSW Interim Construction Noise Guideline (ICNG), 2009.
39. Where any excavation required for the development extends below the level of the base of a footing of a building, structure or work on adjoining land (including within a road or rail corridor), the person having the benefit of the consent must protect and support that building, structure or work from possible damage from the excavation, and where necessary underpin the building, structure or work to prevent any such damage.
40. All building work must be carried out in accordance with the provisions of the Building Code of Australia and where applicable the Disability (Access to Premises – Buildings) Standards 2010.

**Prior to Issue of an Occupation Certificate**

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

41. Lot consolidation and formal registration with the NSW Land Registry Services is required for the following lots:
- Approved Lot 3 under DA 16-2018-789-1
  - Lot 3 DP 260883 – 787 Medowie Road, Medowie

Details demonstrating compliance must be provided to the Certifying Authority.

42. The Subdivision Certificate for DA 16-2018-789-1 must be registered with Land Registry Services. Proof of registration of the land must be provided to the Principle Certifying Authority.

**ITEM 2 - ATTACHMENT 3      RECOMMENDED CONDITIONS OF CONSENT.**

43. The Principal Certifying Authority shall be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent. No occupational use is permitted until the Principal Certifying Authority issues an Occupation Certificate.

**Note:** The Principal Certifying Authority must submit a copy of the Occupation Certificate to Council, with all associated documentation, within two days of it being issued.

44. VR1 control equipment must be installed in accordance with Part 6 of the *Protection of the Environment Operations (Clean Air) Regulation 2010* and the Standards and Best Practice Guideline for VR at petrol Service Stations.
45. The UPSS (Underground Petroleum Storage System) must comply with all applicable legislation, guidelines and codes of best practice, including:
- a. *Protection of the Environment Operations Act 1997* (NSW),
  - b. *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*,
  - c. NSW Safe Work NSW Code of Practice: Storage and Handling of Dangerous Goods,
  - d. AS4897-2008 - Design, installation and operation of underground petroleum storage systems, AS1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.
46. Evidence that the following requirements – and those specified under Part 2 of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019* have been met must be provided to the Principle Certifying Authority:
- a) The UPSS must be appropriately designed, installed and commissioned by duly qualified persons in accordance with UPSS Regulation.
  - b) The UPSS must have minimum mandatory pollution protection equipment installed, consistent with the Regulation.
  - c) The UPSS must have groundwater monitoring wells installed in accordance with the Regulation.
  - d) The UPSS must have a certificate showing that an equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons.
47. All landscape works detailed on the approved landscape plan shall be installed. All landscaped areas shall be kept free of parked vehicles, stored goods, garbage or waste material and the like at all times.
48. All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the *Roads Act* Approval to the satisfaction of the Council as the Roads Authority.
49. The applicant must rectify any new damage to public infrastructure to the satisfaction of the Council as the Roads Authority.
50. An Environment Protection Plan (including procedures for early leak detection and rectification and loss monitoring procedures) must be in place and maintained/updated throughout the life of the Underground Petroleum Storage System.

**ITEM 2 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.**

51. All stormwater and drainage works required to be undertaken in accordance with this consent must be completed.

The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.

52. Works As Executed Plans must be prepared and provided to the Principal Certifying Authority in accordance with Council's Infrastructure Specifications confirming all stormwater drainage systems are constructed in accordance with the approved plans/documentation.
53. A minimum of 22 car parking spaces including 1 disabled car parking space are to be provided in accordance with AS2890 and the approved plans.
54. Loading / unloading facilities must be constructed in accordance with the approved plans. The extent of the loading bay must be permanently marked on the pavement surface.
55. 'No stopping' signage is to be installed in accordance with the approved Roadworks Permit under Section 138B of the Roads Act 1993.
56. Certification is to be submitted to the Principal Certifying Authority to certify that the construction of the development complies with the recommendations of the Acoustic Assessment Report (dated 17 April 2019) and Addendum Acoustic Letter (dated 27 September 2019) prepared by Muller Acoustic Consulting.
57. A Fire Safety Certificate must be provided to the PCA in accordance with the requirements of the Environmental Planning & Assessment Regulation 2000.

**Ongoing Use**

The following conditions of consent are operational conditions applying to the development.

- 58A. The service station is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday – Sunday/Public Holidays	24 hours

The service station shall operate through a security night pay window between the hours of 11pm and 5am.

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

This condition shall have effect until the properties on the north and south are further developed.



**ITEM 2 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.**

59. The vehicle repair station is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday - Friday	7am – 6pm
Saturday	7am – 6pm
Sunday/Public Holidays	No approval to operate

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

60. The food and drink premises is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday - Friday	7am – 10pm
Saturday	7am – 10pm
Sunday/Public Holidays	7am – 10pm

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

61. The acoustic barriers shall be maintained throughout the life of the development.
62. Approved site landscaping shall be maintained throughout the life of the development.
63. Waste collection associated with the proposed development are only to occur Monday – Saturday between 7:00am – 7:00pm.
64. The Waste Management Plan dated May 2019 prepared by KDC must be complied with at all times.
65. Fuel deliveries associated with the proposed development are only to occur between 7:00am and 10:00pm.
66. The approved signs must be maintained in a presentable and satisfactory state of repair.
67. The level of illumination and/or lighting intensity used to illuminate the sign/s must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.

**ITEM 2 - ATTACHMENT 3      RECOMMENDED CONDITIONS OF CONSENT.**

68. If leak and repair work is undertaken on the UPSS, the system cannot be recommissioned unless it satisfies the requirements outlined in the UPSS Regulation.
69. Fuel bowzers and service areas shall be covered and bunded so as to prevent entry of rainwater and surface water. Any water collected within the bunded area is to be directed to a trade waste system, under an agreement with Hunter Water Corporation.
70. At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building and a copy forwarded to the Commissioner of New South Wales Fire Brigades in accordance with the Environmental Planning & Assessment Regulations 2000.
71. Copies of annual summaries of groundwater monitoring results associated with the UPSS are to be provided to Hunter Water Corporation and details of any incidents that have the potential to affect surface or groundwater.
72. The use of the premises involving the repair, maintenance or upgrade of motor vehicles must comply with the following requirements at all times:
  - a) automotive parts in contact with any automobile fluid must be stored in a covered, bunded area.
  - b) all cleaning, washing for degreasing of motor vehicles must be carried out in an approved area set aside for that purpose which must be connected to the sewer where available.
  - c) all water effluent from the vehicle workshop must drain to a Hunter Water Corporation sewer following treatment in an oil/water separator or other system as approved by Hunter Water.

**Advice Note(s):**

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.

- A. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
- B. 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](http://www.dialbeforeyoudig.com.au)
- C. In the event of any Aboriginal artefact, object or structure being unearthed, all work must cease immediately in the affected area, and the Biodiversity and Conservation Division (BCD) shall be informed of the discovery. Work must not recommence until the material has been inspected and permission has been given by BCD to proceed.

ITEM 2 - ATTACHMENT 3      RECOMMENDED CONDITIONS OF CONSENT.

- D. You are advised that, in accordance with the EP&A Act, (Section 6.8) payment of the building industry Long Service Leave levy, where applicable, must be paid **prior to the issue of any Construction Certificate**.

- E. The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate

- F. If wastewater is intended to be discharged to the reticulated sewer network, a Trade Waste Agreement with Hunter Water Corporation will be required.

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

ITEM NO. 1

FILE NO: 19/340656  
EDRMS NO: 16-2019-339-1**DEVELOPMENT APPLICATION 16-2019-339-1 FOR A SERVICE STATION AND FOOD AND DRINK PREMISES - INCLUDING VEHICLE REPAIR STATION, ANCILLARY SIGNAGE, CAR PARKING, LANDSCAPING, DEMOLITION OF EXISTING STRUCTURES AND ASSOCIATED SITE WORKS**REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2019-339-1 for a service station, food and drink premises and vehicle workshop at 787 and 795 Medowie Road, Medowie (Lot 3 DP 260883 and Lot 1 DP 1215257) subject to the recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019  
MOTION**

<b>242</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council approve Development Application DA No. 16-2019-339-1 for a service station, food and drink premises and vehicle workshop at 787 and 795 Medowie Road, Medowie (Lot 3 DP 260883 and Lot 1 DP 1215257) subject to the recommended Conditions of Consent contained in <b>(ATTACHMENT 3)</b> and the following additional conditions:  <ol style="list-style-type: none"><li>1. Prior to the issue of a construction certificate, amended plans must be provided to Council to limit access to left in and left out of Medowie Road. These plans must include a physical restriction on the ingress and egress and are to be approved by the Local Traffic Committee. Any treatment must not restrict neighbouring properties from being able to complete a right hand turn into and out of their properties.</li><li>2. Prior to the issue of a construction certificate a lighting plan is to be prepared by a suitably qualified person demonstrating compliance with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'. In addition, the light emanating from the approved signage shall be less than half of the maximum lux allowable (as set by AS 1158 and AS 4282) during the</li></ol>
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**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

hours of 10pm and 7am. The lighting plan must include details regarding the control of obtrusive lighting associated with the development and be submitted to Council for approval.

3. A new condition 56 be added to state:  
The service station is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday – Sunday/Public Holidays	6am – 10pm

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

This condition shall have effect until the properties on the north and south are further developed.

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019**  
**MOTION**

<b>243</b>	<p><b>Councillor Chris Doohan</b> <b>Councillor Giacomo Arnott</b></p> <p>It was resolved that Cr Doohan be granted a 2 minute extension of time to address Council.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Crs Giacomo Arnott, Chris Doohan and Steve Tucker.

**BACKGROUND**

The purpose of this report is to present Development Application (DA) 16-2019-339-1 to Council for determination. The DA has been reported to Council in accordance with Council's Development Applications to be reported to Council Policy as the land on which the development is to be carried out is owned by Port Stephens Council.



## MINUTES ORDINARY COUNCIL - 12 MAY 2020

Councillor Paul Le Mottee left the meeting at 6:51pm prior to item 3.

### ITEM NO. 3

FILE NO: 20/59680  
EDRMS NO: 58-2018-16-1

### PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

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#### RECOMMENDATION IS THAT COUNCIL:

- 1) Note the amendments to the planning proposal to rezone part of the land at 5 Speedy Lock Lane, Heatherbrae (Lot 173 DP 808771) from RU2 Rural Landscape to R2 Low Density Residential (**ATTACHMENT 1**).
  - 2) Receive and note the submissions received during the exhibition of the amended planning proposal (**ATTACHMENT 3**).
  - 3) Authorise the exercise of delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 under Section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW).
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### ORDINARY COUNCIL MEETING - 12 MAY 2020 MOTION

067	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Jaimie Abbott</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Note the amendments to the planning proposal to rezone part of the land at 5 Speedy Lock Lane, Heatherbrae (Lot 173 DP 808771) from RU2 Rural Landscape to R2 Low Density Residential (<b>ATTACHMENT 1</b>).</li><li>2) Receive and note the submissions received during the exhibition of the amended planning proposal (<b>ATTACHMENT 3</b>).</li><li>3) Authorise the exercise of delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 under Section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW).</li></ol>
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Councillor Ken Jordan left the meeting at 6:58pm prior to voting.

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

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

Those against the Motion: Nil.

The motion was carried.

## **BACKGROUND**

The purpose of this report is to advise Council of the outcome of the exhibition of the planning proposal for 5 Speedy Lock Lane, Heatherbrae and note the response to submissions **(ATTACHMENT 3)**. The report seeks authorisation to exercise delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 (LEP 2013).

A locality plan is provided at **(ATTACHMENT 2)**.

The planning proposal seeks to amend the LEP to rezone part of the land at 5 Speedy Lock Lane, Heatherbrae, from RU2 Rural Landscape to R2 Low Density Residential. The planning proposal will also result in amendments to the minimum lot size and height of building maps to reflect the proposed rezoning **(ATTACHMENT 1)**. The planning proposal will facilitate around 40 new homes (subject to development consent).

The planning proposal was publicly exhibited from 13 February 2020 to 28 February 2020 and 1 submission was received. In accordance with the Gateway determination, the planning proposal was reviewed by a number of public authorities, with submissions addressed in **(ATTACHMENT 3)**.

A summary of the planning proposal is set out below:

Date lodged:	18 March 2018
Proponent:	Le Mottee Group
Subject property:	5 Speedy Lock Lane, Heatherbrae
Lot Number:	Lot 173, DP 808771
Site area:	65.3 hectares
Site area proposed to be rezoned:	5 hectares
Current zoning:	RU2 Rural Landscape
Proposed zoning:	Part of the land to be zoned R2 Low Density Residential and part to remain RU2 Rural Landscape
Existing Minimum Lot Size:	20 hectares (RU2)
Proposed Minimum Lot Size:	500m <sup>2</sup> (R2) and 20 hectares (RU2)
Existing Maximum Building Height:	No maximum building height specified

## MINUTES ORDINARY COUNCIL - 12 MAY 2020

Proposed Maximum Building Height:	9 meters (R2) and no maximum building height (RU2)
Key issues and controls:	Flooding risk. All matters have been addressed in accordance with the Gateway determination and the proposed rezoning is limited to the land above the Flood Planning Level which will protect future residential development from flood risk.

At its meeting on 9 October 2018, Council resolved to adopt the planning proposal and forward it to the NSW Department of Planning and Environment (now the NSW Department of Planning, Industry and Environment) (the Department) for a Gateway determination as provided at **(ATTACHMENT 4)**.

On 26 March 2019, the Department issued a Gateway determination, subject to conditions requiring the planning proposal to be updated prior to exhibition **(ATTACHMENT 5)**. In accordance with the Gateway determination, the planning proposal was updated to:

- a. Apply an R2 Low Density Residential zone to the land above the Flood Planning Level. This replaced a proposed R5 Large Lot Residential zone over the land, including land below the Flood Planning Level.
- b. Remove any proposed amendment to planning controls on land below the Flood Planning Level.
- c. Include a preliminary contamination investigation report.
- d. Identify the site as an 'urban release area' on the Urban Release Area map in the LEP. This enables the State government to collect State infrastructure contributions for future development.
- e. Apply a 9 metre height of building limit for the proposed R2 Low Density Residential zone.
- f. Address the amended Direction 1.5 Rural Lands issued on 28 February 2019, and the application of provisions in the LEP that minimise potential land use conflict.

The Gateway determination authorises Council to make the necessary amendments to the LEP to give effect to the planning proposal following public exhibition.

Consultation was undertaken with relevant public authorities prior to public exhibition and no objections were received. A summary of the advice received from public authorities is provided at **(ATTACHMENT 3)**.

### Existing and current use

The subject site is approximately 65.3 hectares and zoned RU2 Rural Landscape. It is currently used for primary production, with associated farming infrastructure consisting of fencing, all weather access roads, a dwelling, and outbuildings to support agricultural production. Access to the site is via Speedy Lock Lane to the east.

Council records show several development consents over the subject land dating back to 1989. The consents relate to the agricultural use of the site and additions and alterations to the existing dwelling.

#### Purpose of the amendment

The purpose of the proposed amendment is to increase opportunities for housing diversity and future population growth by rezoning a portion of the subject site from RU2 Rural Landscape to R2 Low Density Residential.

Only land above the Flood Planning Level is proposed to be rezoned, which is the eastern portion of the subject site with direct access to Speedy Lock Lane. The proposed R2 zone will be complemented by a minimum lot size of 500m<sup>2</sup> and a maximum height of building of 9 metres, which is consistent with other R2 zoned land in the vicinity.

#### Suitability of the subject land

The site is identified as appropriate for future residential development in the Raymond Terrace and Heatherbrae Strategy 2015-2031 (RTHS). Action 19 of the RTHS identifies the site as appropriately located adjacent to existing residential areas and it will provide housing near existing community and social services. The site is sufficiently removed from the Heatherbrae industrial and bulky goods precinct and will not compromise the long term viability of this economic hub.

### **COMMUNITY STRATEGIC PLAN**

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

### **FINANCIAL/RESOURCE IMPLICATIONS**

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

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	\$11,200	Stage 2 rezoning fees paid on 1 April 2019
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		

**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that future residential use of the land could create land use conflict with the existing businesses and uses operating in and close to Speedy Lock Lane.	Low	Adopt the recommendations of this report. The distance between the existing businesses operating in Speedy Lock Lane and the proposed residential zoned land is approximately 10 metres or more and is considered sufficient to minimise any potential land use conflicts. Transport for NSW were requested to advise on any traffic issues as a result of future development and have not raised any issues.	Yes

**Port Stephens Local Environmental Plan (LEP) 2013**

The planning proposal will rezone approximately 5 hectares of land from RU2 Rural Landscape to R2 Low Density Residential zone to facilitate residential development.

The objectives of the R2 Low Density Residential zone are listed in the LEP 2013 as:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provides 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.

The proposed rezoning includes associated changes to the minimum lot size and maximum height of buildings controls as outlined earlier in this report. The proposed changes will ensure the development standards that apply in the proposed R2 zone are consistent with other land zoned R2 Low Density Residential in the locality.



The rezoning will permit residential development in accordance with Council strategies and retains the existing RU2 Rural Landscape zone over the remainder of the subject site.

#### Environmental Planning and Assessment Act 1979

Part 3 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for amending a local environmental plan. The Department issued a Gateway determination under Section 3.34 of the Act specifying that the planning proposal should proceed to exhibition, subject to conditions and consultation requirements. The planning proposal was updated and exhibited for a minimum of 14 days in accordance with the Gateway determination.

The Gateway determination (**ATTACHMENT 5**) issued by the Department authorises Council to act as the local plan making authority to make the plan. Should Council adopt the recommendations, arrangements will be made for the drafting of the amendment to the LEP 2013 to give effect to the planning proposal.

#### Hunter Regional Plan

The aims of the Hunter Regional Plan (HRP) are to encourage initiatives that revitalise centres, improve housing choice, and make better use of existing infrastructure.

The planning proposal is consistent with the actions in the HRP that require councils to support infill housing in strategic centres, such as Raymond Terrace, and close to jobs, such as in the Heatherbrae and Tomago areas.

#### Greater Newcastle Metropolitan Plan 2036

The planning proposal aligns with Strategy 16 of the Greater Newcastle Metropolitan Plan (GNMP) 2036, 'Prioritise the delivery of infill housing opportunities within existing urban areas'.

The site is identified in the GNMP as being within a housing release area. The proposed rezoning will provide infill housing within proximity to jobs and a strategic centre and is therefore consistent with the GNMP.

#### Draft Port Stephens Local Strategic Planning Statement

The draft Port Stephens Local Strategic Planning Statement (LSPS) was considered by Council on 11 February 2020 and endorsed for public exhibition. The planning proposal is consistent with the planning priorities in the LSPS, in particular priorities regarding the supply of suitable land and diverse housing choices.

### Draft Port Stephens Local Housing Strategy

The draft Port Stephens Local Housing Strategy (Live Port Stephens) was considered by Council on 11 February 2020 and endorsed for public exhibition.

Live Port Stephens lists priorities and actions to:

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

The planning proposal aligns with Live Port Stephens as it will increase land supply, contribute to a liveable community in Raymond Terrace, close to jobs and services, and provide diverse housing options in the area.

### Port Stephens Planning Strategy 2011

The Port Stephens Planning Strategy 2011 (PSPS) identifies Heatherbrae as a specialist bulky goods and light industrial precinct.

The PSPS recognises that supply of unconstrained land within Port Stephens is in short supply. The PSPS acknowledges that housing supply within Raymond Terrace and Heatherbrae would largely consist of infill, with limited scope for greenfield development. Consideration of future development should support the objectives of the PSPS, which seek to strengthen the position of Raymond Terrace as a regional centre and support Heatherbrae as a specialist centre.

It is considered that the planning proposal is appropriately located adjacent to an existing residential area and is sufficiently removed from the Heatherbrae industrial and bulky goods precinct to not compromise the long-term viability of the specialist centre as an economic hub.

### Raymond Terrace and Heatherbrae Strategy 2015 – 2031

The land subject to this planning proposal is identified in the Raymond Terrace and Heatherbrae Strategy 2015 – 2031 (RTHS) as potential future greenfield residential development to assist in achieving the housing targets identified for Raymond Terrace.

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The planning proposal will have overall positive social and economic implications through the future provision of additional housing for an estimated 40 households. This will further strengthen existing social networks in this precinct and provide additional patronage to businesses in Raymond Terrace and Heatherbrae.

The subject site has been used exclusively for primary production previously and most vegetation has been removed from the site for farming purposes. As such, there is unlikely to be any significant loss of habitat or vegetation as a result of the planning proposal.

## **CONSULTATION**

### Internal

Consultation with internal stakeholders has been undertaken to inform the assessment of the planning proposal, including Development Engineering, Natural Resources, and Economic Development and Tourism.

No objections were identified with the subject proposal. Associated impacts of the proposal are considered able to be addressed at the assessment stage of any future development applications.

### External

The following public authorities were consulted prior to exhibition and in accordance with the Gateway determination:

- Ausgrid
- Hunter Water Corporation
- Department of Planning, Industry and Environment (Biodiversity and Conservation Division)
- Department of Primary Industries (Agriculture and Mining)
- NSW Rural Fire Services
- Transport NSW
- Worimi Local Aboriginal Land Council
- Department of Planning and Infrastructure (the Secretary).

No public authorities objected to the planning proposal proceeding. A summary of their comments and recommendations is provided at **(ATTACHMENT 3)**.

No comments were received from Department of Primary Industries (Agriculture and Mining), Worimi Local Aboriginal Land Council or the Department of Planning and Infrastructure (the Secretary).

In accordance with the Gateway determination, the planning proposal was placed on public exhibition for a minimum period of 14 days from 13 February 2020 to 28 February 2020.

A notice was placed in the Port Stephens Examiner and letters were issued to adjoining property owners. A copy of the planning proposal was made available on the Council website, at the Council administration building, and Council libraries.

During the exhibition period, 1 submission was received from the public. A summary of all submissions and responses is provided (**ATTACHMENT 3**).

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Planning Proposal - 5 Speedy Lock Lane, Heatherbrae.
- 2) Locality Plan.
- 3) Submissions Table.
- 4) Council Minutes - 9 October 2018.
- 5) Gateway Determination.

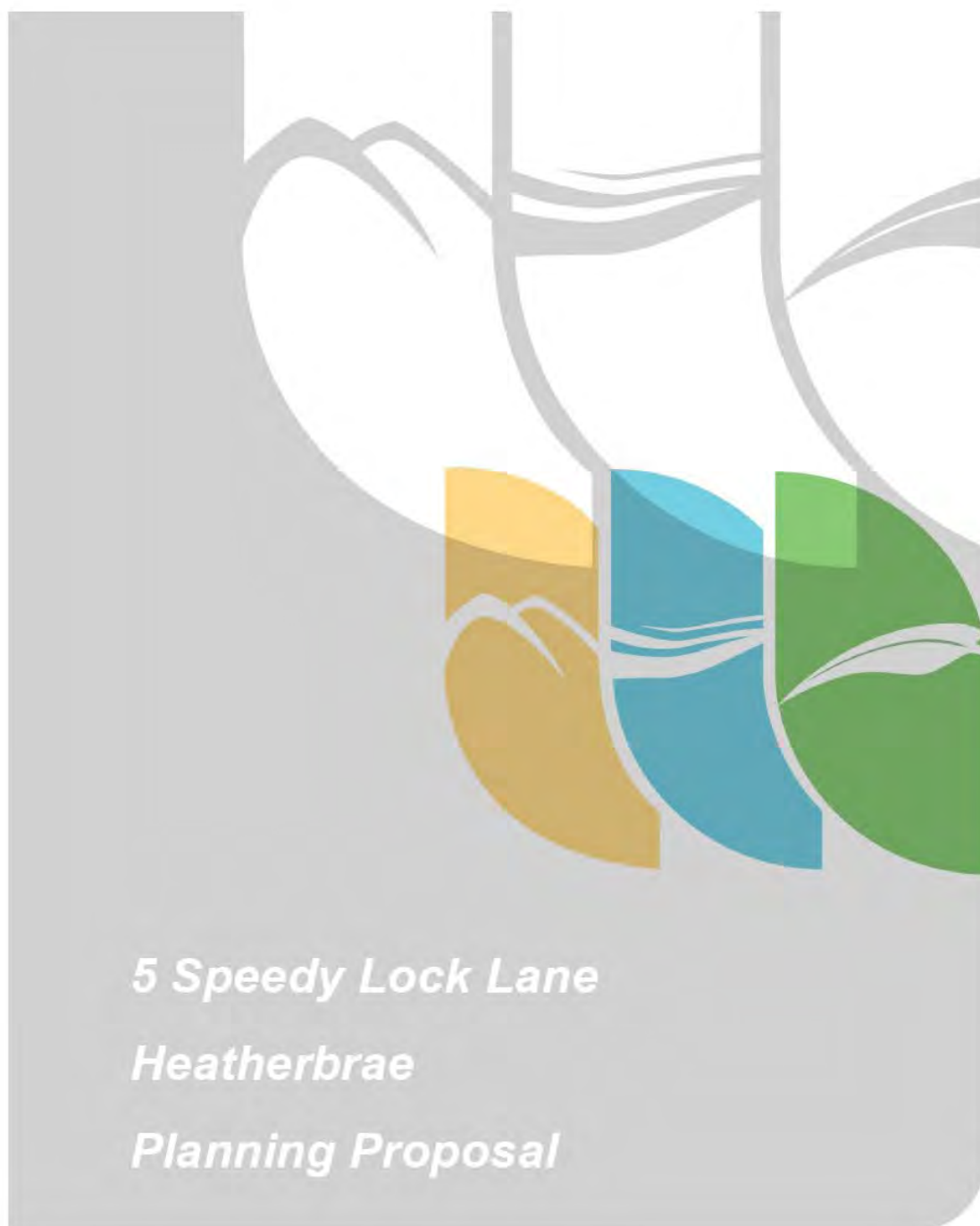
### **COUNCILLORS ROOM**

- 1) All relevant technical studies that form part of the planning proposal.
- 2) Copy of Submissions.

### **TABLED DOCUMENTS**

Nil.

ITEM 3 - ATTACHMENT 1      PLANNING PROPOSAL - 5 SPEEDY LOCK LANE,  
HEATHERBRAE.



Proposed amendment to Port Stephens  
Local Environmental Plan 2013



**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

**Version Control**

<b>HJ</b>	Hugh Jones - Le Mottee Group Pty Ltd;
<b>RK</b>	Roaé Kempe - Port Stephens Council.

Version	Date	Author	Details
1	8 March 2018	<b>HJ</b>	1. Planning Proposal as submitted with Council
2	4 Feb 2019	<b>HJ</b>	1. Clarify the proposed amendments. 2. Further justification for R5 zone. 3. Included list of external agencies and timeline. 4. Amended LEP maps (Annexure A)
3	19 June 2019	<b>HJ</b>	1. Updated in accordance with the Gateway Conditions: <ul style="list-style-type: none"> <li>• Applied the R2 Low Density Residential one to land above Flood Planning Level.</li> <li>• Removed proposed amendment to planning controls below Flood Planning Level.</li> <li>• Provided a Preliminary Contamination Investigation Report.</li> <li>• Mapped the site as an urban release area on the Port Stephens LEP 2013 Urban Release Map;</li> <li>• Applied a 9-metre height of building limit for the proposed R2 Low Density Residential Zone; and</li> <li>• Addressed the amended Direction 1.5 Rural Lands issues on 28 February 2019</li> <li>• Addressed Clause 5.16 of the Port Stephens LEP 2013.</li> <li>• Updated list of public authorities/ organisation to consult with.</li> </ul> 2. Removal of all reference to the earlier proposed R5 Large Lot Residential Zone and associated lot size. 3. Inclusion of SEPP (Primary Production and Rural Development) 2019. 4. Updated all maps.
4	3 Oct 2019	<b>RK</b>	1. Additional information and review of Part 3.1 Justification. 2. Included Document Version Control table. 3. Updated Project Timeline. 4. Included results of the Preliminary and the Detailed Contamination Investigation Reports under item SEPP No 55 – Remediation of Land. 5. Aligned Format with 'A Guide to preparing planning proposals': <ul style="list-style-type: none"> <li>• Removed Q3 'Community Benefits'.</li> <li>• Included site-specific merits.</li> <li>• Updated All Part 3 headers to reflect the Guide.</li> </ul> 6. Rewritten parts of the document for clarity and to provide additional information.



**ITEM 3 - ATTACHMENT 1      PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

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5	Nov 2019	<b>RK</b>	Updated in accordance with outcomes of the review of the previous draft (V4) by the DPIE (comments received 4 November 2019). 1. Additional Maps; including one showing Flood Planning Level in relation to land subject to proposed rezoning. 2. Removal of various references, including to rural residential housing. 3. Updated Timeframe
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**ITEM 3 - ATTACHMENT 1      PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

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**BACKGROUND**

The subject land is located within the Port Stephens Council (PSC) Local Government Area (LGA) and comprises Lot 173 DP 808771. Under the PSC Local Environmental Plan (LEP) Lot 173 is zoned RU2 Rural Landscape. Subdivision of land zoned RU2 requires the creation of lots with a minimum area of 20 hectares (ha). In order to facilitate the future subdivision of Lot 173 into smaller, more appropriately sized residential lots, the land must be rezoned, and the minimum lot size amended.

The site is located on the fringe of existing urban development, adjoining residential development to the south. Hunter River is located approximately 40m from the site and the Raymond Terrace town centre is 2km north of the site. Further, Heatherbrae which supports a growing commercial and industrial precinct is only 300m south east of the site. Overall it is considered that the site is central to services and facilities and perfect for residential development.

During the strategic planning meeting held prior to submission of this planning proposal, PSC indicated their support to the rezoning proposal. In accordance with the Raymond Terrace and Heatherbrae Strategy 2015-2031 council preferred the creation of 500m<sup>2</sup> to 2,000m<sup>2</sup> lots. It is therefore proposed to rezone a portion of Lot 173 from RU2 Rural Landscape to R2 Low Density Residential. Along with the rezoning it is proposed to reduce the minimum lot size so that the portion of the site rezoned to R2 will have a minimum lot size of 500m<sup>2</sup>. The subject site is indicated by council in the Raymond Terrace and Heatherbrae Strategy as a site that can facilitate the future rezoning to residential land.

The future subdivision of the site into 500m<sup>2</sup> Lots would require servicing infrastructure, in particular, the provision of reticulated water and sewerage to each lot. Hunter Water Corporation (HWC) has indicated that there is sufficient capacity for water in their gravity system to service the future subdivision. The nearest connection point is located at the entrance of the site located within Speedy Lock Lane.

In regard to services, Hunter Water Corporation (HWC) has indicated that there are three Wastewater Pumping Stations (WWPS) available. These include Raymond Terrace 1, Heatherbrae 1 and Heatherbrae 2. All of which have capacity to service a future development on the site. The nearest connection point for the site is Heatherbrae 2, located 500m from the site along Masonite Road. Heatherbrae 1 is located 600m to the south east from the site, located near Camfield Drive. Raymond Terrace 1 is located along Adelaide Street, approximately 1km from the site. It is anticipated the developer could connect to any of these at DA stage for a subdivision depending on availability of the line of connection.

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*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

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The Planning Proposal is able to comply with the provisions of Councils LEP 2013, and Development Control Plan (DCP), as well as *Planning for Bushfire Protection*, and relative *State Environmental Planning Policies*.

Land surrounding the subject site supports a range of rural, residential, and commercial developments.

**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.***Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae***Table of Contents**

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**Annexure A** – Proposed Rezoning Plans**Annexure B** – Traffic Impact Assessment**Annexure C** – Stormwater Management Plan**Annexure D** – Bushfire Threat Assessment**Annexure E** – Hunter Water Corporation Preliminary Servicing Advice**Annexure F** – Ausgrid Preliminary Servicing Advice**Annexure G** – NBN Co Servicing Agreement**Annexure H** – AHIMS Search Results**Annexure I** – Site Infrastructure Location**Annexure J** – Preliminary Site Investigation for Contamination**Annexure K** –Targeted Contamination Testing

**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

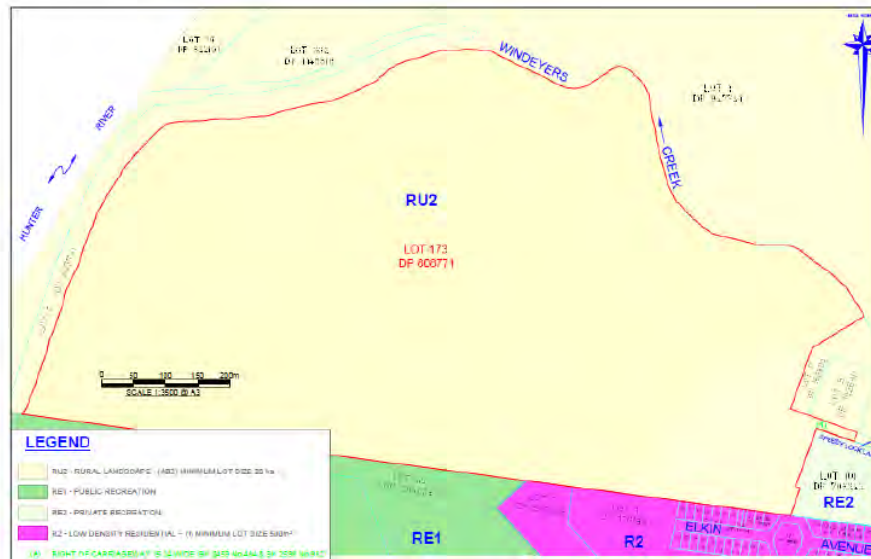
*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

**1. OBJECTIVES OR INTENDED OUTCOMES**

The objectives of the Planning Proposal are to:

- enable the use of Lot 173 DP 808771 for the purpose of creating residential lots by rezoning part of the land to R2 Low Density Residential;
- implement a Land Zoning Map for the site which is consistent with the proposed rezoning plans for the site; and
- amend the minimum Lot Size Map for the site to reflect reduced lot sizes suitable for the proposed zone.

The location of the subject land is shown on *Figure 1* and the existing zoning is shown on *Figure 2*.

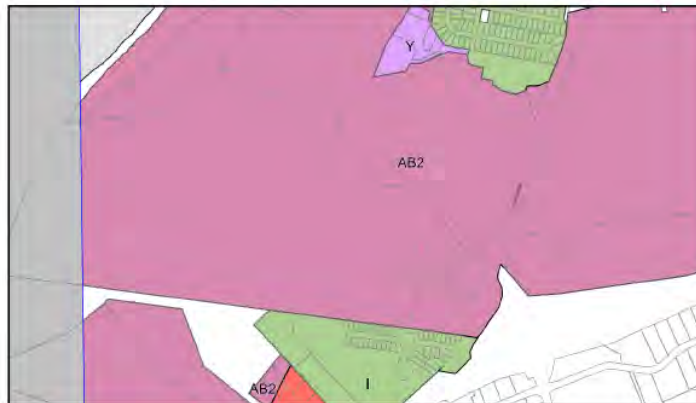


**Figure 1 – Port Stephens LEP 2013 land zoning map extract (map = 002C).**



**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*



**Figure 2** – Port Stephens LEP 2013 minimum lot size extract (AB2 = 20ha)

## **2. EXPLANATION OF PROVISIONS**

The PSLEP 2013 will be amended to enable the use of Lot 173 DP 808771 for the purpose of creating residential lots as follows:

- Land Zoning Map - RU2 Rural Landscape to part RU2 Rural Landscape and part R2 Low Density Residential under the LEP 2013;
- Lot Size Map – 'AB' 20 hectares to part 'AB' 20 hectares and part 'I' 500m<sup>2</sup>; and,
- Height of Buildings Map – 'No height' specified to part 'No height' specified and part 9 metres maximum building height.
- Urban Release Area Map – to include the site.

These proposed changes are restricted to the land above the Flood Planning Level as shown.

*Proposed Zoning R2 Low Density Residential and Flood Planning Level (hatched)*





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*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

Amending the existing zoning enables the subject land to be utilised for residential development and reducing the minimum lot size allows the land to be subdivided. Combined, these changes / amendments will assist in achieving residential housing targets within the Raymond Terrace and Heatherbrae area (**Refer Annexure A** for the proposed LEP maps).

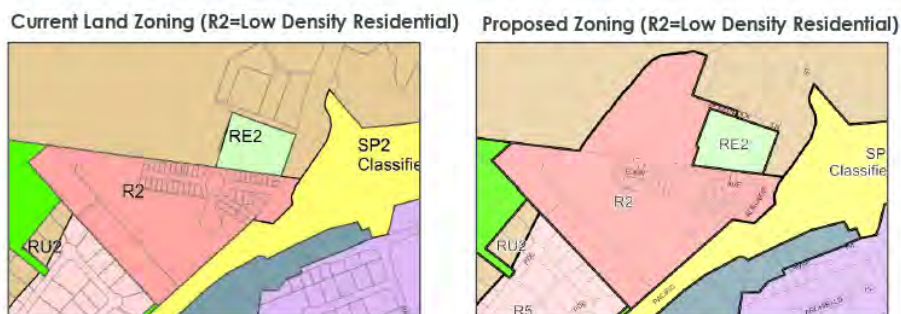
The site is not identified as having a specific maximum building height under the Port Stephens LEP, and therefore a maximum height limit of 9m will apply as outlined in the Port Stephens Development Control Plan (DCP). The height limit of similar residential areas is 9m, and thus the proposed rezoning will not result in inappropriate development for the area.

Further, the proposed rezoning of the land is expected to improve the potential for future urban growth. The subject site is therefore eligible to become an urban release area. The designation of the site as an urban release area is suggested in this planning proposal. Given the proximity to community facilities and transport centres, the subject land shall be able to accommodate the desired urban growth without the need to significantly alter existing infrastructure or require the erection of regionally significant infrastructure.

Any future subdivision of the land will be supported by existing public infrastructure, and it is therefore unlikely that additional retail, commercial or public space is likely to be established.

This complies with the Port Stephens LEP and is in accordance with the Raymond Terrace and Heatherbrae Strategy, adopted by Council on 24 November 2015. Please refer to **figure 3** below for an overview of the proposed rezoning.

**Figure 3 – Proposed amendment to Port Stephens LEP 2013 mapping**



**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

**Current Building Height (J = 9m)**



**Proposed Building Height (J = 9m)**



**Current Lot Size (I = 500m²)**



**Proposed Lot Size (I = 500m²)**



**Current Urban Release Area (none)**



**Proposed Urban Release Area**



**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

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**3. JUSTIFICATION****3.1 SECTION A – NEED FOR THE PLANNING PROPOSAL****Q1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study, or report?**

The subject land is identified in the *Raymond Terrace and Heatherbrae Strategy 2015-2031* (Port Stephens Council - November 2015) as a site at the end of Speedy Lock Lane which can contribute to achieving housing targets. One of the key actions (19) in the Strategy is to:

19. *Identify a portion of land at the end of Speedy Lock Lane, Heatherbrae, known as Lot 173 DP808771 from RU2 Rural Landscape to R2 Low Density Residential as a potential site for Greenfield development to assist in achieving housing targets as identified for Raymond Terrace under the Lower Hunter Regional Strategy".*

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes, the Planning Proposal is the best means of achieving the intended outcomes.

The Port Stephens Planning Strategy (PSPS) identifies Heatherbrae as a key centre for light industrial and bulky goods retail. The lands identified for industrial and bulky goods in the strategy are located to the south east of the Pacific Highway and will not be detrimentally impacted by the Proposal.

The appropriateness for future residential development is provided within the *Raymond Terrace and Heatherbrae Strategy* (RTHS) 2015-2031. Action 19 identifies the site as appropriately located adjacent to existing residential areas and are sufficiently removed from the Heatherbrae industrial and bulky goods precinct so as to not compromise the long-term viability of this economic hub.

The Strategy therefore identifies the site as a preferable location for future residential development as it will assist in providing unconstrained land in close proximity to existing community and social services without compromising existing bulky goods precinct.

The proposal for rezoning to R2 Low Density Residential addresses the objectives of the R2 residential zone as listed in the PSC LEP 2013:

- 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.



**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

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- 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.

The subject land is currently zoned RU2 Rural Landscape, under the Port Stephens LEP 2013. This zone prohibits the subject land from being subdivided unless each allotment created has a minimum area of 20 hectares.

To facilitate the subdivision of the subject land into residential lots as proposed by the Raymond Terrace and Heatherbrae Strategy, an amendment to the LEP zoning and minimum lot size maps must occur.

The planning proposal is the only way of achieving the aims and objectives, and the practicality of initiating the intent to release residential land as set out in the RT&HS.

### **3.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.**

**Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district, plan or strategy (including any exhibited draft plans or strategies)?**

#### **3.a. Strategic Merit of the proposal.**

The Guide to Preparing Planning Proposals requires Planning Proposals to be considered in the context of their site-specific merit and have regard for the following:

##### HUNTER REGIONAL PLAN 2036

The **Hunter Regional Plan (HRP) 2036** suggests that the greater Hunter aims to be the leading regional economy in Australia, whilst promoting a biodiversity-rich natural environment, thriving communities, and generating greater housing choice and jobs. The strategy will guide the growth of the Lower Hunter for the next 19 years, by identifying future development areas, principle land use types, settlement patterns and conservation outcomes.

The strategy aims to provide a further 60,450 dwellings to the lower hunter by 2036 for the projected population growth over the next 19 years. Of these 11,050 dwellings will be in the Port Stephens LGA.

Raymond Terrace is identified within the strategy as the 'main service centre' for the Port Stephens LGA and as such is earmarked to deliver infill potential and deliver urban release areas.

**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

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GREATER NEWCASTLE METROPOLITAN PLAN 2036

The **Greater Newcastle Metropolitan Plan (GNMP) 2036** provides a clear direction for the intended character of future residential and urban growth within the Greater Newcastle area. The plan identifies the site as being within a housing release area, and therefore consideration of the relevant actions will be discussed below.

**Strategy 16:** *Prioritise the delivery of infill housing opportunities within existing urban areas.*

The subject site is the last remaining unconstrained large holding within the locality, and is located within the vicinity of a housing release area and existing urban area as identified within the abovementioned plan. The proposed rezoning will achieve the desired urban growth, settlement character and intended future targets of the area by creating a more seamless transitional zone between rural and urban space in an area identified as having potential for future expansion.

**Strategy 17:** *Unlock housing supply through infrastructure coordination and delivery.*

Under the abovementioned plan, Raymond Terrace is defined as a strategic centre within greater Newcastle. Therefore, the rezoning of the site will provide infill housing opportunities within a strategic centre and is therefore consistent with the plan.

**3.b Site-Specific Merit of the proposal**

The Guide to Preparing Planning Proposals requires Planning Proposals to be considered in the context of their site-specific merit and have regard for the following:

- The natural environment

The subject Lot has relatively few constraints and could be used for residential purposes within the context of the natural environment and neighbouring rural use.

- The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.

*Existing and approved uses* – the site is currently zoned RU2 Rural Landscape, and not mapped as prime agricultural land.

The proposed rezoning of the subject land creates additional lots for residential development in an appropriate location. This planning proposal is not expected to create an unfavourable precedent, change the

**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

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expectations of the landowner(s), or result in a loss of employment lands. The proposed use does not conflict with uses in the vicinity.

*Likely future use* – the proposed residential use will further strengthen existing residential use of the Speedy Lock Lane area and make more efficient use of current and future proposed facilities, including road infrastructure, foot and bike paths and the nearby school. Improvement of the road will benefit nearby residents.

- The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The site is currently not serviced by reticulated water or sewer, however, HWC have indicated that there is sufficient capacity available for connection to both reticulated water and sewer. As the future subdivision of the site will be connected to both reticulated water and sewer the developer will be arranging for the service infrastructure to be extended, providing adjoining properties that are not currently serviced to connect into the network. It is considered that providing this infrastructure will be a benefit to the immediate local community and environment.

The demands arising from the proposal for infrastructure are expected to be limited as the planning proposal makes efficient use of existing infrastructure.

The carriageway width of Speedy Lock Lane will be upgraded to 8 metres with kerb and guttering on both sides. Therefore, will be no impact on existing residents and should increase the saleability and liveability of the area by providing wider and more attractive public infrastructure. **Refer Annexure B** for the full Traffic Impact Assessment.

Overall, the proposal is considered to generate benefits to the immediate and greater community.

**Q4. Is the planning proposal consistent with the local councils Community Strategic Plan, or other local strategic plan?**

PORT STEPHENS PLANNING STRATEGY (PSPS) 2011

The '**Port Stephens Planning Strategy (PSPS) 2011**' was adopted by Council on the 20<sup>th</sup> December 2011. The PSPS describes Councils land use strategy to 2036 and provides the basis for the Council's Principle LEP.

Raymond Terrace-Heatherbrae-Nelsons Plains area is identified as an enterprise corridor under the PSPS with an expected population increase of 8,034 people by 2031. As a result of the population increase further residential development is required in the Heatherbrae area.

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**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

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The Planning Proposal is consistent with the vision and objectives of the 'Port Stephens Planning Strategy 2011 – 2036', providing additional housing for the expected population growth of the area.

RAYMOND TERRACE AND HEATHERBRAE STRATEGY 2015-2031

The '**Raymond Terrace and Heatherbrae Strategy 2015-2031**' was adopted by Council on the 24 November 2015 with an aim to identify ways to develop a strong regional centre and create a great place to live, work and play within Raymond Terrace and Heatherbrae that are in line with the *Hunter Regional Plan 2036*, and the *Lower Hunter Regional Conservation Plan*. The strategy has a goal to create a city of housing choice with homes that meet the needs and lifestyles of the community, with a focus to provide affordable accommodation, together with both student and seniors' living opportunities.

Under the Raymond Terrace and Heatherbrae Strategy the site has been identified as having potential for Low Density Residential development.

Generally throughout the surrounding residential areas, land mapped as R2 (low density residential) has an associated minimum lot size of 500m<sup>2</sup>.

The Planning Proposal is consistent with and delivers on the vision and objectives of the 'Raymond Terrace & Heatherbrae Strategy'.

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

The following SEPP's apply in respect to the development on the subject land.

**SEPP No 44 – Koala Habitat Protection**

A patch of vegetation along the northern and western boundaries of the site is mapped as preferred koala habitat. The vegetation mapped as preferred koala habitat is not located within the area to be rezoned. No detailed investigation has occurred at this stage to confirm the presence of preferred Koala habitat nor is it envisaged to be necessary in the future. As an initiative to attract Koala Habitat to the area, the owner of the subject site has planted 1,000 Koala habitat trees in the preferred Koala habitat hatched area; this is located along the creek on the northern boundary away from the land subject to this proposal. The tree planting was undertaken with the assistance of a commonwealth government grant.

**SEPP No 55 – Remediation of Land**

The planning proposal does not include land identified for the purposes of this clause. Minimal activities that may cause contamination, as defined in Table 1 of the contaminated land planning guidelines, have occurred. The site has a land use history of agricultural/horticultural activities.

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**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

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Clause 6 of SEPP No 55 sets out the matters to be complied with for preparing an EPI, including the requirement to consider whether the land is contaminated or potentially contaminated and whether the land is suitable in its contaminated state or will be suitable after remediation for the proposed use. Council has considered clause 6 of SEPP No 55 as follows.

A Preliminary Site Investigation (PSI) for contamination was undertaken in July 2019 to identify past and present contaminating activities, to report on the current site condition, and provide recommendations for investigation and remediation (if required). The investigation was also to provide comments on the suitability of the site for the proposed rezoning from a contamination perspective.

The Preliminary Contamination Investigation Report concluded:

- The potential for site contamination from off-site sources is considered to be low.
- The identified potential sources of contaminants, if present, are likely to be readily amenable to remediation (if required) through conventional remediation approaches.

The site is considered suitable for the proposed rezoning, subject to the appropriate investigations and remediation/validation (where required).

Several potential contamination sources from the land uses on site were identified and the report recommended subsurface investigation and testing of soil / filling to assess the possible presence, extent, and implications (if any) of potential contaminants with respect to the proposed rezoning and future redevelopment.

**Refer Annexure J** for a Preliminary Contamination Investigation Report.

Given the above, a Stage 2 Contamination Investigation Report was prepared to ensure that any potential for uncertainty regarding potential contamination is resolved, and to ensure the requirements of SEPP 55 for rezoning are fully satisfied.

The targeted contamination testing was undertaken to further assess the identified potential sources of contamination identified in the Preliminary Site Investigation. The results of the assessment indicate, among other, the following:

- The general absence of gross contamination at the test locations and depths assessed;
- Contamination concentrations in soil were within the adopted site assessment criteria for residential land use.

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**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

- The site is considered to be suitable for the proposed residential subdivision with respect to contamination.

**Refer Annexure K** for a Stage 2 Contamination Investigation Report and complete overview of test results and conclusions.

The planning proposal is consistent with the objectives of this SEPP, and specifically addresses the requirements of clause 6 of SEPP No 55.

Based on the two contamination investigation reports, Council considers the sites to be suitable for the proposed residential use.

**SEPP (Building Sustainability Index: BASIX) 2004**

SEPP (BASIX) 2004 would be applicable to future development should the land be rezoned.

**SEPP (Infrastructure) 2007**

SEPP (Infrastructure) 2007 is applicable to the planning proposal as a range of services and facilities would need to be provided to facilitate planning outcomes. The planning proposal is consistent with the objectives of this SEPP with consultation to occur following gateway determination.

**SEPP (Primary Production and Rural Development) 2019**

The SEPP (Primary Production and Rural Development) 2019 will apply in accordance with Ministerial Direction 1.5. The planning proposal will have minimal impact to agriculture and primary production and will not affect State and rural communities.

The NSW Government has mapped more than one million additional hectares of the state's most valuable farming land - known as biophysical strategic agricultural land (BSAL). This land has the best quality soil and water resources and plays a sustaining role in the State's agricultural industry.

The planning proposal is not within land identified as BSAL and therefore does not rezone any State significant agricultural land (SSAL).

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

**Table 1 – Ministerial Directions for Local Planning Proposals**

Employment and Resources	Applicable	Consistency with current LEP 2013



**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

<b>1.1 Business and Industrial Zone</b>	No	The planning proposal does not affect land within an existing or proposed business or industrial zone.  Consistency with the Direction is not relevant to this proposal.
<b>1.2 Rural Zones</b>	Yes	The planning proposal seeks to rezone rural zoned land (RU2 Rural Landscape) to "R2 Low Density Residential". The proposed zoning does not aim to protect the agricultural production value of the land but is in keeping with the Raymond Terrace and Heatherbrae Strategy prepared by PSC to provide Lots of such character on the subject site.  Most of the Lot will remain RU2 zoned land and continues to support the agricultural viability of the area.  The proposed rezoning creates new residential lots which will become a natural extension of the existing Heatherbrae residential area.  This planning proposal is considered to be consistent with this direction.
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	No	The planning proposal does not affect land within an identified Resource, Potential Resource or Transition Area as identified in the Port Stephens Mineral Resource Audit (MRA).
<b>1.4 Oyster Aquaculture</b>	No	n/a
<b>1.5 Rural Lands</b>	Yes	This planning proposal affects land within an existing rural zone. It also seeks to change the existing minimum lot size for subdivision of the land.

ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

		<p>The subject land is predominantly open pastures and is used generally for the purpose of cattle grazing and includes ancillary structures and infrastructure to support agricultural production. A small portion of the site is proposed to be rezoned; however, this will not affect use of the remaining land for rural purposes.</p> <p>The planning proposal takes into consideration the agricultural use of the land and is thus able to satisfy part (4) and part (5) of this Direction as set out below:</p> <p><b>(4)</b></p> <p>(a) <b>Be consistent with any applicable strategic plan.</b></p> <p>This planning proposal is consistent with the objectives contained within the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036, as well as the Port Stephens Local Environmental Plan, and Port Stephens Planning Strategy.</p> <p>Specifically regarding the subject site, the Raymond Terrace and Heatherbrae Strategy 2015-2031 (PSC 2015) includes the following action:</p> <p>19. 'Identify a portion of land at the end of Speedy Lock Lane, Heatherbrae, known as Lot 173 DP808771 from RU2 Rural Landscape to R2 Low Density Residential as a potential site for Greenfield development to assist in achieving housing targets as identified for</p>
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ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

		<p><i>Raymond Terrace under the Lower Hunter Regional Strategy".</i></p> <p><b>(b) Consider the significance of agriculture and primary production of State and rural communities.</b></p> <p>While the proposed rezoning does not specifically aim to protect the agricultural production value of the land, it is in keeping with the Raymond Terrace and Heatherbrae Strategy.</p> <p>The majority of the Lot will remain RU2 zoned land and continues to support the agricultural viability of the area. The Planning Proposal seeks to rezone a small portion of the land to R2. This land abuts existing non-rural zones (R2 and RE2).</p> <p>The planning proposal will have minimal impact to agriculture and primary production and will not affect State and rural communities.</p> <p>The Proposal is consistent with the Direction.</p> <p><b>(c) Identify and protect environmental values.</b></p> <p>The area subject to this planning proposal is unlikely to result in the removal of any significant vegetation due to the small portion of land of the lot that is proposed to be rezoned. The proposed rezoning boundary is located outside the vegetated areas on site.</p>
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**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

		<p><b>(d) Consider the Natural and physical constraints of the land.</b></p> <p>Although Lot 173 is largely flood prone, this Planning Proposal only applies to a portion of land that is completely above the Flood Planning Level.</p> <p>Lot 173 is bordered to the north by Windemeyer Creek (Category 4 stream), to the west by Hunter River and contains a wetland on the western boundary of the property and 2 smaller possible wetlands along the southern boundary.</p> <p>These will be wholly contained within the residual Lot and remain under the current zoning of RU2. The lands proposed to be rezoned (this Planning Proposal) are more than 50 meters from the watercourses onsite and therefore unlikely to be affected by the proposed rezoning.</p> <p>As part of the Gateway Determination, the delegate of the Minister for Planning agreed that the planning proposal's inconsistency with section 9.1 Direction: 4.1 Acid Sulfate Soils is justified in accordance with the terms of the Directions. No further approval is required in relation to this Direction.</p> <p>The Planning Proposal reflects the requirements of the Raymond Terrace and Heatherbrae Strategy 2015-2031 and has been designed to adhere to the land constraints.</p> <p><b>(e) Promote opportunities for investment in rural economic activities.</b></p>
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ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

		<p>The planning proposal will reduce opportunities for rural economic activities.</p> <p>The potential future residential subdivision, as a result of the rezoning, is not expected to interfere with the ongoing use of the remaining RU2 zoned land for rural economic activities.</p> <p><b>(f) Support farmers in exercising their right to farm.</b></p> <p>The majority of the subject Lot will remain RU2 zoned land which continues to support the agricultural viability of the area.</p> <p>The planning proposal will not impede a farmer in exercising their right to farm.</p> <p><b>(g) Minimise fragmentation of rural land, reduce risk of land use conflict.</b></p> <p>Lot 173 is zoned RU2 and only a small portion adjacent to existing urban development is proposed to be rezoned to "R2 Low Density Residential". The potential risk of land use conflict will not change as currently RU2 and R2 zoned land already border each other.</p> <p>The planning proposal will not result in the fragmentation of rural land as it rezones in a small area which will connect and adjoin existing RE2 and R2 zoned areas which already accommodate residential and commercial uses.</p> <p><b>(h) State Significant agricultural land.</b></p> <p>The NSW Government has mapped more than one million</p>
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**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

		<p>additional hectares of the state's most valuable farming land - known as biophysical strategic agricultural land (BSAL). This land has the best quality soil and water resources and plays a sustaining role in the State's agricultural industry.</p> <p>The site is not mapped as containing State Significant agricultural land under the State Environmental Planning Policy (Primary Production and Rural Development) 2019.</p> <p>The planning proposal is not within land identified as BSAL and therefore is does not rezone any State significant agricultural land (SSAL).</p> <p>(i) <b>Social, economic and environmental interests of the community.</b></p> <p>The proposed rezoning will achieving residential housing targets within the Raymond Terrace and Heatherbrae area and will provide low density residential allotments to meet the projected increasing demand for housing in a location close to schools, facilities, services and transport and is therefore considered to be in the best interest of the community.</p> <p>This planning proposal is considered to be consistent with this direction.</p>
<p><b>Clause 5.16 Port Stephens LEP 2013</b> – Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones.</p>		<p>The Planning Proposal is in accordance with Clause 5.16 of the Port Stephens Local Environmental Plan (2013), as follows:</p>

**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

		<p>(4)(a) Land surrounding the subject site already supports a range of rural, residential, and commercial uses.</p> <p>Access to the site is via Speedy Lock Lane, which lies to the east and is also used by 4 allotments to the north and a caravan park to the south of the lane.</p> <p>These sites are zoned RU2 Rural Landscape and comprise 3 dwellings and a non-conforming use operating under existing use provisions. The caravan park is also a historic use.</p> <p>Land used for agricultural purposes adjoins the site to the north and the Hunter River High School and the subject site share a boundary to the south east.</p> <p>Considering the variety of land uses, the subject Planning Proposal is not expected to increase potential impacts between existing and proposed residential uses.</p> <p>(4)(b) Land use for both rural and residential purposes are equally predominant within the Heatherbrae area.</p> <p>In addition, the location for the proposed R2 zone will better connect existing commercial and residential uses without intruding into RU2 zoned land.</p> <p>Further, the proposal incorporates currently RU2 zoned land which is already used for residential purposes (dwelling and shed) and includes various other structures like shipping containers, septic tanks, driveways, and paths.</p>
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**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

		<p>(4)(c) The Planning proposal aims to create an improved interface between the rural and existing residential areas within the vicinity of the subject land. The proposed R2 zoning is not considered to be incompatible with the ongoing rural use of the remainder of Lot 173.</p> <p>(4)(d) Only a portion of the site above the flood planning level is proposed to be rezoned. The remaining subject land is to retain the RU2 zoning and therefore the need for additional housing will be satisfied while retaining rural land. The potential risk of land use conflict will not change as currently RU2 and R2 zoned land already border each other</p> <p>Any perceived inconsistencies with this direction are considered to be justified by the Raymond Terrace and Heatherbrae Strategy.</p> <p>This planning proposal is considered to be consistent with this direction.</p>
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Environment and Heritage	Applicable	Consistency with Current LEP 2013
<b>2.1</b> Environment Protection Zones	No	n/a
<b>2.2</b> Coastal Protection	No	n/a
<b>2.3</b> Heritage Conservation	No	n/a
<b>2.4</b> Recreation Vehicle Areas	No	n/a

Housing, Infrastructure and Urban Development	Applicable	Consistency with Current LEP 2013
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**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

<b>3.1 Residential Zones</b>	Yes	Under the Draft LEP the site will be rezoned to R2 Low Density Residential. This is in keeping with the PS&H Strategy.  This planning proposal is considered to be consistent with this direction.
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	No	n/a
<b>3.3 Home Occupations</b>	Yes	The mandatory provisions of the Port Stephens LEP make home occupations exempt from requiring development consent under the R2 Low Density Residential.  This planning proposal is considered to be consistent with this direction.
<b>3.4 Integrating Land Use and Transport</b>	Yes	The site is located close to the Town Centre of Raymond Terrace and within walking distance to Hunter River High School. A bike track / walking pathway starts at the corner of Speedy Lock Lane and Adelaide Street and runs along Adelaide Street nearest bus stop and highway link to the north coast, Sydney, and Queensland. As such, the planning proposal is able to satisfy this direction by increasing the choices available and limiting the use of cars.  This planning proposal is considered to be consistent with this direction.
<b>3.5 Development Near Licensed Aerodromes</b>	No	n/a
<b>3.6 Shooting Ranges</b>	No	n/a



**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.***Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

<b>Hazard and Risk</b>	<b>Applicable</b>	<b>Consistency with Current LEP 2013</b>
<b>4.1</b> Acid Sulfate Soils	Yes	<p>The site is zoned as Class 2 and Class 4, however only land zoned as Class 4 is proposed to be rezoned. Therefore, the potential for development to trigger oxidation and the production of acid from acid sulphate soils is envisaged to be low.</p> <p>This planning proposal is considered to be consistent with this direction.</p>
<b>4.2</b> Mine Subsidence and Unstable Land	No	n/a
<b>4.3</b> Flood Prone Land	Yes	<p>A portion of the site is flood prone. All of the land proposed to be rezoned is above the FPL. This portion of land will provide sufficient buildable area for future residential development whilst protecting from flood risk.</p> <p>This planning proposal is considered to be consistent with this direction.</p>
<b>4.4</b> Planning for Bushfire Protection	Yes	<p>Part of the land subject to this planning proposal is mapped as being bushfire prone land on Council's bushfire prone land mapping.</p> <p>This planning proposal seeks to consult with the NSW RFS subsequent to gateway determination being issued and prior to undertaking community consultation.</p> <p>Most of the land is cleared of significant vegetation and used for agricultural production. The site is considered to be capable of providing for development that complies with Planning for Bushfire Protection 2006.</p>

**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

		This planning proposal is considered to be consistent with this direction.
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<b>Regional Planning</b>	<b>Applicable</b>	<b>Consistency with Current LEP 2013</b>
<b>5.1</b> Implementation of Regional Strategies	No	n/a
<b>5.2</b> Sydney Drinking Water Catchments	No	n/a
<b>5.3</b> Farmland of State and Regional Significance on the NSW Far North Coast	No	n/a
<b>5.4</b> Commercial and Retail Development along the Pacific Highway, North Coast	No	n/a
<b>5.5</b> Development within the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA). Revoked 18 June 2010.	No	n/a
<b>5.6</b> Sydney to Canberra Corridor. Revoked 10 July 2008. See amended Direction 5.1	--	--
<b>5.7</b> Central Coast. Revoked 10 July 2008. See amended direction 5.1	--	--
<b>5.8</b> Second Sydney Airport : Badgerys Creek	No	n/a
<b>5.9</b> North West Rail Link Corridor Strategy		
<b>5.10</b> Implementation of Regional Plans	Yes	This planning proposal is considered to be in keeping with both regional and local strategies, providing for further residential development within a corridor earmarked for growth.

**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

		This planning proposal is considered to be consistent with this direction.
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Local Plan Making	Applicable	Consistency with Current LEP 2013
6.1 Approval and Referral requirements	Yes	This planning proposal is considered to be consistent with this direction.
6.2 Reserving Land for Public Purposes	Yes	This planning proposal is considered to be consistent with this direction.
6.3 Site Specific Provisions	Yes	This planning proposal is considered to be consistent with this direction.

Metropolitan Planning	Applicable	Consistency with Current LEP 2013
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No	n/a
7.2 Implementation of Greater Macarthur Land Release Investigation		n/a
7.3 Parramatta Road Corridor Urban Transformation Strategy		n/a
7.4 Implementation of the North West Priority		n/a

**3.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

**Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The subject land is predominantly clear of native vegetation and has been used for agricultural purposes for many years. A relatively small patch of vegetation is located along Windeyers Creek (northern boundary) and is mapped as preferred koala habitat. The remainder of the site is devoid of native vegetation.

**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

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As there is potential to retain vegetation if necessary the proposal shall not result in any adverse impacts in regard to critical habitat, threatened species, populations or ecological communities, or their habitats.

**Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The actual rezoning of the land is not expected to result in any adverse environmental impacts. However, future development on each lot and road construction has potential to result in adverse environmental effects if not managed properly. Any future development will be required to adhere to strict planning provisions and subsequent assessment. Therefore, it is envisaged any future development will not generate further environmental impacts. Some of the proposed mitigation measures are outlined below.

**Waste Management**

The site has access to reticulated water supply infrastructure, with a main located along Speedy Lock Lane. HWC have also indicated there is capacity available for connection to reticulated sewer in the area. Therefore, it is possible that future subdivision of the site could be connected to reticulated sewer.

**Stormwater Management and Erosion / Sediment Control**

A contour survey was undertaken to determine the topography of the site and the natural path of water across the site. It has been determined that water will generally flow westerly toward the Hunter River.

A concept stormwater management plan has been prepared (**Refer Annexure C - Stormwater Management Plan**). It is important to note that these plans are only indicative for the purposes of identifying an appropriate stormwater strategy and therefore should not be read as plans of subdivision.

A final Stormwater Management and Erosion / Sedimentation Plan shall be prepared to address stormwater management within the estate at a future stage to accompany a Development Application (DA) for residential development. Best practice management techniques, consistent with Council requirements and current industry standards, shall be appropriately used within the stormwater management design.

**Bushfire Protection and Mitigation**

Windeyers Creek (the northern boundary) and the land along the Hunter River of the site are mapped as bushfire prone land. As such a Bushfire Threat Assessment Report has been prepared and provided as part of this application.

Asset protection zones (APZ's) necessary to protect future development are able to be easily provided. Most of the site is cleared of native vegetation and

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**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

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is not considered bushfire prone (Refer Annexure D – Bushfire Threat Assessment).

The proposal is able to satisfy regulation setback requirements to vegetation considered a bushfire threat.

**Indigenous Heritage**

To ensure due diligence, a search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken with a 200m buffer around the site. To this end, there were no Aboriginal sites or places recorded within the study area. Therefore, it is envisaged the proposed development will not require an Aboriginal Heritage Impact Statement.

The planning proposal is unlikely to have any significant adverse impacts in regard to indigenous heritage.

**Q9. Has the planning proposal adequately addressed any social and economic effects?**

The planning proposal is not expected to create any adverse social or economic effects. The proposal forms a logical extension to the existing Heatherbrae residential area.

Subdivision of the subject land shall have a positive social effect on the area by the creation of additional lots during a period of unprecedented demand for residential development in Raymond Terrace, Heatherbrae and the Port Stephens LGA.

**3.4 SECTION D – STATE AND COMMONWEALTH INTERESTS.****Q10. Is there adequate public infrastructure for the planning proposal?**

Yes. The subject land is serviced by electricity and telecommunication infrastructure that shall be extended upon future approval to subdivide.

Hunter Water Corporation has indicated that access to reticulated water supply infrastructure is available for the site, with a water main located along Speedy Lock Lane. Further, HWC also indicated there is capacity available for connection to the reticulated sewer pump system. Therefore, it is expected that a future subdivision of the site would be connected to reticulated sewer.

The subject land is connected by Speedy Lock Lane and is located within 500m of the Heatherbrae industrial precinct and a local school. A Traffic Impact Assessment was prepared by a qualified traffic consultant to determine if any upgrades to nearby roads are required for the rezoning.

**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

The carriageway width will be upgraded to 8 metres with kerb and guttering on both sides. **Refer Annexure B** for the full Traffic Impact Assessment.

**Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

No consultation has been undertaken at this stage. Following the gateway determination, the relevant agencies will be consulted.

**4. CONSULTATION AND PROJECT TIMELINE**

CONSULTATION

The planning proposal is considered a low impact planning proposal and therefore an exhibition period of 14 days should be sufficient.

The gateway determination has identified that consultation with the following external agencies will be required:

- Ausgrid;
- Hunter Water Corporation;
- Office of Environment and Heritage;
- Department of Primary Industries (Agriculture and Mining);
- Department of Planning, Industry and Environment – Department's Secretary
- NSW Rural Fire Service;
- NSW Roads and Maritime Service; and,
- Worimi Local Aboriginal Land Council.

PROJECT TIMELINE

The following timeline is proposed:

	Dec 2019	Jan 2019	Feb 2020	March 2020
Agency consultation (minimum 21 days as per Gateway requirements)				
Public Exhibition (minimum 14 Days as per Gateway requirements and after Agency consultation)				
Consideration of submissions				
Council Report				
Submission to the Department to finalise the LEP				



**ITEM 3 - ATTACHMENT 1      PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.**

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

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**5. CONCLUSION**

The proposed rezoning and subsequent subdivision of the subject land is consistent with the Raymond Terrace and Heatherbrae Strategies' objectives for future development on the subject land. The proposed subdivision shall comply with the Port Stephens LEP and DCP's. The selected land makes suitable sense to facilitate a rezoning of such nature.

The portion of land selected is not constrained by way of vegetation, flooding, or agricultural pursuits. The proposal comprises infill development as it is the last remaining unconstrained large holding within the locality.

Lot sizes and configuration of the proposed subdivision are consistent with the surrounding land use settlement pattern, and are consistent with the land use capabilities of the site and the broader locality.

The rezoning and future subdivision of the land is not expected to establish a precedent in the area for further development due to the constraints and limitations on the surrounding lands at the present time.

This future subdivision can comply with the development and construction requirements of Port Stephens Council and the relevant development controls. Appropriate mitigation measures can be implemented during the development phase to manage any potential impacts on the future residents within the area.

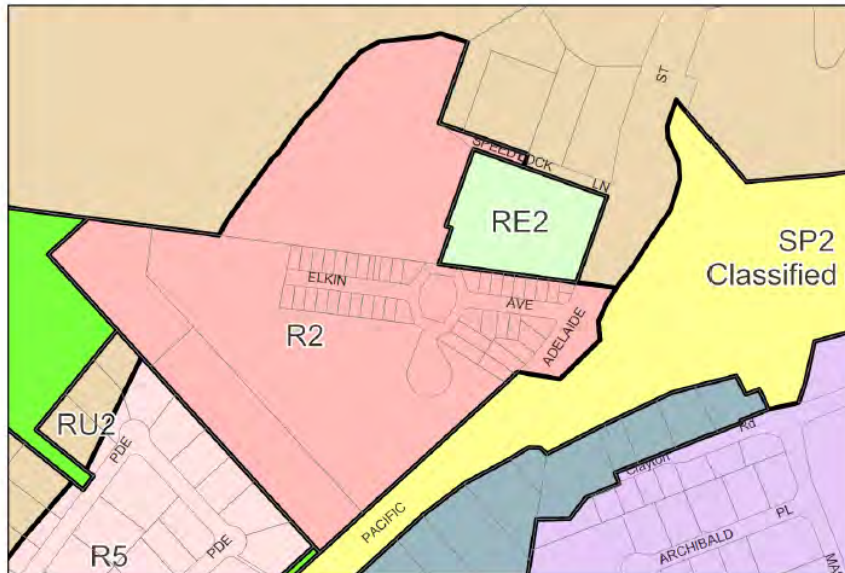
ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

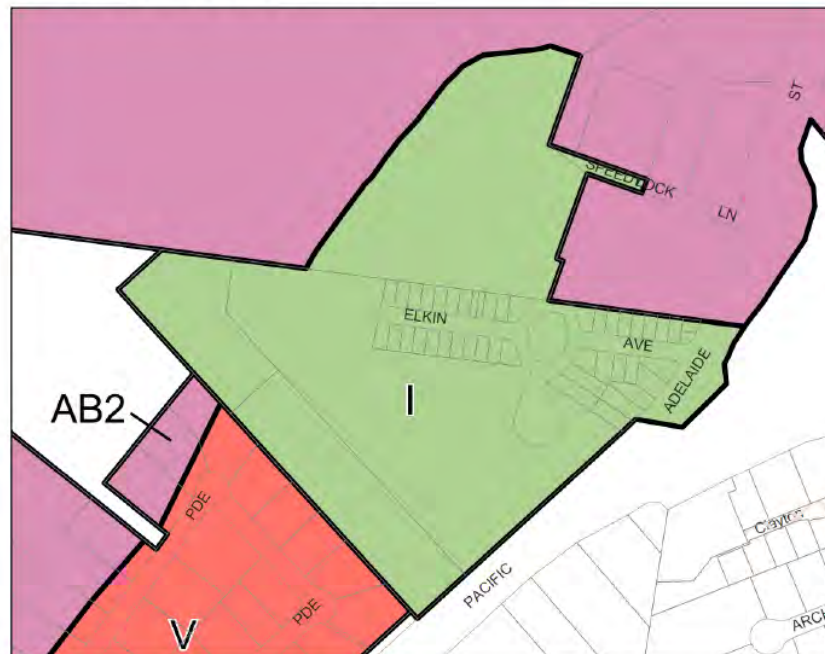
**Annexure A**

Proposed Rezoning Plans

Proposed Zoning – R2 – Low Density Residential



Proposed Building Height (J=9m)



ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - 5 SPEEDY LOCK LANE, HEATHERBRAE.

*Proposed Rezoning at Lot 173 DP 808771 (5 Speedy Lock Lane), Heatherbrae*

Proposed Lot Size (I=500m<sup>2</sup>)



Proposed Urban Release Area







**ATTACHMENT 3: PUBLIC SUBMISSIONS AND PUBLIC AUTHORITY ADVICE**

Planning proposal for 5 Speedy Lock Lane, Heatherbrae.

No.	Author of submission	Summary of Comments	Council response
1.	Individual	<p>a. Some residents of Elkin Avenue are concerned about what will be in the vicinity of adjoining properties. They have enjoyed a high level of privacy for a long time with the neighbouring RU2 zoning and land use.</p> <p>Houses along Elkin Avenue are built towards the rear fence of the property. An R2 zoning with up to 9m two storey house may cause overlooking, privacy issues, and noise pollution.</p>	<p>a. The subject planning proposal does not permit the carrying out of a specific development. The proposed rezoning aims to permit future R2 Low Density Residential development, subject to obtaining development consent for the specific future development of the site for permissible uses.</p> <p>The Development Control Plan will require any future development application to address the matters raised through development requirements for setbacks, building height, privacy, and solar access.</p>
		<p>b. There is an issue of traffic banking up through the Speedy Lock Lane/ Adelaide Street roundabout during peak hour for traffic turning right on to the Pacific Highway. This started to occur after changes were made from two lanes turning right to only one.</p> <p>The Local Traffic Committee determined that this was a Transport for NSW issue and not a Council issue.</p>	<p>b. The roundabout traffic conditions were changed after the traffic report for the planning proposal was prepared.</p> <p>Transport for NSW is the relevant roads authority for this intersection with the Pacific Highway.</p> <p>Transport for NSW were referred the planning proposal and</p>

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**ITEM 3 - ATTACHMENT 3 SUBMISSIONS TABLE.**

No.	Author of submission	Summary of Comments	Council response
		The question is raised if Transport for NSW was consulted for an impact assessment regarding the planning proposal.	raise no objection to the planning proposal as it is considered there will be no significant impact on the nearby classified (State) road network.
		c. The current congestion along Elkin Avenue and limited parking for Hunter River High School, particularly during drop off and pick up times. Many cars are forced to stop in the no-stopping zones, resulting in kids running between cars and busses.	c. The issue raised regarding safety around the high school access is noted.  This issue is an existing situation and not related to the planning proposal. However, Council has been in discussion with the school and the Department of Education about ways to improve access to the school. Several discussions were also held with Council's Local Traffic Committee.  Currently, plans to improve the situation are in preliminary stage, however no funding has been allocated for capital improvements.
		d. The intent to connect future development through a road which connects to Elkin Ave roundabout. This poses issues with school drop off and increased traffic demands.	d. The proposed access to Elkin Avenue is supported, but it would need to be constructed to ensure that any non-essential traffic is deterred and that vehicle speeds are controlled.

ITEM 3 - ATTACHMENT 3 SUBMISSIONS TABLE.

No.	Author of submission	Summary of Comments	Council response
		e. The submission states that bus drivers have expressed concerns with traffic at the end of Elkin Avenue / Adelaide St / Speedy Lock Lane roundabout.	e. This is an existing situation and not related to the planning proposal.  In addition, the traffic impact assessment undertaken as part of the planning proposal indicates that additional future traffic generated, is within the capacity of the roads in the vicinity of the subject site.
1.	Ausgrid	a. It is envisaged the development will be supplied via underground cable to a kiosk substation. This distribution work is contestable and would be developer funded.  It is expected that a connection application will be submitted by the developer after which a more detailed planning study will be undertaken, to outline the connection requirements.	Noted.
		b. If existing Ausgrid assets are located within the development boundaries and located in areas other than Council road reserve, the asset will need to be covered by an easement or relocated at the developers cost.	To be considered at development application stage.
2.	Hunter Water Corporation	Hunter Water have no objections to the rezoning proposal.	Noted.
3.	Department of Planning, Industry and Environment	<b>Flooding and flood risk</b> a. The planning proposal should be revised so that the	The planning proposal included 2 incorrect maps in the attachments.

ITEM 3 - ATTACHMENT 3 SUBMISSIONS TABLE.

No.	Author of submission	Summary of Comments	Council response
	Biodiversity and Conservation Division (DPIE – BCD)	<p>proposed R2 Low Density Residential zone boundary does not exceed the 5.8 metre flood planning level contour. This relates to 2 maps in the attachments.</p>	These maps are now amended and included in the final planning proposal.
		<p><b>Aboriginal cultural heritage</b></p> <p>b. DPIE - BCD recommends that the proponent clearly identifies all potential areas, objects, places or landscapes of heritage significance to Aboriginal culture and people that may potentially constrain future land use planning, by undertaking an Aboriginal cultural heritage assessment.</p> <p>The outcomes of this assessment should inform the planning proposal, to ensure consistency with the requirements of Section 9.1 (Direction 2.3 – Heritage Conservation) of the Environmental Planning and Assessment Act 1979.</p>	<p>Council officers have contacted DPIE – BCD about their recommendation for an Aboriginal Cultural Heritage Impact Assessment (the Assessment).</p> <p>DPIE – BCD confirmed this is a recommendation only, based on best practice, rather than an assessment of this particular site. Therefore BCD has advised that Council can decide how to proceed.</p> <p>The AHIMS research conducted as part of the planning proposal did not indicate any aboriginal heritage sites in or near the subject site and did not indicate any aboriginal places being declared in or near the subject site.</p> <p>Therefore, the recommended Assessment can be undertaken at a later stage, for example in preparation of a future development application.</p>

**ITEM 3 - ATTACHMENT 3 SUBMISSIONS TABLE.**

No.	Author of submission	Summary of Comments	Council response
		<b>Biodiversity</b>  c. BCD does not have any concerns in relation to biodiversity.	Noted.
5.	NSW Rural Fire Service	NSW Rural Fire Service has no concerns or issues in relation to bush fire.	Noted.
6.	Transport for NSW	Transport for NSW raises no objection to the planning proposal as it is considered there will be no significant impact on the nearby classified (State) road network.	Noted.

**MINUTES ORDINARY COUNCIL - 9 OCTOBER 2018**

Councillor Paul Le Mottee left the meeting at 7:07pm in Open Council.

**ITEM NO. 4**

**FILE NO: 18/140315**  
**EDRMS NO: 58-2018-16-1**

**PLANNING PROPOSAL - 5 SPEEDY LOCK LANE HEATHERBRAE**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Planning Proposal (**TABLED DOCUMENT**) to amend the *Port Stephens Local Environmental Plan 2013* for land at 5 Speedy Lock Lane, Heatherbrae to:
  - a) Rezone part of the land from RU2 Rural Landscape to R2 Low Density Residential and R5 Large Lot Residential.
  - b) Amend the minimum lot size from 20ha to 500m<sup>2</sup> for all land proposed to be rezoned to R2 Low Density Residential.
  - c) Specify a maximum height of buildings of 9 metres for all land proposed to be rezoned to R2 Low Density Residential.
  - d) Amend the minimum lot size from 20ha to 2000m<sup>2</sup> for all land proposed to be rezoned R5 Large Lot Residential.
- 2) Submit the Planning Proposal to the NSW Department of Planning and Environment for a gateway determination and request delegated authority to make the plan.

**ORDINARY COUNCIL MEETING - 9 OCTOBER 2018**  
**MOTION**

<b>119</b>	<b>Councillor Glen Dunkley</b> <b>Councillor Chris Doohan</b>  It was resolved that Council:  1) Adopt the Planning Proposal ( <b>TABLED DOCUMENT</b> ) to amend the <i>Port Stephens Local Environmental Plan 2013</i> for land at 5 Speedy Lock Lane, Heatherbrae to: <ol style="list-style-type: none"><li>a) Rezone part of the land from RU2 Rural Landscape to R2 Low Density Residential and R5 Large Lot Residential.</li><li>b) Amend the minimum lot size from 20ha to 500m<sup>2</sup> for all land proposed to be rezoned to R2 Low Density Residential.</li></ol>
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**MINUTES ORDINARY COUNCIL - 9 OCTOBER 2018**

	<ul style="list-style-type: none"><li>c) Specify a maximum height of buildings of 9 metres for all land proposed to be rezoned to R2 Low Density Residential.</li><li>d) Amend the minimum lot size from 20ha to 2000m<sup>2</sup> for all land proposed to be rezoned R5 Large Lot Residential.</li></ul> <p>2) Submit the Planning Proposal to the NSW Department of Planning and Environment for a gateway determination and request delegated authority to make the plan.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

ITEM 3 - ATTACHMENT 5 GATEWAY DETERMINATION.



PP\_2018\_PORTS\_006\_00 / EF18/44225

Mr Wayne Wallis  
General Manager  
Port Stephens Council  
PO Box 42  
RAYMOND TERRACE NSW 2324

Dear Mr Wallis

**Planning proposal PP\_2018\_PORTS\_006\_00 to amend Port Stephens Local Environmental Plan 2013**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 13 March 2019 in respect of the planning proposal to rezone land at 5 Speedy Lock Lane, Heatherbrae to R2 Low Density Residential zone and amend the planning controls accordingly above the Flood Planning Level.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction; 4.1 Acid Sulfate Soils is justified in accordance with the terms of the Directions. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of relevant section 9.1 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to public exhibition.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6

Hunter Region | Level 2, 26 Honeysuckle Drive | PO Box 11226 Newcastle 2300 | T 02 4904 2700 | [hunter@planning.nsw.gov.au](mailto:hunter@planning.nsw.gov.au)  
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**ITEM 3 - ATTACHMENT 5      GATEWAY DETERMINATION.**

weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Paul Maher to assist you. Mr Maher can be contacted on 4904 2719.

Yours sincerely

26/3/2019

**Monica Gibson**  
**Director Regions, Hunter**  
**Planning Services**

Encl: Gateway determination  
Authorised plan-making reporting template



Planning &  
Environment

### Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_PORTS\_006\_00):** to allow residential development at 5 Speedy Lock Lane, Heatherbrae above the Flood Planning Level.

I, the Director Regions, Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 to rezone Lot 173 DP 808771, 5 Speedy Lock Lane, Heatherbrae to rezone to R2 Low Density Residential and amend the minimum lot size and height of building, should proceed subject to the following conditions:

1. Council is to update the planning proposal with the following information and forward it to the Department of Planning and Environment for review prior to public exhibition;
  - a. Apply the R2 Low Density Residential zone to the land above Flood Planning Level;
  - b. Remove any proposed amendment to planning controls below the Flood Planning Level;
  - c. Provide a Preliminary Contamination Investigation Report;
  - d. Map the site as an Urban Release Area on the Port Stephens LEP 2013 Urban Release Area map;
  - e. Apply a 9-metre height of building limit for the proposed R2 Low Density Residential zone; and
  - f. Address the amended Direction 1.5 Rural Lands issued on 28 February 2019 including Clause 5.16 Port Stephens LEP 2013
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - a. the planning proposal is classified as low impact as described in A guide to preparing local environmental plans (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 14 days; and
  - b. the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016).

PP\_2018\_PORTS\_006\_00



**ITEM 3 - ATTACHMENT 5      GATEWAY DETERMINATION.**

3. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Ausgrid;
- Hunter Water Corporation;
- Office of Environment and Heritage;
- Department of Primary Industries (Agriculture and Mining);
- NSW Rural Fire Services;
- NSW Roads and Maritime Service; and
- Worimi Local Aboriginal Land Council.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - c. there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 26<sup>th</sup> day of March 2019.

**Monica Gibson**  
**Director Regions, Hunter**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**

PP\_2018\_PORTS\_006\_00



## MINUTES ORDINARY COUNCIL - 12 MAY 2020

Councillor Paul Le Mottee returned to the meeting at 7:00pm prior to item 4.

### ITEM NO. 4

FILE NO: 20/92022  
EDRMS NO: PSC2019-05565

### AMENDMENT TO PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER A11 DEVELOPMENT NOTIFICATION

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

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#### RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submission received during the exhibition period  
**(ATTACHMENT 3)**.
  - 2) Approve the Port Stephens Development Control Plan 2014 (Amendment No. 13) **(ATTACHMENT 1)**.
  - 3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.
- 

### ORDINARY COUNCIL MEETING - 12 MAY 2020 MOTION

068	<p><b>Councillor Sarah Smith</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Receive and note the submission received during the exhibition period <b>(ATTACHMENT 3)</b>.</li><li>2) Approve the Port Stephens Development Control Plan 2014 (Amendment No. 13) <b>(ATTACHMENT 1)</b>.</li><li>3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.</li></ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

The motion was carried.

## **BACKGROUND**

The purpose of this report is to seek Council approval for the Port Stephens Development Control Plan 2014 (DCP 2014) (Amendment No. 13) (the Amendment) **(ATTACHMENT 1)**, which will repeal Chapter A11 Development Notification and make minor amendments such as altering page numbers.

Chapter A11 Development Notification has been replaced by the Community Participation Plan (CPP) which was adopted by Council as part of the Port Stephens Community Engagement Strategy on 26 November 2019, Minute No. 227 **(ATTACHMENT 2)**.

Under the Environmental Planning and Assessment Act 1979, all councils were required to adopt a CPP by December 2019 and make necessary consequential amendments to development control plans to repeal redundant provisions for notification of development applications.

The Amendment was publically exhibited for a period of 28 days from 21 February 2020 to 19 March 2020. During public exhibition, 1 submission was received. The submission is summarised in **(ATTACHMENT 3)**.

No changes to the Amendment have been made following consultation as the Amendment reflects the adopted CPP.

## **COMMUNITY STRATEGIC PLAN**

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

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

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

**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

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

The EP&A Act was amended in 2018 to require all councils to prepare a CPP to provide a single document that the community can access that sets out all community participation requirements under the planning legislation and replace notification requirements in development control plans. The Amendment is consistent with these reforms and the adopted CPP.

Division 3.6 of the EP&A Act relates to development control plans. All necessary matters in preparing the plan have been carried out in accordance with the EP&A Act.

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

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

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the amendments are not made, there will be duplication and inconsistent information published about the notification of development.	Medium	Adopt to recommendations of this report.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Adopting the recommendations ensures accurate and clear information is available to the community about the notification of new development.

There are no significant economic or environmental implications resulting from the adoption of the recommendations.

## **CONSULTATION**

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

### Internal

Consultation on the Community Engagement Strategy and CPP was undertaken with all sections in the Development Services Group.

The Amendment has been prepared in consultation with the Development Assessment and Compliance Section.

### External

Advice was provided from the NSW Office of Local Government and the NSW Department of Planning, Industry and Environment (DPIE) on the preparation of the Community Engagement Strategy and the necessary amendments required to the DCP.

The Amendment was placed on public exhibition for 28 days from 21 February 2020 to 19 March 2020. Submissions were invited via email and post and a notification was placed in the Port Stephens Examiner.

In response to the exhibition of the Amendment, 1 submission was received. A summary and response to the submission can be found in **(ATTACHMENT 3)**.

No changes were made to the Amendment in response to the submission.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Chapter A11 Development Notification.
- 2) Council Minute and Community Participation Plan - 26 November 2019.
- 3) Summary of Submissions Table.

**COUNCILLORS ROOM**

1) Copy of Submission.

**TABLED DOCUMENTS**

Nil.



# A

## INTRODUCTION

### A11 Development Notification

**Development** that is required to be notified by Figure AA- Notification Requirements for **Development Applications** (p. A-12) will be notified by Council by providing the following information:

**1. No Notification Required**

**2. Notification**

- Written notice to immediately adjoining landowners
- At the discretion of Council, written notice may also be additionally provided to those landowners not immediately adjoining

**3. Notification and Advertisement**

- Notification requirements as required by 2. Notification (above), and
- Newspaper notice in the Port Stephens Examiner

**Note:** Information relating to all **developments** being notified or advertised (in accordance with 2 and 3 above) will be available on Council's website through the DA tracker.

## A

## INTRODUCTION

Figure AA: Notification Requirements for *Development Applications*

Development	1	2	3	Development	1	2	3
Agriculture				Exhibition homes			
Airstrip				Exhibition villages			
Airport transport facilities				Extractive industries			
Amusement centres				Farm buildings			
Animal boarding or training establishments				Flood mitigation works			
Boarding houses				Freight transport facilities			
Boat building and repair facilities				Forestry			
Boat launching ramps				Function centres			
Boat sheds				General industry			
Camping grounds				Group homes			
Caravan parks				Health service facilities			
Car parks				Heavy industrial storage establishments			
Cemetery				Heavy industry			
Charter and tourism boating facilities				Helipad			
Child care centres				<b>Home business</b>			
<b>Commercial premises</b>				Home industry			
Community facilities				Hostels			
Correctional centres				Industrial retail outlets			
Crematorium				Industrial training facilities			
Depots				Information and education facilities			
<b>Dual occupancies</b>				Jetties			
<b>Dwelling houses</b> —single storey				Light industry			
<b>Dwelling houses</b> —double storey				Marinas			
Eco-tourist facilities				Mooring pens			
Educational establishments				Moorings			
Electricity generating works				Mortuaries			
Emergency services facilities				<b>Multi dwelling housing</b>			
Entertainment facilities				Passenger transport facilities			
Environmental facilities				Places of public worship			
Environmental protection works				Port facilities			

A-12

## A

## INTRODUCTION

Development	1	2	3	Development	1	2	3
Public administration building				Strata <b>subdivision</b>			
Recreation areas				<b>Subdivision</b> 4 lots or less			
Recreation facilities (indoor)				<b>Subdivision</b> 5 to 10 lots			
Recreation facilities (major)				<b>Subdivision</b> 11 or more lots			
Recreation facilities (outdoor)				<b>Subdivision</b> with public road			
Registered clubs				Tourist and visitor accommodation			
Research stations				Transport depots			
<b>Residential flat buildings</b>				Truck depots			
Respite day care centres				Vehicle body repair workshops			
<b>Restricted premises</b>				Vehicle repair stations			
Roads				Veterinary premises			
Rural industries				Warehouse or distribution centres			
<b>Secondary dwellings</b>				Wharf or boating facilities			
<b>Seniors housing</b>				Water or resource management facilities			
Sewerage systems				Water recreation structure			
<b>Sex services premises</b>				Water supply systems			
Shop-top housing				Wholesale supplies			
<b>Signage</b>				Water recreation structure			
Storage premises							

**Note:** Despite Figure AA **development** may be advertised and/or notified at the discretion of Council where it is considered appropriate (depending on the nature of the proposal). Where Council is of the opinion that the proposed **development** is minor in nature and its location, size, height, bulk and proposed use will not adversely affect the amenity of the adjoining land, advertising and/or notification of the **development** may not be required. Conversely, where Council is of the opinion the **development** may have an impact, Council may choose to notify or advertise.

Additional advertising and notification requirements are required for Designated Development, Nominated Integrated and Advertised Development as detailed in the **EP&A Act** and *Environmental Planning and Assessment Regulation 2000*. In addition to the above, **developments** that involve significant works to **heritage items** and Council projects above \$100,000 in value or that are likely to be of significant community interest will also be advertised and/or notified.

**ITEM 4 - ATTACHMENT 2 COUNCIL MINUTE AND COMMUNITY PARTICIPATION PLAN - 26 NOVEMBER 2019.****MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019****ITEM NO. 4****FILE NO: 19/349657  
EDRMS NO: PSC2014-01768****COMMUNITY ENGAGEMENT STRATEGY**

REPORT OF: STEVEN BERNASCONI - COMMUNICATIONS SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submissions received during the exhibition of the Draft Community Engagement Strategy (**ATTACHMENT 3**).
- 2) Endorse the Community Engagement Strategy (**ATTACHMENT 1**).
- 3) Revoke the Community Engagement Policy adopted by Council on 26 June 2018, Minute No. 179 (**ATTACHMENT 2**).

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

<b>227</b>	<b>Councillor Chris Doohan Councillor Ken Jordan</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Receive and note the submissions received during the exhibition of the Draft Community Engagement Strategy (<b>ATTACHMENT 3</b>).</li><li>2) Endorse the Community Engagement Strategy (<b>ATTACHMENT 1</b>).</li><li>3) Revoke the Community Engagement Policy adopted by Council on 26 June 2018, Minute No. 179 (<b>ATTACHMENT 2</b>).</li></ol>
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**BACKGROUND**

The purpose of this report is to provide submissions received during the public exhibition of the draft Community Engagement Strategy (the draft strategy) and to endorse the final version of the Community Engagement Strategy (**ATTACHMENT 1**).

The draft strategy includes two distinct sections, being Section 1 – 'Our Community Engagement Approach' and Section 2 – 'Community Participation Plan'.



## Section 2

# Community participation plan





**ITEM 4 - ATTACHMENT 2 COUNCIL MINUTE AND COMMUNITY PARTICIPATION PLAN - 26 NOVEMBER 2019.**

## **Community participation plan**

It is a statutory requirement for councils in New South Wales to prepare a Community Participation Plan that sets out how and when it will undertake community participation when exercising relevant planning functions under the EP&A Act.

### **How is community participation carried out**

The Community Participation Plan specifies requirements including notification and public exhibition. This can include:

- Giving written notice to neighbours, individual landowners or occupiers;
- Advertising in a local newspaper notice; and
- Making documents publicly available online.

Other methods may be used for notification and exhibition on a case by case basis and depending on statutory requirements.

If the exhibition period is due to close on a weekend or public holiday we may extend the exhibition to finish on the first available work day. In accordance with the planning legislation, the period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.

Plans or applications cannot be made or determined until after the minimum period of public exhibition. If a longer timeframe is placed on public exhibition, the matter cannot be determined until after the specified period.

### **Making a submission**

The community can participate during public exhibition by making a submission. The planning legislation sets out some requirements for submissions. In addition to these requirements, when making a submission to Council, the submission should be:

- Received on or before the last day of the nominated timeframe for exhibition;
- Made in writing (through the mail, email or hand delivered to Council);
- Contain the name and address (or email address) of the person making the submission;
- Include the application number for reference (for development applications) or the name of the exhibited planning matter; and
- Include a statement of objection or support and reasons.

**ITEM 4 - ATTACHMENT 2 COUNCIL MINUTE AND COMMUNITY PARTICIPATION PLAN - 26 NOVEMBER 2019.**

### Community participation requirements

Under the EP&A Act, the following minimum community participation requirements apply to local planning functions:

**Table 2**

<b>Mandatory timeframes</b>	<b>Minimum community participation requirement</b>
<b>Division 1 — Schedule 1 to the EP&amp;A Act</b>	
Draft community participation plans	28 days
Draft local strategic planning statements	28 days
Planning proposals for local environmental plans subjects to a gateway determination	28 days or as specified by the Gateway Determination
Draft development control plans	28 days
Draft contributions plans	28 days
<b>Division 2 — Schedule 1 to the EP&amp;A Act</b>	
Development Application for designated development	28 days
Environmental Impact Statement obtained under Division 5.1 (An Environmental Impact Statement prepared for certain development such as state significant development.)	28 days
Re-exhibition of any amended application or matter referred to above	The period (if any) determined by the person or body responsible for publicly exhibiting the application or matter.

Exhibition timeframes are measured in calendar days and include weekends.

**ITEM 4 - ATTACHMENT 2 COUNCIL MINUTE AND COMMUNITY PARTICIPATION PLAN - 26 NOVEMBER 2019.**

### Development applications

Table 3 outlines Council's minimum notification requirements for development applications. Where there is an inconsistency between the notification requirements of this Community Participation Plan and legislative requirements, the legislative requirements will prevail.

**Table 3 Community Participation Categories** (Refer to Appendix A for details)

Exhibition types Type	Requirements
<b>A</b>	<b>Not Notified Development.</b> Council may at its discretion decide to notify any of this type of development that may significantly impact on the amenity of adjoining land owners.
<b>B</b>	<b>Advertised Development,</b> written notification in accordance with 'type B' requirements and an advertisement published in the local newspaper. Development Application (DA) information published on DA Tracker  At Council's discretion, additional advertisements may be placed in newspapers and/or through such other mechanisms as may be appropriate to ensure that the public is reasonably aware of the proposal. Council may also at its discretion decide not to advertise development.
<b>Not included in Appendix A</b>	<b>Notified Development.</b> A 14 day notification period will apply for development types not included in Appendix A. Written notification will be sent to all owners of land directly adjoining or opposite the development site. Additional owners and occupiers may be notified at the discretion of Council staff. Council may at its discretion decide not to notify development where impacts on adjoining land owners are considered minor in nature.

### Modification Applications

The need or otherwise to notify an application to modify a development consent will be undertaken in accordance with the requirements of the Act and Regulations or at the discretion of Council in consideration of the nature of the modifications proposed.



ITEM 4 - ATTACHMENT 2 COUNCIL MINUTE AND COMMUNITY PARTICIPATION PLAN - 26 NOVEMBER 2019.

Appendix A — Exhibition periods

Development category	Exhibition types	
	A	B
<b>Rural Development</b>		
Agriculture		
Farm buildings		
Forestry		
<b>Residential Accommodation</b>		
Dwelling — single storey		
Residential ancillary (sheds, pools, etc.)		
Rural worker's dwellings		
Secondary dwellings		
<b>Subdivision (all types of subdivision)</b>		
Strata Subdivision		
More than ten Torrens or Community title lots		
<b>Tourist and visitor accommodation</b>		
Caravan parks / Camping grounds		
<b>Commercial development</b>		
Home business / occupation		
Entertainment facilities		
Function centres		
Sex services premises / Home occupation (sex services)		
Restricted premises		
<b>Community and entertainment facilities</b>		
Places of public worship		
Recreation facility (major)		
<b>Industrial Development</b>		
General industry		
Industrial retail outlets		
Industrial training facilities		
Light industry		
Storage premises		
Warehouse or distribution centres		
Freight transport facilities		
<b>Miscellaneous</b>		
Boatshed		
Environmental Facilities / Environmental Protection works		
Moorings / Mooring Pens		
Signage — other than advertising structures		
Extractive industries / open cut mines		
Electricity Generating Works		
Air transport facility		
Airstrip		
Cemetery / crematorium / mortuaries		
Correction centre		
Helipad		
Marinas		
Passenger transport facilities		
Port facilities		

**ITEM 4 - ATTACHMENT 2 COUNCIL MINUTE AND COMMUNITY  
PARTICIPATION PLAN - 26 NOVEMBER 2019.**



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A row of four small social media icons: LinkedIn, Facebook, Twitter, and Instagram.



**ITEM 4 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS TABLE.**

Draft Port Stephens Development Control Plan 2014 – Response to submissions

No.	Author of submission	Comment	Council response
1	Tomaree Ratepayers and Residents Association	The submission requested Council review the decision to adopt the Community Participation Plan (CPP) and either reinstate Chapter A.11 of the Development Control Plan 2014 (DCP) or amend the CPP to incorporate the provisions of the DCP chapter to achieve the same level of transparency.	<p>All councils were required by law to adopt a CPP. Reinstating Chapter A.11 is impracticable as the CPP has statutory precedence over the DCP.</p> <p>Revoking Chapter A.11 ensures there is consistent advice available to the community on the notification requirements for development.</p> <p>The differences in the notification requirements in the CPP and Chapter A.11 of the DCP relate to 3 categories of development, being strata subdivision, Torrens or community subdivision of up to 10 lots, and environmental facilities. The CPP removed the mandatory notification requirements for these developments, however notification requirements may still apply at the discretion of Council.</p> <p>These changes were publicly exhibited as part of the preparation of the CPP in 2019. Submissions received on the matter were responded to and reported to Council at that time. The CPP remains Council's current adopted policy for the notification and advertisement of development.</p>
		The submission detailed an incorrect table reference within the CPP.	There was a minor error in Table 3 of the CPP which has now been amended.
		The submission included some further commentary relating to the content of the adopted CPP.	<p>The exhibited DCP amendment does not relate to the content of the CPP which was adopted by Council in late 2019.</p> <p>The CPP was adopted following public exhibition and submissions on the content were responded to, and reported to Council at that time. The CPP is currently Council's adopted policy on the advertisement and notification of development and this DCP amendment does not propose any changes to the CPP.</p>

**ITEM NO. 5**

**FILE NO: 20/84275  
EDRMS NO: PSC2014-01223**

**POLICY REVIEW: COMMUNITY DEVELOPMENT POLICY**

REPORT OF: STEVEN BERNASCONI - COMMUNICATIONS SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Community Development Policy shown at **(ATTACHMENT 1)**.
  - 2) Place the revised Community Development Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
  - 3) Revoke the Community Development Policy dated 13 February 2018, Minute Number 010, should no submissions be received.
- 

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

<b>069</b>	<p><b>Councillor Chris Doohan Councillor John Nell</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Community Development Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the revised Community Development Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.</li><li>3) Revoke the Community Development Policy dated 13 February 2018, Minute Number 010, should no submissions be received.</li></ol>
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The motion was carried.

**BACKGROUND**

The purpose of this report is to seek Council endorsement of the revised Community Development Policy as part of the regular policy review process prior to exhibition.

The purpose of the Community Development Policy is to articulate Port Stephens Council's commitment to community development.

Community development work is largely undertaken by the Communications Section. The policy was developed in 2018 to provide clarity regarding what community development is and why Council is involved in such work. The policy is designed to address a number of specific activities in the operational plan. These focus areas are:

- 1) support and improve how we work with Aboriginal people and communities
- 2) support and promote local arts and culture
- 3) improve the lives of children and young people
- 4) support and facilitate Community Service Providers.

This policy review has only identified minor and administrative amendments including:

- reformatting the policy into the new policy template
- administrative amendments to update references to internal strategies, plans, policy and external government departments
- administrative amendments to correct grammar and align the policy with other Council policies and Council's style guide.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Community Diversity	Encourage Port Stephens to be inclusive and access friendly.

## **FINANCIAL/RESOURCE IMPLICATIONS**

The policy articulates Council's approach to the delivery of community development which is in part funded by NSW Department of Communities and Justice.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	Yes		Existing budget includes \$70,918 per annum from NSW Department of Communities and Justice.
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no foreseen legal or policy implications as a result of the proposed recommendation.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council's reputation may be damaged as a result of decisions made in relation to community development activities without clear parameters.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Articulation of Council's position in regard to community development will assist in a better understanding of Council's role in the community. It will also assist in setting parameters around areas in which Council offers community development support and where it does not operate.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Community Development and Engagement unit in conjunction with the wider Communications Section.

**Internal**

The Executive Team has been consulted to seek management endorsement.

**External**

In accordance with local government legislation the revised Community Development Policy will be placed on public exhibition for 28 days.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Community Development Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



## Policy



**FILE NO:** PSC2014-01123  
**TITLE:** COMMUNITY DEVELOPMENT POLICY  
**POLICY OWNER:** COMMUNICATIONS SECTION MANAGER

### 1. PURPOSE:

1.1 Port Stephens Council is committed to supporting activities and programs that enable and strengthen our community to meet challenges and generate solutions to issues in our community. The Community Development and Engagement unit work in partnership with the community to enhance wellbeing, celebrate identity and support social change enhance and celebrate the identity, locality and different interests in our Local Government Area (LGA).

### 2. CONTEXT/BACKGROUND:

2.1 Local government, as the level of government closest to the people, is ideally positioned to support community development activities that engage the knowledge and skills of a community to address identified needs and enhance community wellbeing.

2.2 Support is based on the core principles of:

- a) wellbeing of individuals and whole of community – providing the opportunity for individuals to feel connected to their community, a place where they want to live, work and play
- b) equity and access – providing a sustainable mix of assets and resources (economic, human, built, natural and cultural), that appeal are accessible to all demographics and socio-economic groups within a community
- c) social justice – recognising the rights of individuals, organisations and businesses to voice their opinion on matters that impact on them.

### 3. SCOPE:

3.1 Council adopts a three 3 tiered approach to community development:

3.2 Level 1 Community Development – Council provides an advisory role: This involves providing information, advice and referral for community partners to business units across the organisation to assist in the delivery of a wide range of organisational actions.



## Policy



3.3 Level 2 Community Development – Council provides an enabling role: This involves providing ongoing strategic partnerships with community members, organisations and business and is guided by plans, agreements, and strategies to deliver on key operational objectives. This is the core business of the Community Development and Engagement unit and the four key focus areas include:

- a) support and improve how we work with Aboriginal people and communities in partnership with the 355c Aboriginal Strategic Committee
- b) support and promote local arts and culture, include place activation and public art, through the implementation of the Cultural Plan and in partnership with the 355c Strategic Arts Committee
- c) improve the lives of children and young people through the implementation of the Youth Strategy and in partnership with the Youth Advisory Panel
- d) support and facilitate Community Service Providers to meet NSW Government's Department of Communities and Justice targeted early intervention Family and Community Services (FACS) objectives to build strong community in partnership with community interagencies and networks.

3.4 Level 3 Community Development – Council provides a lead role: This involves facilitating a response to an identified need of Council's and occurs on a less frequent basis than either Level 1 or 2 approaches.

#### 4. DEFINITIONS:

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

Community	Can be defined by place of residence, shared common interests or common identity, including cultural identity.
Community Development	The strategic building of community through partnership, and sharing of resources to achieve a common goal.
Wellbeing	Is realised when social, economic, environmental and cultural factors combine to enable individuals and communities to fulfil their potential.
Placemaking	Is working with the local community's assets, inspiration, and potential, with the intention of creating public spaces that promote better social, economic and environmental outcomes.

Policy



## Policy



### 5. STATEMENT:

5.1 This policy provides overall approach to community development, which is to:

- a) strengthen community with particular emphasis on supporting vulnerable populations
- b) provide financial assistance and other resources to community to develop projects that are based around placemaking and celebration of local identity and community strengths
- c) encourage stronger communication links between service providers to optimise service delivery in the community, particularly amongst community services and cultural agencies
- d) develop partnerships with community-based groups, non-government organisations, academic institutions and other government agencies.

### 6. RESPONSIBILITIES:

6.1 The Community Development and Engagement Unit are responsible for providing advice, support and promotion of the core principles of community development.

6.2 This policy is implemented by all areas of Council.

### 7. RELATED DOCUMENTS:

- a) Local Government Act 1993
- b) Port Stephens **Community** Strategic Plan
- c) Port Stephens Youth Strategy
- d) Port Stephens Cultural Plan
- e) Disability Inclusion Action Plan
- f) ~~Ageing Strategy~~
- g) ~~Social Impact Policy~~





## Policy



## CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's intranet, MyPort.			
<b>EDRMS container No.</b>	PSC2014-01123	<b>EDRMS record No.</b>	TBA
<b>Audience</b>	Councillors, staff and community		
<b>Process owner</b>	Communications Section Manager		
<b>Author</b>	Community Development and Engagement Coordinator		
<b>Review timeframe</b>	2 years	<b>Next review date</b>	TBA
<b>Adoption date</b>	13 February 2018		

## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	13 February 2018	Community Development and Engagement Coordinator	New Policy – first version.	010

Policy



## Policy



Version	Date	Author	Details	Minute No.
2	TBA	Community Development and Engagement Coordinator	<p>1.1 Added 'enhance wellbeing, celebrate identity and support social change' and deleted enhance and celebrate the identity, locality and different interests.</p> <p>2.2 b) deleted appeal and added 'are accessible'.</p> <p>3.1 deleted three and added '3' to align with Council's style guide.</p> <p>3.2 added 'advice'.</p> <p>3.3 d) added 'Department of Communities and Justice targeted early intervention' and deleted Family and Community Services (FACs).</p> <p>7b) added 'Community to Port Stephens Community Strategic Plan.</p>	TBA

## Policy

WAPITP: The proposed revised Minutes of the Council's Ordinary Council Meeting.  
 Approved by Council on 12 May 2020.





**ITEM NO. 6****FILE NO: 20/107252  
EDRMS NO: PSC2015-01024****COMMONWEALTH BANK OVERDRAFT**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the application to the Commonwealth Bank (CBA) for a line of credit facility to the extent of \$7.5 million.
- 

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

<b>070</b>	<b>Councillor Paul Le Mottee Councillor John Nell</b>  It was resolved that Council endorse the application to the Commonwealth Bank (CBA) for a line of credit facility to the extent of \$7.5 million.
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Councillor Ken Jordan returned to the meeting at 7:05pm prior to voting.

The motion was carried.

**BACKGROUND**

The purpose of this report is to request endorsement of an application for a line of credit with the Commonwealth Bank.

Council has maintained an overdraft facility with the Commonwealth Bank (CBA) to the extent of \$2.5 million. With the onset of the COVID-19 virus and the impact on Council's cash resources a recommendation was put to Council to increase this limit to \$5 million and \$10 million. This was to assist with cash flow in the short to medium term and provide Council with some flexibility.

Council's banking partner has indicated that the overdraft may be increased to \$5 million and that this facility will remain in place until altered. The present interest rate for an overdraft is 7.68% and is to be repaid within 6 months. The CBA has indicated that they may not be prepared to extend the overdraft facility to the requested \$10 million, but would be prepared to consider a short term line of credit for the remaining \$5 million. That would, in effect, give Council access to short term financing options

## MINUTES ORDINARY COUNCIL - 12 MAY 2020

to a total of \$10 million which will assist cash flow management during the next 6 to 12 months.

However, given the line of credit facility is available for a 2 year period and currently attracts an interest rate of 1.41% per annum and is considered reasonable given the current economic conditions. Given the favourable interest rate for a line of credit it is considered appropriate to seek a \$7.5 million facility and maintain current overdraft facilities at \$2.5 million.

In the past 3 years, Council has only used the current overdraft facility on 1 occasion for 1 month.

### COMMUNITY STRATEGIC PLAN

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

### FINANCIAL/RESOURCE IMPLICATIONS

The access to short term financing options is considered appropriate under the current economic conditions. The interest rate is 1.41% which will be manageable within the projected financial forecast.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

The legal, policy and risk implications of the proposed application to a line of credit facility are considered to be minimal.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if Council does not apply for a line of credit to provide additional financial support to itself, it may experience difficulty in meeting its financial obligations.	High	Apply for the line of credit to ensure Council can continue to meet its financial obligations.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The sustainability implications of the proposed application to a line of credit are considered to be moderate. Council's ability to continue to function at its current level could be impacted without an additional line of credit available for essential works and services.

### **CONSULTATION**

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

#### Internal

- General Manager.
- Executive Team.
- Senior Leadership Team.
- Financial Services Section.

#### External

- Port Stephens Elected Members at Council meeting held 14 April 2020.

### **OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 7**

**FILE NO: 20/54702  
EDRMS NO: PSC2019-05143**

**SMART PARKING INFRASTRUCTURE PROGRAM**

REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER  
GROUP: FACILITIES & SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the establishment of a smart parking scheme, including paid parking, within the Nelson Bay town centre.
  - 2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre.
  - 3) Pursuant to Section 55(3)(i) of the Local Government Act 1993, endorse the General Manager to negotiate and sign agreements with Reino International Pty Limited (ABN 75 079 147 201& trading as Duncan Solutions), as the current incumbent supplier of smart parking hardware and software technology thereby providing a holistic framework and cost savings to Council, to deliver the smart parking infrastructure.
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**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

	<p><b>Councillor Jaimie Abbott Councillor Glen Dunkley</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Endorse the establishment of a smart parking scheme, including paid parking, within the Nelson Bay town centre.</li><li>2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre.</li><li>3) Pursuant to Section 55(3)(i) of the Local Government Act 1993, endorse the General Manager to negotiate and sign agreements with Reino International Pty Limited (ABN 75 079 147 201&amp; trading as Duncan Solutions), as the current incumbent supplier of smart parking hardware and software technology thereby providing a holistic framework and cost savings to Council, to deliver the smart parking infrastructure.</li></ol>
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**ORDINARY COUNCIL MEETING - 12 MAY 2020**

**AMENDMENT**

	<p><b>Councillor Giacomo Arnott</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Endorse and place on public exhibition the establishment of a smart parking scheme, including paid parking, within the Nelson Bay town centre.</li><li>2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre.</li><li>3) Pursuant to Section 55(3)(i) of the Local Government Act 1993, endorse the General Manager to negotiate and sign agreements with Reino International Pty Limited (ABN 75 079 147 201&amp; trading as Duncan Solutions), as the current incumbent supplier of smart parking hardware and software technology thereby providing a holistic framework and cost savings to Council, to deliver the smart parking infrastructure.</li></ol>
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 12 MAY 2020**

**AMENDMENT**

	<p><b>Councillor Giacomo Arnott</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Endorse the establishment of a smart parking scheme, including paid parking, within the Nelson Bay town centre.</li><li>2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre.</li><li>3) Council invites public tenders, under S55(1) of the Local Government Act, for companies interested in providing smart parking technology (hardware and software) for the Nelson Bay area, to deliver the smart parking infrastructure. The usual tender process is to be followed.</li></ol>
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
AMENDMENT**

	<p><b>Councillor Giacomo Arnott</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Endorse the establishment of a smart parking scheme, including paid parking, within the Nelson Bay town centre.</li><li>2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre.</li><li>3) Pursuant to Section 55(3)(i) of the Local Government Act 1993, endorse the General Manager to negotiate and sign agreements with Reino International Pty Limited (ABN 75 079 147 201&amp; trading as Duncan Solutions), as the current incumbent supplier of smart parking hardware and software technology thereby providing a holistic framework and cost savings to Council, to deliver the smart parking infrastructure.</li><li>4) Council will develop, in consultation with the successful tenderer, a new policy section in the Privacy Management Plan, to deal with the identification, technological and tracking issues related to smart parking technology, and any associated privacy issues will be handled in the contract with the provider.</li></ol>
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
AMENDMENT**

	<p><b>Councillor Giacomo Arnott Councillor John Nell</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Endorse and place on public exhibition the establishment of a smart parking scheme, including paid parking, within the Tomaree Peninsula.</li></ol>
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## MINUTES ORDINARY COUNCIL - 12 MAY 2020

	<ol style="list-style-type: none"><li>2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre.</li><li>3) Pursuant to Section 55(3)(i) of the Local Government Act 1993, endorse the General Manager to negotiate and sign agreements with Reino International Pty Limited (ABN 75 079 147 201&amp; trading as Duncan Solutions), as the current incumbent supplier of smart parking hardware and software technology thereby providing a holistic framework and cost savings to Council, to deliver the smart parking infrastructure.</li></ol>
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Councillor Ken Jordan left the meeting at 7:33pm prior to voting.

Councillor Ken Jordan returned to the meeting at 7:34pm prior to voting.

The motion was lost.

### ORDINARY COUNCIL MEETING - 12 MAY 2020 AMENDMENT

	<p><b>Councillor Giacomo Arnott</b></p> <p>That Council will develop, in consultation with the successful tenderer, a new policy section in the Privacy Management Plan, to deal with the identification, technological and tracking issues related to smart parking technology, and any associated privacy issues will be handled in the contract with the provider.</p>
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The amendment lapsed without a seconder.

### ORDINARY COUNCIL MEETING - 12 MAY 2020 AMENDMENT

	<p><b>Councillor Giacomo Arnott</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Endorse the establishment of a smart parking scheme, including paid parking, within the Nelson Bay town centre.</li><li>2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre.</li></ol>
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**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

	3) Council invites public tenders, under S55(1) of the Local Government Act, for companies interested in providing smart parking technology (hardware and software) for the Nelson Bay area, to deliver the smart parking infrastructure. The usual tender process is to be followed and this motion is in place due to the \$600,000 cost and the issue of simply going into this tender without opening it up to the public.
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

<b>071</b>	<b>Councillor Steve Tucker</b> <b>Councillor Paul Le Mottee</b>  It was resolved that the motion be put with no further amendments.
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The motion was carried.

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

<b>072</b>	<b>Councillor Jaimie Abbott</b> <b>Councillor Glen Dunkley</b>  It was resolved that Council:  1) Endorse the establishment of a smart parking scheme, including paid parking, within the Nelson Bay town centre. 2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre. 3) Pursuant to Section 55(3)(i) of the Local Government Act 1993, endorse the General Manager to negotiate and sign agreements with Reino International Pty Limited (ABN 75 079 147 201& trading as Duncan Solutions), as the current incumbent supplier of smart parking hardware and software technology thereby providing a holistic framework and cost savings to Council, to deliver the smart parking infrastructure.
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The motion was carried.

## **BACKGROUND**

The purpose of this report is to seek approval to deliver the Nelson Bay Smart Parking Infrastructure Program.

The Smart Parking Infrastructure Program is to assist in addressing the community's concerns with parking demand and supply in Nelson Bay, improved road safety and overall place activation. These concerns are particularly highlighted during the peak holiday period. This program will deliver on a list of projects (**ATTACHMENT 1**) that includes road upgrades and traffic redirection, increased parking spaces, smart parking sensors and digital signage.

The proposed Smart Parking Infrastructure Program addresses the Smart Parking Notice of Motion from the Ordinary Council Meeting of 10 December 2019 (**ATTACHMENT 2**) relevant to Nelson Bay.

These proposed program projects are part of a long term vision for the development of Nelson Bay. Projects have been developed from the 2017 Nelson Bay Traffic and Parking Study, the 2019 Independent Nelson Bay Citizens Parking Panel's Report, the Nelson Bay Public Domain Plan and the outcomes of the community consultation summarised in the Smart Parking Change Community Engagement Report January 2020 (**ATTACHMENT 3**). Refer to (**ATTACHMENT 4**) for the Plan of Smart Parking Infrastructure Program.

The program projects are currently not funded and will require a source of funds to proceed. It is proposed to use the income generated from additional parking meters in the Nelson Bay CBD to fund the projects.

To ensure that residents and businesses are not adversely impacted by an increase in parking meters and the associated parking charges, it is proposed that Port Stephens Council local government area residents/ratepayers and Nelson Bay workers are exempt from paying parking fees in Nelson Bay. This exemption will be administered through Council with the use of smart parking technology.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Infrastructure and Facilities	Plan civil and community infrastructure to support the community.

## **FINANCIAL/RESOURCE IMPLICATIONS**

The establishment of the Smart Parking Infrastructure to the Nelson Bay Town Centre will involve the upgrading of 24 existing meters from ticketed parking to metered parking. This change means that physical tickets will no longer be issued, but rather that the paid parking session will be linked to vehicle registration. This



change increases the reliability of the meters, and allows greater flexibility for customers to manage their parking remotely through technology.

Utilising the current incumbent supplier, Reino International Pty Limited (ABN 75 079 147 201) trading as Duncan Solutions, represents best value and cost savings to Council. This is evident in terms of duplication avoidance in hardware and software, avoids an integration package of work, and facilitates the reuse of existing infrastructure and provides cost savings associated with the procurement process. Benchmarking of costs within the industry confirms that the above approach represents best value to Council.

The meter upgrade will be supplemented by the installation of approximately 35 new parking meters covering all public on-street and off-street parking within the town centre, approximately 606 parking sensors within the town centre and foreshore areas, 4 digital sign boards and an enforcement package that includes vehicle mounted cameras and software/apps. The collective cost of the Smart Parking Infrastructure Package is estimated at approximately \$600,000.

Financial modelling forecasts that revenue from the parking meter expansion is sufficient to fund the proposed Smart Parking Infrastructure Program in the duration noted in **(ATTACHMENT 1)**. This financial modelling is based on the establishment of a free parking permit scheme for residents and rate payers of the Port Stephens local government area, and workers within the Nelson Bay town centre.

The forecast revenue generated per year from the Nelson Bay parking scheme is estimated at \$850,000 per annum, which includes a forecasted \$65,000 per annum reduction in existing revenue from foreshore meters under Council's control based upon the creation of the free parking permit scheme.

The modelling is principally based upon an extrapolation of the pre-existing COVID19 utilisation rates. While reduction factors have been included to provide a level of conservatism, these factors do not address the impact of the current NSW Government Public Health Orders, particularly concerning the restricting of gatherings and movement in NSW. Given the long term nature of the model, the relatively short duration of the restrictions it is considered a low risk that the long term revenue projections will not be realised.

The Smart Parking Infrastructure Program projects are currently listed within the draft Strategic Asset Management Plan (SAMP) 10 Works Plus Plan. Once the forecast parking meter revenue is realised these projects will be moved into the Capital Works Plan for delivery.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	600,000	Parking meter reserve and Crown parking reserve.

**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

All current smart parking hardware and software technology on the Nelson Bay Foreshore has been supplied and supported by Council's current contractor. To ensure a holistic smart parking framework for the adjoining expanded area, it is recommended that the current supplier should be engaged without the normal tender process.

This approach is permissible under Section 55 (3)(i) of the Local Government Act 1993.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that forecast revenue is not realised leading to revenue estimations/capital work projections not being met.	Medium	Conservatism has been incorporated into the financial modelling. Additionally, track actual revenue compared to forecast revenue, and adjust capital expenditure accordingly.	Yes
There is a risk that the smart parking technology will not be embraced by the community leading to low usage or avoidance.	Medium	Ensure that user interfaces are intuitive and community education is included as part of the project delivery.	Yes
There is a risk that privately owned and operated parking meters are operated outside of the overall Nelson Bay Smart Parking Scheme leading to confusion and/or noncompliance.	Low	Monitoring of the private paid parking schemes to ensure that they are clearly identified by signage and/or other physical controls.	Yes

**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the collection, storage, and use of personal information associated with the smart parking scheme may be inappropriately used and/or disclosed.	High	Ensure the requirements of Council's Privacy Management Plan and the prevailing laws are strictly adhered to in system design and binding contracts with any external parties.	Yes

The parking charges are covered by the advertised and adopted schedule of fees and charges. The proposed fee exemptions will be managed through Council's annual Fees and Charges review.

**SUSTAINABILITY IMPLICATIONS**

The housings of the proposed parking meters are sleek and modern, and positively contribute to fulfilling the vision of the Nelson Bay Town Centre from the Nelson Bay Public Domain Plan. Another important feature of the meter design is the use of solar power.

The adverse social impact of the Nelson Bay Smart Parking package of works has been minimised through the establishment of the Free Parking Permit Scheme for residents and rate payers of the Port Stephens local government area, and workers within the Nelson Bay Town Centre. It should also be noted that the permit scheme will be extended to the existing foreshore meters.

It is anticipated that the Nelson Bay Smart Parking package of works will deliver a positive impact to the business community. The positive impact is predicted based upon the greater parking compliance, thus turn over, of town centre parking and implementation of parking availability sensors/apps. A downturn of town centre clientele is not anticipated to be significant with the provision of the free parking permit scheme.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Assets Section.

**Internal**

- Financial Services Section – to validate the financial modelling and proposed procurement methodology.

- Strategy and Environment Section – to ensure alignment with strategy documents, including the Nelson Bay and Foreshore Strategy, Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program Nelson Bay.
- Assets Section – Traffic and Asset Engineering to determine practicability and regulatory pathways for implementation.
- Rangers Team – To ensure enforceability and safety of compliance staff.
- Economic Development Team– to assist in place activation/events initiatives and assist in assessing the impacts of smart parking to businesses.
- Information Technology and Communication Team – to assist in optimising and assessing the integration requirements of smart parking into Council's existing systems.
- Communications/Community, Development and Engagement Teams – to assist in developing, implementing and reporting on the community engagement strategy.

#### External

Consultation has been undertaken over an extended period of time, and has included targeted and non-targeted general public consultation. The results of the consultation are detailed in the Nelson Bay Smart Parking Changes Engagement Report January 2020 (**ATTACHMENT 3**) and are summarised below.

Some of the key findings from this engagement included:

- a) Overwhelming support for the delivery of projects in Nelson Bay.
- b) General support for paid parking as long as there is an accompanying park free scheme.
- c) Concern that the introduction of paid parking in Nelson Bay would be detrimental to business prosperity and that Council has no evidence to refute this.

#### **OPTIONS**

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

#### **ATTACHMENTS**

- 1) Smart Parking Infrastructure Program - Summary Sheet.
- 2) Minute No. 261, 10 December 2019.
- 3) Nelson Bay Smart Parking Engagement Report.
- 4) Plan of Smart Parking Infrastructure Program

**COUNCILLORS ROOM**

- 1) Independent Nelson Bay Citizens Parking Panel's Report.
- 2) Nelson Bay Traffic and Parking Study.
- 3) Tomaree Residents and Ratepayers Association submission.

**TABLED DOCUMENTS**

Nil.

**ITEM 7 - ATTACHMENT 1 SMART PARKING INFRASTRUCTURE PROGRAM - SUMMARY SHEET.**
**Smart Parking Infrastructure Program - Summary Sheet**

#	Item	FY	Source of work
1	Review current town centre parking restriction for consistency and effectiveness	2021	Traffic/ Parking
2	Convert Yacaaba St and Stockton St to one way flow (Donald to Tomaree St)	2021	Traffic/ Parking
3	Donald Street East - Demolish existing structure.	2020	Traffic/ Parking
4	Donald Street East - New at-grade carpark. Design & construct at grade car parking	2020	Traffic/ Parking
5	Parking Meter expansion covering town centre	2021	Traffic/ Parking
6	Stockton/Tomaree Carpark (leased site) - design and construct at grade car parking	2021	Traffic/ Parking
7	Pavement mark all spaces within town centre	2021	Traffic/ Parking
8	Expansion of 40km/h high pedestrian area	2021	Traffic/ Parking
9	Update shared zone pavement marking and signage to reflect contemporary guidelines	2021	Traffic/ Parking
10	Sensors, apps and signage for parking management	2021	Traffic/ Parking
11	Upgrade existing parking meters to 'pay by plate'	2021	Traffic/ Parking
12	APEX Park/VIC - Formalise perimeter footpath, adjustment to pedestrian access ramps and widening stairs	2022	PDP
13	Convert existing Stockton Street traffic signals to allow pedestrian scramble and widen crossing;	2022	PDP
14	48A Stockton St and surrounding road verge. (AKA Worimi Park) - Design and Construct at grade parking	2023	Traffic/ Parking
15	Stockton Street - Large Vision	2025	PDP
16	Intersection Upgrade - Church Street with Donald Street	2025	Traffic/ Parking
17	Overflow parking - Tom Dwyer Memorial Oval	2026	Traffic/ Parking
18	Nelson Bay Wayfinding Signage Strategy	2026	Traffic/ Parking
19	Remove Stockton Street Stage	2027	PDP
20	Stockton St and Yacaaba Street - Complete missing footpath connections and improve pedestrian crossing amenities at Tomaree intersection;	2027	PDP
21	Improve signage and lighting to assist visitor wayfinding	2028	PDP
22	Eastern Foreshore - Implement wayfinding and interpretative signage;	2029	PDP
23	69 Victoria Parade (AKA Victoria Parade Reserve) - Design and Construct at grade parking	2030	Traffic/ Parking
24	Park and Ride – Investigation, design and construction, incl coach parking facilities.	2030	Traffic/ Parking
25	Eastern Foreshore - Upgrade and expand existing playground, provide shade canopies, and connecting footpaths	2031	PDP
26	Eastern Foreshore - BBQ Amenities and shelter	2031	PDP
27	Magnus Street Village Precinct - Large Vision Concept	2031	PDP



**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019****NOTICE OF MOTION****ITEM NO. 3****FILE NO: 19/378259  
EDRMS NO: PSC2017-00019****SMART PARKING****MAYOR:      RYAN PALMER****THAT COUNCIL:**

- 1) Investigate the installation of SMART Parking at Birubi Headland and Shoal Bay CBD Precinct/Foreshore.
- 2) Continue community consultation in Nelson Bay around the installation of SMART Parking.
- 3) All SMART Parking in Port Stephens be free for residents, rate payers and employees of local businesses. Time based restrictions to apply.
- 4) Invest the funds raised from SMART Parking back into the precinct where the funds are collected.
- 5) Invest the funds into the following projects (but not limited to) – public domain, improved/increased car parking, place activation, marketing and advertising, landscaping etc.
- 6) Each precinct shall have its own reserve to managing funding.

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019  
MOTION**

<b>261</b>	<b>Mayor Ryan Palmer Councillor Glen Dunkley</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Investigate the installation of SMART Parking at Birubi Headland and Shoal Bay CBD Precinct/Foreshore.</li><li>2) Continue community consultation in Nelson Bay around the installation of SMART Parking.</li><li>3) All SMART Parking in Port Stephens be free for residents, rate payers and employees of local businesses. Time based restrictions to apply.</li><li>4) Invest the funds raised from SMART Parking back into the precinct where the funds are collected.</li><li>5) Invest the funds into the following projects (but not limited to) – public domain, improved/increased car parking, place activation, marketing and advertising, landscaping etc.</li></ol>
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**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

- |  |
|--|
| 6) Each precinct shall have its own reserve to manage funding. |
|--|

**BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER****BACKGROUND**

Smart parking schemes help to influence transport mode choice and prioritise efficient travel in areas where there is a high demand for parking on roads and road related areas. Generally, smart parking schemes are intended primarily:

- a. to ensure both safety and traffic efficiency within the overall context of travel demand management and the management of traffic on the road system
- b. to provide equitable access to parking spaces through increased parking turnover in areas where demand for parking exceeds the available parking spaces
- c. to help manage the competition between short-medium term parking and all day parking
- d. to ensure that any parking demand strategy is consistent with any land transport strategy for the area, and to support and complement the transport objectives, especially public and active transport, rather than working against them
- e. to enable revenue capture to ensure establishment and administration of the scheme and the provision of infrastructure.

Roads & Maritime Services (RMS) concurrence must be sought for the implementation of a smart parking scheme. This is because parking signs, meters/machines and certain pavement marking are prescribed traffic control devices and therefore must go through the Local Traffic Committee before they can be installed. A review of the regulations and RMS guidelines confirm that Council may introduce a concurrent permit parking scheme which would allow permit holders to park without charge and/or time restrictions in relevant pay parking spaces.

The proposed smart parking scheme is supported by the Nelson Bay Strategy/Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program through recommendations of the Citizens Parking Panel. Additionally, the technical Traffic and Parking Studies parking studies and community consultation recommendations 9 and 15 - Parking in Nelson Bay: Engagement Report (AKA Independent Citizens Parking Panel Report).

**9. Rationalise parking limits and times, with:**

- a. a review of the different time zones (eg 5, 10, 15 minute parking zones) and of their location
- b. paid parking in certain areas/car parks
- c. permits/times for locals.

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019****15. Investigate 'smart parking' opportunities, including but not limited to the following:**

- a. Signage to include count of available spaces and direction/distance to
- b. Cameras linked to signage to identify and direct to available spaces
- c. Plate recognition to identify parking users, generate data, but also enable remote payment ie users (potentially only non-locals) are identified by a sensor as they enter the CBD and start paying a fee after a given number of hours (or straightaway depending on the time of the year)
- d. Technology linked to smartphones via applications
- e. Use Artificial Intelligence (drone parking).

Recommendations P3 and P5 in the Nelson Bay Traffic and Parking Study Update:

- P3 – Improve town centre off-street parking facilities
- P5 – Expand paid parking coverage.

The Birubi Headland and Shoal Bay CBD precinct/foreshore area will need further investigation to be reported back to Council.

**ATTACHMENTS**

Nil.

ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

## Nelson Bay Smart Parking Changes Engagement Report January 2020

### Summary

The purpose of this report is to present the engagement findings of the Nelson Bay Parking changes engagement. The engagement was conducted during November and December 2019 and was an early opportunity for the community to provide input into the development of the Smart parking program.

The engagement was targeted towards the Nelson Bay business community and residents and focused on providing information about Council's future plans for Nelson Bay town centre projects.

Some of the key findings from this engagement included:

- Overwhelming support for the delivery of projects in Nelson Bay
- General support for paid parking as long as there is an accompanying park free permit scheme
- Concern that the introduction of paid parking in Nelson Bay would be detrimental to business prosperity and that Council has no evidence to refute this.

### Project Description

The engagement approach for this project was designed to build on previous work relating to the Nelson Bay Strategy, which includes the Nelson Bay Public Domain Plan. The approach aimed to:

- build community awareness and understanding about upcoming projects in Nelson Bay town centre and the bringing to life of the Nelson Bay Public Domain Plan.
- involve key stakeholders in testing of key parking actions and prioritisation.

There has been significant consultation previously undertaken in Nelson Bay and also specifically around parking. Much of this consultation was captured through the 2018 study by the Centre for Local Government at the University of Technology Sydney and the residents Parking Panel.

The focus of this engagement project was to build on this previous significant body of work. There was an opportunity for people to have real influence over these variables and as such the engagement process was focussed on gaining information on these variables.



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## ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

The timing of the consultation was scheduled to ensure that engagement findings would be used to inform the development of the parking policy in 2020.

### Engagement Approach

#### How we consulted

The engagement was delivered through a mix of face to face and online activities and is summarised in Table 1 below:

Table 1

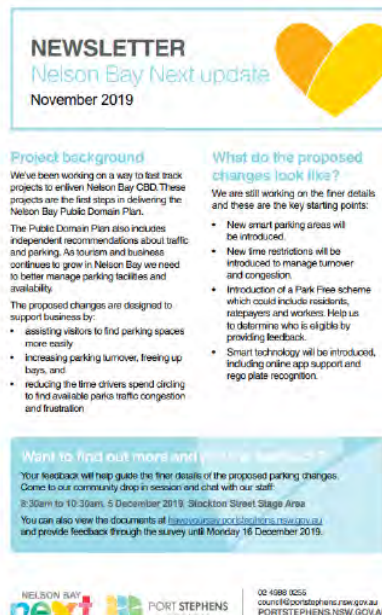
ACTIVITY	PURPOSE	REACH
Letterbox delivery and 'door step' discussions - Nelson Bay town centre businesses and resident Nov 2019	Inform and educate Build relationships	700 newsletters printed and delivered; 200 door step discussions with local business 5 follow up personal meetings with the Mayor and business owners/operators
Stakeholder Meeting – Tomaree Business Chamber Nov 2019	Inform and educate Gather feedback Build relationships	
Drop in session - Stockton Street Dec 2019	Inform and educate Gather feedback Build relationships	50-75 people took the opportunity to meet face to face with elected representatives and staff
Business Chamber Breakfast – Mayor presented Dec 2019	Inform and educate Build relationships	110 attendees
Online Survey Nov - Dec	Gather feedback	173 surveys complete
Dedicated Have your Say webpage	Inform and educate Build relationships	1,400 visitors to the website

Additionally, one submission was received from the Tomaree Residents and Ratepayers Association.



## ITEM 7 - ATTACHMENT 3

## NELSON BAY SMART PARKING ENGAGEMENT REPORT.



Engagement Board (left) used at drop in session and Newsletter update (right) delivered to business and residents.

### Promotion of activities

The primary method of promotion was through the letterbox drop. Social media was deliberately not used to ensure that the majority of the people who participated in the process were Nelson Bay local business owners and residents.

There will be opportunity for wider comment regarding the proposed parking changes when the draft policy is placed on formal public exhibition.

## Key findings

### Tomaree Business Chamber Meeting

Council staff met with the Tomaree Business Chamber president 4 December 2019 to talk through the proposed project and to ascertain the concerns of the business chamber.

The premise of the meeting was to discuss the parking changes including the extension of paid parking in Nelson Bay CBD and an accompanying park free scheme of which the variables of this scheme are to be determined through the process.

Key issues raised were:



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**ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.**

- problem of potential shoppers electing to shop at Salamander Bay due to paid parking. However, the different shopping experiences was considered a major factor in people visiting Nelson Bay especially during holiday periods
- It was believed that the introduction of a park free scheme with smart technology would help traders in Nelson Bay attract business during the non-peak times.
- the current zonings is messy and confusing and a review of the no parking and emergency vehicles zoned parking should be undertaken
- examples of similar systems from other councils would be beneficial
- lack of trust in Council that additional revenue raised would be spent in Nelson Bay

Potential parking options and changes discussed were:

- two/three hour free parking option for all people similar to shopping centres,
- dedicated paid spots for local businesses (especially those who leave and return regularly throughout a working day),
- lower rates for longer periods to cater for people going on extended tourist attractions such as whale cruises,
- park free scheme to include workers,

#### **Letterbox delivery and 'door step' discussions**

Mayor Ryan Palmer and Community Engagement staff delivered 700 Nelson Bay Next Update November 2019 newsletters on 7 December 2019. The newsletter was designed to introduce the project and invite people to learn more about the project. The key themes verbally introduced when speaking with business owners included:

1. Fast tracking projects to enliven Nelson Bay;
2. Introduction of a park free scheme with smart technology;
3. Invitation to come to drop in session or participate through online survey.

Some of the feedback received as part of the door step discussions with Nelson Bay business owners and operators included:

- Overwhelming support to fast track projects to enliven Nelson Bay,
- Any park free scheme should include workers,
- Concerns regarding loss of business to Salamander Bay as a result of extended paid parking,
- Concerns regarding whether the Donald Street East carpark demolition and reestablishment would be finished when promised.

#### **Drop in session 6 December 2019**

The drop in session held in Stockton Street on 6 December 2019 was attended by approximately 50-75 people. Two elected members including Mayor Ryan Palmer and Councillor Sarah Smith were in attendance. Staff from various sections of



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Council including Assets, Strategic Planning and Communications were in attendance to answer queries.

Boards together with a sticker dot voting system were used to mimic the online survey and comments using post it notes were encouraged to help explain and qualify the responses. A total of 53 votes were received on the different options.

The data collected from the boards has been collated with the reported survey findings and are presented in the next section of the report.

A total of 14 comments were also recorded at the session. The comments were grouped into common themes:

**Eligibility of paid parking scheme**

- Only tourists pay
- Workers should only have free parking on the outskirts of the town centre
- Tradespeople should have access to free parking as well

**Location of paid parking scheme**

- Parking for bay only not for Raymond Terrace etc
- No paid parking in CBD
- What about paid parking in Salamander Bay shopping centre
- What about other holiday areas e.g Shoal Bay, Birubi
- Leave areas for short term free parking e.g post office, newsagent 1/4 parking
- A license plate camera at entry points would make it easier for those with free parking would make it easier for residents

**Timing of paid parking scheme**

- Paid parking for long periods
- Peak and off peak parking rates
- Please make it free after 4pm for everyone
- First couple of hours free then pay
- Out of State school holidays not just NSW

Other common themes raised throughout the session included;

- Overwhelming support for the delivery of new projects in Nelson Bay
- General support for the need for paid parking as long as there was an accompany park free scheme which applied to the person in question.
- Concern that the introduction of paid parking in Nelson Bay would be detrimental to business and that Council had no evidence to refute this
- Concern over removal of Victoria Parade pedestrian overpass
- Lack of trust that additional revenue would actually go to Nelson Bay.



## ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

### Online Survey

The online survey was hosted on the project webpage and attracted 171 participants. The survey questions can be found at Attachment I.

The results of the 171 online surveys together with the responses from the face to face drop in session, as mentioned above, are shown in below.

Figure 1: Who do you think should be eligible for a park free scheme?

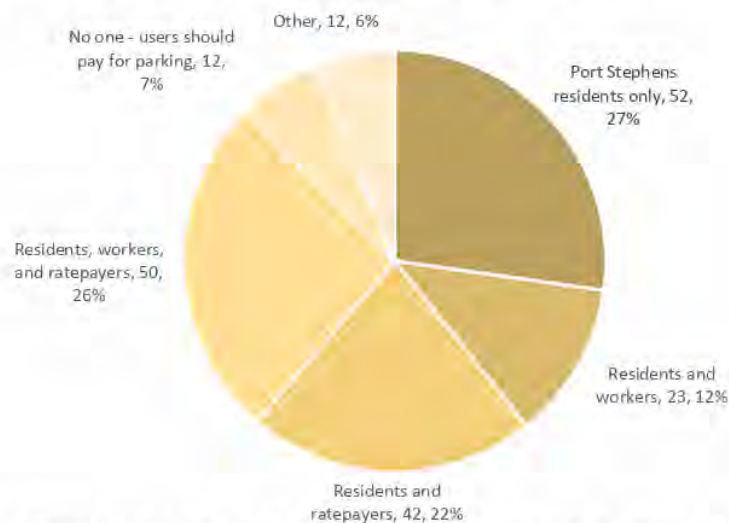


Figure 1 shows there is a little difference between three main options presented about who should be eligible for a park free scheme. The most popular scheme (27%) was that Port Stephens residents only park free scheme.

A total of 12 participants selected 'other'. A total of 6 comments were against the concept of paid parking all together. The remaining comments provide suggestions, qualifications to their answers or ask for more information. A full list of verbatim comments can be found at Attachment II.

### Snapshot of Comments:

- Paid parking should not be extended.
- Should all be free but different time periods, shorter on street, longer in off street parking areas.
- All shoppers should have first three hours free as otherwise we will lose all shoppers to Salamander Bay or Kotara where it is free
- A way to help ease summer, school and public-holiday parking stress and traffic congestion is to provide a free Beach (mini) bus service. Mosman Council trialled the "Summer Bus" which linked the beach, shops and transport hubs. It became permanent.

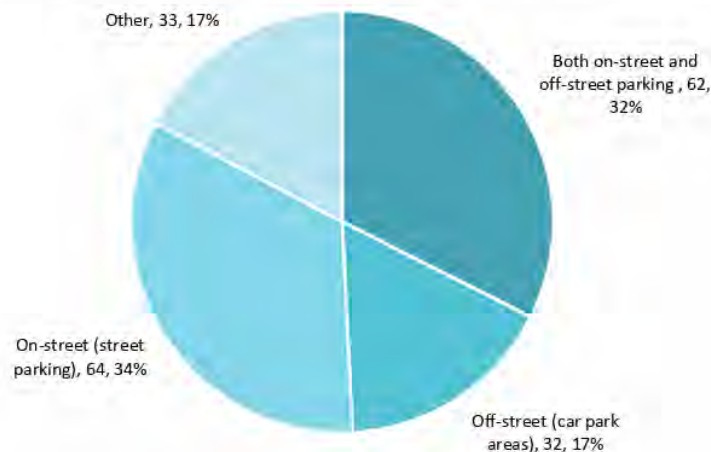


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## ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

- Residents and those with mobility passes

Figure 2: Where do you think paid parking should be extended to?



In Figure 2, the results were relatively even between the two options of extending paid parking to on-street parking (34%) and both on street and off-street parking (32%).

A total of 30 respondents selected 'other'. A total of 16 comments that were against the concept of paid parking. The other comments provide suggestions, qualifications to their answers or ask for more information. A full list of verbatim comments can be found at Attachment II.

### Snapshot of Comments:

- Peak Holiday period only
- Should not extend paid parking areas unless providing more parking. For instance, building a parking garage.
- No one should have to pay for parking if they are shopping, dining, etc
- Paid parking should not be extended.
- Paid parking will push people away
- No one should pay for parking, we pay enough money just to have a car, plus local shop keepers raise their prices during holidays and then we are expected to pay to park in a town where we live!
- Can't choose an option without more information on costs and benefits of each - there should be a costed business case. Provisionally favour same treatment for both on-street and off-street parking
- Paid parking in the Nelson Bay CBD could further kill retail activity in the area. Time zoning for parking should be sufficient if it is managed effectively



ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

Figure 3: When do you think paid parking should apply?

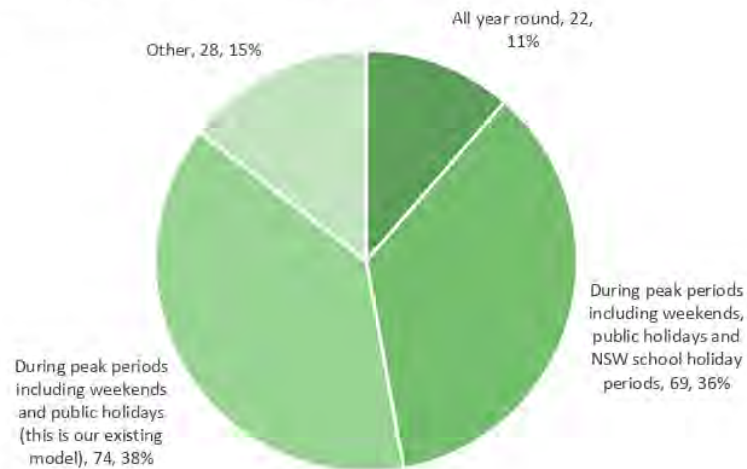


Figure 3

The results were relatively between the two options of applying paid parking 'During peak periods including weekends and public holidays (our existing model)' (38%) and 'During peak periods including weekends, public holidays and NSW school holiday periods' (36%).

A total of 28 respondents selected 'other'. The majority (16) of comments stated they were against the concept of paid parking. The other comments provide suggestions, qualifications to their answers or ask for more information. A full list of verbatim comments can be found at Attachment II.

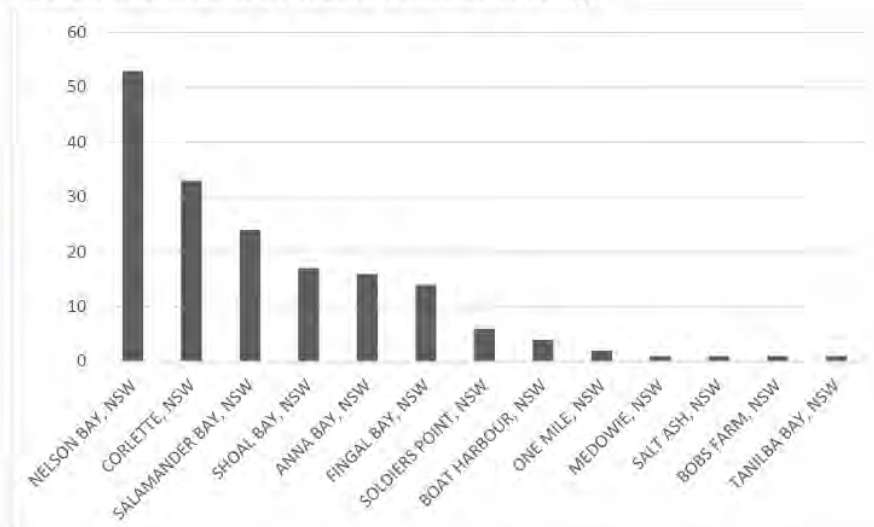
**Snapshot of Comments:**

- Only during summer holidays
- Not during peak periods as we want attract visitors to Port Stephens they pay over top for rentals. Also people who in town, park away from the shopping areas
- Do not change the current arrangements.
- I don't support paid parking in Nelson Bay. But if it is introduced, residents and rate payers must definitely be exempt.
- Why penalise people for wanting to stop in town and spend their money at local businesses?

## ITEM 7 - ATTACHMENT 3

## NELSON BAY SMART PARKING ENGAGEMENT REPORT.

Figure 4 Respondents by suburb (online survey only)



The levels of participation were high considering that the engagement approach was targeted towards business owners and residents in the Nelson Bay CBD. Over 50% of the online responses from Nelson Bay and well over 85% from neighbouring suburbs.

#### Additional Submissions

A written submission was received by the Tomaree Ratepayers and Residents Association. The submission outlined a number of questions around the business case and evidence of similar schemes, risks to visitation, concerns around the engagement process and broader comment on Nelson Bay Public Domain plan actions.

Councillors have been provided with a copy of this submission.

### Summary and key insights

The scope of the engagement around this project was highly defined. The concept of extending paid parking together with a park free scheme was considered the basis of the project. Using smart parking technology there are a lot of variables that could be included into this scheme which included eligibility, extent and timing.

#### Engagement approach

The majority of participants commented positively about the use of face to face engagement techniques (business door to door and drop in session). It was seen as a positive relationship building exercise and indication that Council was genuine in its intentions.



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**ITEM 7 - ATTACHMENT 3      NELSON BAY SMART PARKING ENGAGEMENT REPORT.**

**Support for paid parking with residents free scheme**

The introduction of paid parking was supported generally on the proviso residents were excluded. There was good support for the scheme to also include ratepayers and workers.

**Impact of business**

Participants expressed concern that the introduction of paid parking in Nelson Bay would be detrimental to business prosperity and that Council has no evidence to refute this.



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## ATTACHMENT II - Comments

Survey question 'Who do you think should be eligible for a park free scheme?'

Comments accessed via 'Other'

Optional question (12 responses, 159 skipped)

1. I worked at the marina when it was coins only. The machines didn't work, you couldn't get change. They'd ask us for change and get mad and walk away. This was mainly tourists walking away mad. It should be free for all.
2. Paid parking should not be extended.
3. Should all be free but different time periods, shorter on street, longer in off street parking areas.
4. All shoppers should have first three hours free as otherwise we will lose all shoppers to Salamander Bay or Kotara where it is free
5. Port Stephens residents only with time limits
6. A way to help ease summer, school and public-holiday parking stress and traffic congestion is to provide a free Beach (mini) bus service. Mosman Council trialled the "Summer Bus" which linked the beach, shops and transport hubs. It became permanent.
7. Can't choose an option without more information on costs and benefits of each - there should be a costed business case. Should also consider option of free parking only for local residents - residents from western parts of the LGA are effectively visitors
8. Should be free to everybody
9. Residents and those with mobility passes
10. Residents & Ratepayers ... on proof of same ... ratepayers are easy as they're on PSC's books. Permanent residents will prove with Drivers Lic. &/or utilities bills.
11. Parking should be free throughout Nelson Bay and along the foreshore
12. Everyone should have the right to free parking

Survey question 'Where do you think paid parking should be extended to?'

Comments accessed via 'Other'

Optional question (29 responses, 142 skipped)

1. PEAK HOLIDAY PERIOD ONLY
2. None
3. Should not extend paid parking areas unless providing more parking. For instance, building a parking garage.
4. Should be free to everyone all the time
5. No one should have to pay for parking if they are shopping, dining, etc
6. Paid parking should not be extended.
7. Paid parking is only a revenue raiser, was trialled in Penrith & failed dismally
8. Time based only
9. Paid parking will push people away
10. Off street car parks over three hours



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ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

11. Extending Paid parking will drive people out of the Nelson Bay CBD to the Salamander Shopping Centre & to the various "villages" around The Bay. It will also be another step in NELSON Bay losing its "idyllic holiday village" feel & reputation .
12. I don't support paid parking in Nelson Bay. It will definitely discourage residents and tourists from stopping in the town centre and spending money there.
13. Don't extend paid parking. Rebuild a decent car park to replace the recently demolished one and provide more free parking on the perimeter of the CBD.
14. I think you will kill the retail sector with all paid parking. As I local I would not pay for parking on the waterfront if I just wanted to browse the waterfront shops or have a coffee. Pizazz left the waterfront section and it is better within the NB cbd
15. All areas with exemptions as per first answer [See above 5]
16. IT WILL TAKE BUSINESS AWAY FROM THE CENTRE
17. Free parking for residents
18. This is blatant revenue raising. It will kill the businesses as it has some in other areas. Build a [REDACTED] multi level car park and don't charge for street parking at all!!!
19. No one should pay for parking, we pay enough money just to have a car, plus local shop keepers raise their prices during holidays and then we are expected to pay to park in a town where we live!
20. Residents should be able to access free parking being as we are ratepayers
21. See above re a free beach shuttle to move visitors AND locals around in peak times. I have already submitted a survey but want THIS one to replace it as couldn't find how to offer suggestions the first time. [See above 6]
22. Can't choose an option without more information on costs and benefits of each - there should be a costed business case. Provisionally favour same treatment for both on-street and off-street parking
23. local shoppers will avoid Nelson Bay.
24. Can't choose 'other options' without more information on costs and benefits - there needs to be a costed business case.
25. Definitely no charges. Can make a time limit but no fees.
26. Rebuild the multistorey carpark you've just knocked down (Surely it would have been cheaper to fix it. Sigh!)
27. Parking should be free throughout Nelson Bay and along the foreshore
28. Paid parking in the Nelson Bay CBD could further kill retail activity in the area. Time zoning for parking should be sufficient if it is managed effectively.
29. Can't imagine that this would encourage people to the town centre, more likely detract them and send everyone to salamander bay shops. Certainly would detract locals, where are employees supposed to park?



**ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.****Survey question 'When do you think paid parking should apply?'**

Comments accessed via 'Other'

Optional question (25 responses, 146 skipped)

1. Only during summer holidays
2. Not during peak periods as we want attract visitors to Port Stephens they pay over top for rentals. Also people who in town, park away from the shopping areas
3. If a park-free scheme is adopted for locals, then all year round
4. No
5. I do not agree with paid parking
6. Do not change the current arrangements.
7. Should never be applied
8. I believe paid parking will "kill" the Nelson bay CBD
9. never
10. Never
11. I don't support paid parking in Nelson Bay. But if it is introduced, residents and rate payers must definitely be exempt.
12. Never. You have structured this questionnaire on the basis that we all want some form of paid parking in Nelson Bay CBD. Some of us can envision other alternatives. Council needs to broaden its scope.
13. Why penalise people for wanting to stop in town and spend their money at local businesses?
14. I disagree wholeheartedly with paid parking.
15. Never, we pay enough money just to have a car!
16. Third option above but local residents should be exempt from paid parking. The council controlled Woolworths should also have paid parking to prevent tourists parking all day while they go to the beach
17. Peak periods but NOT for residents - perhaps a ticket saying we are residents might help
18. Free parking weekends public hold for residents
19. Can't choose an option without more information on costs and benefits of each - there should be a costed business case
20. Can't choose 'other options' without more information on costs and benefits - there needs to be a costed business case.
21. Should be free all year
22. What is best practice in other tourist locations? Some examples of where this has been implemented and how it is working would be ideal before making any final decisions.
23. At no time
24. As above [See Above 28].
25. I don't think paid parking is necessary, especially double the cost on weekends, when locals supposed to enjoy their own area. A free sticker should be issued with council rate payments.



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Smart Parking Infrastructure Program - Summary Sheet - March 2020



**ITEM NO. 8**

**FILE NO: 20/32996  
EDRMS NO: PSC2020-00158**

**REVIEW OF OFF LEAD DOG EXERCISE AREAS IN RAYMOND TERRACE**

REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER  
GROUP: FACILITIES & SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submissions recorded in the engagement report **(ATTACHMENT 1)**.
  - 2) Adopt the amended Boomerang Park off lead dog exercise areas as illustrated in **(ATTACHMENT 2)**.
  - 3) Adopt the establishment of a fenced off lead dog exercise area as illustrated in **(ATTACHMENT 2)** subject to environmental assessment and detailed design.
- 

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

	<p><b>Councillor Giacomo Arnott Councillor Chris Doohan</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Receive and note the submissions recorded in the engagement report <b>(ATTACHMENT 1)</b>.</li><li>2) Adopt the amended Boomerang Park off lead dog exercise areas as illustrated in <b>(ATTACHMENT 2)</b>.</li><li>3) Adopt the establishment of a fenced off lead dog exercise area as illustrated in <b>(ATTACHMENT 2)</b> subject to environmental assessment and detailed design.</li></ol>
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**ORDINARY COUNCIL MEETING - 12 MAY 2020  
AMENDMENT**

	<p><b>Councillor Chris Doohan Councillor Ken Jordan</b></p> <p>That the item be deferred to the Council meeting to be held in June 2020 to allow Council staff to speak with the Soldiers Point Community Group.</p>
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Councillor Paul Le Mottee left the meeting at 7:47pm prior to voting.



## MINUTES ORDINARY COUNCIL - 12 MAY 2020

Councillor Paul Le Mottee returned to the meeting at 7:47pm prior to voting.

Councillor John Nell left the meeting at 7:48pm prior to voting.

Councillor John Nell returned to the meeting at 7:49pm prior to voting.

The amendment was lost.

### ORDINARY COUNCIL MEETING - 12 MAY 2020 MOTION

073	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Receive and note the submissions recorded in the engagement report <b>(ATTACHMENT 1)</b>.</li><li>2) Adopt the amended Boomerang Park off lead dog exercise areas as illustrated in <b>(ATTACHMENT 2)</b>.</li><li>3) Adopt the establishment of a fenced off lead dog exercise area as illustrated in <b>(ATTACHMENT 2)</b> subject to environmental assessment and detailed design.</li></ol>
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The motion was carried.

### BACKGROUND

The purpose of this report is to seek Council's endorsement for the amendment of the designated off lead dog exercise areas in Boomerang Park and the subsequent construction of a fenced off lead dog exercise area as illustrated in **(ATTACHMENT 2)**. This report is in response to 12 November 2019 Council Meeting Minute No. 205 to endorse construction of a fenced off lead dog exercise area in Raymond Terrace as part of the PSC2020 Proposed Community Projects – Ancillary Minor Works **(ATTACHMENT 3)**.

Following an internal review of public reserves in Raymond Terrace, Boomerang Park was identified as the most suitable location to establish a fenced off lead dog exercise area. Other public reserves considered included King Park Regional Sportsground, Alton Park, Roslyn Park, Anderson Oval, Lakeside District Sportsground and Lakeside Reserve however these sites were not considered suitable due to a number of constraints including access, environmentally sensitive areas and conflicting land uses.

Boomerang Park is a large recreation reserve providing for a variety of uses including dog training, community services, informal recreation, sport team training and environmental amenity. Existing (uncontained) off lead dog exercise areas are provided in the north-eastern extent of the reserve adjacent to Kangaroo Street.

Recognising the diversity of Boomerang Park, three options were identified and considered for establishing a fenced off lead dog exercise area. Each of the options presented unique opportunities and challenges. A summary of each option is provided and illustrated in **(ATTACHMENT 4)**.

To understand the implications of establishing a fenced off lead dog exercise area in Boomerang Park, Council sought feedback from park stakeholders and initiated a broader community engagement program inviting written submissions and survey responses from 9 March 2020 through to 24 March 2020. The details of consultation are discussed in the corresponding section of this report.

Option 3 (the Elizabeth Avenue site) is recommended for establishing a fenced off lead dog exercise area. This recommendation is made based on a review of off lead dog exercise areas in Raymond Terrace and consultation undertaken by Council staff. It is also recommended that the existing off lead areas in Boomerang Park be retained on the former soccer fields. This will allow dog users to have a choice as to where they exercise their dog safely in Boomerang Park.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Infrastructure and Facilities	Build Council's civil and community infrastructure to support the community.

## **FINANCIAL/RESOURCE IMPLICATIONS**

The establishment of a fenced off lead dog exercise area requires funding to construct the fencing, install signage, provide water and waste bins. Should budget permit, there is also an opportunity to provide seating and landscape features. Subsequent to the outcome of this report, staff would seek to use the allocated PS2020 funding to realise this project.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	40,000	\$40,000 for the construction of fenced off leash area in Boomerang Park which is adopted under the PSC2020 - Ancillary Minor Works.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The NSW Companion Animal Act is the overall guide and statutory basis which must be abided by when providing off leash dog exercise areas. This Act provides a guide for the provision of exercise areas, where Companion Animals' exercise areas are able to be established and also prohibits companion animals from certain areas eg children's play areas, public food preparation/consumption areas and environmentally sensitive areas.

The risks associated with adopting the recommendation are detailed in the table below.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that usage of Boomerang Park as an off lead dog exercise area may have adverse impacts on adjacent properties and the environment.	Low	Identify and control environmental impacts in accordance with Part 5 of the Environmental Planning and Assessment Act 1979 prior to commencing works.	Yes
There is a risk that if no fenced off lead area is provided in Boomerang Park, dog owners will contravene regulations and exercise their dogs in prohibited areas.	Low	Adopt the recommendation to retain existing off lead dog exercise areas and establish an additional fenced area in Boomerang Park.	Yes

**SUSTAINABILITY IMPLICATIONS**

Dog parks provide a public, recreational space for pets and their owners to safely interact with other animals and members of the community. They provide people with the opportunity for social contact, improving social cohesion within a community. It is the intention that the provision of a fenced off lead dog exercise area in Raymond Terrace will reduce the likelihood of dog owners letting their dog's off lead in prohibited areas. This unauthorised practice impedes on the recreational enjoyment of residents and park users. The use of the park will be cost-free, enabling it as an affordable recreational activity for the local community. A secure fenced area will ensure that environmental impacts of off lead dogs are largely controlled within the site

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Community and Recreation Planning Section. To date this consultation has included:

### Internal

- Children's Services – Support project. Request additional parking is provided to avoid congesting existing parking areas.
- Natural Resources – No environmental constraints in Boomerang Park identified that could not be managed by undertaking an Environmental Assessment under Part 5 of the Environmental Planning and Assessment Act 1979.
- Environmental Health and Compliance – No objection to establishing a fenced off lead area in Boomerang Park.
- Parks Programs – Support project - no significant impact to operations.

### External

Council staff met with park stakeholders to seek their feedback on the proposed fenced off lead options. Stakeholders consulted included the Raymond Terrace Parks, Reserves and Tidy Towns, the Port Stephens Dog Club, the Raymond Terrace Senior Citizens Association and the Raymond Terrace Men's Shed. Feedback received was supportive of the project overall whilst recognising the strengths and weaknesses of each option. The main points of discussion were:

- Fencing of the existing off lead area may prevent the dog club from hosting training and events.
- Moving the off lead area close to the playground may increase risk of children being attacked by dogs.
- Existing car parking within Boomerang Park may be insufficient due to additional parking demand generated by the off lead area.

To understand the broader community's view on establishing a location within Boomerang Park as a fenced off lead dog exercise area, Council initiated a community engagement program inviting written submissions and a survey from Monday 9 March through to Tuesday 24 March 2020.

150 survey responses to the principal question "What location option for a fenced dog off leash area in Boomerang Park do you prefer?" were received. 52 (35%) respondents supported Option 1 (Kangaroo Street), 41 (28%) respondents supported Option 2 (central park) and 42 (29%) supported Option 3 (Elizabeth Avenue). 12 (8%) respondents were undecided or did not care on the location.

Additionally, 83 survey comments and two written submissions were received during the consultation period.

A comprehensive report of survey results and written submissions are included in **(ATTACHMENT 1)**.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Engagement Report Raymond Terrace Fenced Dog Park Area.
- 2) Boomerang Park Dog Off Lead Area Map.
- 3) Minute No. 205, 12 November 2019.
- 4) Boomerang Park Dog Off Lead Exercise Area Newsletter - March 2020.

### **COUNCILLORS ROOM**

- 1) Submissions.

### **TABLED DOCUMENTS**

Nil.

**ITEM 8 - ATTACHMENT 1      ENGAGEMENT REPORT RAYMOND TERRACE  
FENCED DOG PARK AREA.**

## **Boomerang Park Fenced Dog Off Lead Area Engagement Report April 2020**

In November 2019 funding for a fenced off lead area for Raymond Terrace was allocated by Councillors as part of the Port Stephens 2020 priority projects process.

Boomerang Park was considered the best option for a fenced off lead area as it has an existing off lead area; off street and on street parking options and there are existing supporting facilities including toilets and connecting pathways.

Consequently, Council staff selected 3 potential site options within Boomerang Park which would be suitable and feasible for a fenced off lead area. Other location options were considered but were not considered feasible due to poor access, personal safety concerns and potential adverse environmental impacts.

Engagement was planned around this project to:

- Raise awareness and inform the community of current Council projects.
- Gain information regarding potential use of the future asset and also to allow residents to provide preferences regarding location.

## **Methodology**

### **Engagement Approach and Participation**

Engagement was delivered through direct contact with known interest groups, online survey and a face to face drop in session. The approach was designed to provide opportunity through a variety of approaches to facilitate increased participation.

Activity included:

1. On site meetings with interest groups (3 meetings)
2. Resident letterbox drop approx. 150
3. Online survey (150 responses)
4. Social media (organic)
5. Direct emails to interest groups (3 emails)
6. 2<sup>nd</sup> letterbox drop approx. 150
7. Social media (organic)
8. Online forum (1)

The face to face drop in session originally planned for Friday, 20 March was cancelled due to social distancing associated with COVID-19. Residents were notified, purpose of activity 5 and 6 above, via social media and letterbox drop of this change.



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The online survey received good feedback with 150 responses received. There were 278 visitors to the dedicated webpage at Port Stephens Council (PSC) Have Your Say (which includes the survey respondents).

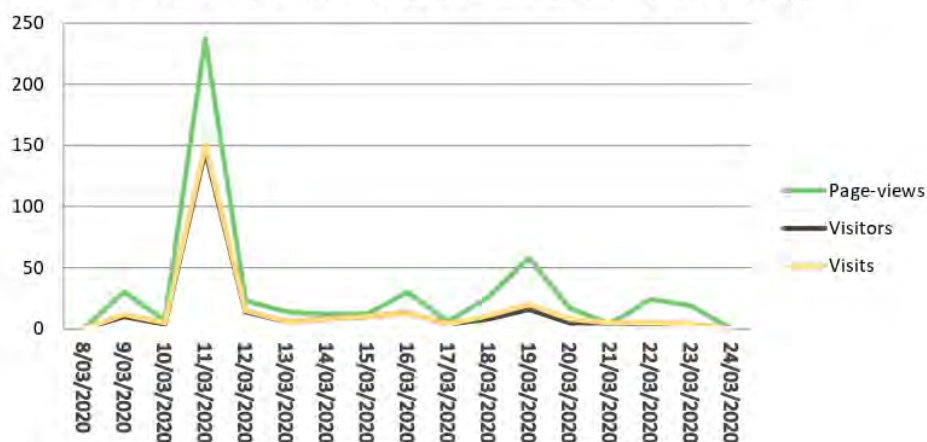
### Promotion

The project was promoted primarily through social media. The reach was over 11,000 people.

- The 11 March 2020 post had 55 likes/reactions, 29 comments and 9 shares. This post also had 554 post clicks and 647 engagements.
- The 20 March 2020 post had 4 likes/reaction, 0 comments and 1 share. This post also had 45 post clicks and 50 engagements.

The below visitor summary chart of the activity on the Have Your Say web page clearly reflect the impact social media has on direct engagement.

Visitors Summary to Have Your Say web page



### Findings

For the full online survey please see questions shown in Appendix I.

#### Part 1- Survey findings

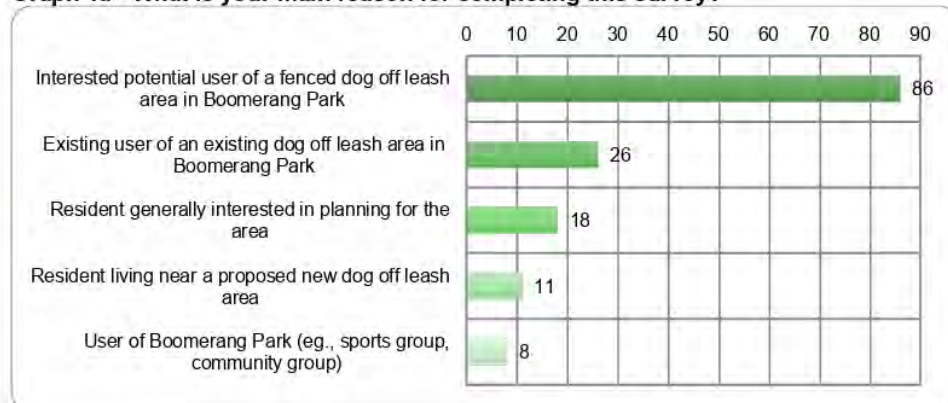
Part 1 of the survey was set up to capture information about use of the existing off lead areas and potential users of a proposed new fenced off lead area.



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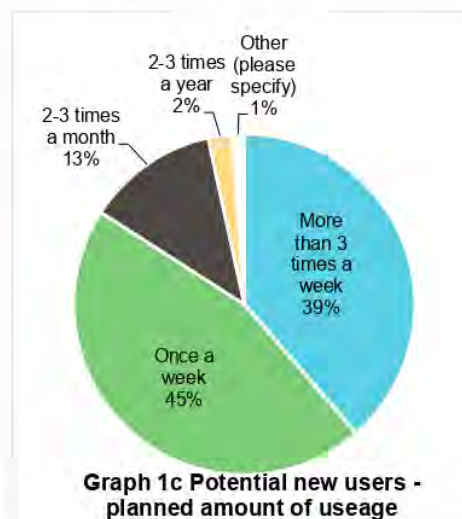
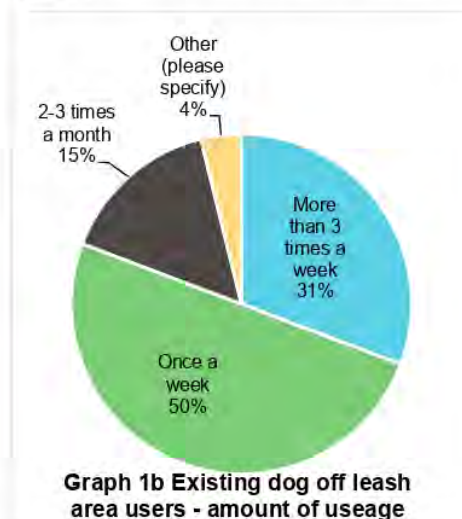
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Graph 1a - What is your main reason for completing this survey?



These results indicate a clear interest from potential new users of a fenced dog off lead area in Boomerang Park.

The survey also asked about the usage of the existing dog off lead area(s) in Boomerang Park, the majority of respondents used the part weekly or several times a week. .



The two charts show the useage patterns of both existing users and potential new users are similar.

Information was also collected from both existing and potential users around the days and times of existing and potential use. One clear trend from both existing and potential user groups is that weekend use is higher than weekday use.

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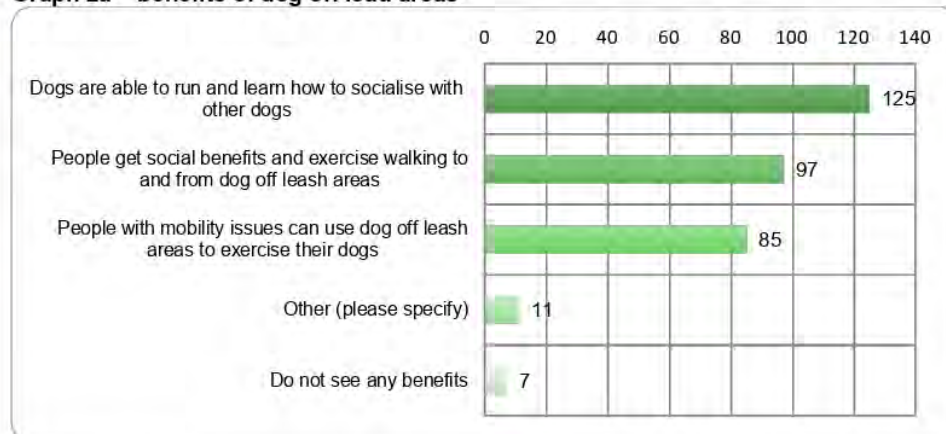
	Weekends	Weekdays
Existing users	34	17
Potential users	108	61

### Part 2 – Survey Findings

This section of the survey was about gathering information about what respondents felt about the positive and negatives associated with dog off lead areas in general.

Respondents were asked to identify the benefits of dog off lead areas in general. Three most popular benefits are represented below:

**Graph 2a – benefits of dog off lead areas**



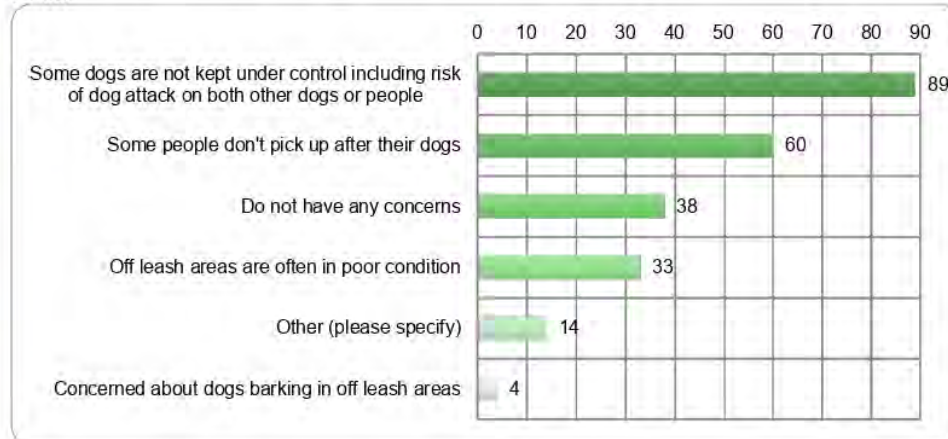
The Other (please specify) option totalled 11 and can be viewed at Appendix II.



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Respondents were asked to identify concerns associated with the proposed fenced dog park in Boomerang Park. The two most common concerns are represented in Graph 2b.

**Graph 2b - What are your main concerns about fenced dog off lead areas in Boomerang Park.**

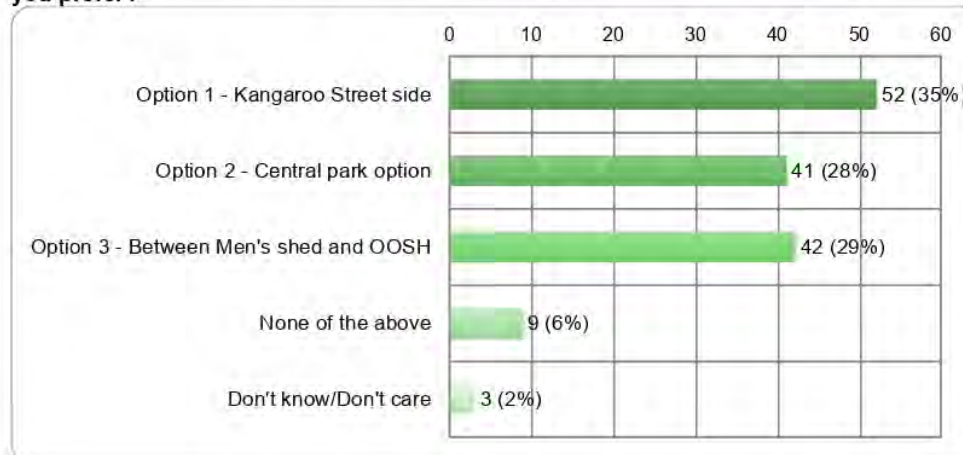


The Other (please specify) option totalled 14 and can be viewed at Appendix II.

**Part 3 – Survey Findings**

This section of the survey was about determining preferences about the location of the fenced dog off lead area. Support was relatively evenly spread across all three options.

**Graph 3a - Which location option for a fenced dog off lead area in Boomerang Park do you prefer?**



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### Option 1 – Kangaroo Street side

Option 1 had the strongest support with 52 (35%) respondents preferring this site. Some of the primary reasons for selecting this site included as per the commentary in Appendix II are as follows:

- Existing off lead area
- Easy and plentiful parking
- Remote from other park users especially children play areas

A number of comments were received and are listed in Appendix II.

Groups currently use this area including Port Stephens Dog Club and soccer training, they were consulted individually. These groups are firmly against this option as it would split the existing site up. These concerns are also reflected in some of the commentary of the survey but were also raised in a separate submission from the Port Stephens Dog Club (Appendix III).

### Option 2 – Central park option

Option 2 was the preferred location for 41 (28%) respondents. The main reason for selecting this site was this it was close to other assets. A number of comments were received and are listed in Appendix II.

### Option 3 - Between Men's shed and OOSH

Option 3 was the preferred location for 42 (29%) respondents. Some of the primary reasons for selecting this site were:

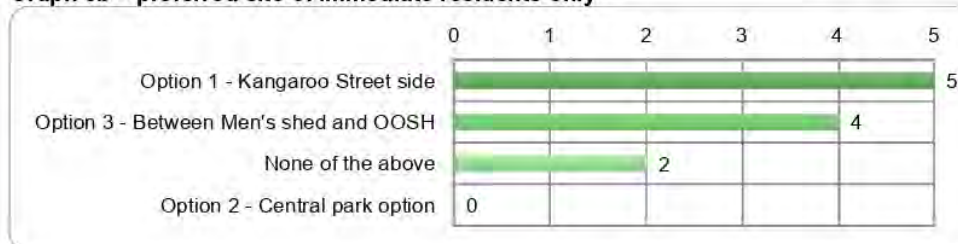
- Good passive surveillance providing personal safety
- Good access for people with mobility issues
- Close to other assets

A number of comments were received and are listed in Appendix II.

### What location did the immediate residents prefer?

The survey data was further interrogated to help us determine what the immediate residents (11 respondents) thought about the proposed locations.

**Graph 3b – preferred site of immediate residents only**



The comments associated with this are captured in Appendix III and some of these include:

- Suggested alternative locations (both outside of Boomerang Park and inside)

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- Concerns regarding diseases especially Parvo Virus
- Keeping dogs on lead in general
- Better dog training rather than dog off leash areas

**Summary**

- The engagement program attracted a good mix of current users of the park, dog owners and adjoining residents. Many respondents identified as potential users, if a fenced area was to be installed.
- The strongest benefit was viewed as the ability for dogs to run around and socialise with other dogs.
- The biggest concern was around behaviour management and keeping dogs under control.
- The preferred site options were relatively evenly spread with the Kangaroo Street side marginally the most popular. Benefits and concerns were expressed across all sites.



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## Appendix I

### Survey questions

1. What is your main reason for completing this survey?

Choose an option

- 1a Existing user of an existing dog off leash area in Boomerang Park
- 1b Interested potential user of a fenced dog off leash area in Boomerang Park
- 1c Resident living near a proposed new dog off leash area
- 1d User of Boomerang Park (eg., sports group, community group)
- 1e Resident generally interest in planning for the area

If respondents chose Option 1a further questions were asked as follows:

On average how often do you currently use a dog off leash area?

What days do you generally use a dog off leash area?

What times do you generally use a dog off leash area?

If respondents chose Option 1b further questions were asked as follows:

How often do you think you would use a fenced dog off leash area in Boomerang Park?

What days do you think you would generally use a fenced dog off leash area in Boomerang Park?

What time of day do you think you would use a fenced dog off leash area in Boomerang Park?

2. What do you think are the main benefits of dog off leash areas. Select up to three options. Alternatively, you can select the single option that you do not believe there are any benefits.

Do not see any benefits

Dogs are able to run and learn how to socialise with other dogs

People get social benefits and exercise walking to and from dog off leash areas

People with mobility issues can use dog off leash areas to exercise their dogs

Other (please specify)

3. What are your main concerns about fenced dog off leash areas in Boomerang Park. Select up to three main concerns. Alternatively, you can select the single option that you do not have any concerns.

Do not have any concerns

Concerned about dogs barking in off leash areas

Some people don't pick up after their dogs

Some dogs are not kept under control including risk of dog attack on both other dogs or people

Off leash areas are often in poor condition

Other (please specify)



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- 4 Which location option for a fenced dog off leash area in Boomerang Park do you prefer? Choose an option
  - Option 1 – Kangaroo Street side
  - Option 2 – Central Park option
  - Option 3 – Between Men's Shed and OOSH
  - Option 4 – None of the above
  - \*Option 5 – I don't know/don't care option

\*Option 5 was not part of the original survey however has been introduced as a result to better represent some of the commentary (see Appendix II marked \*)
- 5 Please provide an explanation of your preferred option and anything else you would like to add (Unlimited essay style response)
- 6 If you would like to keep up to date with this project please enter your email address here



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## Appendix II

**Question 2: What do you think are the main benefits of dog off leash areas?  
(other responses)**

1. I don't have a dog, but wanted to give my support.
2. Less change of dogs getting excited and chasing birds / cyclists on the new path and easier to control.
3. A place for social dogs to play without the worry of unsocial dogs being able to approach off lead.
4. My dog can't be let off the lead in an unfenced area so currently I travel into Newcastle to fenced dog parks.
5. Children can build confidence around dogs. Local community will benefit from positive socialisation.
6. I have 2 deaf dogs and cannot let them off leash unless in a fully fenced area.
7. Off leash walking is more engaging for the dog, it allows them to stop and smell things that interest them which on lead prevents.
8. Young untrained dogs and hounds can be off lead in safety. Both are liable to run off so having them free but contained will enable more of them to exercise.
9. Teaching my kids how to better control the dog.
10. Use walking path frequently each morning and needs a level access off the path if I was to use the dog park
11. Securely fenced off lead dog areas allow owners to let their dogs run free when they are not confident the dogs will return when called.

**Question 3. What are your main concerns about fenced dog off leash areas in Boomerang Park. (other responses)**

1. We have parvovirus in Raymond Terrace it will be much easier to spread the disease
2. People baiting, putting poison/sharp objects in meat then leaving them laying around the park for dogs to get
3. Bait being put down
4. There needs to be a separation of small dogs and large dogs.
5. The chosen site needs to have good passive surveillance please, the lower oval is out of sight and feels a little unsafe at times
6. If located near the OOSH building there is already issues with parking and I feel this would add to the already limited parking spaces available.
7. I am concerned that people accessing the off leash fenced area will park their vehicles in the limited space for parking outside the OOSH service. Busy parents dropping off and collecting children need to be able to use these spaces.
8. It [Option 1] will impact our training days and also competition days, how do we close it off when competitions are on?
9. The non policing of dog parks especially for out of control dogs - and their owners
10. Leave the space open for everyone to use. There is enough space for dogs to run safely they should have a proper recall on them anyway so no need for a fence
11. Concerns over wildlife in Boomerang Park in general
12. Dogs using the park could be carrying parvovirus which will then effect other dogs.

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13. The present off leash area in Boomerang Park is currently unfenced but the location is fine and would be OK if securely fenced. The area would need to be large enough so that the grass is not killed off by overuse.
14. People using the off-leash area don't need to present a vaccination certificate before coming onto the grounds. The current dog club will not allow unvaccinated dogs on the grounds. Hence the off-leash area will become infected by parvo. Parvo can live in sandy ground at cool temperatures for months or years.

	Question 4 Preferred location response	Question 5 – Explanation of preferred option and additional information response (83 comments)
1	None of the above	I think people should just continue to walk their dogs on leads
2	Option 1 - Kangaroo Street side	<p>Whenever I see dogs playing in a designated off leash area, they look to have a lot of fun, and still behave reasonably well too. The owners also tend to look out more for their dogs somehow, I don't know why. But things go so much better with a designated off leash area, than with dogs sometimes being off leash where they are not allowed. And, the park is huge, there's room for this. I say that as someone who walks in the Park with my kids.</p> <p>I wouldn't ever put it near an OOSH as some children (especially autistic kids, but some other kids too) are scared of dogs. But other sites in the Park would be fine.</p>
3	Option 1 - Kangaroo Street side	In the existing off leash area would be perfect as it is quiet and there is lots of parking. The potential noise would not bother anyone as there are no immediate neighbours.
4	Option 1 - Kangaroo Street side	This site would make sense as it's already an on lease dog area
5	Option 3 - Between Men's shed and OOSH	If its between the Mens Shed and OOSH it can be easily seen from the road making it safer for users, easier to monitor and easier to access
6	Option 3 - Between Men's shed and OOSH	Preferably a busy area / well lit as a young female who would like to use the facility on my own with two dogs I don't like to be in isolated areas on my own.
7	None of the above	There are a number of areas that could be utilised. Lakeside leisure area for 1.
8	Option 3 - Between Men's shed and OOSH	<p>An off leash area is probably necessary for many aged and infirm dog owners, hence more close to men's shed would be best. Problems are aggressive dogs and irresponsible owners. But then you can go when no one is there.</p> <p>I have witnessed many dogs roaming the streets around Alton rd and have had my dog attacked walking on our river front with my dog on a lead. Others don't respect the laws anywhere, so maybe this park would need some cameras to catch the aggressive dogs.</p>



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	Question 4 Preferred location response	Question 5 – Explanation of preferred option and additional information response (83 comments)
9	Option 1 - Kangaroo Street side	I'm hoping i selected the right area. I think the semi fenced, off leash area is great. It is away from the main road and not exposed to much either
10	Option 1 - Kangaroo Street side	Please make sure you have a clearly marked small dog section.
11	Option 3 - Between Men's shed and OOSH	Alot of exercises use the Kangaroo street side currently, and bikes and scooters use the path very regularly.. People are often careless of where their dogs are and in a high traffic area, accidents will happen. Dogs chase after young children on scooters/bikes etc, collisions.
12	Option 2 - Central park option	Because I believe that the dog run should be away from the areas like the men's shed and oosh, due to dogs barking. Plus this utilises more of the park itself.
13	Option 1 - Kangaroo Street side	Near the playground to allow people that have children to play at the park whilst also allowing their dogs excerise
14	Option 2 - Central park option	It would be better suited away from the oosh, play equipment & skate park and school, were young local school children often walk along the road side home.
15	Option 3 - Between Men's shed and OOSH	Close to where I pick up my daughter from school
16	Option 2 - Central park option	If the central park option includes the dam (if it gets cleaned up) it would be fantastic for free running and swimming. We have no where in Raymond terrace for dogs to swim.
17	Option 1 - Kangaroo Street side	Keeping it somewhat isolated from current structures in the park, so no one can complain about the noise dogs make.
18	Option 1 - Kangaroo Street side	Easier to get to and at the back of boomerang park away from traffic incase a dog was to somehow escape
19	Option 3 - Between Men's shed and OOSH	Best disabled access (gradient, paving, parking). Colocation with other services, eg playground allows parents with children & dogs more flexibility for supervision
20	* Don't know/don't care	Sorry I don't know the park and don't know the best place
21	Option 1 - Kangaroo Street side	I think you also need high fenced around for large dogs only and a smaller fenced area for smaller dogs
22	Option 1 - Kangaroo Street side	The off leash area is not suitable between the Mens shed and OOSH due to the close proximity of children and cars. The kangaroo street option is best because of this.
23	Option 2 - Central park option	Central area good for everyone
24	Option 1 - Kangaroo Street side	Some dogs can be triggered by children being loud and running. The dog park should be a distance away from any play ground equipment to avoid triggering these dogs. The same reason exists for people exercising in the park.



# ITEM 8 - ATTACHMENT 1 ENGAGEMENT REPORT RAYMOND TERRACE FENCED DOG PARK AREA.

	Question 4 Preferred location response	Question 5 – Explanation of preferred option and additional information response (83 comments)
25	Option 2 - Central park option	I don't think it is a good idea to have near oosh as there are too many kids that may not understand that some dogs aren't as friendly to kids as other.
26	* Don't know/don't care	Im assuming this is were existed dog park is so it would obviously be an easier and more cost effective option. As long as there is a tap for wster and poo disposal bins and bags available
27	Option 3 - Between Men's shed and OOSH	Centrally located. Could also see the appeal of Kangaroo St side, assuming quality of roadside fence is good.
28	Option 3 - Between Men's shed and OOSH	It is the most open, visible and accessible location therefore least likely to get vandalized. Also the Port Stephens dog sports club does run off leash training programs in the park. And they have annual agility and obedience competitions in conjunction with Dogs NSW in the park. It would be extremely disappointing if the off leash park hindered or disrupted any of the excellent programs they provide to the community. Their programs are low cost and help people to be responsible dog owners. Unfortunately off leash dog parks do attract users that have not socialized or trained their dogs adequately.
29	Option 2 - Central park option	Bins, benches, shade, water for dogs, poo bags for dogs
30	* Don't know/don't care	I'll be happy with where ever it goes. I don't either site
31	Option 2 - Central park option	Kids can play while the dog plays
32	Option 1 - Kangaroo Street side	Quiet with lots of parking. Exisiting dog area already.
33	Option 3 - Between Men's shed and OOSH	central, link to existing shared pathway and gentle slope near existing parking.
34	Option 1 - Kangaroo Street side	I think the kangaroo st area is best for dog off leash park as it has car parking area, bins for any dropping, away from kids play area and convenient for all of the town to access
35	Option 1 - Kangaroo Street side	Quieter street for loading and unloading of k-niners.
36	Option 2 - Central park option	Just easier and less noise for surrounding tenants
37	Option 2 - Central park option	Easiest access from all areas of the park
38	Option 1 - Kangaroo Street side	Already existing area minimal work required.
39	Option 3 - Between Men's shed and OOSH	Good passive surveillance for personal safety, good on street parking availability and a little fewer mozzies (than the current ovals location)

# ITEM 8 - ATTACHMENT 1      ENGAGEMENT REPORT RAYMOND TERRACE FENCED DOG PARK AREA.

	Question 4 Preferred location response	Question 5 – Explanation of preferred option and additional information response (83 comments)
40	Option 1 - Kangaroo Street side	The site for the dog park needs to be surrounded by good fences that will not allow stray dogs to get in and attack dogs within the area.
41	Option 1 - Kangaroo Street side	Near road so not having to walk excited dogs far
42	Option 1 - Kangaroo Street side	Closer to help and streets if injury occurs. Easy parking for disabled
43	Option 1 - Kangaroo Street side	There is parking and it's away from other public areas.
44	Option 1 - Kangaroo Street side	Less busy with children at the park. Oosh/Men's shed is too close to school children and there may be more risk of incidents
45	Option 3 - Between Men's shed and OOSH	Secure location and close to other amenities
46	Option 1 - Kangaroo Street side	Near the dog club
47	Option 2 - Central park option	Close to the kids park would be great so the kids can play and so can the dogs
48	Option 2 - Central park option	It would be good to have it close to the children's park area so that families can take their dogs to the park and allow them to be off leash, but the barking is also a concern. Another slight concern is that some people may take other people's dogs.
49	Option 1 - Kangaroo Street side	Its away from parks & children
50	Option 1 - Kangaroo Street side	Would prefer it was away over the otherside away from playground.
51	Option 1 - Kangaroo Street side	Away from oosh building
52	Option 2 - Central park option	Dogs are the best, give them a park
53	Option 1 - Kangaroo Street side	Kangaroo street side is not as busy as mount hall road. Better parking availability.
54	Option 1 - Kangaroo Street side	More parking available in this area. Do Off leash fenced areas need access to amenities?



# ITEM 8 - ATTACHMENT 1      ENGAGEMENT REPORT RAYMOND TERRACE FENCED DOG PARK AREA.

	Question 4 Preferred location response	Question 5 – Explanation of preferred option and additional information response (83 comments)
55	Option 1 - Kangaroo Street side	At least once a month there are already people with dogs that meet there with their dogs and this family cannot see any reason as not to move them anywhere else. We don't have a dog!! BUT please maintain the amenities that are already there. Hopefully the fenced in area can be MOTOR BIKE proved as they like this area!!
56	Option 1 - Kangaroo Street side	There are no offlead dog areas in Riverview Ridge. Perhaps a site should be looked at here in the future as well.
57	Option 1 - Kangaroo Street side	NEED TO DEAL WITH THE MOZZIES UP THERE
58	Option 3 - Between Men's shed and OOSH	There is noise expected in those locations already so concerns of barking may be less likely.
59	Option 3 - Between Men's shed and OOSH	Ample parking. Safe area. Central with access to pathway
60	Option 1 - Kangaroo Street side	I think Kangaroo street is a great idea lots of close Cafes to grab a coffee to sit and drink while puppies play
61	Option 3 - Between Men's shed and OOSH	It would be fantastic if an air lock gate section could be built for safety of entering and leaving the area.
62	Option 1 - Kangaroo Street side	good sized area for dogs already there just needs fencing. easy parking
63	Option 3 - Between Men's shed and OOSH	It's flat and fairly visible which might deter undesirables from taking unruly dogs who may cause trouble. Splitting the area into 2 or more smaller fenced areas means smaller, older, puppies or fragile dogs can exercise safely away from young, boisterous roughnuts
64	Option 3 - Between Men's shed and OOSH	So we can keep our training area
65	Option 1 - Kangaroo Street side	Already partially set up
66	Option 3 - Between Men's shed and OOSH	Option 1 is within the area currently used by the Dog Club and women's soccer club for training. The area cuts through the soccer field. I think this area is a good area if the whole site was fenced so that other sports, eg soccer, can still use it. There would also need to be reservations made for the Dog Club events and soccer training so that off leash dogs do not interfere with these activities. . Option 2 is NOT a good option. It is an area with nesting trees for the threatened Grey Crown Babbler birds who would not nest there, lose nesting ground and become more threatened.

# ITEM 8 - ATTACHMENT 1      ENGAGEMENT REPORT RAYMOND TERRACE FENCED DOG PARK AREA.

	Question 4 Preferred location response	Question 5 – Explanation of preferred option and additional information response (83 comments)
67	Option 3 - Between Men's shed and OOSH	Provides good parking and near shared pathway will be able to use both playground and dog area with my whole family being involved.
68	Option 3 - Between Men's shed and OOSH	Central location
69	Option 3 - Between Men's shed and OOSH	Lets keep developing this wonderful area. I would like to see it as the jewel in the crown that is Raymond Terrace!
70	Option 3 - Between Men's shed and OOSH	Close to existing amenities
71	Option 2 - Central park option	Option 2 - this is close to amenities block as well as the playground and skatepark. As families use the dog park, there is space for dog socialization and exercise as well as space for children to socialize and exercise whilst still being in close proximity for parents to supervise.
72	Option 3 - Between Men's shed and OOSH	The location is perfect in the park, better flat access, easy to get to. Away from playground, uses an under used part of the oval, will be better walking through the part too.
73	Option 2 - Central park option	Option 2 makes more sense to me. Then option 3 as I am a concerned there is the potential that its too close to other facilities where people might leave their dog unattended while they go do other things. Also the amenity block and skate park are across the road from option 3 concerned about people or drivers not paying attention while parking/reversing.  Option 1 seems the worst option, too far away and the area is already used by community groups which will then no longer have access too. Gives the impression that Council is giving the dog club the area for them and removes opportunity for the fields to be used in the future.
74	Option 3 - Between Men's shed and OOSH	Optimal due to central location
75	Option 3 - Between Men's shed and OOSH	Men's shed location is preference due to flatter location and central position The existing amenities block at location 1 (Kangaroo street) is not open to public so would need to be upgraded if it was to be a consideration. Information provided via Charles Rodgers following phonecall from resident Daphne who lives in Kangaroo Street, RT.
76	Option 2 - Central park option	Central, safe, usable and not restricting multiple uses of other alternatives.
77	None of the above	I believe that an area closer to the main road, eg part of Bettles Park(which has the amenities deemed necessary) would be better used by both residents and travellers. Boomerang Park is becoming more overtaken by additions, some of which are not utilised eg croquet court. Structures in the park often get



# ITEM 8 - ATTACHMENT 1 ENGAGEMENT REPORT RAYMOND TERRACE FENCED DOG PARK AREA.

	Question 4 Preferred location response	Question 5 – Explanation of preferred option and additional information response (83 comments)
		dumped with rubbish or vandalised The area would be better kept as an open , heritage area where birds and native animals can move freely, and an open green space is available .
78	Option 3 - Between Men's shed and OOSH	Its away from where children play yet accessible enough
79	Option 1 - Kangaroo Street side	It is an existing area used by dogs off leash and furthest from residents. Noted that other sports use the area now so no impact. It is a flat location which assists those with mobility issues and according to Council there are environmental constraints, threatened species habitats adjacent and possible future restricted development. We live in Irawang Street and have already had our quiet enjoyment impacted by skate park and DO NOT want option 2 due to traffic increases and the noise of many dogs barking.
80	None of the above	Having lived opposite the park for over 30 years, people including myself have taken advantage of walking our dogs with leash in a respectful manner to both each other & the environment over this time. This continued practice would be most beneficial to all on all levels of wellbeing. An off leash area is an easy cop out to not have control of your dog nor respect for each other should there be an altercation between animals. Whilst it's commendable the works that the council have undertaken over the past years with the play area, bbq, pathways etc, to attract families to the park, which has to a degree been a success. Sadly, as a result we have noted an increase in noise, unsavoury language, behaviour, destruction & vandalism in this time. The walkway through the park is frequently used by trail biker riders late evenings, a problem that cannot be policed.
81	Option 1 - Kangaroo Street side	The central park option is a bit too close to the children's playground and although the area would be secure, young children may be intimidated by large dogs. There is also a colony of endangered grey crowned babbler living close to this area. The area near the Men's Shed would seriously impact on the ability to use this area for Events in the Park and for this reason is totally unsuitable. This is the only open area in the corner of Boomerang Park containing the Senior Citizens, Men's Shed and croquet courts, all of which contain facilities that are utilised during events in the Park. If this open area is lost it will seriously limit the options for any events. If the Kangaroo St site (dog training field) is selected, the full field would need to be fenced off in one lot. The current off leash area along Kangaroo St is not indicated and would be a good option. It is deemed as suitable now so why should this change if the area is made secure?



# ITEM 8 - ATTACHMENT 1      ENGAGEMENT REPORT RAYMOND TERRACE FENCED DOG PARK AREA.

	Question 4 Preferred location response	Question 5 – Explanation of preferred option and additional information response (83 comments)
		The lower sports field at the back of the dog training area would be ideal but I appreciate that it is a little isolated.
82	None of the above	I do not support fenced off-leash parks in general. There are many rules which people need to practice before and during visiting these types of Parks which are not enforced. Firstly there are some dogs that should not use dog parks, for example, dogs in heat, pregnant dogs, unvaccinated dogs, dogs suffering from contagious diseases, disobedient dogs, anxious, territorial and aggressive dogs and large dogs that jump on people. Before dogs can safely and successfully use an off-leash area they need to learn first, how to socialise with other dogs and people, secondly, the dog is guaranteed to return to the owner when a situation is escalating out of control. Before visiting the dog park the owner must exercise their dog to prevent pent-up energy escalating into rough and dangerous play which could injure vulnerable people, children, and other dogs. The owner of the dog is not at the Park to socialise with their friends in person or on the phone. They must watch their dogs at all times and instruct their dog when situations appear to be escalating. Given the many different types of dog personalities that visit these parks, there are usually ongoing challenges to deal with. It is vital to remember that all dogs can be triggered into a primitive chase response or attack mode. Dogs can form a pack when playing in these areas and when a small child or small dog enters the Park (ie their territory) they will attack to put the newcomer on the bottom of the pecking order. Hence, these areas are not safe for small children. People may see dog parks are a great place to take an antisocial dog to exercise. It is possible that a higher proportion of dogs using dog parks have behaviour problems as people with well-behaved dogs don't need to visit an enclosed area and can take their dogs safely to most places. A more worthwhile investment is to encourage all dog owners to attend puppy classes and then dog clubs. It is so important for dog owners to learn how to handle their dogs. Well trained dogs are happy dogs and they have the happiest owners and friends. Supporting the local dog club and other puppy schools would benefit the community more than a dog off-leash park which can not guarantee safety for everyone. Thank you for your consideration.
83	None of the above	My friend was recently "dog" sitting, and having a disability, found walking the dog risky until she discovered the croquet enclosure. She could safely let the dog off it's lead there and the exercise used up the dog's energy so she wasn't in danger of being pulled over by an over excited dog on the walk. Since the croquet area isn't used, why fence off another area when one is already there?

**ITEM 8 - ATTACHMENT 1      ENGAGEMENT REPORT RAYMOND TERRACE  
FENCED DOG PARK AREA.**

\*The Don't know/don't care category was introduced after the results of the survey were tabulated to better reflect commentary



**Community Development and Engagement**  
02 4988 0405  
[Elizabeth.akerman@portstephens.nsw.gov.au](mailto:Elizabeth.akerman@portstephens.nsw.gov.au)

ITEM 8 - ATTACHMENT 1      ENGAGEMENT REPORT RAYMOND TERRACE  
FENCED DOG PARK AREA.

## Appendix III

Email from Christine Slowiaczek [Port Stephens Dog Club] dated 26 March 2020 12:30pm

A week ago made a comment on the locations for the off lead dog parks through the council's "Have your say" portal however I felt I had more to say.

I expect most people will be in favour of placing the off leash area on the existing dog exercise area on the top soccer field. I feel strongly that this will reduce the opportunities in Port Stephens for dog training and state wide events in this space and not increase the flexibility of Boomerang Park as intended.

As a member of Port Stephens Dog Sports Club Inc and I attend Obedience training on the top field every Sunday morning. Several members also use the park for Agility on Tuesday evening and Obedience training on Wednesday afternoon. Twice a year, in May and July, the field is used for state wide dog trials that are very popular and bring many people into Raymond Terrace and surrounding areas.

This top field has very good lighting for evening summer sports and community events like the lantern festival or a film night. A dog enclosure across this field would reduce the possibility for evening events on the field.

The lower soccer field is used less often and would be a better choice for an off leash area I feel. This space is more secluded which is an advantage for dog exercising but a disadvantage in that it would need weeds and scrub cleared to give vehicle access and parking and pedestrian access. Clearing around the area would also give greater visibility and security. Water and safer stair access would also need to be added, however most of this field is already fenced.

Another area to consider is the space along Kangaroo Street which is under utilised. This area could make use of the existing car parking area and is adjacent to the new pathway. Here the slope may be a problem.

I urge the council to think further about the proposed off leash areas before taking over the soccer field. The Dog Club is currently in recess as all sporting facilities are, however when we resume I hope you will visit one or more of our events to observe the club in action and meet our volunteers and community members. Please feel free to contact me if you need further information.

Yours sincerely  
Christine Slowiaczek  
Club Treasurer

Contents endorsed by  
Louisa Vitullo  
Club President



Community Development and Engagement  
02 4988 0405  
Elizabeth.akerman@portstephens.nsw.gov.au



ITEM 8 - ATTACHMENT 1      ENGAGEMENT REPORT RAYMOND TERRACE  
FENCED DOG PARK AREA.



28 March 2020

Charles Rodgers  
Community and Recreation Planning Officer  
Port Stephens Council  
PO Box 42  
RAYMOND TERRACE NSW 2324

Dear Charles,

**Re: Proposed Off-Lease Dog Park.**

Thank you so much for the invitation to attend the meeting on 20 March at Boomerang Park to discuss options for the proposed fenced off-leashed dog park. I was not able to provide my concerns and preferences for each option as the meeting did not go ahead. Therefore, I have documented my thoughts below.

The survey revealed that the most preferred site for the fenced off-leash dog club is the soccer field opposite the Port Stephens Dog Sports Club in Boomerang Park. This area is close to facilities such as parking, water and toilets. It is already a popular place for people to take their dogs for training and exercise.



Current uses for East and West Soccer Fields

**ITEM 8 - ATTACHMENT 1      ENGAGEMENT REPORT RAYMOND TERRACE  
FENCED DOG PARK AREA.**

The role of the Port Stephens Dog Sports Club is to provide members with an environment to socialise and train dogs in a relaxed and friendly manner. Furthermore, many people attend to watch the Club's activities and to meet other people over a cup of tea. The Club offers classes from beginners to advanced performers. Members from the Mid-North Coast Local Government Area attend the Club as this is the closest Club to them. The Club has helped many dog owners over the years.



Agility Trial on the Western Soccer Field.

Furthermore, this group provides opportunities for its members to compete at various levels during its annual Agility Trials and Obedience Trial. The Club conducts obedience and agility training on Sunday mornings and Tuesday evenings. During winter the site is lit with floodlights for evening classes. Members bring their dogs to the Club during the week to train and exercise their dogs in preparation for trials.

People from all over the Country attend the trials conducted by the Club. The east and west soccer fields are both employed for these competitions. A survey conducted by the Club in 2018 obtained feedback from competitors confirming that the Club provided excellent grounds and facilities for the participants and their dogs. The agility trial is for two days; hence visitors stay overnight in the town and support the local economy.



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FENCED DOG PARK AREA.**



Participants vehicles at a recent trial.

In addition to Port Stephens Dog Sports Club the facilities are used for the following purposes:

- Consultations and training by other groups or dog handlers individually and in groups.
- Playing Soccer
- Making movies.
- Outdoor movie nights.
- Gateway to the forest.
- Social ball games.
- General recreation, for example, small drones, remote-controlled toys, frisbee games.

**ITEM 8 - ATTACHMENT 1      ENGAGEMENT REPORT RAYMOND TERRACE  
FENCED DOG PARK AREA.**

Movie making on the western soccer field and using the Clubhouse for preparation.

**Where will the off-leash dog park be located?**

I am assuming the fenced off-leash dog park will be on the south half of the soccer field leaving the Dog Sports Club the north half which is close to the Club House. It is important to train dogs close to the Club House as it supports activities conducted by the Club. The approximate measurements of a soccer field are 110m long by 73m wide. If the soccer field is divided into two equal parts to allow one half for the Port Stephens Dog Sports Club and the other half for the fenced off-leash dog park each area will be 55m by 36.5m approximately.

**Concerns regarding installing the fenced off-leash dog park on the western soccer field.**

In the case that this field is cut into two parts, the Club will not be able to conduct any more trials because of a reduction of space. Currently, each show conducts several competitions simultaneously on the western and eastern fields.

A central concern is that the Club will have less space to conduct obedience classes. At present, the Club has several groups from beginners to advanced spread across the western soccer field.

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FENCED DOG PARK AREA.**

People walking their dogs to the fenced dog off-leash park may walk in front of spectators sitting under the awning of the dog club and interrupt their view. Furthermore, people and dogs walking to this Dog Park may walk through obedience classes and disturb these meetings. In general, there will be times when the fenced off-leash park will become nosy, and this will distract dogs and their handlers attending obedience classes in the adjacent field. Currently, the area is quiet and allows members and their dogs to relax and learn.

Members of the Club will need to use the eastern field more if they lose half of the western soccer area. Consequently, members will be required to carry equipment longer distances to set up the east field.

The Dog Clubhouse includes toilets which are maintained and opened by the Club for its members. The Club is not able to a) open and close the toilets and b) clean these facilities for those patronising the off-leash dog park.

Patrons from the fenced off-leash dog park may place new expectations on the clubhouse facilities which may create difficulties for the Club.

Dividing the Soccer field into two sections and placing equipment on one half will be a waste of a valuable soccer field which provides opportunities for a variety of recreational activities.

**Alternative locations:**

Some members of the community have expressed an interest in the fenced off-leash dog park being located on the East Soccer field in Boomerang Park.

Originally Cr. Arnott had proposed this would be where this project would be located, and members of the Dog Club were supportive of this suggestion if it did not include fixed equipment on the field.

**The East Soccer field in Boomerang Park.**

The Dog Club and the general public currently use the east soccer field in Boomerang Park as an off-leash dog park. It provides flat ground, water, access to the Dog Sports Clubhouse, parking, drinking water, peripheral shade from trees, and floodlighting from the west field. Open spaces marked by trees surround it, and it is quiet. The setting is calming for overactive dogs.

Unfortunately, over the years the north side of this eastern soccer field has become overgrown by a forest of woody weeds. Clearing this vegetation would create more parking spaces near this field, and it will increase surveillance from the adjacent Muree Golf Club and the Council Works Depot. Stormwater has eroded the dirt access road. Consequently, it needs repairing.

In the case that the soccer field is cut in half to make it an enclosed off-leash dog park, the Club will lose half of this field. It is preferable to keep the whole soccer field as the off-leash dog park and place the fixed play equipment in a corner so that the Club can use the remaining part of this soccer

**ITEM 8 - ATTACHMENT 1      ENGAGEMENT REPORT RAYMOND TERRACE  
FENCED DOG PARK AREA.**

field for trials. The Club may seek the Council's permission to close the off-leash park during competitions.

It is possible that people using the off-leash dog park may become interested in joining the Dog Sports Club. Hence, the Club may grow, and there will be more people in our community learning to be a more responsible dog owner.

**Another area proposed is the area above the detention pond in Boomerang Park.**

This area is on a decline from the Council Depot to the detention pond. It has a natural drainage system originating on the north and south sides of this site which travels to the lower levels outlined by an avenue of Casuarina Cunninghams. The Port Stephens District Club for Joeys, Cubs and Scouts have been conducting Billy Cart Derby's in this area as the topography of the landscape is well suited to cart racing. These events are hosted by about seven clubs in the Port Stephens area and are sponsored by Bunnings at Heatherbrae. The District Club may not find another place as well suited as this area for cart racing.

Other concerns are that wetland and migratory birds forage in this area, and they may not use this area if the dog park is placed near their habitat. Consequently, there could be a loss of birdlife in the park.

A fenced enclosure in this location would degrade the aesthetics of this unique and beautiful landscape. Also, the sloping topography of this area will require excavation to install play equipment, shade facilities and seating. Hence this will further change this iconic landscape.



*Dog Park proposed to go on land used for Billy Cart Derby.*



**ITEM 8 - ATTACHMENT 1      ENGAGEMENT REPORT RAYMOND TERRACE  
FENCED DOG PARK AREA.****South-West Side of Bettles Park on Adelaide Street, Raymond Terrace.**

An alternative to Boomerang Park is to fence along the footpath in Bettles Park and enclosed the South-West quarter of the park. This area is currently not used by the public. Some of the strengths of this are that it is flat, it has plenty of shade trees, it has picnic tables, water taps, toilets, car parking, excellent surveillance and a footpath. The path connects to Heatherbrae and Raymond Terrace.

This location is close to seniors living with elderly who don't drive. Therefore, Bettles Park would be accessible to this population.

The combined size of Bettles Park and suggested dog enclosure is enough for the current population. If the location of the off-leash dog park is on the soccer field in Boomerang Park, there will be times when the dog park will need its lawns rested and maintained and will not be open to the public. The proposed Bettles Park dog grounds could also be a backup in these circumstances.

Given Bettles Park is not used by other Groups or wildlife, it will allow other proposed sites to continue supporting wildlife and existing Groups such as the Dog Club, Women's Soccer Team and Scouts. Selecting this area will reduce crowding and the demand for parking spaces during Dog Shows, Billy Cart Derbys and other events occurring on the North Side of Boomerang Park.

This site may attract more tourist travelling with dogs to visit Bettles Park. The park also includes an RV wastewater dump. Therefore, tourist will have a range of facilities such as the off-leash park, wastewater dump, and picnic facilities in the park. Also, tourist may enjoy seeing Historic Sketchley's Cottage on the north side of the park while they are in the area.

**Jack Johnson Trotting Track – Adelaide Street and Newline Road Raymond Terrace.**

The large reserve for the Jack Johnson Trotting Track which is between Adelaide Street and Newline Road would comfortably accommodate a large off-leash dog park. The land is relatively flat, there is an amenity building, picnic facilities, parking spaces and has a lit shared pathway in the middle of the reserve. Given its proximity to the shopping centre, it has proper surveillance. This location will be central to Raymond Terrace, Kings Hill, Millers Forest and Seaham.

I sincerely believe the western soccer field should be retained for the Port Stephens Dog Sports Club and that the area above the Detention Pond remain as open space for its wildlife, its vistas and for the Billy Cart Derby's and other passive recreation.



**ITEM 8 - ATTACHMENT 1      ENGAGEMENT REPORT RAYMOND TERRACE  
FENCED DOG PARK AREA.**

Thank you for taking the time to consider the above issues.

Yours faithfully,





**MINUTES ORDINARY COUNCIL - 12 NOVEMBER 2019****ITEM NO. 1****FILE NO: 19/333968  
EDRMS NO: PSC2019-03593-001****PSC2020 PROPOSED COMMUNITY PROJECTS - ANCILLARY MINOR WORKS****REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER  
GROUP: FACILITIES & SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submissions received during the public exhibition period (**ATTACHMENT 1**).
- 2) Formally vote budget allocations for the Ancillary Minor Works as detailed in the report.

**ORDINARY COUNCIL MEETING - 12 NOVEMBER 2019****MOTION**

<b>205</b>	<b>Councillor Steve Tucker Councillor Jaimie Abbott</b>
	It was resolved that Council:

- 1) Receive and note the submissions received during the public exhibition period (**ATTACHMENT 1**).
- 2) Formally vote budget allocations for the Ancillary Minor Works as detailed in the report.

**BACKGROUND**

The purpose of this report is to inform Council of the submissions received from the public exhibition of the PSC2020 Proposed Community Projects – Ancillary Minor Works as resolved at the Ordinary Council Meeting held on 27 August 2019 (Minute No 209 **ATTACHMENT 2**) and to seek Council's adoption of the recommendation.

During the public exhibition, two submissions were received relating to the Lemon Tree Passage Road roundabout beautification (Avenue of Allies) and toilet facilities at Salt Ash and Mallabula. (**ATTACHMENT 1**).

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Financial Management	Maintain strong financial sustainability.

**MINUTES ORDINARY COUNCIL - 12 NOVEMBER 2019****FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial implications as a result of the submissions received.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes	\$500,000	Bank Loans.

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no legal, policy or risk implications as a result of the submissions received.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that submissions received during the public exhibition period are not presented to Council leading to community dissatisfaction.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no social, economic and environmental implications as a result of the submissions received.

**CONSULTATION**

In accordance with local government legislation the PSC2020 Proposed Community Projects – Ancillary Minor Works went on public exhibition for 28 days from 9 September 2019 to 6 October 2019.

**MINUTES ORDINARY COUNCIL - 12 NOVEMBER 2019**

**OPTIONS**

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

**ATTACHMENTS**

- 1) PSC2020 Proposed Community Projects - Ancillary Minor Works submissions.
- 2) Ordinary Council Meeting 27 August 2019 - Minute No 209.

**COUNCILLORS ROOM**

- 1) Copy of un-redacted submissions.

**TABLED DOCUMENTS**

Nil



**MINUTES ORDINARY COUNCIL - 12 NOVEMBER 2019**
**ITEM 1 - ATTACHMENT 1      PSC2020 PROPOSED COMMUNITY PROJECTS -  
ANCILLARY MINOR WORKS SUBMISSIONS.**

PSC2020 – Proposed Community Projects – Ancillary Minor Works Submissions

No.	Author of submission	Comment	Council response
1	Resident	<ul style="list-style-type: none"> <li>Supports the beautifying of the roundabout at Lemon Tree Passage Road, Tanilba Bay.</li> <li>Suggests positioning largish rocks around the roundabout with plants.</li> <li>Suggests a half hidden prow of a small boat as artistic effect and to reflect the tone of the area as a foreshore town. This may also prevent driving across the roundabout.</li> </ul>	<ul style="list-style-type: none"> <li>Positive feedback and ideas gained from the submissions in regards to the Lemon Tree Passage Roundabout Beautification works have been noted. Additional community feedback and ideas will be requested from the wider community upon commencement of the project.</li> </ul>
		<ul style="list-style-type: none"> <li>Request for lighting at the Historic Stone Land Gates.</li> </ul>	<ul style="list-style-type: none"> <li>Lighting at Historic Stone Land Gates, unfortunately there are currently no allocated funds for this project. This project to be placed in Council's Capital Works Plus Plan.</li> </ul>
2	Tilligerry Community Association	<ul style="list-style-type: none"> <li>Questioning the dollar value of the toilet at Salt Ash Hall.</li> </ul>	<ul style="list-style-type: none"> <li>The value is determined based on quotes.</li> </ul>
		<ul style="list-style-type: none"> <li>Request roundabout be finished to prevent cars driving across the roundabout. Suggestions include rocks, plants, pebbles, boat shape or anchor. Requests this to be completed as soon as possible due to safety concerns.</li> </ul>	<ul style="list-style-type: none"> <li>Positive feedback and ideas gained from the submissions in regards to the Lemon Tree Passage Roundabout Beautification works have been noted. Additional community feedback and ideas will be requested from the wider community upon commencement of the project.</li> </ul>
		<ul style="list-style-type: none"> <li>Request for floodlighting at the stonework that would highlight the Land Gate Rocks and refit rigging ropes to rig up flags.</li> </ul>	<ul style="list-style-type: none"> <li>Lighting at Historic Stone Land Gates, unfortunately there are currently no allocated funds for this project. This project to be placed in Council's Capital Works Plus Plan.</li> </ul>

**ITEM 8 - ATTACHMENT 3      MINUTE NO. 205, 12 NOVEMBER 2019.****MINUTES ORDINARY COUNCIL - 12 NOVEMBER 2019****ITEM 1 - ATTACHMENT 1      PSC2020 PROPOSED COMMUNITY PROJECTS -  
ANCILLARY MINOR WORKS SUBMISSIONS.**

		<ul style="list-style-type: none"><li>• Suggests the BMX / Skate Park in Michael Drive, Salt Ash should have a toilet.</li></ul>	<ul style="list-style-type: none"><li>• The listed item "Salt Ash Hall Outside Toilet" will be accessible to the BMX / Skate Park users.</li></ul>
		<ul style="list-style-type: none"><li>• Request that the possible relocated Mallabula Skate Park have toilet facilities as is used for major events.</li></ul>	<ul style="list-style-type: none"><li>• This will be addressed as part of the PSC2020 Proposed Community Projects – Amended Central Ward Projects that is currently on Public Exhibition until the 30 October 2019.</li></ul>
		<ul style="list-style-type: none"><li>• Asked other questions such as size of facilities that are outside of these public exhibition projects.</li></ul>	<ul style="list-style-type: none"><li>• Council will respond directly to the submission author.</li></ul>

**MINUTES ORDINARY COUNCIL - 12 NOVEMBER 2019****ITEM 1 - ATTACHMENT 2      ORDINARY COUNCIL MEETING 27 AUGUST 2019 -  
MINUTE NO 209.****MINUTES ORDINARY COUNCIL - 27 AUGUST 2019**

ITEM NO. 12

FILE NO: 19/211481  
EDRMS NO: A2004-1312**PSC2020 PROPOSED COMMUNITY PROJECTS**REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Submit the projects as listed in d) Ancillary Minor Works for public exhibition and invite submissions.
- 2) Should no submissions be received as a result of the public exhibition, the Ancillary Minor Works projects will be endorsed and funding sourced as outlined within the report.
- 3) Formally vote budget allocations and source of funding as included in this report to complete the works listed at a) East Ward, b) Central Ward and c) West Ward.
- 4) Authorises the General Manager to secure loan funding up to \$5 million for the works identified in this report
- 5) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to secure the loan.

Crs Arnott/Le Mottee – extension of time granted to Cr Arnott of 3 minutes.

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019****MOTION**

209	<b>Mayor Ryan Palmer Councillor Giacomo Arnott</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Submit the projects as listed in d) Ancillary Minor Works for public exhibition and invite submissions.</li><li>2) Should no submissions be received as a result of the public exhibition the Ancillary Minor Works projects will be endorsed and funding sourced as outlined within the report.</li><li>3) Formally vote budget allocations and source of funding as included in this report to complete the works listed at a) East Ward, b) Central Ward and c) West Ward.</li><li>4) Authorises the General Manager to secure loan funding up to \$5 million for the works identified in this report.</li></ol>
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**MINUTES ORDINARY COUNCIL - 12 NOVEMBER 2019****ITEM 1 - ATTACHMENT 2 ORDINARY COUNCIL MEETING 27 AUGUST 2019 - MINUTE NO 209.****MINUTES ORDINARY COUNCIL - 27 AUGUST 2019**

- |  |   |
|--|---|
|  | 5) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to secure the loan. |
|--|---|

**BACKGROUND**

The purpose of this report is to request endorsement to complete the works identified.

During the community consultation program in 2018, a number of projects were identified to be added to the Capital Works Plus Program. The Special Rate Variation was identified as a funding source for these projects to proceed, however this application was unsuccessful. Council considered a Notice of Motion at its meeting of 25 June 2019 and the subsequent public engagement and consultation program has reiterated the community desire for these works to be undertaken.

The projects to be completed across Port Stephens are:

**a) East Ward**

- Amenities replacement - George Reserve, Salamander Bay \$150,000.
- Foreshore improvements – Conroy Park, Corlette \$178,000.
- Amenities replacement – Little Beach, Nelson Bay \$180,000.
- Revetment work – Soldiers Point, \$200,000.
- Ancillary works (paths / drainage) – Shoal Bay Foreshore, Shoal Bay \$550,000.
- Road upgrade – Foreshore Drive, Corlette \$400,000.
- Stage 1, East Donald Street Carpark demolition and at grade car parking including amenities replacement – Nelson Bay \$1,400,000.
- Tomaree Sports Complex amenities replacement – Salamander Bay \$2,000,000.

**Sub total: \$5.058m**

**b) Central Ward**

- Town centre improvements – Anna Bay \$350,000.
- Town centre improvements (including amenities) – Medowie \$450,000.
- Shared pathway – Waropara Road, Medowie \$500,000.
- Shared pathway – Avenue of the Allies, Tanilba Bay \$700,000.
- Shared pathway – Gan Gan Road (missing links) Anna Bay \$700,000.
- Shared pathway – Lemon Tree Passage road, Mallabula to Lemon Tree Passage (missing link) \$800,000.
- Shared pathway – Medowie Road (Ferodale Road to South Street) Medowie \$850,000.

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**PORT STEPHENS COUNCIL**

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**MINUTES ORDINARY COUNCIL - 12 NOVEMBER 2019****ITEM 1 - ATTACHMENT 2      ORDINARY COUNCIL MEETING 27 AUGUST 2019 -  
MINUTE NO 209.****MINUTES ORDINARY COUNCIL - 27 AUGUST 2019**

- Town Centre works – Lemon Tree Passage / Tanilba Bay \$800,000.

**Sub total: \$4.95m**

**c) West Ward**

- Amenities replacement – Longworth Park, Karuah \$120,000.
- Bus interchange – Seaham \$250,000.
- Shared pathway – Levee bank, Raymond Terrace \$300,000.
- Road upgrade – Mustons Road, Karuah \$500,000.
- Shared paths – Fern Bay \$1,000,000.
- Town Centre improvements (road upgrade and streetscape) – William Street, Raymond Terrace \$1,000,000.
- Road upgrades – Duns Creek Road, Forest Road, Swan Bay Road \$1,000,000
- Amenities/clubhouse upgrade – Stuart Park, Hinton \$1,200,000.

In addition to the large capital works identified above, a number of smaller maintenance requirements have been identified.

**Sub total: \$5.37m**

**d) Ancillary Minor Works**

- Tree Works Karuah & Raymond Terrace - \$70,000.
- Bill Strong Irrigation - \$70,000.
- Nelson Bay Tennis Club Lighting - \$50,000.
- Supporting Park Infrastructure for Medowie Skate Park - \$30,000.
- Medowie Playground Fencing - \$20,000.
- Raymond Terrace Dog Park - \$40,000.
- Lemon Tree Passage Road Roundabout Beautification (Avenue of Allies) – \$20,000.
- Nelson Bay Road/Port Stephens Drive Roundabout Entrance Beautification - \$50,000.
- Salt Ash Hall Outside Toilet - \$70,000.
- Event Signage Nelson Bay Road, Nelson Bay - \$20,000.
- King Park Irrigation – \$60,000.

**Sub total: \$500,000**

**Grand total: \$15.878m**



**MINUTES ORDINARY COUNCIL - 12 NOVEMBER 2019**

**ITEM 1 - ATTACHMENT 2 ORDINARY COUNCIL MEETING 27 AUGUST 2019 - MINUTE NO 209.**

**MINUTES ORDINARY COUNCIL - 27 AUGUST 2019**

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Financial Management	Maintain strong financial sustainability.

**FINANCIAL/RESOURCE IMPLICATIONS**

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	\$2.0m	There is a current allocation in the Councilor ward funds of \$544,000 from the net proceeds of the Salamander Way commercial development. It is appropriate to utilise these funds for this asset renewal program. In addition, it is proposed that funding to be received from the Anna Bay oval sale be allocated to this asset renewal program.
Developer Contributions (\$7.11)	Yes	\$8.9m	Council would be aware of the new Section 7.11 developer contribution plan that is proposed to be formally implemented towards the end of December 2019. This will mean that funds already received under the current plan will be repealed and will need to be allocated. As the majority of works suggested in this latest list of community projects are directly linked to the current Section 7.11 plan it is considered prudent to utilise this source of funding.
External Grants	No		

**MINUTES ORDINARY COUNCIL - 12 NOVEMBER 2019**

**ITEM 1 - ATTACHMENT 2      ORDINARY COUNCIL MEETING 27 AUGUST 2019 - MINUTE NO 209.**

**MINUTES ORDINARY COUNCIL - 27 AUGUST 2019**

Source of Funds	Yes/No	Funding (\$)	Comment
Other	Yes	\$5.0m	It is proposed to borrow loan funds up to \$5.0 million over a 15 year period with current indicative interest rate of 3.0% - 4.0%. In addition, it is proposed to allocate revenue received from the Sand Extraction Project to be set aside to repay the external debt.

**LEGAL, POLICY AND RISK IMPLICATIONS**

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if Council does not complete these projects then community expectations will not be met.	Medium	That Council applies for loan funding through various sources to obtain the funds required to complete these projects.	Yes
There is a risk that revenue from the sand extraction project may not meet expectations	Medium	Additional funding sources will need to be identified.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

This asset renewal program will see numerous works completed to meet the expectations of many communities.

**CONSULTATION**

Internal

Internal consultation was undertaken at the Councillor Strategy Day in July 2019 and with Executive Team.

**MINUTES ORDINARY COUNCIL - 12 NOVEMBER 2019****ITEM 1 - ATTACHMENT 2      ORDINARY COUNCIL MEETING 27 AUGUST 2019 -  
MINUTE NO 209.****MINUTES ORDINARY COUNCIL - 27 AUGUST 2019**External

Throughout July 2019 Council ran 6 information and feedback sessions across the LGA with a focus to build community awareness and to gain insights around the priority projects identified in Council's previous resolution of 25 June 2019 (ATTACHMENT 1).

A total of 254 residents attended these face to face sessions and provided their priorities. The largest session was at Nelson Bay where 80 people attended. There were a total of 662 visits to the dedicated webpage and 253 people completed an online survey. For further information refer to the Councillor Information Sessions Engagement Report July 2019 (ATTACHMENT 2).

Whilst it is acknowledged that the projects included in a), b) and c) have previously been included in Strategic Asset Management Plans and therefore have been publicly exhibited with submissions invited, the maintenance projects listed in d) will need to be submitted for a public exhibition period of 28 days and submissions invited.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Notice of Motion - Funding for Proposed Community Projects - Minute No. 136 - 25 June 2019.
- 2) Councillor Information Sessions Engagement Report - July 2019.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## ITEM 8 - ATTACHMENT 4 BOOMERANG PARK DOG OFF LEAD EXERCISE AREA NEWSLETTER - MARCH 2020.



### Port Stephens Council is planning to construct a new fenced dog off-leash area in Boomerang Park.

#### Project background

In August 2019 funding for a fenced off-leash area for Raymond Terrace was allocated by Councillors as part of the Port Stephens 2020 priority projects process.

Boomerang Park was considered the best option for a fenced off leash area as it has an existing off leash area; off street and on street parking options and there are existing supporting facilities including toilets and connecting pathways.

Council staff have selected 3 potential site options within Boomerang Park which would be suitable and feasible for a fenced off-leash area. A map of these sites is shown over the page

#### Project options

The following tables is a summary of some of the pros and cons of the three potential sites:

Pros	Cons
<b>Option 1 (Kangaroo Street side)</b>	
Existing off-leash area for Raymond Terrace	Other sporting clubs use the area
Close to water, shared pathway, parking and bins	Limited access to toilets and shade
Flat location	Individual security is low due to low visibility
<b>Option 2 (Central park option)</b>	
Interactive central location with existing shade	Environmental constraints habitat of threatened species identified nearby
Close to toilets, water, shared pathway, parking and bins.	Close to playground, skate park etc - may restrict future recreational development
Individual security is high due to high visibility	Moderate incline (1 in 10m slope)
<b>Option 3 (Between Men's shed and OOSH)</b>	
Close to toilets, water, shared pathway, parking and bins.	Close to existing OOSH facility
Reasonably flat (1 in 17m slope)	Marginally closer to residential properties
Interactive central location with shade	



#### How can I find out more?

##### Drop In Session

Join Council staff at Boomerang Park to review the options and talk in detail about the pros and cons of each option.

**When:** Anytime between 10am to 12noon

Friday 20 March 2020

**Where:** Boomerang Park (near the amenities)

**Online survey - [haveyoursay.portstephens.nsw.gov.au/boomerang-park](https://haveyoursay.portstephens.nsw.gov.au/boomerang-park)**

The survey is open from now until 23 March 2020 and we want to hear about your preferences for a dog off leash area in Boomerang Park.

##### Timeframe

Construction timing is dependent on the outcomes of this consultation process.

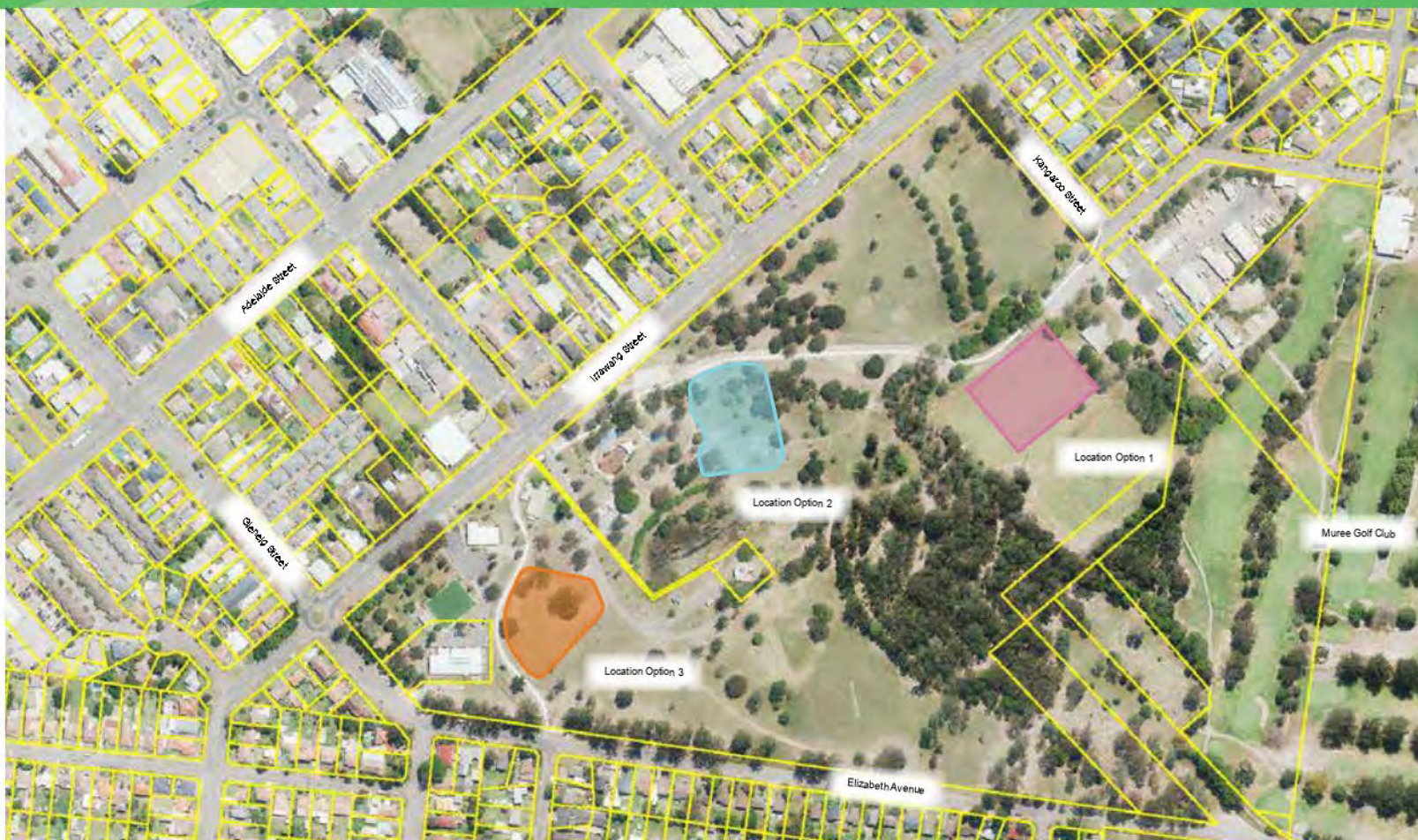
##### Keeping up to date

Please go to Council's Projects and Works page on Council's website where information will be updated as it is made available.

If you have any questions please contact our Customer Service team on 02 4988 0255 and ask for our Community and Recreation team.

PORTSTEPHENS.NSW.GOV.AU | 02 4988 0255 | [council@portstephens.nsw.gov.au](mailto:council@portstephens.nsw.gov.au)





## Raymond Terrace Dog Park Potential Locations

PORTSTEPHENS.NSW.GOV.AU | 02 4988 0255 | council@portstephens.nsw.gov.au



**ITEM NO. 9**

**FILE NO: 20/92439  
EDRMS NO: PSC2011-02339**

**ANDERSON OVAL, LAKESIDE, RAYMOND TERRACE**

REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER  
GROUP: FACILITIES & SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Provide in principle support for the rehabilitation of Anderson Oval as a constructed wetland/natural area.
  - 2) Undertake further community consultation in regard to the construction of a wetland/natural area.
  - 3) Assist community groups in applying for grant funding to complete a feasibility study and staged delivery plan.
- 

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor John Nell</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Provide in principle support for the rehabilitation of Anderson Oval as a constructed wetland/natural area.</li><li>2) Undertake further community consultation in regard to the construction of a wetland/natural area.</li><li>3) Assist community groups in applying for grant funding to complete a feasibility study and staged delivery plan.</li></ol>
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Councillor Ken Jordan left the meeting at 8:02pm prior to voting.  
Councillor John Nell left the meeting at 8:02pm prior to voting.  
Councillor John Nell returned to the meeting at 8:04pm prior to voting.

The motion was lost.

**BACKGROUND**

The purpose of this report is to investigate sporting and/or leisure use options for Anderson Oval, Raymond Terrace in response to a Notice of Motion (Minute No. 024) raised at 11 February 2020 Ordinary Council Meeting (**ATTACHMENT 1**).

Anderson Oval is a public reserve located at 45 Elwin Road, Raymond Terrace (Lot 60 DP 707451) and measures approximately 4.17 hectares (see site map at **ATTACHMENT 2**). The site is mostly cleared with mature vegetation confined to the boundaries of the site. Remnants of a car park are evident under overgrowth and sediment deposits and a gate prevent unauthorised vehicle access on to the site. The site is currently identified as an on lead dog exercise area.

Anderson Oval was reportedly set aside for a sportsground in the 1980s to cater for the sporting needs of nearby residents. The construction of Lakeside Sportsground has since addressed this community need and Anderson Oval has remained mostly unimproved. The site is maintained intermittently by contracted services (mown four times a year).

Anderson Oval is subject to a number of development constraints including:

- classified as community land and not currently managed under a plan of management
- zoned E3 Environmental Management – limiting development that may have an adverse impact on surrounding environmental values
- bushfire prone land
- asset protection zone
- acid sulfate soils
- koala habitat
- endangered ecological communities (Swamp Sclerophyll Forest)
- wetlands
- high hazard flooding.

The feasibility of leisure and sport options has been considered by Council staff and is summarised below.

Anderson Oval was originally planned to provide local sporting facilities for the anticipated growth expected in nearby residential development. In 2018 Council adopted the Port Stephens Recreation Strategy to provide a framework that would guide decisions relating to the provision and management of formalised parks, foreshores and sporting facilities. To improve Council's economic sustainability, the Strategy recommends avoiding new local sporting facilities due to their relatively high cost and marginal benefit for the community. Instead the focus should be on providing larger district and regional facilities that can cater for a number of different sporting codes. The Anderson Oval site is subject to a number of development constraints, is of a relatively small area and is in close proximity to the district sports facility; Lakeside Sports Complex. It is therefore not considered feasible to improve Anderson Oval as a formal sports facility.

Establishing Anderson Oval as an informal recreation area, such as a park, is another option for the site. The Port Stephens Recreation Strategy 2018 anticipates that the current provision of parks within Raymond Terrace is adequate to service the local population to 2036. The Recreation Strategy also identifies desirable criteria for

selecting a location for a park such as locating open space in highly visible and accessible locations. Anderson Oval is located in a peripheral location on the urban fringe with minimal passive surveillance opportunities. There is also a high concentration of mosquitos making the site an undesirable location to linger. For these reasons, establishing Anderson Oval as an informal recreation area is not considered feasible.

Anderson Oval is currently identified as an on lead dog exercise area. Expanding permitted uses at the site to include off lead dog exercise is not considered feasible due to the risk of dog attacks on local wildlife and the lack of services and supporting infrastructure at the site. Council is currently planning for the establishment of a fenced dog off lead area at Boomerang Park and this will meet the off lead dog area needs of the local community.

Another option would be to continue managing the asset protection zone and let the balance of the site return to a natural state. This may have adverse implications on adjacent residents such as increased mosquito and snake activity, heightened bushfire risk and reduced flood storage capacity. Further consultation would be required with local residents and the Rural Fire Service to determine appropriate bushfire management.

Due to the development constraints known at the site and the surrounding environmentally significant land, there is an option to establish Anderson Oval as a constructed wetland area. However, the feasibility of implementing a self-sustaining wetland ecosystem is low due to the significant capital investment that would be required to design and construct such an area

Council staff have sought advice from specialist wetland consultants to understand the potential cost of constructing a wetland. A common rate used for wetland projects is \$50 - \$100 per square metre. Apply these rates to Anderson Oval, constructing a wetland is estimated to cost between \$2,085,000 and \$4,170,000. Actual costs would be subject to detailed investigations and design and may vary considerably from these estimates. An opportunity exists to undertake a wetland feasibility study to determine if establishing a wetland on Anderson Oval is a realistic project. There may also be opportunities to explore a staged development approach to address the significant capital investment cost.

A self-sustaining wetland ecosystem would have positive environmental implications and potentially make Anderson Oval a more desirable place to visit for passive recreation activities such as walking and bird watching. It is recommended that Anderson Oval continue to be managed in accordance with current maintenance regimes and Council provide in principle support to transform Anderson Oval into a wetland and support community groups in applying for grant funding to complete a wetland feasibility study and supplementary staged delivery plan.

## COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Infrastructure and Facilities	Plan civil and community infrastructure to support the community.

## FINANCIAL/RESOURCE IMPLICATIONS

No financial implications will result from adopting the recommendation of this report.

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

## LEGAL, POLICY AND RISK IMPLICATIONS

No legal or policy implications would result from adopting the recommendation. All future improvements at the site would be managed in accordance with the relevant State and Federal legislation and Council's policies and procedures. Risks associated with the options discussed above are set out in the table below.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that upgrading Anderson Oval for recreational purposes would require additional financial resources to maintain an increased level of service.	High	Retain Anderson Oval in its current state.	Yes

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that introducing a new use on the site may have negative environmental implications.	High	Ensure future activities are assessed and managed in accordance with the Environmental Planning and Assessment Act 1979.	No – additional resources would be required to investigate and manage environmental impacts.
There is a risk that returning Anderson Oval to a natural state will increase the bushfire risk to adjacent residents.	High	Manage bushfire risk in accordance with Rural Fire Service advice and guidelines.	No – additional resources would be required to manage a larger APZ.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Anderson Oval provides minimal community benefit in its current state. Council allocates resources to mowing the site and tending to infrastructure repairs (such as gates and signage) as required. There is an opportunity for Council to work with local community groups to improve the site for passive recreation. Community projects such as this can have profound benefits for social cohesion as well as positive environmental outcomes. An opportunity exists for Council to support the project in principle and empower community groups to seek funding from external sources to deliver a positive community project.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Assets Section. The objective of consultation was to seek feedback from internal stakeholders that may be directly impacted by change of use at Anderson Oval.

Internal

Natural Resources – support returning the site to a natural state.

Contract and Services – support returning the site to a natural state if bushfire risks are appropriately managed.

Parks Programs – support returning the site to a natural state.



External

Martens Consulting Engineers and Australian Wetland Consulting – provided indicative construction rates to inform Council report.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Notice of Motion 11 February 2020.
- 2) Anderson Oval Site Map.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 11 FEBRUARY 2020****NOTICE OF MOTION****ITEM NO. 3****FILE NO: 20/28687  
EDRMS NO: PSC2017-00019****ANDERSON OVAL, LAKESIDE, RAYMOND TERRACE****COUNCILLOR: RYAN PALMER****THAT COUNCIL:**

- 1) Investigate potential sporting uses and/or leisure uses for the large oval situated on the southern side of Lakeside, known as Anderson Oval.

**ORDINARY COUNCIL MEETING - 11 FEBRUARY 2020  
MOTION**

<b>024</b>	<b>Mayor Ryan Palmer Councillor Giacomo Arnott</b>  It was resolve that Council investigate potential sporting uses and/or leisure uses for the large oval situated on the southern side of Lakeside, known as Anderson Oval.
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The motion was carried.

**BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER****BACKGROUND**

The property known as Anderson Oval is located at 45 Elwin Road, Raymond Terrace (Lot 670 DP 707451). The site is owned by Port Stephens Council and is classified as community land.

The site is constrained by flooding, predominantly mapped as high hazard floodway with high and low hazard storage areas on the northern extent. The site is also considered to be bushfire prone with a large stand of vegetation located immediately to the south of the site. Due to the high level of vegetation cover and low lying nature, the area is periodically subject to high levels of mosquitos. The site is classified as a low use local facility and is mown on a 3 monthly basis.

**MINUTES ORDINARY COUNCIL - 11 FEBRUARY 2020**

The site is currently available for informal recreational purposes. The site is approved as an on-lead dog exercise area. To date, no approaches from local sporting clubs have been made to use this facility in a formalised manner. The site is not currently identified within Council's Commercial Operators Policy (which could permit uses such as outdoor exercise classes, organised training etc.). If this type of use were to be pursued, an operator would need to indicate their interest in the site to Council. The constraints of the site would need to be addressed in any application for formalised use.

**ATTACHMENTS**

Nil.



**ITEM NO. 10****FILE NO: 20/92661  
EDRMS NO: PSC2019-04756****COVID-19 PUBLIC HYGIENE INITIATIVE****REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER  
GROUP: FACILITIES & SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Supply, install and service soap dispensers in accordance with Option 4 (noted below) at the additional 13 targeted public amenities.
- 2) To be funded by the existing Maintenance budget.

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

	<b>Councillor Sarah Smith Councillor Glen Dunkley</b>  That Council:  <ol style="list-style-type: none"><li>1) Supply, install and service soap dispensers in accordance with Option 3 (noted below) at the additional 13 targeted public amenities.</li><li>2) To be funded by the existing Maintenance budget.</li></ol>
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Councillor Ken Jordan returned to the meeting at 8:09pm prior to voting.  
Councillor Chris Doohan left the meeting at 8:11pm prior to voting.  
Councillor Chris Doohan returned to the meeting at 8:11pm prior to voting.  
Councillor Jaimie Abbott left the meeting at 8:15pm prior to voting.

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
AMENDMENT**

<b>074</b>	<b>Councillor Paul Le Mottee Councillor Chris Doohan</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Supply, install and service soap dispensers in accordance with Option 4 (noted below) at the additional 13 targeted public amenities and additional sites as identified by Council staff.</li><li>2) To be funded by the existing Maintenance budget.</li></ol>
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Councillor Jaimie Abbott returned to the meeting at 8:20pm prior to voting on the amendment.

The amendment on being put became the motion which was carried.

## **BACKGROUND**

The purpose of this report is to investigate the installation of anti-bacterial hand sanitisers and/or soap dispensers in all public amenities, including alternate options. This was the resolution of a Notice of Motion (Minute No. 054.) from the Ordinary Meeting of Council held on 10 March 2020 (**ATTACHMENT 1**). The Notice of Motion was discussed relative to the impacts of COVID-19 on the Port Stephens local government area.

The NSW Department of Health recommends the use of soap and effective hand washing to limit the spread of COVID-19. Whilst alcohol based hand sanitizers are suitable for addressing bacterial spread, these products do not directly combat viral infections. Notwithstanding the above advice, both hand sanitisers and soap products are becoming increasingly more difficult to procure due to market conditions. Based on both cost and market availability, the scenarios provided within this report consider soap dispensers rather than alcohol based hand sanitiser.

Port Stephens Council currently provides 44 public amenities across the local government area. Of these facilities, 3 sites are currently serviced with soap (Victoria Parade, Nelson Bay; Riverside Park, Raymond Terrace and Birubi Surf Lifesaving Club, Anna Bay). Council does not currently provide hand sanitiser services in any public amenities.

The history behind this established level of service can be attributed to limitations on Council resources (eg cleaning and response staff) and vandalism incidents making sustained service provision unfeasible. Of the facilities currently provided with soap dispensers, the following is a snapshot of the common complaints and maintenance requests that Council receives:

- Dispenser, paper towel or dryer asset damaged from vandalism
- Soap empty
- Soap used in excess and over floors creating slip hazard
- Paper towel empty
- Paper towel used in excess and over floors
- Waste bin full/overflowing.

In public amenities serviced by soap or sanitiser, there is a need to provide hand drying facilities such as dryers or paper towels. These items require maintenance and restocking to function correctly. Hand dryers come at an increased capital cost and are generally subject to ongoing vandalism. Paper towels are comparatively cheaper from a capital position, however restocking and waste requirements must also be

considered. For the purposes of this report, paper towels, dispensers and waste receptacles have been used for estimating.

Further to the public amenities that are already provided with soap dispensers (Nelson Bay foreshore, Riverside Park and Birubi Surf Lifesaving Club) a number of amenities have been identified as candidates for a targeted enhanced service with respect to their prominent location or location on a regular thoroughfare.

These facilities are as follows:

- Little Beach foreshore
- Fingal Bay foreshore
- Shoal Bay foreshore
- Conroy Park, Corlette
- Meadowie Community Centre park
- Boomerang Park, Raymond Terrace
- Bettles Park, Raymond Terrace
- Seaham Park
- Paul's Corner, Salt Ash
- George Reserve, Soldiers Point
- Henderson Park, Lemon Tree Passage
- Longworth Park, Karuah
- Tomago boat ramp.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Infrastructure and Facilities	Maintain the Council's civil and community infrastructure to support the community.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Staff have contacted internal and external suppliers to allow for the development of estimated costs associated with enhanced levels of service. These have been itemised as follows:

### Option 1 - Single dispenser (all facilities):

- Soap dispenser servicing and refill of single unit all 44 facilities (fortnightly) - \$12,600 per annum.
- Supply and install of single dispenser per facility - \$7000.
- Supply and install of single paper towel dispenser per facility - \$6000.
- Additional waste receptacle and service charge all 44 facilities (fortnightly) - \$2700 per annum.

## MINUTES ORDINARY COUNCIL - 12 MAY 2020

- Estimated total cost of enhanced service (capital and ongoing service costs) - \$28,300.

### Option 2 - Three dispensers per facility (all facilities):

- Soap dispenser servicing and refill of 3 units all 44 facilities (fortnightly) - \$37,750 per annum.
- Supply and install of internally mounted dispenser per cubicle - \$21,000.
- Supply and install of internally mounted paper towel dispenser per cubicle - \$18,000.
- Additional 3 waste receptacles and service charge all facilities - \$8100 per annum.
- Estimated total cost of enhanced service (capital and ongoing service cost) – \$84,850.

### Option 3 - Single dispenser (targeted facilities):

- Soap dispenser servicing and refill of single unit at 13 targeted facilities (fortnightly) - \$3723 per annum.
- Supply and install of single dispenser at 13 targeted facilities - \$1950.
- Supply and install of single paper towel dispenser at 13 targeted facilities - \$1773.
- Additional waste receptacle and service charge at 13 targeted facilities (fortnightly) - \$798 per annum.
- Estimated total cost of enhanced service (capital and ongoing service cost) - \$8244.

### Option 4 - Three dispensers (targeted facilities):

- Soap dispenser servicing and refill of 3 units at 13 targeted facilities (fortnightly) - \$11,168 per annum.
- Supply and install of 3 dispensers at 13 targeted facilities - \$5850.
- Supply and install of 3 paper towel dispensers at 13 targeted facilities - \$5318.
- Additional waste receptacle and service charge at 13 targeted facilities (fortnightly) - \$2393 per annum.
- Estimated total cost of enhanced service (capital and ongoing service cost) - \$24,729.

Note - the above estimates do not include additional cleaning and repair services associated with vandalism incidents or service charges related to annual recurrent costs.

Consultation with Financial Services has identified existing maintenance allocations as the preferred funding source to provide this enhanced service. The scope of other services and the identification of efficiencies to facilitate this will need to occur as part of the budget review process. The annual amenities cleaning service allocation will need to be modified to cater for the annual cost increase.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	24,729	Cost of enhanced service provision. Service charges will be recurrent.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that should Council not proceed with enhanced services that the spread of COVID-19 is not suitably managed within Port Stephens.	Medium	Maintain existing level of service and support social distancing guidelines as advised by the NSW State Government.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The predominant social benefit of the proposal is the enhanced provision of facilities to enable effective hand washing for public health. From an economic perspective, this enhanced service comes at a cost to Council but not at a level which would jeopardise the operations of the organisation. From an environmental perspective, the increased use of paper towels for hand drying will generate additional waste. However, these products can be selected to ensure as minimal environmental impact as practicable.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Assets Section.

Internal

- Waste Services
- Parks Maintenance
- Building Trades Maintenance

## **MINUTES ORDINARY COUNCIL - 12 MAY 2020**

- Financial Services.

### External

- Product suppliers and service providers.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Minute No. 054, 10 March 2020.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.



**MINUTES ORDINARY COUNCIL - 10 MARCH 2020****NOTICE OF MOTION**

ITEM NO. 1

FILE NO: 20/54930  
EDRMS NO: PSC2017-00019**ANTI-BACTERIAL HAND SANITISERS TO BE INSTALLED IN PUBLIC AMENITIES****MAYOR:** RYAN PALMER**THAT COUNCIL:**

- 1) Request the General Manager to investigate the installation of anti-bacterial hand sanitisers in all public amenities.

**ORDINARY COUNCIL MEETING - 10 MARCH 2020  
MOTION**

<b>054</b>	<b>Mayor Ryan Palmer Councillor Ken Jordan</b>  It was resolved that Council request the General Manager to investigate the installation of anti-bacterial hand sanitisers and/or soap dispensers in all public amenities, including other options.
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The motion was carried.

**BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER****BACKGROUND**

Coronavirus (COVID-19) is a respiratory illness caused by a new virus. The Federal Department of Health states that symptoms range from a mild cough to pneumonia. Some people recover easily, others may get very sick very quickly. There is evidence that it spreads from person to person and good hygiene can prevent infection.

The World Health Organisation (WHO) states that basic protective measures against the new coronavirus are as follows;

- Wash your hands frequently - Regularly and thoroughly clean your hands with an alcohol-based hand rub or wash them with soap and water.
- Maintain social distancing - Maintain at least 1 metre (3 feet) distance between yourself and anyone who is coughing or sneezing.

**MINUTES ORDINARY COUNCIL - 10 MARCH 2020**

- Avoid touching eyes, nose and mouth - Hands touch many surfaces and can pick up viruses. Once contaminated, hands can transfer the virus to your eyes, nose or mouth. From there, the virus can enter your body and can make you sick.
- Practice respiratory hygiene - Make sure you, and the people around you, follow good respiratory hygiene. This means covering your mouth and nose with your bent elbow or tissue when you cough or sneeze. Then dispose of the used tissue immediately.
- If you have fever, cough and difficulty breathing, seek medical care early - Stay home if you feel unwell. If you have a fever, cough and difficulty breathing, seek medical attention and call in advance. Follow the directions of your local health authority.

Port Stephens Council does provide soap dispensers in a number of public amenities. Council does not currently provide anti-bacterial hand sanitizer in public amenities.

To better inform Council of the ramifications of this inclusion, a subsequent report can be prepared detailing the scope and costs associated with providing this enhanced service.

**ATTACHMENTS**

Nil.

ITEM NO. 11

FILE NO: 20/96428  
EDRMS NO: PSC2014-04199 and  
PSC2014-04200

**APPOINTMENT OF DIRECTOR TO THE BOARDS OF NEWCASTLE AIRPORT  
PARTNERSHIP COMPANY 3 PTY LIMITED AND NEWCASTLE AIRPORT  
PARTNERSHIP COMPANY 4 PTY LIMITED**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note that Councillor Doohan has tendered his resignation as a Director for Newcastle Airport Partnership Company 3 Pty Limited by notice dated 1 April 2020 with the resignation to be effective on 30 April 2020.
- 2) Note that Councillor Doohan has tendered his resignation as a Director for Newcastle Airport Partnership Company 4 Pty Limited by notice dated 1 April 2020 with the resignation to be effective on 30 April 2020.
- 3) Note that a Consent to Act as a Director of Newcastle Airport Partnership Company 3 Pty Limited has been signed and provided by Councillor Paul Le Mottee.
- 4) Note that a Consent to Act as a Director of Newcastle Airport Partnership Company 4 Pty Limited has been signed and provided by Councillor Paul Le Mottee.
- 5) Endorse the proposed Shareholder Resolution to appoint Councillor Paul Clifford Le Mottee as a Director of Newcastle Airport Partnership Company 3 Pty Limited, with such appointment to take effect on 30 April 2020 or immediately upon the passing of this resolution, whichever is the later.
- 6) Endorse the Shareholders Resolution (**Attached as Annexure A**) to be signed on behalf of Port Stephens Council (as the sole shareholder of Newcastle Airport Partnership Company 3 Pty Limited) and approve the giving of the written Notice of the passing of the Shareholder Resolution to Newcastle Airport Partnership Company 3 Pty Limited.
- 7) Endorse the proposed Shareholder Resolution to appoint Councillor Paul Clifford Le Mottee as a Director of Newcastle Airport Partnership Company 4 Pty Limited, such appointment to take effect on 30 April 2020 or immediately upon the passing of the Shareholder Resolution, whichever is the later.
- 8) Endorse the Shareholders Resolution (**Attached as Annexure B**) to be signed on behalf of Port Stephens Council (as the sole shareholder of Newcastle Airport Partnership Company 4 Pty Limited) and approve the giving of the written Notice of the passing of the Shareholder Resolution to Newcastle Airport Partnership Company 4 Pty Limited.

- 9) Update the appointment of the shareholder representative proxy for Newcastle Airport Partnership Company 3 Pty Limited in its capacity as trustee of Newcastle Airport Partnership Trust 3 and Newcastle Airport Partnership Company 4 Pty Limited in its capacity as trustee of Newcastle Airport Partnership Trust 4 (in relation to the shareholding in Greater Newcastle Aerotropolis Pty Limited) made by Port Stephens Council on 24 September 2019 on Row 60 of the Delegations Table from the Deputy Mayor to Councillor Le Mottee.
- 10) Update the appointment of the Deputy Mayor as the Elected Member /Delegate for Newcastle Airport Partnership Company 3 Pty Limited made by Port Stephens Council on 24 September 2019 on Row 55 of the Delegations Table from the Deputy Mayor to Councillor Le Mottee.
- 11) Update the appointment of the Deputy Mayor as the Elected Member /Delegate for Newcastle Airport Partnership Company 3 Pty Limited made by Port Stephens Council on 24 September 2019 on Row 56 of the Delegations Table from the Deputy Mayor to Councillor Le Mottee.

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**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

	<p><b>Councillor Glen Dunkley</b> <b>Councillor Sarah Smith</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Note that Councillor Doohan has tendered his resignation as a Director for Newcastle Airport Partnership Company 3 Pty Limited by notice dated 1 April 2020 with the resignation to be effective on 30 April 2020.</li><li>2) Note that Councillor Doohan has tendered his resignation as a Director for Newcastle Airport Partnership Company 4 Pty Limited by notice dated 1 April 2020 with the resignation to be effective on 30 April 2020.</li><li>3) Note that a Consent to Act as a Director of Newcastle Airport Partnership Company 3 Pty Limited has been signed and provided by Councillor Paul Le Mottee.</li><li>4) Note that a Consent to Act as a Director of Newcastle Airport Partnership Company 4 Pty Limited has been signed and provided by Councillor Paul Le Mottee.</li><li>5) Endorse the proposed Shareholder Resolution to appoint Councillor Paul Clifford Le Mottee as a Director of Newcastle Airport Partnership Company 3 Pty Limited, with such appointment to take effect on 30 April 2020 or immediately upon the passing of this resolution, whichever is the later.</li></ol>
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## MINUTES ORDINARY COUNCIL - 12 MAY 2020

	<p>6) Endorse the Shareholders Resolution (<b>Attached as Annexure A</b>) to be signed on behalf of Port Stephens Council (as the sole shareholder of Newcastle Airport Partnership Company 3 Pty Limited) and approve the giving of the written Notice of the passing of the Shareholder Resolution to Newcastle Airport Partnership Company 3 Pty Limited.</p> <p>7) Endorse the proposed Shareholder Resolution to appoint Councillor Paul Clifford Le Mottee as a Director of Newcastle Airport Partnership Company 4 Pty Limited, such appointment to take effect on 30 April 2020 or immediately upon the passing of the Shareholder Resolution, whichever is the later.</p> <p>8) Endorse the Shareholders Resolution (<b>Attached as Annexure B</b>) to be signed on behalf of Port Stephens Council (as the sole shareholder of Newcastle Airport Partnership Company 4 Pty Limited) and approve the giving of the written Notice of the passing of the Shareholder Resolution to Newcastle Airport Partnership Company 4 Pty Limited.</p> <p>9) Update the appointment of the shareholder representative proxy for Newcastle Airport Partnership Company 3 Pty Limited in its capacity as trustee of Newcastle Airport Partnership Trust 3 and Newcastle Airport Partnership Company 4 Pty Limited in its capacity as trustee of Newcastle Airport Partnership Trust 4 (in relation to the shareholding in Greater Newcastle Aerotropolis Pty Limited) made by Port Stephens Council on 24 September 2019 on Row 60 of the Delegations Table from the Deputy Mayor to Councillor Le Mottee.</p> <p>10) Update the appointment of the Deputy Mayor as the Elected Member /Delegate for Newcastle Airport Partnership Company 3 Pty Limited made by Port Stephens Council on 24 September 2019 on Row 55 of the Delegations Table from the Deputy Mayor to Councillor Le Mottee.</p> <p>11) Update the appointment of the Deputy Mayor as the Elected Member /Delegate for Newcastle Airport Partnership Company 3 Pty Limited made by Port Stephens Council on 24 September 2019 on Row 56 of the Delegations Table from the Deputy Mayor to Councillor Le Mottee.</p>
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Councillor Ken Jordan left the meeting at 8:33pm prior to voting.

Councillor Chris Doohan left the meeting at 8:33pm prior to voting.

Councillor Chris Doohan returned to the meeting at 8:33pm prior to voting.



**ORDINARY COUNCIL MEETING - 12 MAY 2020  
AMENDMENT**

	<p><b>Councillor Giacomo Arnott</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Note that Councillor Doohan has tendered his resignation as a Director for Newcastle Airport Partnership Company 3 Pty Limited by notice dated 1 April 2020 with the resignation to be effective on 30 April 2020.</li><li>2) Note that Councillor Doohan has tendered his resignation as a Director for Newcastle Airport Partnership Company 4 Pty Limited by notice dated 1 April 2020 with the resignation to be effective on 30 April 2020.</li><li>3) Council commits itself to an open, transparent process for replacing directors on its airport boards.</li><li>4) As such, this item is to be deferred until the 9 June 2020 meeting, to allow for:<ol style="list-style-type: none"><li>i) Nominations to be opened for one week, to all Councillors to fill the vacant position,</li><li>ii) Councillors can self-nominate, with only their own signature required for a valid nomination,</li><li>iii) For all nominees to provide a statement and resume, to establish why they believe they can best serve as a director on a Newcastle Airport board,</li><li>iv) Nominations, and supporting information to be circulated to all Councillors at least one week prior to the 9 June 2020 Council meeting,</li><li>v) If more than one Councillor nominates:<ul style="list-style-type: none"><li>• An election will be conducted, administered by the Governance Manager, at the 9 June 2020 Council Meeting, in line with the procedure under Schedule 7 of the Local Government Regulations.</li><li>• The election will be done via ordinary ballot.</li><li>• The successful nominee will become Council's endorsed replacement for the airport boards.</li></ul></li><li>vi) Following the vote on 9 June 2020, a letter is to be sent to the boards notifying them of the result and asking them to issue Consent to Act forms to the successful applicant.</li></ol></li></ol>
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
AMENDMENT**

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Steve Tucker</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Note that Councillor Doohan has tendered his resignation as a Director for Newcastle Airport Partnership Company 3 Pty Limited by notice dated 1 April 2020 with the resignation to be effective on 30 April 2020.</li><li>2) Note that Councillor Doohan has tendered his resignation as a Director for Newcastle Airport Partnership Company 4 Pty Limited by notice dated 1 April 2020 with the resignation to be effective on 30 April 2020.</li><li>3) Council commits itself to an open, transparent process for replacing directors on its airport boards.</li><li>4) As such, Council will hold an election immediately to determine who the replacement director will be on these boards.</li><li>5) Nominations for the positions on Newcastle Airport Partnerships 3 and 4 are opened to the floor of Council, with only one person required to nominate someone, and that person can be the Councillor themselves.</li><li>6) If more than one Councillor nominates:<ul style="list-style-type: none"><li>• An election will be conducted, administered by the Governance Manager, in line with the procedure under Schedule 7 of the Local Government Regulations</li><li>• The election will be done via ordinary ballot.</li><li>• The successful nominee will become Council's endorsed replacement for the airport boards.</li></ul></li><li>7) Following this vote, a letter is to be sent to the boards notifying them of the result and asking them to issue Consent to Act forms to the successful applicant.</li></ol>
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Councillor Chris Doohan left the meeting 8:48pm prior to voting.

Councillor Chris Doohan returned to the meeting at 8:48pm prior to voting.

Councillor Ken Jordan returned to the meeting at 8:49pm prior to voting.

The amendment was lost.

**ORDINARY COUNCIL MEETING - 12 MAY 2020**  
**MOTION**

075	<p><b>Councillor Glen Dunkley</b>  <b>Councillor Sarah Smith</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Note that Councillor Doohan has tendered his resignation as a Director for Newcastle Airport Partnership Company 3 Pty Limited by notice dated 1 April 2020 with the resignation to be effective on 30 April 2020.</li> <li>2) Note that Councillor Doohan has tendered his resignation as a Director for Newcastle Airport Partnership Company 4 Pty Limited by notice dated 1 April 2020 with the resignation to be effective on 30 April 2020.</li> <li>3) Note that a Consent to Act as a Director of Newcastle Airport Partnership Company 3 Pty Limited has been signed and provided by Councillor Paul Le Mottee.</li> <li>4) Note that a Consent to Act as a Director of Newcastle Airport Partnership Company 4 Pty Limited has been signed and provided by Councillor Paul Le Mottee.</li> <li>5) Endorse the proposed Shareholder Resolution to appoint Councillor Paul Clifford Le Mottee as a Director of Newcastle Airport Partnership Company 3 Pty Limited, with such appointment to take effect on 30 April 2020 or immediately upon the passing of this resolution, whichever is the later.</li> <li>6) Endorse the Shareholders Resolution (<b>Attached as Annexure A</b>) to be signed on behalf of Port Stephens Council (as the sole shareholder of Newcastle Airport Partnership Company 3 Pty Limited) and approve the giving of the written Notice of the passing of the Shareholder Resolution to Newcastle Airport Partnership Company 3 Pty Limited.</li> <li>7) Endorse the proposed Shareholder Resolution to appoint Councillor Paul Clifford Le Mottee as a Director of Newcastle Airport Partnership Company 4 Pty Limited, such appointment to take effect on 30 April 2020 or immediately upon the passing of the Shareholder Resolution, whichever is the later.</li> <li>8) Endorse the Shareholders Resolution (<b>Attached as Annexure B</b>) to be signed on behalf of Port Stephens Council (as the sole shareholder of Newcastle Airport Partnership Company 4 Pty Limited) and approve the giving of the written Notice of the passing of the Shareholder Resolution to Newcastle Airport Partnership Company 4 Pty Limited.</li> </ol>
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	<p>9) Update the appointment of the shareholder representative proxy for Newcastle Airport Partnership Company 3 Pty Limited in its capacity as trustee of Newcastle Airport Partnership Trust 3 and Newcastle Airport Partnership Company 4 Pty Limited in its capacity as trustee of Newcastle Airport Partnership Trust 4 (in relation to the shareholding in Greater Newcastle Aerotropolis Pty Limited) made by Port Stephens Council on 24 September 2019 on Row 60 of the Delegations Table from the Deputy Mayor to Councillor Le Mottee.</p> <p>10) Update the appointment of the Deputy Mayor as the Elected Member /Delegate for Newcastle Airport Partnership Company 3 Pty Limited made by Port Stephens Council on 24 September 2019 on Row 55 of the Delegations Table from the Deputy Mayor to Councillor Le Mottee.</p> <p>11) Update the appointment of the Deputy Mayor as the Elected Member /Delegate for Newcastle Airport Partnership Company 3 Pty Limited made by Port Stephens Council on 24 September 2019 on Row 56 of the Delegations Table from the Deputy Mayor to Councillor Le Mottee.</p>
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Cr Giacomo Arnott recorded his vote against the motion.

## **BACKGROUND**

The purpose of this report is to:

- Note the resignation of Councillor Doohan as a Director of Newcastle Airport Partnership Company 3 Pty Limited (NAPC3) and Newcastle Airport Partnership Company 4 Pty Limited (NAPC4) effective 30 April 2020.
- Approve the proposed Shareholder Resolutions of NAPC3 and NAPC4 for the appointment of Councillor Le Mottee as a Director of NAPC3 and NAPC4; authorise the execution of each Shareholder Resolution of NAPC3 and NAPC4; and approve the giving of the written Notices of the passing of the Shareholder Resolutions to the relevant Company (NAPC3 and NAPC4).
- Update Rows 55 and 56 of the Delegations Table approved by Port Stephens Council on 24 September 2019 to remove the reference to the Deputy Mayor and replace it with the appointment of Councillor Le Mottee.
- Update Row 60 of the Delegations Table approved by Port Stephens Council on 24 September 2019 to remove the Deputy Mayor as the proxy for Newcastle Airport Partnership Company 3 Pty Limited (in its capacity as a trustee of Newcastle Airport Partnership Trust 3) and Newcastle Airport Partnership Company 4 Pty Limited (in its capacity as a trustee of Newcastle Airport Partnership Trust 4) in relation to the shareholding in Greater Newcastle Aerotropolis Pty Limited (GNAPL) and authorise the appointment of Councillor Le Mottee as the new proxy.

## MINUTES ORDINARY COUNCIL - 12 MAY 2020

Port Stephens Council is the sole shareholder of Newcastle Airport Partnership Company 3 Pty Limited and Newcastle Airport Partnership Company 4 Pty Limited.

The directors of each company are currently: Mayor Ryan Palmer, Councillor Christopher Doohan, Mr Wayne Wallis (General Manager of Port Stephens Council) and Mr Timothy Hazell (Financial Services Section Manager of Port Stephens Council).

On 1 April 2020, Councillor Christopher Doohan tendered his resignation as Director of Newcastle Airport Partnership Company 3 Pty Limited (NAPC3) and Newcastle Airport Partnership Company 4 Pty Limited (NAPC4) effective 30 April 2020.

Under clause 5.1(b) of the Constitution of NAPC3 and NAPC4, the companies may by resolution appoint a director.

The Board of Directors of NAPC3 and NAPC4 have given notice of a resolution that they propose that each company pass. The Notice is set out in Attachment A and Attachment B respectively. The Directors of NAPC3 and Directors of NAPC4 have requested that:

*The Shareholder hereby RESOLVE to appoint Councillor Paul Le Mottee as a Director of the Company, such appointment to take effect upon the passing of this Shareholder Resolution.*

Councillor Le Mottee was elected to Council in 2012 and is the Managing Director of Le Mottee Group, a successful surveying, civil engineering and town planning business. In addition, he possesses many years of experience on a diverse range of committees and organisations operating throughout the community.

Councillor Le Mottee is considered fit and proper to carry out the role of Director of NAPC3 and NAPC4 and has the appropriate skills, knowledge and experience to hold the positions.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide strong civic leadership and government regulations.

### FINANCIAL/RESOURCE IMPLICATIONS

Financial and resource implications are provided for within the existing budget.

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



**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council could be in breach of the Local Government Act 1993 if it fails to appoint delegates to the Boards.	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.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Newcastle Airport Partnership Company 3 Pty Limited - Proposed resolution of a single member.
- 2) Newcastle Airport Partnership Company 4 Pty Limited - Proposed resolution of a single member.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 11 - ATTACHMENT 1    NEWCASTLE AIRPORT PARTNERSHIP COMPANY  
3 PTY LIMITED - PROPOSED RESOLUTION OF A SINGLE MEMBER.**

Newcastle Airport Partnership Company 3 Pty Limited

ACN 163 779 744 (Company)

Resolution of a Single Member

The sole shareholder of the Company, Port Stephens Council (Shareholder of the Company), hereby records its approval of the circular resolution set out below that are passed in accordance with Rule 4.9 and Rule 5.1(b) of the Company's Constitution.

---

**Appointment of COUNCILLOR PAUL  
CLIFFORD LE MOTTEE as a Director of the  
Company**

The Shareholder of the Company hereby acknowledges the receipt of a Consent to Act as Director form duly signed by Councillor Paul Clifford Le Mottee.

The Shareholder of the Company hereby **RESOLVES** to appoint Councillor Paul Clifford Le Mottee as a Director of the Company, such appointment to take effect on 30 April 2020 or immediately upon the passing of this Shareholder Resolution, whichever is the later.

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Signature of an Authorised Representative for Port Stephens Council

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Print name

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Date

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Signature of an Authorised Representative for Port Stephens Council

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Print name

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Date

**ITEM 11 - ATTACHMENT 2    NEWCASTLE AIRPORT PARTNERSHIP COMPANY  
4 PTY LIMITED - PROPOSED RESOLUTION OF A SINGLE MEMBER.**

Newcastle Airport Partnership Company 4 Pty Limited

ACN 163 779 806 (Company)

Resolution of a Single Member

The sole shareholder of the Company, Port Stephens Council (Shareholder of the Company), hereby records its approval of the circular resolution set out below that are passed in accordance with Rule 4.9 and Rule 5.1(b) of the Company's Constitution.

**Appointment of COUNCILLOR PAUL  
CLIFFORD LE MOTTEE as a Director of the  
Company**

The Shareholder of the Company hereby acknowledges the receipt of a Consent to Act as Director form duly signed by Councillor Paul Clifford Le Mottee.

The Shareholder of the Company hereby **RESOLVES** to appoint Councillor Paul Clifford Le Mottee as a Director of the Company, such appointment to take effect on 30 April 2020 or immediately upon the passing of this Shareholder Resolution, whichever is the later.

\_\_\_\_\_  
Signature of an Authorised Representative for Port Stephens Council

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of an Authorised Representative for Port Stephens Council

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Date

**ITEM NO. 12****FILE NO: 20/102931  
EDRMS NO: PSC2017-00669****INDEPENDENT AUDIT COMMITTEE MEMBERSHIP****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Extend the term of the independent Audit Committee members to 30 June 2022 as outlined in this report.
  - 2) Increase the allowance paid to independent Audit Committee members to \$750 per meeting attended, effective from July 2020.
- 

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

<b>076</b>	<b>Councillor Steve Tucker Councillor Chris Doohan</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Extend the term of the independent Audit Committee members to 30 June 2022 as outlined in this report.</li><li>2) The allowance paid to independent Audit Committee members remain at \$500 per meeting attended.</li></ol>
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Councillor Glen Dunkley left the meeting at 8:55pm prior to voting.  
Councillor Ken Jordan left the meeting 8:55pm prior to voting.  
Councillor Ken Jordan returned to the meeting at 8:56pm prior to voting  
Councillor Chris Doohan left the meeting at 8:56pm prior to voting.  
Councillor Chris Doohan returned to the meeting at 8:57pm prior to voting.

The motion was carried.

**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the proposal to extend the term of the external independent members of Council's Audit Committee.



Following a public expression of interest process, Council at its meeting held on 11 July 2017 (Minute No. 174), appointed Ben Niland, Frank Cordingley and Shaun Mahony as independent external members to Council's Audit Committee. Each independent member brings relevant expertise and experience as follows:

Mr Ben Niland – has over 16 years' experience in large government organisations working within processes and systems which are risk based. Ben's background in government organisation provides a great understanding of the legislative framework Council operates within. Ben has been an independent external member of Council's Audit Committee for 7 years demonstrating a high level of practical and conceptual financial and management accounting skill with knowledge of internal controls, policies and procedures.

Mr Frank Cordingley – has over 20 years' experience working in both the private and public sectors. He offers unique experiences that would provide value to the committee and balance the experience of the other members through providing experience in general management, financial management, risk management, work health and safety, and improvement opportunities from an operational, as well as a financial perspective. As Director Corporate Services for Hunter Health, Frank also held the position as an independent member on the Audit and Risk Management Committee of Health Support Services for a period of 3 years. In addition, Frank was also a Director on the Board of Newcastle Airport Ltd and a member of their Audit and Risk Management Committee.

Mr Shaun Mahony – has over 20 years' experience in professional accounting firms providing audit, account and business advice to a broad range of clients including public companies, government organisations, not for profit entities and private companies. Shaun has also held senior finance roles overseeing finance, information technology and communications, human resources and administration functions. Shaun demonstrates a high level of understanding and knowledge of business and operational processes, governance and risk management practices.

The Local Government Act 1993 was amended in August 2016 to require each council and joint organisation in NSW to appoint an audit, risk and improvement committee (ARIC). This requirement is anticipated to take effect from March 2021, however given the COVID-19 pandemic and deferral of Council elections until September 2021, it is highly probable that this date will be extended.

The Office of Local Government (OLG) has developed a draft internal audit and risk management framework to support and inform the operations of ARICs. The proposed framework is based on international standards and the experience of Australian and NSW Government public sector agencies who have already implemented risk management and internal audit, but has been adapted to reflect the unique needs and structure of NSW councils and joint organisations.

The discussion paper on a new risk management and internal audit framework was released in September 2019 with submissions closing on 31 December 2019.

The OLG are in the process of reviewing the 149 submissions in response to the discussion paper, with an expected response by the end of 2020.

Council's independent audit committee members are currently serving a 3 year term, which is due to expire 30 June 2020. As the OLG is yet to release the new framework, it is proposed to extend the term of the independent members for a period of 2 years ending on 30 June 2022.

This approach will ensure continuity of membership and transition of independent expertise to the new ARIC framework when it is introduced.

### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance	Provide a strong ethical governance structure.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The meeting allowance for independent external members of \$500 per meeting was adopted by Council at its meeting held 28 March 2017 (Minute No. 068). At this time \$500 per meeting attended was consistent with other allowances paid when benchmarked with councils of a similar size.

The meeting allowance has been reviewed and an allowance of \$750 per meeting is now considered appropriate to be paid to each independent external representative of the Audit Committee for each meeting attended. This is in line with other allowances paid when benchmarked with councils of a similar size.

Under the proposed ARIC framework, the member fee proposed is at \$1621 per meeting for a medium size LGA.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Potential increase of \$3000 per year which will be covered within the 2020 to 2021 budget.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no limitations on the term for independent members of an audit committee under the Office of Local Government guidelines.

The Audit Committee Charter provides that Council may resolve to appoint independent external members for consecutive terms.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council would not comply with the Office of Local Government guidelines if independent members are not appointed.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

It is considered that the Audit Committee with independent membership adds significant rigour to Council's governance framework, risk control, compliance and financial reporting and enhances Council's reputation, operations and financial sustainability.

**CONSULTATION**

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

All independent members are supportive of the proposal to extend their terms by 2 years.

**Internal**

- General Manager
- Governance Section Manager.

**External**

- Independent Audit Committee members.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## MINUTES ORDINARY COUNCIL - 12 MAY 2020

### ORDINARY COUNCIL MEETING - 12 MAY 2020 MOTION

077	<b>Councillor Paul Le Mottee</b> <b>Councillor Chris Doohan</b>  It was resolved that the meeting continue beyond 9.00pm.
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Mayor vacated the Chair and left the meeting at 9:01pm. The Deputy Mayor chaired the meeting during the absence of the Mayor.

#### ITEM NO. 13

**FILE NO: 20/100731**  
**EDRMS NO: PSC2013-05621**

### POLICY REVIEW: RECEIPT OF PETITIONS POLICY

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

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#### RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received (**ATTACHMENT 1**).
- 2) Adopt the revised Receipt of Petitions Policy shown at (**ATTACHMENT 2**).
- 3) Revoke the Receipt of Petitions Policy dated 13 February 2018, Minute No. 016.

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### ORDINARY COUNCIL MEETING - 12 MAY 2020 MOTION

	<b>Councillor Paul Le Mottee</b> <b>Councillor Steve Tucker</b>  That Council:  1) Receive and note the submissions received ( <b>ATTACHMENT 1</b> ). 2) Adopt the revised Receipt of Petitions Policy shown at ( <b>ATTACHMENT 2</b> ). 3) Revoke the Receipt of Petitions Policy dated 13 February 2018, Minute No. 016.
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**ORDINARY COUNCIL MEETING - 12 MAY 2020  
AMENDMENT**

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor John Nell</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Receive and note the submissions received <b>(ATTACHMENT 1)</b>.</li><li>2) Adopt the revised Receipt of Petitions Policy shown at <b>(ATTACHMENT 2)</b>.</li><li>3) Revoke the Receipt of Petitions Policy dated 13 February 2018, Minute No. 016.</li><li>4) That clause 3.1.1 be included in the policy as follows: “3.1.1 Where the General Manager decides that a petition does not constitute a petition, the General Manager must report this decision to the immediate next Council Meeting in the information papers.”</li></ol>
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Mayor Ryan Palmer returned to the meeting at 9:04pm and resumed the Chair.

The amendment was lost.

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

<b>078</b>	<p><b>Councillor Paul Le Mottee</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Receive and note the submissions received <b>(ATTACHMENT 1)</b>.</li><li>2) Adopt the revised Receipt of Petitions Policy shown at <b>(ATTACHMENT 2)</b>.</li><li>3) Revoke the Receipt of Petitions Policy dated 13 February 2018, Minute No. 016.</li></ol>
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The motion was carried.

**BACKGROUND**

The purpose of this report is to provide Council with the Receipt of Petitions Policy (the 'policy') following the public exhibition period from 19 March 2020 to 16 April 2020.

As a result of the public exhibition, 3 submissions were received. A summary of the submissions is shown at **(ATTACHMENT 1)**.

Following the submission process, no amendments are proposed to the exhibited revised policy.

The purpose of this policy is to provide the community with an opportunity to express their opinions to Council on matters of significant community interest and/or impact.

A copy of the policy is shown at **(ATTACHMENT 2)**.

The policy is provided for Council's consideration.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance	Provide a strong ethical governance structure.

**FINANCIAL/RESOURCE IMPLICATIONS**

All costs associated with the development and implementation of the policy are within the existing 2019-2020 budget.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There is no legal requirement for Council to retain this policy, however the policy provides the community with a policy statement regarding petitions and how they are considered by Council.

## MINUTES ORDINARY COUNCIL - 12 MAY 2020

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that without such a policy in place the community would have less opportunity to raise matters with Council.	Low	Adopt the recommendation of this report.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Governance Section.

#### Internal

The policy has been endorsed by Council's Executive Team and Governance Section Manager.

#### External

The policy has been publicly exhibited in the Port Stephens Examiner, at the Administration Building, through Council's website and library network from 19 March to 16 April 2020.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Submissions summary.
- 2) Revised Receipt of Petitions Policy.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

**ITEM 13 - ATTACHMENT 1 SUBMISSIONS SUMMARY.**

Submissions for the Receipt of Petitions policy.

No.	Author of submission	Comment	Council response
1	Resident	Request that Council promote and embrace the use of on line petitions, especially given there are times when hardcopy petitions are not able to be circulated due to restrictions, such as COVID-19.	<p>It is acknowledged that on line petitions are convenient, however it is difficult to know if a person has signed a petition on more than one occasion. This is an important consideration given Council may make decision based on a petition.</p> <p>The NSW State Parliament requires original signatures with no copying or pasting of signatories.</p> <p>The Federal government has e-petition infrastructure built into their website for the House of Representatives and a separate more manual process for the Senate.</p>
2	Resident	<p>The submission was made in support for the submission made by EcoNetwork and Tomaree Residents and Ratepayers Association.</p> <p>There was express support for online petition platforms as a legitimate form of petition.</p> <p>Note: No submission received from EcoNetwork</p>	<p>It is acknowledged that on line petitions are convenient, however it is difficult to know if a person has signed a petition on more than one occasion. This is an important consideration given Council may make decision based on a petition.</p> <p>The NSW State Parliament requires original signatures with no copying or pasting of signatories.</p> <p>The Federal government has e-petition infrastructure built into their website for the House of Representatives and a separate more manual process for the Senate.</p>
3	Tomaree Ratepayers and Residents Association	<p>1. The draft policy is a very minimal document and requires significant revision to address practicalities and realities of a petition in the digital age.</p> <p>2. That some Port Stephens Councillors repeatedly question the weight that should be given to petitions</p>	<p>1. As outlined in the report, Council is not required to adopt a Receipt of Petitions policy. This policy was intentionally developed with a simplified approach, providing an easy way for the community to raise issues with Council.</p>

ITEM 13 - ATTACHMENT 1 SUBMISSIONS SUMMARY.

		<p>and whether too few signatures should be considered. Conversely, dismissive to submissions with large number of signatures, however use submissions with varying number of signatures to support their argument at times.</p> <p>3. That Council's approach to submissions is arbitrary and inconsistent, and seek a policy that brings clarity and consistency – draft policy does not meet that objective.</p> <p>4. That the criteria at 3.1 in the policy be expanded to include that any petition should be fair, balanced and give guidance about the status of the signatories ie resident, ratepayer or elector – this however should not be a qualifying condition, and to include other categories such as visitors.</p> <p>5. That petitions include a privacy notice explaining what the information will be used for, however should not be mandatory.</p> <p>6. Concerns that the General Manager is the final arbiter on what constitutes a petition, which results in an Information Paper report to Council. Noting that that most NSW councils do not appear to have a specific petitions policy and petitions are reported to Council for assessment.</p> <p>7. That if the General Manager is to be the final arbiter, that the policy require reasons for rejection as a petition and appeal provisions be included should this occur.</p> <p>8. That periodic public reporting on petitions be included in the policy, to include subject matter, number of signatories, whether the petition was accepted or rejected as a petition, with reasons for rejection.</p> <p>9. That the process for dealing with petitions relating to development applications (DA)</p>	<p>In terms of electronic petitions, the NSW State Parliament requires original signatures with no copying or pasting of signatories. The Federal government has e-petition infrastructure built into their website for the House of Representatives and a separate more manual process for the Senate.</p> <p>2. Noted.</p> <p>3. The policy provides the clear requirements of what is required for a petition, including the requirements of 20 signatories for each petition.</p> <p>4. The policy is intentionally drafted to provide flexibility to the petition organisers without limiting their ability to present their case. The option is and has always been available for any details/information to be included in the petition.</p> <p>5. There is no requirement for a privacy statement on a petition, however there is nothing preventing anyone from including such a statement.</p> <p>6. Noted – decision for Council.</p> <p>7. Petitions received that include 20 signatures would normally be accepted and reported to Council, with the exception of those that relate to DAs.</p> <p>8. Based on the fact that most petitions are reported to Council, there is no recommendation to increase the reporting requirements which would see duplication of reporting to Council.</p> <p>9. The policy current states that petitions relating to DAs are excluded from this</p>
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**ITEM 13 - ATTACHMENT 1 SUBMISSIONS SUMMARY.**

		<p>should be clearly explained, in particular how petitions are dealt with as opposed to other forms of objection.</p> <p>10. That the current format for a petition is defined as too limiting and does not acknowledge electronic communications such as on line petitions.</p> <p>11. That Council should investigate requirements of other levels of government including the NSW State and Federal Parliaments.</p> <p>12. Acknowledge that petitions have the potential for abuse with multiple or fictitious signatories, however Council should not assume the worst.</p> <p>13. That the policy cross reference the process related to petitions received in relation to development applications.</p>	<p>policy and dealt with through the DA process.</p> <p>10. The NSW State Parliament requires original signatures with no copying or pasting. The Federal government has e-petition infrastructure built into their website for the House of Representatives and a separate more manual process for the Senate.</p> <p>11. Refer to item 10 above.</p> <p>12. Noted.</p> <p>13. Noted. No recommendation on this item.</p>
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Policy



**FILE NO:** PSC2013-05621  
**TITLE:** RECEIPT OF PETITIONS  
**POLICY OWNER:** GOVERNANCE SECTION MANAGER

**1. PURPOSE:**

- 1.1 The purpose of this policy is to provide the community with an opportunity to express their opinions to Council on matters of significant community interest and/or impact.

**2. CONTEXT/BACKGROUND:**

- 2.1 Council, in the past has received petitions from the community as a way of expressing their concern on many and varied interests of which Council is the responsible authority. The community often lodge petitions as a way of informing Council of the community's general concern, as a whole, with respect to issues before Council.

**3. SCOPE:**

- 3.1 A petition is a written document including the name, address and signature of at least 20 or more persons seeking some form of action of the Council, and includes the details of a representative as a contact for Council (**ATTACHMENT 1**). It may be in the form of a request, complaint or expression of interest in a matter of significance to Council signed by ratepayers/residents. The General Manager shall be the final arbiter as to whether the document constitutes a petition.
- 3.2 Upon receipt of a petition the relevant Group will register the petition and refer the original copy to the General Manager's Office.
- 3.3 The Executive Administration Coordinator will forward an acknowledgement to the representative who lodged the petition and provide an Information Paper to a Council meeting.
- 3.4 The relevant Group will keep the representative informed of the progress.
- 3.5 Objections to Building or Development applications will not normally be considered as petitions under this policy. However, they will be considered as part of the building/development application assessment.



## ITEM 13 - ATTACHMENT 2 REVISED RECEIPT OF PETITIONS POLICY.

## Policy

**4. DEFINITIONS:**

Petition A petition in respect to this policy is a written document that contains at least twenty (20) signatures.

**5. POLICY STATEMENT:**

- 5.1 The objectives of this policy is to ensure that petitions are dealt with in an appropriate manner and that all the elected Council are advised of all petitions upon its receipt.
- 5.2 Any decision regarding the petition subject matter will be a decision of the elected Council.

**6. POLICY RESPONSIBILITIES:**

- 6.1 The Executive Administration Coordinator will be responsible for acknowledging the petition and providing a report for Council. The relevant Group will be responsible for the ongoing consultation on the subject matter.
- 6.2 The Governance Section Manager will be responsible for compliance, monitoring, evaluating, reviewing and providing advice on the policy.

**RELATED DOCUMENTS:**

- 1) Local Government Act 1993
- 2) Code of Conduct

**CONTROLLED DOCUMENT INFORMATION:**

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)

<b>EDRMS container No</b>	PSC2013-05621	<b>EDRMS record No</b>	18/63958 XXXXXXX
<b>Audience</b>	Port Stephens community		
<b>Process owner</b>	Governance Section Manager		
<b>Author</b>	Governance Section Manager		



Policy



<b>Review timeframe</b>	Two years	<b>Next review date</b>	13 February 2020 13 February 2022
<b>Adoption date</b>	25 July 1995		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	25/07/1995	Assistant General Manager	Adopted by Council.	324
2.0	17/11/1998	Assistant General Manager	Adopted by Council.	562
3.0	19/10/2004	Governance Coordinator	Adopted by Council.	375
4.0	12/11/2013	Executive Officer	Adopted by Council.	326
5.0	09/02/2016	Governance Manager	Transferred into the new policy template and corporate branding. Inclusion of the petition cover sheet and minor wording amendments.	021
5.1	13/02/2018	Governance Manager	Policy reviewed and no amendments required.	016
5.2		Governance Section Manager	Reviewed the policy, included numbering to each paragraph and updated the version control. Updated title of policy owner. 3.3, 5.1 and 6.1 – updated. 6.2 – inserted the word 'Section' in the title.	



# PETITION

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_



**ITEM NO. 14****FILE NO: 20/91462  
EDRMS NO: PSC2017-00178****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayor and Ward Funds to the following:
  - a. Nelson Bay Diggers Bowls Club – Mayoral funds - \$500 donation towards transportation costs when travelling to other clubs.
  - b. Port Stephens Council – Ward funds – Cr Steve Tucker rapid response donation towards relocation and maintenance of defibrillator Lemon Tree Passage.
  - c. Port Stephens Council – Ward funds – Cr Steve Tucker rapid response donation towards an updated power board at Lemon Tree Passage.
  - d. Salamander Bay Community Group Inc – Mayoral funds - \$2745.35 donation towards the 'Leave only Footprints' project.

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

<b>079</b>	<p><b>Councillor Chris Doohan</b> <b>Councillor Sarah Smith</b></p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayor and Ward Funds to the following:</p> <ol style="list-style-type: none"><li>a. Nelson Bay Diggers Bowls Club – Mayoral funds - \$500 donation towards transportation costs when travelling to other clubs.</li><li>b. Port Stephens Council – Ward funds – Cr Steve Tucker rapid response donation towards relocation and maintenance of defibrillator Lemon Tree Passage.</li><li>c. Port Stephens Council – Ward funds – Cr Steve Tucker rapid response donation towards an updated power board at Lemon Tree Passage.</li><li>d. Salamander Bay Community Group Inc – Mayoral funds - \$2745.35 donation towards the 'Leave only Footprints' project.</li></ol>
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The motion was carried.

**BACKGROUND**

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

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

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

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

The requests for financial assistance are shown below:

**MAYORAL FUNDS – Mayor Palmer**

Nelson Bay Diggers Bowls Club	An intra club of the Nelson Bay Wests Diggers Group with 100 members, the majority of which are veterans.	\$500	Donation towards transportation costs when travelling to other clubs.
Salamander Bay Community Group Inc.	An incorporated, not for profit organisation.	\$2745.35	Donation towards the 'Leave only Footprints' project.

**CENTRAL WARD – Councillors Doohan, Smith and Tucker**

Port Stephens Council	Local government council.	\$500	Donation towards relocation and maintenance of defibrillator Lemon Tree Passage.
Port Stephens Council	Local government council.	\$500	Donation towards an updated power board at Lemon Tree Passage.

## COMMUNITY STRATEGIC PLAN

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

## FINANCIAL/RESOURCE IMPLICATIONS

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

## LEGAL AND POLICY IMPLICATIONS

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

The Policy interpretation required is whether the Council believes that:

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

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

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

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

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 15****FILE NO: 20/102947  
EDRMS NO: PSC2017-00015****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT THAT COUNCIL:**

- 1) Receives and notes the Information Papers listed below being presented to Council on 12 May 2020, including the Supplementary Information.
- 

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	March 2020 Cash and Investments	281
2	April 2020 Cash and Investments	285
3	Mayor and Councillors Professional Development Quarterly Report - January to March 2020	289
4	Council Resolutions	291

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**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

<b>080</b>	<b>Councillor Ken Jordan Councillor Paul Le Mottee</b>  It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 12 May 2020, including the Supplementary Information. <hr/> <b>No: Report Title:</b>  1 March 2020 Cash and Investments 2 April 2020 Cash and Investments 3 Mayor and Councillors Professional Development Quarterly Report - January to March 2020 4 Council Resolutions
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The motion was carried.



# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 20/85697  
EDRMS NO: PSC2006-6531**

**MARCH 2020 CASH AND INVESTMENTS**

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 March 2020.

**ATTACHMENTS**

- 1) March 2020 Cash and Investments.
- 2) March 2020 Cash Flow Report.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM 1 - ATTACHMENT 1 MARCH 2020 CASH AND INVESTMENTS.

CASH AND INVESTMENTS HELD AS AT 31 MARCH 2020									
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE	
TERM DEPOSITS									
ICBC	RIM	A	TD	2.93%	509	1-Apr-20	1,000,000	1,000,000	
ARAB BANK	RIM	BB+	TD	2.97%	502	2-Apr-20	1,500,000	1,500,000	
NATIONAL AUSTRALIA BANK	CURVE	AA-	TD	1.60%	183	14-Apr-20	1,000,000	1,000,000	
JUDO BANK	LAMINAR	NR	TD	2.70%	369	23-Apr-20	1,000,000	1,000,000	
WESTPAC	WESTPAC	AA-	FRTD	1.98%	368	27-Apr-20	1,000,000	1,000,000	
NATIONAL AUSTRALIA BANK	FIIG	AA-	TD	1.50%	365	27-Apr-20	1,000,000	1,000,000	
BOC	CURVE	A	TD	2.88%	512	28-Apr-20	1,000,000	1,000,000	
AMP BANK	IMPERIUM	BBB+	TD	2.10%	189	26-May-20	1,000,000	1,000,000	
AMP BANK	IMPERIUM	BBB+	TD	2.10%	190	5-Jun-20	1,000,000	1,000,000	
JUDO BANK	CURVE	NR	TD	2.65%	375	9-Jun-20	1,000,000	1,000,000	
MACQUARIE BANK	CURVE	AA-	TD	1.70%	126	7-Jul-20	2,000,000	2,000,000	
ME BANK	CURVE	NR	TD	1.60%	139	9-Jul-20	1,000,000	1,000,000	
AUSTRALIAN UNITY BANK	CURVE	NR	TD	1.70%	170	24-Jul-20	1,000,000	1,000,000	
DNISTER UKRAINIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	525	5-Aug-20	1,000,000	1,000,000	
AMP BANK	CURVE	BBB+	TD	1.90%	173	10-Aug-20	600,000	600,000	
JUDO BANK	CURVE	NR	TD	2.05%	362	26-Aug-20	800,000	800,000	
JUDO BANK	CURVE	NR	TD	2.00%	182	31-Aug-20	300,000	300,000	
JUDO BANK	CURVE	NR	TD	2.10%	371	9-Dec-20	600,000	600,000	
BNK BANK LTD	CURVE	NR	TD	1.80%	371	9-Dec-20	1,000,000	1,000,000	
BNK BANK LTD	CURVE	NR	TD	1.80%	384	22-Dec-20	1,000,000	1,000,000	
AUSTRALIAN UNITY BANK	CURVE	NR	TD	1.70%	337	7-Jan-21	1,000,000	1,000,000	
BANK OF SYDNEY	CURVE	NR	TD	1.99%	365	18-Feb-21	750,000	750,000	
JUDO BANK	CURVE	NR	TD	2.00%	363	18-Feb-21	200,000	200,000	
AUSTRALIAN MILITARY BANK **	FARQUHARSON	NR	TD	1.65%	635	30-Jun-21	1,000,000	1,000,000	
AUSWIDE BANK	CURVE	BBB	TD	1.75%	727	28-Sep-21	1,000,000	1,000,000	
ICBC	IMPERIUM	A	TD	1.62%	729	13-Oct-21	1,000,000	1,000,000	
AUSWIDE BANK	IMPERIUM	BBB	TD	1.65%	731	13-Oct-21	500,000	500,000	
AUSWIDE BANK	RIM	BBB	TD	1.73%	701	2-Feb-22	1,250,000	1,250,000	
** Please note - Australian Military Bank Moody's rating has been upgraded to BBB (equivalent Standard and Poor's rating) since placement of Term Deposits									
*** Please note - AMP Bank's Standard and Poor's long term rating has been downgraded to BBB+ since placement of Term Deposits									
SUB TOTAL (\$)							26,500,000	26,500,000	
TCORP CASH FUND								500,000	499,289
TCORP MEDIUM TERM GROWTH FUND								3,000,000	2,836,799
TCORP LONG TERM GROWTH FUND								1,000,000	903,904
INVESTMENTS TOTAL (\$)							31,000,000	30,739,992	
CASH AT BANK (\$)							1,873,639	1,873,639	
TOTAL CASH AND INVESTMENTS (\$)							32,873,639	32,613,630	
CASH AT BANK INTEREST RATE				1.30%					
BBSW FOR PREVIOUS 3 MONTHS				0.81%					
AVG. INVESTMENT RATE OF RETURN ON TDs				2.05%					
TD = TERM DEPOSIT									
AC = AT CALL CASH ACCOUNT									
FRTD = FLOATING RATE TERM DEPOSIT (0.98% ABOVE RBA CASH RATE)									
**STANDARD AND POORS LONG TERM RATING									
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									



### Cash flow analysis 31/03/2020

#### CASHFLOW STATEMENT

Opening Cash and Investment 1 July 2019  
Closing Cash and Investment 31 March 2020  
**Movement in cash**

YTD	Notes
35,484,953	
33,845,841	
<b>(1,639,112)</b>	

#### Movement in cash represented by:

##### Operating Activities

Receipts from ratepayers, customers and government authorities	90,951,884
Payments to suppliers & employees	(70,947,801)
Interest received	696,864
Interest paid	(282,371)
<b>Total</b>	<b>20,418,576</b>

##### Investing Activities

Receipts from sale of Infrastructure, Property, Plant & Equipment	1,772,251
Payments for Property, Plant & Equipment	(32,395,381)
<b>Total</b>	<b>(30,623,130)</b>

##### Financing Activities

Payment of loans	(3,934,558)
Receipt of new loans	12,500,000
<b>Total</b>	<b>8,565,442</b>

#### Total Cash Movement

**(1,639,113)**

Plus: Opening Cash and Investment 1 July 2019

35,484,953

**Closing Cash and Investment 31 March 2020**

**33,845,842**

Budgeted Cash Movement for the Financial Year

(20,565,000)

Plus Opening Cash and Investment 1 July 2019

35,484,953

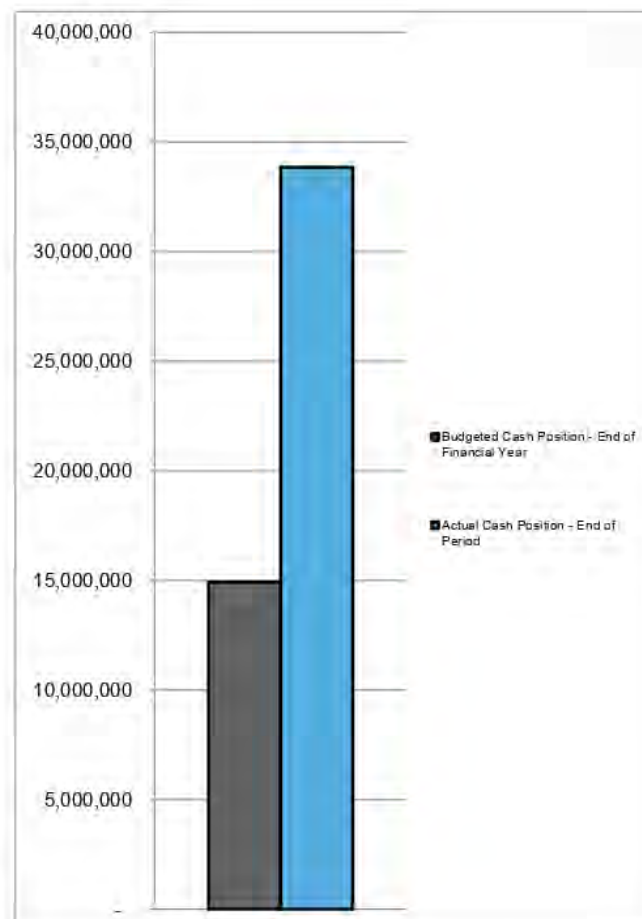
**Budgeted Cash and Investment Position 30 June 2020**

**14,919,953**

In front / (behind) on budget

18,925,888

1



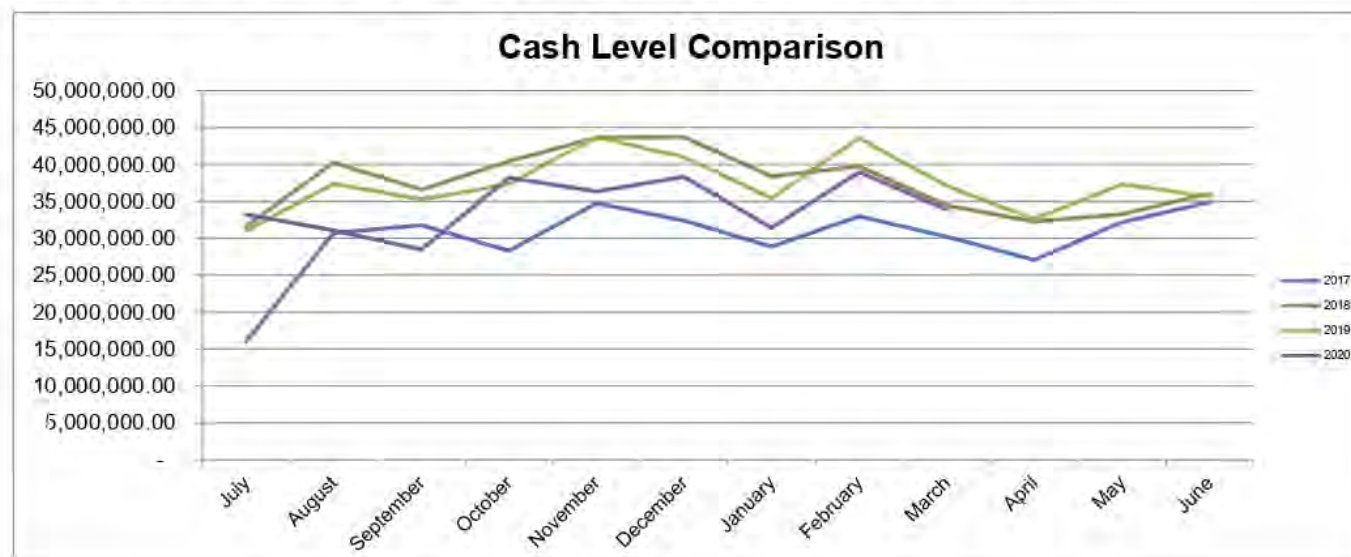
#### Notes

- 1 Council's cash position is up on the budgeted year end position predominately due to the following reasons:
- Projects that are to be funded by the repeal of the s7.11 fund are yet to be completed
  - Receipt of Roads to Recovery funding this month for \$300K
  - Receipt of various capital grants for \$967k this month

Due to trade restrictions imposed as a result of COVID 19, councils cash position from April onwards will be impacted. Appropriate adjustments will be processed through the March quarterly budget review process.

Significant future cash inflows expected in next few months include various 2020 grants and 4th quarter rates.

Significant future cash outflows expected in next few months include: upgrade to Koala Sanctuary, Lionel Morton Amenities construction, Foreshore Drive - Sal Bay upgrade, Fern Bay Res park furniture & basketball halfcourt, PSC admin & library building refurb, RT Pigeon Club, Halifax upgrade amenities, James Scott bridge lighting upgrade and other 2020 Community Projects.





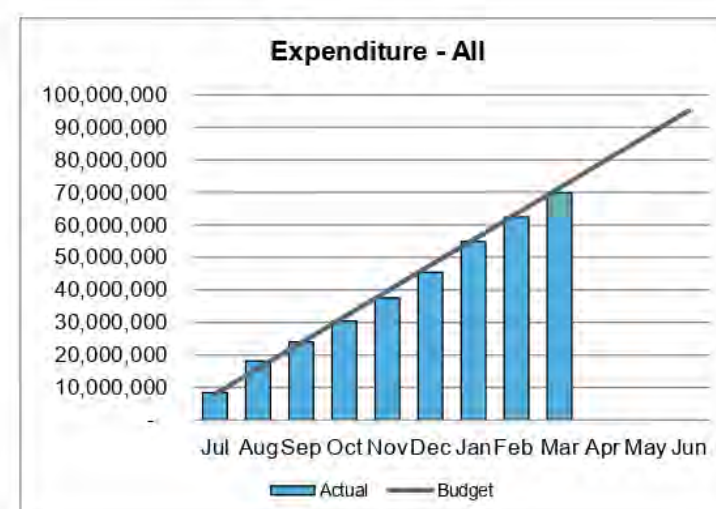
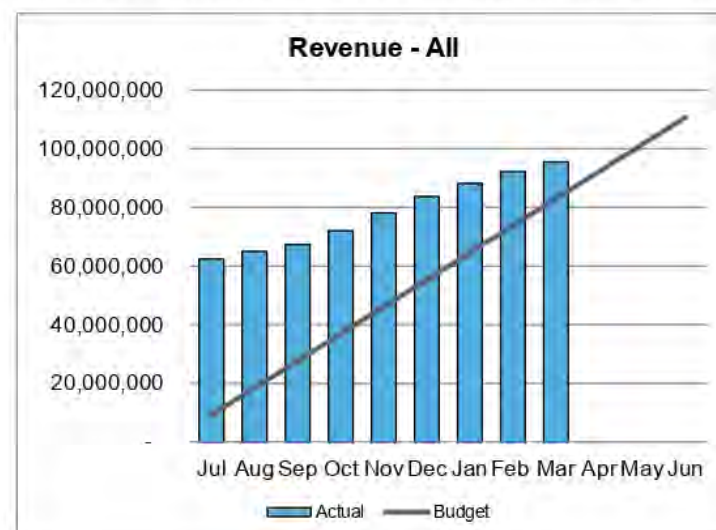


## Income/Expenditure 31/03/2020

	Revised Budget	Actual to Date	% to Budget	Target	Notes
<b>Revenue</b>				75%	
Corporate Services	-67,086,322	-61,369,587	91%		
Development Services	-5,889,796	-4,422,577	75%		
Facilities and Services	-37,090,102	-29,142,958	79%		
General Manager Office	-593,955	-592,311	100%		
<b>Revenue Total</b>	<b>-110,660,175</b>	<b>-95,527,433</b>	<b>86%</b>		1
<b>Expenditure</b>					
Corporate Services	21,310,996	16,145,781	76%		
Development Services	13,328,107	10,614,841	80%		
Facilities and Services	54,869,525	38,522,267	70%		
General Manager Office	5,635,728	4,589,060	81%		
<b>Expenditure Total</b>	<b>95,144,356</b>	<b>69,871,949</b>	<b>73%</b>		1

### Notes

- 1 Revenue and expenditure is before capital and depreciation. When compared to the budget position at the same time last year operating revenue is 1% lower and expenditure is 2% lower than the same time last year.
- 2 Due to trade restrictions imposed as a result of COVID 19, operating revenue from April onwards will be impacted. Appropriate adjustments will be processed through the March quarterly budget review process.





**ITEM NO. 2**

**FILE NO: 20/108091  
EDRMS NO: PSC2006-6531**

**APRIL 2020 CASH AND INVESTMENTS**

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 30 April 2020.

**ATTACHMENTS**

- 1) April 2020 Cash and Investments.
- 2) April 2020 Cash Flow Report.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

CASH AND INVESTMENTS HELD AS AT 30 APRIL 2020								
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
AMP BANK	IMPERIUM	BBB+	TD	2.10%	189	26-May-20	1,000,000	1,000,000
AMP BANK	IMPERIUM	BBB+	TD	2.10%	190	5-Jun-20	1,000,000	1,000,000
JUDO BANK	CURVE	NR	TD	2.65%	375	9-Jun-20	1,000,000	1,000,000
MACQUARIE BANK	CURVE	AA-	TD	1.70%	126	7-Jul-20	2,000,000	2,000,000
ME BANK	CURVE	NR	TD	1.60%	139	9-Jul-20	1,000,000	1,000,000
AUSTRALIAN UNITY BANK	CURVE	NR	TD	1.70%	170	24-Jul-20	1,000,000	1,000,000
DNISTER UKRAINIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	525	5-Aug-20	1,000,000	1,000,000
AMP BANK	CURVE	BBB+	TD	1.90%	173	10-Aug-20	600,000	600,000
JUDO BANK	CURVE	NR	TD	2.05%	362	26-Aug-20	800,000	800,000
JUDO BANK	CURVE	NR	TD	2.00%	182	31-Aug-20	300,000	300,000
JUDO BANK	CURVE	NR	TD	2.10%	371	9-Dec-20	600,000	600,000
BNK BANK LTD	CURVE	NR	TD	1.80%	371	9-Dec-20	1,000,000	1,000,000
BNK BANK LTD	CURVE	NR	TD	1.80%	384	22-Dec-20	1,000,000	1,000,000
AUSTRALIAN UNITY BANK	CURVE	NR	TD	1.70%	337	7-Jan-21	1,000,000	1,000,000
BANK OF SYDNEY	CURVE	NR	TD	1.99%	365	18-Feb-21	750,000	750,000
JUDO BANK	CURVE	NR	TD	2.00%	363	18-Feb-21	200,000	200,000
AUSTRALIAN MILITARY BANK **	FARQUHARSON	NR	TD	1.65%	635	30-Jun-21	1,000,000	1,000,000
AUSWIDE BANK	CURVE	BBB	TD	1.75%	727	28-Sep-21	1,000,000	1,000,000
ICBC	IMPERIUM	A	TD	1.62%	729	13-Oct-21	1,000,000	1,000,000
AUSWIDE BANK	IMPERIUM	BBB	TD	1.65%	731	13-Oct-21	500,000	500,000
AUSWIDE BANK	RIM	BBB	TD	1.73%	701	2-Feb-22	1,250,000	1,250,000
** Please note - Australian Military Bank Moody's rating has been upgraded to BBB (equivalent Standard and Poor's rating) since placement of Term Deposits								
*** Please note - AMP Bank's Standard and Poor's long term rating has been downgraded to BBB+ since placement of Term Deposits								
SUB TOTAL (\$)							19,000,000	19,000,000
TCORP CASH FUND								
TCORP MEDIUM TERM GROWTH FUND							500,000	500,555
TCORP LONG TERM GROWTH FUND							3,000,000	2,885,886
							1,000,000	933,190
INVESTMENTS TOTAL (\$)							23,500,000	23,319,631
CASH AT BANK (\$)							3,619,507	3,619,507
TOTAL CASH AND INVESTMENTS (\$)							27,119,507	26,939,138
CASH AT BANK INTEREST RATE				1.30%				
BBSW FOR PREVIOUS 3 MONTHS				0.59%				
AVG. INVESTMENT RATE OF RETURN ON TDs				1.92%				
TD = TERM DEPOSIT								
AC = AT CALL CASH ACCOUNT								
FRTD = FLOATING RATE TERM DEPOSIT (0.98% ABOVE RBA CASH RATE)								
*STANDARD AND POORS LONG TERM RATING								
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								



### Cash flow analysis 30/04/2020

#### CASHFLOW STATEMENT

Opening Cash and Investment 1 July 2019

Closing Cash and Investment 30 April 2020

#### Movement in cash

#### Movement in cash represented by:

##### Operating Activities

Receipts from ratepayers, customers and government authorities

Payments to suppliers &amp; employees

Interest received

Interest paid

#### Total

##### Investing Activities

Receipts from sale of Infrastructure, Property, Plant &amp; Equipment

Payments for Property, Plant &amp; Equipment

#### Total

##### Financing Activities

Payment of loans

Receipt of new loans

#### Total

#### Total Cash Movement

Plus: Opening Cash and Investment 1 July 2019

Closing Cash and Investment 30 April 2020

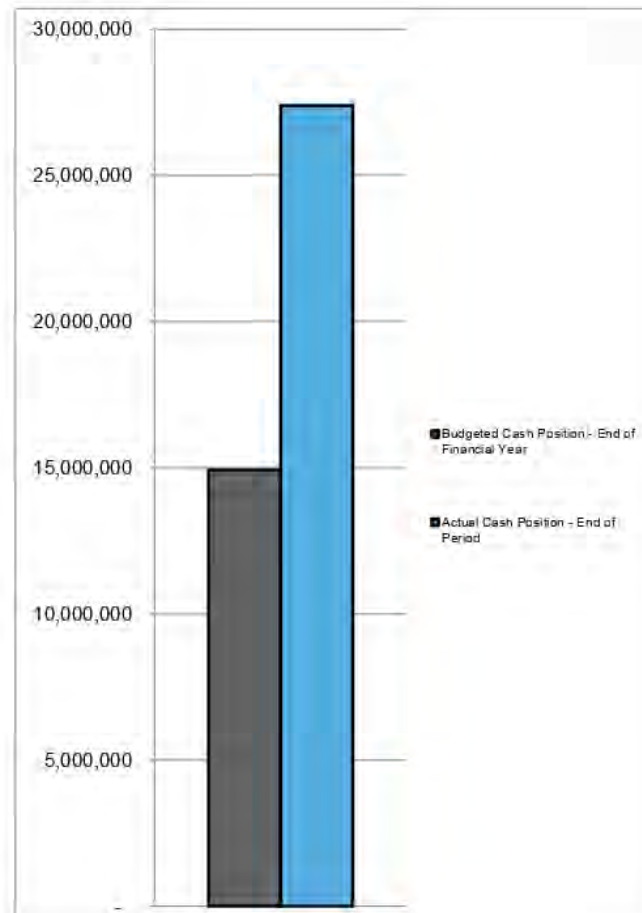
Budgeted Cash Movement for the Financial Year

Plus Opening Cash and Investment 1 July 2019

Budgeted Cash and Investment Position 30 June 2020

In front / (behind) on budget

YTD	Notes
35,484,953	
27,392,218	
<b>(8,092,735)</b>	
100,258,089	
(82,706,140)	
850,077	
(345,604)	
<b>18,056,422</b>	
1,349,928	
(35,427,746)	
<b>(34,077,818)</b>	
(4,571,340)	
12,500,000	
<b>7,928,660</b>	
<b>(8,092,736)</b>	
35,484,953	
<b>27,392,219</b>	
(20,565,000)	
35,484,953	
<b>14,919,953</b>	
12,472,265	1



#### Notes

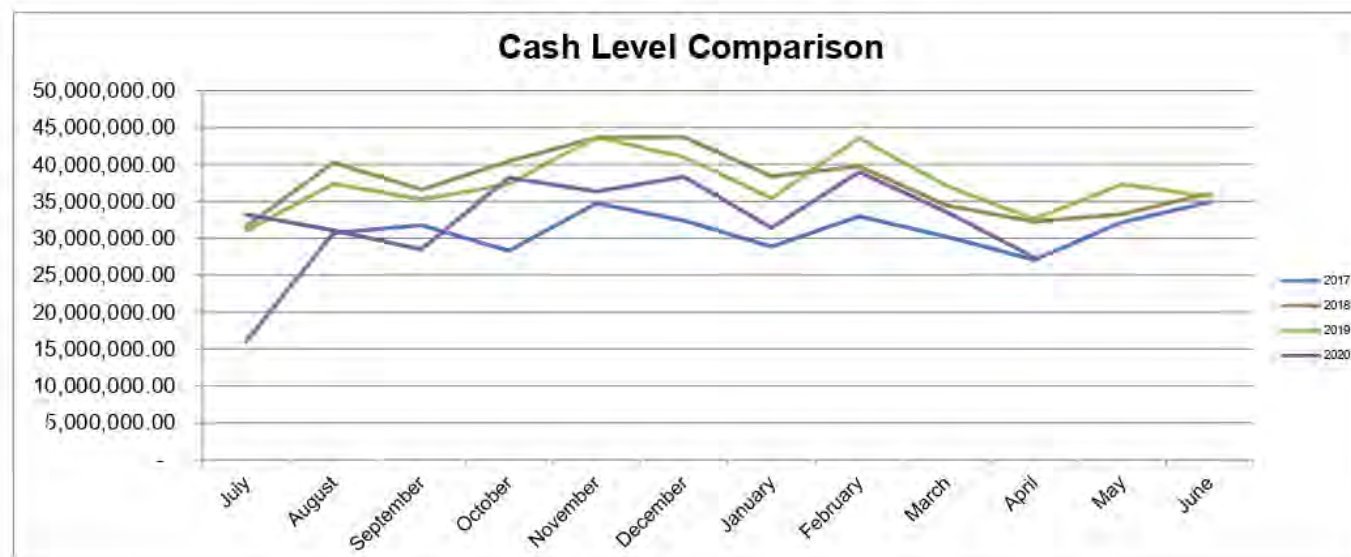
1 Council's cash position is up on the budgeted year end position predominately due to the following reasons:

- Receipt of state roads income for \$2.3m this month
- Receipt of various capital grants for \$1.2m this month
- Projects that are to be funded by the repeal of the s7.11 fund are yet to be completed

Due to trade restrictions imposed as a result of COVID 19, councils cash position from April onwards will be impacted. Appropriate adjustments have been processed through the March quarterly budget review process.

Significant future cash inflows expected in next few months include various 2020 grants and 4th quarter rates.

The capital works program is being reviewed in order to best align cash outflows with estimated cash inflows.





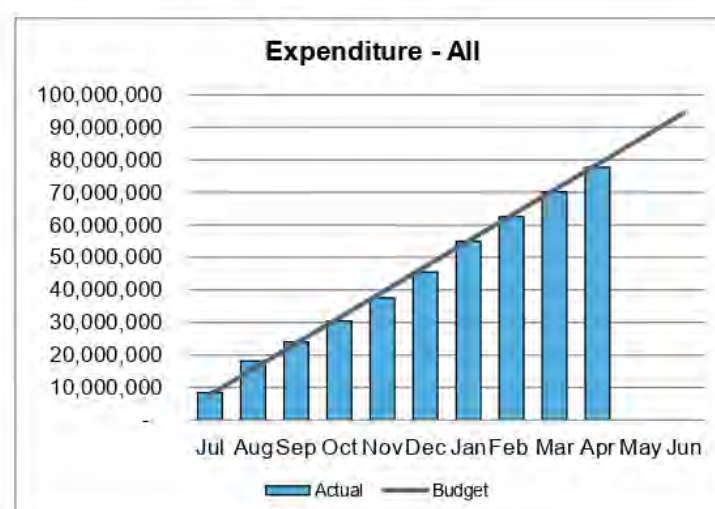
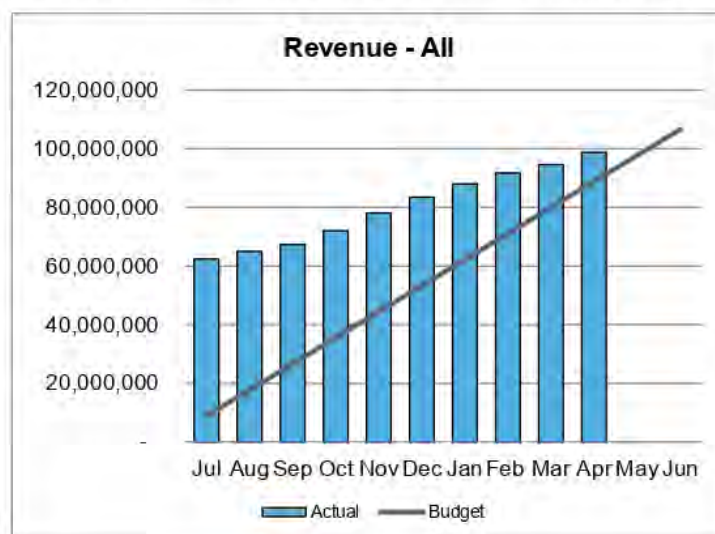


## Income/Expenditure 30/04/2020

	Revised Budget	Actual to Date	% to Budget	Target	Notes
<b>Revenue</b>				83%	
Corporate Services	-63,309,725	-61,888,592	98%		
Development Services	-5,765,061	-4,769,157	83%		
Facilities and Services	-36,938,227	-31,534,118	85%		
General Manager Office	-593,955	-602,368	101%		
<b>Revenue Total</b>	<b>-106,606,968</b>	<b>-98,794,235</b>	<b>93%</b>		<b>1</b>
<b>Expenditure</b>					
Corporate Services	20,570,891	17,494,590	85%		
Development Services	13,404,357	11,531,836	86%		
Facilities and Services	54,869,525	43,699,812	80%		
General Manager Office	5,535,094	5,002,060	90%		
<b>Expenditure Total</b>	<b>94,379,867</b>	<b>77,728,299</b>	<b>82%</b>		<b>1</b>

### Notes

- 1 Revenue and expenditure is before capital and depreciation. When compared to the budget position at the same time last year operating revenue is 4% higher and expenditure is 1% lower than the same time last year.
- 2 Due to trade restrictions imposed as a result of COVID 19, operating revenue from April onwards will be impacted. Appropriate adjustments have been processed through the March quarterly budget review process.



**ITEM NO. 3**

**FILE NO: 20/88357**  
**EDRMS NO: PSC2017-00739**

**MAYOR AND COUNCILLORS PROFESSIONAL DEVELOPMENT QUARTERLY  
 REPORT - JANUARY TO MARCH 2020**

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER  
 GROUP: GENERAL MANAGER'S OFFICE

**BACKGROUND**

The purpose of this report is to provide an account of the expenses incurred by the Mayor and Councillors in accordance with clause 5.14 of the Councillor Induction and Professional Development Policy for the period January to March 2020.

	Mayor Palmer	Cr Abbott	Cr Arnott	Cr Doohan	Cr Dunkley	Cr Jordan	Cr Le Mottee	Cr Nell	Cr Smith	Cr Tucker
AICD Directors on Location: Making Decisions Under Pressure <sup>1</sup>	\$105	\$105								
Connecting to Country Program at Murrook	\$450									
Local Government NSW annual conference	\$550	\$550			\$550				\$550	
Newcastle Business Club - Mayoral Panel									\$68.20	
LGNSW Tourism Conference	\$786.10						\$786.10			
<b>Total</b>	<b>\$1891.10</b>	<b>\$655</b>	<b>\$0</b>	<b>\$0</b>	<b>\$550</b>	<b>\$0</b>	<b>\$786.10</b>	<b>\$0</b>	<b>\$618.20</b>	<b>\$0</b>



<sup>1</sup>This continuing professional development occurred in the reporting period January to March 2020, however the expense was incurred in the last reporting period.

#### **ATTACHMENTS**

Nil.

#### **COUNCILLORS ROOM**

Nil.

#### **TABLED DOCUMENTS**

Nil.

**ITEM NO. 4**

**FILE NO: 20/34974  
EDRMS NO: PSC2017-00105**

**COUNCIL RESOLUTIONS**

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

**BACKGROUND**

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

At the time of preparing this report, there were no matters pending for the General Manager's Office.

**ATTACHMENTS**

- 1) Corporate Services Group report.
- 2) Development Services Group report.
- 3) Facilities & Services Group report.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**


<b>Outstanding</b>	<b>Division:</b>	<b>Corporate Services</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets Report</b>			<b>Date To:</b>	<b>14/04/2020</b>
			<b>Printed:</b>	<b>Monday, 4 May 2020</b>

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Meyn, Janet	COMPULSORY ACQUISITION OF AN EASEMENT FOR ACCESS OVER PART OF 6 GOVERNMENT ROAD, SHOAL BAY	30/06/2020	28/03/2018	
13		Foster, Carmel				18/66656
066						
30 Apr 2020 - Property Services are awaiting an update from the Office of Local Government (OLG).						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/06/2018	Foster, Carmel	RECLASSIFICATION OF 109 FORESHORE DRIVE, SALAMANDER BAY	1/08/2020	27/06/2018	
2		Foster, Carmel				18/138953
30 April 2020 - Awaiting further information on grants for the funding of the Tomaree Sports Complex.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/02/2019	Meyn, Janet	King Street, Raymond Terrace Easements	30/06/2020	14/02/2019	
3		Foster, Carmel				19/39843
30 Apr 2020 - Registered easement plan has been submitted to Office of Local Government (OLG).						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Meyn, Janet	PROPOSED ACQUISITION OF FORMER FIRE STATION SITE - 51 WILLIAM STREET, RAYMOND TERRACE	30/06/2020	29/05/2019	
5		Foster, Carmel				19/148388
109						
30 Apr 2020 - Property Services have approved the draft Gazette and are awaiting receipt of the formal approval to acquire.						

## ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



<b>Outstanding</b>	<b>Division:</b>	<b>Corporate Services</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets Report</b>			<b>Date To:</b>	<b>14/04/2020</b>
			<b>Printed:</b>	<b>Monday, 4 May 2020</b>

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Meyn, Janet	COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE NELSON BAY FOR ROAD PURPOSES	30/06/2020	29/05/2019	
6		Foster, Carmel				19/148388
110						
30 Apr 2020 - Property Services are awaiting status from Office of Local Government (OLG).						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Meyn, Janet	GRANT OF EASEMENTS IN FAVOUR OF AGL - PUNT ROAD, TOMAGO	30/06/2020		
7		Foster, Carmel				19/200498
169						
30 Apr 2020 - Legal negotiations with AGL are ongoing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/10/2019	Meyn, Janet	EASEMENT TO DRAIN WATER - KINGSLEY DRIVE AND CORYULE STREET, BOAT HARBOUR	30/06/2020	9/10/2019	
1		Foster, Carmel				19/331292
191						
30 Apr 2020 - Property Services have agreement from all land owners. Execution and registration of documents is progressing pending receipt of production details from one land owner.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Meyn, Janet	1 CENTRAL AVENUE, SALAMANDER BAY (LOT 8)	12/05/2020	11/12/2019	
1		Foster, Carmel				19/388450
267						
30 Apr 2020 - Council and TAFE have finalised the Lease, awaiting execution. Business paper to be presented to Council on 12 May 2020.						



## ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



<b>Outstanding</b>	<b>Division:</b>	<b>Corporate Services</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets Report</b>			<b>Date To:</b>	<b>14/04/2020</b>
			<b>Printed:</b>	<b>Monday, 4 May 2020</b>

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Meyn, Janet	MEDOWIE SPORTS & COMMUNITY FACILITY - LIQUOR LICENCE	30/06/2020	12/02/2020	
8		Foster, Carmel				20/39141
013						
30 Apr 2020 - Negotiations delayed due to COVID-19.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Meyn, Janet	RENEWAL OF OPTUS LEASE - 9 TARRANT ROAD, SALAMANDER BAY	30/05/2020	12/02/2020	
1		Foster, Carmel				20/39141
027						
30 Apr 2020 - Lease has been executed. Awaiting registration.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Meyn, Janet	COMPULSORY ACQUISITION OF PART 879 SWAN BAY ROAD, SWAN BAY FOR ROAD WIDENING PURPOSE	25/02/2021	12/02/2020	
2		Foster, Carmel				20/39141
028						
30 Apr 2020 - Property Services have submitted an application to the Office of Local Government (OLG). Awaiting response.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Meyn, Janet	PROPOSED SALE OF LOT 7, CENTRAL AVENUE, SALAMANDER BAY	25/02/2021	12/02/2020	
3		Foster, Carmel				20/39141
029						
30 Apr 2020 - Draft contract to be prepared and issued to the purchaser.						



**ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**


<b>Outstanding</b>	<b>Division:</b>	<b>Corporate Services</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets Report</b>			<b>Date To:</b>	<b>14/04/2020</b>
			<b>Printed:</b>	<b>Monday, 4 May 2020</b>

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/04/2020	Hazell, Tim	COVID-19 BANK OVERDRAFT	21/05/2020	15/04/2020	
2		Foster, Carmel				20/92585
046						
30 Apr 2020 - Awaiting advice from Commonwealth Bank.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/04/2020	Foster, Carmel	Draft Integrated Planning and Reporting Documents and Fees and Charges	15/05/2020	15/04/2020	
5		Foster, Carmel				20/92585
052						
30 Apr 2020 - IPR Documents are currently on public exhibition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/04/2020	Hazell, Tim	Policy review - Rate Donations for Community Groups	13/05/2020	15/04/2020	
8		Foster, Carmel				20/92585
056						
30 Apr 2020 - Policy currently serving its public exhibition period.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/04/2020	Meyn, Janet	Acquisition of part 863 Swan Bay Road, Swan Bay	30/06/2020		
1		Foster, Carmel				20/92585
061						
30 Apr 2020 - Property Services have submitted an application to the Office of Local Government (OLG). Awaiting response.						

**ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.**


<b>Outstanding</b>	<b>Division:</b>	<b>Development Services</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets</b>			<b>Date To:</b>	<b>14/04/2020</b>
<b>Report</b>			<b>Printed:</b>	<b>Monday, 4 May 2020</b>

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Drinan, Kate	Development Application 16-2019-270-1 for the demolition of existing structures and construction of a new single storey dwelling and garage at 862 Paterson Road, WOODVILLE Lot:510 DP:1150491	30/06/2020	12/02/2020	
1		Crosdale, Timothy				20/39141
006						
30 Apr 2020 - Council resolved to defer this item. A further report is scheduled for Council in June 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Bernasconi, Steven	PORT STEPHENS ANNUAL AWARDS POLICY	30/06/2020	12/02/2020	
4		Crosdale, Timothy				20/39141
30 Apr 2020 - Further information has been requested from Councillors via PS newsletter. This feedback will inform the revised guidelines which is scheduled for final completion in June 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Peart, Steven	Climate Change	31/07/2020	26/02/2020	
2		Crosdale, Timothy				20/50488
30 Apr 2020 - The Climate Action Policy is identified in the Natural Resources program of work for 2020-2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/03/2020	Peart, Steven	Tree Moratorium	31/07/2020	11/03/2020	
2		Crosdale, Timothy				20/64059
055						
30 Apr 2020 - Review Tree DCP amendment and prepare a report back to Council. Scheduled for completion July 2020.						



**ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.**


<b>Outstanding</b>	<b>Division:</b>	<b>Facilities &amp; Services</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets Report</b>			<b>Date To:</b>	<b>14/04/2020</b>
			<b>Printed:</b>	<b>Monday, 4 May 2020</b>

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Kable, Gregory	Lease of grounds of 43, 45, 47 and 47A Tanilba Avenue Tanilba Bay (Lot 238, Lot 270 and Lot 271 DP753194, Lot 342 DP704442) to Calvary Retirement Communities Hunter-Manning Limited ACN 102625212.	28/08/2020	28/03/2018	
14 067		Kable, Gregory				18/66656
30 Apr 2020 - Once approval from Crown Lands comes through it then has to go to both the Worimi Land Council and the NSW Local Aboriginal Council as both have land claims on this parcel of land.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/04/2018	Maretich, John	BOBS FARM DRAINAGE	31/12/2020	11/04/2018	
2 084		Kable, Gregory				18/75830
30 Apr 2020 - Proposing to adopt these as Council Assets. Will report to Council in 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Maretich, John	ROCK REVETMENT AT KANGAROO POINT, SOLDIERS POINT	31/07/2020		
2 155		Kable, Gregory				19/186501
30 Apr 2020 - Council staff will seek to identify grant funding opportunities for this project which is currently unfunded.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Exemption for environmental approvals for non-maintenance road improvement works	30/06/2020	11/12/2019	
2 259		Kable, Gregory				19/388450
30 Apr 2020 - Currently compiling information to form part of letter to the NSW State Government requesting an exemption for environmental approvals for non-maintenance road improvement works that occur in coastal management (or buffer) areas.						

**ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.**


<b>Outstanding</b>	<b>Division:</b>	<b>Facilities &amp; Services</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets Report</b>			<b>Date To:</b>	<b>14/04/2020</b>
			<b>Printed:</b>	<b>Monday, 4 May 2020</b>

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	SMART Parking	12/05/2020	11/12/2019	
3		Kable, Gregory				19/388450
261						
30 Apr 2020 - Smart Parking report will be presented to Council at the Ordinary Meeting on 12 May 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Solar Infrastructure	8/12/2020	11/12/2019	
6		Kable, Gregory				19/388450
264						
30 Apr 2020 - In the process of engaging a consultant to undertake an energy efficient study.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Gutsche, Tammy	GREEN WASTE DROP OFF - SALAMANDER BAY	18/12/2020	11/12/2019	
7		Kable, Gregory				19/388450
265						
30 Apr 2020 - Will be prepared with the Waste Management Strategy.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Maretich, John	Anderson Oval, Lakeside, Raymond Terrace	30/06/2020	12/02/2020	
3		Kable, Gregory				20/39141
024						
30 Apr 2020 - A Council Report has been prepared for the 12 May Ordinary Council Meeting.						



**ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.**


<b>Outstanding</b>	<b>Division:</b>	<b>Facilities &amp; Services</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets</b>			<b>Date To:</b>	<b>14/04/2020</b>
<b>Report</b>			<b>Printed:</b>	<b>Monday, 4 May 2020</b>

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Gutsche, Tammy	Chemical Clean Out	30/04/2020	26/02/2020	
1		Kable, Gregory				20/50488
039						
30 Apr 2020 - 1. Letter has been sent to the EPA and we are currently waiting on their response.						
2. Letter was sent to Suez with the response that they are unable to have this or staff this on site.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Maretich, John	Indoor Sports Facility	30/06/2021	26/02/2020	
4		Kable, Gregory				20/50488
042						
30 Apr 2020 - Undertake community consultation and needs analysis as per the background of the NOM.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/03/2020	Maretich, John	Anti-bacterial Hand Sanitisers to be installed in Public Amenities	30/06/2020	11/03/2020	
1		Kable, Gregory				20/64059
054						
30 Apr 2020 - Council Report has been prepared for 12 May Ordinary Council Meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/04/2020	Maretich, John	Policy Development: Public Property Encroachment Policy	31/05/2020	15/04/2020	
6		Kable, Gregory				20/92585
053						
30 Apr 2020 - Policy has been placed on Public Exhibition for 28 days from 17 April 2020.						



# NOTICES OF MOTION

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 20/96124  
EDRMS NO: PSC2017-00019**

**PLANNING REFORMS**

**COUNCILLOR: PAUL LE MOTTEE**

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**THAT COUNCIL:**

- 1) Write to the Premier and Minister of Planning seeking support for regional councils in areas most impacted by the COVID-19 crisis and, inter-alia, seek urgent planning reforms including but not limited to:
    - a. A commitment to specify expeditious time frames for State government planning processes and a commitment to adhere to them such as:
      - i. decisions on Gateway certificates within 3 months
      - ii. decisions on site compatibility certificates within 3 months
      - iii. gazettal of changes to Local Environmental Plans within 2 months.
    - b. Support for existing businesses to grow by relaxing the limits on expanding existing uses for selected industries (eg manufacturing and the tourist and visitor economy).
    - c. State reforms to expedite unique proposals that can demonstrate economic and public benefits through site compatibility certificates prepared in consultation with councils. Certificates could include site specific complying development standards for future development.
    - d. Support for councils to streamline concurrent assessments of rezonings and development applications for shovel ready projects.
    - e. Amendments to support the reuse of existing infrastructure related to a business or industry if the existing use becomes redundant and no (economically viable) permissible use suits the infrastructure.
    - f. An accelerated rezoning process for proposals that are consistent with endorsed local strategies or can demonstrate specific economic and public interest benefits.
    - g. Include specific consideration of the economic benefits to the region or locality in State government decisions on local planning matters (including employment retention and generation and whether or not any other industries or projects are dependent on a proposal).
    - h. Amendments to remove restrictions on development near zone boundaries in coastal areas to enable the logical and appropriate extension of neighbouring permitted land uses.
  - 2) Provides a written example of where each of these reforms would be very useful.
-

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

<b>081</b>	<p><b>Councillor Paul Le Mottee</b> <b>Councillor Ken Jordan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Write to the Premier and Minister of Planning seeking support for regional councils in areas most impacted by the COVID-19 crisis and, inter-alia, seek urgent planning reforms including but not limited to:<ol style="list-style-type: none"><li>a. A commitment to specify expeditious time frames for State government planning processes and a commitment to adhere to them such as:<ol style="list-style-type: none"><li>i. decisions on Gateway certificates within 3 months</li><li>ii. decisions on site compatibility certificates within 3 months</li><li>iii. gazettal of changes to Local Environmental Plans within 2 months.</li></ol></li><li>b. Support for existing businesses to grow by relaxing the limits on expanding existing uses for selected industries (eg manufacturing and the tourist and visitor economy).</li><li>c. State reforms to expedite unique proposals that can demonstrate economic and public benefits through site compatibility certificates prepared in consultation with councils. Certificates could include site specific complying development standards for future development.</li><li>d. Support for councils to streamline concurrent assessments of rezonings and development applications for shovel ready projects.</li><li>e. Amendments to support the reuse of existing infrastructure related to a business or industry if the existing use becomes redundant and no (economically viable) permissible use suits the infrastructure.</li><li>f. An accelerated rezoning process for proposals that are consistent with endorsed local strategies or can demonstrate specific economic and public interest benefits.</li><li>g. Include specific consideration of the economic benefits to the region or locality in State government decisions on local planning matters (including employment retention and generation and whether or not any other industries or projects are dependent on a proposal).</li><li>h. Amendments to remove restrictions on development near zone boundaries in coastal areas to enable the logical and appropriate extension of neighbouring permitted land uses.</li></ol></li><li>2) Provides a written example of where each of these reforms would be very useful.</li></ol>
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The motion was carried.  
Cr Arnott recorded his vote against the motion.

**BACKGROUND REPORT OF: STEVEN PEART – STRATEGY AND ENVIRONMENT SECTION MANAGER**

**BACKGROUND**

COVID-19 has already had a significant impact on Port Stephens, with our local tourism and business communities greatly affected by the response to the pandemic.

Before the COVID-19 crisis, tourism accounted for \$621 million of expenditure in Port Stephens. That is, our visitor economy was injecting \$1.7 million per day or \$70,000 per hour into the local economy (2018-2019).

These figures have substantially decreased since the worldwide COVID-19 outbreak and national and State restrictions were announced. International and domestic visitation to Port Stephens has ceased entirely.

The impact on other industries is also now apparent in Port Stephens with a number of indicators highlighting impacts more broadly across businesses. Recent trends in development applications indicate a reduction in lodgements between January to March 2020 compared to the figures recorded for the same period in 2019.

To respond to the crisis, Council has established a range of important initiatives including the Port Stephens Business and Tourism Support Fund and allocated up to \$500,000 to assist recovery. Council also has processes to assist ratepayers experiencing financial hardship with the recovery of overdue rates, fees, charges and other debts.

The State could support further efforts to boost economic recovery in the region by making changes to the NSW planning system. The State's 'Planning System Acceleration Program' that has been announced could include specific reforms tailored for regions such as Port Stephens that have been the most impacted by the COVID-19 crisis. State level reforms would keep people in jobs and support the construction and other industries in Port Stephens throughout the COVID-19 crisis and recovery.

**ATTACHMENTS**

Nil.

## MINUTES ORDINARY COUNCIL - 12 MAY 2020

Councillor John Nell left the meeting at 9:28pm prior to Notice of Motion item 2.

### NOTICE OF MOTION

ITEM NO. 2

FILE NO: 20/96346  
EDRMS NO: PSC2017-00019

### NAMING OF MATCH FIELD TOMAREE SPORTS COMPLEX

MAYOR: RYAN PALMER

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#### THAT COUNCIL:

- 1) Support the naming of the main match field (Tomaree Match Field 1) at the Tomaree Sports Complex as the 'John Nell Match Field'.
  - 2) Recognise the 31 years that Cr John Nell has served on the Tomaree Sports Council (previously Sports Complex Committee).
  - 3) Advise the Tomaree Sports Council of Council's determination.
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### ORDINARY COUNCIL MEETING - 12 MAY 2020 MOTION

082	<p><b>Mayor Ryan Palmer</b> <b>Councillor Chris Doohan</b></p> <p>It was resolve that Council:</p> <ol style="list-style-type: none"><li>1) Support the naming of the main match field (Tomaree Match Field 1) at the Tomaree Sports Complex as the 'John Nell Match Field'.</li><li>2) Recognise the 31 years that Cr John Nell has served on the Tomaree Sports Council (previously Sports Complex Committee).</li><li>3) Advise the Tomaree Sports Council of Council's determination.</li></ol>
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Councillor John Nell returned to the meeting at 9:35pm after voting on the item.

### BACKGROUND REPORT OF: JOHN MARETICH, ASSET SECTION MANAGER

#### BACKGROUND

Cr John Nell was first elected to Port Stephens Council from 1983-1987 and has spent over 30 years as a Port Stephens Councillor. Cr Nell is passionate about community sport and has shown dedication and commitment to its management across Port Stephens through his active role on the Tomaree Sports Council.



The NSW Geographical Names Act 1966 empowers the Geographic Naming Board (GNB) as the body responsible for overseeing the formal naming of places. The GNB Place Naming Policy sets out the rules and regulations that apply to such applications.

Relative to this Notice of Motion, the policy states that ‘personal names, including those of persons still living, may be used for built features eg pavilions and grandstands etc however these features are not formally assigned by the GNB and are not covered by the Act.’ As such, the formal naming of a recreation asset such as a sports field would not be generally supported by the GNB.

As an alternative to the above process, Council may name assets or projects (such as sporting fields, community buildings, etc.) by dedication in an informal manner. Although the GNB Policy does not strictly apply in this instance, it does provide guidance as to what information should be considered when assessing commemorative naming requests. The GNB Policy offers the following guidelines regarding association or contribution for naming:

- Two or more terms of office on the governing local government council.
- Twenty or more years association with a local community group or service club.
- Twenty or more years of association or service with a local or state government or organisation.
- Action by an individual to protect, restore, enhance or maintain an area that produces substantial long term improvements for the community.
- The death of a person within a place is not solely to be considered sufficient justification for commemoration.
- Local residents of note.

## **ATTACHMENTS**

Nil.

# 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 – 12 MAY 2020 MOTION

083	<b>Councillor Steve Tucker</b> <b>Councillor Ken Jordan</b>  It was resolved that Council move into confidential session.
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The motion was carried.

**CONFIDENTIAL**

**ITEM NO. 1**

**FILE NO: 20/81032  
EDRMS NO: PSC2019-05871**

**1 CENTRAL AVENUE, SALAMANDER BAY (LOT 8)**

REPORT OF: JANET MEYN - PROPERTY SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION**

<b>084</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council endorses TAFE NSW to be offered the first right of refusal on Lot 8 in Deposited Plan 1239352 if Council proposes to divest the property.
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The motion was carried.

**ORDINARY COUNCIL MEETING – 12 MAY 2020**  
**MOTION**

<b>085</b>	<b>Councillor Chris Doohan</b> <b>Councillor Giacomo Arnott</b>  It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 9.41pm.