

# NOTICE OF ORDINARY MEETING

## 27 OCTOBER 2020



The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

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

### SCHEDULE OF MEETINGS

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

### Please Note:

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

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

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

Food and beverages are not permitted in the Council Chamber.



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**CONFIDENTIAL**

1. PURCHASE OF PROPERTY





## **BUSINESS**

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

## **PRINCIPLES FOR LOCAL GOVERNMENT**

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

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

### **Guiding principles for Council**

#### **1. Exercise of functions generally**

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

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

#### **2. Decision-making**

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

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

### 3. Community participation

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

#### **Principles of sound financial management**

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

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

#### **Integrated planning and reporting principles that apply to Council**

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

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

## PORT STEPHENS COMMUNITY STRATEGIC PLAN

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

The Community Strategic Plan is organised into four focus areas:

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

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

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

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

## BUSINESS EXCELLENCE

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

These outcomes align with the following Business Excellence principles:

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

## MEETING PROCEDURES SUMMARY

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

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

### **Declarations of Interest**

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

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

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

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

### **Motions and Amendments**

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

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

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

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

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

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

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

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

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

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

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

A Point of Order can be raised where:

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

## **Declarations of Conflict of Interest – Definitions**

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

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

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

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



## Form of Special Disclosure of Pecuniary Interest

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

### Important information

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

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

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

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

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

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



**ORDINARY COUNCIL - 27 OCTOBER 2020**

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

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

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

to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

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

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

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

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

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

Mayor/Councillor's signature \_\_\_\_\_

Date \_\_\_\_\_

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



## Declaration of Interest form

Agenda item No. \_\_\_\_\_

Report title \_\_\_\_\_

Mayor/Councillor \_\_\_\_\_ declared a

Tick the relevant response:

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

in this item. The nature of the interest is \_\_\_\_\_

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

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

Mayor/Councillor left the Council meeting in Committee of the Whole at \_\_\_\_\_pm.

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

Mayor/Councillor left the Council meeting at \_\_\_\_\_ pm.

Mayor/Councillor returned to the Council meeting at \_\_\_\_\_ pm.



# MOTIONS TO CLOSE



ITEM NO. 1

FILE NO: 20/309853  
EDRMS NO: PSC2020-03619

**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) and (d)ii 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 ***Purchase of Property.***
  - 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,
    - and
    - information that would, if disclosed, confer a commercial advantage on a competitor of the council.
  - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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# COUNCIL REPORTS



**ITEM NO. 1**

**FILE NO: 20/293881  
EDRMS NO: 58-2014-8-1**

**PLANNING PROPOSAL - 9 WAROPARA ROAD, 5A & 5B FERODALE ROAD,  
MEDOWIE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the amendment to the planning proposal for 9 Waropara Road (Lot 110 DP 1082077), 5A and 5B Ferodale Road (Lot 2 and Lot 1 DP 711455), Medowie to rezone the subject land to R5 Large Lot Residential with a minimum lot size of 4000m<sup>2</sup> **(ATTACHMENT 1)**.
- 2) Receive and note the submissions received during the exhibition of the 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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**BACKGROUND**

The purpose of this report is to advise Council of the outcome of the exhibition of the planning proposal for 9 Waropara Road, 5A and 5B Ferodale Road, Medowie, and note the submissions received **(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 2013 to rezone the subject land to R5 Large Lot Residential with a minimum lot size of 4000m<sup>2</sup>. The planning proposal will facilitate up to 14 new homes (subject to development consent).

The planning proposal will implement the actions of the Medowie Planning Strategy 2016 to facilitate the development of the site for rural residential purposes.

The planning proposal was publicly exhibited from 9 July 2020 to 20 August 2020 and 3 submissions were 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:	13 August 2014
Proponent:	Le Mottee Group (on behalf of the landowners)
Subject properties:	9 Waropara Road, 5A and 5B Ferodale Road, Medowie
Lot number:	9 Waropara Road (Lot 110 DP 1082077) 5A Ferodale Road (Lot 2 DP 711455) 5B Ferodale Road (Lot 1 DP 711455)
Site area:	5.7 hectares
Current zoning:	R5 Large Lot Residential (9 Waropara Road) RU2 Rural Landscape (5A and 5B Ferodale Road)
Proposed zoning:	R5 Large Lot Residential
Existing minimum lot size:	1 hectare (9 Waropara Road) 20 hectares (5A and 5B Ferodale Road)
Proposed minimum lot size:	0.4 hectares (4,000m <sup>2</sup> )
Existing maximum building height:	Not applicable
Proposed maximum building height:	Not applicable
Keys issues and controls:	Minimum lot size. The Medowie Planning Strategy recommends 8000m <sup>2</sup> for the site. The planning proposal includes a minimum lot size of 4000m <sup>2</sup> to satisfy the requirements of the Gateway determination issued by the Department of Planning, Industry and Environment to apply a minimum lot size that achieves a larger residential yield and is responsive to the features of the site and relevant to its proximity to the town centre. The proposed 4000m <sup>2</sup> lot size achieves a rural residential outcome whilst balancing social, economic and environmental outcomes and satisfying the Gateway determination.

Council previously resolved to adopt the planning proposal with a minimum lot size of 8000m<sup>2</sup>, consistent with the minimum lot size identified in the Medowie Planning Strategy, and forward it the NSW Department of Planning and Environment (now the NSW Department of Planning, Industry and Environment) (the Department) for a Gateway determination.

On 12 October 2017, the Department issued a Gateway determination **(ATTACHMENT 4)** subject to conditions requiring the planning proposal to be updated prior to exhibition. In accordance with the Gateway determination (and subsequent Gateway alterations), the planning proposal was updated to:

- a. Reduce the minimum lot size to 4000m<sup>2</sup>, to satisfy the Department's direction to revise the planning proposal to apply a minimum lot size that achieves a larger residential yield, and is responsive to the features of the site and proximity to the Medowie town centre.
- b. Include an analysis of the density options for the site that considers the directions and actions of the Hunter Regional Plan 2036 (HRP) and the Greater Newcastle Metropolitan Plan 2036 (GNMP), which encourage higher densities close to town centres.
- c. Address relevant directions and actions in the HRP and the GNMP which encourage higher densities close to town centres.
- d. Address Directions 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.5 Development Near Licensed Aerodromes and 4.4 Planning for Bushfire Protection.
- e. Replace references to Direction 5.1 with Direction 5.10.
- f. Specify the legal description of the relevant land (lot and DP).

The Gateway determination authorises Council to make the necessary amendments to the LEP 2013 to give effect to the planning proposal following exhibition.

The planning proposal is identified by the Department's Planning System Acceleration Program as requiring finalisation by 30 June 2021.

#### Existing and current use

The site has a total area of approximately 5.7 hectares and comprises of 3 allotments. The land at 9 Waropara Road is currently zoned R5 Large Lot Residential and has a single dwelling with frontage to Waropara Road. 5A and 5B Ferodale Road are currently zoned RU2 Rural Landscape and are vacant with no dwellings. Under the existing provisions of LEP 2013, the land cannot be subdivided for residential purposes.

#### Purpose of the amendment

The purpose of the amendment is to amend the provisions of the LEP 2013 to permit (with development consent) the future subdivision of the subject land for rural residential lots with a minimum area of 4000m<sup>2</sup>.

Suitability of the subject land

The site is identified as a 'rural residential release area' in the adopted Medowie Planning Strategy (the site is known as Precinct R). The site is located at the corner of Waropara Road and Ferodale Road, Medowie and is adjacent to existing rural residential development. It is relatively close to the Medowie town centre (1500 metres), local schools (including Medowie Christian School and Medowie Public School, both within 400 metres), and the Medowie Sport and Community Facility (900 metres). The site includes a significant number of mature trees and future rural residential development will balance environmental outcomes and new housing on the site, as it will enable the retention of mature trees. Further assessment of impacts, and required biodiversity offsets, will be completed at the development application stage.

**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 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		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
The minimum lot size in the planning proposal (4,000m <sup>2</sup> ) is inconsistent with the recommended lot size for the site identified in Council's adopted Medowie Planning Strategy.	Low	Adopt the recommendations of this report. The minimum lot size in the planning proposal retains a rural residential outcome, consistent with the Medowie Planning Strategy. The lot size appropriately balances social, economic and environmental outcomes and satisfies the Department's Gateway conditions which enable Council to make the amendment under delegated authority.	Yes

### Port Stephens Local Environmental Plan 2013

The planning proposal seeks to amend the provisions of the LEP 2013 by applying the R5 Large Lot Residential zone and a minimum lot size of 4000m<sup>2</sup>. The objectives of the R5 Large Lot Residential zone are:

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

Amending the LEP 2013 will permit (with development consent) the future subdivision of the land for rural residential lots with a minimum area of 4000m<sup>2</sup>, which is considered consistent with the objectives of the zone.

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

Part 3 of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) provides the framework for amending a local environmental plan. The Department issued a Gateway determination under section 3.34 of the EP&A Act specifying that the planning proposal should proceed to exhibition, subject to conditions and consultation requirements.

Council is authorised to act as the local plan making authority to make the plan under the Gateway certificate. 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 2036

The planning proposal gives effect to the goals, directions and actions of the Hunter Regional Plan 2036. The planning proposal is consistent with Direction 21 to 'create a compact settlement'. The recommended minimum lot size contributes to a more compact settlement and addresses the requirement of the Gateway determination to investigate a residential lot yield that is responsive to the features of the site and the proximity to the town centre.

#### Greater Newcastle Metropolitan Plan 2036

The planning proposal gives effect to the relevant goals, directions and actions of the Greater Newcastle Metropolitan Plan 2036. The site is within the Greater Newcastle Metro Frame and the planning proposal satisfies Strategy 18 to 'deliver well-planned rural residential housing areas'. The planning proposal satisfies the actions in the adopted Medowie Planning Strategy to deliver a rural residential release area. The recommended minimum lot size provides a rural residential outcome with regard for the environmental and scenic qualities of the area and the proximity of the site to the town centre.

#### Port Stephens Local Strategic Planning Statement

The planning proposal aligns with the planning priorities in the Port Stephens Local Strategic Planning Statement (LSPS), including priorities to ensure suitable land supply, increase the diversity of housing choice, and integrate land use and transport planning.

#### Port Stephens Local Housing Strategy (Live Port Stephens)

The planning proposal aligns with the following planning priorities of Live Port Stephens:

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

The planning proposal will contribute to land supply, increase the diversity of housing choice, and facilitate a liveable community, by supporting future rural residential development on the subject land. The site meets the criteria for new rural residential housing in Live Port Stephens.



### Medowie Planning Strategy

The subject land is identified as a rural residential release area (Precinct R) in the adopted Medowie Planning Strategy (the Strategy).

Although the Strategy recommends a specific minimum lot size of 8000m<sup>2</sup> for this site, the proposed minimum lot size in the planning proposal (4000m<sup>2</sup>) remains within the general range for rural residential lot sizes in Medowie specified in the Strategy (between 4000m<sup>2</sup> and 10,000m<sup>2</sup>). The proposed lot size is also within the range of future lot sizes in proximity to the site approved or identified in the Strategy (1000m<sup>2</sup> and approximately 500m<sup>2</sup>).

The planning proposal achieves a balanced outcome between the recommendations in the Strategy, the State government's strategic plans, and the requirements of the Gateway determination issued by the Department.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The planning proposal will have overall positive social, economic and environmental implications. The recommended minimum lot size of 4000m<sup>2</sup> retains a rural residential outcome, balances social, economic and environmental outcomes and satisfies the requirements of the Gateway determination issued by the Department. Rural residential development enables the retention of mature trees on the site and preserves the scenic qualities of the area.

### **CONSULTATION**

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

#### Internal

Consultation with internal stakeholders has been undertaken to inform the assessment of the planning proposal, including Development Engineering and Natural Resources units. No objections were identified with the planning proposal. Associated impacts are able to be addressed at the development assessment stage for subdivision.

#### External

The planning proposal was placed on public exhibition from 9 July 2020 to 20 August 2020.

Adjoining landowners were notified of the planning proposal. Public notice was placed in the Port Stephens Examiner. A copy of the planning proposal was made available on Council website, at the Council administration building and Council Libraries.

During the exhibition period, 3 submissions were received. A summary of the submissions and Council's response is included at **(ATTACHMENT 3)**.

The following public authorities were consulted in accordance with the Gateway determination:

- Commonwealth Department of Defence
- Hunter Water Corporation
- NSW Department of Planning, Industry and Environment (Biodiversity and Conservation Division)
- NSW Rural Fire Service
- NSW Department of Premier and Cabinet (Heritage NSW).

No public authorities objected to the planning proposal. The planning proposal was also referred to the Worimi Local Aboriginal Land Council who advise of no key issues or concerns. A summary of external referral comments is provided at **(ATTACHMENT 3)**.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Planning Proposal. [↓](#)
- 2) Locality Plan. [↓](#)
- 3) Submissions Table. [↓](#)
- 4) Gateway determination. [↓](#)

## **COUNCILLORS ROOM**

- 1) Relevant technical studies.
- 2) Copy of submissions.

## **TABLED DOCUMENTS**

Nil.



## Planning Proposal for 9 Waropara Road and 5A and 5B Ferodale Road, Medowie

**Proposed amendment to Port Stephens Local  
Environmental Plan 2013**

Lot 110 DP 1082077 (9 Waropara Road)  
Lot 1 DP 711455 (5B Ferodale Road)  
Lot 2 DP 711455 (5A Ferodale Road)  
Medowie



**PORT STEPHENS**  
COUNCIL

**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.****FILE NUMBERS**

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**Council:** PSC 58-2014-8-1  
**Department:** PP\_2017\_PORTS\_004\_01

**SUMMARY**

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**Subject land:** Lot 110 DP 1082077 (9 Waropara Road)  
Lot 1 DP 711455 (5B Ferodale Road)  
Lot 2 DP 711455 (5A Ferodale Road)

**Proponent:** Le Mottee Group (on behalf of the landowners)

**Proposed changes:** 9 Waropara Road - retain the existing R5 Large Lot Residential zone and reduce the permissible minimum lot size from 1 ha (10,000m<sup>2</sup>) to 0.4 ha (4,000m<sup>2</sup>).  
  
5A and 5B Ferodale Road - rezone the land from RU2 Rural Landscape to R5 Large Lot Residential and reduce the permissible minimum lot size from 20 ha (200,000m<sup>2</sup>) to 0.4 ha (4,000m<sup>2</sup>).

**Total area of subject land:** 5.7 ha (approximate)  
(9 Waropara Road 1.7 ha)  
(5A Ferodale Road 2.0 ha)  
(5B Ferodale Road 2.0 ha)

**Lot yield:** 14 total (estimate only and based on total area of subject land and subject to development consent).

**SITE**

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The site is located on the corner of Waropara Road and Ferodale Road, adjacent to existing rural residential development. It is located close to the Medowie town centre (1,500m), several local schools (including the Medowie Christian School and Medowie Public School, both within 400m), and the Medowie Sport and Community Facility (900m).

The site is comprised of three existing allotments: 9 Waropara Road, 5A Ferodale Road, and 5B Ferodale Road. 9 Waropara Road is zoned R5 Large Lot Residential and has a single dwelling with frontage to Waropara Road. 5A and 5B Ferodale Road are zoned RU2 Rural Landscape and are vacant with no dwellings.

The vegetation community on the site is Coastal Plains Smooth-barked Apple Woodland, including hollow-bearing trees and a single koala feed tree.

The site located within the Grahamstown Dam Drinking Water Catchment. It primarily drains indirectly to the Grahamstown Dam via the Campvale Drain and has a very gentle slope.

The site cannot be further subdivided for rural residential purposes under the existing provisions of the Port Stephens Local Environmental Plan 2013 (LEP 2013).

The site is identified for investigation for rural residential use (Large Lot Residential) in the Medowie Planning Strategy.

A minimum lot size of 4,000m<sup>2</sup> is proposed. This achieves a balance between the potential 8,000m<sup>2</sup> minimum lot size identified for the site in the Medowie Planning Strategy and the directions and actions in the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036 to create a compact settlement and promote housing diversity. The proposed minimum lot size is considered responsive to the features of the site and its proximity to the Medowie town centre and community facilities.

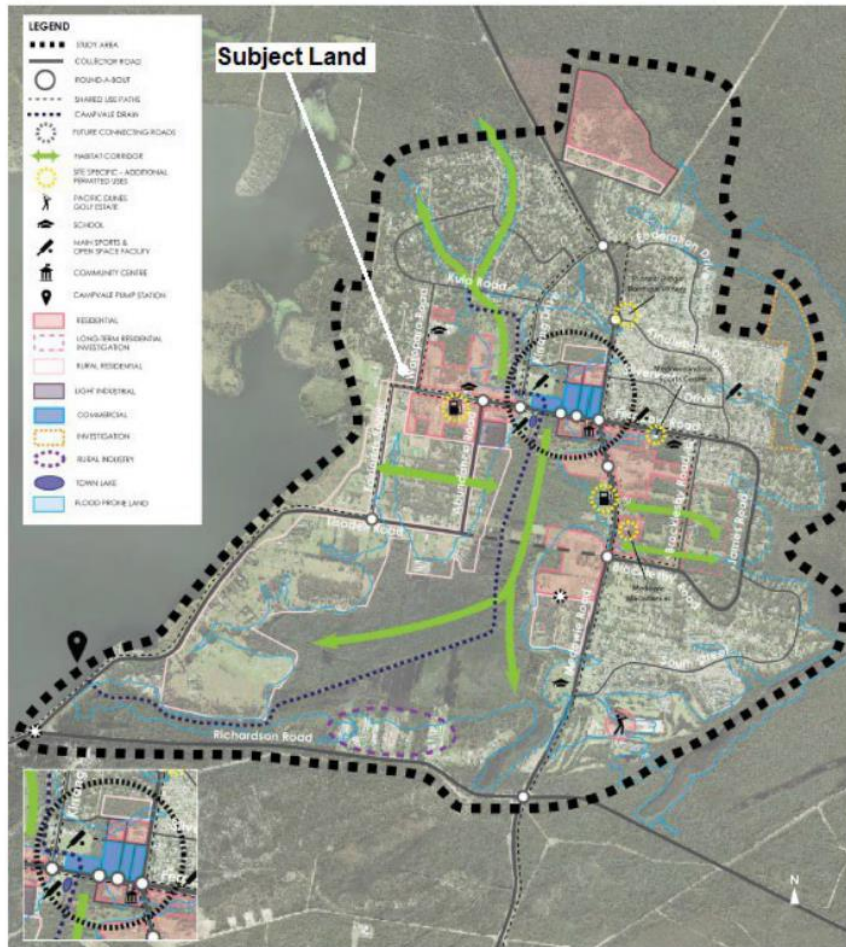
The location of the subject land is shown in Figure 1. 9 Waropara Road and 5A and 5B Ferodale Road, Medowie and Figure 2. Site Context. The location of the site in relation to the Medowie Planning Strategy is shown in Figure 3. Medowie Planning Strategy Map.

[illegible]

This aerial map shows the Town Centre Area, which is highlighted in yellow. A black rectangle labeled 'Subject Land' is located on the western edge of the town. A white circle highlights a central area of the town. Labels with leader lines point to 'School' (two locations), 'Town Centre Area', and 'Subject Land'.



Figure 3. Meadowie Planning Strategy Map



**PART 1 – Objectives or intended outcomes**

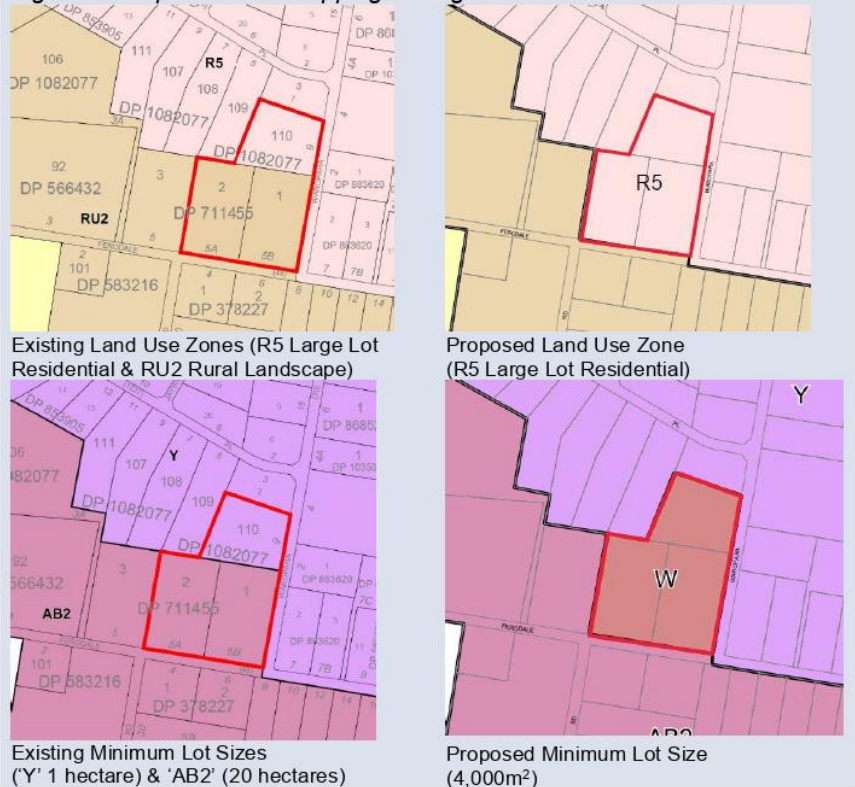
The objective of the planning proposal is to amend the provisions of the Port Stephens Local Environmental Plan 2013 to permit (with development consent) the subdivision of the subject land for rural residential allotments with a minimum area of 4,000m<sup>2</sup>.

**PART 2 – Explanation of provisions**

The objective of the planning proposal will be achieved by:

- Amending the LEP Land Zoning Map in accordance with the Proposed Land Zoning Map which identifies the land as R5 Large Lot Residential.
- Amending the LEP Lot Size Map in accordance with the proposed lot size map which identifies a minimum lot size of 4,000m<sup>2</sup> for the land.

*Figure 4. Proposed LEP Mapping Changes*





**PART 3 – Justification**

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**Section A – Need for the planning proposal****Q1. Is the planning proposal a result of any strategic study or report?**

Yes. The land is identified for investigation in the Medowie Planning Strategy for rural residential development (noting the Medowie Planning Strategy is not endorsed by the NSW Department of Planning, Industry & Environment (DPIE)). The proposed minimum lot size of 4,000m<sup>2</sup> is in response to the directions and actions of the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036 to create a compact settlement and promote housing diversity. The proposed minimum lot size is responsive to the features of the site and its proximity to the Medowie town centre.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?****R5 Large Lot Residential and a 4,000m<sup>2</sup> minimum lot size**

R5 Large Lot Residential and a 4,000m<sup>2</sup> minimum lot size is the recommended means of achieving the intended outcome for large lot residential development on the site. It achieves a balance between social, economic and environmental outcomes. The proposed 4,000m<sup>2</sup> minimum lot size balances the minimum lot size identified for the site in the Medowie Planning Strategy and the directions and actions in the Hunter Regional Plan 2036 the Greater Newcastle Metropolitan Plan 2036 to create a compact settlement and promote housing diversity. The proposed lot size is responsive to the features of the site and its proximity to the Medowie town centre.

**Alternative R5 Large Lot Residential and 8,000m<sup>2</sup> minimum lot size.**

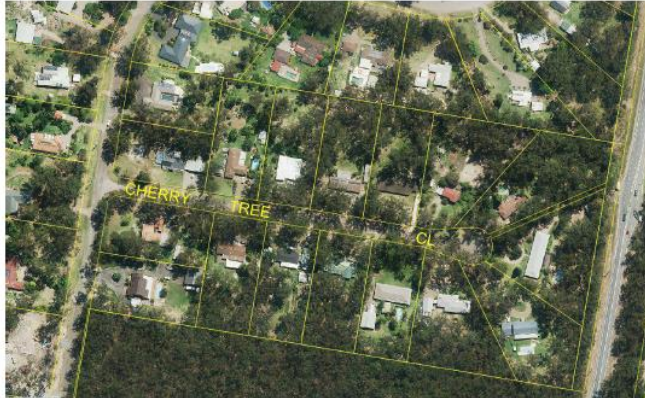
R5 Large Lot Residential and a 8,000m<sup>2</sup> minimum lot size is consistent with the lot size recommended in the Medowie Planning Strategy adopted by Council in December 2016; however it is not the best means of achieving the directions and actions in the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036 to create a compact settlement and promote housing diversity. These State plans came into effect following the adoption of the Medowie Strategy. Given the proximity of the site to the Medowie town centre, the State planning strategies include relevant directions that encourage a larger lot yield. Applying the R5 Large Lot Residential Zone and an 8,000m<sup>2</sup> minimum lot size is therefore not recommended.

**Alternative R2 Low Density Residential and a 500m<sup>2</sup> minimum lot size**

R2 Low Density residential and a 500m<sup>2</sup> minimum lot size would permit a much larger residential lot yield on the site (approximately 75 allotments). However additional information submitted in support of this option highlights issues and constraints that reflect the complex characteristics of the site, including its proximity to the Grahamstown Dam drinking water catchment,

vegetation, and impact on local character. It is also substantially inconsistent with the identification of the land in the Medowie Planning Strategy for rural residential development. Applying the R2 Low Density Residential zone and a 500m<sup>2</sup> minimum lot size is not recommended.

*Figure 5. Example of R5 Large Lot Residential and 4,000m<sup>2</sup> minimum lot size outcome in Cherry Tree Close, Medowie*



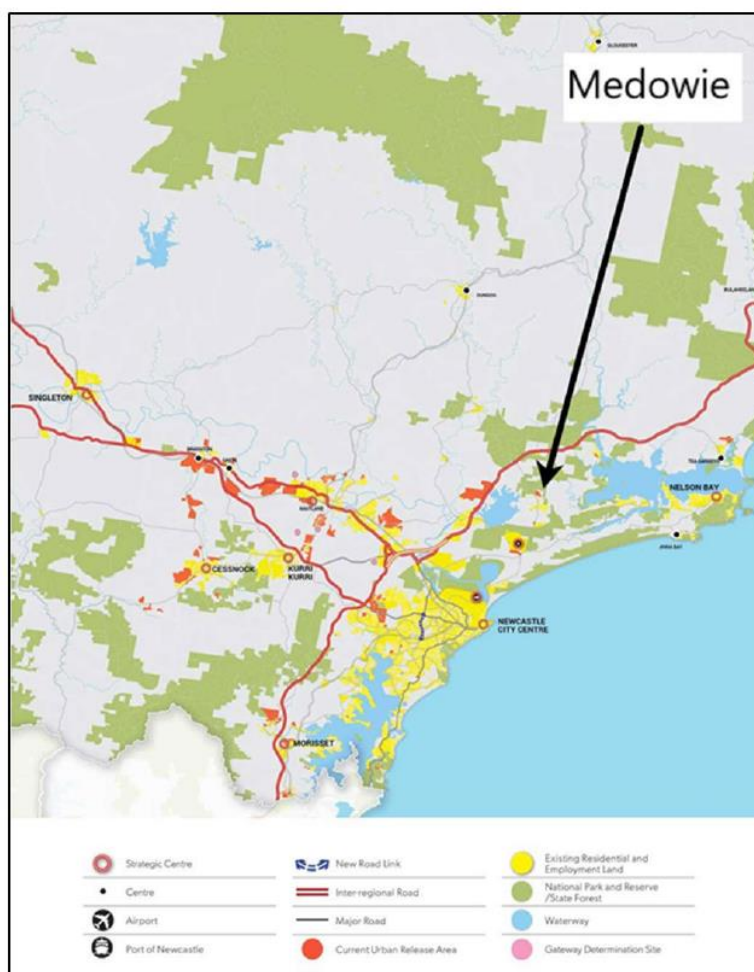
**Section B – Relationship to strategic planning framework**

**Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)?**

Hunter Regional Plan 2036

The Hunter Regional Plan 2036 (HRP) identifies Medowvie as an existing residential area as indicated in Figure 3. Greater Newcastle Settlement Pattern.

*Figure 6. Greater Newcastle Settlement Pattern*



**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.**

The planning proposal for R5 Large Lot Residential with a minimum lot size of 4,000m<sup>2</sup> lots gives effect to the goals, directions and actions of the Hunter Regional Plan 2036, including satisfying Direction 21 to 'create a compact settlement' and the following related actions:

- Action 21.1 Promote development that respects the landscape attributes and the character of the metropolitan areas, towns and villages.

Response: The proposed lot size respects the existing and future rural residential and vegetation landscape character of the immediate area and Medowie.

- Action 21.2 Focus developments to create compact settlements in locations with established services in existing towns and villages and site identified in an endorsed regional or local strategy.

Response: The proposed minimum lot size balances the existing and future rural residential character of the area with its close proximity to the Medowie town centre and community facilities.

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

Response: The proposed 4,000m<sup>2</sup> minimum lot size contributes to a well-planned, functional and compact settlement pattern that achieves a good balance between densities, existing and future character of the immediate area, and the close proximity of the site to the Medowie town centre and community facilities, which can be accessed by walking and cycling. The proposed minimum lot size allows for retention of vegetation on future lots, as well as biodiversity offsets under the NSW Biodiversity Offsets Scheme). Technical studies have been provided by the proponent to show that development can occur while appropriately managing potential risks to drinking water quality.

Overall, rural residential housing on lots within a minimum area of 4,000m<sup>2</sup> is consistent with Direction 21 of the Hunter Regional Plan to create a compact settlement. It balances social, economic and environmental considerations. The proposed minimum lot size will provide a balance between the 8,000m<sup>2</sup> lot size indicated in the Medowie Planning Strategy (which is not endorsed by DPIE) and the directions and actions of the Hunter Regional Plan 2036 to create a compact settlement.

The planning proposal for R5 Large Lot Residential with a minimum lot size of 4,000m<sup>2</sup> lots satisfies Direction 22 to 'promote housing diversity' of the Hunter Regional Plan 2036, including the following related action:

- Action 22.5 Include guidance in local land use strategies for expanding rural residential development so that such developments will:
  - Not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values;
  - Not impact on drinking water catchments;
  - Not result in greater natural hazard risk;

**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.**

- Occur on land that is unlikely to be needed for urban development;
- Contribute to the conservation of important biodiversity values or the establishment of important corridor linkages; and

Response: Rural residential development on the site will not impact on agricultural land; it is likely to have some effect on biodiversity values, however that effect is proposed to be addressed through lot layout and design and biodiversity offsetting; will be able to reasonably manage risk to drinking water quality (evidenced by separate submitted supporting water quality studies for both higher and lower lot yield concepts); will not result in greater natural hazard risk (bushfire risk can be managed, and the land is not flood prone); and is able to reasonably consider the conservation of biodiversity values or the establishment of linkages through future subdivision design and the provision of biodiversity offsets in accordance with the NSW Biodiversity Offsets Scheme.

The planning proposal for R5 Large Lot Residential with a minimum lot size of 4,000m<sup>2</sup> satisfies Direction 15 of the Hunter Regional Plan 2036 'to sustain water quality and security' including the following related actions:

- Action 15.1 Protect water catchments to sustain high water quality and dependable water supplies across the region.
- Action 15.5 Apply the neutral or beneficial water quality objectives to land use planning in drinking water catchment areas to minimise the effects of development.

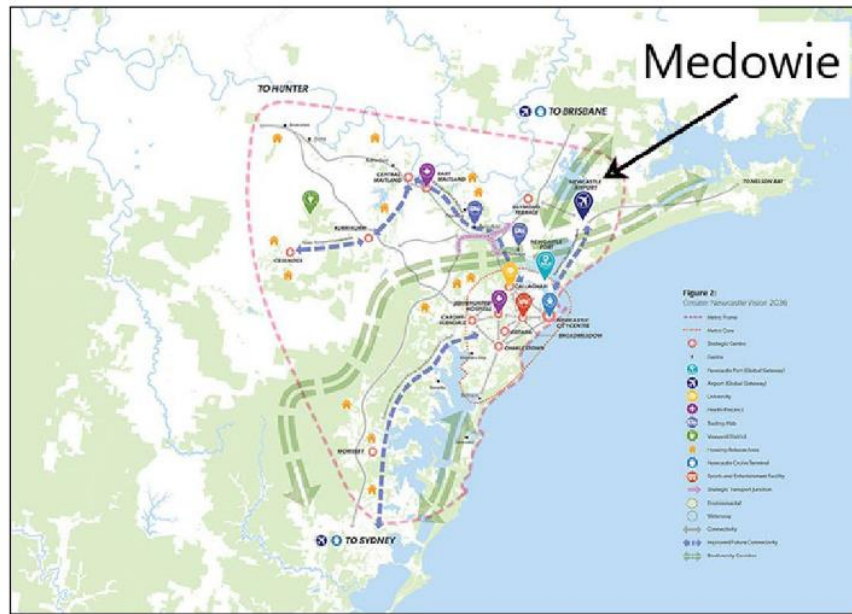
Response: Technical water quality studies have been undertaken for both higher and lower lot yields (500m<sup>2</sup> and 8,000m<sup>2</sup> minimum lot sizes). These studies reasonably show that a future development with a minimum size of 4,000m<sup>2</sup> can satisfy the requirement for development to have a neutral or beneficial effect on water quality at the development application stage. The requirements of LEP clause 7.8 *Drinking water catchments* and DCP Chapter B4 Drainage and Water Quality of the Port Stephens Development Control Plan will be required to be satisfied in a future development application.



Greater Newcastle Metropolitan Plan 2036

The vision for the Greater Newcastle Metropolitan Plan 2036 includes Medowie within the Metro Frame. The location of Medowie within the Metro Frame is shown in Figure 7 Greater Newcastle Vision 2036.

Figure 7. Greater Newcastle Vision 2036



The planning proposal gives effect to the applicable goals, directions and actions of the Greater Newcastle Metropolitan Plan 2036. The planning proposal satisfies Strategy 18 of the Greater Newcastle Metropolitan Plan 2036 to 'deliver well-planned rural residential housing areas' including the following action:

- Action 18.1 Greater Newcastle Councils will enable rural residential housing when the need is demonstrated through a local planning strategy endorsed by the Department of Planning and Environment, and it is in locations where:
  - The land is unlikely to be required for more intensive urban purposes in the future due to physical constraints such as slope, environmental characteristics or natural hazards
  - Less intensive development will result in better management of the land
  - The delivery of infrastructure required to service the development is physically and economically feasible.

Response: The proposed R5 Large Lot Residential and 4,000m<sup>2</sup> minimum lot size adequately responds to the criteria of Action 18.1 in the following ways:

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- The site is unlikely to be required for more intensive urban purposes in the future. The Medowie Planning Strategy and Port Stephens Local Housing Strategy sufficiently provide other land for urban purposes that is less constrained by environmental characteristics and proximity to Grahamstown Dam. Separate analysis of a higher density urban option indicates that urban development is high risk;
- the proposed minimum lot size will result in better management of the land (it balances development with managing impact on vegetation and water quality risk); and
- the proposed 4,000m<sup>2</sup> minimum lot size provides improved feasibility for the extension of sewer and water services to the site balanced with the existing rural residential character of the immediate area.

The proposed minimum lot size of 4,000m<sup>2</sup> will provide a balance between the lot size in the Medowie Planning Strategy (which is not endorsed by DPIE) and the inclusion of the site within the Metro Frame of the Greater Newcastle Metropolitan Plan 2036. It achieves a balance between social, economic and environmental outcomes.

Assessment Criteria

a) Does the proposal have strategic merit?

Yes. The Medowie Planning Strategy identifies the site for rural residential development. The proposed 4,000m<sup>2</sup> minimum lot size provides a transition between potential future urban residential lots on the opposite side of Waropara Road and Ferodale Road, and the existing surrounding rural residential development in the area. The proposed minimum lot size is applied extensively in other parts of Medowie (for example the Kula Road area to the north) and is responsive to the features of the site and its proximity to the Medowie town centre and community facilities.

b) Does the proposal have site-specific merit, having regard to the following?

- *the natural environment (including known significant environmental values, resources or hazards)*

Yes. The proposed 4,000m<sup>2</sup> minimum lot size seeks to enable a balance between environmental values and social and economic outcomes, and is responsive to the proximity of the site to the Medowie town centre and community facilities. The vegetation community on the site is Coastal Plains Smooth-barked-Apple Woodland, including a number of hollow-bearing trees and a single koala feed tree. The proposed 4,000m<sup>2</sup> lot size is a minimum, with the potential for larger lot sizes with future subdivision. This will assist in retaining areas of the site with higher comparative environmental values with a future development on the site. Residual impacts can also be addressed through the provision of biodiversity offsets under the NSW Biodiversity Offsets Scheme.

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

The site is comprised of three existing allotments: 9 Waropara Road, 5A Ferodale Road, and 5B Ferodale Road. 9 Waropara Road is zoned R5 Large Lot Residential and comprises a single dwelling. 5A and 5B Ferodale Road are zoned RU2 Rural Landscape, however are not used for agriculture and comprise native vegetation, with no existing dwellings.

The intended future use of land envisioned by Port Stephens Council is set out in the Medowie Planning Strategy which identifies the site for rural residential use. Future urban residential land is identified for the opposite side of Waropara Road and the south-eastern side of Ferodale Road. DPIE regional plans include Medowie within the Metro Frame and seek to create a compact settlement. Applying a minimum lot size of 4,000m<sup>2</sup> for the site balances the rural residential outcome for the site in the Medowie Planning Strategy with the directions and actions of the Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036 to create a compact settlement and promote housing diversity.

- *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.*

Satisfactory arrangements will need to be made to service the land with Hunter Water Corporation, prior to development consent being granted for subdivision. The proposed 4,000m<sup>2</sup> minimum lot size increases the feasibility for the proponent to extend reticulated sewer and water services to the site.

**Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another local strategy or strategic plan?**

**Port Stephens Community Strategic Plan**

The planning proposal aligns with the strategic direction of the Port Stephens Community Strategic Plan to create a thriving and safe place to live and the delivery program to provide land use plans, tools and advice that sustainably support the community.

**Port Stephens Local Strategic Planning Statement**

The planning proposal is consistent with the vision of the Port Stephens Local Strategic Planning Statement. The planning proposal is consistent with the following applicable planning priorities of the Port Stephens Local Strategic Planning Statement:



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- Planning Priority 1 Support the growth of strategic centres

Response: the LSPS describes Medowie an emerging centre playing an important role within Port Stephens and Greater Newcastle, because of its proximity to Williamstown and Tomago. A 4,000m<sup>2</sup> minimum lot sizes balances development of the site with its proximity to the Medowie town centre.

- Planning Priority 4 Ensure suitable land supply

Response: the planning proposal will contribute to the supply of land for housing. A 4,000m<sup>2</sup> minimum lot size responds to the rural residential character of the area, the environmental characteristics of the site, and its proximity to the Medowie town centre and community facilities. The Medowie Planning Strategy identifies sufficient other locations to ensure suitable land supply for urban residential development.

- Planning Priority 5 Increase diversity of housing choice

Response: The planning proposal will contribute to diversity of housing choice by permitting the subdivision of the land for rural residential housing. There is a diversity of housing choice available and planned for in Medowie.

- Planning Priority 6 Plan infrastructure to support communities

Response: The site is located close to the Medowie town centre (1,500m), several local schools (including the Medowie Christian School and Medowie Public School, both within 400m), and the Medowie Sport and Community Facility (900m).

- Planning Priority 7 Conserve biodiversity corridors

Response: The planning proposal facilitates additional development of the land while responding to the environmental characteristics of the site. Minimum area 4,000m<sup>2</sup> lots allows for future development to be sited, such that effects on ecological values can be minimised and offset.

- Planning Priority 7 Integrate land use and transport planning

Response: The planning proposal outcome integrates land use and transport planning. The site is located close to the Medowie town centre (1,500m), several local schools (including the Medowie Christian School and Medowie Public School, both within 400m), and the Medowie Sport and Community Facility (900m) and is connected or planned to be connected to these facilities by a pathways.

**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.****Port Stephens Local Housing Strategy 'Live Port Stephens'**

The housing vision for Medowie in the Port Stephens Local Housing Strategy 'Live Port Stephens' (LHS) is:

*"Medowie attracts families looking for space to grow and maintain convenient connections to Greater Newcastle. As a place of tall trees, the streets and backyards are part of a green urban landscape that supports plants, animals and people".*

The planning proposal is consistent with this vision for Medowie. Rural residential development on the site is consistent with other extensive rural residential areas in Medowie, which maintains tall trees and a green urban landscape and supports plants, animals and people. It achieves a suitable balance between social, economic and environmental outcomes.

The planning proposal achieves the outcomes and priorities of the LHS being:

- Outcome 1: Ensure suitable land supply
  - Priority 1.1 Ensure adequate supply of new housing
  - Priority 1.2 Remove barriers to unlock housing supply
  - Priority 1.3 Increase the proportion of infill housing
- Outcome 2: Improve housing affordability
  - Priority 2.1 Respond to housing stress
  - Priority 2.2 Provide more affordable housing near jobs
  - Priority 2.3 Reduce the cost of new housing
- Outcome 3: Increase diversity of housing choice
  - Priority 3.1 Facilitate new housing within existing urban areas
  - Priority 3.2 Encourage a range of housing types
  - Priority 3.3 Enable better planning for diverse lifestyles
- Outcome 4: Facilitate liveable communities
  - Priority 4.1 Housing enhances local character
  - Priority 4.2 Communities are connected
  - Priority 4.3 Grow connections between people

The planning proposal achieves the above outcomes and priorities of the LHS by proposing land use planning controls including a minimum lot size of 4,000m<sup>2</sup> in response to the characteristics of the site, including its proximity to the Medowie town centre and community facilities, vegetation, servicing

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feasibility, and the existing and planned rural residential character of the immediate area.

**Medowie Planning Strategy**

The Medowie Planning Strategy was adopted by Council in December 2016 and identifies the site within a precinct for rural residential development. It is not endorsed by DPIE.

The strategy states that rural residential development in Medowie is extensive and part of its character and attraction that is to be retained into the future. The key determinants to the identification of rural residential land use in the strategy include:

- Land adjoining existing rural residential areas
- Land that contributes to the semi-rural setting of Medowie
- Land that is subject to a relatively high level of fragmentation
- Land in areas that comprise vegetation and is subject to various constraints under policy and legislation.

The rural residential use of the land and the proposed 4,000m<sup>2</sup> minimum lot size is consistent with these key determinants. It achieves a balanced outcome between the 8,000m<sup>2</sup> minimum lot size identified in the Medowie Planning Strategy (which is not endorsed by the Department) and the directions and actions in the Hunter Regional Plan 2036 the Greater Newcastle Metropolitan Plan 2036 to create a compact settlement and promote housing diversity. The proposed lot size is responsive to the features of the site and its proximity to the Medowie town centre.

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

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

SEPP	Consistency and Implications
<p><b>SEPP (Koala Habitat Protection) 2019</b></p> <p>This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p>	<p>The Port Stephens Comprehensive Koala Plan of Management (CKPOM) applies in the Port Stephens Local Government Area. The following figures shows the categories of Koala habitat on the site and in the broader context of Medowie:</p> <p>Source: Koala Habitat Planning Map (Medowie and Tilligerry) (PSC, 2007)</p> <p>The large majority of the site is Preferred Link over Marginal Habitat, with areas of Preferred 100m buffer over Marginal Habitat at the rear of each lot. No Preferred Koala Habitat is mapped on the site.</p>

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	<p>The CKPOM performance criteria for rezoning, and a response to each planning proposal:</p> <p><i>a) not result in development within areas of Preferred Koala Habitat or defined Habitat Buffers</i></p> <p>Lots larger than the minimum 4000 m<sup>2</sup> could be used in areas of defined habitat buffer to ensure retention of habitat.</p> <p><i>b) allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas</i></p> <p>To achieve a low impact development outcome there can be a limitation on future development building envelopes so that the majority of native vegetation is retained. For example on a lot of at least 4000m<sup>2</sup> it may be possible to clear 1500m<sup>2</sup> for development and retain 2500m<sup>2</sup> of habitat on site.</p> <p><i>c) minimise the removal of any individuals of preferred koala food trees, where ever they occur on the site</i></p> <p>It is reasonable to conclude that criteria c) could be satisfied with a minimum lot size of 4000m<sup>2</sup>, particularly if measures are taken to ensure CKPOM criteria a) and b) are met.</p> <p>Data collected in the Ecological Assessment (Firebird, 18 March 2019) did not indicate a high abundance of preferred koala feed trees on site. With a "low impact" development outcome required by CKPOM criteria b) and a low abundance of preferred koala feed trees criteria c) can be achieved.</p> <p><i>d) not result in development which would sever koala movement across the site. This should include consideration of the need for maximising tree retention on the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.</i></p> <p>It is reasonable to conclude that CKPOM criteria d) could be satisfied with a minimum lot size of 4000m<sup>2</sup> particularly if measures are taken to ensure CKPOM criteria a) and b) are met.</p>
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	<p>If the majority of habitat is retained on site through "low impact" development in accordance with criteria b), then it is reasonable to conclude that habitat connectivity will be retained. Measures such as koala friendly fencing can also be implemented at DA stage to help facilitate this outcome.</p> <p><b>Any inconsistency of the planning proposal with the CKPOM is of minor significance.</b></p>
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**Q6. Is the planning proposal consistent with applicable Ministerial Directions?****Table 2. Relevant Ministerial Directions**

Ministerial Direction	Consistency and Implications
<p><b>1.2 Rural Zones and 1.5 Rural lands</b></p> <p>The objective of Direction 1.2 Rural Zones is to protect the agricultural production value of rural land.</p> <p>The objectives of Direction 1.5 are to:</p> <ul style="list-style-type: none"> <li>• protect the agricultural production value of rural land;</li> <li>• facilitate the orderly and economic use and development of rural lands for rural and related purposes;</li> <li>• assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State;</li> <li>• minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses;</li> <li>• encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land;</li> <li>• support the delivery of the actions outlined in the NSW Right to Farm Policy.</li> </ul>	<p>This SEPP applies because two of the lots within the site are proposed to be rezoned from a rural to a large lot residential zone.</p> <p>The site serves no agricultural purpose. Future use of the land for agricultural purposes is constrained by its limited size, existing proximity to residential areas, and environmental features. The planning proposal is consistent with a number of the rural planning principles and rural subdivision principles; it minimises rural land fragmentation and minimises the potential for rural land use conflict.</p> <p><b>Any inconsistency of the planning proposal with this SEPP is of minor significance.</b></p>

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<p><b>2.1 Environment Protection Zones</b></p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>Whilst the site is not currently zoned for environmental protection, discussion of this direction is relevant because its objective is to protect and conserve environmentally sensitive areas.</p> <p>The site contains known and potential habitat for a number of threatened species. Lots with a minimum area of 4,000m<sup>2</sup> could be achieved on the site provided that key biodiversity values are avoided with a future development. This could be achieved by using larger lots than the minimum 4000m<sup>2</sup> in the areas of defined koala habitat buffer to ensure retention of key areas (note: the 4,000m<sup>2</sup> lot size is a <i>minimum</i> – lots larger than this minimum can be applied for in response to detailed site planning and subdivision design at the development application stage in response to environmental constraints). A limitation on the development footprint /building envelopes within each lot, such that the majority of native vegetation is retained, can also be applied. Biodiversity offsets are able to be provided through the NSW Biodiversity Offsets Scheme at the development application stage. It is noted that that future subdivision and development of the site is likely to trigger the requirement for a BDAR, due to the area clearing threshold of 0.25 ha that would apply at development application stage.</p> <p><b>Any inconsistency of the planning proposal with this direction is of minor significance.</b></p>
<p><b>2.3 Heritage Conservation</b></p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>There are no items of European heritage on the site.</p> <p>The proponent submitted a search of the Office of Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) which did not identify recorded Aboriginal sites in or near the site.</p>



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	<p>It is proposed to consider heritage in further detail at the development application stage. The existing provisions of clause 5.10 <i>Heritage conservation</i> of the LEP 2013 and other existing environmental planning instruments, legislation, regulations and development controls will continue to apply to the land if it is rezoned and any future development application as a result of the planning proposal.</p> <p>The planning proposal seeks to permit (with development consent) a limited increase in the amount of additional development on the site in an existing rural residential area.</p> <p><b>Any inconsistency of the planning proposal with this direction is of minor significance.</b></p>
<p><b>2.6 Remediation of Land</b></p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>It is unlikely that any previous use of the land has been for a purpose that would contaminate the land and make it unsuitable for residential use.</p> <p>9 Waropara Road comprises a single rural residential dwelling. 5A and 5B Ferodale Road are vacant and there is significant vegetation across the site.</p> <p>Review of development application records show no previous approved uses for 5A and 5B Ferodale Road or 'parent lots'. Previous approval for 9 Waropara Road is for a dwelling.</p> <p>Dwellings are also already permitted on the site.</p> <p>The provisions of SEPP 55 Remediation of Land provide a suitable framework for addressing any possible risk in relation to the potential for the land at the future development application stage.</p> <p><b>The planning proposal is consistent with this direction.</b></p>

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<p><b>3.1 Residential Zones</b></p> <p>The objectives of this direction are:</p> <ul style="list-style-type: none"> <li>• to encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>• to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</li> </ul>	<p>The planning proposal satisfies the objective of this direction to encourage a variety and choice of housing types to provide for existing and future housing needs. It seeks to accommodate rural residential development on allotments with a minimum size of 4,000m<sup>2</sup>, on a site that is in close proximity to the Medowie town centre, schools and other community facilities.</p> <p>The planning proposal enables a minor addition to the number of rural residential allotments in the area. Sewer and water servicing is proposed to be further addressed at the development application stage. Clause 7.6 of the LEP 2013 provides that development consent must not be granted unless the consent authority is satisfied services that are essential for the development are available or that adequate arrangements have been made to make the available when required. The proposed minimum lot size of 4,000m<sup>2</sup> is desirable because it increases the feasibility of providing reticulated sewer and water services to the site.</p> <p><b>The planning proposal is consistent with this direction.</b></p>
<p><b>3.4 Integrating Land Use and Transport</b></p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following relevant planning objectives:</p> <ul style="list-style-type: none"> <li>• improving access to housing, jobs and services by walking, cycling and public transport;</li> <li>• increasing the choice of available transport and reducing dependence on cars;</li> </ul>	<p>The planning proposal meets the objective of this direction to encourage a variety and choice of housing types to provide for existing and future housing needs. The site is located close to the Medowie town centre (1,500m), several schools (the Medowie Christian School and Medowie Public School are both within 400m), and the Medowie Sport and Community Facility (900m). The site is connected, or planned to be connected, to these town features by shared pathways to facilitate walking and cycling.</p> <p><b>The planning proposal is consistent with this direction.</b></p>

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<ul style="list-style-type: none"> <li>• reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</li> <li>• supporting the efficient and viable operation of public transport services.</li> </ul>	
<p><b>3.5 Development Near Regulated Airports and Defence Airfields</b></p> <p>The objectives of this direction are:</p> <ul style="list-style-type: none"> <li>• to ensure the effective and safe operation of regulated airports and defence airfields;</li> <li>• to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity;</li> <li>• to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</li> </ul>	<p>The site is approximately 7.5km north to northeast of RAAF Base Williamtown – Newcastle Airport. It is not located with Australian Noise Exposure Forecast contours.</p> <p>The site is located in an area mapped as Bird strike Group B. Within this area, Defence has been consulted previously and advises that certain land uses that have the potential to attract wildlife should be avoided as they will potentially increase the risk for bird strike for aircraft. Any additional rural residential development on the site is very unlikely to increase the risk of bird strike and will not intrude on height restrictions (structures higher than 45m).</p> <p><b>The planning proposal is consistent with this direction.</b></p>
<p><b>4.1 Acid Sulfate Soils</b></p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p>	<p>Acid sulphate soil maps indicate the site may contain low risk class 5 acid sulphate soils. This issue may be adequately addressed at the development application stage through the existing general provisions of the LEP.</p> <p><b>The planning proposal is consistent with this direction.</b></p>

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<p><b>4.4 Planning for Bushfire Protection</b></p> <p>The objectives of this direction are:</p> <ul style="list-style-type: none"> <li>• to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas; and</li> <li>• to encourage sound management of bush fire prone areas.</li> </ul>	<p>The RFS advised it has no objection to the planning proposal proceeding. Future development will need to satisfy the requirements of Planning for Bushfire Protection 2019. Bushfire risk will be further addressed at the development application stage.</p> <p><b>The planning proposal is consistent with this direction.</b></p>
<p><b>5.10 Implementation of Regional Plans</b></p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional plans.</p>	<p>The planning proposal gives effect to the goals, directions and actions of the Hunter Regional Plan.</p> <p>The planning proposal is consistent with Direction 21 'create a compact settlement'. It balances social, economic and environmental considerations. The proposed 4,000m<sup>2</sup> minimum lot size creates a compact settlement and addresses the requirement of the Gateway determination to investigate a larger residential lot yield that is responsive to the features of the site and its proximity to the Medowie town centre.</p> <p>The planning proposal satisfies Direction 22 to 'promote housing diversity'. Rural residential development on the site will not impact on agricultural land. Risk to water quality can be managed. Biodiversity values or the establishment of linkages can be managed and provided through future subdivision design and the provision of biodiversity offsets in accordance with the NSW Biodiversity Offsets Scheme.</p> <p>The planning proposal is consistent with Direction 15 to sustain water quality and security. Supporting information demonstrates that neutral or beneficial</p>

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	<p>water quality objectives can be achieved for a development on the site. Future development will need to satisfy the requirements of LEP 2013 clause 7.8 <i>Drinking water catchments</i> and ChapterB4 Drainage and Water Quality of the Port Stephens Development Control Plan 2014. It is reasonable to further address water quality in detail at the development application stage.</p> <p><b>The planning proposal is consistent with this direction.</b></p>
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**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?**

Detailed information on the environmental values of the site is provided the submitted *Ecological Assessment* (Firebird, March 2019). The Ecological Assessment considered a higher density outcome for the site; however its evaluation of the ecological values of the site remain relevant, informs the suitability of the site for a 4,000m<sup>2</sup> minimum lot size, and shows that the environmental values can be adequately considered and managed in a future development. The following points provide a summary of the Ecological Assessment (Firebird, March 2019):

- The site contains a relatively high abundance of large trees indicative of old growth forest. One native vegetation community was identified, being Coastal Plains Smooth-barked Apple Woodland (Section 3.2 Flora Surveys and Vegetation Mapping 3.2)
- The vegetation community is not consistent with any threatened ecological community listed under the BC Act or the EPBC Act (Section 3.2.1 Threatened Ecological Communities).
- No threatened flora species listed under the BC Act or the EPBC Act were recorded on the site (Section 3.2.2 Threatened Flora Species).
- The habitat on the site is relatively valuable, due to the abundance of mature hollow-bearing trees and the diverse understorey regrowth (Section 3.3.1 Habitat Description 3.3.1).
- A targeted survey found no direct or indirect evidence of koalas in the site. However previous surveys (by Firebird in 2014) recorded koala scats at 9 Waropara Road (Lot 110 DP 1082077) at the base of a Red Mahogany (Section 3.3.2 Koala Survey and Habitat Assessment).
- No koala faecal pellets were recorded (Koala Survey and Habitat Assessment (Section 3.3.2 Koala Survey and Habitat Assessment)).
- A search of the Atlas of NSW Wildlife database indicated that there are a high number of Koala records in the area. The majority of nearby records date back to the 1980s and early 1990s. There are some more recent records (including by Firebird in 2014) (Section 3.3.2 Koala Survey and Habitat Assessment).
- The majority of the site is mapped as 'Preferred Link over Marginal Habitat' for koalas. The north-western portion is mapped as 'Preferred 100m Buffer over Marginal Habitat'. Patches of 'preferred koala habitat' occur further to west and east of the site (Section 3.3.2 Koala Survey and Habitat Assessment).
- One preferred koala feed tree species, a single young Forest Red Gum tree is located in Lot 110 DP 1082077 (Section 3.3.2 Koala Survey and Habitat Assessment).

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- The following threatened species have a 'moderate to high' or a 'high' likelihood of occurrence on the site (Section 3.3.6 Threatened Fauna):
  - Powerful Owl: There are several BioNet records in the area. Three of the site's tree hollows are thought to be of suitable height and size for large forest owls. The site also contains potential foraging habitat;
  - Koala: There are a high number of BioNet records in the area. Firebird (2014) recorded this species within the site;
  - Grey-headed Flying Fox: The site provides potential foraging habitat. This species is commonly recorded in the area; indeed, there are several BioNet records within 10 km of the site;
  - Eastern Freetail-bat: Was recorded during bat call detection surveys. The site contains hollow-bearing trees and foraging habitat;
  - Little Bentwing-bat: Was recorded during bat call detection surveys. The site contains hollow-bearing trees and foraging habitat; and
  - Greater Broad-nosed Bat: There are occasional BioNet records in the area. The site contains hollow-bearing trees and potential foraging habitat. The bat call detection surveys recorded this species as 'probable'.
- The applicable Biodiversity Values Map does not identify the site as having high biodiversity values; however, any future proposal to clear the site's vegetation would meet Area Criteria (Section 5.1.1 Biodiversity Offsets Scheme).

Summary of Planning Proposal in Response to Environmental Values

- The site contains known and potential habitat for a number of threatened species.
- Further ecological studies including a targeted Powerful Owl survey would need to be undertaken at DA stage.
- It may be possible to achieve 4000m<sup>2</sup> lots on a portion of the site, provided that key biodiversity values are avoided. This could be achieved by using larger lots in the areas of defined koala habitat buffer to ensure retention of key areas of habitat.
- Future subdivision and development of the site is likely to trigger the requirement for a BDAR due to the area clearing threshold of 0.25 ha that would apply after approval of the planning proposal. These offsets can be provided with a future development under the NSW Biodiversity Offsets Scheme.

Figure 8. Vegetation and Habitat Map





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

The site is located within the Grahamstown Dam drinking water catchment and the majority of the site drains indirectly to Grahamstown Dam. The proponent has provided sufficient supporting information to reasonably demonstrate that neutral or beneficial water quality objectives can be achieved with a future development application. A future development application for subdivision will need to satisfy the requirements of LEP clause 7.8 *Drinking water catchments* and DCP Chapter B4 Drainage and Water Quality.

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

The planning proposal facilitates a rural residential outcome that adequately addresses social and economic effects. It seeks to accommodate a limited number of additional rural residential allotments that is responsive to existing and future local character, on a site that is in close proximity to the Medowie town centre and community facilities, including schools and the Medowie Sport and Community Facility.

**Section D – State and Commonwealth interests****Q10. Is there adequate public infrastructure for the planning proposal?**

The planning proposal will not result in any significant additional demand on general public infrastructure such as schools and hospitals. Hunter Water Corporation has previously advised that there is limited sewer capacity to service additional development in the area. The proposed 4,000m<sup>2</sup> minimum lot size increases the feasibility of providing this infrastructure to the site.

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

Consultation has been undertaken with the following public authorities:

- Commonwealth Department of Defence (Defence)
- NSW Rural Fire Service (RFS)
- Hunter Water Corporation (HWC)
- NSW Office of Environment and Heritage (OEH) (now part of the NSW Department of Planning, Industry and Environment (Biodiversity Conservation Division) (DPIE-BCD).

Worimi Local Aboriginal Land Council (WLALC) has also been consulted.

**Commonwealth Department of Defence (Defence)**

Defence noted that the land is located within an area mapped as Birdstrike Group B and advises that certain land uses that have the potential to attract wildlife should be avoided as they will potentially increase the risk of bird strike for aircraft operating from RAAF Williamtown.

Planning proposal response

The matter raised by Defence is suitable to address at development application stage. The land is not located within Australian Noise Exposure Forecast contours or subject to aircraft noise planning requirements. Defence does not object to the planning proposal proceeding.

**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.****NSW Rural Fire Service (RFS)**

The RFS raised no objection to the planning proposal proceeding. Further information will be required at development application stage to satisfy the requirements of Planning for Bushfire Protection 2019. RFS advised the clearing of vegetation on the site may conflict with ecological values.

Planning proposal response

The matters raised by the RFS are suitable to address at development application stage.

**Hunter Water Corporation (HWC)**

HWC does not object to the planning proposal for a minimum lot size of 4,000m<sup>2</sup> for the site provided that:

- The site is wholly outside the direct hydrological catchment of Grahamstown Dam.
- Any lots created by future subdivision of the site would all be serviced by a reticulated wastewater network.
- Future subdivision of the site is not approved without demonstrating the Neutral or Beneficial Effect (NorBE) criterion for stormwater quality to HWC satisfaction.

HWC key concerns relate to wastewater servicing and stormwater quality.

HWC recommend that detailed surveying of the site should be undertaken to determine if any of the site drains directly to the dam, as development of such sites poses an increased threat to drinking water quality.

HWC advise that the proponent should consult with HWC to determine if and how the subdivision can be connected to reticulated water and sewer services, noting that this may require substantial developer-funded infrastructure. HWC does not support on-site wastewater systems on land located in proximity to the dam due to the potential health threat to water quality and public health. Hunter Water Corporation advise they retain concerns about the ability for increased development at the site to achieve NorBE for stormwater quality.

HWC position is that all development in drinking water catchments must demonstrate NorBE in order to protect water quality. While the stormwater modelling submitted in support of the proposal indicates that NorBE can be met HWC considers that some assumptions made in the modelling are likely to have overestimated the treatment capacity of the proposed stormwater management measures and questions the feasibility of some of the measures proposed. Hunter Water Corporation advise that development applications for future subdivision will need to clearly demonstrate NorBE using feasible management measures with justified assumptions relating to treatment capacities.

Planning proposal response

The application of a 4,000m<sup>2</sup> minimum lot size achieves the appropriate

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balance between development density on the site and the feasibility of providing sewer and water services, which will need be provided at the development application stage.

Review of catchment boundaries within the site shows that a future subdivision can accommodate a suitable buffer to the direct drainage catchment for Grahamstown Dam, which is located at the rear of the site.

The proponent has provided supporting information to reasonably demonstrate that neutral or beneficial water quality objectives can be achieved for the site and reasonably able to be resolved at the development application stage. Future development will also need to satisfy the requirements of LEP clause 7.8 *Drinking water catchments* and DCP Chapter B4 Drainage and Water Quality at the development application stage.

**NSW Department of Planning, Industry and Environment (Biodiversity Conservation Division) (formerly NSW Office of Environment and Heritage)**

DPIE-BCD is satisfied that its previous recommendations in relation to biodiversity have been satisfactorily addressed and that no further biodiversity assessment is required. The previous recommendations were:

- A more comprehensive ecological report is prepared with the planning proposal that includes detailed survey methodology consistent with Stage 1 of the Biodiversity Assessment Method.
- The planning proposal is amended to include justification of consistency with direction 2.1 Environment Protection Zones.
- The ecological report is amended to indicate that the koala has a high likelihood of occurrence.
- The performance criteria for rezoning requests of the CKPOM are addressed.
- Consider the findings of the save our species report for the koala.
- That targeted threatened species surveys are undertaken and that the planning proposal outlines methods to avoid and mitigate impacts on threatened species habitat on the site.
- The ecological report should be amended to include further information on the vegetation clearance that has occurred on the site.
- The proposal outlines the extent of vegetation to be cleared for the development and provides details of the proposed offsetting strategy to offset the vegetation clearance on the site.

Planning proposal response

- The planning proposal is supported by the initial submitted ecological assessments comprising: Preliminary Ecological Assessment for 5A & 5 B Ferodale Road (Firebird, May 2016); Preliminary Ecological Assessment for 9 Waropara Road, (Firebird, June 2014); and Ecological Assessment (Firebird, March 2019) in support of the R2 Low Density Residential and 500m<sup>2</sup> minimum lot size concept. These reports provide a basis for

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considering the suitability of the site for the R5 Large Lot Residential zone and a 4,000m<sup>2</sup> minimum lot size.

- Assessment of consistency with direction 2.1 Environment Protection Zones is included in Table 2 Relevant Ministerial Directions of this planning proposal.
- The updated supporting information provided with the planning proposal provides assessment of the likelihood of koalas at the site.
- This planning proposal includes assessment of the performance criteria for rezoning requests of the CKPOM in Table 1 State Environmental Planning Policies.
- The save our species report indicates that the vegetation on the site is "Secondary (Class C)" or "Secondary (Other/2C)".
- The Ecological Assessment (Firebird, March 2019) in support of the R2 Low Density Residential and 500m<sup>2</sup> minimum lot size concept includes assessment of Threatened and Migratory Species Likelihood of occurrence.

The planning proposal achieves a balance between social, economic and environmental outcomes, consistent with the directions and actions of the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036. The proposed minimum lot size is responsive to the features of the site (including biodiversity) and its proximity to the Medowie town centre. Any inconsistency with the CKPOM is of minor significance as set out in the response to the performance criteria for rezoning in Table 1 Relevant State Environmental Planning Policies of this planning proposal. The 4,000m<sup>2</sup> minimum lot size provides flexibility to design a low impact development, and any required biodiversity offsets provided under the NSW Biodiversity Offset Scheme.

Department of Premier and Cabinet – Heritage NSW (DPC - Heritage)

DPC – Heritage recommends that the proponent clearly identifies all potential areas, objects, places or landscapes of significance to Aboriginal culture and people that may potentially constrain future land use planning, by undertaking an Aboriginal cultural heritage assessment. 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 EP & A Act.

Planning proposal response:

The AHIMS search undertaken 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.

The proponent is recommended to consider further investigation and consultation on Aboriginal heritage during the preparation of a future development application for the site.

The planning proposal was referred to the Worimi Local Aboriginal Land Council (WLALC) for who advise of no key issues or concerns.

**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.**Worimi Local Aboriginal Land Council

WLALC advise of no key issues or concerns with the planning proposal.

WLALC appreciate that an AHIMS search has been undertaken although advise that this is not to be considered a conclusive determination of sites in the area (both known and/or unknown).

WLALC advise of no objection at this time and request to be contacted about the proposed development timeline and planning proposal (post-endorsement).

Planning proposal response

The proponent is strongly recommended to undertake consider further investigations and consultation on Aboriginal heritage during the preparation of a future development application for the site.

**PART 4 – Mapping**

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The proposed draft map layer amendments and existing maps are included as separate attachments to the planning proposal:

- Site Identification Map
- Draft Land Zoning Map – Amendment to Land Zoning Map – Amend Zoning for the Subject Land from RU2 Rural Landscape and R5 Large Lot Residential Zone to R5 Large Lot Residential Zone (only)
- Draft Lot Size Map – Amendment to Lot Size Map – Amend Minimum Lot Size for the Subject Land from 1 Hectare (Y) and 20 hectares (AB2) to 4,000m<sup>2</sup> (‘W’)
- Existing Land Zoning Map (6400\_COM\_LZN\_004B\_020\_20180626)
- Existing Lot Size Map (6400\_COM\_LSZ\_004B\_020\_20181112)

**PART 5 – Community consultation**

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The planning proposal was placed on public exhibition from 9 July to 20 August 2020.

The planning proposal was made available on Council's website and at local libraries during the exhibition period.

Adjoining owners were notified of the planning proposal.

3 submissions were received. The submissions do not support the planning proposal with a minimum lot size of 4,000m<sup>2</sup>. If the planning proposal proceeds, the submissions indicate preference for a minimum lot size of 8,000m<sup>2</sup> to reduce environmental effects and retain consistency with existing surrounding lot sizes.

**PART 6 – Project timeline**

The following estimated timetable is proposed to finalise the planning proposal:

	July 2020	Aug 2020	Sept 2020	Oct 2020	Nov 2020	Dec 2020
<i>Public Exhibition</i>						
<i>Review submissions</i>						
<i>Post-exhibition Council report</i>						
<i>Parliamentary Counsel (finalise the plan)</i>						

Note: the Gateway determination timeframe for completing the planning proposal is 12 October 2021. This provides additional time to finalise the planning proposal if required.

**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.****Supporting studies**

The planning proposal is for R5 Large Lot Residential and a minimum lot size of 4,000m<sup>2</sup>. The following studies are provided in support of an analysis of alternatives in response to a requirement of the DPIE Gateway determination Condition 1 issued on 5 June 2020 to include an analysis of the density options for the site that considers the directions and actions in the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036.

Planning Proposal submission (R5 Large Lot Residential and 8,000m<sup>2</sup> Minimum Lot Size) (Le Mottee Group, 24 February 2017) including:

Annexure A Figures

Annexure B Site Plan comprising:

Site Levels and Place Boundary Marks 6408 DET-V1 (Le Mottee Group, 22 March 2016)

Contour and Detail, 5873 DET-V1 (Le Mottee Group 23 May 2015)

Annexure C Bushfire Threat Assessments comprising:

Bushfire Threat Assessment for 5A & 5B Ferodale Road (Firebird, June 2016)

Bushfire Threat Assessment for 9 Waropara Road (Firebird, June 2014)

Annexure D Preliminary Ecological Assessments comprising:

Preliminary Ecological Assessment for 5A & 5 B Ferodale Road (Firebird, May 2016)

Preliminary Ecological Assessment for 9 Waropara Road, (Firebird, June 2014)

Annexure E Preliminary Stormwater Design comprising:

MUSIC-link Report (Le Mottee Group, 23 February 2017)

Water Quality Modelling, 5873 ENG-A, (Le Mottee Group, February 2017)

Annexure F Hunter Water Corporation Preliminary Servicing Advice

Annexure G Ausgrid Preliminary Servicing Advice

Annexure H Site Infrastructure Location

Annexure I AHIMS Search Result



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Planning Proposal submission (R2 Low Density Residential and a 500m<sup>2</sup> Minimum Lot Size) (Le Mottee Group, 2 October 2019) including:

Annexure A Figures

Annexure B Site Plan comprising:

Site Levels and Place Boundary Marks 6408 DET-V1 (Le Mottee Group, 22 March 2016)

Contour and Detail, 5873 DET-V1 (Le Mottee Group 23 May 2014)

Proposed Subdivision, 6408 PS-V4 (Le Mottee Group, 20 August 2019)

Proposed Subdivision with Aerial 6408 PS-V4 (Le Mottee Group, 20 August 2019)

Annexure C Ecological Assessment (Firebird, 18 March 2019)

Annexure D Revised Stormwater Design comprising:

Water Quality Modelling, 6408 ENG2-B (Le Mottee Group, September 2019)

MUSIC-link Report (Le Mottee Group, 6 September 2019)

Annexure E Concept Water and Sewer Servicing Strategy comprising:

Water and Wastewater Concept Plan, 6408 ENG2-B (Le Mottee Group, September 2019)

Annexure F Site Infrastructure Location

Annexure G AHIMS Search Result

[Not listed] Bushfire Threat Assessment (Firebird, 25 September 2019)

## Locality Plan, 9 Waropara Rd, 5A & 5B Ferodale Rd, Medowie



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## ITEM 1 - ATTACHMENT 3 SUBMISSIONS TABLE.

## SUBMISSIONS TABLE

Planning Proposal for 9 Waropara Road, 5A and 5B Ferodale Road, Medowie

No.	Author of submission	Comment	Council response
1	Individual	The submission objects to the planning proposal and opposes the proposed minimum lot size of 4,000m <sup>2</sup> . The submission states their neighbouring property was purchased after searching for land within a rural residential area to enjoy freedom and distance between neighbours and notes the site is currently zoned RU2 Rural Landscape and is a home to kangaroos and bird life.	<p>The proposed minimum lot size of 4,000m<sup>2</sup> will retain a rural residential character and vegetation similar to other rural residential areas of Medowie with a minimum lot size of 4,000m<sup>2</sup>.</p> <p>The proposed minimum lot size will also minimise the need to remove trees and habitat to facilitate future development.</p> <p>The proposed minimum lot size is also appropriate given the site's proximity to the Medowie town centre and the actions and directions in the State government strategic planning framework to promote compact settlements in the region.</p>
		The submission states the recent approval of other development in Medowie has proved that income from rates means more than the opinion of the local residents and states that compensation will be sought for any reduction in land value and a commensurate reduction in rates will be sought.	<p>Rates income is not a matter relevant to decision making under the planning legislation.</p> <p>Ratepayers can apply for financial hardship relief, where they experience genuine financial hardship. More information is available on Council's website: <a href="https://www.portstephens.nsw.gov.au/live/community/grants-and-funding/financial-assistance">https://www.portstephens.nsw.gov.au/live/community/grants-and-funding/financial-assistance</a>.</p>
		The submission requests that Council invest money into the area. For example the submission notes that the footpath along Waropara Road remains incomplete.	<p>Council collects local infrastructure contributions from new developments to fund local infrastructure to support growth in accordance with the Port Stephens Local Infrastructure Contributions Plan.</p> <p>The footpath is included in the Port Stephens Local Contributions Plan (Item MTT 37 Waropara Road – off-road shared path from Ferodale Road to Kula Road).</p>

## ITEM 1 - ATTACHMENT 3 SUBMISSIONS TABLE.

			The pathway has been partially constructed however was put on hold due to COVID. The remainder of the pathway is scheduled to be completed this financial year.
		The submission requests that Council considers the opinion of residents in making its decision on the planning proposal.	Noted.
2	Individual	The submission raises concerns about the proposed minimum lot size of 4,000m <sup>2</sup> . The submission is not opposed to the development of the site and preferences a minimum lot size of 8,000m <sup>2</sup> . The submission requests that the character of Medowie "Home of Tall Trees" is kept true and loss of habitat minimised as a consequence of future development.	See response to Submission 1 above.
		The submission raises concerns about the future appearance of fencing along Waropara Road and the future location of driveways and the effect of vehicle headlights on surrounding properties.	The appearance of fencing and location of driveways will be determined at the development application stage.
3	Individual	The submission supports a minimum lot size of 8,000m <sup>2</sup> , consistent with the potential lot size for the site nominated in the Medowie Planning Strategy (MPS).  The submission does not support the recommendation of the Department of Planning, Industry and Environment (DPIE) Gateway determination report for a 4,000m <sup>2</sup> minimum lot size. The submission includes three maps showing indicative lot layouts and site contours.	See response to Submission 1 above.
		The submission states that the Greater Newcastle Metropolitan Plan (GNMP) does not apply to Medowie and therefore the actions and directions relevant to the planning proposal cannot be used to justify a lot size that is different from the lot size nominated in the MPS.	The GNMP applies to Medowie, including the land the subject of the planning proposal, because Medowie is located within the GNMP 'Metro Frame'. Therefore, the actions and directions for councils to plan for compact settlements close to town centres applies to this planning proposal.

## ITEM 1 - ATTACHMENT 3 SUBMISSIONS TABLE.

	<p>The submission notes that the MPS is not endorsed by DPIE.</p>	<p>The MPS was prepared prior to the adoption of the State's GNMP and was not informed by the GNMP. Nevertheless, the MPS is Council's adopted local area strategy for Medowie and informs the assessment of planning proposals to the extent it is not inconsistent with the GNMP.</p>
	<p>The submission notes that DPIE has delegated making the plan to Council and states that DPIE is influencing Council to make a decision contrary to the MPS.</p>	<p>As above, rezonings in Medowie are assessed against both the MPS and the GNMP. DPIE provides guidance on the assessment against the GNMP, and in this instance has issued a Gateway determination requiring analysis of lot size options in light of the GNMP actions and directions for compact settlements around existing centres.</p>
	<p>The submission notes that Medowie residents may be disappointed the MPS is not being implemented by DPIE. The submission notes the MPS was prepared with community input and that when it was finalised it was acceptable to most residents.</p>	<p>The MPS was prepared in consultation with the community and adopted by Council in December 2016, prior to the adoption of the State government's GNMP in September 2018 (which was also subject to community consultation in 2017 and 2018).</p> <p>As above, since the adoption of the GNMP, rezonings in Medowie are required to be assessed against both the MPS and the GNMP. DPIE provides guidance on the assessment against the GNMP.</p>
	<p>The submission disputes the assertion in the DPIE Gateway determination report that the rural residential character of Medowie will not be degraded by a minimum lot size of 4,000m<sup>2</sup>.</p>	<p>The proposed minimum lot size of 4,000m<sup>2</sup> could be considered a reasonable transition between existing adjoining large rural residential lots and potential future development under the MPS.</p>
	<p>The submission provides a feasibility analysis questioning the viability and financial risk to owners of subdividing to a minimum lot size of 4,000m<sup>2</sup>.</p>	<p>There are existing lots in rural residential areas of Medowie with a minimum lot size of 4,000m<sup>2</sup> that have been developed recently which demonstrates some level of financial feasibility is possible. The scale of the profit that can be made from new development is</p>

## ITEM 1 - ATTACHMENT 3 SUBMISSIONS TABLE.

			<p>not a relevant planning consideration.</p> <p>Further if a minimum lot size of 8,000m<sup>2</sup> was applied as suggested in the submission, the feasibility of the development would be substantially less, given the requirements to connect to reticulated wastewater network. Therefore feasibility of the future development is likely to be enhanced by applying a minimum lot size of 4,000m<sup>2</sup>.</p>
		The submission states that lot sizes can change in the development application process and there is no guarantee that lot sizes will not be less than the 4,000m <sup>2</sup> minimum.	Future development on the site will need to satisfy the minimum lot size provisions of Port Stephens Local Environmental Plan 2013 (LEP 2013) to achieve 4,000m <sup>2</sup> .
		The submission does not agree with the DPIE Gateway determination report that the site is within walking distance of the Medowie commercial area.	The site is located 1.5km from the Medowie commercial area. Whilst some would travel by car to the town centre Council is providing shared pathways to enable walking and cycling options.
		The submission notes Hunter Water Corporation (HWC) have consistently advised of concerns over the quality of water draining directly into Grahamstown Dam. The submission includes a diagram indicating the boundary between the catchments and recommends the provision of a buffer zone containing only low density development. The submission notes HWC have concerns that additional pathogens could find their way to Grahamstown Dam and that this risk will increase.	The planning proposal was referred to HWC during the assessment. The proponent has submitted sufficient information to reasonably demonstrate that the matters raised by HWC can be addressed at the subdivision development application stage. HWC does not object to a minimum lot size of 4,000m <sup>2</sup> (refer to HWC submission), and has nominated that specific requirements may apply to future development at the development application stage. Review of the catchment boundaries shows that a suitable buffer to the direct drainage catchment for Grahamstown Dam can be provided with a future development of the site.

## ITEM 1 - ATTACHMENT 3 SUBMISSIONS TABLE.

Department of Defence (Defence)	Defence has no objection to the planning proposal proceeding. Defence noted that the land is located within an area mapped as 'Birdstrike Group B' and advises that certain land uses that have the potential to attract wildlife should be avoided as they will potentially increase the risk of bird strike for aircraft operating from RAAF Williamstown.	No objection to the planning proposal is noted. The matter raised by Defence is suitable to address at development application stage. The land is not located within Australian Noise Exposure Forecast contours.
Rural Fire Service (RFS)	RFS has no objection to the planning proposal proceeding. RFS advise clearing within the site for asset protection zones for future residential development may impact ecological values, and that future development will need to comply with the legislative requirements for development on bushfire prone land including the requirements of 'Planning for Bush Fire Protection 2019'.	No objection to the planning proposal is noted. Future development of the site will need to demonstrate compliance with legislative requirements for development on bushfire prone land including the requirements of 'Planning for Bush Fire Protection 2019'.
Hunter Water Corporation (HWC)	<p>HWC does not object to the planning proposal with a minimum lot size of 4,000m<sup>2</sup> provided that:</p> <ul style="list-style-type: none"> <li>The site is wholly outside the direct hydrological catchment of Grahamstown Dam.</li> <li>Any lots created by future subdivision of the site would all be serviced by a reticulated wastewater network.</li> <li>Future subdivision of the site is not approved without demonstrating the 'Neutral or Beneficial Effect' (NorBE) criterion for stormwater quality to HWC satisfaction.</li> </ul>	<p>The proponent has submitted sufficient information to demonstrate that the matters raised by HWC can be addressed at the development application stage.</p> <p>Review of catchment boundaries within the site shows that a future subdivision can accommodate a suitable buffer to the direct drainage catchment for Grahamstown Dam, which is located at the rear of the site.</p> <p>The proponent has acknowledged that future development will need to be connected to the reticulated wastewater network and notes the proposed minimum lot size of 4,000m<sup>2</sup> will increase the feasibility of servicing the site.</p> <p>Future development will need to satisfy the stormwater quality requirements of the Port Stephens Development Control Plan 2014 Chapter B4 Drainage and Water Quality including NorBE.</p>

## ITEM 1 - ATTACHMENT 3 SUBMISSIONS TABLE.

Department of Planning Industry and Environment (Biodiversity Conservation Division) (DPIE-BCD)	DPIE-BCD advised it is satisfied its previous recommendations in relation to biodiversity have been satisfactorily addressed and that no further biodiversity assessment is required.	No objection to the planning proposal is noted. The planning proposal is supported by ecological assessments that provide a basis for considering the suitability of the site for a minimum lot size of 4,000m <sup>2</sup> . The assessments indicate that substantial biodiversity offsets are likely to be required.
Department of Premier and Cabinet (Heritage NSW) (DPC Heritage)	Heritage recommends that the proponent clearly identifies all potential areas, objects, places or landscapes of significance to Aboriginal culture and people that may potentially constrain future land use planning, by undertaking an Aboriginal cultural heritage assessment. 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 EP & A Act.	Noted. The AHIMS search undertaken 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. The proponent is strongly recommended to consider further investigation and consultation on Aboriginal heritage during the preparation of a future development application for the site.
Worimi Local Aboriginal Land Council (WLALC)	WLALC advise of no key issues or concerns with the planning proposal. WLALC appreciate that an AHIMS search has been undertaken although advise that this is not to be considered a conclusive determination of sites in the area (both known and/or unknown). WLALC advise of no objection at this time and request to be contacted about the proposed development timeline and planning proposal (post-endorsement).	Noted. The proponent is strongly recommended to undertake further investigations and consultation on Aboriginal heritage during the preparation of a future development application for the site.





### Gateway Determination

**Planning Proposal (Department Ref: PP\_2017\_PORTS\_004\_00):** to rezone land at 9 Waropara Road and 5A and 5B Ferodale Road, Medowie, from part RU2 Rural Landscape to part R5 Large Lot Residential (4 homes).

I, the Director Regions, Hunter, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(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 land at 9 Waropara Road and 5A and 5B Ferodale Road, Medowie, from part RU2 Rural Landscape to part R5 Large Lot Residential should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the planning proposal is to be revised to seek to apply a minimum lot size standard that achieves a larger residential yield, and is responsive to the features of the site and proximity to the Medowie town centre.
2. Council is to update the planning proposal to demonstrate consistency with section 117 Directions after further investigations have been completed and/or following agency consultation:
  - 2.1 Environment Protection Zones
  - 2.3 Heritage Conservation
  - 3.1 Residential Zones
  - 3.5 Development Near Licensed Aerodromes
  - 4.4 Planning for Bushfire Protection

The planning proposal should also be updated to

- remove references to Direction 5.1 and replace with Direction 5.10
  - correctly identify the Lot and DP numbers for the subject site.
3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
    - (a) the Planning Proposal must be made publicly available for a minimum of **28 days**; and
    - (b) the relevant planning 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).
  4. Consultation is required with the following public authorities and organisations under section 56(2)(d) of the Act to comply with the requirements of relevant Section 117 Directions:

Port Stephens PP\_2017\_PORTS\_004\_00



- Hunter Water Corporation
- Office of Environment and Heritage
- NSW Rural Fire Service
- Australian Department of Defence
- 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.

5. A public hearing is not required to be held into the matter by any person or body under section 56(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).
6. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 12th day of October 2017.



**Monica Gibson**  
**Hunter Region**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**

Port Stephens PP\_2017\_PORTS\_004\_00



## Alteration of Gateway Determination

*Planning proposal (Department Ref: PP\_2017\_PORTS\_004\_00)*

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(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 12 October 2017 for the proposed amendment to the Port Stephens Local Environmental Plan 2013 as follows:

1. Change the description of the planning proposal

**from**

I, the Director Regions, Hunter, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(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 land at 9 Waropara Road and 5A and 5B Ferodale Road, Medowie, from part RU2 Rural Landscape to part R5 Large Lot Residential should proceed subject to the following conditions:

**to**

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 of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 to rezone land at 9 Waropara Road and 5A and 5B Ferodale Road, Medowie, from RU2 Rural Landscape to R5 Large Lot Residential should proceed subject to the following conditions:

2. Delete "condition 6", and replace with:

a new condition 6 "The time frame for completing the LEP is by 19 April 2019"

Dated 28<sup>th</sup> day of March 2018.



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

**Delegate of the Minister for Planning**

PP\_2017\_PORTS\_004\_00 (SF18/18005)



Planning,  
Industry &  
Environment

### Alteration of Gateway Determination

*Planning proposal (Department Ref: PP\_2017\_PORTS\_004\_00)*

I, the Director, Central Coast and Hunter Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 12 October 2017 (since altered) for the proposed amendment to the Port Stephens Local Environmental Plan 2013 as follows:

1. Delete "condition 1"

and replace with a new condition 1:

"Prior to finalisation of the LEP, the planning proposal is to be updated to include a analysis of the density options for the site that considers the directions and actions in the *Hunter Regional Plan 2036* and *Greater Newcastle Metropolitan Plan 2036*."

2. Delete "condition 6"

and replace with a new condition 6:

"The time frame for completing the LEP is by 12 October 2021."

Dated 5<sup>th</sup> day of June 2020



5/06/2020

**Dan Simpkins**  
Director, Central Coast and Hunter Region  
Planning and Assessment  
Department of Planning, Industry and  
Environment

**Delegate of the Minister for Planning and  
Public Spaces**

[PP\_2017\_PORTS\_004\_00] (IRF20/2161)

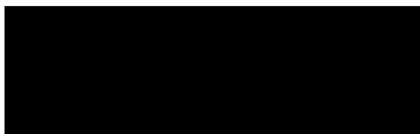
**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Port Stephens Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following Planning Proposal:

Number	Name
PP_2017_PORTS_004_00	Planning Proposal to rezone land at 9 Waropara Road and 5A and 5B Ferodale Road, Medowie, from part RU2 Rural Landscape to part R5 Large Lot Residential.

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 12<sup>th</sup> October 2017



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

**Delegate of the Secretary**  
**of the Department of Planning and Environment**

**ITEM NO. 2**

**FILE NO: 20/283811  
EDRMS NO: PSC2006-0072**

**HERITAGE PROJECTS FUND 2020-2021**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the allocation of funding for the Heritage Projects Fund 2020-2021 annual grant in accordance with the amounts and purposes prescribed below:
    - a. \$2000 to Ainslee Turner (individual) for the external preparations and painting of windows and shutters of a heritage listed item ('Rosemount') at 296 Hinton Road, Hinton.
    - b. \$2000 to Tomaree Museum Association Inc. for the production of mobile history panels for 4 heritage listed items.
    - c. \$1385 to the Raymond Terrace and District Historical Society Inc. for the production and installation of an interpretive sign for a heritage listed item (Sketchley Cottage) at 1 Sketchley Street, Raymond Terrace.
  - 2) Place the funding of individuals (Ainslee Turner) on public exhibition for a period of 28 days and, should no submissions be received, adopt the recommendations for funding without a further report to Council.
- 

**BACKGROUND**

The purpose of this report is to seek Council endorsement for the allocation of grants from the Heritage Projects Fund 2020-2021 to the projects recommended by Council's Section 355c Heritage Advisory Committee (**ATTACHMENT 1**).

Each year, Council provides small grants from the Heritage Projects Fund (the 'fund') to support heritage projects. Council administers this fund with support from the Department of Premier and Cabinet (the 'department'). For this reason, this funding program was not amalgamated with other community grant programs for the 2020 to 2021 financial year.

Applications for grants opened on 29 July 2020 and closed on 8 September 2020.

During this period, 3 applications were received. Council's Heritage Consultant and the Section 355c Heritage Advisory Committee reviewed and assessed the applications.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Recognised Traditions and Lifestyles	Recognise and support the heritage of Port Stephens.

**FINANCIAL/RESOURCE IMPLICATIONS**

Council has allocated \$5500 to the fund, and the department has awarded Council a \$5500 grant to contribute to the fund. Accordingly, there is \$11,000 available in the 2020 to 2021 financial year.

This year's grant allocations will total \$5385 if all of the recommended grant funding is awarded.

<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	2692.50	NSW Department of Premier and Cabinet has approved the grant to Port Stephens Council to contribute to the Heritage Projects Fund.
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The recommendations have been made in accordance with section 356 of the Local Government Act 1993 and Council's adopted Grants and Donations Policy.

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.

Under the Heritage Projects Fund Guidelines (the 'guidelines'), grants of up to \$2000 are available towards heritage projects.

All projects recommended for funding satisfy the eligibility criteria of the guidelines as detailed in **(ATTACHMENT 1)**.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk of adverse public perception regarding projects that are funded.	Low	Ensure appropriate processes are followed in accordance with the Guidelines and conditions of funding. Seek advice from the Heritage Advisory Committee.	Yes
There is a risk that some grant recipients may fail to comply with required terms and conditions of funding.	Low	Through ongoing communication with the recipients, ensure appropriate processes are followed in accordance with the Guidelines. Include specific conditions in the funding agreements as required.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Heritage Projects Fund aims to provide seed funding for the preservation and conservation of local heritage items and the promotion of greater community understanding and interest in heritage as a cultural community asset.

Whilst the grants provide seed funding, applicants are required to fund the balance of the project costs. The estimated total cost of all the projects proposed to be funded is \$16,295. This is a significant contribution from the community and local asset owners allowing works to be done which may have otherwise not been achieved without this grant.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Communications Section to ensure the funding opportunity was promoted widely.

### Internal

The following internal consultation has taken place:

- Review and assessment of each application by Council's Heritage Advisor.
- Review and assessment of each application by the Section 355c Heritage Advisory Committee.



A summary of the recommendations from the Section 355c Heritage Advisory Committee meeting is provided in **(ATTACHMENT 1)**.

### External

The following external consultation was undertaken:

- A webinar was held for potential applicants to learn more about the various grants and to ask questions.
- Owners of heritage listed items received a letter to inform them about the Heritage Projects Fund.
- Email notifications about the availability of Council grants were sent to a range of community organisations.
- Information about available Council grants was provided to members of the Heritage Advisory Committee with a request to distribute amongst potential applicants.
- Announcements on Council's website and social media.
- One-on-one consultation with potential applicants by Council officers and Council's Heritage Advisor.

Communication will continue throughout the project period to assist successful applicants.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Heritage Projects Fund 2020-2021 - Recommendations for funding. [↓](#)

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

## ITEM 2 - ATTACHMENT 1 HERITAGE PROJECTS FUND 2020-2021 - RECOMMENDATIONS FOR FUNDING.

### Heritage Advisory Committee

#### Heritage Projects Fund 2020-2021 – Recommendations for funding

	Heritage Item/ conservation area	Request (incl GST)	Comments
1	<b>Individual</b> Ainslie Turner  Heritage Item at 296 Hinton Rd, Hinton (Rosemount).  <b>Project:</b> External preparation and painting of heritage windows and shutters.	\$2,000	<b>Recommended for approval.</b> <ul style="list-style-type: none"> <li>• Involves works on a heritage listed item which is an eligible project.</li> <li>• Works will restore windows and shutters and provide better future protection.</li> <li>• Council's Heritage Advisor recommends requesting the applicant to apply with Council for a 'Minor Works' advice to formalise the work. A DA would not be required.</li> <li>• Rosemount is open to the public during the NSW Heritage Council open house and garden scheme. Rosemount is also open for schools and interest groups to ensure its significance and history is shared.</li> </ul>
2	<b>Organisation</b> Tomaree Museum Association  <b>Project:</b> Production of mobile history panels for 4 heritage sites.	\$2,000	<b>Recommended for approval</b> , subject to a Certificate of Currency (public liability insurance) being submitted and approved by Council officers. <ul style="list-style-type: none"> <li>• The project will provide interpretation of heritage listed items.</li> <li>• Applicant is to provide for approval by the Heritage Advisory Committee, an alternative site for the proposed Bobs Farm Hall as it is not listed in the Local Environmental Plan.</li> <li>• The future grant agreement is to include a condition that a proof of the proposed panels needs to be submitted to Council and the Heritage Advisory Committee for approval prior to production.</li> </ul>
3	<b>Organisation</b> Raymond Terrace Historical Society  <b>Project:</b> Interpretive sign for Sketchley Cottage.	\$1,385	<b>Recommended for approval.</b> <ul style="list-style-type: none"> <li>• The project will develop and install an interpretive sign for a heritage listed item.</li> <li>• Permanent sign will be highly visible for people walking on Adelaide Street and passing traffic.</li> <li>• Council officers conducted a site visit to discuss detail on proposed project regarding location and proposed design.</li> <li>• The future grant agreement is to include a condition that a proof of the proposed panels needs to be submitted to Council and the Heritage Advisory Committee for approval prior to production.</li> </ul>
	<b>Total</b>	<b>\$5,385</b>	

**ITEM NO. 3****FILE NO: 20/290524  
EDRMS NO: PSC2019-05143****SMART PARKING FEES & CHARGES AMENDMENT****REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER  
GROUP: FACILITIES & SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submission received **(ATTACHMENT 1)**.
- 2) Adopt the proposed smart parking fees and charges schedule attached **(ATTACHMENT 2)**.

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**BACKGROUND**

The purpose of this report is to provide Council with the submission received following the public exhibition of the proposed Smart Parking Fees and Charges **(ATTACHMENT 1)**.

The existing Car Parking Fees and Charges need to be modified to align with the Smart Parking Scheme adopted by Council at the 12 May 2020 Ordinary Meeting of Council (Min No. 072) **(ATTACHMENT 3)**. On the 25 August 2020 Council resolved to place the proposed Car Parking Fees and Charges on public exhibition (Min No. 160) **(ATTACHMENT 4)**. The public exhibition period was from 28 August 2020 to 24 September 2020 with only one submission received.

Following the submission process no amendments are proposed to the Smart Parking Fees and Charges schedule.

**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**

Council is subject to no negative financial implications as a result of these additions to the 2020 to 2021 Fees and Charges schedule.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		

**ORDINARY COUNCIL - 27 OCTOBER 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 if Council does not adopt the paid parking fees that Council will not be able to charge for these items nor deliver the free parking permit scheme.	Medium	That Council adopt the paid parking fees.	Yes

**SUSTAINABILITY IMPLICATIONS**

It is anticipated that there will be positive social, economic and environmental implications resulting from the implementation of these fees.

The proposed amendment to fees is an administrative amendment to deliver the smart parking scheme, with revenues being used to deliver the Smart Parking Infrastructure Program adopted by Council at the 12 May 2020 Ordinary Meeting of Council.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Assets Section.

Internal

- Civil Assets Manager
- Finance Section Manager.

External

The policy has been publicly exhibited via the Port Stephens Council website, at the Administration Building and library network from 28 August to 24 September 2020.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Public Submission Summary. [↓](#)
- 2) Proposed Fees and Charges for Smart Parking. [↓](#)
- 3) Minute No. 072 Ordinary Meeting of Council 12 May 2020. [↓](#)
- 4) Minute No. 160 Ordinary Meeting of Council 25 August 2020. [↓](#)

**COUNCILLORS ROOM**

- 1) Full copy of submission.

**TABLED DOCUMENTS**

Nil.

**ITEM 3 - ATTACHMENT 1 PUBLIC SUBMISSION SUMMARY.****Submission Summary**

Smart Parking - Fees and Charges Amendment

<b>No</b>	<b>Author of Submission</b>	<b>Comment</b>	<b>Council response</b>
1	Tomaree Ratepayers & Residents Association Inc (TRRA)	<p>TRRA has no specific comment regarding the content of the revised Schedule.</p> <p>TRRA have made a number of other comments and requests relating to Smart Parking implementation and other matters.</p>	<p>Acknowledged submission receipt and advised would be considered by Council.</p> <p>Further correspondence will be entered into with TRRA regarding the other comments and requests relating to implementation and other matters.</p>

**ITEM 3 - ATTACHMENT 2 PROPOSED FEES AND CHARGES FOR SMART PARKING.**

**PROPOSED SMART PARKING FEES AND CHARGES SCHEDULE**

	Description	Year 19/20 Fee (incl. GST)	Fee (excl. GST)	Year 20/21 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
15 Minutes Park Free	Parking sessions 15 minutes or less are free	NA	\$0.00	\$0.00	\$0.00	Per Hour	Road Transport Act 2013	Market pricing
Off-Peak A	Mon-Fri outside periods noted below. No fee for the permit holders of Smart Parking Permit	\$3.20	\$2.91	\$0.29	\$3.20	Per Hour	Road Transport Act 2013	Market pricing
Off-Peak B	Sat-Sun and Public Holidays. No fee for permit holders of Smart Parking Permit.	\$4.20	\$3.82	\$0.38	\$4.20	Per Hour	Road Transport Act 2013	Market pricing
Peak	Mon-Sun for the period 21st December - 27th January. No fee for permit holders of Smart Parking Permit	\$4.20	\$3.82	\$0.38	\$4.20	Per Hour	Road Transport Act 2013	Market pricing
Smart Parking Permit	All ratepayers and residents of Port Stephens Local Government Area, and employees of businesses within the metered parking scheme zone are eligible.	NA	\$0.00	\$0.00	\$0.00	Per Hour	Road Transport Act 2013	Market pricing

**ITEM 3 - ATTACHMENT 3      MINUTE NO. 072 ORDINARY MEETING OF  
COUNCIL 12 MAY 2020.****MINUTES ORDINARY COUNCIL - 12 MAY 2020****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****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.

**ORDINARY COUNCIL MEETING - 12 MAY 2020  
MOTION****Councillor Jaimie Abbott  
Councillor Glen Dunkley**

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.



**ITEM 3 - ATTACHMENT 3      MINUTE NO. 072 ORDINARY MEETING OF  
COUNCIL 12 MAY 2020.****MINUTES ORDINARY COUNCIL - 12 MAY 2020****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.

**ITEM 3 - ATTACHMENT 3      MINUTE NO. 072 ORDINARY MEETING OF  
COUNCIL 12 MAY 2020.****MINUTES ORDINARY COUNCIL - 12 MAY 2020****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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**ITEM 3 - ATTACHMENT 3      MINUTE NO. 072 ORDINARY MEETING OF  
COUNCIL 12 MAY 2020.****MINUTES ORDINARY COUNCIL - 12 MAY 2020**

	<ul 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></ul>
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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> <ul 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></ul>
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**ITEM 3 - ATTACHMENT 3      MINUTE NO. 072 ORDINARY MEETING OF  
COUNCIL 12 MAY 2020.****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**

071	<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**

072	<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.

**ITEM 3 - ATTACHMENT 3      MINUTE NO. 072 ORDINARY MEETING OF  
COUNCIL 12 MAY 2020.****MINUTES ORDINARY COUNCIL - 12 MAY 2020****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

**ITEM 3 - ATTACHMENT 3      MINUTE NO. 072 ORDINARY MEETING OF  
COUNCIL 12 MAY 2020.****MINUTES ORDINARY COUNCIL - 12 MAY 2020**

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.

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COUNCIL 12 MAY 2020.**

**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

**ITEM 3 - ATTACHMENT 3 MINUTE NO. 072 ORDINARY MEETING OF COUNCIL 12 MAY 2020.****MINUTES ORDINARY COUNCIL - 12 MAY 2020**

<b>Risk</b>	<b>Risk <u>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.



**ITEM 3 - ATTACHMENT 3      MINUTE NO. 072 ORDINARY MEETING OF  
COUNCIL 12 MAY 2020.****MINUTES ORDINARY COUNCIL - 12 MAY 2020**

- 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

**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

**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 3 - ATTACHMENT 3 MINUTE NO. 072 ORDINARY MEETING OF COUNCIL 12 MAY 2020.**

**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

**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

**ITEM 3 - ATTACHMENT 3 MINUTE NO. 072 ORDINARY MEETING OF COUNCIL 12 MAY 2020.****MINUTES ORDINARY COUNCIL - 12 MAY 2020****ITEM 7 - ATTACHMENT 2 MINUTE NO. 261, 10 DECEMBER 2019.****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**

261	<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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**ITEM 3 - ATTACHMENT 3 MINUTE NO. 072 ORDINARY MEETING OF COUNCIL 12 MAY 2020.****MINUTES ORDINARY COUNCIL - 12 MAY 2020****ITEM 7 - ATTACHMENT 2 MINUTE NO. 261, 10 DECEMBER 2019.****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.

**ITEM 3 - ATTACHMENT 3      MINUTE NO. 072 ORDINARY MEETING OF  
COUNCIL 12 MAY 2020.**

**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

**ITEM 7 - ATTACHMENT 2      MINUTE NO. 261, 10 DECEMBER 2019.**

**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 3 - ATTACHMENT 3 MINUTE NO. 072 ORDINARY MEETING OF COUNCIL 12 MAY 2020.****MINUTES ORDINARY COUNCIL - 12 MAY 2020****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.



Community Development and Engagement  
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# ITEM 3 - ATTACHMENT 3 MINUTE NO. 072 ORDINARY MEETING OF COUNCIL 12 MAY 2020.

## MINUTES ORDINARY COUNCIL - 12 MAY 2020

### 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.



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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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- 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.



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## 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?

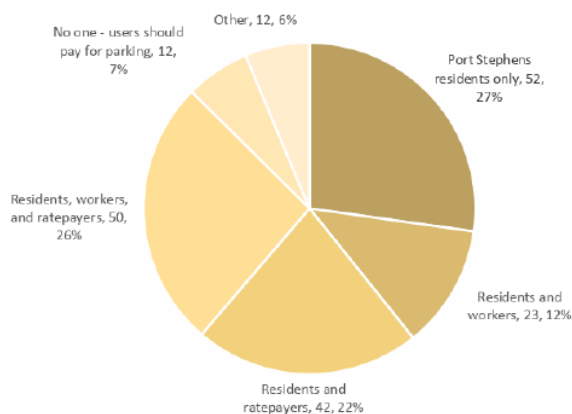


Figure 1 shows there is a little difference between three main options presented about who should be eligible for a park free scheme. The most popular scheme (27%) was that Port Stephens residents only park free scheme.

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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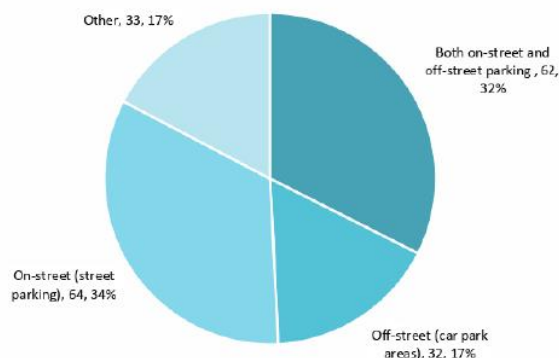
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- Residents and those with mobility passes

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



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Figure 3: When do you think paid parking should apply?

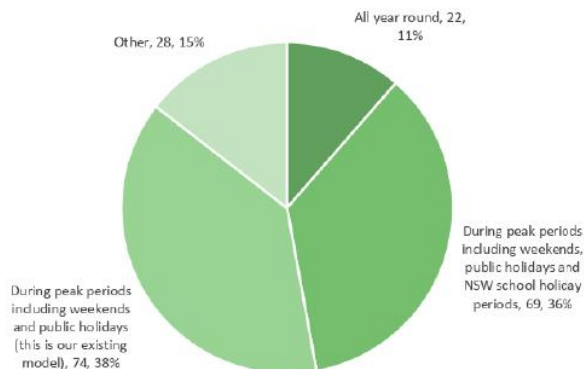


Figure 3

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?



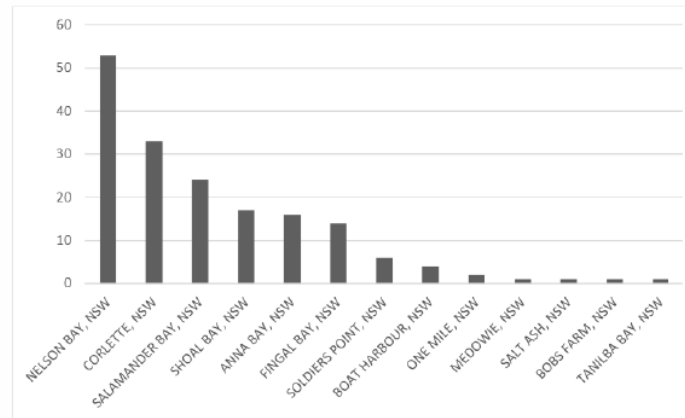
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Figure 4 Respondents by suburb (online survey only)



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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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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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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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?

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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 3 - ATTACHMENT 4 MINUTE NO. 160 ORDINARY MEETING OF COUNCIL 25 AUGUST 2020.****MINUTES ORDINARY COUNCIL - 25 AUGUST 2020****ITEM NO. 8****FILE NO: 20/236910  
EDRMS NO: PSC2019-05143****SMART PARKING FEES AND CHARGES AMENDMENT****REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER  
GROUP: FACILITIES & SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the amended and additional items for the 2020 to 2021 Fees and Charges schedule on public exhibition for a period of 28 days, and should no submissions be received, the additional items be adopted as outlined without a further report to Council.

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

<b>160</b>	<b>Councillor John Nell Councillor Glen Dunkley</b>  It was resolved that Council place the amended and additional items for the 2020 to 2021 Fees and Charges schedule on public exhibition for a period of 28 days, and should no submissions be received, the additional items be adopted as outlined without a further report to Council.
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The motion was carried.

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

	<b>Councillor Giacomo Arnott</b>  That Council: <ol style="list-style-type: none"><li>1) Place the amended and additional items for the 2020 to 2021 Fees and Charges schedule on public exhibition for a period of 28 days, and should no submissions be received, the additional items be adopted as outlined without a further report to Council.</li><li>2) Not implement any of the fees &amp; charges outlined until COVID restrictions are entirely revoked.</li></ol>
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The amendment lapsed without a seconder.

**ITEM 3 - ATTACHMENT 4 MINUTE NO. 160 ORDINARY MEETING OF COUNCIL 25 AUGUST 2020.****MINUTES ORDINARY COUNCIL - 25 AUGUST 2020****ORDINARY COUNCIL MEETING - 25 AUGUST 2020  
AMENDMENT**

	<b>Councillor Giacomo Arnott</b>  That Council: <ol style="list-style-type: none"><li>1) Place the amended and additional items for the 2020 to 2021 Fees and Charges schedule on public exhibition for a period of 28 days, and should no submissions be received, the additional items be adopted as outlined without a further report to Council.</li><li>2) Not implement any of the fees &amp; charges until a one month warning is provided to the local community of the impending implementation of the fees &amp; charges.</li></ol>
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The amendment lapsed without a seconder.

**BACKGROUND**

The purpose of this report is to seek Council's endorsement to place the Car Parking 2020 to 2021 Fees and Charges on public exhibition.

The existing Car Parking Fees and Charges need to be modified to align with the Smart Parking Scheme adopted by Council at the 12 May 2020 Ordinary Meeting of Council.

The smart parking scheme includes an expansion of the paid parking area into the Nelson Bay town centre and concurrently delivers a free parking permit scheme for residents, ratepayers and employees of Nelson Bay town centre businesses.

The adopted parking meter fees and charges are specific to the restrictions and fee structure associated with the existing ticketed foreshore parking area. The current parking meter fees and charges schedule is attached as **(ATTACHMENT 1)**. The proposed amendments allow the rescindment of the current parking meter fees and charges schedule, and the implementation of the adopted smart parking scheme. The proposed smart parking fees and charges schedule is attached as **(ATTACHMENT 2)**.

**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.

**ITEM 3 - ATTACHMENT 4 MINUTE NO. 160 ORDINARY MEETING OF COUNCIL 25 AUGUST 2020.****MINUTES ORDINARY COUNCIL - 25 AUGUST 2020****FINANCIAL/RESOURCE IMPLICATIONS**

Council is subject to no negative financial implications as a result of these additions to the 2020 to 2021 Fees and Charges schedule.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There is a legal risk in that failing to adopt these fees will render Council unable to charge for them as part of the 2020 to 2021 Fees and Charges schedule.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if Council does not adopt the paid parking fees that Council will not be able to charge for these items nor deliver the free parking permit scheme.	Medium	That Council adopt the paid parking fees.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications.

It is anticipated that there will be positive social, economic and environmental implications resulting from the implementation of these fees.

The proposed amendment to fees is an administrative amendment to deliver the smart parking scheme, with revenues being used to deliver the Smart Parking Infrastructure Program.

**CONSULTATION**

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

**ITEM 3 - ATTACHMENT 4      MINUTE NO. 160 ORDINARY MEETING OF  
COUNCIL 25 AUGUST 2020.**

**MINUTES ORDINARY COUNCIL - 25 AUGUST 2020**

Internal

- Civil Assets Manager
- Asset Section Manager

External

In accordance with local government legislation the additional items for the 2020 to 2021 Fees and Charges schedule will go on public exhibition for a period of 28 days.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Current Parking Meter Fees and Charges Schedule. [↓](#)
- 2) Proposed Smart Parking Fees and Charges Schedule. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



**ITEM 3 - ATTACHMENT 4 MINUTE NO. 160 ORDINARY MEETING OF COUNCIL 25 AUGUST 2020.****MINUTES ORDINARY COUNCIL - 25 AUGUST 2020****ITEM 8 - ATTACHMENT 1 CURRENT PARKING METER FEES AND CHARGES SCHEDULE.****CURRENT PARKING METER FEES AND CHARGES SCHEDULE**

	Description	Year 19/20 Fee (incl. GST)	Fee (excl. GST)	Year 20/21 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
Off- Peak A	4P & 8P Mon-Fri outside periods of time noted below. (No fee on Victoria Pde due to Council resolution)	\$3.20	\$2.91	\$0.29	\$3.20	Per Hour		Market pricing
Off- Peak B	4P & 8P Sat-Sun and Public Holidays	\$4.20	\$3.82	\$0.38	\$4.20	Per Hour		Market pricing
Off- Peak C	4P & 8P Mon - Fri; and for the periods; 00:00am 12th April - 11.59pm 24th April - and 00:00am 5th July - 11.59pm 17th July and 00:00am 27th September - 11.59pm 9th October.	\$3.20	\$2.91	\$0.29	\$3.20	Per Hour		Market pricing
Peak	4P & 8P Mon-Sun for the period 00:00am 21st December - 00:00am 27th January	\$4.20	\$3.82	\$0.38	\$4.20	Per Hour		Market pricing

**ITEM 3 - ATTACHMENT 4 MINUTE NO. 160 ORDINARY MEETING OF COUNCIL 25 AUGUST 2020.**

**MINUTES ORDINARY COUNCIL - 25 AUGUST 2020**

**ITEM 8 - ATTACHMENT 2 PROPOSED SMART PARKING FEES AND CHARGES SCHEDULE.**

**PROPOSED SMART PARKING FEES AND CHARGES SCHEDULE**

	Description	Year 19/20 Fee (incl. GST)	Fee (excl. GST)	Year 20/21 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
15 Minutes Park Free	Parking sessions 15 minutes or less are free	NA	\$0.00	\$0.00	\$0.00	Per Hour	Road Transport Act 2013	Market pricing
Off-Peak A	Mon-Fri outside periods of time noted below. No fee for the permit holders of Smart Parking Permit	\$3.20	\$2.91	\$0.29	\$3.20	Per Hour	Road Transport Act 2013	Market pricing
Off-Peak B	Sat-Sun and Public Holidays. No fee for permit holders of Smart Parking Permit.	\$4.20	\$3.82	\$0.38	\$4.20	Per Hour	Road Transport Act 2013	Market pricing
Peak	Mon-Sun for the period 21st December - 27th January. No fee for permit holders of Smart Parking Permit	\$4.20	\$3.82	\$0.38	\$4.20	Per Hour	Road Transport Act 2013	Market pricing
Smart Parking Permit	All ratepayers and residents of Port Stephens Local Government Area, and employees of businesses within the metered parking scheme zone are eligible.	NA	\$0.00	\$0.00	\$0.00	Per Hour	Road Transport Act 2013	Market pricing

**ITEM NO. 4****FILE NO: 20/298635  
EDRMS NO: PSC2013-00406****POLICY REVIEW: MEDIA LIAISON POLICY**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Media Liaison Policy shown at **(ATTACHMENT 1)**.
  - 2) Revoke the Media Liaison Policy dated 27 February 2018, Minute No. 033.
  - 3) Note the submission received during the public exhibition of the revised Media Liaison Policy **(ATTACHMENT 2)**.
- 

**BACKGROUND**

The purpose of this report is seek endorsement of the revised Media Liaison Policy (the 'policy') after a period of public exhibition.

One submission was received during public exhibition and this has been addressed in the submission table at **(ATTACHMENT 2)**.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Communication and Engagement	Strengthen Council's reputation.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications from adopting the recommendations.

<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 are no legal or policy impediments to adopt the recommendations. Risk implications 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 without the policy in place, Council may not maintain a cooperative relationship with external media, which may have an effect on how Council is perceived within the community.	Low	Adopt the recommendations.	Yes
There is a risk that without the policy, Council representatives will not understand the responsibilities involved with liaising with external media representatives.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no sustainability implications from adopting the recommendations.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Communications section.

The objective of the consultation was to ensure the policy was in line with Council's vision to strengthen its brand and reputation.

**Internal**

Consultation was undertaken within the Communications section and Senior Leadership Team.

The Executive Team has been consulted to seek management endorsement.

### External

In accordance with local government legislation the revised Media Liaison Policy was placed on public exhibition for a period of 28 days. During this period, 1 submission was received as addressed in **(ATTACHMENT 2)**.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Revised Media Liaison Policy. [↓](#)
- 2) Submission Summary Table. [↓](#)

### **COUNCILLORS ROOM**

- 1) Copy of submission.

### **TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2013-00406

**TITLE:** MEDIA LIAISON POLICY

**OWNER:** COMMUNICATIONS SECTION MANAGER

### 1. PURPOSE:

- 1.1 Port Stephens Council is committed to keeping its local and wider community well informed about its activities, as well as strengthening Council's brand and reputation.
- 1.2 Council informs and consults effectively with the community via both owned and earned media channels. This policy outlines Council's position on liaison with earned media channels.
- 1.3 In doing so, it is important that Council is open, honest and transparent in its dealings with media representatives and uses appropriate language and spokespeople.
- 1.4 To achieve this outcome Council recognises that a good cooperative working relationship with media organisations is essential. Social, electronic, digital and print media are principal means by which Council can inform and consult effectively with its community.
- 1.5 This policy also seeks to clarify the respective roles and responsibilities of staff and Councillors and clearly delineate between personal opinions and Council communications.

### 2. CONTEXT/BACKGROUND:

- 2.1 This policy continues Council's commitment to these relationships and follows a review of the previous policy (9 December 2014, Minute No. 336).
- 2.2 The current media landscape is a rapidly changing one. Technology is the norm — increasing the speed of communication, and is influencing audiences' behaviours and expectations regarding of how they receive and consume information.
- 2.3 News no longer runs on a weekly or even a 24-hour cycle — as soon as it breaks, there is a waiting audience, with social media beating traditional media, such as newspapers, television and radio to the punch every time.

## Policy

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## Policy



- 2.4 Despite the overwhelming changes to the media landscape and the rapidity of this change, there are still portions of the audience, particularly at the local community level, who continue to consume their information via more traditional means. This may be due to factors such as limited access to technology, failure to adopt new technology as a result of age, choice or socio-economic status, or a matter **lack** of trust, ~~or simply preferring the ritual of turning on the television, tuning into the radio or holding a paper in our hands~~
- 2.5 While most traditional media outlets have also adopted a digital-first approach to stay in touch with a broader audience, the **burgeoning dominant** social media landscape has seen an exponential rise in the number of digital channels.
- 2.6 The changes have allowed brands and organisations, such as Port Stephens Council, to adapt our communications in response. Where we once relied almost exclusively on traditional media to reach our community and help tell our stories, we now create our own content and can communicate with a large portion of our community in real-time in a targeted fashion.
- 2.7 **Port Stephens Council's Public Relations and Marketing approach has evolved to adapt to the changes, adopting a focus on our owned media channels. As well as reaching our own audience, owned media also influences our reach through earned media, with journalists often using social media as key tool when researching news or community stories.**
- 2.8 Working with the traditional media with a shared understanding of the importance of a digital-first approach has and will continue to foster solid relationships and allow us to convey our messages to our community in more ways than ever before. With this in mind it is important for Council to establish and maintain **strong cooperative** working relationships with all forms of media.

### 3. SCOPE:

- 3.1 To encourage community understanding and informed judgement about Council's actions and decisions by:
  - a) Establishing and maintaining a **strong cooperative** working relationship between Council and the media.
  - b) Establishing consistent methods for managing communications between Council and the media to ensure accurate, timely, balanced and reliable information reaches the community.

### 4. DEFINITIONS:

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

## Policy

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## Policy



Earned media	Content created by and published on another's media channels.
EDM	Electronic direct mail
Media liaison	Media liaison involves the working relationship Council staff has with representatives from the print, broadcast and digital media.
Owned media	Content created and published on one's own media channels.

### 5. STATEMENT:

- 5.1 Port Stephens Council is committed to open communication with its community through the media. Council will be open and honest in its dealing with the media, notwithstanding that Council will comply with its duty of care to protect confidential or personal information and does not infringe any laws in providing information.
- 5.2 Council representatives will not knowingly provide information to the media which is untruthful or inaccurate.
- 5.3 Council will make all reasonable attempts to deal with media inquiries promptly and accurately. Council will also try at all times to have relevant Council or staff representatives available to respond to the media in a timely manner.
- 5.4 As elected community representatives, Councillors may express their personal view on any matter to the media.
- 5.5 As the elected leader of the Council, the Mayor is Council's spokesperson on matters of policy and interpretation of Council's position or decisions. In the absence of the Mayor, the Deputy Mayor will be Council's spokesperson on these matters.
- 5.6 When authorised to do so by the Mayor, Councillors may also represent Council to the media in respect of: a) Matters of interest to their Ward that they have been personally involved in; b) Matters related to the activities of committees, which they chair or are involved in.
- 5.7 In addition to operational issues, the General Manager may also represent Council to the media on matters of policy.
- 5.8 Staff may represent Council to the media on matters of factual information only if approved to do so by the General Manager, their Group Manager or the Communications Section Manager. Staff must not express personal views

### Policy

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## Policy



regarding Council matters and in general should only provide information in respect of their area of responsibility.

- 5.9 From time to time, the General Manager may also authorise individuals other than staff or Councillors to represent Council to the media, for example Chairperson of Audit Committee.
- 5.10 Written statements to the media on behalf of Council must be issued through the Public Relations and Marketing Unit and approved by the Communications Section Manager. Where appropriate, they will seek approval from the Mayor, General Manager or relevant Group Manager. Where other staff have been quoted in written statements, approval will be sought from the individual(s) prior to distribution to the media.
- 5.11 All Council staff contact with the media is to be co-ordinated through Council's Public Relations and Marketing Unit. Council will use agreed protocols and procedures to guide staff and Councillors to ensure that this policy is followed.

### 6. RESPONSIBILITIES:

- 6.1 This policy is to be implemented by all areas of Council.
- 6.2 The Communications Section Manager is responsible for the implementation, monitoring, evaluating and reviewing the policy.

### 7. RELATED DOCUMENTS:

- 7.1 Code of Conduct
- 7.2 Social Media Strategy
- 7.3 Online and Social Media Management Directive

### CONTROLLED DOCUMENT INFORMATION:

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<b>EDRMS container No.</b>	PSC2013-00406	<b>EDRMS record No.</b>	<b>TBA</b>
<b>Audience</b>	Councillors, Community, Employees		
<b>Process owner</b>	Communications Section Manager		
<b>Author</b>	Public Relations and Marketing Coordinator		

## Policy

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## Policy



<b>Review timeframe</b>	2 years	<b>Next review date</b>	TBA
<b>Adoption date</b>	28 May 2002		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28 May 2002	Communications Section Manager		208
1.1	9 December 2014	Communications Section Manager		336
1.2	27 February 2018	Public Relations and Marketing Coordinator	Changes to the existing policy to include a broader definition and context with regard to the changing media landscape. Change in reference from 'Communications Unit' to Public Relations and Marketing Unit.	033

## Policy

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## Policy



1.3	TBA	Public Relations and Marketing Coordinator	<p>Updated to new policy template.</p> <p>1.2 Added new paragraph Council informs and consults effectively with the community via both owned and earned media channels. This policy outlines Council's position on liaison with earned media channels.</p> <p>1.4 Deleted good and added cooperative.</p> <p>1.4 Deleted Social, electronic, digital and print media are principal means by which Council can inform and consult effectively with its community</p> <p>2.1 Deleted paragraph. Reference to previous review is not required as it is specified in the version history.</p> <p>2.2 Added - the norm.</p> <p>2.3 Deleted traditional media, such as</p> <p>2.4. Deleted matter lack of trust. , or simply preferring the ritual of turning on the television, tuning into the radio or holding a paper in our hands.</p> <p>2.5 Deleted burgeoning and added dominant.</p> <p>2.7. Added new paragraph Port Stephens Council's Public Relations and Marketing approach has evolved to adapt to the changes, adopting a focus on our owned media channels. As well as reaching our own audience, owned media</p>	TBA
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### Policy

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## Policy



Version	Date	Author	Details	Minute No.
			<p>also influences our reach through earned media, with journalists often using social media as key tool when researching news or community stories.</p> <p>2.8 and 3.1a – Deleted strong and added cooperative.</p>	

## Policy

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## ITEM 4 - ATTACHMENT 2 SUBMISSION SUMMARY TABLE.

Policy Review: Media Liaison Policy response to submission.

No.	Author of submission	Comment	Council response
1	Tomaree Ratepayers and Residents Association (TRRA)	Issue with change to wording when referencing media types — the terms 'owned' and 'earned' media replace outdated terms such as 'traditional', 'broadcast', etc.	<p>Our removal of specific media types is designed to make the media liaison policy broader and more adaptable in a rapidly evolving media landscape.</p> <p>The draft policy changes reflect the current media landscape — we no longer consider media as 'new' or 'traditional', but as 'owned' and 'earned'. The changes to the draft policy reflect this and don't aim to downplay any particular media format.</p>

**ITEM NO. 5****FILE NO: 20/255685  
EDRMS NO: PSC2009-02488****POLICY REVIEW: PRICING POLICY****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES**

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Pricing policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Pricing 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 Pricing policy dated 9 October 2018, Minute No. 122, should no submissions be received.

---

**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the revised Pricing Policy ('policy'). Minor wording changes and policy responsibilities have been updated.

The purpose of this policy is to outline the principles to be used when setting fees and charges. It needs to be read in conjunction with Council's annual fees and charges document and any guidelines developed by Council's Financial Services Section to assist Council staff in calculating the amount of fees and charges.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Financial Management	Maintain strong financial sustainability.

**FINANCIAL/RESOURCE IMPLICATIONS**

Adoption of this policy is within existing budget allocations.

<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		

**ORDINARY COUNCIL - 27 OCTOBER 2020**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

Section 610B of the Local Government Act 1993 requires that fees are to be determined in accordance with pricing methodologies adopted by Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may breach legislation and suffer loss of reputation, should a pricing policy not be in place.	Low	Adopt the recommendations.	Yes
There is a risk that Council may endure a potential financial loss through inappropriate setting of fees and charges, should a pricing policy not be in place.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

A pricing policy protects the financial interests of the Council while at the same time ensuring that its community obligations are met.

**CONSULTATION**

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

Internal

- Executive Team.

External

In accordance with local government legislation the revised Pricing Policy will go on public exhibition for 28 days.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Pricing Policy. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



## Policy



**FILE NO:** PSC2009-02488

**TITLE:** PRICING POLICY

**OWNER:** FINANCIAL SERVICES SECTION MANAGER

### 1. PURPOSE:

- 1.1 This Pricing Policy ('Policy') outlines the principles to be used when setting fees and charges. It needs to be read in conjunction with Council's annual fees and charges document and any guidelines developed by Council's Financial Services Section to assist Council staff in calculating the amount of fees and charges.

### 2. CONTEXT/BACKGROUND:

- 2.1 In accordance with Sections 608 – 610 of the Local Government Act 1993 and other relevant legislation, Council charges and recovers approved fees and charges for any services it provides as contained within Council's annual fees and charges document.

### 3. SCOPE:

- 3.1 This Policy applies to all fees and charges levied by Council, its 355c Committees and others as authorised by Council to levy fees and charges on its behalf and/or for the use of facilities and provision of services. These are known as discretionary fees.

### 4. DEFINITIONS:

- 4.1 An outline of the key definitions of terms included in the Policy.

Discretionary  
fees/charges

Fees that are set by Council itself for services provided, as opposed to fees mandated from time to time by other levels of government.

Community Service  
Obligation (CSO)

Recognition that facilities have been provided using community's resources (via Council) for the benefit of the community. This recognition often takes the form of discounted user fees for residents / ratepayers.

## Policy

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## Policy



### **5. STATEMENT:**

#### **5.1 Objectives of the Policy:**

- a) to provide a decision-making framework for the determination of fees and charges
- b) to enable determination of fees and charges that is equitable, consistent, timely and accountable;
- c) to provide opportunities for cost recovery whilst meeting Council's community service obligations;
- d) to meet Council's statutory requirements under the Local Government Act 1993 and other relevant legislation in relation to setting fees and charges;
- e) to assist Council staff, when reviewing existing fees and charges and/or considering new fees and charges for recommendation to Council.

#### **5.2 Principles of the Policy:**

- a) Council has a charter under the Local Government Act 1993 for fair imposition of fees and charges
- b) Council has a charter under the Local Government Act 1993 to effectively account for and manage the assets for which it is responsible
- c) Council will strive to provide equitable access to its facilities and services
- d) Council recognises that as a monopoly provider of some facilities and services it has a duty to deliver value for money to ratepayers and residents.

#### **5.3 General**

- 5.3.1 Port Stephens Council recognises that it has community service obligations which are non-commercial requirements for identified social purposes, and that these obligations constitute a significant component of the social policies of Council. The concept of community service obligations informs the Council's Pricing Policy.

#### **5.4 Pricing Policy**

- 5.4.1 Sections 608 – 610 of the Local Government Act 1993 authorise Council to charge and recover fees and any service it provides apart from services for which the charging of a fee is prohibited. Council may waive all or part of a fee unless it is a fee regulated directly by the State Government. In determining whether a fee should be charged for a service Council will consider a number of principles, firstly, whether the service provides a public benefit or private benefit.

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## Policy

5.4.2 A 'public' service is one where there is a general benefit to the community and where there is limited opportunity of collecting a fee, for example, roads and parks.

5.4.3 A 'private' service is one which provides a discernible private benefit to persons and which offers an opportunity of collecting a fee, for example processing a rezoning application. Where a service generates a private benefit then recovery of costs through a fee is appropriate.

5.4.4 In determining the cost of providing a service, Council will:

- a) Identify and quantify the full absorbed cost including appropriate overheads, which reflect the proportion of 'centralised' support cost that should be recovered; and
- b) Consider any community service obligations (CSO) where there are clear social or equity objectives in the provision of the service.

5.4.5 In assessing the existence and level of a CSO, Council will consider:

- a) the social or community objectives achieved or assisted by the consumption of the service
- ~~5.4.5.2 The social or community objectives achieved or assisted by the consumption of the service;~~
- b) the social or community values promoted by wider availability of the service
- c) whether the direct consumers are unable to purchase a socially desirable level of service
- d) whether direct beneficiaries of the service are deserving of favourable pricing.

5.4.6 If it is determined that a CSO is present, then Council will consider setting a fee below the level of full cost recovery. In determining the amount of discount or subsidy, Council will consider:

- a) the level of CSO in the service
- b) the objectives of the service
- c) the consumers' ability to pay
- d) price sensitivity of the service
- e) the application of a suggested industry reference price.

5.4.7 In case of fees set by statute, the fee will be set in accordance with the relevant statute.

### 5.5 Pricing methods

5.5.1 Fees and charges made by Council will be classified according to the pricing structures as outlined below. Full cost pricing will apply to all of Council's fees

## Policy

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## Policy

and charges, except in the circumstances outlined in the alternative pricing structures.

### 5.5.2 Full cost pricing

5.5.2.1 Council will recover all direct and indirect costs of the service (including on-costs, overheads and depreciation of assets employed).

### 5.5.3 Partial cost pricing

5.5.3.1 Council will recover less than the full cost (as defined above).

5.5.3.2 Partial cost pricing may be used if shared benefits are derived from the provision of the service that accrue to the community as a whole as well as to individual users. It may also be applied where charging full cost recovery pricing will result in widespread evasion.

5.5.3.3 The price structure may also be used to stimulate demand for a service in the short term, although foregoing full cost recovery must be for a defined term only.

### 5.5.4 Statutory pricing

5.5.4.1 The price of this service is determined by legislation and dependant on that price, Council may or may not recover its full costs, but has no discretion to do so.

### 5.5.5 Market pricing

5.5.5.1 The price of the service is determined by examining alternative prices of surrounding service providers (this also may or may not recover the full cost of the service).

5.5.5.2 This pricing structure should also apply in cases where the service is in competition with that provided by another council, agency or commercial provider and there is consequent pressure to set a price that will attract adequate usage of the service.

5.5.5.3 Market pricing should also apply where a service is predominantly provided for Council's in-house use, but sale to external markets will defray costs.

### 5.5.6 Free (zero priced)

5.5.6.1 Some services may be provided free of charge and the whole cost determined as a community service obligation and may fall within the class of public good. This price structure may be used where the services provide

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## Policy



a broad community benefit; and/or it is impractical or inconceivable to charge for the service on a user basis.

5.5.6.2 The price structure may also apply where the service is a minor part of the overall operation of Council and the potential for revenue collection is so minor as to be outweighed by the cost of collection.

### 6. RESPONSIBILITIES:

6.1 Financial Services Section Manager.

### 7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993 (NSW).
- 7.2 Office of Local Government Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality (2014).
- 7.3 A New Tax System (Goods and Services Tax) Act 1999 (Cth) and regulations.
- 7.4 Council's annual Fees and Charges document.

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<b>EDRMS container No.</b>	PSC2007-2377	<b>EDRMS record No.</b>	48/181315 <b>20/282730</b>
<b>Audience</b>	Port Stephens Community, Council, Council staff		
<b>Process owner</b>	Financial Services Section Manager		
<b>Author</b>	Financial Services Section Manager		
<b>Review timeframe</b>	2 years	<b>Next review date</b>	
<b>Adoption date</b>	26/06/2012		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	26 June 2012	Corporate Strategy & Planning Manager	Review with no change	155

#### Policy

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## Policy



Version	Date	Author	Details	Minute No.
2.0	12 August 2014	Corporate Strategy & Planning Manager	Review with no change	209
3.0	13 September 2016	Corporate Strategy & Planning Manager	Responsibility changed from Corporate Strategy & Planning Manager to Financial Services Section Manager. Change to name of Competitive Neutrality Guide. Name change from Division of Local Government to Office of Local Government. Revised Policy developed in new format.	258
4.0	9 October 2018	Financial Services Section Manager	Policy reviewed and formatted into the new template. References to RM8 updated to EDRMS. 5.1 – Removed 'are as follows'. 5.2 Removed 'are as follows'. 6.1 – Updated to 'Financial Services Section Manager'. 7.1 – Added '(NSW)'. 7.3 – Removed '(Federal)' and inserted '(Cth)'. 7.4 – Added 'Council's annual fees and charges document'.	122

### Policy

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## Policy



Version	Date	Author	Details	Minute No.
5.0		Financial Services Section Manager	<p>Policy reviewed and formatted into the new template.</p> <p>5.4.5.2 - Removed '5.4.5.2 The social or community objectives achieved or assisted by the consumption of the service;'</p> <p>Updated EDRMS file number in version history.</p>	

### Policy

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**ITEM NO. 6****FILE NO: 20/256385  
EDRMS NO: PSC2009-02488****POLICY REVIEW: PUBLIC ACCESS TO RECORDS AFTER 30 YEARS**

REPORT OF: ZOE PATTISON - ORGANISATION SUPPORT SECTION  
MANAGER  
GROUP: CORPORATE SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Public Access to Records after 30 Years Policy shown at **(ATTACHMENT 1)**.
  - 2) Place the revised Public Access to Records after 30 Years 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 Public Access to Records after 30 Years Policy dated 27 November 2018 (Minute No. 160), should no submissions be received.
- 

**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the revised Public Access to Records after 30 Years Policy (the 'policy'). There have been minor changes made to this policy.

The purpose of this policy is to allow for the public to have greater access to records older than 30 years.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance	Provide a strong ethical governance structure.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial implications.

<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		



**ORDINARY COUNCIL - 27 OCTOBER 2020**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The revised policy meets Council's requirement and is written in accordance with the State Records Act 1998 and the Government Information (Public Access) Act 2009.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's administrative processes remain outdated.	Low	Accept the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no known social, economic or environmental implications.

**CONSULTATION**

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

Internal

- Senior Records Team Leader.
- Business Excellence Coordinator.
- Workplace Development Manager.
- Organisation Support Section Manager.
- Executive Team.

External

In accordance with local government legislation the draft Public Access to Records after 30 Years Policy will go on public exhibition for a period of 28 days.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Public Access to Records After 30 Years Policy. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM 6 - ATTACHMENT 1      REVISED PUBLIC ACCESS TO RECORDS AFTER 30 YEARS POLICY.

Policy



**FILE NO:** PSC2005-1592  
**TITLE:** PUBLIC ACCESS TO RECORDS AFTER 30 YEARS  
**POLICY OWNER:** BUSINESS SYSTEMS ORGANISATION SUPPORT SECTION MANAGER

**1. PURPOSE:**

- 1.1 This policy allows for the public to have greater access to records older than 30 years. This means the public are not required to request these records through a Government Information (Public Access) request.

**2. CONTEXT/BACKGROUND:**

- 2.1 The State Records Act 1998 promotes the principles of accountability and access by requiring public sector office(s), including local government Councils, to create full and accurate records of their business and administrative transactions, and ensuring that records of significant value are preserved. Councils will ensure that all records of continuing value are considered for public access in due course and in accordance with the Attorney General's 'Guidelines on Making Access Directions under Part 6 of the State Records Act 1998'.

**3. SCOPE:**

- 3.1 This policy relates to all person(s) who request either personal information or a record from Port Stephens Council that is deemed older than 30 years. A record is taken to be 30 years old, when 30 years have elapsed since it came into existence or since the original record of which it is a copy came into existence.
- 3.2 The fact that a record is not open to public access under this Act does not affect any entitlement to obtain access to information contained in the record under the Government Information (Public Access) Act 2009.

**4. DEFINITIONS:**

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

Disclose	Make information available and release or provide access to information.
----------	--

Policy

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ITEM 6 - ATTACHMENT 1  
30 YEARS POLICY.

## REVISED PUBLIC ACCESS TO RECORDS AFTER

## Policy



Exercise	A function includes perform a duty.
Person	Includes an agency, the government or another jurisdiction (including a jurisdiction outside Australia) and an agency of the government of another jurisdiction.
Public Office	An office established or continued for a public purpose by or under the provisions of a legislative instrument.
Personal Information	Information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
Record	<del>Any document or other source on information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means.</del> Information created, received and maintained as evidence and as an asset by an organisation or person, in pursuit of legal obligations or in the transaction of business.
OPA	Open to Public Access.
CPA	Closed to Public Access.

## 5. POLICY STATEMENT

- 5.1 The policy is intended to outline the access provisions of the State Records Act, 1998 and to explain the rights and obligations of Council and the public, under Part 6 of the Act.
- 5.2 Assessment as to whether records should be open or closed to public access will be made on the basis of the known or likely contents of a series, group or class of records, not on an individual record basis.
- 5.3 Criteria for an OPA direction include public interest, whether similar records are already available, OPA precedents, appropriate elapse of time and whether the records are already public knowledge or are available elsewhere. An OPA direction will remain in force until it is revoked.
- 5.4 Criteria for a CPA direction include whether the information has been provided under an expectation of confidentiality, information protected under other legislation, unreasonable disclosure of sensitive personal information, safety and security. A CPA direction will

## Policy

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ITEM 6 - ATTACHMENT 1      REVISED PUBLIC ACCESS TO RECORDS AFTER  
30 YEARS POLICY.

Policy



remain in force for the period (up to 5 years) specified in the direction and will be reviewed every 5 years.

- 5.5 Application for access to records must be in writing, specifying that access be requested under s.54 of the State Records Act and detailing the records to which access is required.
- 5.6 No fee will be payable for Public Access requests.
- 5.7 Council will notify applicants of its access decision on their requested record/s in writing.
- 5.8 Documentation of Access Directions will contain sufficient detail to help meet Council's statutory obligations under the State Records Act 1998.
- 5.9 A CPA direction does not affect an individual's entitlement to access a record under the Government Information (Public Access) Act 2009.

**6. POLICY RESPONSIBILITIES:**

- 6.1 ~~Information Services Coordinator~~ **Senior Records Team Leader** - Responsible for the implementation and review of this Policy.

**7. RELATED DOCUMENTS**

- 7.1 State Records Act 1998 No 17 (Part 6).
- 7.2 Government Information (Public Access) Act 2009.

Policy

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## ITEM 6 - ATTACHMENT 1 REVISED PUBLIC ACCESS TO RECORDS AFTER 30 YEARS POLICY.

Policy



## CONTROLLED DOCUMENT INFORMATION:

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<b>EDRMS container No</b>	PSC2005-1592	<b>EDRMS record No</b>	18/234045 20/278407
<b>Audience</b>	Port Stephens community and Council employees		
<b>Process owner</b>	Business Systems Organisation Support Section Manager		
<b>Author</b>	Business Systems Organisation Support Section Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	
<b>Adoption date</b>	16 May 2000		

## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	16/5/2000	Information Services Coordinator		267
2.0	24/6/2003	Information Services Coordinator		245
3.0	24/7/2007	Information Services Coordinator		198
4.0	27/9/2011	Information Services Coordinator		344
5.0	14/10/2014	Information Services Coordinator		266
6.0	21/09/2016	Information Services Coordinator	Definition of scope, namely what constitutes which documents are available under the <i>State Records Act 1998</i> and the <i>Government Information (Public Access) Act 2009</i> inserted.	

Policy

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ITEM 6 - ATTACHMENT 1  
30 YEARS POLICY.

## REVISED PUBLIC ACCESS TO RECORDS AFTER

Policy



			<p>Scope to include legislative direction for access to records under 30 years old (<i>Government Information (Public Access) Act 2009</i> inserted).</p> <p>The relevant legislation being <i>State Records Act 1998</i> No 17 current version for 15 January 2016 inserted.</p> <p>Formatted in accordance with PSC Policy template released May 2016.</p> <p>Note: no change in legislation since policy last reviewed in 2014.</p>	
7.0	25/10/2016	Information Services Coordinator	Adopted by Council.	314
8.0	27/11/2018	Business Systems Support Section Manager	<p>No changes to Policy.</p> <p>Template updated to include numbering.</p> <p>Updated EDRMS reference number.</p>	160
9.0		Organisation Support Section Manager	<p>The Public access to records after 30 years was reviewed and updated in the new template.</p> <p>Updated Policy Owner to Organisation Support Section Manager.</p> <p>4.1 – Updated Records definition to be in line with the Business Operating System.</p> <p>6.1 – Updated Information Services Coordinator to Senior Records Team Leader.</p> <p>Updated EDRMS reference number.</p>	

Policy

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5

**ITEM NO. 7**

**FILE NO: 20/303962  
EDRMS NO: PSC2017-00178**

**REQUEST FOR FINANCIAL ASSISTANCE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Ward funds to the following:
  - a. South Tomaree Community Association – Cr Sarah Smith, \$500 rapid response donation towards liability insurance.
  - b. Salamander Bay Recycling – East Ward funds - \$3037.40 donation towards development application fees for a large covered outdoor learning area (COLA) at the site.
  - c. Tomaree Community College – East Ward funds - \$1000 donation towards the cost of tip fees for the removal of green waste.

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**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:

**CENTRAL WARD – Councillors Doohan, Smith and Tucker**

South Tomaree Community Association.	Local people united in the protection of unspoiled and rare coastal vegetation.	\$500 rapid response.	Donation towards liability insurance.
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**EAST WARD – Councillors Abbott, Dunkley and Nell**

Salamander Bay Recycling.	Salamander Bay Recycling is an independent, not-for-profit benevolent organisation, run by the community, for the community.	\$3037.40	Donation towards development application fees for a large covered outdoor learning area (COLA) at the site.
Tomaree Community College.	Tomaree Community College offers vocational, recreational and lifestyle courses for adult learning in Port Stephens.	\$1000	Donation towards the cost of tip fees for the removal of green waste.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
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		

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

**LEGAL AND POLICY IMPLICATIONS**

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

The Policy interpretation required is whether the Council believes that:

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

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
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. 8**

**FILE NO: 20/303949**  
**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:**

Receives and notes the Information Papers listed below being presented to Council on 27 October 2020.

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<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	September 2020 Cash and Investments	156
2	Council Resolutions	159

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# INFORMATION PAPERS





**ITEM NO. 1**

**FILE NO: 20/302162**  
**EDRMS NO: PSC2006-1531**

**SEPTEMBER 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 September 2020

**ATTACHMENTS**

- 1) September 2020 Cash and Investments. [↓](#)
- 2) September 2020 Cashflow Report. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

CASH AND INVESTMENTS HELD AS AT 30 SEPTEMBER 2020									
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE	
TERM DEPOSITS									
AMP BANK	LAMINAR	BBB+	TD	1.65%	182	25-Nov-20	1,250,000	1,250,000	
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	
AMP BANK	LAMINAR	BBB+	TD	1.55%	188	10-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	
JUDO BANK	CURVE	NR	TD	1.60%	211	7-Jan-21	1,000,000	1,000,000	
MUTUAL BANK	MUTUAL BANK	NR	TD	0.95%	159	3-Feb-21	550,000	550,000	
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	
JUDO BANK	CURVE	NR	TD	1.05%	256	11-May-21	275,000	275,000	
JUDO BANK	CURVE	NR	TD	1.05%	253	11-May-21	300,000	300,000	
AMP BANK	LAMINAR	BBB+	TD	0.80%	295	23-Jun-21	300,000	300,000	
AUSTRALIAN MILITARY BANK	FARQUHARSON	BBB+	TD	1.65%	635	30-Jun-21	1,000,000	1,000,000	
JUDO BANK	CURVE	NR	TD	1.05%	343	4-Aug-21	900,000	900,000	
JUDO BANK	CURVE	NR	TD	1.05%	337	4-Aug-21	300,000	300,000	
MAITLAND MUTUAL	MUTUAL	NR	TD	0.95%	351	18-Aug-21	300,000	300,000	
AMP BANK	LAMINAR	BBB+	TD	0.80%	383	15-Sep-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	15-Oct-21	500,000	500,000	
AUSWIDE BANK	RIM	BBB	TD	1.73%	701	2-Feb-22	1,250,000	1,250,000	
MACQUARIE BANK	LAMINAR	A+	AT CALL	0.80%	AT CALL	30-Jun-21	7,000,000	7,000,000	
SUB TOTAL (\$)							23,475,000	23,475,000	
TCORP CASH FUND	TCORP	AAA					500,000	502,221	
TCORP SHORT TERM INCOME FUND	TCORP	AAA					2,500,000	2,500,324	
TCORP MEDIUM TERM GROWTH FUND	TCORP	AAA					3,000,000	2,985,196	
TCORP LONG TERM GROWTH FUND	TCORP	AAA					1,000,000	986,635	
INVESTMENTS TOTAL (\$)							30,475,000	30,449,377	
CASH AT BANK (\$)							7,317,074	7,317,074	
TOTAL CASH AND INVESTMENTS (\$)							37,792,074	37,766,452	
CASH AT BANK INTEREST RATE				0.55%					
BBSW FOR PREVIOUS 3 MONTHS				0.15%					
AVG. INVESTMENT RATE OF RETURN ON TDs				1.32%					
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 30/09/2020

#### CASHFLOW STATEMENT

Opening Cash and Investment 1 July 2020  
Closing Cash and Investment 30 September 2020  
**Movement in cash**

YTD	Notes
31,502,431	
37,269,896	
<b>5,767,466</b>	

#### Movement in cash represented by:

##### Operating Activities

Receipts from ratepayers, customers and government authorities	36,202,008
Payments to suppliers & employees	(24,013,197)
Interest received	58,704
Interest paid	(88,901)
<b>Total</b>	<b>12,158,613</b>

##### Investing Activities

Receipts from sale of Infrastructure, Property, Plant & Equipment	81,083
Payments for Property, Plant & Equipment	(6,032,874)
<b>Total</b>	<b>(5,951,791)</b>

##### Financing Activities

Payment of loans	(439,356)
Receipt of new loans	-
<b>Total</b>	<b>(439,356)</b>

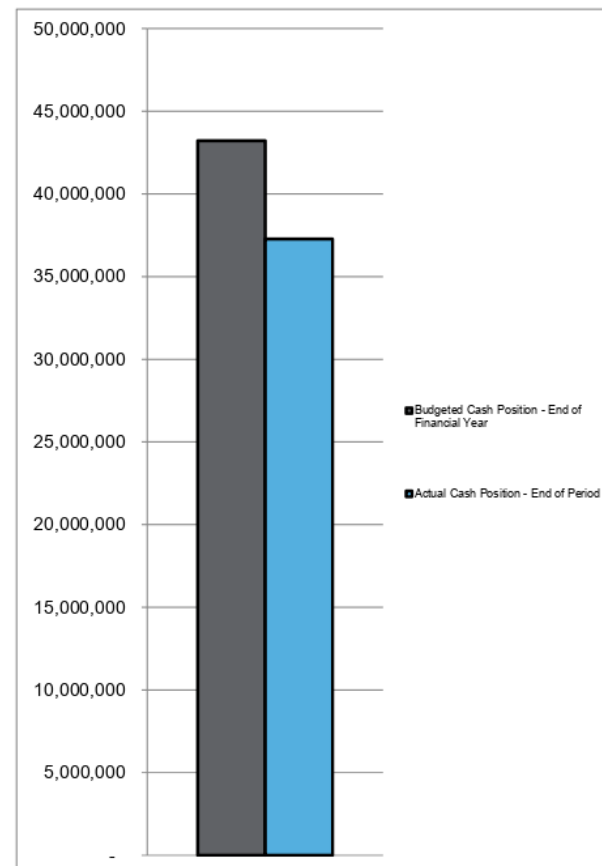
#### Total Cash Movement

Plus: Opening Cash and Investment 1 July 2020	31,502,431
<b>Closing Cash and Investment 30 September 2020</b>	<b>37,269,897</b>

Budgeted Cash Movement for the Financial Year	11,708,000
Plus Opening Cash and Investment 1 July 2020	31,502,431
<b>Budgeted Cash and Investment Position 30 June 2021</b>	<b>43,210,431</b>

In front / (behind) on budget

(5,940,534)	1
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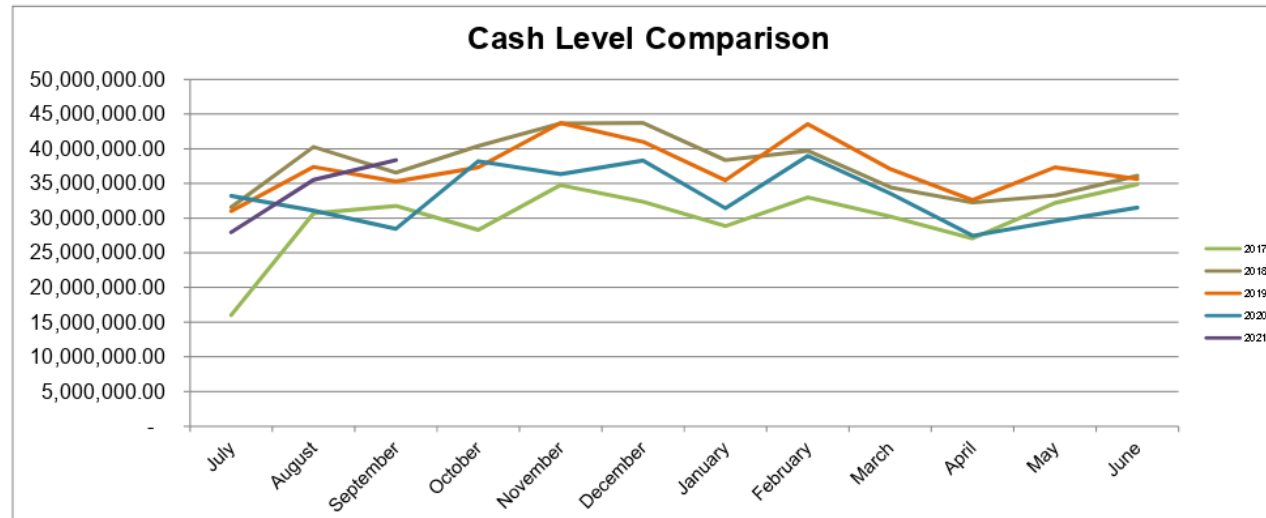


#### Notes

- 1 Council's cash position is down on the budgeted year end position predominately due to the following reasons:
- The proceeds from recent State Roads project work is yet to be received which is approx \$350k
  - Sale of commercial land sales is yet to be completed

Significant future cash inflows expected in next few months include state road program service charges and new financial year operating grants.

Significant future cash outflows expected in next few months include: depot relocation, Tomaree sports complex amenities replacement, Tomaree road upgrade, Conroy park improvements, Smart Parking Seabreeze estate drainage.



**ITEM NO. 2**

**FILE NO: 20/303938  
EDRMS NO: PSC2017-00106**

## **COUNCIL RESOLUTIONS**

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

## **BACKGROUND**

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

## **ATTACHMENTS**

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

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

## ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding **Division:** Corporate Services **Date From:** 26/09/2017  
**Action Sheets** **Date To:** 13/10/2020  
**Report** **Printed:** Monday, 19 October 2020

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

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Crosdale, Timothy	PROPOSED ACQUISITION OF FORMER FIRE STATION SITE - 51 WILLIAM STREET, RAYMOND TERRACE	28/02/2021	29/05/2019	
5		Crosdale, Timothy				19/148388
109						
16 Oct 2020 - Minister's approval granted. Proposed Acquisition Notices have been issued to stakeholders.						

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

**ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets</b>		<b>Date To:</b> 13/10/2020
<b>Report</b>		<b>Printed:</b> Monday, 19 October 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Crosdale, Timothy	GRANT OF EASEMENTS IN FAVOUR OF AGL - PUNT ROAD, TOMAGO	30/10/2020		
7		Crosdale, Timothy				19/200498
169						
16 Oct 2020 - Still in negotiations between AGL and LGL.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Crosdale, Timothy	RENEWAL OF OPTUS LEASE - 9 TARRANT ROAD, SALAMANDER BAY	30/10/2020	12/02/2020	
1		Crosdale, Timothy				20/39141
027						
16 Oct 2020 - Leases have been signed and are in the process of being registered.						

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Crosdale, Timothy	Newline Road, Raymond Terrace	6/11/2020		
2		Crosdale, Timothy				20/288489
199						
16 Oct 2020 - Approved. Contracts being prepared.						

## ITEM 2 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.



Outstanding	Division: Development Services	Date From: 26/09/2017
	Committee:	Date To: 13/10/2020
	Officer:	
Action Sheets Report		Printed: Monday, 19 October 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Drinan, Kate	DEVELOPMENT APPLICATION 16-2019-679-1 FOR DEMOLITION OF EXISTING STRUCTURE AND CONSTRUCTION OF SHOPTOP HOUSING AND DETACHED DWELLING AT 26 KING STREET, RAYMOND TERRACE	30/11/2020		
1		Pearl, Steven				20/265439
151						
16 Oct 2020 - Council resolved to defer this item. A further report will be reported to Council once feedback from the applicant has been received.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/09/2020	Gardner, Janelle	Planning Proposal for 17 Fairlands Road and 2 Ferodale Road, Medowie	30/11/2020		
1		Pearl, Steven				20/277432
170						
16 Oct 2020 - Council resolved to defer this item. A further report will be reported to Council once feedback from the applicant has been received.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/10/2020	Gardner, Janelle	5G SMALL CELL TECHNOLOGY ROLLOUT WITHIN PORT STEPHENS	30/11/2020		
1		Pearl, Steven				20/304775
214						
16 Oct 2020 - Revised Target Date from: 27 Oct 2020 To: 30 Nov 2020						

**ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Facilities & Services	<b>Date From:</b> 26/09/2017
	<b>Committee:</b>	<b>Date To:</b> 13/10/2020
	<b>Officer:</b>	
<b>Action Sheets Report</b>		<b>Printed: Monday, 19 October 2020</b>

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						
16 Oct 2020 - External consultant has undertaken a review of Council's facilities to determine where the energy consumption could be reduced. Methods to reduce energy consumption includes light replacement and also the expansion of solar panels to change where we gain energy from. The external consultant has presented a draft report that does show the potential to reduce our carbon footprint and reduce energy consumption expenditures. The draft report requires further work to check the assumptions used. There are also a number of options to fund the project that also need some investigation. Another company has presented another option to create a solar farm in Williamtown. This is a very conceptual idea at this stage.						

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Lamont, Brock	Indoor Sports Facility	30/06/2021	26/02/2020	
4		Kable, Gregory				20/50488
042						
16 Oct 2020 - Currently having discussions with another agency around mixed use facility. Two Way to be scheduled during October.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/05/2020	Stewart, Adam	Smart Parking Infrastructure Program	30/10/2020	14/05/2020	
7		Kable, Gregory				20/138521
16 Oct 2020 - Program for installation is progressing and is currently on schedule. Noting importing of parts may be problematic due to COVID-19.						



**ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Facilities & Services	<b>Date From:</b> 26/09/2017
	<b>Committee:</b>	<b>Date To:</b> 13/10/2020
<b>Action Sheets Report</b>	<b>Officer:</b>	<b>Printed:</b> Monday, 19 October 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/06/2020	Stewart, Adam	Naming of Pathway, Gan Gan Road, Anna Bay	2/03/2021	10/06/2020	
1		Kable, Gregory				20/164033
101						
16 Oct 2020 - The specifications and request for quote have been prepared. These documents will be released to Contractors in September. Final designs & proposals will be presented in November.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Lamont, Brock	REVIEW OF THE OFF LEASH DOG AREAS AND TIMES AT ANNA BAY / BIRUBI POINT, FISHERMANS BAY AND BOAT HARBOUR	2/03/2021		
1		Kable, Gregory				20/192934
138						
16 Oct 2020 - Consultation proposed to be November with report to Council early in the new year.						

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Maretich, John	Smart Parking Fees and Charges Amendment	30/11/2020		
8		Kable, Gregory				20/265439
160						
16 Oct 2020 - Public exhibition has now ended. Submissions are currently being collated and will be reported back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Burton, Paul	King Park Sports Complex Masterplan	31/12/2020		
7		Kable, Gregory				20/265439
157						
16 Oct 2020 - Public Exhibition ended on 24 September. Submissions will be collated and a report will be prepared for Council in November.						

## ITEM 2 - ATTACHMENT 3 FACILITIES &amp; SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 13/10/2020
	Officer:	
Action Sheets Report		Printed: Monday, 19 October 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/10/2020	Gutsche, Tammy	Policy Review: Waste Management and Resource Recovery	30/11/2020		
5		Kable, Gregory				20/304775
209						
16 Oct 2020 - Revised Target Date changed from 27 Oct 2020 To: 30 Nov 2020. Policy is currently out on public exhibition until 10 November 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/10/2020	Maretich, John	Policy Review: Information & Direction Signs in Road Reserves	30/11/2020		
6		Kable, Gregory				20/304775
210						
16 Oct 2020 - Revised Target Date changed from 27 Oct 2020 To: 30 Nov 2020. Policy is currently out on public exhibition until 10 November 2020.						

**ITEM 2 - ATTACHMENT 4      GENERAL MANAGER'S OFFICE REPORT.**



<b>Outstanding</b>	<b>Division:</b> General Manager's Office	<b>Date From:</b> 26/09/2017
	<b>Committee:</b>	<b>Date To:</b> 13/10/2020
	<b>Officer:</b>	
<b>Action Sheets Report</b>		<b>Printed: Monday, 19 October 2020</b>

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Wickham, Tony	POLICY REVIEW: ACCESS TO INFORMATION	10/11/2020		
11 163		Wallis, Wayne				20/265439
2 Oct 2020 – Revised Target Date changed from 28 Sep 2020 To: 10 Nov 2020. Reason: The public exhibition period for this policy closed on 28 September 2020. 1 submission was received which will be reported back to Council on 10 November 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Wickham, Tony	POLICY REVIEW: GIFTS AND BENEFITS	26/10/2020		
10 192		Wallis, Wayne				20/288489
2 Oct 2020 - Revised Target Date changed to 26 Oct 2020. Reason: The Gifts and Benefits Policy remains on public exhibition until 23 October 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Wickham, Tony	CODE OF CONDUCT	26/10/2020		
11 193		Wallis, Wayne				20/288489
2 Oct 2020 - Revised Target Date changed to 26 Oct 2020. Reason: The Code of Conduct remains on public exhibition until 23 October 2020.						



# 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.