

DRAFT

MINUTES – 27 JULY 2021



PORT STEPHENS C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 27 July 2021, commencing at 7.45pm.

PRESENT:

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

184	Councillor John Nell Councillor Ken Jordan It was resolved that the apology from Cr Paul Le Mottee be received and noted.
------------	---

The motion was carried.

185	Councillor Chris Doohan Councillor Glen Dunkley It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 13 July 2021 be confirmed.
------------	--

The motion was carried.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

ORDINARY COUNCIL MEETING - 27 JULY 2021 AMENDMENT

	<p>Councillor Giacomo Arnott</p> <p>That the following be inserted into Mayoral Minute No. 1:</p> <p>"It is noted that Cr Arnott spoke for just 3 minutes 48 seconds on this item before being unfairly cut off from using his full 5 minute speaking time by the Mayor."</p>
--	--

The amendment lapsed without a seconder.

	<p>There were no Declarations of Interest received.</p>
--	---

The General Manager advised Council that Item 6 has been withdrawn.

MOTION TO CONSIDER BUSINESS WHICH NOTICE HAS NOT BEEN GIVEN

ORDINARY COUNCIL MEETING - 27 JULY 2021 MOTION

	<p>Councillor Giacomo Arnott</p> <p>That Council:</p> <ol style="list-style-type: none">1) Acknowledges community concern around the shade structures currently being installed at Shoal Bay along Shoal Bay Road.2) Agrees to conduct an on-site meeting with senior Council staff and Councillors to discuss concerns with the structure.
--	---

The Chairperson ruled that the business was not a matter of great urgency, in accordance with the Code of Meeting Practice.

ORDINARY COUNCIL MEETING - 27 JULY 2021 MOTION

	<p>Councillor Giacomo Arnott</p> <p>That Council:</p>
--	--

	<ul style="list-style-type: none">1) Note that:<ul style="list-style-type: none">a) Councils in NSW have an important role in land use planning and development approval;b) councils assess local development and are able to grant approval, with or without conditions, or refuse an application for development. Local planning controls regulate densities, height, external design and siting, building materials, open space provisions, and the level of developer contribution required to cover physical and/or community infrastructure costs arising from the proposed development;c) in 2020 NSW Minister for Energy and Environment Matt Kean likened allowing property developers to be elected as local councillors to “putting Dracula in charge of the bloodbank” due to the planning decisions taken by councils;d) in June 2021 the NSW Legislative Council voted to ban property developers from running for local councils; ande) property developers have an innate bias in planning decisions and allowing them to serve as local councillors erodes the ability of councils to make independent decisions on planning matters;2) Oppose those working as, or close associates of, property developers, running to be elected to Port Stephens Council (property developer and close associate are as defined in the Electoral Funding Act 2018); and3) For Council to:<ul style="list-style-type: none">a) submit this motion in support of the adoption of a policy which prohibits property developers from holding office as local councillors in NSW to the LGNSW conference for consideration;b) write to the NSW Premier, NSW Opposition Leader, NSW Local Government Minister, NSW Shadow Local Government Minister, and Independent NSW Members for Sydney, Wagga Wagga and Lake Macquarie seeking their commitment to support the Local Government Amendment (Prohibition of Election of Property Developers) Bill 2021 which is currently before the parliament which seeks to prohibit property developers from holding office as local councillors in NSW.
--	---

The Chairperson ruled that the business was not a matter of great urgency, in accordance with the Code of Meeting Practice.

INDEX

SUBJECT

PAGE NO

MOTIONS TO CLOSE 6

1.	MOTION TO CLOSE.....	7
2.	MOTION TO CLOSE.....	8
3.	MOTION TO CLOSE.....	9
4.	MOTION TO CLOSE.....	10

COUNCIL REPORTS..... 11

1.	DEVELOPMENT APPLICATION 16-2021-82-1 FOR A DWELLING AT 7 HIGH STREET, HINTON	12
2.	DEVELOPMENT APPLICATION DA NO. 16-2007-15-5 FOR A S4.55(2) MODIFICATION TO AN APPROVED CARAVAN PARK AT 16 TROTTER ROAD, BOBS FARM.....	51
3.	DRAFT VOLUNTARY PLANNING AGREEMENT - KINGS HILL DEVELOPMENT	61
4.	RIFLE RANGE PLANNING PROPOSAL, DEVELOPMENT CONTROL PLAN AND VOLUNTARY PLANNING AGREEMENT	72
5.	SIX MONTHLY REPORT: JANUARY TO JUNE 2021 AGAINST THE PORT STEPHENS COUNCIL DELIVERY PROGRAM 2018-2021.....	112
6.	END OF TERM REPORT 2017-2021	116
7.	BUDGET ITEMS ROLLOVERS/CARRIED FORWARD FROM 2020 - 2021	119
8.	2020-2021 GENERAL PURPOSE FINANCIAL REPORTS	124
9.	KIRRANG DRIVE, MEDOWIE SHARED PATHWAY	128
10.	355C COMMITTEES 2020 ANNUAL FINANCIAL SUMMARY	134
11.	REQUEST FOR FINANCIAL ASSISTANCE	142
12.	INFORMATION PAPERS	147

INFORMATION PAPERS 149

1.	GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW 2020-2021	149
2.	QUARTERLY GRANTS UPDATE - 30 JUNE 2021	151
3.	JUNE 2021 CASH AND INVESTMENTS	155
4.	QUESTIONS ON NOTICE/QUESTIONS WITH NOTICE	158
5.	COUNCIL MEETINGS DURING ELECTION PERIOD.....	161
6.	ELECTED MEMBERS PROFESSIONAL DEVELOPMENT REPORT - APRIL TO JUNE 2021 AND EXPENSE REPORT - 1 JULY 2020 TO 30 JUNE 2021.....	163
7.	DESIGNATED PERSONS' RETURN	166
8.	COUNCIL RESOLUTIONS	167

NOTICES OF MOTION 180

1.	FERN BAY SUPERMARKET	181
2.	AMENITIES DESIGN	183
3.	RECORDING OF COUNCILLOR VOTING	185
4.	ADVERTISING IN THE EXAMINER	187
5.	SHADE SAIL AT ROBINSON RESERVE, ANNA BAY	189
6.	SOLDIERS POINT TRAFFIC MANAGEMENT STUDY	191
7.	KOALA PLAN OF MANAGEMENT	193
8.	NELSON BAY PAID PARKING EXPENDITURE	195
9.	NELSON BAY PAID PARKING HOURS	226
10.	DWELLINGS IN HIGH HAZARD FLOODWAYS	228
11.	PECUNIARY INTEREST RETURNS	230
12.	ABSENCE FROM COUNCIL MEETINGS	232
13.	ADDRESS OF COUNCIL LAND PROPOSED FOR SALE	234
14.	AGL EASEMENT, TOMAGO	236
15.	879 SWAN BAY ROAD, SWAN BAY	238
16.	RAYMOND TERRACE INDOOR SPORTS FACILITY	240
17.	RAYMOND TERRACE SEVEN DAY MAKEOVER	243
18.	OSTERLEY SUBURB SIGNS	245
19.	SHOP LOCAL	247
20.	AUSTRALIA POST MAIL BOX, 14A WILLIAM STREET, RAYMOND TERRACE	249

CONFIDENTIAL 251

1. CAPITAL WORKS CONTRIBUTION - 437 HUNTER STREET,
NEWCASTLE
2. RENTAL ARREARS WRITE OFF
3. PURCHASE OF PROPERTY - LEMON TREE PASSAGE
4. AGREEMENT WITH COMMUNITY ASSOCIATION DP270468 -
LAGOONS ESTATE, NELSON BAY

MOTIONS TO CLOSE

ITEM NO. 1

**FILE NO: 21/188805
EDRMS NO: PSC2020-00043**

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (g) 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 **Capital Works Contribution - 437 Hunter Street, Newcastle**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

**ORDINARY COUNCIL MEETING - 27 JULY 2021
MOTION**

186	<p>Councillor John Nell Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (g) 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 Capital Works Contribution - 437 Hunter Street, Newcastle.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
------------	---

The motion was carried.

ITEM NO. 2

**FILE NO: 21/188818
EDRMS NO: PSC2011-00189**

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (d)i of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **Rental Arrears Write Off**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

**ORDINARY COUNCIL MEETING - 27 JULY 2021
MOTION**

187	<p>Councillor John Nell Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (d)i of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely Rental Arrears Write Off.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
------------	--

The motion was carried.

ITEM NO. 3

**FILE NO: 21/195489
EDRMS NO: PSC2020-02248**

MOTION TO CLOSE

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

RECOMMENDATION:

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

**ORDINARY COUNCIL MEETING - 27 JULY 2021
MOTION**

188	<p>Councillor John Nell Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 3 on the Ordinary agenda namely Purchase of property - Lemon Tree Passage.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
------------	---

The motion was carried.

ITEM NO. 4

**FILE NO: 21/188827
EDRMS NO: PSC2007-0025**

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 4 on the Ordinary agenda namely **Agreement with Community Association DP270468 - Lagoons Estate, Nelson Bay**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

**ORDINARY COUNCIL MEETING - 27 JULY 2021
MOTION**

189	<p>Councillor John Nell Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 4 on the Ordinary agenda namely Agreement with Community Association DP270468 - Lagoons Estate, Nelson Bay.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
------------	--

The motion was carried.

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 21/170975
EDRMS NO: 16-2021-82-1**

DEVELOPMENT APPLICATION 16-2021-82-1 FOR A DWELLING AT 7 HIGH STREET, HINTON

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse development application 16-2021-82-1 for a dwelling at 7 High Street, Hinton (Lot 1A DP 9901) for the reasons contained in **(ATTACHMENT 3)**.
-

**ORDINARY COUNCIL MEETING - 27 JULY 2021
MOTION**

	<p>Councillor Jaimie Abbott Councillor John Nell</p> <p>1) That Council refuse development application 16-2021-82-1 for a dwelling at 7 High Street, Hinton (Lot 1A DP 9901) for the reasons contained in (ATTACHMENT 3).</p>
--	---

Councillor Sarah Smith left the meeting at 8:02pm prior to voting.
Councillor Sarah Smith returned to the meeting at 8:03pm prior to voting.

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

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

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

The motion was lost.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

ORDINARY COUNCIL MEETING - 27 JULY 2021 AMENDMENT

	<p>Councillor Steve Tucker Councillor Chris Doohan</p> <p>That Council:</p> <p>1) Defer development application 16-2021-82-1 for a dwelling at 7 High Street, Hinton (Lot 1A DP 9901) for further consideration.</p>
--	--

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

Those for the Motion: Crs Chris Doohan, Glen Dunkley, Sarah Smith and Steve Tucker.

Those against the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Ken Jordan and John Nell.

The amendment was lost.

ORDINARY COUNCIL MEETING - 27 JULY 2021 MOTION

190	<p>Councillor Steve Tucker Councillor Chris Doohan</p> <p>That Council approve development application 16-2021-82-1 for a dwelling at 7 High Street, Hinton (Lot 1A DP 9901) in accordance with the following Conditions of Consent.</p> <p><u>Conditions of Consent</u></p> <p>1.0 - General Conditions of Consent</p> <p>The following conditions of consent are general conditions applying to the development.</p> <p>(1) Approved plans and documentation – Development must be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:</p>
------------	---

MINUTES ORDINARY COUNCIL - 27 JULY 2021

	Plan reference/ drawing No.	Name of plan	Prepared by	Date
	2003020A 1 of 10	Location Plan	Sorensen Design & Planning	17.06.2021
	2003020A 2 of 10	Site Plan	Sorensen Design & Planning	17.06.2021
	2003020A 3 of 10	Ground Floor Plan	Sorensen Design & Planning	17.06.2021
	2003020A 4 of 10	First Floor Plan	Sorensen Design & Planning	17.06.2021
	2003020A 5 of 10	Attic Plan	Sorensen Design & Planning	17.06.2021
	2003020A 6 of 10	North Elevations	Sorensen Design & Planning	17.06.2021
	2003020A 7 of 10	East Elevation	Sorensen Design & Planning	17.06.2021
	2003020A 8 of 10	South Elevation	Sorensen Design & Planning	17.06.2021
	2003020A 9 of 10	West Elevation	Sorensen Design & Planning	17.06.2021
In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.				
(2) BASIX Certificate – The applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) for the development to which this consent applies.				
(3) Building Code of Australia – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.				
(4) Home Building Act – Pursuant to Section 4.17(11) of the Environmental Planning & Assessment Act 1979, residential building work within the meaning of the Home Building Act 1989 shall not be carried out unless the PCA for the development to which the work relates:				

	<p>a) In the case of work for which a principal contractor has been appointed:</p> <ul style="list-style-type: none"> • Has been informed in writing of the name and licence number of the principal contractor; and • Where required has provided an insurance certificate with the name of the insurer by which work is insured under Part 6 of that Act. <p>b) In the case of work to be carried out by an owner-builder;</p> <ul style="list-style-type: none"> • Has been informed in writing of the name of the owner-builder; and • If the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner-builder permit. <p>(5) Home Building Act – Insurance – Building work that involves residential building work within the meaning of the Home Building Act 1989, must not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.</p> <p>This clause does not apply:</p> <p>a) to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulation 2000 (EP&A Regulation 2000), subject to the terms of any condition or requirement referred to in Clause 198(6) or 188(4) of the EP&A Regulation 2000; or</p> <p>b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.</p> <p>(6) Approval of OSMS under LG Act - An approval under Section 68 of the Local Government Act 1993 is to be obtained from Council for the installation of an on-site sewage management system (OSMS) prior to the issue of a Construction Certificate.</p> <p>NOTE: This consent has not addressed any additional fill for the purpose of providing adequate disposal field or infrastructure location for any wastewater treatment system. Any additional fill required for the provision of any wastewater treatment system is subject to separate approval.</p> <p>2.0 – Prior to Issue of a Construction Certificate</p> <p>The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.</p> <p>(1) Structural engineer’s certificate – A certificate must be prepared by a qualified Structural Engineer certifying that the building design</p>
--	--

	<p>is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy, impact and loading from debris up to and including the future 1% Annual Exceedance Probability (AEP) event.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>(2) Soil, erosion, sediment and water management – An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Council’s Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>(3) Long service levy – In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any works that cost \$25,000 or more.</p> <p>(4) Free flow of water - The location and design of the proposed doors must allow free access and escape of floodwaters without causing damage to the building. Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>(5) Flood Risk Management Plan – A Flood Risk Management Plan prepared by a suitably qualified Engineer must be provided to the Certifying Authority demonstrating compliance with the following:</p> <ol style="list-style-type: none"> The design must show that the proposed development is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact and loading from debris up to and including the 1% Annual Exceedance Probability (AEP) event. Certification that the proposed development/ building flood refuge is capable of withstanding the force of any flood waters experienced up to the Probable Maximum Flood Event (PMF). Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces.
--	---

3.0 - Prior to Commencement of Works

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

- (1) **Notice of Principal Certifying Authority appointment** – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 103 of the Environmental Planning & Assessment Regulation 2000. The notice must include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the Registered number and date of issue of the relevant development consent;
 - d) the name and address of the Principal Certifying Authority (PCA), and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, their accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (2) **Notice commencement of work** – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 104 of the Environmental Planning & Assessment Regulation 2000. The notice must include:
 - a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the Registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the Principal Certifying Authority to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Sign of PCA and contact details** – A sign must be erected in a prominent position on the site stating the following:
 - a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be

	<p>contacted at any time for business purposes and outside working hours;</p> <p>c) the name, address and telephone number of the Principal Certifying Authority.</p> <p>The sign must be maintained while the work is being carried out and must be removed upon the completion of works.</p> <p>(4) Construction Certificate Required – In accordance with the provisions of Section 6.7 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:</p> <p>a) a Construction Certificate has been issued by a Consent Authority;</p> <p>b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and</p> <p>c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.</p> <p>(5) Soil erosion and sediment control – Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.</p> <p>Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).</p> <p>(6) Rubbish generated from the development – Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.</p> <p>No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.</p> <p>(7) Flood design measures – Evidence of certification demonstrating that the following flood related design precautions have been adhered to in the design must be submitted to the Principal Certifying Authority:</p>
--	--

- a) In sewerred areas some plumbing fixtures may be located below the Flood Planning Level (FPL). Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge;
- b) All materials stored at the site and capable of causing harm to the environment must be stored at a level not less than the FPL or suitable bunding must be placed around such materials to a minimum of the FPL;
- c) All building materials, equipment, ducting, etc., below the FPL must be flood compatible and ducting must be provided with openings for drainage and cleaning;
- d) All main power supply, heating and air conditioning service installations, including meters must be located above the FPL. All electrical equipment installed below the FPL must be capable of disconnection by a single plug from the power supply;
- e) All electrical wiring below the FPL must be suitable for continuous submergence in water. All conduits below the FPL must be self-draining. Earth core leakage systems or safety switches are to be installed;
- f) Wherever possible, the premises must be designed to ensure that plant, equipment, storage tanks or other fixtures or fittings liable to damage by floods are located above the FPL or be moveable to levels above the FPL. Should this not have the ability to occur, they shall be suitable for submergence in water and securely anchored to overcome buoyancy and movement. All storage tanks must be vented to an elevation above the FPL.

4.0 - During Works

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

- (1) **Construction hours** – All work (including delivery of materials) must be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.

The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.

	<p>(3) Compliance with BCA – All building work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>(4) Finished floor level - The finished floor level of the dwelling must be a minimum level of RL 7.2m Australian Height Datum in accordance with the approved plans.</p> <p>A survey report prepared by a Registered Surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, must be provided to Principal Certifying Authority prior to the development proceeding beyond floor level stage.</p> <p>(5) Stormwater disposal – Following the installation of any roof, collected stormwater runoff from the structure must be:</p> <p>a) Dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties. The discharge location must be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.</p> <p>(6) Placement of fill - Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.</p> <p>Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.</p> <p>(7) Offensive noise, dust, odour and vibration – All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.</p> <p>(8) Bush Fire Safety - Dwellings - The site is located within a bushfire prone area and must comply with NSW Rural Fire Service document "Planning for Bushfire Protection 2019 and AS 3959 2018.'Construction of Buildings in Bushfire Prone Areas' construction and the entire property must be managed as an 'Inner Protection Area' as outlined within Appendix 4 of Planning for Bushfire Protection 2019.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p>
--	--

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate required** - An Occupation Certificate must be obtained prior to any use or occupation of the development.

The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
- (2) **Survey Certificate** – A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.
- (3) **Services** – Evidence is to be provided to Council demonstrating that the following reticulated services are available to each lot:
 - a) Electricity;
 - b) Water;
 - c) Sewer; and
 - d) Gas (where available).

Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.
- (4) **Flood Risk Management Plan** – A Certificate of Compliance prepared by a suitably qualified Flood engineer must be provided to the Principal Certifying Authority stating that all aspects of the Flood Risk Management Plan have been completed and/or implemented in accordance with the approved Plan.
- (5) **On-Site sewerage management inspection** – An onsite sewage management system/waste treatment device is to be installed and obtain approval to operate from Council in accordance with Local Government Act 1993 (Section 68A) prior to the issue of any Occupation Certificate
- (6) **Protection and certification of electrical services** – All power points, fittings, electrical connections within the ground floor level are to be located above the Current 1% Annual Exceedance Probability event which is RL 6.5m AHD.

	<p>Switches, light fittings and power points may be located below the FPL provided they are capable of being isolated by a single Residual Current Device (RCD) protected switch that is located above the FPL. Certification of these works are to be provided to the Principal Certifying Authority.</p>
(7)	<p>Flood Emergency Response Plan - A Flood Emergency Response Plan (FERP) for the proposed development must be provided to the Principal Certifying Authority. The FERP must include the following as a minimum:</p> <ul style="list-style-type: none"> a) A map of the proposed evacuation route to a suitable location above the Probable Maximum Flood (PMF) that provides adequate shelter from the storm, including the route direction and description and identification of the depth of floodwater along the evacuation route in the 1% Annual Exceedance Probability (AEP) flood and PMF events; b) Specific trigger heights linked to the nearest river and tidal gauges used for flood warnings and the specific evacuation route cut-off times linked to the gauge height; c) Description of the specific flood inundation at the site and the relevant surrounding area, including flood depths, direction of flow, velocities, hazard and specific relevant vulnerabilities; d) Consideration of and strategies for, the needs of the elderly, disabled and vulnerable who may be on site; e) A realistic time period for evacuation preparations linked to the trigger heights and evacuation route cut-off times, which includes: <ul style="list-style-type: none"> • Locating important papers, valuables etc., that will be evacuated • Locating and stacking possessions that are to be left behind, well above the predicted flood level • Dealing with all utilities such as electricity, gas, water, fuel, toilets, showers, wastewater system (including removal fuses) and moving pumps and machinery above the predicted flood level • Time to gather, identify and load animals (pets, livestock and other animals), including the possible need for additional assistance in handling your animals in an emergency. f) Determining the vehicular needs of the site to appropriately respond to the flood risk; g) A strategy for a night time flood emergency; and h) A strategy for effective flood risk management when the electricity, internet, telecommunications etc., are unavailable.

Note: Digital elevation data is available from Geosciences Australia, current flood studies are available on Council's website and river gauge/ tidal gauge data is available from the Bureau of Meteorology website.

6.0 – Ongoing Use

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

- (1) **Residential air conditioning units** – The operation of air conditioning units must operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays;
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute; and
 - c) not discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.

Advice Note(s):

- (1) **'Dial Before you Dig'** – Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables.
- (2) **Dividing fences** – The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.
- (3) **Aboriginal archaeological deposit** – In the event of any aboriginal artefact, object or structure being unearthed, all work must cease

	<p>immediately in the affected area, and the Biodiversity Conservation Division (BCD) shall be informed of the discovery. Work must not recommence until the material has been inspected and permission has been given by BCD to proceed.</p>
(4)	<p>Flood information is subject to change – You are advised that flood information is subject to change if more accurate data becomes available to Council. It is the responsibility of the applicant to use the most up-to-date flood information. Prior to applying for a construction certificate, Council should be contacted to verify the currency of the flood information.</p>
(5)	<p>Flood Evacuation Plan – A flood evacuation plan indicating that permanent, fail-safe, maintenance free measures are incorporated in the development to ensure that timely, orderly and safe evacuation of people and potential pollutant material from the buildings on-site should a flood occur. Details demonstrating compliance must be provided to the Certifying Authority with the Construction Certificate application.</p>
(6)	<p>Responsibility for damage for tree removal/pruning – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.</p>

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

Those for the Motion: Mayor Ryan Palmer, Crs Glen Dunkley, Sarah Smith and Steve Tucker.

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

The motion was lost.

ORDINARY COUNCIL MEETING - 27 JULY 2021
MOTION

191	Councillor Giacomo Arnott Councillor Ken Jordan It was resolved that Council refuse development application 16-2021-82-1 for a dwelling at 7 High Street, Hinton (Lot 1A DP 9901) for the reasons contained in (ATTACHMENT 3) , with the following additional reason to be added: “That it is in the public interest to protect residents, the environment and the community through its adherence to Council’s planning controls.”
------------	---

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

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

Those against the Motion: Mayor Ryan Palmer, Crs Glen Dunkley, Sarah Smith and Steve Tucker.

The motion was carried.

BACKGROUND

The purpose of this report is to present a development application (DA) 16-2021-82-1 for a dwelling at 7 High Street, Hinton (Lot 1A DP 9901) to Council for determination.

The DA has been reported in accordance with Council’s Planning Matters to be Reported to Council Policy as it has been called up by Mayor Ryan Palmer, Councillor Sarah Smith and Councillor Jamie Abbott **(ATTACHMENT 4)**.

A locality plan is provided at **(ATTACHMENT 1)**.

A summary of the DA and property details is provided below:

Subject land:	7 High Street, Hinton (Lot 1A DP 9901)
Total area:	6,420m ²
Zoning:	RU1 – Primary Production
Submissions:	1 submission was received in support

MINUTES ORDINARY COUNCIL - 27 JULY 2021

Key issues:	The subject land is in a high hazard flood risk category. An assessment against the relevant planning provisions found that the application cannot be supported as it will result in an unacceptable risk to life and is not compatible with the flood hazard category applying to the site.
-------------	--

Proposal

This development application seeks consent for construction of a 2 storey dwelling on the site. Details of the proposed dwelling are as follows:

- A ground floor level (4.2m AHD), consisting of a double garage and laundry.
- A first floor level (7.2m AHD), consisting of 5 bedrooms, 2 bathrooms and open living areas.

2 stairways have been included in the design of the dwelling to enable movement between levels. The first floor level of the dwelling will be supported by piers.

The proposed dwelling will be located south of the existing shed on site.

Site Description and History

The approved machinery shed and mound at the centre of the site is currently constructed at a level of 4.2m AHD, with direct access available to High Street.

The entire site is mapped as High Hazard Floodway which is characterised by the potential for high levels of flood inundation with associated high velocity flood water.

Key issues

The key issues identified during assessment relates to the fact that the DA seeks to construct a dwelling on a portion of the site characterised as High Hazard Floodway, and the height of the dwelling. A detailed assessment of the DA is contained within the Planners Assessment Report (**ATTACHMENT 2**).

Flooding risk

The DA is inconsistent with both the Port Stephens Local Environmental Plan (LEP 2013) and the Development Control Plan 2014 (DCP 2014) noting the High Hazard Floodway categorisation applying to the site.

LEP/DCP Requirement	Height (AHD)	DA Proposed	Height (AHD)
1% AEP (Current day)	6.5m	Ground Level	4.2m
Flood Planning Level (FPL)	7.2m	First Floor Level (FFL)	7.2m
Probable Maximum Flood (PMF)	8.5m	Eave Height	9.9m

The entire site is identified within a High Hazard Floodway, as reflected in Council flood hazard maps and the current Flood Certificate.

Clause 7.3(3) of LEP 2013 states that development must be compatible with the flood hazard of the land and that it must not have a significant, adverse effect on flood behaviour. The development is not considered to be compatible with the flood hazard category applying to the site resulting in an unnecessary risk to life and property. Chapter B.5 of the DCP 2014 provides specific controls for development on flood prone land. DCP 2014 states that dwelling houses on land categorised as High Hazard Floodway may be considered where the proposal can address set performance based solutions. The solutions include an assessment of the development against the risk to life (B5.18), risk to property (B5.19) and the compatibility of development with the site specific flood hazard (B5.20).

Chapter B5.18, in considering the risk to life, requires that evacuation access to an area free of risk from flooding must be provided in a Probable Maximum Flood (PMF) event. The site and its surrounds are significantly flood affected and it is not possible to design an egress from the proposed dwelling to flood free areas off site. A PMF flood refuge has not been provided for the proposed dwelling. As the DA does not provide a flood free refuge, the DA does not meet a performance based solution contained in Chapter B5.18 of DCP 2014.

Chapter B5.19 requires development to address the risk to property during various flood events. Non-habitable rooms of the dwelling will be constructed below the 1% AEP level (6.5m AHD) and the required FPL (7.2m AHD). The design of the proposal therefore does not address this performance based solution contained in Chapter B5.19 of DCP 2014, as the risk to property has not been mitigated in the event of a 1% AEP Flood Event.

Chapter B5.20 requires the development to be compatible with the flood hazard category of the site. The site is located within a High Hazard Floodway with high velocity rates. As the site does not have access to flood free areas off site, the proposed dwelling will become isolated during large flood events, which increases the risk to life and potentially places an unreasonable and unnecessary strain upon emergency services in a major flooding event.

With consideration of the above, the DA is unable to be supported. The DA is inconsistent with the provisions of both LEP 2013 and DCP 2014 as the DA does not address the risk to life and property during various flood events, and is not compatible with the flood hazard category applying to the site.

Building Height

A maximum building height is not prescribed for the site under the LEP 2013. A maximum building height of 8m is prescribed under C4.A of the DCP 2014. The dwelling proposes a maximum height of 10.3m, which is 2.3m above the 8m DCP 2014 control. A merit-based assessment was undertaken by Council, and concluded

MINUTES ORDINARY COUNCIL - 27 JULY 2021

that the design of the proposal maintains a suitable height above the flood planning level for habitable purposes and is consistent with the surrounding development.

Conclusion

Due to the proposed location of the dwelling in a High Hazard Floodway area, the proposal is inconsistent with the relevant legislation and policies, including:

- Environmental Planning and Assessment Act 1979
- LEP 2013 – Clause 7.3 Flood Planning
- DCP 2014 – Chapter B5 Flooding.

Based on a detailed assessment of the DA, and with consideration to the inconsistencies identified with LEP 2013 and DCP 2014, the DA is recommended for refusal for the reasons contained in **(ATTACHMENT 3)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Thriving and Safe Place to Live	Support the amenity and identity of Port Stephens.

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

The DA is inconsistent with the relevant planning instruments including the EP&A Act, LEP 2013 and DCP 2014.

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

MINUTES ORDINARY COUNCIL - 27 JULY 2021

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
If the DA is approved, a third party may appeal the determination.	Low	Determine the DA in line with the recommendations.	Yes
If the DA is approved, there is a risk that Council will be held liable for damage or consequences.	Medium	Determine the DA in line with the recommendations.	Yes
If the DA is approved, people and property may be exposed to an unacceptable level of risk.	Medium - High	Determine the DA in line with the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Outside of the flood related issues associated with the proposal, it is considered that the development will have a positive economic impact on the local area and the broader community through the creation of employment and economic activity during the construction of the development.

However, the location of the dwelling within a High Hazard Floodway results in the DA being incompatible with the flood hazard category applying to the site and is therefore recommended for refusal for the reasons outlined in **(ATTACHMENT 3)**.

CONSULTATION

Internal

Consultation was undertaken with internal technical staff to facilitate the assessment of the DA including:

- Development Engineering
- Flood Advisory Review Panel.

The referral comments provided by these officers were considered as part of the detailed assessment and are discussed within the Planners Assessment Report **(ATTACHMENT 2)**. The DA is not supported by Development Engineering and Flood Advisory Review Panel for the reasons outlined above.

External

Consultation was undertaken with external technical staff to facilitate the assessment of the DA including:

- Hunter Valley Flood Mitigation Team – NSW Department of Planning Industry and Environment.

The referral comments provided by this officer were considered as part of the detailed assessment and are discussed within the Planners Assessment Report **(ATTACHMENT 2)**.

Notification

The application was exhibited from 17 February 2021 to 3 March 2021, in accordance with the provisions of the Port Stephens Council Community Participation Plan. 1 submission in support of the development application was received.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan.
- 2) Planners Assessment Report.
- 3) Reasons for Refusal.
- 4) Call to Council Form.

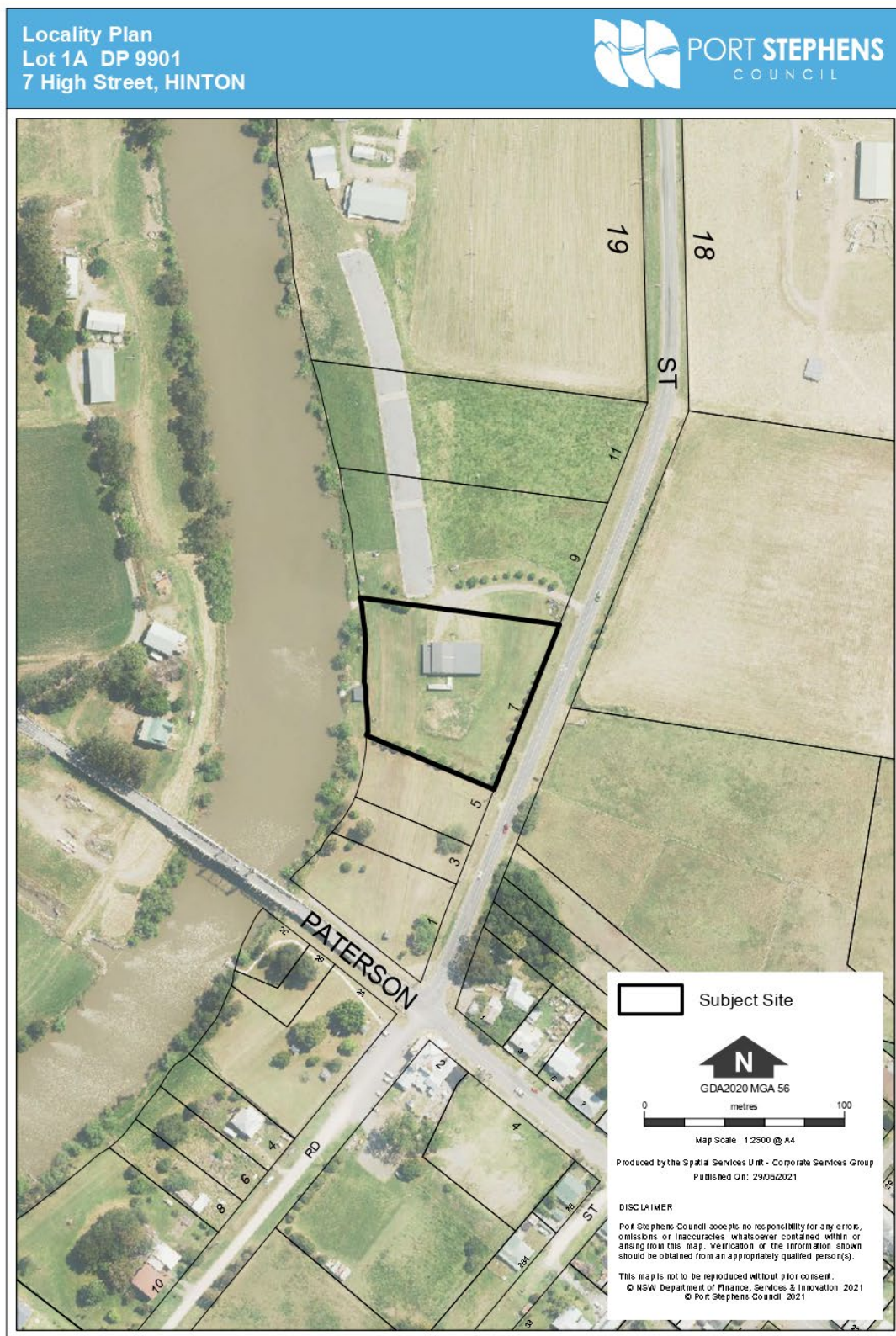
COUNCILLORS ROOM

- 1) Development Plans (provided to Councillors separately due to privacy and copyright legislation).
- 2) Unredacted submissions.

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

TABLED DOCUMENTS

Nil.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au



DEVELOPMENT ASSESSMENT REPORT

APPLICATION DETAILS

Application Number	16-2021-82-1
Development Description	Two storey dwelling
Applicant	PERCEPTION PLANNING PTY LTD
Land owner	Wayne Dark
Date of Lodgement	08/02/2021
Value of Works	\$350,000.00
Submissions	1

PROPERTY DETAILS

Property Address	7 High Street HINTON
Lot and DP	LOT: 1A DP: 9901
88B Restrictions on Title	Nil
Current Use	Rural uses
Zoning	RU1 PRIMARY PRODUCTION
Site Constraints	Bushfire Prone Land – Category 3 OEH Referral – HV Flood Mitigation Scheme Acid Sulfate Soils – Class (4) Koala Habitat Planning Map (Mainly Cleared, 50m Buffer over Cleared and Preferred) Biodiversity Values Map – NSW DPIE SEPP (Coastal Management) 2018 – Coastal Zone Combined Corridor Map Prime Agricultural Land (Classes 1-3)
State Environmental Planning Policies	SEPP (Building Sustainability Index: BASIX) 2004 SEPP (Coastal Management) 2018 SEPP (Koala Habitat Protection) 2021 SEPP No. 55 – Remediation of Land

PLANNERS PRE-ASSESSMENT CHECKLIST

OWNERS CONSENT	YES / N/A
Land owners consent	Yes
If the land owned by a corporation/company, relevant signatures have been provided (sole director, or director/director / director/company secretary).	N/A
For works occurring outside property, neighbouring consent provided.	N/A
For works occurring on common property within Strata, owner's consent from Strata body provided (common seal).	N/A
DA FORM AND AUTHORITY	
Applicant's description of proposal consistent with DA plans.	Yes
DA description correct in Authority (i.e. LEP definition).	Yes
DA lodged over all affected properties and Authority correct.	Yes
Satisfactory cost of works.	Yes
S.4.55 APPLICATION	
Check if S.4.55 to be reported to Council (original DA determined by Council)	N/A
Check whether consent is still valid (check lapse date).	N/A
NOTIFICATION	
Application notified correctly (i.e. check properties notified).	Yes
S.4.55 application only - notify previous objectors.	N/A
REFERRALS	
Check referrals are correct and identify if additional required: i.e. Integrated Development (send within 14 days cl.66(2) EPA Regs 2000	Yes
S.4.55 Application only - Integrated referral bodies notified.	N/A
Call applicant and send email acknowledgement.	Yes

PROPOSAL

This development application seeks consent for construction of a two-storey dwelling on the site. Details of the proposed dwelling are as follows:

- A ground floor level (4.2m AHD), consisting of a double garage and laundry.
- A first floor level (7.2m AHD), consisting of five bedrooms, two bathrooms and open plan kitchen, living and dining room area.

Two stairways have been included in the design of the dwelling, to enable movement between levels. The first floor level of the dwelling will be supported by piers. The proposed dwelling is to be located south of the existing shed.



Figure 1: 3D Perspective of Proposed Development

SITE DESCRIPTION

The subject site is legally identified as Lot 1A DP 9901, 7 High Street, Hinton. The irregular shaped site is located on the western side of High Street, within a rural precinct that is characterised by large rural-residential lots. The site is 6,420m², with existing development on site including a shed and unsealed access route. The shed will be retained on site.

The topography of the land is flat and is situated adjacent to the Paterson River, which runs along the western boundary. Essential services including vehicular access and electricity are available to the lot, with services including water, wastewater and stormwater able to be managed onsite. No easements or land use restrictions have been identified over the site.



Figure 2: Aerial view of subject site

SITE HISTORY

The following development applications have been previously lodged on site, as shown in Table 1:

Table 1: Development Applications lodged over site

DA number	Proposal	Determination
16-2014-384-1	Machinery shed	Original – Approved by Council 9/12/2014 Mod 2 – Approved with conditions 23/09/2015 Mod 3 – Approved with conditions 21/10/2015
16-2015-221-1	Two storey dwelling (Section 82A Review)	Refused by staff 20/11/2015
16-2018-538-1	Single storey dwelling and earth mound	Withdrawn 10/12/2018

Furthermore, no recordings of pollution or contamination have been recorded over the site.

Site inspection

A site inspection was carried out on 24 June 2021.

The subject site can be seen in the images below:



Figure 3: Existing shed and mound located onsite



Figure 4: Proposed location of dwelling

REFERRALS

The proposed development was referred to the following internal specialists and external agencies. The comments provided by the specialist staff and external agencies have been used to carry out the assessment against the S4.15 Matters for Consideration below.

Development Engineer – Application not supported.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2021-82-1

Flood Advisory Review Panel (FARP) – Application not supported.

Office of Environment and Heritage (Floodplain) – Application supported.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**S4.14 - Consultation and development consent (certain bushfire prone land)**

Sub-Clause	Compliant	Notes (where needed or if not compliant)
1	<input checked="" type="checkbox"/> Development is within bushfire prone land and conforms to the specifications and requirements of the PBP, or; <input type="checkbox"/> A certificate has been provided by a suitability qualified bushfire consultant of which confirms the bushfire risk assessment rating and identifies relevant specifications and requirements for compliance with PBP.	<p>The Port Stephens Bushfire Prone Land Map has identified the site as bushfire prone with Vegetation Category 3. As the entire site has been identified as managed land, the threat of bushfire to the proposed development has been assessed as BAL low.</p> <p>Recommendations to limit bushfire risks include: the entire site shall be managed as an Inner Protection Area, reliable sources of reticulated water, access requirements and landscaping shall be imposed as conditions of development consent. Council is satisfied the proposal can conform to the specifications and requirements of PBP 2019.</p>
1A	<input type="checkbox"/> The proposal does not confirm to the relevant specifications and requirements and has been referred to the NSW RFS for assessment concerning measures to be taken with respect to protection of persons, property and the environment as a result of bushfire impacts.	

S4.15 – Matters for Consideration**s4.15(1)(a)(i) – The provisions of any EPI**

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018		
Clause	Compliant	Notes (where needed or if not compliant)
4	<input checked="" type="checkbox"/> Development is within the Coastal Management Areas and the SEPP applies	<p>The site is located within the Coastal Environmental Area and Coastal Use Area. The site is located adjacent to the Paterson</p>

Page 6 of 6

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2021-82-1

	<input type="checkbox"/> Development outside Coastal Management Areas and SEPP does not apply	River and triggers the consideration of the Coastal Management SEPP.
13	<input checked="" type="checkbox"/> The development is located within the coastal environment area, and; <input checked="" type="checkbox"/> The development is unlikely to cause impact to the integrity and resilience of the biophysical, hydrological and ecological environment, the coastal environmental values and processes or the water quality of the marine estate, and; <input checked="" type="checkbox"/> The development is designed and sited to avoid adverse impact on the above mentioned areas.	<p>As per Clause 13 of the SEPP, development consent must not be granted for development within the coastal environment area unless the consent authority has considered whether the development will cause impact to the integrity of the biophysical and ecological environment, the values and natural coastal processes, marine vegetation, native vegetation and fauna and existing public open space and access to and along the foreshore.</p> <p>The proposed development is setback approximately 40m from the Paterson River waterbody, and will therefore not have any significant adverse impacts to the coastal environment.</p>
14	<input checked="" type="checkbox"/> The development is located within the coastal use area, and <input checked="" type="checkbox"/> The development is unlikely to cause impact to the integrity and resilience of the biophysical, hydrological and ecological environment, the coastal environmental values and processes or the water quality of the marine estate, and; <input checked="" type="checkbox"/> The development is designed and sited to avoid adverse impact on the above mentioned areas.	<p>As per Clause 14 of the SEPP, development consent must not be granted for development unless the consent authority has considered existing and safe access to and along the foreshore, overshadowing and loss of views, visual amenity and scenic qualities and heritage values. The consent authority must also be satisfied that the development is designed and sited to avoid adverse impacts and to ensure the development has taken into account the surrounding built environment in its design.</p> <p>The proposed dwelling is adequately setback from the Paterson River to the west and will not impact on access to the river. The proposed residential use of the site, in conjunction with the existing flood risk as a result of the Hunter River, presents as a potential risk to the ecological environment in the event of the dwelling being destroyed in flood waters.</p>
15	<input checked="" type="checkbox"/> The development is not likely to increase the risk of coastal hazards.	Clause 15 of the SEPP requires consideration to whether the development would increase the risk of coastal hazards. The proposed development is not likely to increase risk to coastal hazards.

Page 7 of 7

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2021-82-1

		<p>There is minor associated risk with the dwelling being destroyed by flooding. The proposed dwelling, in significant flooding events, may result in the destruction of the dwelling. In the event of the development being destroyed by flood waters, materials would be washed down stream affecting surrounding properties and risk to the ecological environment of the river network. If the proposal were amended to be further setback from the river and potential hazard the risk associated with the flooding could be minimised.</p> <p>The application can therefore be supported as it generally complies with the aims and the matters for consideration of the Policy.</p>
--	--	--

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX BASIX) 2008		
Clause	Compliant	Notes (where needed or if not compliant)
6	<p><input checked="" type="checkbox"/> The proposed BASIX affected development, or buildings that become BASIX affected development (conversion of garage for example) is accompanied by a BASIX certificate</p> <p><input checked="" type="checkbox"/> Condition of consent relating to BASIX</p>	<p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) was enacted to ensure that dwellings are designed to utilise less potable water and to minimise greenhouse gas emissions by setting energy and water reduction targets for residential houses and units.</p> <p>A valid BASIX certificate has been submitted with the development application which demonstrates that the water, thermal comfort and energy requirements for the proposal have been achieved. The proposal is considered to satisfy the relevant provisions of SEPP BASIX.</p>

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND		
Clause	Compliant	Notes (where needed or if not compliant)
7	<p><input checked="" type="checkbox"/> The proposed development site has no previous record of contamination, nor is it listed on the NSW list of contaminated and notified sites, published by the EPA.</p>	<p>Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated, is in a suitable state despite contamination, or requires remediation to be made suitable for the proposed development. There is no known evidence of past contaminating activities on the site.</p>

Page 8 of 8

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2021-82-1

	<p><input checked="" type="checkbox"/> The land is not within an investigation area, nor are there any records of potentially contaminating activities occurring on the site.</p> <p><input checked="" type="checkbox"/> The proposed use is not listed as a possible contaminating use, per Table 1 of the Guidelines.</p>	<p>The site is not listed on the EPA Register and does not propose a contaminating use or activity. Noting this, the proposed development satisfies the requirements of SEPP No 55.</p>
--	---	---

STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2020		
Clause	Compliant	Notes (where needed or if not compliant)
3	<p><input checked="" type="checkbox"/> The proposed development encourages the conservation and management of naturally vegetated areas that provide habitat for koalas.</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. This Policy commenced on 30 November 2020.</p> <p>The site is located in an area mapped mainly cleared, the rear of the site along the boundary to the waterfront is mapped and 50m buffer over cleared land. The development application does not include the removal of natural vegetation for koala habitat. The development is not considered to exacerbate impact to the koala habitat or decline in koala population.</p>
8	<p><input checked="" type="checkbox"/> The proposed development is consistent with Council's Comprehensive Koala Plan of Management.</p>	

PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013		
Clause	Compliant	Notes (where needed or if not compliant)
2.1	<p><input checked="" type="checkbox"/> Permissible in zone and meets zone objectives.</p>	<p>The proposed development is defined as a 'dwelling house' and is permissible with consent in the RU1 Primary Production zone. The development addresses the objectives of the zone by providing a compatible land use on site which does not minimise the fragmentation and alienation of resource lands.</p>
4.2B	<p><input checked="" type="checkbox"/> Dwelling proposed on RU1, RU2, R5, E2 or E3 land where there is no current dwelling on site.</p>	<p>The site is located in the RU1 zone and the lot was created before 22 February 2014 with an area of at least 4,000m² on which a</p>

Page 9 of 9

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2021-82-1

	<input type="checkbox"/> Site complies with lot size map; OR, <input checked="" type="checkbox"/> Land zoned RU1, RU2, E2 or E3 and created before 22 February 2014 with an area of at least 4,000m ² on which a dwelling was permissible under the previous LEP; OR, <input type="checkbox"/> Would have met the above requirements had it not been affected by a minor realignment that did not create an additional lot, a subdivision for a public purpose or a consolidation with an adjoining lot for a public purpose. <input type="checkbox"/> Where an existing consent for a dwelling is valid, the consent will be surrendered.	<p>dwelling was permissible under the previous Local Environmental Plan.</p> <p>The site therefore benefits from a dwelling entitlement.</p>
4.3	<input type="checkbox"/> Proposed development is under maximum building height; OR, <input checked="" type="checkbox"/> There is no maximum building height and the development satisfies the objectives of the clause.	<p>The proposed dwelling will have a maximum height of 10.3m. No maximum building height applies to the site. This proposed height is consistent with the height of existing dwellings within the locality, and is appropriate for the context and character of the area.</p>
5.10	<input checked="" type="checkbox"/> There are no heritage items / archaeological sites / Aboriginal objects or places / conservation areas located on the subject site.	<p>Whilst no local or aboriginal heritage is mapped over the site, the site adjoins the Hinton Heritage Conservation area and is located in close proximity to a local heritage item 'Hinton Bridge'. The proposed dwelling has been designed to incorporate architectural features consistent with the local amenity, and is not expected to detract on local heritage.</p>
7.1	<input type="checkbox"/> Potential Class 5 Acid Sulfate Soils (ASS); OR, <input checked="" type="checkbox"/> Potential Class 4 ASS with no works more than 2m below ground level; OR, <input type="checkbox"/> Potential Class 3 ASS with no works more than 1m below ground level; OR, <input type="checkbox"/> Potential Class 2 ASS with no works below ground level; OR, <input type="checkbox"/> Potential Class 1 ASS and an acceptable management plan has been submitted.	<p>The area proposed for the development is generally flat and will incorporate earthworks to establish the piers footings. Any cut associated with the development will be limited, and shall not exceed 2 metres below the natural ground surface. Works are not expected to result in the water table being lowered more than 2 metres below the natural ground surface. To this extent, an ASS Management Plan is not required to be prepared for the proposed development.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2021-82-1

7.2	<input checked="" type="checkbox"/> Earthworks required, but do not have negative impacts on surrounding properties.	<p>The area proposed for development is generally flat, however minor earthworks are proposed to establish the piers footings. Any fill required will be Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) material. Earthworks are not anticipated to result in any negative impacts on the subject or adjoining land, or any public place. The development complies with the requirements of this clause.</p>
7.3	<input checked="" type="checkbox"/> Development within flood planning area but no anticipated flood risk to life and property, or change in flood characteristics.	<p>The proposed development is located on land mapped as Flood Prone land and is identified as High Hazard Floodway. Developments on land identified as flood prone are to demonstrate minimal flood risk to life and property, and to achieve development which is compatible with the flood hazard to avoid significant adverse impacts on the flood behaviour in the environment.</p> <p>The proposed development seeks to construct a dwelling, with all habitable rooms to be located at the site Flood Planning Level (FPL). No habitable rooms shall be located below the FPL, as regulated through conditions of development consent. The proposed development thereby seeks to minimise flood risk to life and property associated with the use of land for habitable purposes.</p> <p>The proposed development can be conditioned to withstand flood constraints associated with the site and projected changes as a result of climate change. Conditions of development consent imposed by Council's Development Engineer, will ensure the structural integrity of the dwelling is compatible with the flood risk.</p> <p>Although the proposed development will result in a slight localised increase in flood velocity, it is accepted this is a negligible risk to adjoining properties and the environment. It is considered that the development will have a negligible affect to adjoining properties and the environment.</p> <p>Please refer to Section B5 of this report, for an assessment of the proposed development</p>

Page 11 of 11

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2021-82-1

		against prescribed development control standards for flooding.
7.6	<input checked="" type="checkbox"/> Essential services are available to the site where required.	Essential services including vehicular access, water and electricity are available to the lot. The applicant has listed appropriate methods for the provision of sewer and stormwater; as these reticulated services are not available.

s4.15(1)(a)(ii) – Any Draft EPI

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

s4.15(1)(a)(iii) – Any DCP

PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014		
Clause	Compliant	Notes (where needed or if not compliant)
B3	<input checked="" type="checkbox"/> Development would not disturb acid sulphate soils or an acceptable ASSMP has been prepared. <input type="checkbox"/> Earthworks would have minimal environmental impacts with conditions on VENM fill and erosion and sediment controls.	The objective of this DCP Chapter is to ensure that developments do not disturb, expose or drain Acid Sulfate Soils (ASS) and cause environmental damage. As detailed within Clause 7.1 discussion above, the proposed development could be undertaken, subject to conditions of consent, without resulting in adverse impact to ASS. In this regard the development is consistent with the objective and requirements of the DCP.
B4	<input checked="" type="checkbox"/> Non-permeable area not significantly increased and development consistent with figure BD, on-site detention not required; OR, <input type="checkbox"/> Non-permeable area above figure BD and acceptable on-site detention / infiltration proposed or condition for details added.	All stormwater overflow generated from the dwelling will be dispersed at ground level in accordance with Council's Standard Requirements.

Page 12 of 12

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2021-82-1

	<input type="checkbox"/> Insignificant increases to adversely impact on water quality; OR <input type="checkbox"/> Stormwater management plan proposed in accordance with this Chapter and Council's standard drawings.	
B5	<input checked="" type="checkbox"/> Proposed development is on flood prone land; AND, <input checked="" type="checkbox"/> A flood certificate has been submitted with the application and the finished levels are consistent with Table 2: Development Suitability Table; AND, <input checked="" type="checkbox"/> The submitted documents are consistent with Figure B1: Development Suitability Table.	<p>The subject land is mapped as being within the Flood Planning Area. Chapter B5 outlines objectives to inform and assist with determining development suitability on land designated in particular flood hazards. All new developments are required to address the development controls within this part of the DCP to mitigate risks and consider suitability.</p> <p>Chapter B.5 of the DCP 2014 provides more detailed provisions to inform the assessment against the LEP 2013 provisions. The DCP chapter was amended in December 2020 which included performance based solutions for certain development in flood prone areas. The amended chapter states that dwelling houses on land categorised as High Hazard Floodway can be considered, where the newly adopted performance based criteria in the DCP 2014 can be addressed.</p> <p>The area has been classified as flood prone land and is located within a High Hazard Floodway.</p> <p>The current flood levels applicable to the site are:</p> <ul style="list-style-type: none"> • Flood Planning Level – 7.2m AHD • 1% AEP (Current day) – 6.5m AHD • Probable Maximum Flood – 8.5m AHD <p>The proposed development includes finished floor level (FFL) as follows:</p> <ul style="list-style-type: none"> • Ground Floor Dwelling – 4.2m AHD • First Floor Dwelling – 7.2m AHD <p>The DA was assessed by both Council's Development Engineering Section and Flood Advisory Review Panel (FARP), which included an assessment of the proposal against the recently adopted performance based solutions listed in Chapter B5.D of the Port Stephens Council Development Control Plan (DCP) 2014.</p>

Page 13 of 13

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2021-82-1

		<p>Chapter B.5 of the DCP 2014 provides specific controls for development on flood prone land. DCP 2014 states that dwelling houses on land categorised as High Hazard Floodway may be considered where the proposal can address set performance based solutions. The solutions include an assessment of the development against the risk to life (B5.18), risk to property (B5.19) and the compatibility of development with the site specific flood hazard (B5.20).</p> <p>Chapter B5.18, in considering the risk to life, requires that evacuation access to an area free of risk from flooding must be provided in a PMF flood. The site and its surrounds are significantly flood affected and it is not possible to design an egress from the proposed dwelling to flood free areas off site. A PMF flood refuge has not been included in the dwelling design as an alternative to a safe egress in a flood event. As the DA does not provide a flood free refuge, the DA does not meet a performance based solution contained in Chapter B5.18 of DCP 2014. It should however be noted that the living areas contain a high raked ceiling that could be converted to a PMF refuge.</p> <p>Chapter B5.19 requires development to address the risk to property during various flood events. Non-habitable rooms of the dwelling will be constructed below the 1% AEP level (6.5m AHD) and the FPL (7.2m AHD). The design of the proposal therefore does not address this performance based solution contained in Chapter B5.19 of DCP 2014, as the risk to property has not been mitigated for events at least up to the FPL.</p> <p>Chapter B5.20 requires the development to be compatible with the flood hazard category of the site. The site is located within a High Hazard Floodway with high velocity rates. As the site does not have access to flood free areas, the proposed dwelling will become isolated during large flood events, which increases the risk to life and potentially places an unreasonable and unnecessary strain upon emergency services in a major flooding event.</p>
--	--	---

Page 14 of 14

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2021-82-1

		<p>With consideration of the above, the DA cannot be supported. The DA is inconsistent with the provisions of both the LEP 2013 and DCP 2014 as the proposal presents unacceptable risk to life and is not compatible with the flood hazard category applying to the site.</p>
B8	<p><input checked="" type="checkbox"/> The development would not generate significant increases in traffic.</p> <p><input checked="" type="checkbox"/> On-site parking provision meets the requirements of figure BQ or merit based assessment; AND,</p> <p><input type="checkbox"/> Suitable disabled parking is provided in line with figure BQ.</p>	<p>The proposal includes a 5 bedroom dwelling. The DCP requires 2 car spaces to be provided to support the development on the site. There are adequate car spaces available for the additional development on the site.</p>
C4	<p><input checked="" type="checkbox"/> Proposal ensures development provides continuity to the street and setbacks comply with C4.10-C4.19.</p> <p><input checked="" type="checkbox"/> Development appropriately activates the street with habitable rooms where applicable.</p> <p><input checked="" type="checkbox"/> The proposed development would be sympathetic to the streetscape as it is consistent with the existing development in its form, height, bulk, design and materials.</p> <p><input checked="" type="checkbox"/> The development would not adversely affect the amenity of neighbouring properties or the public domain.</p>	<p><u>Building height</u></p> <p>There is no maximum building height applicable to the site under the LEP. As such the maximum limit of 8m applies to the site. The proposal is for a single storey dwelling to be constructed with a maximum proposed height of 10.3m. The resultant height is primarily due to the requirement to lift the building higher to meet the FPL. The dwelling is adequately setback to ensure adverse privacy impacts are mitigated. Furthermore, the proposed height is consistent with the height of dwellings within the locality, and is appropriate for the context and character of the area.</p> <p><u>Setbacks</u></p> <p>The proposal is appropriately setback and exceeds the minimums required for all the side and rear boundary setbacks. The proposal does not detract from the rural character of the area.</p> <p><u>Streetscape and privacy</u></p> <p>The development is appropriately setback to ensure the rural character, streetscape and privacy of the area is maintained.</p> <p><u>Private open space</u></p> <p>The development is proposed on a rural property and is adequately setback to</p>

Page 15 of 15

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2021-82-1

		<p>facilitate ample private open space for the proposed dwelling.</p> <p><u>Landscaping</u></p> <p>The subject site is a rural property with sufficient space for landscaping and plantings. There are no matters of privacy which would require landscape screening to be planted. The subject site has sufficient space to achieve landscaping requirements.</p> <p><u>Site Facilities and Services</u></p> <p>The proposed dwelling provides an area on ground level where waste bins can be screened from the street. There is also ample area for the provision of an open air clothes line.</p>
--	--	---

s4.15(1)(a)(iiia) – Any planning agreement or draft planning agreement entered into under section 7.4

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

s4.15(1)(a)(iv) – The regulations

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

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

	Notes (where needed)
<input checked="" type="checkbox"/> Social and Economic Environment: There would be beneficial impacts as a result of the development.	<p>The proposal will result in flood isolation during floods smaller than the defined flood event (future 1% AEP), which would place additional people at risk during floods and would place extra burden on the State Emergency Services and is not in the public interest.</p>
<input checked="" type="checkbox"/> Built Environment: The proposed development would not cause harm to the existing character.	<p>The proposed development would not cause harm to the existing built character. Given the area is characterised by some rural residential development, the dwelling would be built at a similar height to the surrounding properties.</p>

Page 16 of 16

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2021-82-1

	The dwelling has been designed in a manner to be consistent with the rural character of the area. Overall, the development is not considered likely to result in adverse impacts to the built environment.
<input checked="" type="checkbox"/> Natural Environment: There are no adverse impacts expected as a result of the proposed development and appropriate conditions have been added.	The proposed development is not considered to be compatible with the flood risk associated with the land and may result in an unacceptable impact to life. The proposed development is located within close proximity to the Paterson River to the west. The development is not considered to be a suitable use of the site with regard to the flood impacts and does not align with Councils endorsed policies.

s4.15(1)(c) – The suitability of the site

The subject site is zoned RU1 – Primary Production, whereby the proposed dwelling is a permissible land use under the zoning. However, the site is identified as high hazard flood-way and the proposed development and use does not align or address all of the necessary requirements under current Council endorsed policy and relevant legislation. Due to the identified flood hazard, the proposal has been assessed as not being a suitable outcome for the site.

s4.15(1)(d) – Any submissions

The application was exhibited from 17/02/2021 – 3/03/2021, in accordance with the provisions of the Port Stephens Council Community Participation Plan. One submission in support of the development application was received.

s4.15(1)(e) – The public interest

The proposed development is not considered to be in the public interest as the proposed development is not consistent or suitable with the flood hazard category applicable to the subject site. The impact and increase in risk to life as a result of the development in a significant flood event is not supported in this instance.

s7.11 – Contribution towards provision or improvement of amenities or services (developer contributions)

Nil.

DETERMINATION

The application is recommended to be refused by the elected Council.

ITEM 1 - ATTACHMENT 3 REASONS FOR REFUSAL.**SCHEDULE 1 – REASONS FOR REFUSAL**

The application is recommended for refusal on the following grounds:

1. The proposed development fails to satisfy Clause 7.3 - Flood Planning of the Port Stephens Local Environmental Plan 2013 as the development does not demonstrate that it is compatible with the high hazard floodway category of the site, including minimising the risk to life associated with the flood hazard (s4.15(1)(a)(i) EP&A Act);
2. The development does not comply with the controls contained within Chapter B5 Flooding of the Port Stephens Development Control Plan (s4.15(1)(a)(iii) EP&A Act);
3. The proposed development does not demonstrate the site is suitable for the proposed site given the flood category of the land s4.15(1)(c) of the EP&A Act); and
4. The proposed development is not considered to be in the public interest as the development is inconsistent with the adopted principles and strategies which seek to promote the appropriate development of the land (s4.15(1)(e) EP&A Act).


**PORT STEPHENS COUNCIL**

116 Adelaide Street
Raymond Terrace NSW 2324

PO Box 42
Raymond Terrace NSW 2324

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

www.portstephens.nsw.gov.au

 PORT STEPHENS COUNCIL		CALL TO COUNCIL FORM DEVELOPMENT APPLICATION	
Development application (DA) call to Council request:			
I/We (Mayor/Councillor/s) <u>Mayor Ryan Palmer, Cr Jaimie Abbott, Cr Sarah Smith</u> request that DA number <u>16-2021-82-1</u> for DA description <u>dwelling</u> located at <u>7 High Street, Hinton</u> be reported to Council for determination.			
Reason:			
Public Interest			
Declaration of Interest:			
I/We have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this DA on my part or an associated person.			
I/We (Mayor/Councillor/s) <u>Mayor Ryan Palmer, Cr Jaimie Abbott, Cr Sarah Smith</u> have a conflict of interest:			
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes , please provide the nature of the interest and reasons why further action should be taken to bring this DA to Council:			
Signed: <small>Please sign or type name & attach to an email.</small>		Date: Click here to enter a date. <u>6/7/21</u>	
Signed: <small>Please sign or forward supporting email.</small>		Date: Click here to enter a date. <u>13/7/21</u>	
Signed: <small>Please sign or forward supporting email.</small>		Date: Click here to enter a date. <u>16/7/21</u>	

ITEM NO. 2

**FILE NO: 21/173438
EDRMS NO: 16-2007-15-5**

**DEVELOPMENT APPLICATION DA NO. 16-2007-15-5 FOR A S4.55(2)
MODIFICATION TO AN APPROVED CARAVAN PARK AT 16 TROTTER ROAD,
BOBS FARM**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2007-15-5 for a S4.55(2) modification to an approved caravan park at 16 Trotter Road, Bobs Farm (LOT 2 DP 954600) subject to the conditions contained in **(ATTACHMENT 3)**.
-

**ORDINARY COUNCIL MEETING - 27 JULY 2021
MOTION**

192	<p>Councillor John Nell Councillor Glen Dunkley</p> <p>It was resolved that Council defer Development Application DA No. 16-2007-15-5 for a S4.55(2) modification to an approved caravan park at 16 Trotter Road, Bobs Farm (LOT 2 DP 954600) to request the applicant modify the proposal to contain it within the existing approved development footprint, and that Council seek independent legal advice.</p>
------------	--

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to present Development Application (DA) 16-2007-15-5 for a S4.55(2) modification to an approved caravan park at 16 Trotter Road, Bobs Farm to Council for determination.

The modification application has been reported to Council in accordance with Council's Planning Matters to be Reported to Council Policy as it has been called up by Councillor John Nell, Councillor Giacomo Arnott and Councillor Ken Jordan **(ATTACHMENT 4)**.

A summary of the modification application is provided below:

Subject land:	16 Trotter Road Bobs Farm (LOT: 2 DP: 954600)
Total area:	8.09ha
Zoning:	RU2 – Rural Landscape
Permissibility:	The development relies on existing use rights
Submissions:	3 received objecting to the proposal
Key issues:	The key issues identified during assessment relate to the permissibility of the development, impacts to rural character, amenity and environmental impacts.

A locality plan is provided at **(ATTACHMENT 1)**.

Proposal

The existing approved caravan park includes 171 sites, including 102 long term sites, 45 short term sites and 24 caravan sites and community facilities.

The modification application seeks the following changes:

- Reduction in the overall number of approved sites from 171 to 119
- Amend ratio of long term and short term sites to the following:
 - 117 long term sites (from 102)
 - 2 short term caravan sites (from 24)
- Amendment to lot layout and internal road network, increasing the footprint of the development towards the rear of the site
- Increase size of typical dwelling sites
- Demolition of existing residence
- Amended architectural design and layout of community building
- Amendments to landscaping
- Relocation of tennis court
- Amendments to staging of development, reducing the number of stages from 5 to 3
- Amendment to conditions to reflect the proposed modifications to the development.

Site Description and History

The site currently contains two dwellings and a large dam which was created as a result of historic sand mining activity. The site contains substantial vegetation which

is mapped as containing preferred koala habitat and endangered ecological communities.

The adjoining development consists of rural residences to the west and east. To the south is an approved caravan park, comprising 196 long term sites, known as the Sunrise over 55s lifestyle community which is currently under construction. A wetland is located to the north and north east of the site.

The original DA was approved in 2008 for 156 sites including 81 long term sites and 75 short term sites. The DA has previously been modified as follows:

- DA16-2007-15-2 withdrawn prior to determination
- DA-16-2007-15-3 approved in November 2011 for the modification of staging and addition of 15 sites and car wash
- DA-16-2007-15-4 approved in April 2019 to correct an administrative error.

Key Issues

The key issues identified during assessment relate to the permissibility of the development, impacts to rural character, amenity and environmental impacts. A detailed assessment of the DA is contained within the Planners Assessment Report **(ATTACHMENT 2)**.

Permissibility

Caravan parks are no longer permitted with consent in the RU2 Rural Landscape zone. However, existing use rights apply on this site as the original development consent (approved in 2008) was granted prior to the use being prohibited under an amendment to the Port Stephens Local Environmental Plan 2013.

The development consent has not lapsed as it was physically commenced prior to the 5 year consent lapse date and within 1 year of the use being prohibited. As a result, the consent remains active and has existing use rights in accordance with the Environmental Planning and Assessment Act 1979.

Impacts to rural character and amenity

Concerns were raised in the submissions that the modification application has potential to impact the rural character of the land and cause amenity impacts to neighbouring residences, relating to visual and noise impacts.

Impacts to rural character were considered as part of the original application and subsequent modifications. The impacts have been managed through the inclusion of conditions for boundary landscape plantings and fencing to soften views of the development from adjoining properties and Trotter Road. The modification application proposal retains existing conditions which requires a combination of screen hedging and tree plantings to be utilised on boundaries.

Impacts to the amenity of adjoining residences were also considered as part of the original application. The closest residential dwellings are located on adjoining sites at 20 Trotter Road (80m) and 12 Trotter Road (35m). As outlined above, visual impacts to adjoining properties are mitigated through boundary landscape plantings. In addition, the proposed modifications to the DA maintain approximately the same distances from the dwellings as that already approved and therefore any noise impacts would remain unchanged as a result of the proposal.

In conclusion, impacts to rural character and amenity as a result of the proposed modifications to the DA remain unchanged from the existing approval.

Environmental Impacts

The modification application proposes the removal of an additional 0.48ha of native vegetation, including 6 preferred koala feed trees.

The modification application was supported by a biodiversity assessment which concluded that the proposal was unlikely to have a significant impact on any threatened flora or fauna.

The biodiversity assessment was reviewed by Council's Natural Resources Officer and Council staff requested that additional impact assessments for threatened flora and fauna (including koalas) be provided for further assessment.

In response, the applicant provided the additional impact assessments and made design amendments to reduce the number of koala feed trees impacted by the proposal. The applicant also proposed modification to site fencing to reduce the risk of injury to koalas within the development site and encourage movement through to more appropriate areas to the north which are reserved for compensatory koala feed tree plantings.

To achieve this, conditions of consent are recommended requiring the implementation of koala proof fences around the developed areas and restrictions on placing any fencing around the replanting area to the north.

Overall, Council's Natural Resources Officer concluded that the additional tree clearing proposed was acceptable subject to conditions that will require the planting of 80 compensatory preferred koala feed trees at the rear of the site. It is considered that the application complies with the requirements of the Biodiversity Conservation Act 2016 and the Port Stephens Comprehensive Koala Plan of Management.

Conclusion

As detailed in the Planners Assessment Report (**ATTACHMENT 2**), the modification application is considered to be consistent with the aims and objectives of the relevant environmental planning instruments applicable to the site.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

The use is permissible and it is considered that the modification application would not cause any adverse environmental impacts or undue amenity impacts, in excess of those already approved, subject to the recommended conditions contained within **(ATTACHMENT 3)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Support the amenity and identity of Port Stephens. Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	Yes		Developer Contributions are applicable under the existing consent. Should Council determine to approve the modification application, s.7.11 development contributions would remain applicable and would be levied in accordance with conditions of consent.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The modification application is consistent with the relevant planning instruments including the Environmental Planning and Assessment Act 1979 (EP&A Act), Port Stephens Local Environmental Plan 2013 (PS LEP), Port Stephens Development Control Plan 2014 (DCP 2014), Port Stephens Comprehensive Koala Plan of Management and associated State Environmental Planning Policies. A detailed assessment against these environmental planning instruments is contained within the assessment report contained at **(ATTACHMENT 2)**.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
If the DA is approved, there is a risk that the determination of the DA may be challenged by a third party in the Land and Environment Court.	Medium	Accept the recommendation.	Yes
If the DA is refused, there is a risk that the determination of the DA may be challenged by the applicant in the Land and Environment Court.	Medium	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and economic impacts

The proposed increase of long term sites would provide for an increased number of residents in the locality which will provide ongoing economic input through daily living activities.

Built environment

The modified community building is of a contemporary design quality which, whilst not visible from any public areas, would enhance the visual quality of the development.

The modification application incorporates appropriate perimeter landscaping to soften views of the development from key locations.

Environmental Impacts

The environmental impacts of the development have been assessed by Councils Natural Resources Officer and found to be acceptable, subject to conditions. Specifically, conditions of consent have been recommended for 80 compensatory plantings of koala feed trees at the rear of the site and koala fencing.

In addition, the application includes appropriate stormwater quantity and quality controls in accordance with Council's Development Control Plan.

CONSULTATION

Consultation with key stakeholders has been undertaken for the purposes of the assessment of the application, including consultation with the public through the notification and advertising process.

Internal

Consultation was undertaken with Council's Natural Resources, Development Engineering, Building Surveying, Development Contributions and Environmental Health Teams. The referral comments provided by these officers were considered as part of the Planners Assessment Report (**ATTACHMENT 2**). All internal referral officers supported the DA subject to conditions of consent (**ATTACHMENT 3**).

External

External consultation was undertaken with the NSW Rural Fire Service (RFS) and the Natural Resource Access Regulator (NRAR), as the modification application requires General Terms of Approval (GTA) from these agencies. In response, RFS and NRAR made no objection to the modification application and GTA were issued.

External consultation was also undertaken with Transport for NSW, the Environment Protection Authority and Ausgrid. No objection to the modification application was made by these agencies.

The comments provided by external agencies were considered during the detailed assessment and are discussed within the Planners Assessment Report (**ATTACHMENT 2**).

Public exhibition

The modification application was advertised and notified in accordance with the requirements of the Port Stephens Council Community Participation Plan. The application was exhibited for a period of 14 days from 16 April 2021 to 30 April 2021. During that time, 3 public submissions were received.

A detailed assessment of the submissions is outlined within the Planners Assessment Report (**ATTACHMENT 2**).

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

- 2) Planners Assessment Report. (Provided under separate cover)
- 3) Recommended Conditions of Consent. (Provided under separate cover)
- 4) Call to Council form.

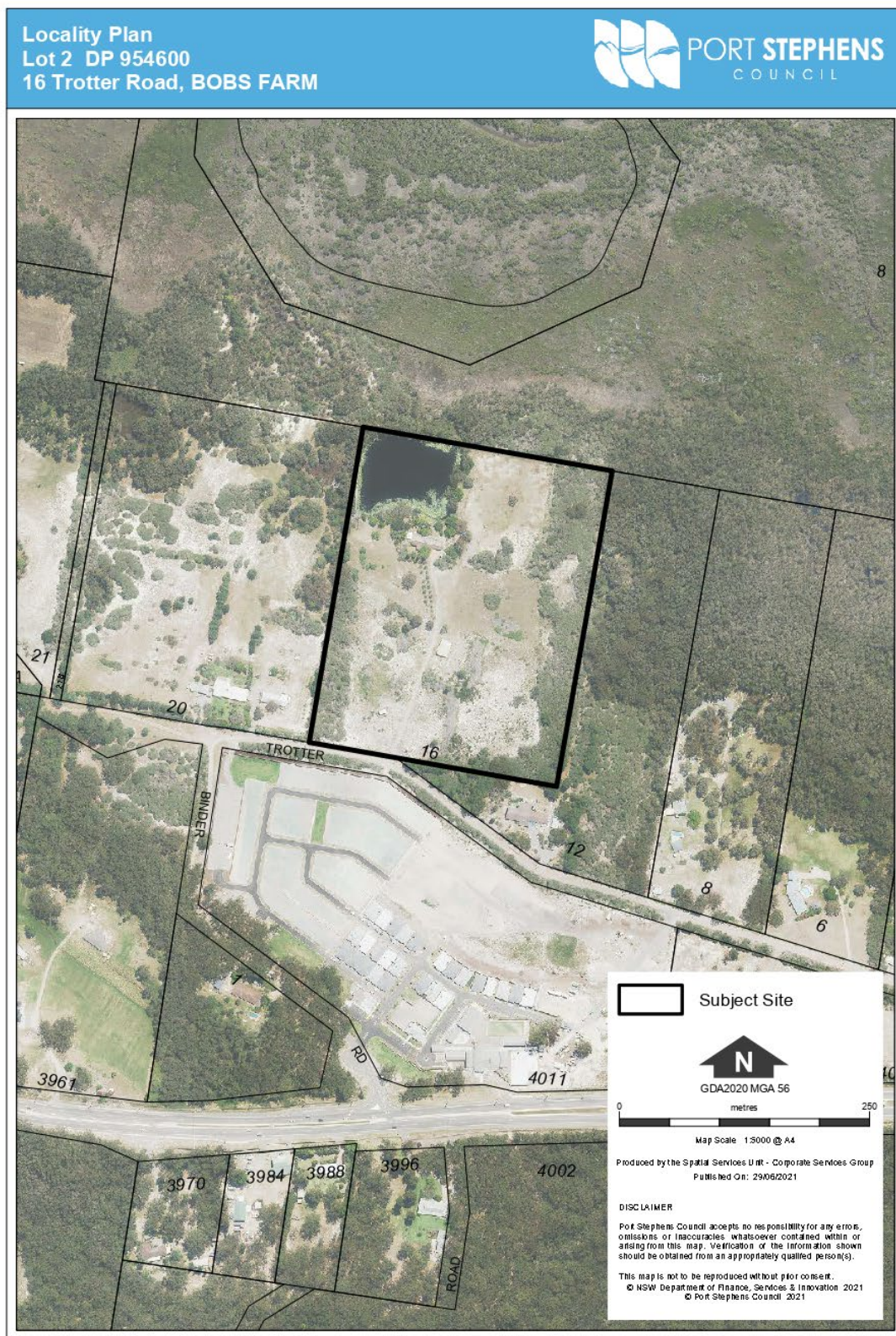
COUNCILLORS ROOM

- 1) Development Plans. (Provided to Councillors separately due to privacy and copyright legislation)
- 2) Unredacted submissions.

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

TABLED DOCUMENTS

Nil.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

ITEM 2 - ATTACHMENT 4 CALL TO COUNCIL FORM.



Call to Council form

Development Application

116 Adelaide Street,
Raymond Terrace NSW 2324
PO Box 42
Raymond Terrace NSW 2324
p (02) 4988 0255 | f (02) 4987 3612
e council@portstephens.nsw.gov.au
DX 21406 | ABN 16 744 377 876

DEVELOPMENT APPLICATION (DA) CALL TO COUNCIL REQUEST

We (Mayor/Councillor/s)

Name:

John Nell

Name:

Ken Jordan

Name:

Giacomo Arnold

request that DA number:

for DA description:

16-2007-15-1

located at:

16 Trotter Road Bobs Farm

be reported to Council for determination.

REASON

Public Interest

SIGNATURE OF APPLICANT/S

Signature

Signature

Signature

PRIVACY

Port Stephens Council is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy. **Purpose:** The purpose of this form is to enable Council to record the matter raised and taken appropriate action. **Intended recipients:** Council employees, contractors and other third parties where appropriate. **Supply:** Voluntary. **Consequence of Non Provision:** Council may not take action on the matter raised. **Storage and security:** This document will be placed on the relevant file and/or saved in Council's records management system in accordance with Council policy and relevant legislation. **Access:** Please contact Council on 02 4988 0255 to enquire how you can access information.

ITEM NO. 3

**FILE NO: 21/167364
EDRMS NO: PSC2019-00822**

DRAFT VOLUNTARY PLANNING AGREEMENT - KINGS HILL DEVELOPMENT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft voluntary planning agreement to secure conservation land and works related to Development Application 16-2018-722-1 for land at Kings Hill (**ATTACHMENT 1**).
 - 2) Exhibit the draft agreement and explanatory note for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.
-

**ORDINARY COUNCIL MEETING - 27 JULY 2021
MOTION**

193	<p>Councillor Sarah Smith Councillor John Nell</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the draft voluntary planning agreement to secure conservation land and works related to Development Application 16-2018-722-1 for land at Kings Hill (ATTACHMENT 1).2) Exhibit the draft agreement and explanatory note for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.3) If no submissions are received, approve the voluntary planning agreement as exhibited for execution.
------------	--

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek endorsement to exhibit a draft voluntary planning agreement (VPA) between Council and Kings Hill Development No 1 Pty Ltd and Kings Hill Development No 2 Pty Ltd (the Developer) (**ATTACHMENT 1**).

The VPA relates to a concept development application submitted by the Developer for future residential subdivision within the Kings Hill Urban Release Area (URA) (Development Application 16-2018-772-1). The concept development is for 1,900 residential lots and the application seeks consent to carry out stage 1 subdivision works for initial site preparation and vegetation clearing. The application is currently under assessment and will be determined by the Hunter and Central Coast Regional Planning Panel.

On 8 December 2020 (Minute No. 274) (**ATTACHMENT 2**), Council resolved to agree in principle to the preparation of a VPA for the purposes of securing conservation outcomes related to Development Application 16-2018-722-1. The VPA has been prepared in accordance with Council's resolution.

The terms of the VPA include:

- Approx. 231 hectares of conservation land at Kings Hill will be rehabilitated and enhanced by the Developer prior to being transferred to Council ownership.
- The Developer will undertake works over 5 years to enhance the conservation land in accordance with a Biodiversity Management Plan, including fencing and weeding. These works have been costed at \$3,500,000 and will be entirely funded by the Developer.
- The Developer will provide a bank guarantee of \$600,000 as rolling security that these works will be completed.
- If Council is satisfied with the enhancement works completed by the Developer, the Developer will dedicate the conservation land at no cost to Council.
- On dedication of the land to Council, the Developer will make a monetary contribution to Council of \$3,000,000 to fund the ongoing management of the conservation land for 40 years, including weed and pest management, bushfire management, fencing and trail maintenance.
- After 40 years, the indicative ongoing costs to Council have been calculated at approx. \$80,000 per annum.
- The VPA will not impact the obligations of the Developer to pay local infrastructure contributions under the Port Stephens Local Infrastructure Contributions Plan 2020.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

Upon dedication of the conservation land, the VPA will include an obligation for the Developer to make a monetary contribution of \$3,000,000 to fund ongoing management of the land for 40 years. After this time, the management of the land will be funded by Council.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes	\$3,000,000 (plus accrued interest)	Monetary contribution proposed on dedication under the terms of the VPA.

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the monetary contributions will be insufficient to fund the maintenance of the conservation land.	Low	The cost estimates have been verified using Council data from the management of other biodiversity sites. Adopt the recommendations.	Yes
There is a risk that Council will not be able to fund the ongoing management of the conservation land after 40 years	Low	Council regularly prepares funding strategies to manage similar public assets dedicated to Council to support growth, such as the roads and drains in the Strategic Asset Management Plan. Adopt the recommendations.	Yes

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

The VPA has been prepared in accordance with section 7.4 of the EP&A Act. The VPA will be publicly exhibited in accordance with section 7.5 of that Act.

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

Public notice will be undertaken in accordance with clause 25D of the EP&A Regulations. An explanatory note has been prepared in accordance with clause 25E of the EP&A Regulations and will be exhibited with the VPA.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The VPA will provide for the rehabilitation, maintenance and management of conservation land, which will result in the improved environmental value of that land.

The VPA will secure funding for Council to maintain the conservation land for 40 years and, after that time, there will be an economic cost to Council for the ongoing management of the conservation land. The VPA will support the future development of the Kings Hill URA, which will provide approximately 3,500 new homes, jobs and direct economic benefits to the local economy (estimate at \$140 million into the local economy annually). Therefore there would be an overall positive social and economic impact to the Local Government Area.

CONSULTATION

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

Internal

Consultation has been undertaken with the Development Assessment and Compliance and Financial Services Section, together with the Natural Resources Unit of Council. There are no objections to the recommendations of this report.

External

The VPA and explanatory note will be notified and exhibited in accordance with the EP&A Act and EP&A Regulations for 28 days. In accordance with the planning legislation, the documents will be made available online.

Following public exhibition, any submissions will be considered in a report back to Council, with details of any post-exhibition changes.

OPTIONS

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

ATTACHMENTS

- 1) Draft Voluntary Planning Agreement and Explanatory Note. (Provided under separate cover)
- 2) 8 December 2020 - Ordinary Council Minutes.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 2 8 DECEMBER 2020 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 8 DECEMBER 2020****ITEM NO. 2****FILE NO: 20/316454
EDRMS NO: PSC2006-0191V2****DRAFT VOLUNTARY PLANNING AGREEMENT - KINGS HILL DEVELOPMENT**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Agree in principle to the preparation of a draft Voluntary Planning Agreement for the purposes of securing biodiversity offsets related to Development Application 16-2018-722-1 for land at Kings Hill, generally in accordance with the proposed terms set out in this report.

**ORDINARY COUNCIL MEETING - 8 DECEMBER 2020
MOTION**

274	Councillor Chris Doohan Councillor John Nell It was resolved that Council agree in principle to the preparation of a draft Voluntary Planning Agreement for the purposes of securing biodiversity offsets related to Development Application 16-2018-722-1 for land at Kings Hill, generally in accordance with the proposed terms set out in this report.
------------	--

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek in principle agreement to prepare a draft Voluntary Planning Agreement (VPA) between Council and Kings Hill Development No 1 Pty Ltd and Kings Hill Development No 2 Pty Ltd (the Developer), generally in accordance with the proposed terms set out in this report.

ITEM 3 - ATTACHMENT 2 8 DECEMBER 2020 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 8 DECEMBER 2020**

The draft VPA will relate to a concept development application submitted by the Developer for future residential subdivision within the Kings Hill Urban Release Area (URA) (Development Application 16-2018-772-1). The concept development is for 1,900 residential lots and the application seeks consent to carry out stage 1 subdivision works for initial site preparation and vegetation clearing. The application is currently under assessment and will be determined by the Hunter and Central Coast Regional Planning Panel.

The draft VPA is proposed by the Developer to secure the biodiversity offsets that are necessary to offset the likely impacts of the proposed development. The proposed terms of the draft VPA include:

- Approx. 231 hectares of conservation land at Kings Hill (**ATTACHMENT 1**) will be rehabilitated and enhanced by the Developer, prior to being transferred to Council ownership.
- The Developer will undertake works over 5 years to enhance the conservation land in accordance with a Biodiversity Management Plan, including fencing and weeding. These works have been costed at \$3,500,000 and will be entirely funded by the Developer.
- The Developer will provide a bank guarantee of \$600,000 as rolling security that these works will be completed.
- If Council is satisfied with the enhancement works completed by the Developer, the Developer will dedicate the conservation land at no cost to Council.
- On dedication of the land to Council, the Developer will make a monetary contribution to Council of \$3,000,000 to fund the ongoing management of the conservation land for 40 years, including weed and pest management, bushfire management, fencing and trail maintenance.
- After 40 years, the indicative ongoing costs to Council have been calculated at approx. \$80,000 per annum.
- The draft VPA will not impact the obligations of the Developer to pay local infrastructure contributions under the Port Stephens Local Infrastructure Contributions Plan 2020.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Upon dedication, the draft VPA will include an obligation for the Developer to make a monetary contribution of \$3,000,000 to fund the ongoing management of the conservation land for 40 years. After this time, the management of the land will be funded by Council.

ITEM 3 - ATTACHMENT 2 8 DECEMBER 2020 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 8 DECEMBER 2020**

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes	\$3,000,000 (plus accrued interest)	Monetary contribution proposed on dedication under the terms of a draft VPA.

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the biodiversity offsets proposed in the draft VPA are not adequate to offset the likely impacts of the proposed development.	Low	The biodiversity offsets proposed have been independently assessed as adequate as part of the assessment of Development Application 16-2018-772-1. Adopt the recommendations.	Yes
There is a risk that the monetary contributions will be insufficient to fund the maintenance of the conservation land.	Low	The cost estimates have been verified using Council data from the management of other biodiversity sites. Adopt the recommendations.	Yes
There is a risk that Council will not be able to fund the ongoing management of the land after 40 years.	Low	Council regularly prepares funding strategies to manage similar public assets dedicated to Council to support growth, such as the roads and drains in the Strategic Asset Management Plan. Adopt the recommendations.	Yes

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

The draft VPA will be prepared in accordance with section 7.4 of the EP&A Act. The draft VPA will be reported to Council for endorsement prior to public exhibition in accordance with section 7.5.

ITEM 3 - ATTACHMENT 2 8 DECEMBER 2020 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 8 DECEMBER 2020**Environmental Planning and Assessment Regulations 2000 (EP&A Regulation)

Should Council endorse public exhibition of a draft VPA, public notice will be undertaken in accordance with clause 25D of the EP&A Regulation and an explanatory note will be prepared to be exhibited with the draft VPA in accordance with clause 25E of the EP&A Regulations.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft VPA will secure conservation land to offset the likely impacts of proposed development under Development Application 16-2018-772-1. The draft VPA will provide for the rehabilitation, maintenance and management of the conservation land and will result in overall neutral or beneficial environmental impacts, given the development of the urban release area at Kings Hill.

The draft VPA will secure funding for Council to maintain the conservation land for 40 years and after that time there will be an economic cost to Council for the ongoing management of the conservation land. The draft VPA will support the future development of the urban release area at Kings Hill, which will provide housing (approx. 3500 new homes), jobs, and direct economic benefits to the local economy (estimated at \$140 million into the local economy annually) and will therefore have overall positive social and economic impacts in Port Stephens.

CONSULTATION

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

Internal

Consultation has been undertaken with the Development Assessment and Compliance, Financial Services sections, and the Natural Resources unit of Council. There are no objections to the recommendations of this report.

External

A draft VPA and explanatory note will be reported to Council prior to any public exhibition in accordance with the EP&A Act and EP&A Regulations.

OPTIONS

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

ATTACHMENTS

- 1) Map of conservation land.

**ITEM 3 - ATTACHMENT 2 8 DECEMBER 2020 - ORDINARY COUNCIL
MINUTES.**

MINUTES ORDINARY COUNCIL - 8 DECEMBER 2020

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil..

ITEM NO. 4

**FILE NO: 21/162643
EDRMS NO: 58-2017-10-1**

**RIFLE RANGE PLANNING PROPOSAL, DEVELOPMENT CONTROL PLAN AND
VOLUNTARY PLANNING AGREEMENT**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the amendments to the planning proposal (**ATTACHMENT 2**) and related amendment to the Port Stephens Development Control Plan 2014 (**ATTACHMENT 3**) for 14 Popplewell Road, Fern Bay (Lot 5, DP233358), to rezone part of the subject land from E2 Environmental Conservation to R3 Medium Density Residential, to apply a mixed minimum lot size of 200m² and 500m², and to apply maximum building heights of 9 and 15 metres.
- 2) Receive and note the submissions received during public exhibition of the planning proposal and related amendment to the Port Stephens Development Control Plan 2014 (**ATTACHMENT 4**).
- 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).
- 4) Approve the related amendment to the Port Stephens Development Control Plan 2014 in accordance with clause 21 of the Environmental Planning and Assessment Regulation 2000 (NSW) and provide public notice in accordance with those Regulations.
- 5) Agree to the preparation and exhibition of a draft Voluntary Planning Agreement to manage sand dune transgression in accordance with the letter of offer dated 23 April 2021 (**ATTACHMENT 5**).
- 6) If no submissions are received, approve the Voluntary Planning Agreement as exhibited for execution.

**ORDINARY COUNCIL MEETING - 27 JULY 2021
MOTION**

194	Councillor Ken Jordan Councillor Glen Dunkley It was resolved that Council: 1) Note the amendments to the planning proposal (ATTACHMENT 2) and related amendment to the Port Stephens Development Control
------------	---

	<p>Plan 2014 (ATTACHMENT 3) for 14 Popplewell Road, Fern Bay (Lot 5, DP233358), to rezone part of the subject land from E2 Environmental Conservation to R3 Medium Density Residential, to apply a mixed minimum lot size of 200m² and 500m², and to apply maximum building heights of 9 and 15 metres.</p> <p>2) Receive and note the submissions received during public exhibition of the planning proposal and related amendment to the Port Stephens Development Control Plan 2014 (ATTACHMENT 4).</p> <p>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).</p> <p>4) Approve the related amendment to the Port Stephens Development Control Plan 2014 in accordance with clause 21 of the Environmental Planning and Assessment Regulation 2000 (NSW) and provide public notice in accordance with those Regulations.</p> <p>5) Agree to the preparation and exhibition of a draft Voluntary Planning Agreement to manage sand dune transgression in accordance with the letter of offer dated 23 April 2021 (ATTACHMENT 5).</p> <p>6) If no submissions are received, approve the Voluntary Planning Agreement as exhibited for execution.</p>
--	---

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to advise Council of the outcome of the exhibition of the planning proposal (**ATTACHMENT 2**) and related amendment to the Port Stephens Development Control Plan 2014 (**ATTACHMENT 3**) for 14 Popplewell Road, Fern Bay (Lot 5, DP233358) and note the submissions received (**ATTACHMENT 4**).

The report seeks authorisation to exercise delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 (LEP) and to approve the amendment to the Port Stephens Development Control Plan 2014 (DCP). Authorisation is also sought to prepare and exhibit a voluntary planning agreement (VPA) in accordance with the letter of offer dated 23 April 2021 (**ATTACHMENT 5**).

MINUTES ORDINARY COUNCIL - 27 JULY 2021

The site is known as 'the Rifle Range' and a locality plan is provided at **(ATTACHMENT 1)**. The site is identified for residential rezoning in the Fern Bay and North Stockton Strategy.

The planning proposal will rezone part of the land from E2 Environmental Conservation to R3 Medium Density Residential. The planning proposal will amend the minimum lot size and height of building maps to reflect the proposed rezoning and to support a range of residential densities. The planning proposal will facilitate around 300 new homes (subject to development consent).

The DCP sets out urban design and planning guidelines for the future development. The DCP will ensure that the likely impacts of future development are adequately managed.

The VPA is necessary to ensure that sand dune transgression is adequately managed by Defence Housing Australia (the Developer) as part of any future development of the site. The VPA and explanatory note will be notified and exhibited for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2000. The VPA will be exhibited and executed prior to gazettal of the rezoning.

The planning proposal and DCP were publicly exhibited from 3 June 2020 to 3 July 2020. Five submissions from community members/groups were received. In accordance with the Gateway determination, the planning proposal was referred to public authorities, and six submissions were received. All submissions are addressed in **(ATTACHMENT 4)**.

A summary of the planning proposal is set out below:

Date lodged:	18 March 2018
Proponent:	Defence Housing Australia (DHA)
Subject property:	14 Popplewell Road, Fern Bay
Lot Number:	Lot 5, DP233358
Site area:	111 hectares
Site area proposed to be rezoned:	17 hectares
Current zoning:	E2 Environmental Conservation
Proposed zoning:	Part of the land to be zoned R3 Medium Density Residential and part to remain E2 Environmental Conservation
Existing Minimum Lot Size:	40 hectares
Proposed Minimum Lot Size:	200m ² and 500 m ² (R3) and 40 hectares (E2)
Existing Maximum Building Height:	No maximum building height specified

MINUTES ORDINARY COUNCIL - 27 JULY 2021

Proposed Maximum Building Height:	9 and 15 metres (R3) and no maximum building height (E2)
-----------------------------------	--

Council previously resolved to adopt the planning proposal and forward it to the Department of Planning, Industry and Environment (DPIE) for a Gateway determination and authority to make the plan.

On 25 November 2019, DPIE issued a Gateway determination (**ATTACHMENT 6**), requiring the planning proposal to be updated to:

- Identify the site as an 'urban release area' to enable the State government to collect State infrastructure contributions for future development
- Provide detail on proposed storm water management measures and water sensitive urban design.

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

Existing and current use

The site is currently vacant and non-operational.

Approximately 17 hectares of the 111 hectare site is being proposed for rezoning. This part of the site is largely disturbed and any existing vegetation is considered to be of low quality. The development footprint also avoids the parts of the site with high Aboriginal cultural value.

Purpose of the amendment

The planning proposal will facilitate future housing (around 300 new homes, subject to development consent) and increase opportunities for housing diversity. There will be a mix of lot sizes and building heights on the site which will facilitate a range of urban densities and housing choices.

DHA provide housing for members of the Commonwealth defence force and their families. The proximity of the site to the Williamstown RAAF base makes it a desirable location for new housing.

Suitability of the subject land

The site is suitable for residential development as environmental impacts can be minimised and it is located within walking distance to facilities and services in Fern Bay. The site is accessible via motor vehicle, public transport or cycling to nearby employment areas in Williamstown and Newcastle. The Fern Bay and North Stockton Strategy also identifies the site for future urban development as it is within proximity to the proposed North Stockton Town Centre.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes		The proposal will generate developer contributions to contribute towards the delivery of necessary local community infrastructure. The VPA will not impact the obligations of the Developer to pay local infrastructure contributions under the Port Stephens Local Infrastructure Contributions Plan 2020.
External Grants	No		
Other	Yes		\$33,598 Stage 1 and Stage 2 rezoning fees.

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that insufficient land is available in Fern Bay for residential needs.	Medium	Adopt the recommendations.	Yes
There is a risk that future development on the site is impacted by sand dune transgression.	High	Adopt the recommendations.	Yes

MINUTES ORDINARY COUNCIL - 27 JULY 2021

There is a financial risk that Council will be responsible for funding sand transgression mitigation in the future.	High	Adopt the recommendations.	Yes
---	------	----------------------------	-----

Voluntary Planning Agreement (VPA)

The Developer submitted a letter of offer to enter into a VPA for the management of sand dune transgression (**ATTACHMENT 5**). The terms of the VPA will ensure works are carried out by the Developer to minimise the impacts of sand dune transgression including:

- A dune rehabilitation and maintenance program for weed removal and planting
- Designated beach access ways and fencing
- A transgression monitoring program.

The VPA will not impact the obligations of the Developer to pay local infrastructure contributions under the Port Stephens Local Infrastructure Contributions Plan 2020.

Port Stephens Development Control Plan 2014 (DCP)

The DCP includes changes to:

- Adopt a masterplan for the future development of the site
- Provide controls for the management, interpretation and celebration of the site's heritage values
- Require landscaping for future development
- Specify requirements for the signalisation of the Vardon Road and Nelson Bay Road intersection and local road upgrades
- Controls relating to setbacks, the bulk and scale of new development
- Require a 1.5ha area of public open space which will also be a fauna movement corridor.

The DCP reflects the comments received from agencies and the community during consultation.

Port Stephens Local Environmental Plan 2013 (LEP)

The planning proposal seeks to rezone approximately 17ha of land R3 Medium Density Residential. The objectives of the R3 Medium Density Residential zone are listed in the LEP as:

- To provide for the housing needs of the community within a medium density residential environment
- To provide a variety of housing types within a medium density residential environment

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Amending the LEP will permit (with development consent) the development of the site in accordance with the masterplan, which is consistent with the objectives of this zone.

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

Part 3 of the EP&A Act provides the framework for amending a local environmental plan. DPIE 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 by the Gateway determination. Should Council adopt the recommendations, arrangements will be made for the drafting of the amendment to the LEP to give effect to the planning proposal.

Division 3.6 of the EP&A Act relates to development control plans. Should Council resolve to approve the DCP Amendment, all necessary matters in making the amendment to the plan will be carried out in accordance with the EP&A Act.

The VPA will be prepared in accordance with section 7.4 of the EP&A Act. The VPA will be notified and exhibited for 28 days in accordance with section 7.5 of that Act.

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

Division 2 of Part 3 of the EP&A Regulations specifies the requirements for public participation when a DCP is amended. The public exhibition of the DCP Amendment has satisfied these requirements.

Clause 25D provides requirements for notification of the VPA and clause 25E requires an explanatory note be prepared for exhibition. The explanatory note and VPA will be notified and exhibited in accordance with the EP&A Regulations.

Hunter Regional Plan 2036

The Hunter Regional Plan 2036 supports the renewal of the site to deliver a diversity of housing, serving the housing needs of the local population and supporting the Williamstown RAAF base and making the most efficient use of infrastructure.

Greater Newcastle Metropolitan Plan

The planning proposal responds to the outcomes of the Greater Newcastle Metropolitan Plan 2036 by delivering a mix of housing densities that balances development and the surrounding environment. The planning proposal will enable defence staff and other families to live close to jobs, including future jobs in the Williamstown State Activation Precinct (Williamstown SAP).

Port Stephens Local Strategic Planning Statement (LSPS)

The LSPS identifies the 20-year vision for land use in Port Stephens and sets out social, economic and environmental planning priorities for the future. The planning proposal is consistent with the planning priorities of the Port Stephens Local Strategic Planning Statement. It particular, it will provide diverse housing within proximity to employment centres in an area that can be adequately serviced and has limited environmental value. The site is well connected to strategic centres.

Port Stephens Local Housing Strategy (Live Port Stephens)

Live Port Stephens is the overarching strategy to guide land use planning decisions for new housing in Port Stephens. The planning proposal is consistent with *Live Port Stephens* as it will increase housing supply, housing diversity, affordable housing choices close to employment opportunities, and will provide access to open space and recreational areas, including Stockton Beach.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The planning proposal will deliver social and economic benefits to the existing and future community, including:

- Providing public access to open space and recreation areas
- Employment through construction jobs to carry out subdivision and building works
- Increased population to support the viability of a future retail services in accordance with the Fern Bay and North Stockton Strategy
- Improved traffic safety through the upgrade of the Vardon Road / Nelson Bay Road intersection
- Housing supply to support the Williamstown SAP and the broader community.

The planning proposal results in improved environmental outcomes as it retains the E2 Environmental Conservation zoning over the parts of the site identified as having high value and intact ecological communities and will result in rehabilitation and revegetation of sand dune areas.

CONSULTATION

Internal

Consultation with internal stakeholders has been undertaken to inform the planning proposal, DCP, and consideration of the VPA offer including with Development Engineering, Development Assessment and Compliance and Natural Resources units and Council's Development Contributions Analysis Team. No objections were raised.

External

The following public authorities were consulted on the planning proposal and DCP in accordance with the Gateway determination:

- Heritage NSW
- National Parks and Wildlife Service
- NSW Rural Fire Service
- Department of Planning, Industry and Environment (Biodiversity and Conservation Division)
- Worimi Local Aboriginal Land Council
- Transport for NSW
- Federal Department of Defense (no submission received).

No public authorities objected to the planning proposal. A summary of submissions is at **(ATTACHMENT 4)**.

Community

In accordance with the Gateway determination, the planning proposal and DCP were exhibited for 28 days, from 3 June 2020 to 3 July 2020. Five community submissions were received. Key issues addressed following the agency and public consultation included:

- Sand dune transgression – a Sand Dune Management Plan has been prepared for the site to ensure development is not impacted by sand dune transgression. A VPA is proposed to secure the works proposed.
- Ecology – the proposed residential zone is limited to the disturbed parts of the site with low ecological value. Controls in the DCP will reinforce a biodiversity corridor through the site, connecting northern and southern vegetation communities.
- Aboriginal cultural heritage – areas of high Aboriginal cultural and heritage value are retained within existing E2 zoned land. The outcomes have been informed by consultation with the Worimi and other registered Aboriginal parties, and the recommendations of the Aboriginal Cultural Heritage and Archaeological Assessment Report.
- Traffic safety – The DCP requires the upgrade of Vardon Road and Nelson Bay Road intersection to include traffic signals. This will increase safety for both motorists and pedestrians.

The submission summary and response table at **(ATTACHMENT 4)**.

A draft VPA and explanatory note will be notified and publicly exhibited in accordance with the EP&A Act and the EP&A Regulations for 28 days. The documents will be made available online and if submissions are received they will be considered in a report back to Council with details of any post-exhibition changes.

OPTIONS

- 1) Accept the recommendations.

MINUTES ORDINARY COUNCIL - 27 JULY 2021
--

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

ATTACHMENTS

- 1) Locality Plan.
- 2) Rifle Range Planning Proposal. (Provided under separate cover)
- 3) Draft Rifle Range Development Control Plan.
- 4) Submissions Table.
- 5) Letter of offer to enter into VPA. (Provided under separate cover)
- 6) Gateway determination 25 November 2019.

COUNCILLORS ROOM

- 1) Copy of submissions.
- 2) Planning proposal attachments and background studies.

TABLED DOCUMENTS

Nil.

RIFLE RANGE LOCALITY PLAN



ITEM 4 - ATTACHMENT 3 DRAFT RIFLE RANGE DEVELOPMENT CONTROL PLAN.

D17

D17 Stockton Rifle Range

Application

This part applies to the land identified in Figure DAI Stockton Rifle Range Land Application Map.

D17.A Heritage

Objective

To restore, maintain, and reinterpret heritage features and areas of archaeological potential.

Development controls

D17.1	Subdivision development is to ensure the Heritage Anti-Aircraft Battery is stabilised and remnants of the rifle range stop butt are retained for heritage interpretation.
D17.2	Subdivision development is to ensure pedestrian access, wayfinding and heritage information signage is provided within the site.
D17.3	The street network shall be consistent with the alignment of the existing rifle range firing mounds.
D17.4	Subdivision development shall ensure the coastal forest to the north of the existing rifle range footprint is retained to protect areas of archaeological potential.
D17.5	The first subdivision development is to consider the recommendations of the Aboriginal Cultural Heritage and Archaeological Assessment Report – Residential Development Planning Proposal – Stockton Rifle Range, Stockton (Umwelt 2017)

D17.B Ecology

Objective

To enhance the coastal dune ecology of the site within the broader Stockton Peninsula ecological context.

Development controls

D17.6	Landscaping provided with development shall be limited to endemic species for public and private landscaping.
D17.7	Residential lots shall be setback from the Stockton Beach dunes by a minimum of 50m as shown on Figure DAJ.
D17.8	Subdivision development shall ensure the Stockton Beach dunes area is revegetated to stabilise the dune and to provide north-south ecological continuity along the dune edge.

D17

Development controls

D17.9	Subdivision development is to ensure that the public open space required by D17.19 provides for a faunal movement corridor between coastal forests to the north and south of the site and should be designed to ensure the effective movement of: <ul style="list-style-type: none"> • Koala and • Squirrel glider Within corridors: <ul style="list-style-type: none"> • Where possible, mature trees should be retained. • trees, or clumps of vegetation, should be spaced no greater than 30 metres apart. • New planting must be locally endemic native species.
-------	--

D17.C Street layout, access and circulation

Objective

To ensure the **local street** network is interconnected and facilitates movement, accessibility and pedestrian comfort.

Development controls

D17.10	Subdivision development is to provide a street layout that is generally consistent with Figure DAJ
D17.11	The subdivision of a lot that proposes a road layout that prevents the effective connectivity of the wider street network will not be supported.
D17.12	Subdivision development is to provide a shared path layout that is consistent with Figure DAJ.
D17.13	Subdivision development is to provide footpaths along all local streets .
D17.14	Subdivision development is to ensure the vehicle and pedestrian access to the site via Popplewell Road at Taylor Road is constructed as a Local Sub-Arterial (as shown in Figure DAJ).
D17.15	Subdivision development is to ensure the second vehicle and pedestrian access to the site via Popplewell Road is constructed as a Local Sub-Arterial (as shown in Figure DAJ).
D17.16	Subdivision development is to ensure the street grid maintains provision for a future street connection to the Stockton Centre site to the south as shown in Figure DAJ.
D17.17	The first subdivision development is to include: <ul style="list-style-type: none"> • signalisation of the Vardon Road and Nelson Bay Road intersection; and • upgrades to Vardon Road and Popplewell Road to facilitate a Local Sub-Arterial bus route.

ITEM 4 - ATTACHMENT 3 DRAFT RIFLE RANGE DEVELOPMENT CONTROL PLAN.

D17

D17.D Public open space

Objective

To identify, acquire, and protect a central part of the site as a local public park.

Development controls

- D17.18 **Subdivision development** is to provide public open space of a minimum area of 1.5 hectares in the centre of the site, as shown in Figure DAJ.
- D17.19 **Subdivision development** is to ensure that the Crime Prevention Through Environmental Design principles are implemented during the design of paths that are not adjacent to a road. This must include the provision of pedestrian lighting, clear sight lines, and universally accessible design features to promote safety and accessibility.

D17.E Landscape

Objective

To provide landscaping that is appropriate for the coastal bushland context, and that integrates with housing development.

Development controls

- D17.20 All **local streets** within the **Subdivision development** shall feature informal endemic street tree plantings.
- D17.21 Access to the adjacent land to the north and east must be limited by physical barriers to limit ecological impacts. These measure can include the installation of bollards or koala sensitive fencing.
- D17.22 Landscaping is provided as follows:
- If the lot has an area of at least 200m² but not more than 300m² – 10% of the area of the lot
 - If the lot has an area of at least 300m² but not more than 450m² – 15% of the area of the lot
 - A principle landscaped area, measuring at least 1.5m wide and at least 3m long, must be provided as part of the development.

D17

D17.F Setbacks, bulk and scale

Objective

To facilitate a diversity of housing within the development area.

Development controls

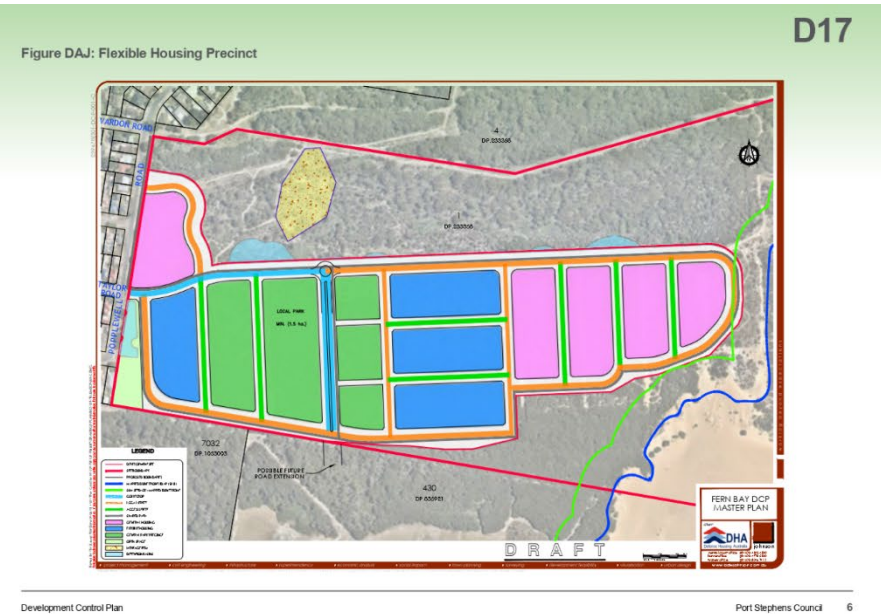
- D17.23 A Residential lot that has an area less than 500m² is capable of supporting a rectangular building footprint of 8m x 12m.

Note: lots greater than 500m² are defined in C1.2

Precinct Specific Controls

- D17.24 The following setbacks must be provided for development on lots less than 300m² that are located within the **Flexible Housing Precinct** (Figure DAJ):
- Zero setback to side (only 1 side if no rear land access)
 - 2m to any road frontage
 - 5.5 to garage from the road frontage
 - 4m to rear (ground & upper floor) – no rear access
 - Zero setback to rear if land has rear access
 - 16m² private open space, minimum 4mx4m
- D17.25 The following setbacks must be provided for development within the **Central Park Precinct** (Figure DAJ):
- 2m to primary road frontage

ITEM 4 - ATTACHMENT 3 DRAFT RIFLE RANGE DEVELOPMENT CONTROL PLAN.



ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

Attachment 4 – Submissions Table

No.	Author	Comment	Council response
Agency submissions			
1	Heritage NSW	a. Heritage NSW believe that the proposal is unlikely to have a direct physical or visual impact on any heritage items listed on the State Heritage Register, however the planning proposal does have impacts on Local heritage.	Noted.
		b. The subject site is listed as a Local heritage item under the Heritage Schedule of Council's LEP 'Stockton Beach Dune System, including Aboriginal site and shell middens, ship wrecks, WWII ramparts, tank traps, proofing range, rifle range and tin huts' (I34).	Agree.
		c. The Rifle Range is historically significant as it represents Australia's involvement in World War II. From 1953, it was a training facility for all shooting in the region and was used by the police force, military, school cadets and civilian rifle clubs. Heritage NSW notes that while there is little that remains of the previous structures and training facilities on site, the Links Battery, an anti-aircraft battery in the north of the site, contains the only known remaining built fabric associated with the historic use of the site.	Noted.
		d. Any future development on the site should include sympathetic integration of the battery. Should future development have the potential to impact on the Links Battery, a Historical Archaeological Assessment should be prepared to assess the potential for remnant built heritage. This assessment should provide appropriate methodology for future management of any significant findings.	The Links Battery is not located within the development area. Signage and pedestrian access will be included in the development, as required by the draft Development Control Plan (DCP). The draft DCP aims to restore, maintain and interpret heritage features and areas of archaeological potential. The heritage integrity of the site will be maintained by requiring the street network to be generally consistent with the alignment of the existing rifle range firing

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

			mounds, as shown on the master plan in the draft DCP.
		e. The planning proposal site also includes a portion of the Fern Bay site complex and six sites (burials and artefacts) which are of significance to the Aboriginal community. This site is considered to have very high Aboriginal cultural value to the Worimi people.	The burial sites are located outside of the area proposed for development. Consultation undertaken with Worimi Local Aboriginal Land Council is outlined below (refer to submission No. 5).
		f. The submission notes that an Aboriginal Cultural Heritage and Archaeological Assessment outlined sub-surface investigations to be undertaken in areas subject to future excavation. This assessment should be used to inform future works on the site.	A control requiring that the recommendations of the Aboriginal Cultural Heritage and Archaeological Assessment Report (Umwelt 2017) are considered in the development of the site has been included in the draft DCP.
		g. Heritage NSW have reviewed the site-specific Development Control Plan prepared for the site and consider that the proposed controls are appropriate for protection and celebration of the heritage, history and archaeology on the site.	Noted.
		h. Areas of high cultural sensitivity should not be impacted. The extent and location of these areas should be determined, and an Aboriginal cultural heritage management plan developed to protect and conserve areas of high cultural value. In order to clarify the nature and extent of the deposits within the area of the proposed housing development footprint, it is recommended that an archaeological test excavation is undertaken. An Aboriginal Heritage Impact Permit will be required for any impact to Aboriginal objects, including test excavation due to the presence of shell midden and the potential for burials.	See Submissions No. 1e and 1f
2	National Parks and Wildlife Service	The submission represents both the NPWS section of the Department of Planning, Industry & Environment and the Worimi Conservation Land Board of Management.	Noted.

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

	<p>a. The masterplan identifies pedestrian access points to the Worimi Conservation Lands (WCL) from the site. However, the Plan of Management (POM) for the WCL identifies three public access points into the park through the formalised access points at Gan Gan, Lavis Lane and Fern Bay adjoining the Fern Bay Seaside Village Estate. Further, under the POM a walking track from the carpark at the Fern Bay entrance to the base of the dunes has been constructed.</p> <p>While there are no other designated walking tracks proposed, walkers can use the management trail network in the forested areas of the WCL. The plan does not permit the construction of new walking track to connect to management trails.</p> <p>Safety concerns with pedestrians and the large numbers of vehicles on sections of beach has been identified due to large number of vehicles using this part of the beach.</p> <p>Under the NPWAct, Pedestrians and vehicles can only access a park through a defined public access point. NPWS and the WCLBOM do not approve private access to the park from the development site.</p> <p>Notwithstanding, the provision of enhanced walking opportunities is consistent with the Board's vision, and may be considered, subject to further planning and assessment work. The developer should consult with NPWS on this matter.</p> <p>Pedestrian access points from the development to the dunes show no clear barrier to prevent access by 4WD vehicles and illegal bikes into the dunes. Vegetation barriers shown on the plans have proven to be unsuccessful and therefore physical barriers will be required to prevent 4WD access into the dunes to the east of the development and into the WCL.</p>	<p>Access to the WCL has been removed from the draft DCP and masterplan and will not be permitted as part of the development application for subdivision of the site.</p> <p>Should the proponent seek access to WCL in the future, negotiations with NPWS will be required.</p> <p>The draft DCP contains a control that requires the subdivision development to restrict access to the adjacent land to the north and east by physical barriers to limit ecological impacts. These measure can include the installation of bollards or koala sensitive fencing.</p>
--	--	---

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

	<p>b. The planning proposal documents state discussions have been held regarding the potential to dedicate the remaining E2 portion of the site to the WCL.</p> <p>The WCLBOM, will need to be consulted on this matter and agree to the dedication of the land.</p>	<p>DHA have initiated discussion with NPWS regarding future transfer of the land to WCL.</p> <p>Progression of the planning proposal is not affected by the future ownership of the remaining E2 part of the site as it is not being used for environmental offsets.</p> <p>As such, transfer of the land can be determined following gazettal of the planning proposal.</p> <p>This is a matter for discussion between the landholder and NPWS.</p>
	<p>c. The NPWS have concerns regarding the site discharge 1% AEP (1 in 100 year) storm events calculations used in the stormwater management plan. The DRAINS model used to calculate stormwater biofiltration basin size does not accurately consider the impact of localised ground water level and saturated sand substrate.</p> <p>NPWS have experienced storm water from the Fern Bay Seaside Village Estate during past storm events overtopped the storm water biofiltration basins and flowed into the Park.</p> <p>The storm water system continues to over top the biofiltration basins into the park during storm events that exceed the 1% AEP. It is from this experience that NPWS request further storm water modelling that appropriately considers ground water influences on infiltration to ensure the storm water does not flow into the Fern Bay section of the Regional Park. This is an offence under the National Parks and Wildlife Regulation (2009), 11(1)(l) to discharge stormwater into a park.</p>	<p>Prior to exhibition of the planning proposal, Council engineers and the Environment, Energy and Science section of DPIE confirmed on 21 April 2020 that:</p> <ul style="list-style-type: none"> - the ADW Johnson Stormwater report Version G (27 March 2020) addresses the concerns raised by DPIE and Councils Hydraulic engineer sufficient to Progress the Planning Proposal. <p>Detailed ground water monitoring is to be undertaken prior to DA approval of the civil works.</p> <p>Council engineers have confirmed that the proposed locations of groundwater monitoring wells are satisfactory.</p> <p>Council's requirement for groundwater modelling is to obtain Predicted Highest groundwater levels where the infiltration facilities are proposed. Based on these levels, the infiltration facilities could be designed. A minimum of 1m clearance is required from the predicted highest groundwater level and base of the infiltration facilities.</p>

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

			Council engineers have advised that satisfactory information has been provided to allow for rezoning of the site, with additional engineering details to be provided as part of the DA review (such as incorporating WSUD features within the development, splitting up infiltration areas, water quality modelling etc).
		<p>d. NPWS encourages joint cross tenure fire management of the site. Arson and wildfire from the proposed development is of concern as all the vegetation on Lot 5 adjoins the Regional Park.</p> <p>NPWS maintain a fire break along the southern boundary of the Regional Park. NPWS request that the development of the site includes the construction of appropriate strategic fire advantage zones along their common (northern) boundary with the park. NPWS further request that the community title / body corporate structure set aside appropriate fire management fund reserves to maintain and suppress fire on the proposed development site.</p>	<p>The masterplan in the draft DCP has been revised to include a perimeter road around all development, which will form part of the development's Asset Protection Zone.</p> <p>Management of the northern part of the site is a matter for the landholder to consider in consultation with NPWS.</p>
		<p>e. The coastal engineering report does not consider the impact of sand extraction and in particular the proposed Boral dredging when calculating the risks from erosion by 2100. The report states 'The proposed rezoning and subdivision of the Stockton Rifle Range site is not expected to be at risk from coastal erosion, reduced dune foundation capacity or wave overtopping by 2100. As such, the planning proposal can be accepted with no further mitigation of these risks required'.</p> <p>NPWS have witnessed the accelerated deflation of sand dunes on the park through aeolian sand migration into the Boral extraction area at the same time as the amount of extraction increased.</p>	<p>The site is unlikely to be impacted by sand erosion in the future. However, it could be impacted by sand dune transgression.</p> <p>Refer to Submission No.7 for details regarding how this is to be managed.</p>

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

	<p>Whether this is the cause and effect is still being considered. Nonetheless, dunes within the Recreational Vehicle Area in the Regional Park have deflated significantly over the past 13 years of observation by NPWS. The report does not appear to consider the impact and frequency of south east low storm events.</p> <p>As dunes deflate within the park the height of storm surge runup increases, inundating larger sections of the park during south east low storm events.</p>	
	<p>f. The Ecological Assessment Report proposes the use of a minimum 20 metre buffer zone between Worimi Regional Park and the Study Area to minimise the potential for adverse impact to NPWS estate and the implementation of weed control protocols within the buffer zone to prevent weed species spreading into Worimi Regional Park.</p> <p>Under the Fern Bay Regional Voluntary Planning Agreement, NPWS have a 20 year weed control program. NPWS request the proposed minimum 20 metre buffer zone and weed control protocols be a condition of approval for the development application. Furthermore, NPWS request ongoing consultation regarding long term weed management. It is NPWS experience from the Fern Bay Seaside Village Estate that once the developer completes the development the Body Corporates fail to implement any weed control programs.</p>	<p>Under the NSW Biosecurity Act 2015 and Regulations 2017, landholders have a duty to prevent, eliminate and minimize biosecurity risk, including weeds.</p> <p>The threat of weeds will continue to be mitigated through Council's standard inspection and compliance program. Council, as the Local Control Authority is required to inspect lands of all tenure in the LGA and ensure compliance with the Act and the Hunter Regional Strategic Weed Management Plan.</p>
	<p>g. The consultation report indicated the developments would create positive benefits for the local area such as improved public amenity, improved employment and economic growth as well as making the Worimi Conservation Lands and Stockton Beach more accessible to the public and explore opportunities to connect with the Worimi Conservation Lands.</p> <p>The report also states that the Rifle Range is surrounded by a network of</p>	<p>Noted.</p> <p>The masterplan has been amended to remove access to the WCL. DHA will continue to liaise with NPWS on this matter. Refer to Submission No. 2(a) for further details on this matter.</p>

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

		<p>bushwalk trails and shared pedestrian/cycle paths that double as a firebreak. These trails connect the site to the Worimi Conservation Lands to the north, as well as the dune boardwalk that leads to the beach. As stated above it is an offence under section 4(1)(a) of the NPW Regulations 2009, to access the WCL from the proposed development. Residents are required to access the WCL through the public access points identified in the POM.</p>	
--	--	--	--

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

3.	Biodiversity and Conservation Division Department of Planning, Industry and Environment	a. The planning proposal seeks to rezone an area of approximately 17 hectares within a site with a total area of 111 hectares. It states that the remaining 94 hectares of the site will be retained as E2 zoned land. However, the Rifle Range Defence Housing Project Ecological Assessment Report (Umwelt June 2017) states that approximately 80 hectares of the site is proposed for E1 National Parks and Reserves or protection through a Biodiversity Stewardship Site. This requires clarification. Given the proposal is removing a portion of the land from an environmental conservation zoning, it is important that consideration is given to effective long-term environmental protection of the remaining land.	The remainder of the site will continue to be owned and managed by DHA. DHA have expressed interest in dedicating the remaining E2 land to NPWS. Refer to Submission No. 2b.
		b. The planning proposal does not provide a calculation of biodiversity credit requirements for the proposed impacts of the project. While this is not essential at the planning proposal stage, as long as avoidance and minimisation of impacts has been adequately considered, it will need to be considered as the proposal progresses. It can provide useful early information to proponents with respect to any future credit obligations which may be created as a result of the project.	Agree. Development application will need to consider biodiversity credits. Council's Senior Environmental Planner has confirmed that the proposal avoids the more environmentally significant parts of the site and is satisfied that the development appropriately considers and avoids significant biodiversity impacts.
		c. All proposed impacts from the rezoning are located within the R3 zoned land, including sediment detention basins, carparks, asset protection zones in order to protect the integrity of the remaining E2 Environmental Conservation zoned land. All dwellings should be contained within an outer ring road to reduce impacts on surrounding E2 zoned land.	Zoning maps and masterplan have been amended to ensure that all development is located within the R3 zone. A perimeter road has been included in the masterplan that surrounds the entire development area.
		d. The planning proposal currently does not adequately address the maintenance of the biodiversity corridor connectivity between the vegetation to	An area of land to the east of the development footprint will remain undisturbed and will act as a north-south corridor. This area is

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

	<p>be protected to the south of the R3 zoning and the vegetation to the north of the rezoning which adjoins the Worimi conservation lands. This may require a reduction in the developable land footprint to the east of the proposal to ensure that an adequate level of vegetation connectivity is maintained.</p> <p>Council should address biodiversity corridor connectivity between the E2 vegetated areas to the north and south of the proposed R3 zone.</p>	<p>greater than 100m in wide, which is the minimum width needed for an effective faunal movement corridor.</p> <p>Under the proposed VPA, this part of the dune will be revegetated and managed.</p> <p>In addition, a 1.5ha park will form an undeveloped north-south corridor within the development area.</p> <p>The draft DCP requires this public open space to provide for a faunal movement corridor between coastal forests to the north and south of the site and to be designed to ensure the effective movement of Koala and Squirrel glider by requiring:</p> <ul style="list-style-type: none"> - mature trees within the park to be retained where possible; - trees or vegetation not to be spread greater than 30m apart and; - planting within the park to be locally endemic native species.
	<p>e. The Ecological Assessment Report shows 'preferred koala habitat' and '50m buffer around preferred koala habitat' as occurring in the north west of the study area. It is unclear whether the proposed R3 zoning is likely to impact upon these areas. If this is the case it is recommended that the proposed rezoning is reduced to avoid and minimise impacts on these important koala areas.</p> <p>Council should review impacts to koalas from the rezoning and avoid areas of preferred koala habitat.</p>	<p>The ecological assessment concludes that preferred koala habitat, including suitable koala feed trees, and supplementary koala habitat are present on the site. Impacts on koala habitat have been largely avoided and minimised, and the proposal is considered consistent with the performance criteria of the CKPoM.</p> <p>A preliminary Koala Plan of Management has been submitted with the planning proposal to demonstrate how the concept master plan facilitates appropriate management of koala habitat.</p> <p>The current indicative Master Plan indicates potential disturbance to 2 koala feed trees. Where possible, koala feed trees will be selectively retained within the development footprint. This</p>

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

			will be assessed in detail at DA stage.
		<p>f. Aboriginal cultural heritage significance of lands subject to a planning proposal, all potential areas, objects, places or landscapes of heritage significance to Aboriginal culture and people that may constrain future land-use planning and heritage conservation must be clearly identified. This process is to be guided by the following documents:</p> <ul style="list-style-type: none"> • Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (DECCW, 2011) • Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW, 2010) • Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (OEH, 2010) 	See Submissions No. 1e and 1f.
		<p>g. Registered Aboriginal sites must not be harmed</p> <p>There are several previously registered Aboriginal sites on the Aboriginal Heritage Information Management System (AHIMS) within the proposed rezoning area, and include stone artefact sites, shell midden sites and burial sites. Some of these sites are in the proposed residential development R3 zoned lands. The proposed Master Plan identifies that there is also a high likelihood of sub-surface deposit and possible burials in this area.</p> <p>The registered Aboriginal parties identified the need for a conservation outcome and for any potential impacts from the proposed residential development to be minimised.</p> <p>An appropriate heritage conservation strategy should be implemented for these areas as there is the potential that future ground disturbance works</p>	See Submissions No. 1e and 1f.

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

		<p>within the planning proposal area may impact surface and sub-surface Aboriginal objects. It is noted that the current Master Plan avoids impact to areas of cultural concern in the south west corner of the project area associated with burials and previously repatriated Aboriginal objects. Any impacts to Aboriginal objects within the proposed residential development could only occur if an approved Aboriginal Heritage Impact Permit is obtained.</p> <p>If future impacts to Aboriginal cultural heritage cannot be avoided, they must be managed and minimised where possible. Any impact to Aboriginal objects can only occur in accordance with appropriate authorisation such as an approved Aboriginal Heritage Impact Permit.</p>	
5.	Rural Fire Service	a. A perimeter road is required to all un-managed vegetation (on and off-site).	The masterplan has been updated to include a perimeter road around the entire development area.
		b. The capacity of local road network is required and the final subdivision plan will need to undertake a traffic generation study to justify the one access link into the existing urban lands to the west.	The draft DCP requires a secondary vehicle access to the site is via an additional location on Popplewell Road and is shown on the masterplan (Figure DAJ in draft DCP).
4.	Worimi Local Aboriginal Land Council	a. Confirm that the Aboriginal Cultural Heritage and Archaeological Assessment Report Recommendations are correct and comply with the onsite studies, as were undertaken by the Registered Aboriginal Parties.	Noted.
		As the report clearly notes and as has always been known; the area is inundated with Worimi occupational evidence that needs to be protected and we look forward to working with PSC in doing so.	
		b. expects that the site is impacted by coastal erosion, as is common in the area.	The site is not likely to be impacted by coastal erosion. However, sand dune transgression is a consideration for the site. Refer to Submissions No. 2e and 7.
		c. Considers that the safest and most suitable access point (from Nelson Bay	The Transport Study undertaken for the planning proposal

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

		<p>Rd) is via Taylor Road, not Vardon Road.</p> <p>The 'T' intersection at Nelson Bay provides better visuals for drivers and less congestion 'and' possibly also allows for the development of a large turning bay (and/or) roundabout to be installed.</p> <p>Promoting safety for both drivers and pedestrians is paramount and should not be underestimated i.e. Vardon is well known for its busy pedestrian traffic with children and parents attending both the Public School and the Child Care.</p>	<p>concludes that subject to road and intersection improvements, the development can be accommodated on the surrounding transport (road) network.</p> <p>The required improvements include:</p> <ol style="list-style-type: none"> 1. Upgrade of one intersection with Nelson Bay Road, with Vardon Rd being the preferred location for traffic signals; and 2. Upgrade of the local road network to current Council standards from the entrance to the site along Popplewell Road to both Taylor Road and Vardon Road. <p>The draft DCP contains provisions requiring a signalized intersection at Vardon Rd/ Nelson Bay Road, and for the local road network to be upgraded in accordance with Council requirements.</p>
6.	Transport for NSW	<p>a. Intersection upgrade</p> <p>The provision of an access upgrade to the catchment is required for the planning proposal to progress.</p> <p>It is recommended that, following the review of an adequate traffic report that appropriately demonstrates the required intersection layout and justifies the location, an in-principle agreement be reached between the proponent and TfNSW regarding the location and configuration of the intersection upgrade required at Nelson Bay Road.</p> <p>Traffic Control Signals should be assessed at either Nelson Bay Road and Vardon Road, or Nelson Bay Road and Taylor Road intersections.</p> <p>Conditioning traffic control signals would be appropriate on the future DA.</p>	<p>The draft DCP requires that the proponent construct signalisation of the Vardon Road and Nelson Bay Road intersection. This requirement will form a condition of consent of the subdivision development application.</p> <p>Council's Traffic Engineer advised that signals at the Vardon Road/ Nelson Bay Road intersection offer the best solution to traffic and pedestrian safety and access. Further, signals at this location would provide an important connection between the properties on the western side of Nelson Bay Road with the school, community centre and public transport facilities.</p> <p>Detailed design of the intersection is to be undertaken at the DA stage and TfNSW will need will need to agree on the location of proposed traffic</p>

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

			signals (noting that Vardon Road would be Council's preferred location).
		<p>b. Additional considerations to be included in traffic modelling and intersection design</p> <p>The following matters should be addressed in the traffic modelling and intersection design:</p> <ul style="list-style-type: none"> • modelling should be undertaken in accordance with the requirements of the RMS Traffic Modelling Guidelines, RTA Guide to Traffic Generating Developments and Austroads Guide to Traffic Management, Part 12, Integrated Transport; • modelling should be calibrated to the pre-COVID road environment; • Cycle times should be between 80 and 120 seconds for modelling of TCS; • Modelling a speed of 70km/hr as this is the road's speed limit. • Pedestrian phases to cross the intersection should be included, however excluding a northern pedestrian crossing could be considered; • Any upgrade should consider whether the uncontrolled right turn bays into alternate local roads and existing u-turn bay should be removed; • the vision for the area including pedestrian/cycleway footpaths that connects both sides of Fern Bay to Stockton should be factored into design; • The northbound bus stop should be addressed; • Inclusion of kerb and gutter or blisters are needed on the west side of the intersection to support TCS posts and kerb ramps for pedestrians usage. 	<p>Council's Traffic Engineer agrees that the additional considerations for the traffic modelling and intersection design are relevant. However, these finer details are relevant for the DA stage, with the developer and TfNSW needing to agree on the intersection design.</p> <p>DPIE agrees that these DA related issues about the intersection design elements and do not related to the merits of the site for rezoning. Therefore the TfNSW comments can be noted for DA preparation and are not an objection to the planning proposal.</p>
Community			

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

7.	Resident	<p>a. As identified in the Coastal Engineering Assessment report (BTM), stabilization of the mobile dune system is a major problem and this will only be intensified with climate change. The submission maker has many years of professional experience in large-scale coastal revegetation (mining) and over 30-years of experience in natural resource management. In the submission maker's opinion, it will be extremely difficult, if not impossible, to stop long-term sand dune transgression by revegetation (nor a combination of revegetation and engineered methods). The limiting factors to revegetation are;</p> <ol style="list-style-type: none"> 1. Total lack of soil and therefore nutrients. 2. Exposure to wind for most of the year, causing vegetation wind-cropping, sand drift, sand-blasting of vegetation and drying of the vegetation and sand substrate surface. 3. Exposure to extreme temperature during peak summer period. 4. Extreme substrate drainage. Given that the area needing revegetation is significantly elevated relative to the low points in the system, the sand substrate has super drainage and will require daily watering for many years. 	<p>As a result of this issue being raised during community consultation, the proponent has undertaken a Sand Dune Transgression Assessment and Management Plan (TABLED DOCUMENT 1).</p> <p>Council's Environmental Officer is satisfied that the Assessment and Management Plan provides an adequate mitigation plan for sand transgression. The plan seeks to mitigate the impacts by way of:</p> <ul style="list-style-type: none"> - Implementing a monitoring and reporting program - Retaining and strengthening the existing vegetated buffer immediately around the site - Dune maintenance program - Alternate future measures (approx. after 2075). These are yet to be determined due to unknown future conditions. <p>These measures will form the basis of a planning agreement to ensure that the works are carried out as part of the development and into the future. The amendment to the LEP will not be executed until the VPA is finalised.</p>
		<p>b. Given that the area in need of stabilization has an ecological starting point of zero the revegetation process will need to be gradually progressed from pioneer through to tertiary and climax communities. This will take a very long time with on-ground human resource commitment / presence and therefore a very large amount of money.</p>	<p>Refer to Submission No. 7a</p>
		<p>c. The difficulty with dune stabilization is very clearly evidenced by the current westward transgression of sand over-</p>	<p>Refer to Submission No. 7a</p>

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

	<p>toping and engulfing the existing undisturbed highly vegetated zone along the entire length of the dune / vegetation boundary. Additional to the long-term encroachment of the dune system will be an ongoing nuisance issue with wind-carried sand particles being deposited into and onto properties at the eastern extent of the proposed housing footprint during strong wind events – this issue does not appear to have been addressed in any of the development proposal documentation.</p>	
	<p>d. The BTM Coastal Engineering Assessment report provides substantial discussion about beach-front erosion, however it only provides two paragraphs, both of which are almost identical, of any substance regarding sand drift and sand dune transgression in the last paragraph of section 3.5 'Sand Drift' and section 4.2 'Risk Mitigation Measures'. This report, and all other documentation, is deficient in the following;</p> <ol style="list-style-type: none"> 1. The methodology of HOW to do the stabilization works, 2. The initial capital cost of stabilization works, 3. The ongoing maintenance cost in perpetuity, and 4. How this will be funded in perpetuity. (This should NOT be funded from s7.11 developer contributions as this is not the intent of these). 	Refer to Submission No. 7a
	<p>e. Furthermore, there is no detail regarding the issues above elsewhere in the documentation provided on the PSC website. More so, section-4 'Hazard and Risk' of the 'Rifle Range Planning Proposal' document does not address this issue at all. Section 5.1.6 'Vegetation and Dune Rehabilitation' of the Umwelt report 'Rifle Range Defence Housing Project – Ecological Assessment Report' only discusses the need for dune stabilization to be done but not the method, feasibility or cost estimate.</p>	Risk assessment included in the Council report and planning proposal has been updated to address this issue.

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

		<p>f. The submission maker is surprised that none of the professionally prepared reports appear to rank this nor any other risks, via a risk matrix, which is now (and has been for quite some time) routine practice. Without such analysis risk cannot be weighted regarding likelihood and consequence. Furthermore, a Net Present Value (NPV) analysis for either the initial nor ongoing cost can be found.</p>	Refer to Submission No. 7f
		<p>g. The vast body of research and a posteriori data into climate change clearly indicates that this problem is only going to get worse over time due to sea-level rise and increased frequency of higher intensity storm events. Therefore maintenance will be required in perpetuity with costs increasing over time. This raises the question of how this will be funded. If not accounted for now then it will result as a legacy cost that PSC will be burdened with. This can only result in the cost being spread across the entire LGA by increased land rates to all rate payers.</p>	Refer to Submission No. 7a
		<p>h. Mobile sand dune transgression is a known issue and PSC will be exposing itself and the rate payers of Port Stephens, to future potential legal action if the sand drift cannot be contained.</p>	Refer to Submission No. 7a
8.	Eco Network – Port Stephens	<p>a. EcoNetwork-Port Stephens is a grassroots community-based environmental and sustainability network comprising 26 community and environment groups and eco-businesses with a focus on sustainable planning. Eco Network is non-party political and does not donate to political parties.</p> <p>EcoNetwork Port Stephens has serious concerns about the potential effect of this proposed development on movement of the sand dunes and associated environmental impacts.</p>	<p>Noted.</p> <p>Refer to Submission No. 7a</p>
		<p>b. Development of housing on the western portion of the site is consistent with the adopted Stockton -Fern Bay</p>	Noted.

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

	<p>Strategy and, subject to meeting all relevant planning and environmental standards, may be acceptable.</p>	
	<p>c. EcoNetwork does not think the proposal adequately addressed the risks posed by development of the eastern part of the site adjacent to the exposed and mobile sand dunes between the site and the coast.</p> <p>Several of the supporting reports clearly identify stabilization of the mobile dune system as a major problem, and this will only be intensified with climate change.</p>	Refer to Submission No. 7a
	<p>d. EcoNetwork fear that it will be extremely difficult, if not impossible, to stop long-term sand dune transgression by the proposed revegetation (or a combination of revegetation and engineered methods).</p> <p>The submission defers to and supports the professional detailed in Submission No. 7, which he has shared with EcoNetwork.</p>	Refer to Submission No. 7a
	<p>e. The proposal and supporting documents not only fail to convince that this issue can be managed, but also fail to explore the implications for future residents and the wider community of wind-carried sand particles being deposited into and onto properties at the eastern extent of the proposed housing footprint during strong wind events.</p> <p>The documentation is seriously deficient in relation to the following:</p> <ol style="list-style-type: none"> 1. The methodology of HOW to do the stabilization works, 2. The initial capital cost of stabilization works, 3. The ongoing maintenance cost in perpetuity, and 4. How this will be funded in perpetuity. (This should NOT be funded from Local Infrastructure Contributions from the development as this is beyond 	Refer to Submission No. 7a and 7f

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

		<p>the scope and intent of section-7(11) of the EPA Act).</p> <p>The problem of mobile sand dune transgression is only going to get worse over time due to sea-level rise and increased frequency of higher intensity storm events. Therefore, maintenance will be required in perpetuity with costs increasing over time. This raises the question of how this will be funded. If not accounted for now, then it will become a legacy cost that PSC will be burdened with in the future. This can only result in the cost being spread across the entire LGA by increased rates for all rate payers.</p> <p>Mobile sand dune transgression is a known issue and PSC will be exposing itself (and the rate payers of Port Stephens) to future potential legal action if the sand drift cannot be contained.</p>	
		<p>f. EcoNetwork urges Council to consider carefully whether it would be a responsible action to approve the proposed development of the eastern part of this site. The submission states that it would not, and that the proposal should be significantly modified to reduce the risk and address the problem.</p>	Refer to Submission No. 7a
9.	Hunter Community Environment Centre	<p>The Hunter Community Environment Centre (HCEC) is a not-for-profit resource centre located in Newcastle, established in 2004 to support grassroots community efforts to protect and preserve the important ecological assets of the greater Hunter region.</p> <p>The HCEC objects to Defence Housing Australia and the Port Stephens Council's proposal to re-zone an E2 Environmental Conservation area to an R3 Medium Density Residential Zone on the Popperwell Road site, Fern Bay on the following grounds:</p>	Noted.
		<p>a. Risks to threatened species habitat and biodiversity The unique coastal landforms of Stockton, Fullerton Cove, Fern Bay</p>	The proposed R3 Medium Density Residential zone will apply to the parts of the site that are already highly disturbed,

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

	and surrounds support a variety of native flora and fauna, and further encroachment of residential development into this habitat ultimately poses an unacceptable risk to its preservation.	while the remaining part of the site will retain its E2 Environmental Conservation zoning as this area is identified as having high ecological value and intact ecological communities.
	b. While the site is amenable to residential development for various reasons outlined in the planning proposal, HCEC asserts that the area lends itself equally to revegetation and remediation works with a view to supporting the native ecological species present or likely to be present to flourish.	<p>The site is identified in the Fern Bay and North Stockton Strategy for future residential development and is an ideal location due to its proximity to the Williamtown RAAF base, Newcastle and the proposed town centre at the former Stockton Centre.</p> <p>The proposal will assist in providing housing supply to meet projected demand on a site that is already highly disturbed.</p>
	c. Many of the species the area does or could support, including koalas, flying-foxes and squirrel gliders have experienced insurmountable habitat loss and population declines across NSW from the 2019-2020 bushfires. Numerous iconic native species of NSW are particularly vulnerable in light of this natural disaster, and HCEC urges Port Stephens Council and Defence Housing Australia to take all possible measures to preserve the ecological assets and native species habitat currently present on the site.	Refer to Submission No. 3e and 9a
	d. The Ecological Assessment report completed by Umwelt Pty Limited as part of the re-zoning proposal cites native birds, amphibians, marsupials and mammals including some key threatened species such as bats and koalas, as being set to incur habitat loss from the re-zoning and proposed development.	Refer to Submission No. 9a
	e. The recent NSW Legislative Council Inquiry into 'Koala populations and habitat in New South Wales' concluded that urgent and widespread action on behalf of the NSW Government is needed to arrest the extinction of koalas before 2050, with recommendations citing local councils	Noted.

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

	<p>as having a key role to play in this effort.</p> <p>HCEC acknowledges and commends the Port Stephens Council's work in establishing a Koala Sanctuary and expects that efforts to preserve and rehabilitate habitat across the whole council area will be consistent, including at the Rifle Range site.</p> <p>The Powerful Owl, Grey headed Flying-fox and Squirrel Glider while not observed in the study area are listed as likely to occur.</p> <p>These three species will experience habitat loss in the local region with the instalment of the Jesmond bypass in George McGregor Park, in addition to the loss incurred from recent bushfires.</p>	
	<p>f. It is incumbent upon Councils across NSW to do all they can to preserve habitat and facilitate the recovery of native species populations in the wake of unprecedented damage to biodiversity and the increasing adversity ahead from the impacts of rising global temperatures.</p>	Noted.
	<p>g. To give assurance of the preservation of habitat on the Rifle Range site and satisfy the first objective of the Planning Proposal to "...Maintain the areas of high ecological value..." the HCEC recommends the adoption of a Covenant or Conservation Agreement to ensure the areas of highest ecological value remain safe-guarded in-perpetuity.</p>	<p>The land is currently zoned E2 Environmental Conservation. However, the part of the site proposed to be rezoned, approximately 17ha, is already largely disturbed and the vegetation is considered to be of low quality. The proposed zone boundary is considerate of the ecological attributes of the site and appropriately responds to the higher values on some parts of the site by retaining the E2 Environmental Conservation zone in these locations. Refer to Submission No. 2a and 2b</p>
	<p>h. HCEC asserts that the experience and enjoyment of future residents, neighbouring communities and the public will be vastly increased if Port Stephens Council and Defence Housing Australia through the adoption</p>	<p>Given that the area of the site containing the highest ecological value is retaining its protection under current zoning, it is not considered necessary to enter into an agreement with the land</p>

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

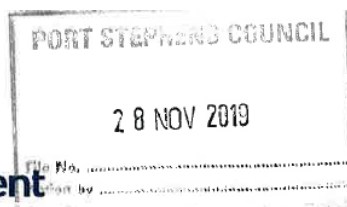
		of either of these mechanisms, take the necessary steps during the planning stage to formally conserve the sites ecological features and native species habitat.	holder to provide additional protection for this land.
10.	Climate Action Port Stephens	a. The President of Climate Action Port Stephens, is a resident of Raymond Terrace and former Stockton resident and is opposed to the development of the former Fern Bay Rifle Range and believes that this land should be merged into the Worimi Conservation Lands currently bordering this area, or some other protected area estate.	Noted. See Submission No. 2b
		b. Understands that Port Stephens LGA will require housing to accommodate expected population growth. However, the close proximity to the beach with associated risks, in particular the impossibility of stabilizing mobile sand dunes, and the threats of increased wind and storm frequency and severity with climate change impacts, will further mobilize the dunes. The ongoing and ever increasing high maintenance costs, will be passed on to the rate payers, in perpetuity.	Refer to Submission No. 7a and 9h.
		c. An Environmental Scientist and Fern Bay resident, has submitted detailed concerns regarding the (eastern) seaward extent of the proposed development (Submission No.7), which this submission supports and urges Council to consider thoroughly. Additionally, the ongoing and increasing environmental and management costs to Port Stephens Council and the rate payers, should preclude any development near the foot of the mobile sand blow. If any development is approved, a large buffer area should be mandatory. A wise policy is to exercise the precautionary principle and ensure any approval does not expose Port Stephens Council to damage caused by these potential, likely predictable, events. Climate change is real and happening now. We need to manage accordingly, mitigate risks and	The draft DCP requires development to be located 50m westward of the Stockton Sand Dunes. Refer to Submission No.7a

ITEM 4 - ATTACHMENT 4 SUBMISSIONS TABLE.

		importantly act locally to reduce climate impacts.	
		<p>d. On 19th June 2020 the NSW Environment Minister Matt Kean, Parliamentary Secretary for the Hunter Hon Catherine Cusack MLC, and Member for Newcastle Tim Crakanthorp announced the next stage of upgrades to tracks in the Glenrock State Conservation Area (Merewether). \$1.4 million will go into improving accessibility in this stage with \$400,000 already spent on the Merewether Flight Deck and beach access. The Glenrock Conservation Area is only 10 kilometres away from Fern Bay. Fern Bay is a beautiful site, perfect for walking and bike tracks and improved beach access, which is needed locally considering the destruction to access and beach use at Stockton. With similar upgrades, the former Fern Bay Rifle Range could become an asset to the Port Stephens community as Glenrock Conservation Area is an asset to the Newcastle community, by attracting visitors and tourists, instead of being a liability and risk to council and property owners.</p> <p>The submission maker has written to NSW Environment Minister Matt Kean and Parliamentary Secretary for the Hunter Hon Catherine Cusack regarding their concerns for this area.</p>	<p>Footpaths and improved pedestrian facilities will be provided within the site and will eventually join the site to the future Town Centre, as identified in the Fern Bay and North Stockton Strategy, encouraging active transport options.</p> <p>Refer to Submission No. 2b regarding the access to the Worimi Conservation Lands.</p>
12.	Resident	<p>a. Requests that another route be taken as the main access (Taylor Rd preferred) to the site as Vardon Rd would become too much of a safety risk due to a school zone, new childcare and the community centre and increased traffic would cause a higher risk in our children's safety.</p> <p>b. Regardless of what road is used to access the development, traffic lights are needed on Nelson Bay Rd to cause a break in traffic as a seagull intersection would not be sufficient.</p>	<p>Refer to Submission No. 4c</p> <p>Refer to Submission No. 6b</p>



Planning,
Industry &
Environment



PP_2019_PORTS_002_00/(IRF19/6643)

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

Dear Mr Wallis

Planning proposal PP_2019_PORTS_002_00 to amend Port Stephens Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 13 September 2019 in respect of the planning proposal to rezone the Rifle Range site for medium-density residential purposes and to protect and conserve areas with ecological value.

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

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

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 2.1 Environment Protection Zones, 2.2 Coastal Management, 2.3 Heritage Conservation, 3.5 Development Near Regulated Airports and Defence Airfields and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

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

The amending local environmental plan (LEP) is to be finalised within 18 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

320 Pitt Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | planning.nsw.gov.au

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

Should you have any enquiries about this matter, I have arranged for Mr Andrew Hill to assist you. Mr Hill can be contacted on 8275 1354.

Yours sincerely



25/11/2019

Monica Gibson

**Executive Director, Local and Regional Planning
Planning and Assessment**

Encl: Gateway determination
Plan-making reporting template



Planning,
Industry &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2019_PORTS_002_00): to enable the development of the site for medium-density residential development and to protect and conserve areas of ecological value.

I, the Executive Director, Local and Regional Planning, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 to rezone land at 14 Popplewell Road, Fern Bay for medium-density residential purposes and to protect and conserve areas of ecological value should proceed subject to the following conditions:

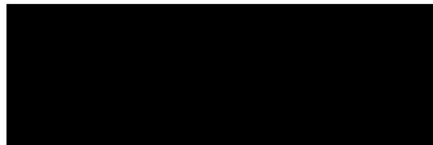
1. Council is to update the planning proposal with the following information prior to public exhibition:
 - (a) map the site as an urban release area on the urban release area LEP map; and
 - (b) provide further detail on the proposed stormwater management measures, including analysis of geotechnical properties and consideration of water-sensitive urban design measures for the site.
2. Development control plan provisions for the site should be exhibited concurrently with the planning proposal.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - NSW Rural Fire Service;
 - Environment, Energy and Science Group, DPIE;
 - National Parks and Wildlife Service;
 - Heritage NSW, Department of Premier and Cabinet;

- federal Department of Defence;
- Wormiri Local Aboriginal Land Council; and
- Roads and Maritime Services.

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 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 25th day of November 2019.



Monica Gibson
Executive Director, Local and Regional
Planning
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

PP_2019_PORTS_002_00

ITEM NO. 5

**FILE NO: 21/180457
EDRMS NO: PSC2011-02657**

**SIX MONTHLY REPORT: JANUARY TO JUNE 2021 AGAINST THE PORT
STEPHENS COUNCIL DELIVERY PROGRAM 2018-2021**

REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER CORPORATE
SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Six Monthly Report for January to June 2021 (**ATTACHMENT 1**) on the progress of Port Stephens Council's Delivery Program 2018 – 2021.
-

**ORDINARY COUNCIL MEETING - 27 JULY 2021
MOTION**

195	Councillor John Nell Councillor Chris Doohan It was resolved that Council adopt the Six Monthly Report for January to June 2021 (ATTACHMENT 1) on the progress of Port Stephens Council's Delivery Program 2018 – 2021.
------------	--

The motion was carried.

**ORDINARY COUNCIL MEETING - 27 JULY 2021
MOTION**

	Councillor Jaimie Abbott Councillor John Nell That the Council meeting be extended until 9.30pm.
--	--

The motion was lost.

The meeting was adjourned and Mayor Palmer advised all remaining items would be included in the business paper for the next Ordinary Meeting of Council to be held on 10 August 2021.

The meeting closed at 9.08pm.

BACKGROUND

The purpose of this report is to provide Council and the community with an update of the progress of Council's Delivery Program 2018 - 2021.

This is the sixth progress report of the Delivery Program 2018 - 2021 which was adopted by Council in June 2018.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

The Six Monthly Report (**ATTACHMENT 1**) is generated from a combination of information and data from across Council's operations. There are no financial or resource implications in providing this report.

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

Section 404(5) of the Local Government Act 1993 stipulates that: 'The General Manager must ensure that regular progress reports are provided to the Council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months'.

This report is before Council ahead of schedule to ensure this requirement is met before Council enters caretaker mode. Accordingly, some of the key result measures are not able to be provided in this report, but will form part of statutory reporting later in 2021.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?

MINUTES ORDINARY COUNCIL - 27 JULY 2021

There is a risk that Council will not adopt the Six Monthly Report January to June 2021 placing Council in breach of legislation leading to reputational loss.	Low	Adopt the recommendation.	Yes
--	-----	---------------------------	-----

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Community Strategic Plan, Delivery Program and Operational Plans are founded on a basis of social, economic, environmental and governance through 4 focus areas Our Community, Our Place, Our Environment and Our Council. The report reflects these factors and provides a comprehensive progress report according to each focus area along with a scorecard of Council's key result measures.

Council has achieved its targets for service delivery, employee engagement, governance, risk management and financial sustainability.

The annual results of Council's infrastructure backlog and underlying financial position will be reported in the 2020-2021 Annual Report. The results of the community satisfaction survey will be made available over the next few months following finalisation.

CONSULTATION

The Six Monthly Report January to June 2021 has been compiled from information and data provided across Council's operations and reviewed by both the Senior Leadership Team and Executive Team of Council.

OPTIONS

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

ATTACHMENTS

- 1) Six Monthly Report January to June 2021. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil

ITEM NO. 6**FILE NO: 21/184204
EDRMS: PSC2010-03190****END OF TERM REPORT 2017-2021**

REPORT OF: TIMOTHY CROSDALE – GROUP MANAGER CORPORATE
SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the Port Stephens Council End of Term Report 2017-2021
(ATTACHMENT 1).
-

BACKGROUND

The purpose of this report is to table the Port Stephens Council End of Term Report 2017-2021 (Report) as required by Section 406 of the Local Government Act 1993 and Essential Element 1.10 of the Integrated Planning and Reporting Guidelines (Guidelines). These require that a report on the progress of implementation of the Community Strategic Plan (End of Term Report) be presented at the final meeting of an outgoing Council.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

The End of Term Report 2017-2021 provides a snapshot of the highlights and challenges faced over the past 4 years together with more detail on the progress and achievements made in the 4 Focus Areas of the Community Strategic Plan 2018-2028 (CSP).

The Report has been prepared using information from a range of sources within Council such as Council's Annual and Six-monthly reports and other external information.

Financial information contained in the Report refers to previous audited financial statements for the financial years 2017-2018, 2018-2019 and 2019-2020 with figures for the financial year 2020-2021 taken from the 2021 March Quarterly Budget Review. Council's data does not represent the final information for the financial year ended 30 June 2021 for either budgetary or operational performance and only

MINUTES ORDINARY COUNCIL - 27 JULY 2021

represents the latest information available. Final audited financial figures will be provided in the 2020 to 2021 Annual Report to be presented to the incoming Council.

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

Essential Element 1.10 of the Guidelines require that this Report be compiled and presented at the final meeting of an outgoing Council.

The legislation intends the End of Term Report to be a guide for the incoming Council to see what has been achieved and what still needs to be done towards achieving the community's goals. The Report is also required to be attached as an appendix to the Annual Report (Section 428) the year in which an ordinary election of Councillors is held.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the End of Term Report 2017-2021 contains errors of fact regarding information.	Low	Data obtained from internal sources and external websites has been cross-checked, where possible.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications.

CONSULTATION

Compilation of the Report has occurred in consultation with the following internal key stakeholders:

- Executive Team
- Section Managers
- Specialist Council Officers

OPTIONS

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

ATTACHMENTS

- 1) End of Term Report 20217-2021. (Provided under separate cover).

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7**FILE NO: 21/145322
EDRMS NO: PSC2017-00180****BUDGET ITEMS ROLLOVERS/CARRIED FORWARD FROM 2020 - 2021**

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the revotes from the 2020-2021 budget as detailed in **(ATTACHMENT 1)** and vote the necessary funds to meet expenditure.

BACKGROUND

The purpose of this report is to advise of the budget items from 2020-2021 that were not completed in that financial year and are proposed to be carried forward to 2021-2022 **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

The works included in this report will be partially or wholly unexpended at the end of the 2020-2021 financial year, however, the funds are not automatically carried forward and require Council resolution. The majority of the works are funded from reserves and grants, and have little to no impact on Council's Long Term Financial Plan.

Council has traditionally had a number of projects that have been unable to be completed within the given financial year. The program **(ATTACHMENT 1)** is generally in line with this trend, but has been extended due to the cash flow implications caused by the COVID-19 pandemic.

The carried forward items have been factored into the new capital works program and a cash flow forecast has been amended to account for the extended program.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes		Budget from 2020-2021
Developer Contributions (\$7.11)	Yes		Budget from 2020-2021
External Grants	Yes		Budget from 2020-2021
Other	Yes		Budget from 2020-2021

LEGAL, POLICY AND RISK IMPLICATIONS

In accordance with the Local Government Act 1993 (NSW) and the Local Government (General) Regulations 2005, all budgets lapse at the end of the financial year and require a Council resolution to be reinstated. Failure to reinstate these budget votes would result in these projects being cancelled. It must be noted that the figures listed in **(ATTACHMENT 1)** are indicative only. The report is before Council ahead of schedule as the resolution must be complete before Council enters caretaker mode.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that unspent grant funds may have to be returned.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Financial Services Section for the purpose of peer reviewing the need for projects to be carried forward.

Internal

- Strategic Property Coordinator
- Asset Section Manager
- Community Services Section Manager
- Holiday Parks Section Manager
- Organisation Support Section Manager

External

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Budget Items Rollovers/ Carried Forward 2021 to 2022.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 BUDGET ITEMS ROLLOVERS/ CARRIED FORWARD 2021 TO 2022.
Rollovers/Carried Forward – 2021 to 2022

CLASSIFICATION	DESCRIPTION	BUDGET ROLLOVER
Development	Depot relocation - capital work	5,986,853
Development	Major administration building refurb (funded by loan)	2,997,614
Development	Birubi Point aboriginal place tourism interchange - capital work	5,232,234
Development	Investment property improvements	96,516
Digital assets	Smart parking	58,611
Drainage	Flood pumps - upgrades Bourke street, Birubi Point, Thompson place	17,000
Drainage	Shire wide rehab of kips various - capital drainage	50,000
Drainage	Seabreeze Estate drainage - improvement works	329,133
Holiday parks	Holiday Parks - capital projects rollover	1,035,896
ICT	Enterprise risk system - capital	135,022
ICT	ICT improvement rollover	304,408
Mayoral	Mayoral funds rollover	4,485
Pathways	Shared spaces - street activation	478,549
Pathways	CPTIGS bus shelter projects	46,487
Pathways	Shared pathway – Avenue of the Allies, Tanilba Bay	516,651
Pathways	Shared pathway – Lemon Tree Passage Road, Mallabula to Lemon Tree Passage	687,073
Pathways	Shared pathway – Meadowie road (Ferodale road to South street) Meadowie	603,320
Pathways	Shared pathway – Levee bank, Raymond Terrace	263,299
Pathways	Shared paths – Fern Bay	684,212
Pathways	CPTIGS 2019-2021 - capital works cycleway, paths & bus shelter construction	143,000
Pathways	Brandy Hill drive - pathway construction	57,112
Pathways	Salt Ash bike track	50,000
Pathways	Ancillary works - pathways – Shoal Bay foreshore, Shoal Bay	660,002
Plant	Plant - capital	2,131,758
Roads	Bus interchange – Seaham	43,416
Roads	Event signage Nelson Bay road, Nelson Bay	20,000
Roads	Local roads east - capital local roads reseal program	77,219
Roads	Swan Bay road- capital - Swan Bay road seg. 590-160	425,169
Roads	Swan Bay road- capital - Swan Bay road & Karuah road seg. 20/30 rehab & shoulder	11,491
Roads	Hinton road - capital - local roads capital upgrade works	23,572

ITEM 7 - ATTACHMENT 1 BUDGET ITEMS ROLLOVERS/ CARRIED FORWARD 2021 TO 2022.

Roads	Newline road Raymond Terrace - safer roads grant - capital	579,069
Roads	Masonite road Tomago - blackspot - capital	25,179
Roads	Town centre improvements (including amenities) – Medowie	131,680
Roads	Road upgrade – Mustons road, Karuah	366,542
Roads	Town centre improvements (road upgrade and streetscape) – William street, Raymond Terrace	579,059
Roads	Road upgrades – Duns Creek road, Forest road	237,982
Roads	Lemon Tree Passage road roundabout beautification (Avenue of the Allies)	20,000
Roads	Nelson Bay road/Port Stephens drive roundabout entrance beautification	18,150
Roads	James road - seg 30 - capital	43,762
Roads	Lemon Tree Passage road, Salt Ash seg 60 - capital	365,459
Roads	Duns Creek road near Wallaby close, Duns Creek - blackspot - capital	48,264
Roads	Grahamstown road near Wade close, Medowie - blackspot - capital	110,336
Roads	Soldiers Point road near George road, Salamander Bay - blackspot - capital	55,509
Roads	River flat realignment - Carmichaels Creek corner towards Timbertops road - capital	51,611
Roads	School drive Tomago pavement rehabilitation - capital	200,899
Roads	Kula road - fixing local roads grant - capital	427,566
Roads	Newline road (Seaham end) - fixing local roads - capital	452,940
Roads	Future works program - minor jobs	145,018
Sport and recreation	Foreshore improvements - Conroy park, Corlette	12,488
Sport and recreation	Revetment work - Soldiers Point	1,005
Sport and recreation	Little Beach boat ramp upgrade - capital	1,612,943
Sport and recreation	Surf club amenities construction One Mile beach - capital work	40,000
Sport and recreation	Boyd oval clubhouse - new amenities building – capital	1,415,238
Sport and recreation	Amenities replacement - George reserve Salamander Bay	130,197
Sport and recreation	Amenities replacement - Little Beach, Nelson Bay	150,818
Sport and recreation	Tomaree sports complex amenities replacement – Salamander Bay	2,993,749
Sport and recreation	Amenities replacement – Longworth park, Karuah	5,607
Sport and recreation	Mallabula - soccer and athletics club amenities upgrade	200,000
Sport and recreation	Tilligerry aquatic centre - remediate balance tank membrane - capital	39,985
Sport and recreation	Tomaree aquatic centre - upgrades - capital	287,420
Sport and recreation	Lakeside leisure centre - upgrades - capital	271,799
Sport and recreation	Amenities/clubhouse upgrade – Stuart park, Hinton	1,261,101

ITEM 7 - ATTACHMENT 1 BUDGET ITEMS ROLLOVERS/ CARRIED FORWARD 2021 TO 2022.

Sport and recreation	Lakeside leisure centre - rehab leisure pool tank and pool hall upgrades	180,000
Sport and recreation	Williamstown hall - replace switchboard and lighting	28,800
Sport and recreation	Shoal Bay west amenities - replacement	7,667
Sport and recreation	Lakeside leisure centre - 50m heat pump replacement	126,807
Sport and recreation	Medowie sport and community facility memorial	41,326
Sport and recreation	Bettles park amenities	160,000
Sport and recreation	Lakeside sports complex amenities 2 - roof upgrade	69,066
Sport and recreation	Soldiers Point ap interpretive signage and audio	27,319
Sport and recreation	Mallabula - skate park relocation & upgrade	182,459
Sport and recreation	Peace park Tanilba Bay - reserve improvement barbecue installation	27,136
Sport and recreation	Boyd oval - playground replacement	35,000
Sport and recreation	Seaham park - replace soft fall surround with a kids bike track - playground	8,939
Sport and recreation	Little Beach accessibility upgrade - capital work	75,000
Sport and recreation	Robinson reserve Anna Bay redevelopment - capital work	2,227
Sport and recreation	Bagnalls beach west - replacement - capital	50,598
Sport and recreation	Mallabula sports complex - light tower replacement	19,314
Sport and recreation	Tree works Karuah & Raymond Terrace	29,662
Sport and recreation	King Park irrigation	48,600
Sport and recreation	Mallabula - tennis court expansion	117,150
Sport and recreation	Nelson Bay tennis - fencing and retaining wall replacement	124,013
Sport and recreation	Spencer park Soldiers Point playground and amenities - capital	85,286
Sport and recreation	Mallabula sports complex playground update - capital	223,023
Sport and recreation	Robinson reserve skate park stage 2	154,483
Sport and recreation	George reserve playground	45,025
Sport and recreation	Henderson park shade sail	89,946
Sport and recreation	Bettles park play ground	120,000
Ward	Ward funds rollover	26,209
Waste	Waste capital improvements	381,962
	Total	37,938,494

ITEM NO. 8**FILE NO: 21/29384
EDRMS NO: PSC2017-00180****2020-2021 GENERAL PURPOSE FINANCIAL REPORTS**

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Ratify the referring of the draft 2020-2021 General Purpose Financial Reports for audit.
- 2) Sign the statement of the General Purpose Financial Reports as shown at **(ATTACHMENT 1)**.

BACKGROUND

The purpose of this report is to advise Council that the draft General Purpose Financial Reports for the period ended 30 June 2021 will be prepared in accordance with the relevant legislation and the audit will commence on 6 September 2021. The draft General Purpose Financial Reports will be referred to audit in the interim.

Due to the timing of Council entering caretaker mode and subsequent Council elections, this report has been brought forward of its usual timeframe.

To ensure that legislative requirements are upheld and compliance is met, the current elected Council and management must sign the statement to confirm that the General Purpose Financial Reports will be prepared in accordance with all applicable regulations.

Under Section 413 of the Local Government Act 1993 (NSW) Council is required to submit with the General Purpose Financial Reports, a statement by the Mayor, Councillor and management as to its opinion on the reports **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

The 2020-2021 General Purpose Financial Reports will be prepared in compliance with the Local Government Act, the Local Government Code of Accounting Practice and Financial Reporting, and the Australian Accounting Standards.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

All revenues for 2020-2021 will be recognised together with any revenues due but not yet received, which have been raised as debtors for the period.

All expenditure incurred for the period will be recognised.

Provision will be made for all unpaid creditors.

Funds received for specific purposes but not expended during the period will be identified as either an external or internal restriction.

All known assets of Council will be recognised and brought to account.

All known assets acquired during the period will be recognised at actual cost, or at fair value in line with fair value accounting for assets.

All known liabilities incurred during the period will be recognised at actual or committed cost.

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

Signing of the statement giving Council's opinion on the impending financial reports will comply with Section 413 of the Local Government Act 1993.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that failure to sign the statement for the General Purpose Financial Reports will result in non-compliance with legislation leading to potential reputational and financial loss.	Low	Accept the recommendations and sign the statement on the General Purpose Financial Reports.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant sustainability implications.

CONSULTATION

No consultation is required as this is a statement by Council and management that the General Purpose Financial Reports will be prepared in accordance with applicable regulations.

Internal

Nil.

External

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Statement by Council and management.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Port Stephens Council

General Purpose Financial Statements

for the year ended 30 June 2021

Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Local Government Act 1993 (NSW) (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993* (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the *Local Government Code of Accounting Practice and Financial Reporting*.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 27 July 2021.

[Ryan Palmer](#)

Mayor

27 July 2021

Councillor

27 July 2021

[Wayne Wallis](#)

General Manager

27 July 2021

[Tim Hazell](#)

Responsible Accounting Officer

27 July 2021

ITEM NO. 9

**FILE NO: 21/181595
EDRMS NO: PSC2005-3177**

KIRRANG DRIVE, MEDOWIE SHARED PATHWAY

REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive the outcome of preliminary investigations into the Kirrang Drive, Medowie shared pathway project.
- 2) Endorse further investigations to understand the financial requirements and options to accelerate the delivery of the Kirrang Drive, Medowie shared pathway project and receive a report on the outcome of these investigations.

BACKGROUND

The purpose of this report is to present the outcome of preliminary investigations into the Kirrang Drive, Medowie shared pathway and endorse further investigations to understand the financial requirements and options to accelerate the delivery of the project. The outcome of these further investigations will be reported to Council when an estimate and preliminary design have been prepared.

Council resolved at its Meeting on 22 June 2021, as shown in **(ATTACHMENT 1)**, to receive an update report on this matter.

The Port Stephens' Pathways Plan was adopted in 2016, and is a collection of maps that shows existing footpaths and shared paths throughout Port Stephens and identifies locations for future pathway construction. The current revision of the Pathways Plan does not feature any prioritisation of identified pathways, but is a useful tool in identifying pathways to consider funding through local infrastructure contributions and other external funding. The Kirrang Drive shared pathway was identified in the Pathways Plan for future construction.

There are significant constraints, challenges and complexities in various locations along the route of the proposed Kirrang Drive shared pathway that need to be further investigated such as the topography, landscape, environmental conditions, location of services, potential property acquisitions, road realignment/widening, and drainage and flooding considerations. These constraints, limitations, challenges and requirements need to be better understood through site investigations and conceptual design to enable an indicative cost estimate to be prepared and appreciate the financial requirements to deliver the project.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

Having a more accurate understanding of the financial requirements of the Kirrang Drive shared pathway will enable Council staff to investigate options to fund an accelerated delivery of the project and the potential impact this may have on other already funded projects. Funding options including the Local Infrastructure Contributions Plan, Capital Works Program and grant sources will be investigated.

The outcome of these further investigations into the financial requirements of the Kirrang Drive shared pathway project and options to accelerate the delivery of the project will be reported to Council.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Infrastructure and Facilities	Maintain the Council's civil and community infrastructure to support the community.

FINANCIAL/RESOURCE IMPLICATIONS

A preliminary conceptual design will be required to determine indicative cost estimates and understand the project's financial requirements. It is anticipated that the cost to undertake site investigations, prepare a preliminary concept design and an indicative cost estimate will be in the range of 10% to 15% of the total cost.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		A portion of the funds to undertake the preliminary conceptual design will need to be allocated from the existing budget.
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes		A portion of the funds (43%) to undertake the preliminary conceptual design may be drawn from the Local Infrastructure Contributions Plan.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the broader community will object to the reprioritisation of the subject project/deferral of other projects leading to damage to public image and reputation.	Low	Undertake any proposed change in infrastructure priority with the annual updates to the Local Infrastructure Contributions Plan and the Capital Works Program.	Yes
There is a risk that the strategic estimate of project costs may have under-estimated the project costs leading to underfunding of the project.	Low	Complete site specific investigation and conceptual design to identify project constraints/opportunities, and reduce uncertainty	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are clear social, economic and environmental benefits for providing shared pathways. Council's recent Place Census highlighted that residents highly valued pathways and would prefer an expansion of the existing network.

CONSULTATION

Consultation with key stakeholders will be undertaken by the Assets Section during further investigations.

OPTIONS

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

ATTACHMENTS

- 1) Notice of Motion - Pathways Plan - Kirrang Drive, Medowie - 22 June 2021

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil

ITEM 9 - ATTACHMENT 1 NOTICE OF MOTION - PATHWAYS PLAN - KIRRANG DRIVE, MEDOWIE - 22 JUNE 2021**MINUTES ORDINARY COUNCIL - 22 JUNE 2021****NOTICE OF MOTION****ITEM NO. 3****FILE NO: 21/157168****EDRMS NO: PSC2017-00019****PATHWAYS PLAN - KIRRANG DRIVE, MEDOWIE**

MAYOR: RYAN PALMER
COUNCILLOR: CHRIS DOOHAN

THAT COUNCIL:

- 1) Update the projects in the Pathways Plan seeking a priority for Kirrang Drive, Medowie into the Capital Works Program.

**ORDINARY COUNCIL MEETING - 22 JUNE 2021
MOTION**

156	Councillor Chris Doohan Councillor Giacomo Arnott It was resolved that Council: <ol style="list-style-type: none">1) Update the projects in the Pathways Plan seeking a priority for Kirrang Drive, Medowie into the Capital Works Program.2) The outcome of this update be reported to the Council meeting of 27 July 2021, with the expectation that Kirrang Drive's proposed pathway will be brought forward from 2032 in light of the major safety concerns of the community.
------------	---

The motion was carried.

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

The purpose of this report is provide information to this Notice of Motion.

The Port Stephens Council's Pathway Plan was adopted in 2016. The Pathway Plan shows existing and proposed pathways that, when completed, would allow the community and visitors to move between areas of interest such as town centres, schools, sporting areas, local shops and facilities to name a few. Increasing the pathway network not only helps remove vehicles off the road, but improves the health and wellbeing of the community.

ITEM 9 - ATTACHMENT 1 NOTICE OF MOTION - PATHWAYS PLAN - KIRRANG DRIVE, MEDOWIE - 22 JUNE 2021**MINUTES ORDINARY COUNCIL - 22 JUNE 2021**

Council's recent Place Census highlighted that residents highly valued pathways and would prefer an expansion of the existing network.

Kirrang Drive in Medowie is on the Council's Pathways Plan. Like many of the proposed missing links and new pathways, Kirrang Drive is currently unfunded. At the time of writing this Notice of Motion, the proposal has not been scoped or designed. As such, Council does not yet have a preliminary estimate or a source of funds to place this project in the Capital Works Program.

It is acknowledged that this connection is important to the residents of Medowie.

FINANCIAL/RESOURCE IMPLICATIONS

Preliminary concepts will be required to determine indicative estimates and the financial requirements.

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

ATTACHMENTS

Nil.

ITEM NO. 10**FILE NO: 21/181658
EDRMS NO: PSC2017-00180****355C COMMITTEES 2020 ANNUAL FINANCIAL SUMMARY**

REPORT OF: TAMMY GUTSCHE - COMMUNITY SERVICES SECTION
MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive the 355c Committees Annual Financial Statements for the period 1 January 2020 to 31 December 2020.
- 2) Note that eligible 355c Committees have received the 2021 annual operating subsidy.

BACKGROUND

The purpose of this report is to receive the 355c Committees' Annual Financial Statements for 2020 and to note the disbursement of the 2021 annual operating subsidies to eligible 355c committees and sports councils.

For the period 1 January 2020 to 31 December 2020, a summary of the total opening balance (including investment accounts) and closing balance of all financial 355c committees is shown in **(ATTACHMENT 1)**. This summary also shows payment of the 2021 annual operating subsidy to eligible 355c committees and the retaining of funds for use by park and cemetery group operation.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Community Diversity	Support volunteers to deliver appropriate community services.

FINANCIAL/RESOURCE IMPLICATIONS

The total amount of funds held by the 27 committees as at 31 December 2020 was \$755,595.24, an increase of \$13,350.66 from 31 December 2019.

- 8 committees held over \$20,000 (total value of \$610,320.09).
- 4 committees held between \$10,000 and \$20,000 (total value of \$59,274.85).
- 7 committees held less than \$10,000 (total value \$38,624.18).
- 5 committees dissolved during the period and the bank account closed.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

The use of committee funds should be in line with Council's strategic directions and be committed to the objectives of each committee's appendix to the 355c Committee Terms of Reference. A focus on maintenance, renewal and rehabilitation of facilities and reserves will ensure the long-term sustainability of these community assets.

Financial resources are available to support the establishment and operation of volunteer groups working in parks, reserves, natural areas and cemeteries. Their activities may include vegetation planting and management, mulching, weed control, facility maintenance and improvements, and initiatives to educate and enhance the experience of park and cemetery users.

Council's Assets Section works with committees and sports councils to allocate committee funds to projects that assist in maintaining or upgrading Council's assets. For example, in the 2020 calendar year, the following large investments by committees included:

Medowie Sports Council

- \$3,000 Contribution to Medowie Athletics Club for new bubbler at Kindlebark Oval.
- \$3,000 Contribution to Medowie Netball Club towards pressure cleaning at Ferodale Netball Courts.
- \$2,200 Contribution to Medowie AFL Club installing shower cubicles at Ferodale Sports Complex.

Tilligerry Sports Council

- \$1,000 Contributions towards wind breaker shade cloth at Tilligerry Tennis Courts.
- \$8,403.76 Oversow Program league and soccer fields at Mallabula Sports Complex.

Tomaree Sports Council

- \$8,700 Contribution towards Korora Oval Cricket Nets Installation.
- \$4,012 Oversow Program for Tomaree No 1 Matchfield.
- \$943.88 Contribution towards motorised roller door at Dick Burwell Oval.

West Ward Sports Council

- \$72.73 Flowers for late Ellen Gordon, long term volunteer of the Raymond Terrace Tennis Club.

Other

- Other
- \$7,305 Installation Air Conditioning – Tanilba Foreshore Hall.
- \$550 Upgrade hall locks – Tanilba Foreshore Hall.
- \$5,400 Supply and installation 2 x shade shelters in Iluka Reserve – Boat Harbour 355c Volunteers.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

- \$2,700 Supply and installation shade shelter in Rookes Point Reserve – Mallabula Parks and Reserve Committee.
- \$8,000 Landscaping works Birubi Hall – Anna Bay Hall Committee.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes	726,171.87	Funds held in individual bank accounts by 355c committees/sports councils as at 31/12/20

LEGAL, POLICY AND RISK IMPLICATIONS

Section 355c of the Local Government Act 1993 allows Council to delegate certain functions. A section 355c committee is an entity of Port Stephens Council and as such is subject to the same legislation, accountability and probity requirements as Council.

All funds and assets held by the committees belong to Council and the committee is responsible for the care and control of these funds. Funds administered by 355c committees must meet Council's standards of compliance, management and transparency. Committees are required to comply with standard record keeping practices, including submission of financial reporting requirements by due dates.

355c committees use a cash book style financial record keeping system. The cash book is completed monthly (or alternative if approved) and the totals of each month are entered into the Annual Summary Reporting page, which is forwarded to Council annually.

This system was developed in line with recommendations of Council's auditors to provide a uniform format and transparent auditing of committee financial transactions, which meet the requirements for accountability and GST reporting. The system provides committees with a simplified financial process and staff support.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that funds held in 355c committee bank accounts may be subject to fraudulent acts resulting in legal, financial and reputation damage.	Medium	<p>This risk will be reduced by ensuring Council is noted on individual committee bank account names and there are 2 Council staff as signatories/ authorised officers to committee accounts.</p> <p>The 355c Committee Terms of Reference and Appendix clearly outlines committee responsibilities with regard to recording and reporting on committee funds.</p> <p>Additional information has been provided to committees and is available on Council's website and includes meeting guidelines and templates, financial record keeping guide and purchasing guide.</p> <p>Financial training is also offered to relevant committee executive members.</p>	Yes
There is a risk that funds held in 355c committee bank accounts are not used to contribute to cost of asset renewal resulting in greater drain on ratepayer revenue.	Low	<p>This risk will be reduced as staff work with committees to combine asset and community input to develop asset management plans with agreed funding contributions from the facility income.</p>	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Volunteers provide strong social and community benefits including an avenue for communication, planning, strategic planning, community consultation as well as community capacity building and strong social networks for the community. A

community with a high rate of participation in community activities is an indicator of a well-functioning community.

Council utilises 355c committees to provide a link between Council and the community, and to assist in the management of facilities and delivery of community services and events. This is part of Council's commitment to community partnerships and provides opportunities for the community to be involved with the management of the facilities they use.

Volunteer park and cemetery groups are an avenue through which members of the community can come together to work on Council land and have meaningful engagement in their local community. The setup and management of these groups under Council enables volunteers to undertake activities in a safe and proficient manner, while being supported by Council and adhering to Council's requirements.

Committees and volunteer groups provide assistance often where funding is not available. Their activities are value adding with a large number of the facilities and services provided in the local government area enhanced through the direct involvement of volunteers.

The provision of financial support to Council's 355c committees and volunteer groups is provided within current resources. The annual operating subsidy is a direct budget item (\$90,000 in 2021-2022).

Volunteers operate under direction from Council staff to ensure their activities are performed in accordance with recognised environmental practices. Projects and activities relating to the environment are encouraged and supported and often provide long term benefits to the environment.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section to ensure the provision of relevant and accurate information.

Internal

- Senior Leadership Team.
- Finance Reporting Coordinator.
- Community and Recreation Coordinator.
- Volunteers Coordinator.
- F&S Senior Business Support Advisor.

External

- 355c committees and sports councils.

OPTIONS

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

ATTACHMENTS

- 1) Annual Financial Statement for Period 1 January 2020 to 31 December 2020.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 10 - ATTACHMENT 1 ANNUAL FINANCIAL STATEMENT FOR PERIOD 1 JANUARY 2020 TO 31 DECEMBER 2020.
ATTACHMENT 1
355c Committees Annual Financial Statement Summary - 1 January to 31 December 2020

	355c Committee	Opening Balance inc investments 01/01/2020	Closing balance inc investments 31/12/20	Annual Operating Subsidy July 2021
1.	Anna Bay/Birubi Hall Committee	\$ 14,504.26	\$ 23,633.43	\$1,000
2.	Boat Harbour Parks & Reserves Committee	\$ 6,593.38	-	NA
3.	Corlette Hall Committee	\$ 7,402.89	\$ 11,553.43	\$1,000
4.	Fern Bay Community Centre Committee	\$ 17,095.28	\$ 18,442.26	\$1,000
5.	Fingal Bay Parks & Reserves Committee	\$ 9,243.36	-	NA
6.	Hinton School of Arts Committee	\$ 5,225.55	\$ 5,244.87	\$1,000
7.	Karuah Community Hall Committee	\$ 13,816.90	\$ 8,115.10	\$1,000
8.	Lemon Tree Passage Old School Centre Committee	\$ 20,808.70	\$ 17,952.75	\$1,000
9.	Mallabula Community Centre Committee	\$ 33,759.57	\$ 37,818.70	\$1,000
10.	Mallabula Parks & Reserves Committee	\$ 5,952.95	-	NA
11.	Mambo Wanda Wetlands, Reserves & Landcare Committee	\$ 12,175.95	-	NA
12.	Medowie Community Centre Committee	\$ 32,425.96	\$ 26,421.57	\$1,000
13.	Medowie Sports Council	\$ 71,645.68	\$ 101,380.50	\$9,000
14.	Nelson Bay Australia Day Sub Committee	\$ 15,718.50	\$ 1,349.84	NA
15.	Nelson Bay Community Hall Committee	\$ 69,691.66	\$ 51,036.58	\$1,000
16.	Port Stephens Sister Cities Committee	\$ 10,673.13	\$ 11,326.41	\$1,000
17.	Raymond Terrace Parks, Reserves & Tidy Towns Committee	\$ 19,175.01	-	NA
18.	Raymond Terrace Senior Citizens Hall Committee	\$ 42,805.16	\$ 37,575.45	\$1,000
19.	Salt Ash Community Hall Committee	\$ 20,134.44	\$ 24,250.59	\$1,000
20.	Salt Ash Sports Ground Committee	\$ 2,294.95	\$ 3,070.48	\$1,000
21.	Seaham Park and Wetlands Committee	\$ 4,012.38	\$ 3,937.92	\$1,500
22.	Tanilba Foreshore Hall Committee	\$ 12,522.71	\$ 7,030.24	\$1,000
23.	Tilligerry Landcare Group	\$ 11,334.72	-	NA
24.	Tilligerry Sports Council	\$ 17,144.97	\$ 23,052.49	\$9,000
25.	Tomaree Sports Council	\$ 139,497.77	\$ 155,234.96	\$9,000
26.	West Ward Sports Council	\$ 108,649.69	\$ 129,915.82	\$18,000
27.	Williamstown Hall Committee	\$ 10,481.02	\$ 9,875.73	\$1,000
	Totals	\$ 755,595.24	\$ 726,171.87	\$61,500

ITEM 10 - ATTACHMENT 1 ANNUAL FINANCIAL STATEMENT FOR PERIOD 1 JANUARY 2020 TO 31 DECEMBER 2020.

Volunteer Group Operating Budget (Former subsidy payments now retained with Council)		
1.	Anna Bay Landcare Group	\$1,500
2.	Boat Harbour Volunteers Group	\$1,500
3.	Corlette Reserves and Landcare Group	\$1,500
4.	Fingal Bay Parks Group	\$1,500
5.	Fly Point Nature Reserve Group	\$1,500
6.	Gan Gan Lookout Group	\$1,500
7.	Karuah Landcare Group	\$1,500
8.	Lemon Tree Passage Parks Reserves and Landcare Group	\$1,500
9.	Mallabula Parks and Environment Group	\$1,500
10.	Mambo Wanda Wetlands Reserves and Landcare Group	\$1,500
11.	Medowie Tidy Towns Group	\$1,500
12.	Nelson Bay West Landcare Volunteers Group	\$1,500
13.	Raymond Terrace Parks and Tidy Towns Group	\$1,500
14.	Shoal Bay Landcare Group	\$1,500
15.	Shoal Bay West Landcare Group	\$1,500
16.	Soldiers Point – Salamander Bay Landcare Group	\$1,500
17.	Tanilba Foreshore Parks Group	\$1,500
18.	Tilligerry Landcare Group	\$1,500
19.	West Ward Cemeteries Group	\$1,500
Total		\$28,500

Notes

1. The Annual Operating Subsidy payments that previously would have been made to these former 355c committees is being retained by Council for use by the volunteer groups to undertake their projects and activities.

ITEM NO. 11

**FILE NO: 21/62360
EDRMS NO: PSC2017-00178**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:-
 - a. Mayoral funds - \$1500 donation to Shoal Bay Public School P&C towards the upgrading of the ANZAC garden and ceremony area.
 - b. Mayoral funds – \$10,000 donation to Tomaree Headland Heritage Group towards the investigation of the structure of a management trust and development of a masterplan.
 - c. Mayoral funds - \$1000 donation to Nelson Bay Diggers Bowls Club towards transportation costs when playing other clubs.
 - d. Mayoral funds - \$10,000 donation to Caring for our Port Stephens Youth (COPSY) towards counselling facilities and operating expenses for 2 rooms in Raymond Terrace.
 - e. East Ward funds – \$1000 donation to Nelson Bay Tennis Club towards the Nelson Bay Seniors Tennis Tournament.
 - f. East Ward funds – Cr Nell – Rapid Response - \$500 donation to Corlette Reserves & Landcare Group towards the cost of new signage at Roy Wood Reserve, Corlette.
 - g. West Ward funds – Cr Arnott – Rapid Response - \$500 donation to Port Stephens Family & Neighbourhood Services towards ongoing operational costs.
 - h. West Ward funds – Cr Arnott – Rapid Response - \$500 donation to Rotary Club of Raymond Terrace towards ongoing operational costs.
 - i. West Ward funds – Cr Jordan – Rapid Response - \$500 donation to Seaham Park and Wetlands 355c Committee towards seating for the bird observation hide at Torrence Street, Seaham.
 - j. West Ward funds – Cr Jordan – Rapid Response - \$500 donation to Seaham Park and Wetlands 355c Committee towards the installation of 2 replacement poles to provide a safety barrier near the top of the bank.

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.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

Council's Grants and Donations Policy provides the community, the Mayor and Councillors with a number of options when seeking financial assistance from Council. Those options being:

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

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

The requests for financial assistance are shown below:

MAYORAL FUNDS – Mayor Palmer

Shoal Bay Public School P&C Association	A group of community minded people, parents and citizens.	\$1500	Donation towards upgrade of ANZAC garden and ceremony area.
Tomaree Headland and Heritage Group	This group aims to progressively document, protect and promote the history and sustainability of the headland and to protect the Tomaree Lodge heritage buildings.	\$10,000	Donation towards the investigation of the structure of a management trust and development of a masterplan.
Nelson Bay Diggers Bowls Club	An intra club of the Nelson Bay Wests Diggers Group with 100 members, the majority of which are veterans.	\$1000	Donation towards transportation costs when playing other clubs.
Caring for our Port Stephens Youth (COPSY) Inc.	COPSY was established to evaluate possible services, advocate, facilitate and support an effective, sustainable and free counselling service for youth in Port Stephens.	\$10,000	Donation towards counselling facilities and operating expenses for 2 rooms in Raymond Terrace.

MINUTES ORDINARY COUNCIL - 27 JULY 2021**WARD FUNDS**

Nelson Bay Tennis Club Inc.	A community sporting group whose mission it is to provide high quality tennis experiences for players of all ages and abilities.	\$1000	Donation towards Nelson Bay Seniors Tennis Tournament.
Corlette Reserves & Landcare Committee	A committee of community volunteers.	\$500	Donation towards new signage at Roy Wood Reserve, Corlette.
Port Stephens Family & Neighbourhood Services	Port Stephens Family and Neighbourhood Services is an incorporated not for profit organisation providing community services in the Port Stephens LGA	\$500	Donation towards ongoing operational costs.
Rotary Club of Raymond Terrace	Rotary is a group of women and men who share a common purpose of wanting to help others and their community.	\$500	Donation towards ongoing operational costs.
Seaham Park and Wetlands 355c Committee	This Committee assists Council with maintenance and improvements to Seaham Park and surrounding wetlands.	\$500	Donation towards seating for the bird observation hide at Torrence Street, Seaham.
Seaham Park and Wetlands 355c Committee	This Committee assists Council with maintenance and improvements to Seaham Park and surrounding wetlands.	\$500	Donation towards installation of 2 replacement poles at bird hide to provide a safety barrier near the top of the bank.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Community Partnerships	Support financially creative and active communities.

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 12**FILE NO: 21/188831
EDRMS NO: PSC2017-00015****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 27 July 2021.

No:	Report Title	Page:
1	General Manager's Annual Performance Review 2020-2021	149
2	Quarterly Grants Update - 30 June 2021	151
3	Council Meetings during Election Caretaker Period	161
4	Questions on Notice/Questions with Notice	158
5	Elected Members Professional Development Report - April to June 2021 and Expense Report - 1 July 2020 to 30 June 2021	163
6	Designated Persons' Return	166
7	Council Resolutions	167

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 21/178322
EDRMS NO: PSC2005-1318**

GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW 2020-2021

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

BACKGROUND

The purpose of this report is to receive and note the outcome of the General Manager's Annual Performance Review 2020-2021, which has been signed by the Mayor and General Manager.

Council established a performance evaluation process for the General Manager in accordance with the Guidelines for the Appointment and Oversight of General Managers issues pursuant to Sections 23A and 338 of the Local Government Act 1993. This includes the establishment of a Performance Evaluation Panel to review the General Manager's performance against the agreed criteria and to establish performance criteria for the next period.

The annual performance review summary is noted as **(ATTACHMENT 1)**.

ATTACHMENTS

- 1) General Manager's annual performance review summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW SUMMARY.



PORT STEPHENS
COUNCIL

**GENERAL MANAGER'S
PERFORMANCE REVIEW**
2020-2021

Level	Definition
Satisfactory	<ul style="list-style-type: none"> Performance generally meets or exceeds standards or expectations. Attains all or nearly all of position objectives.
Needs Improvement	<ul style="list-style-type: none"> Fails to meet some performance standards or expectations and/or position accountabilities.
Unsatisfactory	<ul style="list-style-type: none"> Performance generally does not meet or is below standards or expectations. Fails to meet all or nearly all key position accountabilities.

	Median
Service Delivery	Satisfactory
Community Satisfaction	Satisfactory
Governance	Satisfactory
Risk Management	Satisfactory
Financial Sustainability	Satisfactory
Employee Engagement	Satisfactory
Infrastructure Backlog	Satisfactory
Major Projects	Satisfactory
Overall Performance	Satisfactory

ITEM NO. 2

**FILE NO: 21/184453
EDRMS NO: PSC2017-00180**

QUARTERLY GRANTS UPDATE - 30 JUNE 2021

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

BACKGROUND

The purpose of this report is to provide Council with a quarterly update on its Grants status.

ATTACHMENTS

- 1) Quarterly Grants Update Q4 - 30 June 2021.

ITEM 2 - ATTACHMENT 1 QUARTERLY GRANTS UPDATE Q4 - 30 JUNE 2021.

Quarterly Grants Status Summary				
1 April 2021 - 30 June 2021				
Successful				
Grant	Section / Department	Project Title	Project Summary	Value
ClubGrants Category 3 Infrastructure Grants 2020-21 - February	Assets - Community and Recreation	Mallabula Sports Complex Upgrade	The Mallabula Sports Complex upgrade will provide the community with a new synthetic tennis court with fencing and floodlighting, multisport court and essential renovations to the sports amenities building.	\$115,000
Regional Sport Facility Fund 2020-21 Round 1	Assets - Community and Recreation	Tomaree Sports Complex Masterplan Implementation	Project includes upgrades to change rooms, upgraded Elizabeth Waring Room, new pathways, shade, seating, signage.	\$262,127
Regional Sport Facility Fund 2020-21 Round 1	Assets - Community and Recreation	King Park Sports Complex Masterplan Implementation	Project includes upgrades to change rooms, function room, new pathways, landscaping, shade, seating, and signage.	\$842,330
Australian Cricket Infrastructure Fund 2020-21 - Round 2	Assets - Community and Recreation	Lakeside Complex Amenities No. 2 Amenities Upgrade	Upgrades to the changerooms including; stage 2 wayfinding signage and installation of cubicles with a supply of dressing room hooks.	\$29,600
Port Stephens Drive Koala Blackspot Project	Strategy and Environment - Natural Resources	Port Stephens Drive Koala Blackspot Project	Funding for mitigation works at a known koala vehicle-strike black spot within the Port Stephens local government area. Exclusion fence and culvert installation.	\$780,000
Regional NSW Planning Portal Grant	Development Assessment and Compliance - Business & Systems Administration	Planning Portal Transition Project	Integration of the Planning Portal to Authority.	\$50,000
NSW Heritage grants 2021-23 - Community Heritage Grants - Advisor	Strategy and Environment - Strategic Planning	Port Stephens Council Heritage Advisor	Port Stephens Council Heritage Advisor	\$12,000
Tourism Product Development Fund - Experience Enhancement	Holiday Parks - Koala Sanctuary	Nature Escapes at Port Stephens	Complete Refurbishments of existing one bedroom motel rooms to elevate the rating at PSKS.	\$150,000
				\$2,241,057

ITEM 2 - ATTACHMENT 1 QUARTERLY GRANTS UPDATE Q4 - 30 JUNE 2021.

Quarterly Grants Status Summary				
1 April 2021 - 30 June 2021				
Awaiting Outcome				
Grant	Section / Department	Project Title	Project Summary	Value
Regions Fund - Infrastructure Projects Stream - Round Five	Assets - Community & Recreation	Birubi Point Aboriginal Place Tourism Transport Interchange	A centralised coach parking and tourism operator hub that will provide toilet facilities, multilingual signage and retail opportunities.	\$4,024,787
Tourism Product Development Fund - Renew & Refresh	Strategy and Environment - Economic Development and Tourism	Port Stephens Visitor Information Centre Upgrade	Replace flooring and instal new artwork	\$10,000
Community Building Partnership Program (CBP) 2021	Assets - Community and Recreation	Kittyhawk Park, Raymond Terrace- New Playground & Park Furniture	New high quality playground that offers a variety of play opportunities with two picnic tables with shelters.	\$20,000
Community Building Partnership Program (CBP) 2021	Assets - Community and Recreation	Refurbishment of Raymond Terrace Outside of School Hours Care (OOSH)	Roof and gutter replacement, facia and carpentry repairs and a complete external paint of the building.	\$15,000
Stronger Country Communities Fund Round 4	Assets - Community and Recreation	Salamander Sports Complex Upgrade	Includes building upgrades with the installation of cubicles in the change rooms and field surface improvements.	\$230,000
Stronger Country Communities Fund Round 4	Assets - Community and Recreation	Lakeside Leisure Centre Playground and Shade Sail	Includes installation of a new playground and shade sail.	\$160,000
Stronger Country Communities Fund Round 4	Assets - Community and Recreation	Birubi SLSC Air-conditioning	Involves an upgrade of existing air-conditioning throughout Birubi Surf Life Saving Club	\$190,000
Stronger Country Communities Fund Round 4	Assets - Community and Recreation	Aliceton Reserve Playground and Amenities	Includes removal of existing playground and amenities at Memorial Park and installing a new playground and amenities at Aliceton Reserve, Karuah	\$350,000
Stronger Country Communities Fund Round 4	Assets - Community and Recreation	Fingal Bay Amenities Replacement	This project will replace amenities at Fingal Bay.	\$250,000
Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	Aquatic Weed Control	Through this program PSC and Crown lands work together to maintain waterways free from aquatic weeds, facilitating environmental social and economic outcomes.	\$35,344
Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	Bitou Bush	Funding will be used to engage a contractor to control Bitou bush on Crown Land.	\$17,739
Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	Chinese Violet	Funding will be used to engage a contractor to control Chinese violet on Crown Land.	\$25,759
Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	Lemon Tree Foreshore	Funding will be used to engage a contractor to control Ludwigia on Crown Land.	\$20,253

ITEM 2 - ATTACHMENT 1 QUARTERLY GRANTS UPDATE Q4 - 30 JUNE 2021.

Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	Ludwigia	Funding will be used to engage a contractor to undertake restoration works on Crown Land that has significant environmental values.	\$27,596
Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	One Mile Beach Weed Control and Revegetation	Funding will be used to engage a contractor to undertake restoration & planting works on Crown Land that has significant environmental values.	\$39,487
Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	Spiny Bur Grass and Mossman River Grass Control	Funding will be used to engage a contractor to treat Spiny Burr Grass and Mossman River Grass.	\$14,301
Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	Fox Control in Anna Bay Koala Hub	To protect the Koala population within the Anna Bay Koala Hub.	\$18,000
Crown Reserves Improvement Fund 2021-22	Assets - Community and Recreation	Tanilba Foreshore Park Furniture	Replacement of park furniture along Tanilba Foreshore	\$35,000
Crown Reserves Improvement Fund 2021-22	Assets - Community and Recreation	Longworth Park BBQ	Replacement of Longworth Park BBQ	\$12,500
There were 4 unsuccessful grants to report for period 1 April 2021 to 30 June 2021				\$5,495,766

ITEM NO. 3

**FILE NO: 21/190488
EDRMS NO: PSC2017-00180**

JUNE 2021 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 June 2021.

ATTACHMENTS

- 1) June 2021 Cash and Investments.
- 2) June 2021 Cash Flow.

ITEM 3 - ATTACHMENT 1 JUNE 2021 CASH AND INVESTMENTS.

CASH AND INVESTMENTS HELD AS AT 30 JUNE 2021								
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
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
MUTUAL BANK	MUTUAL	NR	TD	0.95%	351	18-Aug-21	300,000	300,000
JUDO BANK	FIIG	NR	TD	0.90%	181	31-Aug-21	700,000	700,000
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
MACQUARIE BANK	LAMINAR	A	TD	0.70%	286	25-Oct-21	1,000,000	1,000,000
MUTUAL BANK	MUTUAL BANK	NR	TD	0.90%	159	27-Oct-21	700,000	700,000
AMP BANK	LAMINAR	BBB+	TD	0.75%	365	25-Nov-21	1,250,000	1,250,000
DEFENCE BANK	CURVE	BBB	TD	0.60%	367	6-Dec-21	600,000	600,000
AMP BANK	LAMINAR	BBB	TD	0.75%	371	8-Dec-21	550,000	550,000
AMP BANK	LAMINAR	BBB	TD	0.75%	376	15-Dec-21	350,000	350,000
JUDO BANK	LAMINAR	NR	TD	0.84%	385	22-Dec-21	350,000	350,000
JUDO BANK	LAMINAR	NR	TD	0.85%	383	22-Dec-21	550,000	550,000
NAB	LAMINAR	AA	TD	0.50%	386	23-Dec-21	1,000,000	1,000,000
DEFENCE BANK	CURVE	BBB	TD	0.60%	399	5-Jan-22	1,000,000	1,000,000
NAB	LAMINAR	AA	TD	0.50%	399	5-Jan-22	1,000,000	1,000,000
NAB	LAMINAR	AA	TD	0.50%	413	19-Jan-22	1,000,000	1,000,000
JUDO BANK	LAMINAR	NR	TD	0.70%	391	19-Jan-22	750,000	750,000
MACQUARIE BANK	LAMINAR	A	TD	0.70%	385	1-Feb-22	1,000,000	1,000,000
AUSWIDE BANK	RIM	BBB	TD	1.73%	701	2-Feb-22	1,250,000	1,250,000
JUDO BANK	RIM	NR	TD	0.70%	294	12-Apr-22	1,000,000	1,000,000
DEFENCE BANK	CURVE	BBB	TD	0.65%	539	25-May-22	1,000,000	1,000,000
DEFENCE BANK	CURVE	BBB	TD	0.65%	550	7-Jun-22	600,000	600,000
MOVE BANK	RIM	NR	TD	0.65%	384	21-Jun-22	1,000,000	1,000,000
MOVE BANK	RIM	NR	TD	0.65%	391	28-Jun-22	500,000	500,000
JUDO BANK	RIM	NR	TD	0.75%	392	19-Jul-22	1,000,000	1,000,000
SUB TOTAL (\$)							23,150,000	23,150,000
MACQUARIE BANK (AT CALL)	LAMINAR	A+	AT CALL	0.35%			3,500,000	3,500,000
TCORP CASH FUND	TCORP	AAA					2,000,000	1,999,759
TCORP SHORT TERM INCOME FUND	TCORP	AAA					5,500,000	5,515,948
TCORP MEDIUM TERM GROWTH FUND	TCORP	AAA					5,500,000	5,761,638
TCORP LONG TERM GROWTH FUND	TCORP	AAA					3,000,000	3,229,991
INVESTMENTS TOTAL (\$)							42,650,000	43,157,336
CASH AT BANK (\$)							4,857,075	4,857,075
TOTAL CASH AND INVESTMENTS (\$)							47,507,075	48,014,410
CASH AT BANK INTEREST RATE				0.20%				
BBSW FOR PREVIOUS 3 MONTHS				0.36%				
AVG. INVESTMENT RATE OF RETURN ON TDs				0.87%				
TD = TERM DEPOSIT								
AC = AT CALL CASH ACCOUNT								
FRTD = FLOATING RATE TERM DEPOSIT								
*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								

ITEM 3 - ATTACHMENT 2 JUNE 2021 CASH FLOW.



Cash flow analysis 30/06/2021

CASHFLOW STATEMENT

Opening Cash and Investment 1 July 2020
Closing Cash and Investment 30 June 2021
Movement in cash

YTD	Notes
31,502,431	
48,145,072	
16,642,641	

Movement in cash represented by:

Operating Activities

Receipts from ratepayers, customers and government authorities	141,663,738
Payments to suppliers & employees	(101,987,969)
Interest received	424,599
Interest paid	(470,665)
Total	39,629,703

Investing Activities

Receipts from sale of Infrastructure, Property, Plant & Equipment	6,774,556
Payments for Property, Plant & Equipment	(26,473,714)
Total	(19,699,157)

Financing Activities

Payment of loans	(3,287,905)
Receipt of new loans	-
Total	(3,287,905)

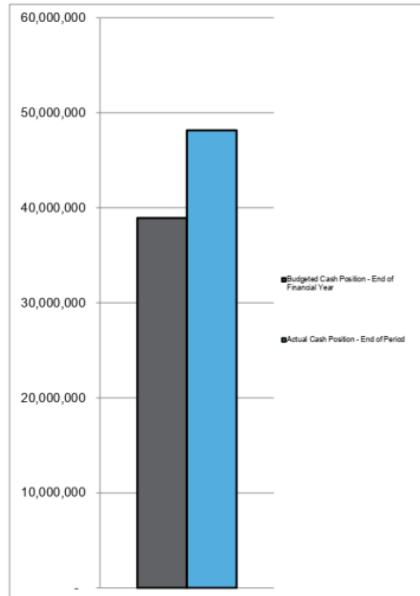
Total Cash Movement

Plus: Opening Cash and Investment 1 July 2020	31,502,431
Closing Cash and Investment 30 June 2021	48,145,073

Budgeted Cash Movement for the Financial Year	7,420,913
Plus Opening Cash and Investment 1 July 2020	31,502,431
Budgeted Cash and Investment Position 30 June 2021	38,923,344

In front / (behind) on budget	9,221,728
-------------------------------	-----------

1

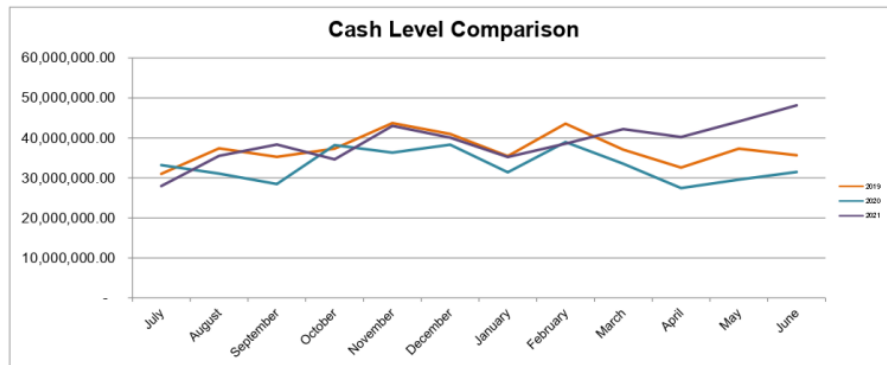


Notes

- 1 Council's cash position is up on the budgeted year end position predominately due to the following reason:
- Receipt of capital grants in advance and state roads charges for \$5m
 - Unspent capital grants and contributions to be rolled over into the next financial year.

Significant future cash inflows expected in next few months include 2022 1st quarter rates, state roads program service charges and new financial year operating grants.

Significant future cash outflows expected in next few months include: Little Beach boat ramp upgrade, Fingal Bay new amenities block, Shoal Bay Foreshore pathways works, Depot rebuild, Birubi Point aboriginal place tourism interchange, Foreshore drive upgrade, Lakeside leisure centre upgrades, Riverflat road realignment, School drive Tomago pavement rehabilitation, Nelson Bay tennis club, Tomaree sports complex amenities replacement, George Reserve amenities replacement and sundry plant.



ITEM NO. 4**FILE NO: 21/183525
EDRMS NO: PSC2021-02510****QUESTIONS ON NOTICE/QUESTIONS WITH NOTICE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE****BACKGROUND**

The purpose of this report is to provide a response to Questions taken on or with Notice in accordance with the Code of Meeting Practice.

Item:	1
Councillor:	Cr Giacomo Arnott
Date Received:	6 July 2021
Question with Notice:	Council's expenditure, including on staff, for corporate communications, through all media.
Response:	In 2020-2021 Council's total external advertising spend on all media was approximately \$256,000. Approximately \$148,000 was spent on staff wages involved in planning, designing and delivering all forms of communications through the media in 2020-2021.

Item:	2
Councillor:	Cr Giacomo Arnott
Date Received:	6 July 2021
Question with Notice:	Council's expenditure on advertising in the Port Stephens Examiner.
Response:	In 2020-2021 Council spent approximately \$61,000 on advertising in the Port Stephens Examiner.

Item:	3
Councillor:	Cr Giacomo Arnott
Date Received:	6 July 2021
Question with Notice:	Council's expenditure on advertising in the News of the Area.
Response:	In 2020-2021 Council did not spend any money on advertising in the News of the Area.

Item:	4
Councillor:	Cr Giacomo Arnott

MINUTES ORDINARY COUNCIL - 27 JULY 2021

Date Received:	6 July 2021
Question with Notice:	Council's expenditure on advertising in the Newcastle Herald.
Response:	In 2020-2021 Council spent approximately \$3,000 on advertising in The Newcastle Herald.

Item:	5
Councillor:	Cr Giacomo Arnott
Date Received:	13 July 2021
Question with Notice:	On what dates were the 2018 and 2019 Mayoral Prayer functions? (14 September, 6 September)
	Friday 14 September 2018 and Friday 6 September 2019.

Item:	6
Councillor:	Cr Giacomo Arnott
Date Received:	13 July 2021
Question with Notice:	Why isn't the 2021 Mayoral prayer function being held in September as usual?
Response:	The date was proposed by the community members who assist with arrangement of the prayer functions.

Item:	7
Councillor:	Cr Giacomo Arnott
Date Received:	13 July 2021
Question with Notice:	Are elected representatives allowed to use the Council logo on event invitations occurring during the caretaker period?
Response:	The Council logo can be used by elected representatives during the caretaker period for official Council event invitations.

Item:	8
Councillor:	Cr Giacomo Arnott
Date Received:	13 July 2021
Question with Notice:	Why is the 2021 Mayoral prayer function being held during the caretaker period, with invitations featuring a Port Stephens Council logo on them?
Response:	This was the date proposed by the community members who assist with arrangement of the prayer functions. As per previous events, invitations were distributed with Council's logo as this is deemed a Council event.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5**FILE NO: 21/173221
EDRMS NO: A2004-0284****COUNCIL MEETINGS DURING ELECTION PERIOD**

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to inform Council that ordinary meetings of Council scheduled to be held between the period 1 August 2021 up to the declaration of the election poll will be cancelled as there will be no operational reports to be considered.

Council is required to meet at least 10 times each year between 1 July and 30 June. This requirement can be achieved with 2 meetings held in July 2021 and sufficient time for the incoming Council to meet a further 8 times between the declaration of the poll and June 2022.

The local government election caretaker period commences from 6 August 2021 and concludes on 5 September 2021. The NSW Electoral Commission has announced the declaration of the poll will occur between 21 to 23 September 2021. The timetable released by the NSWEC (at this point in time) for the period post the election is provided below:

- 27 July 2021 Lodgement of postal vote applications open
- 23 August 2021 Pre-poll voting period and iVote applications open
- 30 August 2021 Close of postal voting applications

- 3 September 2021 Close of pre-poll voting period
- 4 September 2021 Election day (8am–6pm)

- 17 September 2021 Return of completed postal vote certificates (6pm)

- 20 to 22 September 2021 Conduct of distribution of preferences

- 21 to 23 September 2021 Declaration of results

The first meeting of the incoming Council will be held in accordance with the current meeting cycle and any legislative requirements.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6

FILE NO: 21/182759
EDRMS NO: PSC2017-00739

ELECTED MEMBERS PROFESSIONAL DEVELOPMENT REPORT - APRIL TO JUNE 2021 AND EXPENSE REPORT - 1 JULY 2020 TO 30 JUNE 2021

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

BACKGROUND**Professional Development**

The purpose of this report is to provide an account of the expenses incurred by the Elected Members in accordance with clause 5.14 of the Councillor Induction and Professional Development Policy for the period April to June 2021.

	Mayor Palmer	Cr Abbott	Cr Arnott	Cr Dooohan	Cr Dunkley	Cr Jordan	Cr Le Mottee	Cr Nell	Cr Smith	Cr Tucker
LGNSW Destination & Visitor Economy Conference ¹					\$880		\$880		\$880	
Total	\$0	\$0	\$0	\$0	\$880	\$0	\$880	\$0	\$880	\$0

¹LGNSW – Local Government NSW

Expenses

The purpose of this report is to provide an account of the expenses incurred by the Elected Members in accordance with Clause 3.127 of the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy for the period 1 July 2020 to 30 June 2021 (**ATTACHMENT 1**).

The costs in the report are those incurred by the Elected Members that have been reconciled during this period and does not include expenses incurred that have not been submitted for reimbursement. The report also shows the total costs incurred to Council by Elected Members (including the monthly allowance) for each costing category listed.

ATTACHMENTS

- 1) Elected Members Expense Report 1 July 2020 to 30 June 2021.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

ITEM 6 - ATTACHMENT 1 ELECTED MEMBERS EXPENSE REPORT 1 JULY 2020 TO 30 JUNE 2021.

Elected Members Expense Report 1 July 2020 to 30 June 2021												
		MAYOR R PALMER	CR J ABBOTT	CR G ARNOTT	CR C DOOHAN	CR G DUNKLEY	CR K JORDAN	CR P LE MOTTEE	CR J NELL	CR S SMITH	CR S TUCKER	TOTALS
Total Number of Council Meetings Attended (21 held)		19	14	21	16	17	14	19	20	19	18	
Total Number of Months Reimbursed during the period		10	10	0	10	12	8	9	11	9	12	
Description of Expenses	Limits as per policy											
Councillor Mobile Rental	75% up to \$200 per month											\$0.00
Councillor Mobile Calls		\$ 596	\$ 823						\$ 200			\$ 1,619
Councillor Landline Phone Rental												\$0.00
Councillor Landline Phone Calls												\$0.00
Councillor Fax Rental												\$0.00
Councillor Fax Calls												\$0.00
Councillor Intrastate Travel	\$7000 per year	\$ 102	\$ 740		\$ 666	\$ 2,012	\$ 835	\$ 968	\$ 553	\$ 2,382	\$ 2,727	\$ 10,985
Councillor Interstate Travel (out of NSW)	\$2000 per year											\$0.00
Councillor Internet	75% up to \$80 per month	\$ 622	\$ 665						\$ 351			\$ 1,638
Councillor Intrastate Accommodation		\$ 2,514				\$ 1,622		\$ 379	\$ 380	\$ 380		\$ 5,275
Councillor Interstate Accommodation												\$0.00
Councillor Conferences	\$3000 per year	\$ 1,310		\$ 61	\$ 61	\$ 1,327		\$ 132	\$ (147)	\$ 115		\$ 2,859
Councillor Training										\$ 68		\$ 68
Councillor Partners' Expenses	Mayor \$1000 per year Crs \$500 per year (excluding LONSW Annual Conference)	\$ 179			\$ 47	\$ 179			\$ 179	\$ 47		\$ 631
Councillor ICT Devices (including mobiles)	\$5000 per term	\$ 1,681	\$ 191			\$ 980	\$ 393				\$ 223	\$ 3,468
Councillor Stationery	\$300 per year		\$ 262						\$ 229		\$ 273	\$ 764
Councillor Awards Ceremonies/Dinners		\$ 383	\$ 117	\$ 308	\$ 117	\$ 117	\$ 117	\$ 224	\$ 602	\$ 117	\$ 670	\$ 2,772
Councillor Carer's Expenses	\$2000 per year		\$ 1,828									\$ 1,828
Councillors Communications Bundle	75% up to \$100 per month landline 75% up to \$100 per month mobile		\$ 162		\$ 1,173	\$ 1,354	\$ 1,197	\$ 1,425	\$ 322		\$ 1,182	\$ 6,815
Councillor Professional Development	\$15,000 per term	\$ 3,956	\$ 1,997	\$ 1,000	\$ 1,047	\$ 4,064	\$ 869	\$ 881	\$ 2,610	\$ 9,903	\$ 7,975	\$ 34,302
Councillor Allowances	Mayor \$84,400 pa Crs - \$24,320 pa	\$ 84,400	\$ 24,320	\$ 24,320	\$ 24,320	\$ 24,320	\$ 24,320	\$ 24,320	\$ 24,320	\$ 24,320	\$ 24,320	\$ 303,280
Total		\$ 95,743	\$ 31,105	\$ 25,689	\$ 27,431	\$ 35,975	\$ 27,731	\$ 28,329	\$ 29,599	\$ 37,332	\$ 37,370	\$ 376,304

ITEM NO. 7

**FILE NO: 21/182257
EDRMS NO: PSC2020-02093**

DESIGNATED PERSONS' RETURN

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to table Designated Persons' Return/s (return) submitted.

In accordance with the Part 4 – Pecuniary Interest of the Code of Conduct, all designated persons' are required to submit a return. Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted return/s:

- Senior Building Surveyor (PSC810)
- Building and Developer Relations Coordinator (PSC760)

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 8

**FILE NO: 21/62319
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.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 19 July 2021	

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	30/12/2021	28/03/2018	
13		Crosdale, Timothy				18/66656
066						
16 Jul 2021						
Minister's consent obtained 23 June 2021. Acquisition to be gazetted in October 2021.						

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	30/12/2021	29/05/2019	
6		Crosdale, Timothy				19/148388
110						
16 Jul 2021						
Governor's approval to issue Proposed Acquisition Notices (PANS) received. PANS issued 10 June 2021. Acquisition to be gazetted in October 2021.						

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	30/12/2021		
7		Crosdale, Timothy				19/200498
169						
16 Jul 2021						
Still in negotiations between AGL and LGL.						

ITEM 8 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.


Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 19 July 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Crosdale, Timothy	Newline Road, Raymond Terrace	28/02/2022		
2		Crosdale, Timothy				20/288489
199						
16 Jul 2021						
Approved. Contracts prepared. Finalising survey levels in contract.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/03/2021	Crosdale, Timothy	Proposed sale of land - 77 Dawson Road, Raymond Terrace (Part)	30/08/2021	11/03/2021	
1		Crosdale, Timothy				21/60805
051						
16 Jul 2021						
Settlement will occur upon registration of lots.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Crosdale, Timothy	Proposed sale of Land in Raymond Terrace	31/12/2021	14/04/2021	
1		Crosdale, Timothy				21/96728
089						
16 Jul 2021						
Documentation being prepared by legal representatives.						



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 19 July 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Crosdale, Timothy	PROPOSED CLOSURE AND SALE OF PATHWAY IN BOAT HARBOUR	30/04/2022	14/04/2021	
2		Crosdale, Timothy				21/96728
090						
16 Jul 2021						
Objection withdrawn. Matter proceeding.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/05/2021	Crosdale, Timothy	Car parking in Shoal Bay	30/12/2021	12/05/2021	
1		Crosdale, Timothy				21/123694
16 Jul 2021						
Consultation continues with Crown Lands to enable this proposed use.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Crosdale, Timothy	PROPOSED SALE OF LAND - WILLIAMTOWN	30/06/2022	26/05/2021	
2		Crosdale, Timothy				21/138820
133						
16 Jul 2021						
Documentation being prepared by legal representatives.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/06/2021	Crosdale, Timothy	Proposed sale of Council owned land - Salamander Bay	30/12/2021		
1		Crosdale, Timothy				21/170138
158						
16 Jul 2021						
Matter progressing. Obtaining Request for Quotations from agents to market the property.						

ITEM 8 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 19 July 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Crosdale, Timothy	Proposed sale of Council owned land - Soldiers Point	30/12/2021		
1		Crosdale, Timothy				21/190429
182						
16 Jul 2021						
Revised Target Date changed From: 30 Sep 2021 To: 30 Dec 2021						

ITEM 8 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.



Outstanding	Division: Development Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 19 July 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Policy Review: Dog Noise Policy	16/08/2021	15/07/2021	
3		Peart, Steven				21/190429
15 Jul 2021 Revised Target Date changed From: 27 Jul 2021 To: 16 Aug 2021 Reason: Pursuant to Council Recommendation - the policy has been placed on public exhibition until 13/8/2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Gardner, Janelle	POLICY REVIEW: Economic Development Policy	27/07/2021	15/07/2021	
4		Peart, Steven				21/190429
170						
15 Jul 2021 Policy is on Public Exhibition from 14/07/2021 until 11/08/2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Gardner, Janelle	Policy Review: Heritage Policy	27/07/2021		
5		Peart, Steven				21/190429
15 Jul 2021 Policy is on Public Exhibition from 14/07/2021 until 11/08/2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Bernasconi, Steven	Community Funding Program	30/09/2021	15/07/2021	
9		Peart, Steven				21/190429
172						
19 July 2021 Community Funding Program guidelines currently under review. Program is expected to be released for applications September 2021.						

ITEM 8 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.


Outstanding	Division: Development Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 19 July 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Information	27/07/2021		
3		Pearl, Steven				21/190429
178						
19 Jul 2021						
Revised Target Date changed From: 27 Jul 2021 To: 27 Jul 2021						
Reason: Legal request submitted. Awaiting further information.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Submissions	27/07/2021		
4		Pearl, Steven				21/190429
19 Jul 2021						
Revised Target Date changed From: 27 Jul 2021 To: 27 Jul 2021						
Reason: Legal request submitted. Awaiting further information.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Policy Review: Compliance Policy	16/08/2021		
2		Pearl, Steven				21/190429
15 Jul 2021						
Revised Target Date changed From: 27 Jul 2021 To: 16 Aug 2021						
Reason: Pursuant to Council Recommendation - the policy has been placed on public exhibition until 13/8/2021.						

ITEM 8 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.


Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report		Printed: Monday, 19 July 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Solar Infrastructure	31/08/2021	11/12/2019	
6		Kable, Gregory				19/388450
264						
16 Jul 2021						
Once the Capital Works Plan is adopted by Council, funds will be allocated to this project which will then commence.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Gutsche, Tammy	GREEN WASTE DROP OFF - SALAMANDER BAY	31/10/2021	11/12/2019	
7		Kable, Gregory				19/388450
265						
19 Jul 2021						
Revised Target Date changed From: 31 Jul 2021 To: 31 Oct 2021						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Lamont, Brock	Indoor Sports Facility	1/12/2021	26/02/2020	
4		Kable, Gregory				20/50488
042						
16 Jul 2021						
Indoor Sports Facility has been included within Development Contributions Plan. Feasibility of project has been commenced however resources are being prioritised to scoping and delivery of Capital works Program. Recruiting in Community and Recreation Assets to achieve full complement and report will be finalised by December 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Stewart, Adam	Tomaree Headland	31/07/2022		
2		Kable, Gregory				20/192934
139						
16 Jul 2021						
Council has undertaken a site review with National Parks as part of their footpath design assessment. It should be noted that National Parks are still in design phase of this project and at present Council has not allocated funds. Though options are being assessed for a funding source for this project.						

ITEM 8 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report		Printed: Monday, 19 July 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/11/2020	Miles, Philip	Disposal of Surplus Excavated Materials at Newcastle Airport Development Project Site.	1/12/2021		
11 261		Kable, Gregory				20/358525
16 Jul 2021 Newcastle Airport to submit DA modification. Legal Contracts have been drafted in preparation for DA modification approval.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/12/2020	Stewart, Adam	Fly Point and Little Beach Parking/SMART Parking	31/12/2021		
3		Kable, Gregory				20/391301
16 Jul 2021 Awaiting completion of the associated Place Plans. Report to prepared and reported back to Council by the end of 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Stewart, Adam	5G Small Cell Technology Rollout in Port Stephens	31/12/2021		
3 006		Kable, Gregory				21/33235
16 Jul 2021 Discussions have commenced with Telstra.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Lamont, Brock	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	1/12/2021		
2 012		Kable, Gregory				21/33235
16 Jul 2021 Report due diligence being undertaken. Resources are being prioritised to scoping and delivery of Capital Works Program. Recruiting in Community and Recreation Assets to achieve full complement and report will be finalised by December 2021.						

ITEM 8 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report		Printed: Monday, 19 July 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Stewart, Adam	FERN BAY SHARED PATHWAY	31/01/2022		
7 017		Kable, Gregory				21/33235
16 Jul 2021 Currently Capital Works have stage 1 of the Fern Bay path scheduled for a July construction commencement. Stage 2 will proceed following the completion of the detailed design.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Lamont, Brock	Drainage at Vi Barnett Field in Raymond Terrace	30/09/2021		
12 083		Kable, Gregory				21/96728
16 Jul 2021 Sewer upgrade works have been completed. Field repair works are underway. Further water quality testing will be undertaken.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Stewart, Adam	Drainage investigation - Lemon Tree Passage	1/12/2021	14/04/2021	
1 088		Kable, Gregory				21/96728
16 Jul 2021 Drainage investigation and property evaluation has commenced. Discussion with property owners is ongoing. Any future actions will be determined by Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Anna Bay Drainage Union	1/12/2021	26/05/2021	
2 126		Kable, Gregory				21/138820
16 Jul 2021 The State Government agency responsible for Anna Bay Drainage Union shall be consulted with.						

ITEM 8 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.


Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report		Printed: Monday, 19 July 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Bus Stop in Seaside Estate, Fern Bay	31/12/2021	26/05/2021	
5		Kable, Gregory				21/138820
128						
16 Jul 2021						
This review shall be undertaken through Local Traffic Committee and consultation with members of the Seaside Community Association.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/06/2021	Lamont, Brock	Sand Movement from Shoal Bay to Fly Point	31/12/2022	9/06/2021	
2		Kable, Gregory				21/156213
143						
16 Jul 2021						
Council shall apply for grants in accordance with associated criteria.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/06/2021	Lamont, Brock	Review of Dog Off Lead Areas - Anna Bay/Birubi Point, Fisherman's Bay and Boat Harbour	4/10/2021	23/06/2021	
5		Kable, Gregory				21/170138
16 Jul 2021						
Staff currently updating mapping as per Council resolution. Staff preparing signage and other collateral as per Council resolution.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/06/2021	Lamont, Brock	Funding for Rock Revetment at Kangaroo Point, Soldiers Point	31/12/2021	23/06/2021	
2		Kable, Gregory				21/170138
155						
16 Jul 2021						
Staff continue to identify grants suitable for works as described. Staff will prepare correspondence for Hunter Water seeking assistance with erosion issues.						

ITEM 8 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.


Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report		Printed: Monday, 19 July 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/06/2021	Stewart, Adam	PATHWAYS PLAN - KIRRANG DRIVE, MEDOWIE	31/07/2021		
3		Kable, Gregory				21/170138
156						
16 Jul 2021 Staff are currently reviewing the Pathway Plans and Capital Works Program. Report to be presented at the Council meeting on 27 July 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Gutsche, Tammy	POLICY REVIEW - COMMERCIAL OPERATORS POLICY	31/10/2021		
6		Kable, Gregory				21/190429
16 Jul 2021 Revised Target Date changed From: 27 Jul 2021 To: 31 Oct 2021 Policy will be placed on Public Exhibition for 28 days.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Stewart, Adam	Hydrogen and Electric Vehicles in Council's Fleet	31/12/2021		
2		Kable, Gregory				21/190429
177						
16 Jul 2021 Staff will investigate the future use of hydrogen and electric vehicles in its fleet, the needs of the community in regards to recharging stations and prepare a report for Council.						

ITEM 8 - ATTACHMENT 4 GENERAL MANAGER'S OFFICE REPORT.

Outstanding	Division: General Manager's Office	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 19 July 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Wickham, Tony	POLICY REVIEW: GRANTS AND DONATIONS	18/08/2021		
7		Wallis, Wayne				21/190429
19 Jul 2021 Revised Target Date changed From: 27 Jul 2021 To: 18 Aug 2021 Reason: Policy to be placed on public exhibition until 18 August 2021.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 21/182914

EDRMS NO: PSC2017-00019

FERN BAY SUPERMARKET

COUNCILLOR: RYAN PALMER

THAT COUNCIL:

- 1) Requests the General Manager seek to work with supermarket operators to establish a supermarket in the Fern Bay area.
-

**BACKGROUND REPORT OF: STEVEN PEART – GROUP MANAGER
DEVELOPMENT SERVICES**

BACKGROUND

On 14 April 2020, Council adopted the Fern Bay and North Stockton Strategy (the Strategy), prepared in collaboration with the City of Newcastle. The Strategy considered the need for commercial and retail uses in the area and identified a new town centre at the Stockton Residential Centre and a neighbourhood supermarket to support residents in Fern Bay.

The Strategy was informed by an economic study that identified demand for additional retail floor space in the Fern Bay area and considered potential sites for development.

A planning proposal for 1 of the sites identified at 42 Fullerton Cove Road, Fullerton Cove is currently under assessment. The rezoning would enable the development of a neighbourhood supermarket, subject to development consent and a petition containing 634 signatures supporting the proposal was received during public access at Council's meeting on 26 November 2019. The applicant has recently been requested to provide further information on environmental constraints to support the progress of the planning proposal to public exhibition.

The State government is also considering future retail needs in the area as part of the Williamstown Special Activation Precinct.

In June 2021, Council staff met with a representative from Woolworths about local strategies and housing supply forecasts (including the Fern Bay and North Stockton Strategy). Council staff will continue to work with all stakeholders, including meeting with commercial operators such as Coles and Aldi, to support the future development of a supermarket in the Fern Bay area.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 2****FILE NO: 21/182731****EDRMS NO: PSC2017-00019****AMENITIES DESIGN****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Reviews the existing amenities buildings replacement policy to adopt better design principles.
-

BACKGROUND REPORT OF: JOHN MARETICH, ASSET SECTION MANAGER**BACKGROUND**

Council currently manages 46 public amenities across the Port Stephens Local Government Area. These assets are in different stages of their lifecycle, with varying building condition and services provided in different locations. These assets are reported to Council as part of the Strategic Asset Management Plan and Integrated Plans.

As a result of the PS2020 program of works, a number of public amenities buildings have recently been replaced, and others due for replacement in FY2021-2022. As part of this accelerated replacement program, industry and local government benchmarking was completed to determine best practice and establish expandable but standardised public amenities designs. The current design has taken into account a number of factors including, but not limited to, market and industry trends, budget allowance, lifecycle management costs, environmental suitability, accessible design and the projected useful lifespan of the assets.

Should Council resolve to support this Notice of Motion, staff would be able to provide a report detailing the condition of existing assets, the current design principles applying to the recently completed upgrade projects and other options that may be explored for future capital works.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Staff to prepare report.
Reserve Funds	No		

MINUTES ORDINARY COUNCIL - 27 JULY 2021

Source of Funds	Yes/No	Funding (\$)	Comment
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: 21/189604

EDRMS NO: PSC2017-00019

RECORDING OF COUNCILLOR VOTING

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Amend its Code of Meeting Practice to include a clause 11.11 from the Office of Local Government's recommended clauses for a code of meeting practice, reading: All voting at council meetings (including meetings that are closed to the public) must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment (including the use of the casting vote) being recorded.
 - 2) Amend its Code of Meeting Practice to remove clauses 11.6-11.9 and 11.13, per the recommendation from the Office of Local Government if clause 11.11 is included.
-

**BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION
MANAGER**

BACKGROUND

Council adopted the current Code of Meeting Practice at its meeting of 28 May 2019.

The adopted Code of Meeting Practice is based on the Model Code of Conduct (Model Code) released by the Office of Local Government late 2018.

Whilst the Model Code is predominantly mandatory, a number of clauses within the Model Code are optional. Those referenced in this Notice of Motion were optional clauses.

Rather than adopt clause 11.11 (as detailed in the Notice of Motion) Council determined to retain clauses 11.6 to 11.9 and 11.13.

An extract from the adopted Code of Meeting Practice is shown below for clauses 11.6 to 11.9 and 11.13:

- 11.6 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.
- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.
- 11.9 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this Code.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.

The resulting outcome of the Notice of Motion, should it be adopted, would be for a division to be recorded for all Council resolutions.

Any amendment to the Code of Meeting Practice would require 28 days public exhibition, with a period of 42 days for submissions to be received.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 4

FILE NO: 21/189868

EDRMS NO: PSC2017-00019

ADVERTISING IN THE EXAMINER

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Resumes advertising in the Port Stephens Examiner, of public notices, to the same degree and level as was the case prior to the “operational decision” to change Council’s advertising on 30 April 2020.

**BACKGROUND REPORT OF: STEVE BERNASCONI – COMMUNICATIONS
SECTION MANAGER**

BACKGROUND

The NSW Government made a series of regulatory changes in April 2020 including the removal of requirements for Council notices to be advertised in newspapers. It instead required relevant notices to be published on Council’s website.

Council has adopted this practice since this time.

In the financial year 2019-2020 Council spent approximately \$79,500 on advertising public notices in the Port Stephens Examiner. Following the change, in the financial year 2020-2021 Council spent approximately \$15,800 on advertising public notices in the Port Stephens Examiner.

The change in advertising public notices resulted in all current council notices being displayed on our public website. The public exhibition page is directly accessible from the homepage, and interested community members are able to have their say on the website.

Council also provides hard copies each week at all 3 libraries. Council posts hard copies and email PDF versions of public notices weekly to residents who advised that they can only access this information in these formats. Currently this includes 7 posted copies weekly and 17 emailed copies weekly.

Council continues to advertise events and activities as well as some legislated notices as needed in the local newspapers. In 2020-2021 we spent approximately \$61,000 on all forms of advertising in the Port Stephens Examiner.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

A resumption of advertising of public notices in the Port Stephens Examiner to levels similar to the 2019-2020 financial year would require a budget allocation of approximately \$120,500 p.a. based on revised advertising unit rates.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No	\$104,700	Estimated increase in budget to resume weekly advertising of public notices in the Port Stephens Examiner.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 5

FILE NO: 21/189877

EDRMS NO: PSC2017-00019

SHADE SAIL AT ROBINSON RESERVE, ANNA BAY

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes the new skate park and playground at Robinson Reserve and the benefits it's bringing to the local community.
 - 2) Notes that there is no shade sail over the playground to protect users of the playground from the elements.
 - 3) Requests Council staff to prepare a report outlining the costs and specifications of a shade sail, to be installed as soon as possible heading into the warmer months.
-

BACKGROUND REPORT OF: ANDREW BEHRENS – ACTING ASSETS SECTION MANAGER

BACKGROUND

Port Stephens Council with funding support from the NSW State Government completed the upgrade of Robinson Reserve, Anna Bay in December 2020. The upgrades have proved to be a great success with the provision of:

- a new play space with climbing equipment, swings and nature play
- outdoor fitness equipment
- a new skate park
- a new public toilet block
- a new picnic shelter with BBQ facilities
- an open lawn area for picnics, informal sports and events
- beach showers
- wayfinding and information signage, and
- a viewing area on the headland.

These improvements have not only increased public interest in this location, but have also attracted commercial and event interest in the site. This further confirms that the project has delivered a high level of recreational value to the Port Stephens community.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

The prospect of a shade sail was investigated as part of the early design process. Due to its exposed location, Birubi Point is subject to high winds and a typical shade sail would not be suitable to deal with these conditions. More heavily engineered shade options were investigated however these were considered to significantly impact the available project budget.

Robinson Reserve is also located within the Birubi Point Aboriginal Place. As part of the project planning, due diligence was completed with registered Aboriginal parties to seek input and guidance on how Council could develop and improve this sensitive location. Issues were raised with excavation requirements for shade footings as well as the height of a shade structure as these were considered to have cultural and visual impacts upon the Aboriginal Place.

This led to the decision to provide shade through the planting of trees in strategic locations throughout the design. Successfully growing large trees in Robinson Reserve is a challenge for a variety of reasons including the coastal location, potential for high winds, high salinity and sandy soil. The option of procuring and transplanting mature trees into this location was considered but not pursued due to low likelihood of a mature tree surviving the transplantation process. The species of trees that were selected, when at their most mature, are expected to provide shade to the playground.

Should Council resolve to support this Notice of Motion, staff would be able to further investigate the feasibility of installing a shade sail at Robinson Reserve along with associated costs. Further consultation would be required with the registered Aboriginal parties associated with the Birubi Point Aboriginal Place. It is also noted that there is no funding currently allocated for these works as part of Council's 10 year forward works program.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 6

FILE NO: 21/189892

EDRMS NO: PSC2017-00019

SOLDIERS POINT TRAFFIC MANAGEMENT STUDY

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledges the increase in traffic in the Soldiers Point area and the impact that is having on locals.
 - 2) Requests that staff prepare a traffic management study for the Little Salamander area and Soldiers Point.
-

BACKGROUND REPORT OF: ANDREW BEHRENS – ACTING ASSETS SECTION MANAGER

BACKGROUND

The purpose of this report is to acknowledge that the traffic volume in the Soldiers Point area has increased over time, as has occurred in most other growth areas. It is noted that according to Council's existing traffic data records, traffic volumes have increased by an average of approximately 1.5% annually along the main traffic route, Soldiers Point Road, into the Soldiers Point area over the last 11 years. This compares to an average annual increase on Nelson Bay Road of approximately 3% over a similar timeframe and an annual increase of approximately 2.25% on the Pacific Highway at Tomago.

The preparation of a traffic and transport study which investigates the impact of growth and development in the Soldiers Point area will require the allocation of significant Council resources, appropriate funding and may take up to 12 months to undertake. At present there is no funding available to undertake a traffic study. To enable a traffic study to proceed would require a reallocation of funds from other projects. Based on traffic studies prepared recently or currently underway it is estimated that a budget of approximately \$40,000 would be required.

Should the Council resolve to support this Notice of Motion and make the necessary funding available, Council staff can commence the preparation of appropriate documentation to enable the study to be undertaken.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		Will require reprioritisation of Traffic Engineering Projects.
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 7

FILE NO: 21/189909

EDRMS NO: PSC2017-00019

KOALA PLAN OF MANAGEMENT

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that the Port Stephens Council Comprehensive Koala Plan of Management (CKPoM) was prepared and endorsed in 2002.
 - 2) Acknowledges the increased focus of the community on protecting local koalas, especially in light of devastating bushfires.
 - 3) Agrees that Port Stephens CKPoM urgently needs to be reviewed and updated.
 - 4) Requests that Council staff initiate the process to begin a review of the Port Stephens CKPoM.
 - 5) That Council writes to the NSW Minister for Energy and the Environment to advocate for funding to support the review of the CKPoM.
-

BACKGROUND REPORT OF: JANELLE GARDNER – STRATEGY AND ENVIRONMENT SECTION MANAGER

BACKGROUND

The Port Stephens Council Comprehensive Koala Plan of Management (CKPoM) was prepared and endorsed in June 2002, in accordance with the NSW State Environmental Planning Policy 44 - Koala Habitat Protection (SEPP 44).

The CKPoM aims “to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas, to ensure permanent free-living populations over their present range and to reverse the current trend of population decline.” The CKPoM also identifies a number of objectives and performance indicators and activates a steering group committee.

In addition to being the guiding document on Koala management across Port Stephens, the CKPoM provides the statutory framework in which development impacts are assessed. The CKPoM relies heavily on survey data and habitat mapping that was undertaken in 1998.

Since the adoption of the CKPoM in 2002, only one amendment or revision has been made, which was the Medowie-Tilligerry habitat mapping amendment in 2006.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

Several legislative changes have also occurred since 2002, including the commencement of the NSW Biodiversity Conservation Act 2016 and numerous repeals and updates to the NSW Koala Habitat Protection SEPPs. This has impacted the ability to review or update the existing CKPoM and now requires the development of a new plan to align with the current SEPP.

Producing a new CKPoM is a lengthy (estimate 12 -24 months) and costly process which involves substantial field survey, habitat mapping, public consultation and approvals. Initial advice from the NSW Department of Primary Industries (DPIE) suggests that the cost to produce a new CkPOM is estimated at \$200,000.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No	\$200,000	Council currently advocating to the NSW Government for financial support to develop a new CKPoM
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 8

FILE NO: 21/189965

EDRMS NO: PSC2017-00019

NELSON BAY PAID PARKING EXPENDITURE

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledges that \$800,000 has been raised through the Nelson Bay Smart Parking.
- 2) Requests a report from Council staff about when the funding from the Smart Parking will go into Public Domain Plan outcomes, as promised to the Community.

BACKGROUND REPORT OF: ANDREW BEHRENS – ACTING ASSETS SECTION MANAGER

BACKGROUND

The purpose of this report is to acknowledge that Council's Smart Parking Scheme has returned approximately \$800,000 to Council over the last 12 months. The figures for the scheme will be released with Council's end of financial year statements.

The Smart Parking Infrastructure Program included in Council's Report of 12 May 2020 as shown in **(ATTACHMENT 1)** lists the projects to be funded from revenue generated by the parking scheme. The program of projects is a prioritised list of infrastructure works that initially target road safety and efficiency and then fund projects from the Nelson Bay Public Domain Plan.

The delivery of the Smart Parking Infrastructure Program commenced in the 2020-2021 financial year, with many projects and the smart parking scheme itself being forward funded from first year income. In accordance with the priorities and timeframes outlined in the Program, thus far, funds have been used to complete road safety improvements, line marking and about 9000 square metres of resurfacing works across the Nelson Bay town centre.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

- 1) Extract of Ordinary Council Meeting - 12 May 2020 - Smart Parking Infrastructure Program

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**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: <ol style="list-style-type: none">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 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020****ORDINARY COUNCIL MEETING - 12 MAY 2020****AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council:</p> <ol style="list-style-type: none">1) Endorse and place on public exhibition 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.
--	---

The amendment lapsed without a seconder.

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

	<p>Councillor Giacomo Arnott</p> <p>That Council:</p> <ol style="list-style-type: none">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) 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.
--	--

The amendment lapsed without a seconder.

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020****ORDINARY COUNCIL MEETING - 12 MAY 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council:</p> <ol style="list-style-type: none">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.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.
--	---

The amendment lapsed without a seconder.

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

	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>That Council:</p> <ol style="list-style-type: none">1) Endorse and place on public exhibition the establishment of a smart parking scheme, including paid parking, within the Tomaree Peninsula.
--	--

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

- | | |
|--|--|
| | <ul style="list-style-type: none">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. |
|--|--|

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****Councillor Giacomo Arnott**

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.

The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 12 MAY 2020
AMENDMENT****Councillor Giacomo Arnott**

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.

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**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.
--	--

The amendment lapsed without a seconder.

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

071	Councillor Steve Tucker Councillor Paul Le Mottee It was resolved that the motion be put with no further amendments.
-----	--

The motion was carried.

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

072	Councillor Jaimie Abbott Councillor Glen Dunkley 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.
-----	---

The motion was carried.

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**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

Strategic Direction	Delivery Program 2018-2021
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 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**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.

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM
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 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
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 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**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

**ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12
MAY 2020 - 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 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

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 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**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	Mayor Ryan Palmer Councillor Glen Dunkley It was resolved that Council: <ol style="list-style-type: none">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.
------------	---

PORT STEPHENS COUNCIL**266****PORT STEPHENS COUNCIL****165**

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**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 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12
MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**

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 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.



ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

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.



Community Development & Engagement Unit
02 4988 0255
converse@portstephens.nsw.gov.au

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020
MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.



Engagement Board (left) used at drop in session and Newsletter update (right) delivered to business and residents.

Promotion of activities

The primary method of promotion was through the letterbox drop. Social media was deliberately not used to ensure that the majority of the people who participated in the process were Nelson Bay local business owners and residents.

There will be opportunity for wider comment regarding the proposed parking changes when the draft policy is placed on formal public exhibition.

Key findings

Tomaree Business Chamber Meeting

Council staff met with the Tomaree Business Chamber president 4 December 2019 to talk through the proposed project and to ascertain the concerns of the business chamber.

The premise of the meeting was to discuss the parking changes including the extension of paid parking in Nelson Bay CBD and an accompanying park free scheme of which the variables of this scheme are to be determined through the process.

Key issues raised were:



Community Development & Engagement Unit
02 4988 0255
converse@portstephens.nsw.gov.au

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

- problem of potential shoppers electing to shop at Salamander Bay due to paid parking. However, the different shopping experiences was considered a major factor in people visiting Nelson Bay especially during holiday periods
- It was believed that the introduction of a park free scheme with smart technology would help traders in Nelson Bay attract business during the non-peak times.
- the current zonings is messy and confusing and a review of the no parking and emergency vehicles zoned parking should be undertaken
- examples of similar systems from other councils would be beneficial
- lack of trust in Council that additional revenue raised would be spent in Nelson Bay

Potential parking options and changes discussed were:

- two/three hour free parking option for all people similar to shopping centres,
- dedicated paid spots for local businesses (especially those who leave and return regularly throughout a working day),
- lower rates for longer periods to cater for people going on extended tourist attractions such as whale cruises,
- park free scheme to include workers,

Letterbox delivery and 'door step' discussions

Mayor Ryan Palmer and Community Engagement staff delivered 700 Nelson Bay Next Update November 2019 newsletters on 7 December 2019. The newsletter was designed to introduce the project and invite people to learn more about the project. The key themes verbally introduced when speaking with business owners included:

1. Fast tracking projects to enliven Nelson Bay;
2. Introduction of a park free scheme with smart technology;
3. Invitation to come to drop in session or participate through online survey.

Some of the feedback received as part of the door step discussions with Nelson Bay business owners and operators included:

- Overwhelming support to fast track projects to enliven Nelson Bay,
- Any park free scheme should include workers,
- Concerns regarding loss of business to Salamander Bay as a result of extended paid parking,
- Concerns regarding whether the Donald Street East carpark demolition and reestablishment would be finished when promised.

Drop in session 6 December 2019

The drop in session held in Stockton Street on 6 December 2019 was attended by approximately 50-75 people. Two elected members including Mayor Ryan Palmer and Councillor Sarah Smith were in attendance. Staff from various sections of



Community Development & Engagement Unit
02 4988 0255
converse@portstephens.nsw.gov.au

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020****ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.**

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.



Community Development & Engagement Unit
02 4988 0255
converse@portstephens.nsw.gov.au

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

Online Survey

The online survey was hosted on the project webpage and attracted 171 participants. The survey questions can be found at Attachment I.

The results of the 171 online surveys together with the responses from the face to face drop in session, as mentioned above, are shown in below.

Figure 1: Who do you think should be eligible for a park free scheme?

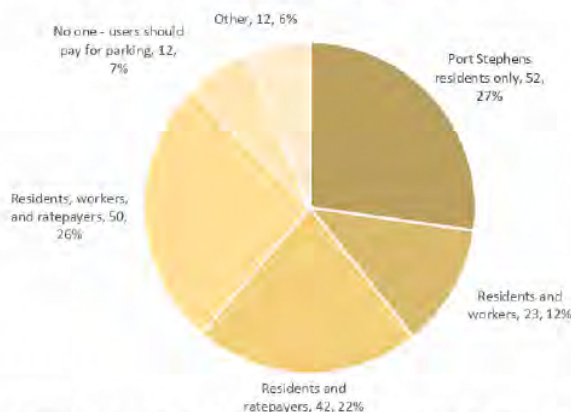


Figure 1 shows there is a little difference between three main options presented about who should be eligible for a park free scheme. The most popular scheme (27%) was that Port Stephens residents only park free scheme.

A total of 12 participants selected 'other'. A total of 6 comments were against the concept of paid parking all together. The remaining comments provide suggestions, qualifications to their answers or ask for more information. A full list of verbatim comments can be found at Attachment II.

Snapshot of Comments:

- Paid parking should not be extended.
- Should all be free but different time periods, shorter on street, longer in off street parking areas.
- All shoppers should have first three hours free as otherwise we will lose all shoppers to Salamander Bay or Kotara where it is free
- A way to help ease summer, school and public-holiday parking stress and traffic congestion is to provide a free Beach (mini) bus service. Mosman Council trialled the "Summer Bus" which linked the beach, shops and transport hubs. It became permanent.



Community Development & Engagement Unit
02 4988 0255
converse@portstephens.nsw.gov.au

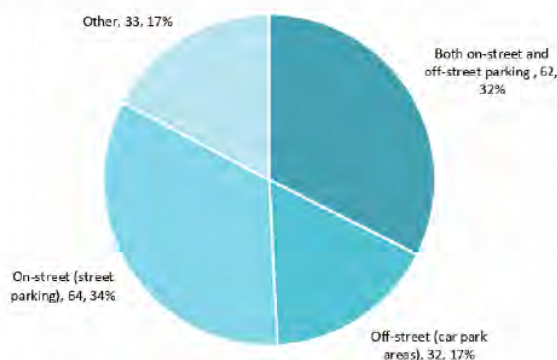
ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

- Residents and those with mobility passes

Figure 2: Where do you think paid parking should be extended to?



In Figure 2, the results were relatively even between the two options of extending paid parking to on-street parking (34%) and both on street and off-street parking (32%).

A total of 30 respondents selected 'other'. A total of 16 comments that were against the concept of paid parking. The other comments provide suggestions, qualifications to their answers or ask for more information. A full list of verbatim comments can be found at Attachment II.

Snapshot of Comments:

- Peak Holiday period only
- Should not extend paid parking areas unless providing more parking. For instance, building a parking garage.
- No one should have to pay for parking if they are shopping, dining, etc
- Paid parking should not be extended.
- Paid parking will push people away
- No one should pay for parking, we pay enough money just to have a car, plus local shop keepers raise their prices during holidays and then we are expected to pay to park in a town where we live!
- Can't choose an option without more information on costs and benefits of each - there should be a costed business case. Provisionally favour same treatment for both on-street and off-street parking
- Paid parking in the Nelson Bay CBD could further kill retail activity in the area. Time zoning for parking should be sufficient if it is managed effectively



Community Development & Engagement Unit
02 4988 0255
converse@portstephens.nsw.gov.au

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

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

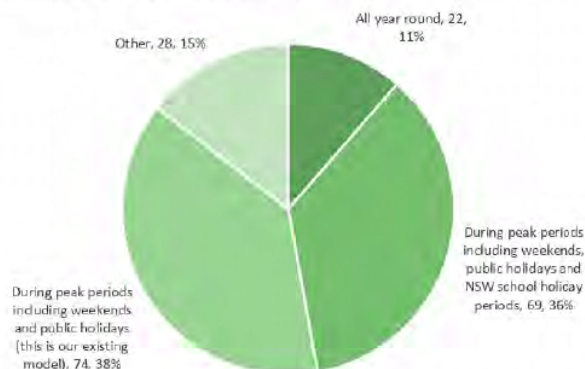


Figure 3

The results were relatively between the two options of applying paid parking 'During peak periods including weekends and public holidays (our existing model)' (38%) and 'During peak periods including weekends, public holidays and NSW school holiday periods' (36%).

A total of 28 respondents selected 'other'. The majority (16) of comments stated they were against the concept of paid parking. The other comments provide suggestions, qualifications to their answers or ask for more information. A full list of verbatim comments can be found at Attachment II.

Snapshot of Comments:

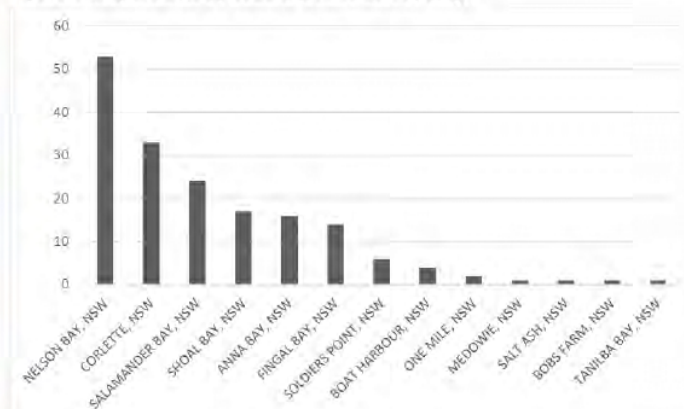
- Only during summer holidays
- Not during peak periods as we want attract visitors to Port Stephens they pay over top for rentals. Also people who in town, park away from the shopping areas
- Do not change the current arrangements.
- I don't support paid parking in Nelson Bay. But if it is introduced, residents and rate payers must definitely be exempt.
- Why penalise people for wanting to stop in town and spend their money at local businesses?

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

Figure 4 Respondents by suburb (online survey only)



The levels of participation were high considering that the engagement approach was targeted towards business owners and residents in the Nelson Bay CBD. Over 50% of the online responses from Nelson Bay and well over 85% from neighbouring suburbs.

Additional Submissions

A written submission was received by the Tomaree Ratepayers and Residents Association. The submission outlined a number of questions around the business case and evidence of similar schemes, risks to visitation, concerns around the engagement process and broader comment on Nelson Bay Public Domain plan actions.

Councillors have been provided with a copy of this submission.

Summary and key insights

The scope of the engagement around this project was highly defined. The concept of extending paid parking together with a park free scheme was considered the basis of the project. Using smart parking technology there are a lot of variables that could be included into this scheme which included eligibility, extent and timing.

Engagement approach

The majority of participants commented positively about the use of face to face engagement techniques (business door to door and drop in session). It was seen as a positive relationship building exercise and indication that Council was genuine in its intentions.



Community Development & Engagement Unit
02 4988 0255
converse@portstephens.nsw.gov.au

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

Support for paid parking with residents free scheme

The introduction of paid parking was supported generally on the proviso residents were excluded. There was good support for the scheme to also include ratepayers and workers.

Impact of business

Participants expressed concern that the introduction of paid parking in Nelson Bay would be detrimental to business prosperity and that Council has no evidence to refute this.



Community Development & Engagement Unit
02 4988 0255
converse@portstephens.nsw.gov.au

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

ATTACHMENT II - Comments

Survey question 'Who do you think should be eligible for a park free scheme?'

Comments accessed via 'Other'

Optional question (12 responses, 159 skipped)

1. I worked at the marina when it was coins only. The machines didn't work, you couldn't get change. They'd ask us for change and get mad and walk away. This was mainly tourists walking away mad. It should be free for all.
2. Paid parking should not be extended.
3. Should all be free but different time periods, shorter on street, longer in off street parking areas.
4. All shoppers should have first three hours free as otherwise we will lose all shoppers to Salamander Bay or Kotara where it is free
5. Port Stephens residents only with time limits
6. A way to help ease summer, school and public-holiday parking stress and traffic congestion is to provide a free Beach (mini) bus service. Mosman Council trialled the "Summer Bus" which linked the beach, shops and transport hubs. It became permanent.
7. Can't choose an option without more information on costs and benefits of each - there should be a costed business case. Should also consider option of free parking only for local residents - residents from western parts of the LGA are effectively visitors
8. Should be free to everybody
9. Residents and those with mobility passes
10. Residents & Ratepayers ... on proof of same ... ratepayers are easy as they're on PSC's books. Permanent residents will prove with Drivers Lic. &/or utilities bills.
11. Parking should be free throughout Nelson Bay and along the foreshore
12. Everyone should have the right to free parking

Survey question 'Where do you think paid parking should be extended to?'

Comments accessed via 'Other'

Optional question (29 responses, 142 skipped)

1. PEAK HOLIDAY PERIOD ONLY
2. None
3. Should not extend paid parking areas unless providing more parking. For instance, building a parking garage.
4. Should be free to everyone all the time
5. No one should have to pay for parking if they are shopping, dining, etc
6. Paid parking should not be extended.
7. Paid parking is only a revenue raiser, was trialled in Penrith & failed dismally
8. Time based only
9. Paid parking will push people away
10. Off street car parks over three hours



Community Development & Engagement Unit
02 4988 0255
converse@portstephens.nsw.gov.au

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

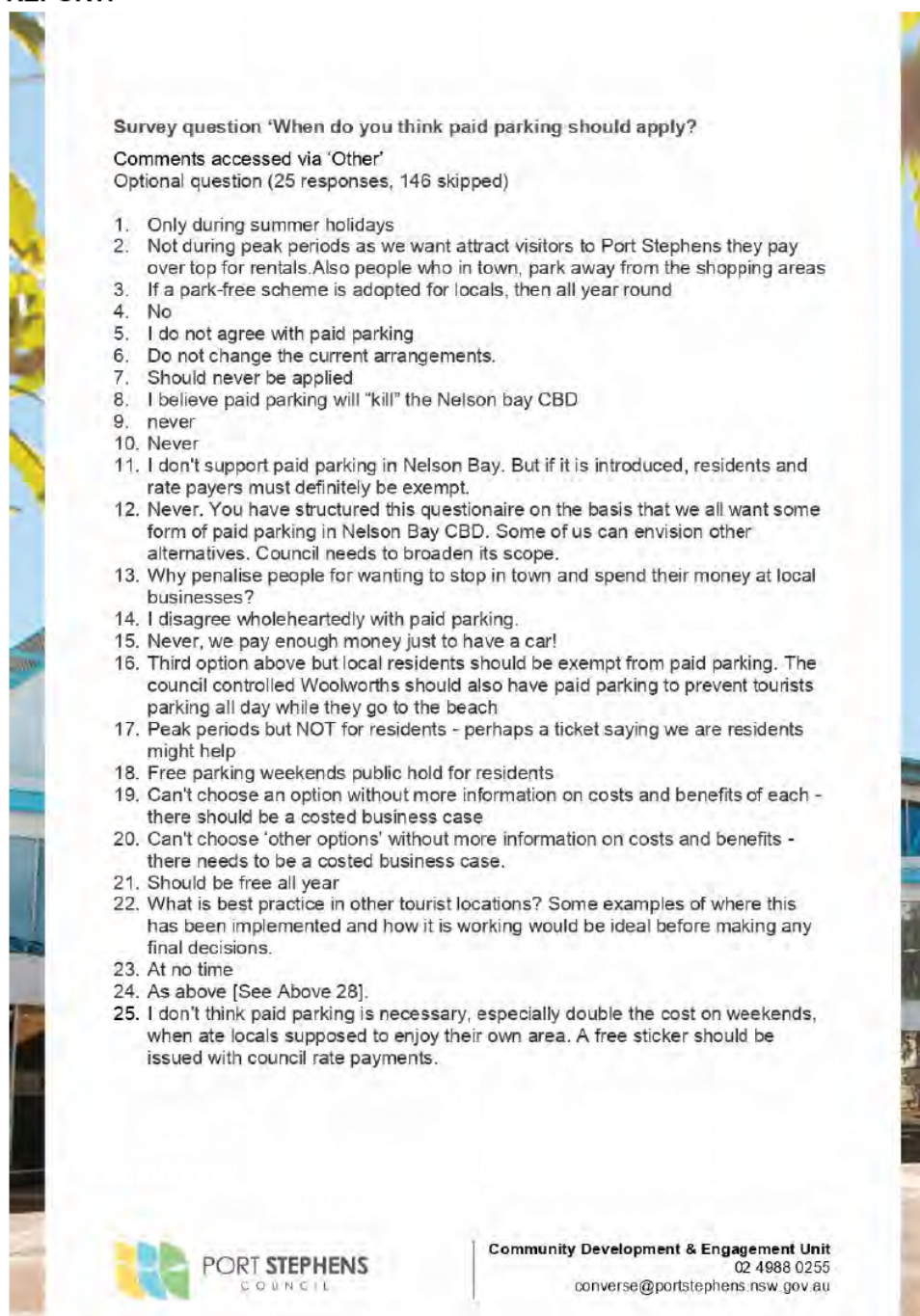
ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

11. Extending Paid parking will drive people out of the Nelson Bay CBD to the Salamander Shopping Centre & to the various "villages" around The Bay. It will also be another step in NELSON Bay losing its "idyllic holiday village" feel & reputation .
12. I don't support paid parking in Nelson Bay. It will definitely discourage residents and tourists from stopping in the town centre and spending money there.
13. Don't extend paid parking. Rebuild a decent car park to replace the recently demolished one and provide more free parking on the perimeter of the CBD.
14. I think you will kill the retail sector with all paid parking. As I local I would not pay for parking on the waterfront if I just wanted to browse the waterfront shops or have a coffee. Pizazz left the waterfront section and it is better within the NB cbd
15. All areas with exemptions as per first answer [See above 5]
16. IT WILL TAKE BUSINESS AWAY FROM THE CENTRE
17. Free parking for residents
18. This is blatant revenue raising. It will kill the businesses as it has some in other areas. Build a [REDACTED] multi level car park and don't charge for street parking at all!!!
19. No one should pay for parking, we pay enough money just to have a car, plus local shop keepers raise their prices during holidays and then we are expected to pay to park in a town where we live!
20. Residents should be able to access free parking being as we are ratepayers
21. See above re a free beach shuttle to move visitors AND locals around in peak times. I have already submitted a survey but want THIS one to replace it as couldn't find how to offer suggestions the first time. [See above 6]
22. Can't choose an option without more information on costs and benefits of each - there should be a costed business case. Provisionally favour same treatment for both on-street and off-street parking
23. local shoppers will avoid Nelson Bay.
24. Can't choose 'other options' without more information on costs and benefits - there needs to be a costed business case.
25. Definitely no charges. Can make a time limit but no fees.
26. Rebuild the multistorey carpark you've just knocked down (Surely it would have been cheaper to fix it. Sigh!)
27. Parking should be free throughout Nelson Bay and along the foreshore
28. Paid parking in the Nelson Bay CBD could further kill retail activity in the area. Time zoning for parking should be sufficient if it is managed effectively.
29. Can't imagine that this would encourage people to the town centre, more likely detract them and send everyone to salamander bay shops. Certainly would detract locals, where are employees supposed to park?

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.



ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING
INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 4 PLAN OF SMART PARKING INFRASTRUCTURE PROGRAM

Smart Parking Infrastructure Program - Summary Sheet - March 2020



NOTICE OF MOTION

ITEM NO. 9

FILE NO: 21/189978

EDRMS NO: PSC2017-00019

NELSON BAY PAID PARKING HOURS

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledges the recent decision to change the hours of paid parking in Nelson Bay.
 - 2) Thanks the Traffic Committee for delivering on the community's expectations and agreeing to the changes.
 - 3) Notes that during winter and especially during COVID lockdowns, visitors to the Tomaree Peninsula are fewer than usual.
 - 4) Requests that community and business consultation occur to determine whether the new hours are working and in line with community expectations.
-

BACKGROUND REPORT OF: ANDREW BEHRENS – ACTION ASSETS SECTION MANAGER

BACKGROUND

The purpose of this report is to acknowledge that Council has made changes to the hours of paid parking in Nelson Bay and supported by the Local Traffic Committee.

A review of the span of restricted parking hours was requested by both the community members and Nelson Bay businesses. A joint survey was undertaken by Council and the Tomaree Business Chamber and changes requested to reduce the time based parking restrictions from 7am to 7pm inclusive, to 8:30am to 5:30pm inclusive. The changes to the span of hours for time based parking restrictions in Nelson Bay Town Centre were completed in June 2021.

It is noted that patronage of the Smart parking scheme has been impacted by travel restrictions resulting from COVID-19, seasonal fluctuations as well as the wetter and cooler than usual 2020-21 summer.

Should the Council resolve to support this Notice of Motion, Council can consult with the community and Nelson Bay businesses to determine whether the change in the span of hours of the time based parking restrictions in Nelson Bay Town Centre is meeting the expectations of the community and businesses.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 10****FILE NO: 21/189986****EDRMS NO: PSC2017-00019****DWELLINGS IN HIGH HAZARD FLOODWAYS****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Notes the recent increase in requests to construct homes in high hazard floodways.
 - 2) Notes the danger associated with these Development Applications for the proponents, emergency services, Councillors and staff.
 - 3) Requests a report be prepared by Council staff for DCP or LEP changes that would make residential developments in high hazard floodways not permissible.
-

BACKGROUND REPORT OF: KATE DRINAN – DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER**BACKGROUND**

Since 1 July 2019, Council has received 9 Development Applications to construct dwellings in high hazard floodways including:

DA Number	Location	Determination
16-2019-135-1	1 Swanreach Road, HINTON	Refused by Council.
16-2019-679-1	26 King Street, RAYMOND TERRACE	Approved by Council.
16-2020-302-1	814 Hinton Road, OSTERLEY	Refused by Council.
16-2020-357-1	918 Newline Road, EAGLETON	Deferred Commencement Issued by Council.
16-2020-589-1	828 Paterson Road, WOODVILLE	Refused by Council.
16-2020-757-1	186 Seaham Road, NELSON PLAINS	Approved with conditions.
16-2020-445-1	232 Seaham Road, NELSON PLAINS	Approved by Council.
16-2021-82-1	7 High Street, HINTON	Reported to 27 July 2021 Council meeting.
16-2021-451-1	2372 Nelson Bay Road, WILLIAMTOWN	Under assessment.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

'High hazard floodway' is the highest category of flood risk and is determined on the basis of flood depth and/or velocity of flood waters in a particular location.

The Port Stephens Local Environmental Plan (LEP) adopts the NSW Government's mandatory Standard Instrument flood controls. The LEP flood controls require Council to be satisfied that the development is compatible with the flood hazard of the land and that it will not have a significant, adverse effect on flood behaviour. It should be noted these mandatory provisions are consistent across all councils and the State government does not enable councils to amend them.

The Port Stephens Development Control Plan 2014 (DCP) states that dwelling houses on land categorised as High Hazard Floodway may be considered where the proposal can address set performance based solutions. The solutions include an assessment of the development against the risk to life, risk to property and the compatibility of development with the site specific flood hazard. The DCP does not support development that will result in an unnecessary risk to life or property. The DCP is consistent with Council's Floodplain Risk Management Policy which has been prepared in accordance with the State government's Floodplain Risk Management Manual.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 11

FILE NO: 21/189996

EDRMS NO: PSC2017-00019

PECUNIARY INTEREST RETURNS

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that each Councillor must provide a yearly list of pecuniary interests to the Council.
 - 2) Notes that at the moment, these documents are heavily redacted and provide no benefit to members of the community when viewing them.
 - 3) Acknowledges that the voting public expect to be fully aware of any and all interests that their elected representatives have.
 - 4) Agrees to publish all Councillor interests in full with no redactions.
-

**BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION
MANAGER**

BACKGROUND

Elected representatives and designated persons are required to lodge a return disclosing their pecuniary interests within 3 months of either being elected to Council or being employed by Council, and then on an annual basis.

The Government Information (Public Access) Act 2009 (GIPA Act) classifies these returns as 'open access'. Open access information is required to be available on Council's website unless there is an overriding public interest against disclosure or to do so would impose unreasonable additional costs on Council. Overriding public interest against disclosure may include matters relating to privacy, commercial affairs, copyright or where there is a risk of harm if the information was released.

Under the GIPA Act, the principal officer (the General Manager) is responsible for ensuring Council meets its obligations under the GIPA Act. The authority under the Act is then delegated to staff to assess and determine accessing information applications and other compliance aspects of the GIPA Act, such as disclosure returns.

Council must not circumvent the legislative provisions of the GIPA Act by releasing information where another party may have a right to be consulted prior to release or have rights of review.

Council makes the annual returns for each councillor available in a redacted form in accordance with the provisions of the GIPA Act, the Information Privacy Commission's guidelines and relevant public interest considerations in favour and against disclosure.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 12

FILE NO: 21/190004

EDRMS NO: PSC2017-00019

ABSENCE FROM COUNCIL MEETINGS

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledges the importance of elected representatives attending Council meetings.
- 2) Notes that from time to time, there are conferences or other events that may clash with Council meetings.
- 3) Agrees that permission to attend any conferences or events will be on the condition that no Council meetings are missed in order to attend.
- 4) Notes that the COVID Regulations currently allow attendance by video conference, which would be an acceptable attendance while physically at a conference or event.

BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION MANAGER

BACKGROUND

The Local Government (General) Regulation 2005 makes it mandatory for mayors and councillors to have access to an induction and ongoing professional development program.

In 2018, the Office of Local Government released the Councillor Induction and Professional Development Guideline (the Guideline). The Guideline has been developed to ensure mayors and councillors are aware of the knowledge, skills and personal attributes expected of them in their civic roles under the Act, and of the support their council should be providing to ensure they are able to effectively fulfil their roles.

There is an expectation that mayors and councillors will actively participate in ongoing professional development to build on their existing skills and experience to provide the best possible outcomes to the community.

The Local Government Act 1993 makes provision for mayors and councillors to be absent from a council meeting by lodging an apology or requesting leave of absence.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

There is no provision that would exclude mayors or councillors from attending other council business at the time of a scheduled council meeting.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 13****FILE NO: 21/190011****EDRMS NO: PSC2017-00019****ADDRESS OF COUNCIL LAND PROPOSED FOR SALE****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Notes that from time to time, Council land is proposed to be sold, which requires Council authorisation through a Council meeting.
 - 2) Notes that there is strong community interest in where the land is that is proposed to be sold.
 - 3) Acknowledges that in the interests of transparency, the address should be noted on every Council report where land is proposed to be sold.
 - 4) Directs the General Manager to ensure that an address visible to the public is provided for every report pertaining to the sale of Council land.
-

**BACKGROUND REPORT OF: TIM CROSDALE – GROUP MANAGER
CORPORATE SERVICES****BACKGROUND**

Reports seeking approval to sell Council owned land are submitted on confidential terms to protect the interests of prospective purchasers and to ensure a commercial advantage is not conferred on any person through obtaining early access to information.

Although it is Council's preference to withhold all details of a confidential transaction, the street address of the property proposed to be sold can be made visible on future Council reports pertaining to the sale of Council owned land.

FINANCIAL/RESOURCE IMPLICATIONS

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

MINUTES ORDINARY COUNCIL - 27 JULY 2021

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 14

FILE NO: 21/190050

EDRMS NO: PSC2017-00019

AGL EASEMENT, TOMAGO

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that at its 23 July 2019 Council meeting, Councillors approved the concept of an easement in favour of AGL to allow them to construct their gas peaking plant at Tomago.
- 2) Notes that as at 22 June 2021, these negotiations were "still ongoing".
- 3) Acknowledges that there is a broader energy debate which has led to the Federal Government committing to a gas peaking plant at Kurri Kurri.
- 4) Agrees that 2 years is an exceptionally long time to negotiate a small easement for gas pipelines and power lines.
- 5) Requests a staff report as soon as possible outlining why negotiations are taking so long, and a commitment to completing the negotiations by the end of 2021.

**BACKGROUND REPORT OF: TIM CROSDALE – GROUP MANAGER
CORPORATE SERVICES**

BACKGROUND

Council authorised the creation of 2 easements in stratum over and under Old Punt Road, Tomago to enable AGL to develop a new gas plant on its land at 1940 Pacific Highway, Tomago. The easements are required by AGL to house a gas pipeline under the road and electrical power lines over the road to service the proposed Newcastle Power Station project.

Old Punt Road is a major traffic thoroughfare linking the Tomago industrial area to the Pacific Highway. According to AGL's Traffic Impact Assessment, traffic flows along Old Punt Road are in the order of 4,600 vehicles per day (Seca Solution, October 2019). The corner of Old Punt Road and the Pacific Highway is the only place vehicles travelling north can turn right onto the highway and the intersection is widely used by both heavy and light vehicles for that purpose. In addition, it is understood that Transport for NSW plans for the M1 to Raymond Terrace Motorway will rely on the use of Old Punt Road as a key access to Tomago.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

The easements were negotiated in stratum to ensure construction and maintenance works do not impact on the surface of the road and traffic flow on Old Punt Road is not impacted at any time during or after construction.

After agreement to stratum easements was reached and the resolution obtained, AGL sought to include the surface of Old Punt Road in the easements and to specifically allow the surface of the road to be dug up for construction and maintenance purposes at AGL's discretion.

Negotiations halted late in 2020 and Council heard nothing further from AGL until recently when its representatives informed Council the Newcastle Power Station project has been put on pause pending a Final Investment Decision to be made. At this stage, there is no date nominated for that decision.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 15****FILE NO: 21/190168****EDRMS NO: PSC2018-01103****879 SWAN BAY ROAD, SWAN BAY****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Acknowledges that there has been an outstanding compulsory acquisition at 879 Swan Bay Road, Swan Bay since 11 February 2020.
- 2) Notes that the application is currently with the Minister awaiting approval.
- 3) Writes to the Minister for Local Government, asking for an urgent approval in order to complete safety works on Swan Bay Road as promised to the community.

**BACKGROUND REPORT OF: TIM CROSDALE – GROUP MANAGER
CORPORATE SERVICES****BACKGROUND**

Approval to gazette the compulsory acquisition was received on 15 July 2021 and notification of the acquisition was published in the New South Wales Government Gazette on 16 July 2021.

In a compulsory acquisition, the acquiring authority gains the right to use the acquired land as at the date of gazettal.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 16

FILE NO: 21/190175

EDRMS NO: PSC2017-00019

RAYMOND TERRACE INDOOR SPORTS FACILITY

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that on 25 February 2020, Council adopted a motion asking for a feasibility study for an indoor sports facility in Raymond Terrace.
- 2) Notes that years ago, the current indoor sports facility was taken over by Police on the agreement that once they were finished with it, it would return to community usage.
- 3) Acknowledges that this failed to occur.
- 4) Requests a staff report as soon as possible outlining where this project is up to, and why Raymond Terrace still doesn't have its indoor sports facility back.

BACKGROUND REPORT OF: ANDREW BEHRENS – ACTING ASSETS SECTION MANAGER

BACKGROUND

As noted in the original report to the 25 February 2020 Council meeting, the Greater Newcastle Metropolitan Plan identifies Raymond Terrace as a strategic centre and the northern gateway to the metropolitan plan area.

In regard to sport and recreation facilities, the plan identifies a 'metropolitan sport facility' located in Raymond Terrace. Action 12.4 of the plan states that 'the NSW Office of Sport will develop a Greater Newcastle sport and recreation facilities plan'. Council has been working with the NSW Office of Sport intermittently as they progress this action. Progress in this space has been limited due to the shifting priorities of the NSW Office of Sport. Indoor facilities formed part of this discussion however a draft plan is yet to be received by Council some 18 months later.

In terms of progress that has been made since the original Notice of Motion, staff have worked with the West Ward Sports Council to determine the size and scale of an indoor sports facility required to service the future population growth of Raymond Terrace and surrounds. This scope would see the delivery of a 4500m² two storey indoor sports and recreation centre with four basketball courts at a capital cost of \$22,754,000.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

As a result of this, the Local Infrastructure Contributions Plan adopted by Council at the 23 February 2021 Council meeting includes the provision for KH18 – Raymond Terrace – Indoor Sports and Recreation Centre at 12% apportionment (\$2,730,480). This would require Council to secure \$20,023,520 from sources other than Development Contributions.

As noted in the original report to the 25 February 2020 Council meeting, staff recommend that a business case would need to be developed for this project. Council staff do not have the expertise to prepare such a business case and the funding required to engage a suitably qualified consultant has not been identified in forward budgets.

Council staff will continue to work with the NSW Office of Sport to understand the overarching strategic direction for Raymond Terrace relative to indoor sport and seek funding assistance for the development of a business case once parameters are confirmed.

In relation to the points 2 and 3 of the Notice of Motion, Port Stephens Council was approached by NSW Police in 2009 seeking office space for the housing of police staff whilst the Raymond Terrace Local Area Command at 55 William Street was being constructed. To support the delivery of the new command, Council reviewed facilities available to identify opportunities for leasing. Concurrent with this request, the former Raymond Terrace Leisure Centre (now the Raymond Terrace Library) was made available through the tenant (YMCA) relocating to Shops 15 and 16 of the Terrace Shopping Centre (now the Raymond Terrace PCYC).

With the facility made vacant, Council executed a lease for the former Raymond Terrace Leisure Centre to NSW Police from the 1 September 2009 to the 30 April 2011. This agreement was then extended to cater for the extended construction period with the official opening of the Raymond Terrace Local Area Command on 25 October 2011. Within the lease documentation, no commitment was made by either party to return the leisure facility to its former use. Council was returned the facility from NSW Police with the office improvements retained and subsequently converted the majority of the facility into the Raymond Terrace Library as currently exists.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		Business case not funded.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 17

FILE NO: 21/190190

EDRMS NO: PSC2017-00019

RAYMOND TERRACE SEVEN DAY MAKEOVER

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledges the success of the seven day makeover program in Medowie and Anna Bay.
 - 2) Notes that Raymond Terrace has works to William Street in the pipeline, to deliver on the Public Domain Plan.
 - 3) Allocates \$50,000 from the NSW Government's Public Spaces Legacy Fund grant that is earmarked for stage 2 of William Street Works to a Seven Day Makeover, to be completed by the end of calendar year 2021.
-

BACKGROUND REPORT OF: ANDREW BEHRENS – ACTING ASSETS SECTION MANAGER

BACKGROUND

Port Stephens Council has completed two 7 Day Makeover events in recent times within the communities of Anna Bay and Medowie. These events were well supported and proved to be successful community building exercises.

In the Hunter Regional Plan 2036 hierarchy of centres within Port Stephens, Anna Bay and Medowie are classed as Centres of Local Significance. Raymond Terrace is classed as a strategic centre, being the northern gateway to the Lower Hunter and providing a wide range of services and employment.

As part of Council's approach to town centre improvement works, Centres of Local Significance are subject to Place Plan development and 7 Day Makeover style events. Strategic centres are subject to more transformative infrastructure and place planning in the form of a Public Domain Plan. To align with Raymond Terrace's status as a strategic centre, Council has recently adopted a Public Domain Plan for Raymond Terrace at the 23 February 2021 Council meeting. As a regional centre, the level of activity calls for designed streetscape improvements beyond what can be achieved through a 7 Day Makeover style event.

The grant funding received under the NSW Public Spaces Legacy Fund has been awarded based on a scope of works defined and costed as part of the grant application. Although there is scope to amend and modify the design elements, the

MINUTES ORDINARY COUNCIL - 27 JULY 2021

premise under which the grant was awarded was for Council delivered infrastructure improvements and not for community building events such as a 7 Day Makeover.

It is acknowledged the desire to involve the community in the upgrades to William Street and the broader Raymond Terrace area. In response, Council is able to capture community preferences and suggestions through the community engagement process. This has already occurred for the planned Stage 1 works in William Street with a great response from local businesses and key stakeholders. Staff have also begun collecting business and community feedback on what design elements are high priorities for residents and business to inform the Stage 2 works. This community engagement will increase as the project scope becomes more refined.

Should Council resolve to support this Notice of Motion, staff will be required to seek clarification from the grant body as to whether such an event could be funded through a modification of the grant scope. It is noted that a 7 Day Makeover style event could not be delivered within the requested timeframe due to the planned Stage 1 works in William Street and lead times required for organising a community building event.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Subject to grant body request.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 18****FILE NO: 21/190212****EDRMS NO: PSC2017-00019****OSTERLEY SUBURB SIGNS****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Acknowledges the wonderful locals who live in Osterley.
 - 2) Notes that their suburb sign has been damaged for over 12 months with no fix or replacement despite multiple complaints to Council.
 - 3) Requests a replacement sign be fabricated and installed by the end of August 2021.
-

BACKGROUND REPORT OF: PETER MATWIJOW, PUBLIC DOMAIN AND SERVICES SECTION MANAGER**BACKGROUND**

Council installed Gateway and Suburb signage in early 2000 which was funded by a government grant. There is currently no funding allocated to Gateway and Suburb signage.

Some of this signage has faded or been damaged and removed. There are still some of these signs that are in a reasonable condition.

In relation to the Osterley Suburb, the sign itself is in a reasonable condition and the graffiti will be removed.

The timeline to manufacture and install a new sign of this nature is generally in the order of 2 months

FINANCIAL/RESOURCE IMPLICATIONS

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

MINUTES ORDINARY COUNCIL - 27 JULY 2021

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

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 19****FILE NO: 21/190224****EDRMS NO: PSC2017-00019****SHOP LOCAL****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Acknowledges our incredible local businesses and all of the work they do to supply and support people in our local area.
 - 2) Notes that COVID has made life hard for many of our local businesses.
 - 3) Directs Council's Communications Team to commence a social media campaign encouraging Port Stephens residents to shop local.
 - 4) Reaffirms its commitment to prioritising local tenders for work initiated by Council.
-

BACKGROUND REPORT OF: JANELLE GARDNER – STRATEGY AND ENVIRONMENT SECTION MANAGER**BACKGROUND**

The current COVID-19 lockdowns across Greater Sydney and the Central Coast have negatively impacted business in Port Stephens.

Port Stephens Council is committed to supporting local business and is providing the following targeted support services during this time.

- Shop local campaign encouraging local residents to support business across Port Stephens.
- Business support services including online consultations with Service NSW, The Business Centre, Business Port Stephens and Destination Port Stephens.
- COVID safe collateral.
- Increased communications around local procurement and opportunities for Port Stephens business to provide services to Council.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$5,000	

MINUTES ORDINARY COUNCIL - 27 JULY 2021

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 20

FILE NO: 21/195928

EDRMS NO: PSC2017-00019

AUSTRALIA POST MAIL BOX, 14A WILLIAM STREET, RAYMOND TERRACE

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that there is an Australia Post box outside 14A William Street, Raymond Terrace.
- 2) Notes that it is difficult for elderly locals to access this box, as there is no accessible parking nearby.
- 3) Writes to the CEO of Australia Post, the Federal Minister for Communications, and Meryl Swanson MP, Member for Paterson, requesting their support and advocacy to have the box moved to the vicinity of the pedestrian crossing in front of Marketplace Raymond Terrace.

BACKGROUND REPORT OF: ANDREW BEHRENS – ACTING ASSETS SECTION MANAGER

BACKGROUND

An Australia Post mail box is located in the road reserve in front of 14A William Street, Raymond Terrace.

Time restricted angled street parking is available immediately adjacent the mail box and in its vicinity along both sides of William Street. There is no accessible parking space for mobility permit holders in the immediate vicinity of the mail box. The closest accessible parking space is adjacent the William Street pedestrian crossing which is approximately 60 m distant, in front of 24 William Street. Depending on the availability of parking spaces in the immediate vicinity of the mail box, access to the mail box may pose difficulties for mobility permit holders.

There may be opportunity for the mail box to be moved to a more convenient location for better access by mobility permit holders. Any such move would need to take into account a variety of factors such as compliance with the Disability Discrimination Act, NSW Road Rules (in regard to stopping near a postbox), Council's Stage 2 works for William Street which may include upgrade of the pedestrian crossing and installation of street furniture and other enhancements, and outcomes of community consultation.

MINUTES ORDINARY COUNCIL - 27 JULY 2021

Should the Council resolve to support this Notice of Motion, Council staff can contact Australia Post and members of Parliament as required seeking support for the relocation of the mail box to an optimised location as part of Council's planned Stage 2 works within William Street.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

CONFIDENTIAL ITEMS

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

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