

MINUTES – 22 MARCH 2022



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 22 March 2022, commencing at 6:17pm.

PRESENT:

Mayor R Palmer, Councillors L Anderson, G Arnott, M Bailey, C Doohan, G Dunkley (via audio link), P Francis, P Kafer, S Tucker, J Wells, General Manager, Corporate Services Group Manager, Acting Facilities and Services Group Manager, Development Services Group Manager and Governance Section Manager.

	There were no apologies or requests for leave of absence received.
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	<p>Cr Kafer declared a less than significant non-pecuniary conflict of interest in Item 1. The nature of the interest is Cr Kafer's Aboriginal Heritage as a traditional custodian and ties to Mother Earth, his cultural and spiritual beliefs – his soul is Mother Earth.</p>
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	<p>Cr Kafer declared a less than significant non-pecuniary conflict of interest in Item 2. The nature of the interest is Cr Kafer's Aboriginal Heritage as a traditional custodian and ties to Mother Earth, his cultural and spiritual beliefs – his soul is Mother Earth.</p>
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MINUTES ORDINARY COUNCIL - 22 MARCH 2022

	<p>Cr Kafer declared a less than significant non-pecuniary conflict of interest in Rescission Motion Item 1. The nature of the interest is Cr Kafer's Aboriginal Heritage as a traditional custodian and ties to Mother Earth, his cultural and spiritual beliefs – his soul is Mother Earth.</p> <p>Cr Kafer declared a less than significant non-pecuniary conflict of interest in Rescission Motion Item 2. The nature of the interest is Cr Kafer's Aboriginal Heritage as a traditional custodian and ties to Mother Earth, his cultural and spiritual beliefs – his soul is Mother Earth.</p> <p>Cr Bailey declared a significant non-pecuniary conflict of interest in item 1. The nature of the interest is Maddison Sorenson ran on Cr Bailey's local government election ticket, and this item includes plans for the site by Sorenson Design.</p>
065	<p>Councillor Chris Doohan Councillor Matthew Bailey</p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 22 February 2022 be confirmed.</p>

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

URGENCY MOTION

Cr Giacomo Arnott moved to introduce a matter of great urgency under clause 9.3 of the Code of Meeting Practice.

The motion was granted by the Chairperson.

ORDINARY COUNCIL MEETING - 22 MARCH 2022 MOTION

066	Councillor Giacomo Arnott Councillor Peter Kafer It was resolved that Council: 1) Notes the awful act of vandalism inflicted upon the Thou Walla Centre located at Irrawang Public School, with the Thou Walla Centre totally destroyed by arson. 2) Expresses its support to the team at Irrawang Public School as they clean up and work towards reopening the school grounds to students. 3) Agrees to allocate \$2,500 from Mayoral Funds and \$2,500 from West Ward funds to the Thou Walla Centre for purchasing equipment and items lost in the fire. 4) Agrees that if the Mayoral Funds do not have \$2,500, the full \$5,000 will be transferred from West Ward funds, with the West Ward fund to be reimbursed when the Mayoral fund reaches \$2,500.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

URGENCY MOTION

Cr Giacomo Arnott moved to introduce a matter of great urgency under clause 9.3 of the Code of Meeting Practice.

The motion was granted by the Chairperson.

ORDINARY COUNCIL MEETING - 22 MARCH 2022 MOTION

067	Councillor Giacomo Arnott Councillor Steve Tucker It was resolved that Council: 1) Notes that the country of Ukraine has been defending itself against a war from Russia for the past month. 2) Notes that the Australian Government has condemned the Russian aggression and is providing support to Ukraine. 3) Denounces the Russian invasion in Ukraine. 4) Agrees that none of its cash and investments should be vested in any organisation that either has direct ties to Russia or over 10% of its investments in Russia.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING - 22 MARCH 2022 MOTION

068	Mayor Ryan Palmer Councillor Peter Kafer It was resolved that Rescission Motion item 1 and 2 be brought forward and dealt with prior to item 1 of the Council reports.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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RESCISSION MOTIONS

NOTICE OF RESCISSION

ITEM NO. 1

FILE NO: 22/74953

EDRMS NO: PSC2017-00020

**MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF
LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY**

COUNCILLOR: GIACOMO ARNOTT
PETER FRANCIS
PETER KAHER
JASON WELLS
LEAH ANDERSON

THAT COUNCIL:

Rescind its decision of 22 February 2022 on Item No. 1 – Mayoral Minute – Urgent Community Works Program – Sale of Land, Lot 95 DP26610, 109 Foreshore Drive, Salamander Bay (Minute No. 045).

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

069	Mayor Ryan Palmer Councillor Leah Anderson It was resolved that Council rescind its decision of 22 February 2022 on Item No. 1 – Mayoral Minute – Urgent Community Works Program – Sale of Land, Lot 95 DP26610, 109 Foreshore Drive, Salamander Bay (Minute No. 045).
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In accordance with clause 15.14 of the Code of Meeting Practice, the Chairperson expelled 2 community members from the meeting after receiving a warning. The community members were Irene Jones and Kelly Hammond.

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

The motion was carried.

FORESHADOWED MOTION

ORDINARY COUNCIL MEETING - 22 MARCH 2022 MOTION

070	<p>Mayor Ryan Palmer Councillor Leah Anderson</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Acknowledges Council's financial sustainability has been impacted by the effects of the COVID-19 pandemic and a strategic review has been initiated following Council's resolution of 26 October 2021 (Minute No. 292).2) Establishes a Financial Sustainability Committee, chaired by the Mayor, to review options to improve Council's financial sustainability.3) Receives recommendations from the Financial Sustainability Committee by 30 June 2022.4) Nominates all Councillors to be part of the Financial Sustainability Committee.5) Defers consideration of the sale or reclassification of 109 Foreshore Drive, Salamander Bay to after Council has considered the recommendations of the Financial Sustainability Committee.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ATTACHMENTS

- 1) Mayoral Minute - Urgent Community Works Program - Sale of Land, Lot 95 DP26610, 109 Foreshore Drive, Salamander Bay - Minute No. 045, 22 February 2022.

ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.

MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022

MAYORAL MINUTE

ITEM NO. 1

**FILE NO: 22/55231
EDRMS NO: PSC2015-01024**

URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY

THAT COUNCIL:

- 1) Commits to the funding of the following community projects:
 - a) Urgent update to the Port Stephens Koala Plan of Management - \$200,000.
 - b) Urgent funding for foreshore improvements and drainage pipes for a number of sites across the Tilligerry Peninsula including the Tanilba Foreshore and Lemon Tree Passage Foreshore - \$150,000.
 - c) Urgent funding for the construction of a pathway along Kirrang Drive, Medowie - \$400,000.
 - d) Urgent funding for the conversion of the croquet court in Boomerang Park - \$25,000.
 - e) Urgent funding for a 7 Day Makeover in Raymond Terrace - \$180,000.
 - f) Urgent funding for a 7 Day Makeover in Karuah - \$180,000.
 - g) Urgent funding for the resealing, sealing and/or rehabilitation of priority roads including some car parks, re-sheeting of gravel roads and new pathways across Port Stephens to ensure the safety of our residents including school children – minimum \$1,000,000 or balance of sale.
 - h) Urgent funding for the replacement of the toilet block at Fly Point - \$140,000.
 - i) Urgent funding for the replacement of the toilet block at Shoal Bay boat ramp - \$130,000.
 - j) Urgent funding for pathway connections for school children and the community in Hinton - \$200,000.
 - k) Urgent funding for the continuation of the pathway through the Mallabula Sports Complex - \$50,000.
 - 2) Fund the urgent community works from the sale of residentially zoned land at 109 Foreshore Drive, Salamander Bay.
 - 3) Authorise the sale of Council owned land described as Lot 95, DP26610, 109 Foreshore Drive, Salamander Bay in accordance with the Acquisition and Divestment of Land Policy.
 - 4) Authorise the seller's agent to sign the contract at auction, subject to the sale conditions established in accordance with the Acquisition and Divestment of Land Policy.
 - 5) Authorise the General Manager to negotiate variations to contract conditions as required, excluding sale price outside of that set in accordance with the Acquisition and Divestment of Land Policy.
 - 6) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to complete the sale.
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ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610,109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

- 7) Acknowledges that the sale of residential land at 109 Foreshore Drive, Salamander Bay does not hinder access to the foreshore at Salamander Bay, as there is access through the adjacent community land that will remain as community land and that there are 7 access points along this 950m section of properties, including the parkland next to the subject residentially zoned land.
- 8) Acknowledges that the above urgent community works program does not have an identified funding source for the next 10 years as a minimum.
- 9) Acknowledges that the above projects have been identified from extensive community engagement conducted over the previous term of Council and the start of this term from thousands of community responses.

**ORDINARY COUNCIL MEETING - 22 FEBRUARY 2022
MOTION**

045	<p>Mayor Ryan Palmer Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Commits to the funding of the following community projects:<ol style="list-style-type: none">a) Urgent update to the Port Stephens Koala Plan of Management - \$200,000.b) Urgent funding for foreshore improvements and drainage pipes for a number of sites across the Tilligerry Peninsula including the Tanilba Foreshore and Lemon Tree Passage Foreshore - \$150,000.c) Urgent funding for the construction of a pathway along Kirrang Drive, Medowie - \$400,000.d) Urgent funding for the conversion of the croquet court in Boomerang Park - \$25,000.e) Urgent funding for a 7 Day Makeover in Raymond Terrace - \$180,000.f) Urgent funding for a 7 Day Makeover in Karuah - \$180,000.g) Urgent funding for the resealing, sealing and/or rehabilitation of priority roads including some car parks, re-sheeting of gravel roads and new pathways across Port Stephens to ensure the safety of our residents including school children – minimum \$1,000,000 or balance of sale.h) Urgent funding for the replacement of the toilet block at Fly Point - \$140,000.i) Urgent funding for the replacement of the toilet block at Shoal Bay boat ramp - \$130,000.j) Urgent funding for pathway connections for school children and the community in Hinton - \$200,000.k) Urgent funding for the continuation of the pathway through the Mallabula Sports Complex - \$50,000.2) Fund the urgent community works from the sale of residentially zoned land at 109 Foreshore Drive, Salamander Bay.
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ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

	<p>3) Authorise the sale of Council owned land described as Lot 95, DP26610, 109 Foreshore Drive, Salamander Bay in accordance with the Acquisition and Divestment of Land Policy.</p> <p>4) Authorise the seller's agent to sign the contract at auction, subject to the sale conditions established in accordance with the Acquisition and Divestment of Land Policy.</p> <p>5) Authorise the General Manager to negotiate variations to contract conditions as required, excluding sale price outside of that set in accordance with the Acquisition and Divestment of Land Policy.</p> <p>6) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to complete the sale.</p> <p>7) Acknowledges that the sale of residential land at 109 Foreshore Drive, Salamander Bay does not hinder access to the foreshore at Salamander Bay, as there is access through the adjacent community land that will remain as community land and that there are 7 access points along this 950m section of properties, including the parkland next to the subject residentially zoned land.</p> <p>8) Acknowledges that the above urgent community works program does not have an identified funding source for the next 10 years as a minimum.</p> <p>9) Acknowledges that the above projects have been identified from extensive community engagement conducted over the previous term of Council and the start of this term from thousands of community responses.</p>
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Cr Giacomo Arnott and Mayor Ryan Palmer called for a division.

Those for the Motion: Mayor Ryan Palmer, Crs Matthew Bailey, Chris Doohan, Glen Dunkley and Steve Tucker.

Those against the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Francis, Peter Kafer and Jason Wells.

The motion was declared carried on the casting vote of the Mayor.

**ORDINARY COUNCIL MEETING - 22 FEBRUARY 2022
MOTION**

	<p>Councillor Giacomo Arnott Councillor Leah Anderson</p> <p>That a motion of dissent be moved.</p>
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Cr Giacomo Arnott and Cr Leah Anderson called for a division for dissent motion.

ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Francis, Peter Kafer and Jason Wells.

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

The motion was declared lost on the casting vote of the Mayor.

**ORDINARY COUNCIL MEETING - 22 FEBRUARY 2022
AMENDMENT**

	<p>Councillor Giacomo Arnott Councillor Peter Francis</p> <p>That Council:</p> <ol style="list-style-type: none"> 1) Commits to the funding of the following community projects: <ol style="list-style-type: none"> a) Urgent update to the Port Stephens Koala Plan of Management - \$200,000. b) Urgent funding for foreshore improvements and drainage pipes for a number of sites across the Tilligerry Peninsula including the Tanilba Foreshore and Lemon Tree Passage Foreshore - \$150,000. c) Urgent funding for the construction of a pathway along Kirrang Drive, Medowie - \$400,000. d) Urgent funding for the conversion of the croquet court in Boomerang Park - \$25,000. e) Urgent funding for a 7 Day Makeover in Raymond Terrace - \$180,000. f) Urgent funding for a 7 Day Makeover in Karuah - \$180,000. g) Urgent funding for the resealing, sealing and/or rehabilitation of priority roads including some car parks, re-sheeting of gravel roads and new pathways across Port Stephens to ensure the safety of our residents including school children – minimum \$1,000,000 or balance of sale. h) Urgent funding for the replacement of the toilet block at Fly Point - \$140,000. i) Urgent funding for the replacement of the toilet block at Shoal Bay boat ramp - \$130,000. j) Urgent funding for pathway connections for school children and the community in Hinton - \$200,000. k) Urgent funding for the continuation of the pathway through the Mallabula Sports Complex - \$50,000. 2) Fund the urgent community works from the sale of residentially zoned land at 109 Foreshore Drive, Salamander Bay. 3) Authorise the sale of Council owned land described as Lot 95, DP26610, 109 Foreshore Drive, Salamander Bay in accordance with the Acquisition and Divestment of Land Policy.
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ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610,109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

- 4) Authorise the seller's agent to sign the contract at auction, subject to the sale conditions established in accordance with the Acquisition and Divestment of Land Policy.
- 5) Authorise the General Manager to negotiate variations to contract conditions as required, excluding sale price outside of that set in accordance with the Acquisition and Divestment of Land Policy.
- 6) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to complete the sale.
- 7) Acknowledges that the sale of residential land at 109 Foreshore Drive, Salamander Bay does not hinder access to the foreshore at Salamander Bay, as there is access through the adjacent community land that will remain as community land and that there are 7 access points along this 950m section of properties, including the parkland next to the subject residentially zoned land.
- 8) Acknowledges that the above urgent community works program does not have an identified funding source for the next 10 years as a minimum.
- 9) Acknowledges that the above projects have been identified from extensive community engagement conducted over the previous term of Council and the start of this term from thousands of community responses.
- 10) Notes that the Mayor supported a 66% or \$700/year rate rise in the last term of Council, with the funding to be used for capital projects.
- 11) Notes that this proposal is to sell a block of valuable community land to spend on capital projects.
- 12) Notes that this calculated decision to use a Mayoral Minute to put this forward is some of the most sad behaviour Council has seen coming from someone sitting in the Mayor's chair.
- 13) Notes that there's a reason this is being proposed early in the term - it's because the Mayor knows if he proposed this just before an Election, he would have been crucified. He didn't talk about this during the election campaign, because he knew it'd be unpopular and hurt his chances.
- 14) Notes that this motion is pure gutter politics and sets the scene for what is now apparent will be a Council that continues to disrespect the community and continues its efforts to undermine our community groups and community members who organise together and work for our collective benefit.
- 15) Notes that Councillors should not fall for the very obvious ploy being perpetrated here. Mayor Palmer tried it with the rate rise, he tried to guilt Councillors and the community into accepting a bad outcome by bribing us with projects and all sorts of money, but there are ways to fund projects without destroying our community in the process.
- 16) Agrees that this is not a good outcome for the community.

The motion was declared lost on the casting vote of the Mayor.

ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610,109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022****ORDINARY COUNCIL MEETING - 22 FEBRUARY 2022
FORESHADOWED AMENDMENT**

	Councillor Peter Kafer Councillor Giacomo Arnott That Mayoral Minute No. 1 be deferred for 2 weeks.
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The motion was declared lost on the casting vote of the Mayor.

**ORDINARY COUNCIL MEETING - 22 FEBRUARY 2022
MOTION**

	Councillor Leah Anderson Councillor Giacomo Arnott That Council notes for the record that Councillors were not given sufficient notice to appropriately liaise with members of the community who we are elected to represent.
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The motion was declared lost on the casting vote of the Mayor.

BACKGROUND

The purpose of this report is to request Council to commit funding to community projects.

Based on the ongoing impacts of COVID-19 on Council's financial position, the ability to provide ongoing funding to significant community infrastructure, important maintenance and key programs will continue to be highly constrained.

The matters listed for funding either have no current identified funding source and/or are scheduled for funding in the medium to long term. Providing funding to these items through the proposed asset sale is a means to ensure that these projects, maintenance activities and programs are implemented in the short term.

The recent consultation through the Liveability Index and Place Plans has highlighted the community's desire for a range of infrastructure, maintenance projects and programs across the Local Government Area. Moreover, a number of the projects have been previously considered by Council for further investigation.

The recent success of 7 Day Makeovers in Anna Bay and Medowie has highlighted the benefits to town centres and communities from these initiatives. Missing link

ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

pathways, such as along Kirrang Drive, have also been identified by Council to improve the safety of users.

There are a number of low lying areas in the Local Government Area that require drainage and footpath works to improve public amenity and useability. Areas such as the Tilligerry Peninsula are subjected to tidal influences and stormwater during heavy events. The allocation of funds to these assets would improve the useability and amenity of these areas.

Part of the Council's total infrastructure backlog is the resurfacing of gravel roads and car parks. The speed limits in car parks are low and, hence, are considered a low risk priority environment. This low risk can result in limited funding opportunities and are not undertaken as often as desired. Similar, funds for the resurfacing of gravel roads is difficult to attract and gain. Allocation of monies would not only improve the asset, but lift the amenity and safety for users of these assets.

In addition, there are a range of other significant programs of works that are unfunded. This includes a continuation of a significant update to the Comprehensive Koala Plan of Management and also the continuation of support to the visitor economy of Port Stephens which is still impacted by the ongoing effects of COVID-19.

Council has a range of options available to fund priority projects, including the sale of surplus operational land. The sale of surplus operational land has the dual effect of reducing Council's maintenance requirements as well as creating funding available for specific projects and programs.

Lot 95 in Deposited Plan 26610 described as 109 Foreshore Drive, Salamander Bay is a standalone parcel of operational land with an area of 557m² and zoned Residential R2 as shown in white in **(ATTACHMENT 1)**. Immediately adjacent to this property is a parcel of community land which extends from Foreshore Drive to and along the beach front **(ATTACHMENT 2)**. As shown on **(ATTACHMENT 1)** this parcel of land links to a large area of community land extending both west and east along the foreshore which provides multiple direct access to the Port.

The parcels of land were created along with 55 other lots in DP26610 along Foreshore Drive. The allotment at 109 Foreshore Drive has been in Council ownership for over 42 years and adjoins open space to the west and to the north and residential development to the east.

Under the provisions of the Local Government Act 1993, Lot 95 DP 26610 described as 109 Foreshore Drive, Salamander Bay is classified "operational" which allows the use of the land for Council's operations and also for the sale of the land.

A recent valuation undertaken in February 2022 placed an estimated value on the land of circa \$2.65 million under its current zoning. This is a significant increase from the previous independent value of land of circa \$1.5 million in January 2020. Should

ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.

MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022

Council resolve to sell the property it would be via a public marketing campaign and affected through public auction or private treaty.

A number of community groups including the Mambo-Wanda Wetlands Conservation Group have made representations to Council regarding the environmental value of this parcel of land. In summary, this has related primarily to the potential use of this site by Koalas and proximity to the Mambo Wetlands.

Council undertakes regular assessments of land holdings, including 109 Foreshore Drive, to determine environmental values of parcels of land in accordance with relevant standards and recognised professional practice. The outcomes of this assessment identified that 1 Koala feed tree exists on 109 Foreshore Drive, with the community land adjacent to 109 Foreshore Drive and along the foreshore containing some 15 Koala feed trees in proximity to the subject land. As this exists on Community classified land it cannot be sold and remains under Council management.

The potential future development of 109 Foreshore Drive would not have a direct impact on the Koala feed trees located on the surrounding community land. Impacts on the single Koala feed tree on 109 Foreshore Drive and potential indirect impacts could also be managed as part of further detailed assessments undertaken as part of any potential future development process.

In addition, the community land located to the east of 109 Foreshore Drive (**ATTACHMENT 1**) also contains preferred Koala habitat and provides a direct link between the foreshore, the beach and the Mambo Wetlands conservation area for this species.

ATTACHMENTS

- 1) Locality Map - 109 Foreshore Drive, Salamander Bay.
- 2) Land adjacent 109 Foreshore Drive, Salamander Bay.

ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY
WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610,109 FORESHORE DRIVE,
SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.

MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022

ITEM 1 - ATTACHMENT 2 LAND ADJACENT 109 FORESHORE DRIVE, SALAMANDER BAY.

109 FORESHORE DRIVE, SALAMANDER BAY



109 Foreshore Drive, Salamander Bay

Community Land

PORT STEPHENS COUNCIL

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NOTICE OF RESCISSION

ITEM NO. 2

FILE NO: 22/74955

EDRMS NO: PSC2017-00020

PROPOSED SALE OF COUNCIL OWNED LAND - 44B SQUIRE STREET, FINGAL BAY

COUNCILLOR: RYAN PALMER
STEVE TUCKER
CHRIS DOOHAN

THAT COUNCIL:

Rescind its decision of 22 February 2022 on Item No. 1 – Confidential Item – Proposed Sale of Council Owned Land – 44B Squire Street, Fingal Bay (Minute No. 063).

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

071	Mayor Ryan Palmer Councillor Chris Doohan It was resolved that Council rescind its decision of 22 February 2022 on Item No. 1 – Confidential Item – Proposed Sale of Council Owned Land – 44B Squire Street, Fingal Bay (Minute No. 063).
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Cr Giacomo Arnott.

The motion was carried.

FORESHADOWED MOTION**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

072	Mayor Ryan Palmer Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Authorise the sale of Council owned land on the confidential terms and conditions set out in the confidential attachment.2) Authorise the seller's agent to sign the contract at the auction, subject to the sale conditions of the confidential attachment.3) Authorise the General Manager to negotiate variations to contract conditions as required, excluding the sale price outside of the range identified in the confidential attachment.4) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to complete the sale.5) Allocates the proceeds of the sale to the Restricted Property Reserve.
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Councillor Glen Dunkley left the meeting at 7:23pm.

Councillor Glen Dunkley returned to the meeting at 7:25pm.

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Cr Peter Kafer.

The motion was carried.

ATTACHMENTS

- 1) Proposed Sale of Council Owned Land - 44B Squire Street, Fingal Bay - Minute No. 063 - 22 February 2022.
- 2) CONFIDENTIAL Proposed Sale of Council Owned Land - 44B Squire Street, Fingal Bay - Minute No. 063 - 22 February 2022.

ITEM 2 - ATTACHMENT 1 PROPOSED SALE OF COUNCIL OWNED LAND - 44B SQUIRE STREET, FINGAL BAY - MINUTE NO. 063 - 22 FEBRUARY 2022.**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022****CONFIDENTIAL**

ITEM NO. 1

FILE NO: 21/348333
EDRMS NO: PSC2021-00070**PROPOSED SALE OF COUNCIL OWNED LAND - 44B SQUIRE STREET, FINGAL BAY**REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES**ORDINARY COUNCIL MEETING - 22 FEBRUARY 2022
MOTION**

063	Councillor Giacomo Arnott Councillor Peter Francis It was resolved that Council: <ol style="list-style-type: none">1) Authorise the sale of Council owned land on the confidential terms and conditions set out in this report.2) Authorise the seller's agent to sign the contract at the auction, subject to the sale conditions of this report.3) Authorise the General Manager to negotiate variations to contract conditions as required, excluding the sale price outside of the range identified in the body of this report.4) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to complete the sale.5) Commits to the funding of the following community projects:<ol style="list-style-type: none">a) Urgent update to the Port Stephens Koala Plan of Management - \$200,000.b) Urgent funding for foreshore improvements and drainage pipes for a number of sites across the Tilligerry Peninsula including the Tanilba Foreshore and Lemon Tree Passage Foreshore - \$150,000.c) Urgent funding for the construction of a pathway along Kirrang Drive, Medowie - \$400,000.d) Urgent funding for the conversion of the croquet court in Boomerang Park - \$25,000.e) Urgent funding for a 7 Day Makeover in Raymond Terrace - \$180,000.f) Urgent funding for a 7 Day Makeover in Karuah - \$180,000.g) Urgent funding for the resealing, sealing and/or rehabilitation of priority roads including some car parks, re-sheeting of gravel roads and new pathways across Port Stephens to ensure the safety of our residents including school children – minimum \$1,000,000 or balance of sale.
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**ITEM 2 - ATTACHMENT 1 PROPOSED SALE OF COUNCIL OWNED LAND -
44B SQUIRE STREET, FINGAL BAY - MINUTE NO. 063 - 22 FEBRUARY 2022.****MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

	<ul style="list-style-type: none">h) Urgent funding for the replacement of the toilet block at Fly Point - \$140,000.i) Urgent funding for the replacement of the toilet block at Shoal Bay boat ramp - \$130,000.j) Urgent funding for pathway connections for school children and the community in Hinton - \$200,000.k) Urgent funding for the continuation of the pathway through the Mallabula Sports Complex - \$50,000.
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The motion was carried.

**ORDINARY COUNCIL MEETING – 22 FEBRUARY 2022
MOTION**

064	Councillor Giacomo Arnott Councillor Chris Doohan It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 9:31pm.

COUNCIL REPORTS

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

Councillor Matthew Bailey left the meeting at 7:30pm.

ITEM NO. 1

FILE NO: 22/41997
EDRMS NO: 16-2020-4-2

DA 16-2020-4-2 - MODIFICATION TO CONDITIONS OF CONSENT FOR APPROVED CAMPING GROUND - 2 PATERSON STREET, HINTON

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application DA No. 16-2020-4-2 – S4.55(1A) modification to Camping Ground and Community Facilities for the reasons contained in **(ATTACHMENT 3)**.

ORDINARY COUNCIL MEETING - 22 MARCH 2022 MOTION

073	<p>Mayor Ryan Palmer Councillor Chris Doohan</p> <p>It was resolved that Council defer the Modification Application 16-2020-4-2 – S4.55(1A) to Camping Ground and Community Facilities to permit short term caravan stays for further consideration.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION

	Councillor Giacomo Arnott Councillor Peter Kafer That a motion of dissent be moved.
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Councillor Peter Kafer left the meeting at 7:36pm and did not return to the meeting.

Those for the Motion: Crs Giacomo Arnott and Peter Francis.

Those against the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Chris Doohan, Glen Dunkley, Steve Tucker and Jason Wells.

The motion was lost.

Councillor Jason Wells left the meeting at 7:50pm.

Councillor Jason Wells returned to the meeting at 7:52pm.

Mayor Ryan Palmer vacated the Chair and left the meeting at 7:57pm. Deputy Mayor, Cr Steve Tucker chaired the meeting.

Mayor Ryan Palmer returned to the meeting at 7:59pm and resumed the Chair.

BACKGROUND

The purpose of this report is to present S4.55(1A) modification application 16-2020-4-2 to Council for determination. The modification application seeks to allow for caravans to use the approved campground.

A summary of the application and property is provided below:

Subject Land:	2 Paterson Street, Hinton (Lot 12 DP: 1204972).
Zoning:	RU5 Village
Submissions:	1
Key Issues:	The proposed modification seeks to delete Condition 7.9 from the consent to allow for caravan to utilise the approved campground on a short-term basis. Caravans are not considered to form part of a campground as defined by the Port Stephens Local Environmental Plan (PSLEP) and are therefore not permitted in the RU5 Village zone.

The modification application 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, Councillors Glen Dunkley and Chris Doohan (**ATTACHMENT 4**).

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

Proposal

The application proposes to delete Condition 9 of Section 7 (7.9) of the consent, which currently prohibits the use of caravans in the approved campground. The proposed deletion of Condition 7.9 will allow for caravans to be used within the approved campground.

The Statement of Environmental Effects (SEE) submitted with the application makes reference to legal advice relating to a similar proposal that stipulates caravans are legally permitted within campgrounds.

Site Description and History

The subject site is identified as Lot 12 DP1204972, known as 2 Paterson Street, Hinton. The site is located on the intersection of Paterson Street and Old Punt Road, Hinton.

The site is relatively flat. Site access is via Paterson Street and Old Punt Road. The overall site is scarcely vegetated with an open paddock which is the location of the approved camping ground and facilities.

The site is located on the outskirts of the village/township of Hinton and is zoned RU5 – Village. The site supports the Victoria Hotel, which is listed as a Local Heritage Item (I19), located on the corner of Paterson Street and Old Punt Road, at the western entrance of Hinton. The Victoria Hotel resides on a large allotment of land with views over the neighbouring Paterson River.

The site is bound by rural and residential properties to the north, east and south, and the Paterson River to the west.

Key Issues

The key issues identified throughout the assessment of the application relate to permissibility of caravan parks in the RU5 Village zone.

A detailed assessment of the modification application and permissibility matters is contained within the Planners Assessment Report (**ATTACHMENT 2**).

Permissibility

The site is zoned RU5 Village in accordance with the PSLEP 2013. Camping grounds are permissible with consent in this zone.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

In accordance with PSLEP 2013 a camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

The above specifically excludes caravan parks from its definition. It is considered that the placement of a caravan/s within a campground would change its use to a caravan park. A caravan park is not a permissible use within the zone. A caravan park is defined by PSLEP 2013 as land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

The applicants SEE submitted with the application states that legal advice has been received which confirms that a campground may permit caravans. Central to the applicant's argument is that State Environmental Planning Policy No. 21 (Caravan Parks) (SEPP 21) is applicable to this application. SEPP 21 allows for caravans on camping grounds as it allows for the definition of camping ground and caravan parks to be used interchangeably.

It is Council officer's opinion having considered legal advice that SEPP 21 is not applicable to this application. SEPP 21 only becomes applicable for an application for a caravan park, which the current application cannot be because caravan parks are prohibited.

Due to the proposed inclusion of caravans as part of the application, the proposal could be characterised as a caravan park (which is not permissible in the zone). A caravan park use is defined by the PSLEP as land on which caravans and other moveable dwellings are installed or placed. If the development was characterised as a caravan park it could provide opportunities for longer term stays, including permanent installations of caravans and other moveable dwellings. In light of this and to negate any opportunity for the site to be used for the purpose of a caravan park, Council recommend Condition 7.9 be upheld on the consent to prohibit caravans utilising the site.

Conclusion

Council officers consider that caravan parks are a prohibited land use within the RU5 Village zone in accordance with the PSLEP 2013. The deletion of Condition 7.9 of the consent is therefore not supported by Council officers, as per the reasons for refusal contained in **(ATTACHMENT 3)** and Planners Assessment Report at **(ATTACHMENT 2)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Support sustainable business development in Port Stephens.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed modification seeks to delete Condition 7.9 from the consent to allow for caravans to utilise the approved campground. Caravans are not considered to form part of a campground as defined by the Port Stephens Local Environmental Plan (PSLEP) and are therefore not permitted in the RU5 Village zone.

A detailed assessment against these environmental planning instruments is contained within the Planners Assessment Report contained at **(ATTACHMENT 2)**.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
If the modification 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 through a judicial review.	Low	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 modification will not likely result in any impacts in addition to those that were assessment as part of the original application. However, if caravans are permitted on the site, it could establish a legal pathway to enable long-term stays on the site, which would create adverse social impacts to neighbouring properties.

Built Environment

There are no physical works proposed and therefore the built environment will remain unchanged.

Natural Environment

There will be no adverse impacts it the natural environment as a result of the proposed development as originally approved.

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 process.

Public exhibition

The application was notified in accordance with Councils Community Engagement Strategy from 30 November 2021 to 14 December 2021. One submission was received during this period.

A detailed assessment of the submission 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.
- 2) Planners Assessment Report.
- 3) Recommended Reasons for Refusal.
- 4) Call to Council Form.

COUNCILLORS ROOM

- 1) Unredacted submission.
- 2) Development plans.

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

ITEM 1 - ATTACHMENT 1 LOCALITY PLAN.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800253 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au


**PORT STEPHENS
COUNCIL**
**S4.55(1A) MODIFICATION APPLICATION
ASSESSMENT REPORT**
APPLICATION DETAILS

Modification application no.	16-2020-4-2
Development description	Camping Ground and Community Facilities
Modification description	S4.55(1A) Modification to Camping Ground and Community Facilities – Delete Condition 9 (Section 7.0)
Applicant	PERCEPTION PLANNING PTY LTD
Date of lodgement	18/11/2021

PLANNERS PRE-ASSESSMENT CHECKLIST

OWNERS CONSENT	YES / N/A
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).	Yes
NOTIFICATION	
S.4.55 application only - notify previous objectors.	Yes
REFERRALS	
S.4.55 Application only - Integrated referral bodies notified.	N/A

Modification proposal

The application proposes to delete Condition 7.9 of the consent, which prohibits the use of caravans in the approved campground. The proposed deletion of Condition 7.9 from the consent will allow caravans to be used within the approved campground.

The Statement of Environmental Effects (SEE) submitted with the application makes reference to legal advice relating to a similar proposal that stipulates caravans are legally permitted within campgrounds. The SEE states that the legal advice confirmed that the approved use is properly characterised as a 'camping ground', which is permissible under the Port Stephens Local Environmental Plan 2013 (PSLEP 2013) but is subject to the operations of the former State Environmental Planning Policy No. 21 (Caravan Parks) (SEPP 21), suggesting that SEPP 21 overrides the PSLEP 2013.

The applicant accordingly suggests that caravan parks are permissible within the zone as per the operation of the former Clause 7 of SEPP 21.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2020-4-2

At the time of the original approval, State Environmental Planning Policy No. 21 (Caravan Parks) (SEPP 21) was applicable to the application. On 26 November 2021, State Environmental Planning Policy (Housing) 2021 (Housing SEPP) commenced, which consolidated a number of housing related State Environmental Planning Policies, including SEPP No. 21 (Caravan Parks). Reference to Clause 7 of SEPP 21 by the applicant has been replaced with Clause 130 of the Housing SEPP. For the purpose of this report, Council staff will make reference to the currently in force legislation.

PROPERTY DETAILS

Property address	2 Paterson Street HINTON
Lot and DP	LOT: 12 DP: 1204972
Zoning	RU5 VILLAGE
Site constraints that affect the modification	Bushfire Prone Land – Vegetation Category 3

ASSESSMENT SUMMARY

Designated Development	The application is not designated development.
Integrated Development	<p>The application does not require additional approvals listed under s.4.46 of the EP&A Act.</p> <p>The subject site is currently mapped as being bushfire prone land. When consent was granted under DA 16-2020-4-1 in December 2020, the site was not mapped bushfire prone land and therefore the application did not require integrated referral to the NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997. The proposed modification does not propose any change to the number of sites or development footprint, therefore has not been referred to the RFS.</p>
Concurrence	The application does not require the concurrence of another body.

Referrals

The proposed modification was not required to be referred to internal specialist staff or external agencies.

MODIFICATIONS INVOLVING MINIMAL ENVIRONMENTAL IMPACT – S4.55(1A)

S4.55(1A)(a) – Minimal Environmental Impact

The application does not propose any vegetation removal or increase to the approved development footprint. The number of sites and overall capacity of the approved campground will

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ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2020-4-2

remain unchanged. Accordingly, no detrimental environmental impacts are expected as a result of the proposed modification. On this basis, the proposed modification is considered of minimal environmental impact.

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

The development is not considered to be substantially the same development as originally approved, as the proposed modification seeks to allow for the use of caravans on the site, which in Council staff's view, will regularise a prohibited land use under the RU5 zone.

S4.55(1A)(c) – Notification

The application was notified in accordance with Councils Community Engagement Strategy from 30 November 2021 – 14 December 2021. One submission was received during this time.

S4.55(1A)(d) – Submissions

The matters raised in the submission objecting to the development are discussed in the table below:

Objection	Comments
<ul style="list-style-type: none"> - Hinton is a small village and residents have invested in its rural location. - Flooding concerns and introduction of tourists and people who are not familiar with the area and associated flooding. - Traffic concerns noting that the intersection at Paterson Road and Old Punt Road does not have adequate visibility to cater for increased traffic. - Increase in population concern given Hinton relies on septic for sewerage management. 	<p>It is noted that the campground has already been approved. The application is for a modification, which seeks to delete Condition 7.9 of the consent to allow for caravans to utilise the campground. The number of sites and overall capacity of the approved campground will remain unchanged by the proposed modification. It is therefore considered that the proposed modification will not increase the number of tourists visiting the area, nor likely to increase traffic.</p> <p>In regard to sewage management, the original c included an upgrade to the sites existing on-site sewerage management system to cater for the additional demand from the approved camping ground. This upgrade is still required as per the original consent, with demand not likely to be further increased through the proposed modification.</p>

S4.55(3) – S4.15(1) Assessment**s4.15(1)(a)(i) – The provisions of any EPI*****Port Stephens Local Environment Plan 2013 (PSLEP2013)***

The site is zoned RU5 Village in accordance with the PSLEP 2013. Camping grounds are permissible with consent in this zone. Caravan parks are not specified in the RU5 land use table as being permitted with consent in the zone, and accordingly are considered to be a prohibited land use. On this basis, Condition 7.9 was placed on the original consent.

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ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2020-4-2

As noted above, the SEE for the application makes reference to legal advice obtained for a similar proposal, which suggested that caravans can be placed on campgrounds through the former provisions of Clause 7 of SEPP 21 (now Clause 130 of the Housing SEPP 2021).

Council staff do not support the applicant's interpretation of Clause 7 of SEPP 21. The decision in *Wygiren Pty Limited v Kiama Municipal Council* makes clear, Clause 7 of SEPP 21 "does not replace the definitions in other instruments" it simply ensures that all references to "camping ground" are taken to include caravan parks, as defined in SEPP 21. Clause 7 of SEPP 21 "does not replace the definitions in other instruments" it simply ensures that all references to "camping ground" are taken to include caravan parks, as defined in SEPP 21.

Thus, the effect to the reference to camping ground in the LEP definition of "camping ground" is simply to include caravan park as defined in SEPP 21. Accordingly, the "exclusion" in the LEP definition that a camping ground "does not include a caravan park", remains legally valid.

Due to the proposed inclusion of caravans as part of the application, the proposal could be characterised as a caravan park (which is not permissible in the zone). A caravan park use is defined by the LEP as land on which caravans and other moveable dwellings are installed or placed. If the development was characterised as a caravan park it could provide opportunities for longer terms stays, including permanent installations of caravans and other moveable dwellings.

In light of this and to negate any opportunity for the site to be used for the purpose of a caravan park, Council recommend Condition 7.9 be upheld on the consent to prohibit caravans utilising the site.

Considering the above interpretation and that caravan parks are prohibited in the RU5 zone, the proposed modification is not supported by Council officers and is recommended to be refused by Council. The proposed modification is considered to be inconsistent with the provisions of the PSLEP 2013, specifically the RU5 Village Land Use table.

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) – Port Stephens Development Control Plan 2014

Chapter	Compliant	Notes (where needed or if not compliant)
B	<input checked="" type="checkbox"/> General Controls	
C	<input checked="" type="checkbox"/> Development Types	
D	<input checked="" type="checkbox"/> Specific Areas	

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2020-4-2

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

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

s4.15(1)(a)(iv) – The regulations

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

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

	Notes (where needed)
<input checked="" type="checkbox"/> Social and Economic Environment: There would be beneficial impacts as a result of the development.	The proposed modification will not likely result in any impacts in addition to those that were assessment as part of the original application. However, if caravans are permitted on the site, it could establish a legal pathway to enable long-term stays on the site, which would create adverse social impacts to neighbouring properties.
<input checked="" type="checkbox"/> Built Environment: The proposed development would not cause harm to the existing character.	There is no change to the built form, the proposal seeks to allow for caravans to be used within the approved camping ground.
<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.	There will be no adverse impacts if the natural environment as a result of the proposed development as originally approved.

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

The subject site is zoned RU5 Village in accordance with the PSLEP 2013. Camping grounds are permissible with consent in this zone as approved. However, caravan parks are not specified in the land use table as being permitted with or without consent in the zone and are therefore considered to be a prohibited land use. The proposed modification and use of caravans on the site is therefore not considered suitable for the site.

s4.15(1)(d) – Any submissions

There was one submission received relating to the proposed modification. This has been addressed above.

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ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2020-4-2

s4.15(1)(e) – The public interest

The proposed modification is not considered to be in the public interest as caravan parks are a prohibited use within the RU5 Village zoning.

MODIFIED CONDITIONS

Nil

DETERMINATION

The modification application is recommended to be refused by Council.

COURTNEY SARGENT

Senior Development Planner

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RECOMMENDED REASONS FOR REFUSAL

Reasons for Refusal

1. The proposed modification would result in a prohibited land use on the site and is therefore inconsistent with the RU5 Village Land Use zone as per the Port Stephens Local Environmental Plan 2013.
2. The proposed modification is not considered to be in the public interest as the development would result in a prohibited use on the site (s.4.15(1)(e) of the EP&A Act).



PORT STEPHENS COUNCIL

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ITEM 1 - ATTACHMENT 4 CALL TO COUNCIL FORM.



Development application (DA) call to Council request:	
<p>I/We (Mayor/Councillor/s) <u>Mayor Ryan Palmer, Cr Glen Dunkley, Cr Chris Doohan</u> request that DA number <u>16-2020-4-2</u> for DA description <u>Modification of Conditions of Consent to Camp Ground</u> located at <u>2 Paterson Street, Hinton</u> be reported to Council for determination.</p>	
Reason:	
Public Interest	
Declaration of Interest:	
<p>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.</p> <p>I/We (Mayor/Councillor/s) _____ have a conflict of interest:</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p> <p>If yes, please provide the nature of the interest and reasons why further action should be taken to bring this DA to Council:</p>	
Signed: Mayor Ryan Palmer - email received <small>Please sign or type name & attached to an email.</small>	Date: 1/2/2022 <small>Click here to enter a date.</small>
Signed: Cr Chris Doohan - email received <small>Please sign or forward supporting email.</small>	Date: 3/2/2022 <small>Click here to enter a date.</small>
Signed: Cr Glen Dunkley - email received <small>Please sign or forward supporting email.</small>	Date: 3/2/2022 <small>Click here to enter a date.</small>

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

Councillor Matthew Bailey returned to the meeting at 8:00pm.

ITEM NO. 2

FILE NO: 22/74965
EDRMS NO: 58-2018-25-1

PLANNING PROPOSAL FOR 70, 70A, 70B, 70C LATITUDE DRIVE AND 4473 NELSON BAY ROAD, ANNA BAY

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the amendments to the planning proposal (**ATTACHMENT 2**) to permit 'caravan park' on Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 and Lot 25 DP 852410 at 70, 70A, 70B, 70C Latitude Drive and 4473 Nelson Bay Road, Anna Bay and amend the Land Zoning Map – from RU2 Rural Landscape to part RU2 Rural Landscape and part C2 Environmental Conservation for Lot 25 DP 852410.
- 2) Receive and note the submissions (**ATTACHMENT 3**) received during the public exhibition of the planning proposal.
- 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).

ORDINARY COUNCIL MEETING - 22 MARCH 2022 MOTION

	<p>Councillor Leah Anderson Councillor Chris Doohan</p> <p>That Council:</p> <ol style="list-style-type: none">1) Note the amendments to the planning proposal (ATTACHMENT 2) to permit 'caravan park' on Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 and Lot 25 DP 852410 at 70, 70A, 70B, 70C Latitude Drive and 4473 Nelson Bay Road, Anna Bay and amend the Land Zoning Map – from RU2 Rural Landscape to part RU2 Rural Landscape and part C2 Environmental Conservation for Lot 25 DP 852410.2) Receive and note the submissions (ATTACHMENT 3) received during the public exhibition of the planning proposal.
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MINUTES ORDINARY COUNCIL - 22 MARCH 2022

	3) Authorise the exercise of delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW).
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ORDINARY COUNCIL MEETING - 22 MARCH 2022 AMENDMENT

074	<p>Councillor Leah Anderson Councillor Giacomo Arnott</p> <p>It was resolved that Council defer the planning proposal (ATTACHMENT 2) to permit 'caravan park' on Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 and Lot 25 DP 852410 at 70, 70A, 70B, 70C Latitude Drive and 4473 Nelson Bay Road, Anna Bay to the next meeting of Council.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Mayor Ryan Palmer, Crs Matthew Bailey, Chris Doohan and Glen Dunkley.

The amendment on being put became the motion, which was put and carried.

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 Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Crs Matthew Bailey and Chris Doohan.

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**) for 70, 70A, 70B and 70C Latitude Drive, and 4473 Nelson Bay Road, Anna Bay and note the submissions received (**ATTACHMENT 3**). The report also seeks authorisation to exercise delegations to make the amendments to the Port Stephens Local Environmental Plan 2013 (LEP) set out in this report. A locality plan is provided at (**ATTACHMENT 1**).

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The planning proposal seeks to amend the LEP to regularise the approved caravan park located on part of the site, by adding 'caravan park' as an additional permitted use on these lots, to Schedule 1 of the LEP. The approved caravan park has 270 sites on which manufactured homes are currently located, or being installed and is operating as a seniors living lifestyle resort. The current zoning of the site is RU2 Rural Landscape which no longer permits this use and the development operates relying on existing use rights.

The planning proposal also seeks to facilitate the extension of this use to part of an adjoining parcel, Lot 25 DP852410, by extending the additional permitted use outlined above, over this lot. Subject to development consent and further approvals, an additional 170 manufactured homes could potentially be accommodated on Lot 25 DP852410. The planning proposal would also amend the Land Zoning Map from RU2 Rural Landscape to part RU2 Rural Landscape and part C2 Environmental Conservation for Lot 25 DP852410.

A summary of the planning proposal is set out below:

Date Lodged:	17 October 2018
Proponent:	Focus Town Planning on behalf of Ingenia Communities
Subject properties:	70 Latitude Drive, Anna Bay (Lot 2 DP 398888) 70A Latitude Drive, Anna Bay (Lot 4 DP 398888) 70B Latitude Drive, Anna Bay (Lot 2 DP 1204319) 70C Latitude Drive, Anna Bay (Lot 1 DP 1225542) and 4473 Nelson Bay Road, Anna Bay (Lot 25 DP 852410)
Site Area:	Total site area (all lots combined) is approximately 43ha, comprised of: Lot 2 DP 39888 approx. 10.3ha Lot 4 DP 39888 approx. 18.8ha Lot 1 DP 1225542 approx. 0.5ha Lot 2 DP 1204319 approx. 0.7ha Lot 25 DP 852410 approx. 13.2ha
Current Zoning:	RU2 Rural Landscape
Proposed Zoning	RU2 Rural Landscape and C2 Environmental Conservation and Schedule 1 additional permitted use 'caravan park'.

At its meeting on 26 November 2019 (**ATTACHMENT 4**), Council resolved to adopt the planning proposal and forward it to the Department of Planning, Industry and Environment (DPIE) to seek a Gateway determination and delegated authority to make the plan.

In response to the Gateway determination subsequently issued on 11 May 2020, the planning proposal was updated to address a number of ministerial directions and SEPPs, including a review of ecological outcomes on the site. Through discussion

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

with the Biodiversity Conservation Division, the proposal was amended to include land to be rezoned C2 Environmental Conservation.

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

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

There are no financial implications for Council as a consequence of the recommendations of 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

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that there is insufficient land available in the Anna Bay area for future housing to satisfy demand in the locality.	Low	Adopt the recommendations.	Yes

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 in the Gateway determination. Should the recommendations be adopted, arrangements will be made for the drafting of the amendment to the LEP to give effect to the planning proposal.

Hunter Regional Plan 2036 (HRP)

The planning proposal is generally consistent with the visions and goals of the HRP. The proposal will make efficient use of the land, as it provides housing choice (including for seniors) with easy access to a range of community facilities and services within a lifestyle village setting.

Port Stephens Local Environmental Plan 2013 (LEP)

The subject land is zoned RU2 Rural Landscape under the LEP, which does not permit caravan parks. The current development on the site was approved under the previous Port Stephens Local Environmental Plan 2000 and relies on existing use rights to operate.

The planning proposal would result in an addition to Schedule 1 Additional Permitted Uses to permit a caravan park on the subject land.

Anna Bay Strategy and Town Plan 2008

The subject land is not located within the Anna Bay town centre and therefore many of the key strategic directions outlined in the strategy are not relevant. The planning proposal is considered to support the vision established in the Strategy for Anna Bay as a small and vibrant town with a mix of retail and office space for local and visitor patronage. The proposed development will provide for additional residents within proximity of Anna Bay, resulting in patronage to the commercial uses within the town centre.

Port Stephens Local Strategic Planning Statement (LSPS)

The planning proposal is consistent with planning priorities 4 and 5 from the LSPS and will respond to the need for suitable land supply for housing and increase housing choice that suits the needs and lifestyle of current and future residents.

Live Port Stephens Local Housing Strategy (LHS)

The planning proposal is consistent with the LHS. It gives effect to the LHS as it meets the locational criteria of the LHS and provides additional housing supply in a suitable location with access to various town centres and adequate on site facilities.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic

The planning proposal is expected to deliver a range of social and economic benefits to the existing and future community, including:

- Additional housing choices in the Anna Bay area and the Port Stephens LGA
- Employment through construction and the long term employees within the lifestyle village
- Increased retail and service industry patronage for nearby town centres
- Efficient use of (private) community facilities and services provided at the existing approved caravan park.

Environmental

The land is partially developed for the purposes of an approved caravan park. Lot 25 DP 852410 is predominately vacant, comprising grassland and scattered vegetation towards the southern and eastern periphery. Sand extraction has previously occurred over part of lot 25, resulting in a heavily disturbed area.

The planning proposal seeks to rezone an environmentally sensitive part of Lot 25 DP 852410 from RU2 Rural Landscape to C2 Environmental Conservation. This will incentivise future opportunities to enhance faunal movements across the site and improve the vegetation found within this corridor.

CONSULTATION

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

Following issue of the Gateway determination, consultation was undertaken with Biodiversity Conservation Division. The planning proposal was updated as a result of this consultation, before being public exhibited.

Four submissions were received as a result of agency consultation. All agency concerns have been resolved and there are no objections to the planning proposal.

Eleven submissions were received during the public exhibition period. No further amendments have been made to the planning proposal as a result of these submissions.

All submissions are addressed in detail in **(ATTACHMENT 3)**.

Internal

Consultation with internal stakeholders was undertaken to assess the planning proposal, including with Asset Engineering Services, Development Planning, and Natural Systems units. No objections were raised and associated impacts can be addressed adequately at the development assessment stage.

External

The Gateway determination required Council to identify an environmental outcome in consultation with Biodiversity Conservation Division (BCD), the Central Coast and Hunter Team (DPIE), and Council. Various meetings and conversations were held with BCD about the rezoning of an environmentally sensitive part of Lot 25 DP 852410 from RU2 Rural Landscape to C2 Environmental Conservation. In addition, opportunities were identified (subject to a future development application) for a koala corridor, replanting of koala feed trees, and the development of a vegetation management plan supported by a legal mechanism.

As a result of consultation, the following changes were made to the proposed LEP provisions:

- Inclusion of the rezoning of Lot 25 DP 852410 from RU2 Rural Landscape to part RU2 Rural Landscape and part C2 Environmental Conservation
- Removal, on request of the proponent, of the initially proposed provision to enable a one-in-two lot subdivision of Lot 25 DP 852410.

Following the above amendments, the planning proposal was publicly exhibited in accordance with the Gateway determination from 19 November 2021 to 17 December 2021. During the public exhibition period, 11 submissions were received. The matters raised relate primarily to traffic safety and potential impact on koala habitat, however did not justify further amendment to the planning proposal. The matters raised in the submissions have been summarised and addressed in **(ATTACHMENT 3)**.

In addition, the following public authorities were consulted prior to and during public exhibition in accordance with the Gateway determination:

- Department of Planning, Industry and Environment (Biodiversity Conservation Division)
- Department of Planning, Industry and Environment (Geoscience Division)
- NSW Rural Fire Service
- Transport NSW
- Worimi Local Aboriginal Land Council.

No public authorities objected to the planning proposal. A summary of submissions and responses is provided at **(ATTACHMENT 3)**.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan.
- 2) Planning Proposal. (Provided under separate cover)
- 3) Submissions Summary and Response Table.
- 4) Council Minutes - 26 November 2019.

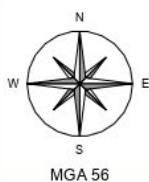
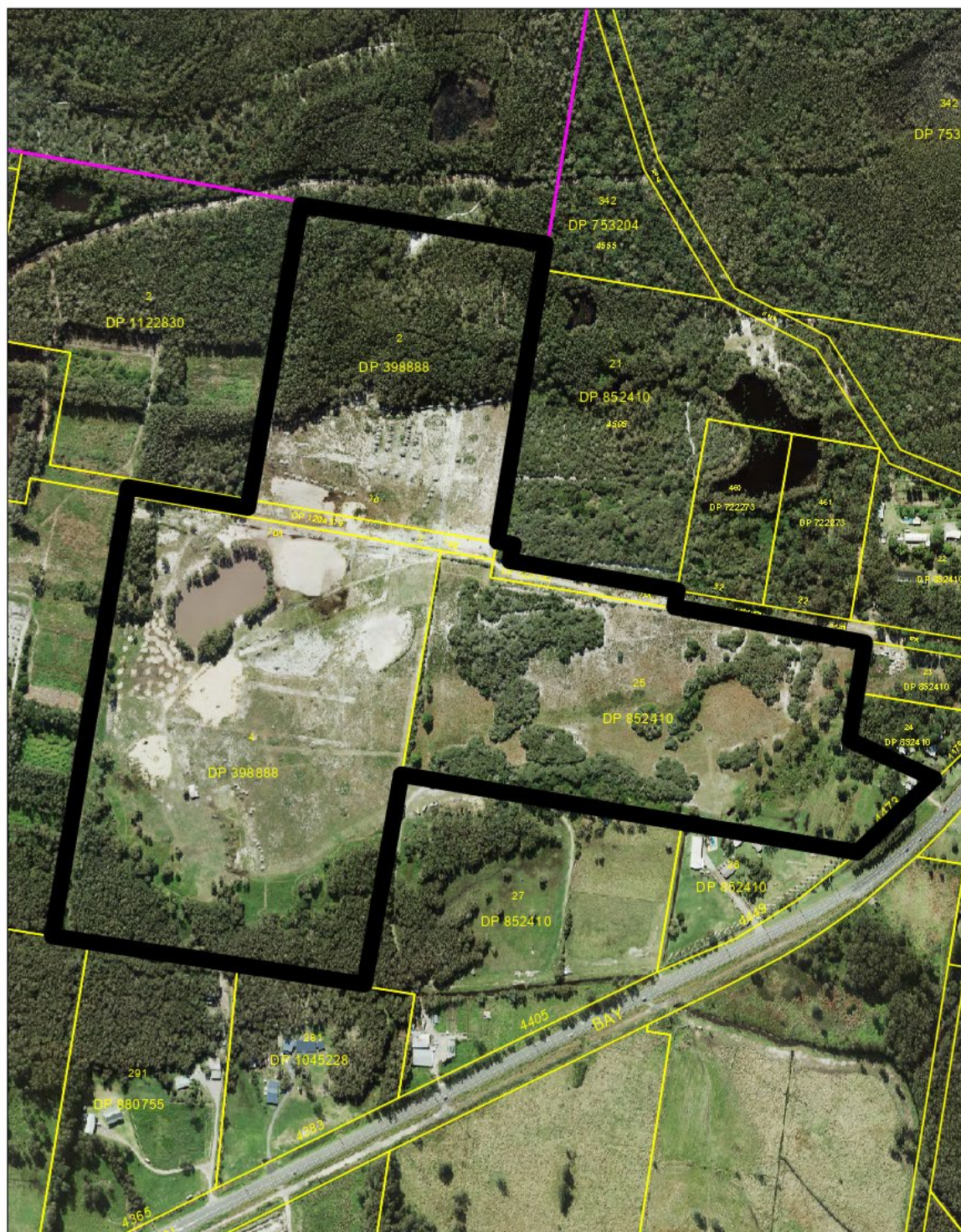
COUNCILLORS ROOM

- 1) Relevant technical studies that form part of the planning proposal are available for review by Councillors upon request.
- 2) Copy of Submissions.

TABLED DOCUMENTS

Nil.

Locality Plan - Latitude Drive - Nelson Bay Road, Anna Bay



DISCLAIMER

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ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

Planning Proposal for 70 Latitude Drive, Anna Bay – Response to Submissions

No.	Author of submission	Summary	Council response
1	Resident	The submission states that the current development is not a caravan park as the structures are permanent fixtures and therefore it is a housing estate.	<p>The Standard Instrument Local Environmental Plan definition of 'caravan park' includes land on which caravans and moveable dwellings are, or are to be, installed or placed.</p> <p>The existing Latitude One development has an approval for 'caravan park' for the land use and a separate approvals under the local government legislation for the installation of the moveable dwellings.</p>
		The submission raises concerns that future development will use Council services and infrastructure like roads and libraries, but not contribute fairly via Council rates.	<p>Clause 121 of the <i>Local Government (General) Regulation 2021</i> provides that land used for a caravan park or a manufactured home estate is to be categorised as business for rating purposes. The owner of the estate pays the business rate.</p> <p>Residents will only contribute to rates through the fees they pay the park operator. Council is not permitted to levy rates on each separate occupancy as they are not separately valued by the NSW Valuer General. The NSW Valuer General can only provide separate valuations based on occupancy where all services are separate and there are no shared facilities.</p> <p>In addition, any future installation of moveable dwellings as a result of the planning proposal will be subject to developer contributions for each dwelling</p>

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			<p>at the same value as a single dwelling on a single lot. This is in accordance with the Port Stephens Local Infrastructure Contributions Plan which came into effect on 1 January 2020.</p> <p>It should be noted that the current and future proposed development on the subject land provides for a range of on-site private facilities and services. This includes pools, library, community centre, parks, walking trails, and a dog exercise area.</p> <p>Internal roads, infrastructure, and resident facilities will be provided and maintained at the cost of the owner of the site which will reduce the reliance on Council provided facilities and services.</p>
		<p>The submission suggests that a roundabout at the intersection of 70 Latitude Drive and Nelson Bay Road would be required as a prerequisite for any expansion and should be paid for by the proponent.</p>	<p>A Traffic and Parking Assessment report was prepared for the planning proposal.</p> <p>Modelling shows that the likely additional traffic from the full development of the proposed expansion of the park will not have an adverse impact on the operation/capacity of the Nelson Bay Road/Latitude Drive T- intersection post development in 2021 and in 2031.</p> <p>Council's Traffic Engineer reviewed the planning proposal and the Traffic and Parking Assessment Report and has no objection to the planning proposal.</p> <p>Transport for NSW (TfNSW) reviewed the planning</p>

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			<p>proposal and the Traffic and Parking Assessment report and raises no objections to or requirements for the proposed development.</p> <p>TfNSW considers there will be no significant impact on the nearby classified (State) road network.</p>
2	Resident	<p>The submission requests consideration of road safety for all road users, including older drivers, when entering and exiting Latitude Drive from and onto Nelson Bay Road.</p> <p>Points of concern include:</p> <ul style="list-style-type: none"> • safety of drivers, cyclists, and vehicles towing caravans, boats, and box trailers accessing Nelson Bay Road; • Peak hour times traffic congestion into and from Latitude Drive; • Holiday tourism traffic which impedes access and reduces safety; • Increased caution because of fears of collision causing vehicle build up to and from Latitude Drive; • The 90km speed limit on Nelson Bay Road being too high. 	<p>A Traffic and Parking Assessment Report was prepared for the planning proposal.</p> <p>Modelling shows that the likely additional traffic from the full development of the proposed expansion of the park will not have an adverse impact on the operation/capacity of the Nelson Bay Road/Latitude Drive T- intersection post development in 2021 and in 2031.</p> <p>Council's Traffic Engineer reviewed the planning proposal and the Traffic and Parking Assessment Report and has no objection to the planning proposal.</p> <p>Transport for NSW (TfNSW) reviewed the planning proposal and the Traffic and Parking Assessment report and raises no objections to or requirements for the proposed development.</p> <p>TfNSW considers there will be no significant impact on the nearby classified (State) road network.</p> <p>Council could consider approaching TfNSW to review the speed limit at Nelson Bay Road. However, this is not a</p>

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			requirement for the planning proposal, but can be done independently and at any time.
3	Resident	<p>The submission objects to the proposed extension of the Latitude One development as the present onsite community facilities are considered inadequate for the current number of residents. An increase of residents will exacerbate this situation.</p> <p>The submission includes suggestions to minimise the effects of the planning proposal on existing residents including:</p> <ul style="list-style-type: none"> • That new dwellings are not permitted to be occupied until completion of the planned new resident facilities; • New facilities should be built closer to the existing facilities as they are centrally located. 	<p>Any future development application will need to meet the minimum requirements in concurrence with the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> (the Regulations). The Regulations set out requirements for community amenities:</p> <ul style="list-style-type: none"> • A minimum of 10% of the total land area of a caravan park or camping ground must be reserved for recreation or other communal activities. • The council may allow a lower percentage, not less than 6% of the total land area of the caravan park or camping ground, to be reserved for recreation or other communal activities. • Before allowing a lower percentage, the council must consider (a) the type and range of amenities to be provided, and (b) other matters the council considers relevant.
		<p>The submission requests a revision of the future traffic situation as access to Nelson Bay Road in both directions is considered dangerous because of high vehicle speed.</p>	<p>A Traffic and Parking Assessment Report was prepared for the planning proposal.</p> <p>Modelling shows that the likely additional traffic from the full development of the proposed expansion of the park will not have an adverse impact on the operation/capacity of the Nelson Bay Road/Latitude</p>

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			<p>Drive T- intersection post development in 2021 and in 2031.</p> <p>Council's Traffic Engineer reviewed the planning proposal and the Traffic and Parking Assessment report and has no objection to the planning proposal.</p> <p>Transport for NSW (TfNSW) reviewed the planning proposal and the Traffic and Parking Assessment report and raises no objections to or requirements for the proposed development.</p> <p>TfNSW considers there will be no significant impact on the nearby classified (State) road network.</p>
4	Resident	<p>The submission objects to the planning proposal.</p> <p>The submission notes that the current development is approved as a 'caravan park' with on-site manufactured homes (moveable dwellings) and is marketed as a housing estate.</p> <p>The submission is concerned that the land is subject to lower rural land rates compared to residential land rates paid by other residents. The submission acknowledges that the current planning framework for moveable dwellings within caravan parks is set by the NSW planning framework (and not Council) and leads to potential disadvantage to existing ratepayers.</p>	<p>The Standard Instrument Local Environmental Plan definition of 'caravan park' includes land on which caravans and moveable dwellings are, or are to be, installed or placed.</p> <p>The existing Latitude One development has an approval for 'caravan park' for the land use and a separate approvals under the local government legislation for the installation of the moveable dwellings.</p> <p>Council charges the owner of the estate business rates, based on the land value of the entire estate as determined by the NSW Valuer General.</p> <p>Any future installation of moveable dwellings as a result of the planning proposal will be subject to developer contributions for each dwelling</p>

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			<p>at the same value as a single dwelling on a residential lot, in accordance with the Port Stephens Development Contribution Plan 2014.</p> <p>The current and future proposed development on the subject land provides for a range of on-site private facilities and services. This includes pools, library, community centre, parks, walking trails, and a dog exercise area. This will reduce the reliance on Council provided facilities and services.</p> <p>Internal roads, infrastructure, and resident facilities will be provided and maintained at the cost of the owner of the site.</p>
5	Resident	<p>The submission raises concerns about stormwater potentially being discharged from the development site onto adjoining properties and into the main drain.</p> <p>The submission advises that adjoining properties do not currently receive stormwater discharge.</p>	<p>The proponent provided a Stormwater Strategy to demonstrate that stormwater from future development is able to be managed appropriately.</p> <p>At development application stage the proponent will need to provide sufficient detail to demonstrate if stormwater can be contained within the boundaries of the future development site.</p> <p>If this is not possible, detail is required at development application stage to demonstrate how any stormwater flows discharged from the development site shall not have a negative impact on surrounding land and/or that a legal point of discharge has been achieved.</p>

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			Alternatively, a deferred development application commencement condition may be imposed requiring an easement to be obtained.
		The submission expresses concerns about future maintenance of stormwater controls.	<p>The owner of the estate will be required to maintain all private infrastructure for the life of the development.</p> <p>If there were any infrastructure dedicated to Council as part of the future development, then Council will, as per standard process, be responsible for future maintenance of this infrastructure.</p> <p>Maintenance of stormwater controls can be secured through a concept operation & maintenance plan, to be provided as part of a future development application.</p>
		The submission seeks more information about the proposed installation of sewer and water mains to the site.	Further information about the proposed installation of sewer and water mains will be addressed by the proponent and Hunter Water at development application stage when more detailed information is available.
		The submission states that the proposal will put more strain on already overwhelmed doctors and hospitals.	<p>The existing demand for health services is acknowledged.</p> <p>The planning proposal is likely to create demand for health services associated with population growth generally in the local area and Hunter region. Health services are established (and permitted with consent) in nearby centres and in the Hunter region generally.</p>
6	Anna Bay Drainage Union	The submission raises concerns that the Anna Bay Drainage Union was not contacted by the proponent in	Drainage matters will be addressed at the development application stage when more

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		respect to their drainage plans for this planning proposal.	<p>detailed information is available.</p> <p>The land is located within the catchment of the Anna Bay Drainage Union. Future development may need to contribute to the maintenance of the local drainage network, consistent with other existing development in the catchment area, in further consultation with the Anna Bay Drainage Union and Council.</p>
7	Resident	The submission objects to the planning proposal on a range of grounds.	Noted. Concerns are responded to in the below.
		<p>The submission raises concerns relating to traffic movements and the increased potential for accidents, including:</p> <ul style="list-style-type: none"> • access and exit points between Latitude Drive and Nelson Bay Road • 90km speed limit on Nelson Bay Road • traffic increase over time • lack of slip lanes on Nelson Bay Road at the intersection with Latitude Drive 	<p>A Traffic and Parking Assessment Report was prepared for the planning proposal.</p> <p>Modelling shows that the likely additional traffic from the full development of the proposed expansion of the park will not have an adverse impact on the operation/capacity of the Nelson Bay Road/Latitude Drive T- intersection post development in 2021 and in 2031.</p> <p>Council's Traffic Engineer reviewed the planning proposal and the Traffic and Parking Assessment report and has no objection to the planning proposal.</p> <p>Transport for NSW (TfNSW) reviewed the planning proposal and the Traffic and Parking Assessment Report and raises no objections to or requirements for the proposed development.</p> <p>TfNSW considers there will be no significant impact on the</p>

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			<p>nearby classified (State) road network.</p> <p>Council could consider approaching TfNSW to review the speed limit at Nelson Bay Road. However, this is not a requirement for the planning proposal, but can be done independently and at any time.</p>
		<p>The submission objects to the positioning of the boat and caravan storage as it is unsightly for this location and a distraction to motorists. The submission states that the plans do not allow for landscaping to screen the area from Nelson Bay Road.</p>	<p>Any future development application proposing boat and caravan storage will be assessed in accordance with local planning controls at the time of lodgement. This includes the potential need for screening the area from Nelson Bay Road.</p>
		<p>The submission states that it is unclear if the proposed expansion of Latitude One will affect other infrastructure in Port Stephens, especially waste water (sewerage) management, and overload of other services.</p>	<p>Hunter Water will advise if infrastructure upgrades are required at the development application stage.</p>
		<p>The submission raises concerns regarding the potential impact of the planning proposal on koala habitat and refers to several points raised in the preliminary advice provided by the BCD, including:</p> <ul style="list-style-type: none"> • Querying compliance with previous rehabilitation requirements. • Recommending a Biodiversity Stewardship Agreement in addition to the Vegetation Management Plan for the conservation zone. • Identifying the development will impact on preferred koala habitat mapped under the Port Stephens Comprehensive 	<p>The submission refers to superseded preliminary advice provided by Biodiversity and Conservation Division (BCD) on 14 September 2021.</p> <p>Since then, a Biodiversity Assessment Report was prepared by the proponent and considered by BCD as part of their assessment of the planning proposal (undertaken in December 2022).</p> <p>Refer to the response provided to the final submission 14 received from BCD.</p>

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		Koala Plan of Management.	
		The submission states that the public interest needs to be considered regarding a range of topics including submissions from residents and visitors and issues including alternative transport, community facilities, traffic safety and signage.	Community submissions raising a wide range of issues have been received and responded to in this submission summary table and the Council report. The matters raised have been considered in the recommendation to adopt the planning proposal.
8	Department of Planning, Industry and Environment - Crown Lands (as adjoining land owner)	The submission raises no objection to the planning proposal as no impact to Crown land has been identified.	Noted.
9	Koala Coalition Econetwork Port Stephens Inc. (KKEPS)	<p>The submission acknowledges the willingness of the proponent (Ingenia) to engage with local community, environment groups like KKEPS, and Council to seek 'win-win' outcomes.</p> <p>The submission states that several issues would need to be addressed and resolved before the planning proposal could be approved.</p>	Noted.
		<p>The submission seeks consideration of:</p> <ul style="list-style-type: none"> • Safe crossing options at Nelson Bay Road for native wildlife including koalas. • Making the development 'wildlife friendly' including assurances that provision is made and kept for koalas to move through the site, including koala friendly fencing, koala feed trees, and the exclusion of dogs. 	<p>Measures to ensure the safety of koalas can be addressed at development application stage and may include:</p> <ul style="list-style-type: none"> • Fencing and structures that only allow one way access for koalas (from east to west) from Nelson Bay Road. • Speed limits. • Traffic signs raising awareness of koalas. • Requirements for dogs to be kept on leash.

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			A Vegetation Management Plan (VMP) will be required as a condition of consent for a future development application. A VMP can consider recommendations made in the submission.
		The submission supports the proposal for a vegetation management plan which includes re-planting to establish a corridor linking native wildlife habitat to the east and west of Lot 25.	Noted.
		The submission expresses concerns about future infrastructure needs (water and sewer) that may require additional clearing.	At this stage it is not known if and where additional infrastructure (water and sewer) may occur. Hunter Water will advise if infrastructure upgrades are required at development application stage.
		The submission notes that the Vegetation Management Plan (VMP) required as a condition of approval for the 'borrow pit' (DA 2017-282 for Lot 25) has not been fully implemented, and that more vegetation may have been cleared from Lot 25 than was approved.	The VMP for the 'borrow pit' has not been implemented, but a requirement for an updated VMP can be a condition of any future DA. A new VMP can be required to reflect the current proposed development, the inclusion of the C2 Environmental Conservation zone and the future koala corridor. The landholder has advised that clearing activities were carried out by the landholder in accordance with the <i>Local Lands Service Act (2013)</i> .
		The submission notes preliminary advice from Biodiversity Conservation Division (BCD) dated 14 September 2021 and states that it would be premature for Council to approve the planning proposal until the proponent has prepared a	The submission refers to preliminary advice provided by BCD on 14 September 2021. Since then, a Biodiversity Assessment Report has been prepared by the proponent and considered by BCD as part of their assessment of the

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		Biodiversity Assessment Report and recommendations from BCD have been received and any concerns satisfied.	<p>planning proposal (undertaken in December 2022).</p> <p>Refer to the response provided to the final submission 14 received from BCD.</p>
		<p>The submission supports the recommendation from the BCD that the koala corridor should be reinstated to be a complete functioning vegetation community with all vegetation structural layers and that it will need to be as wide as possible.</p> <p>The submission states that the proposed koala corridor is narrower than previously indicated and submits that wider corridors provide utility for their intended purpose.</p>	<p>The proposed koala corridor will provide a north-south and an east-west koala connection for koalas moving across Nelson Bay Road at this location.</p> <p>The planning proposal and supporting Biodiversity Assessment Report was prepared by the proponent and considered the existing vegetation, opportunities for revegetation, introducing a C2 Environmental Conservation Zone and the need for an Asset Protection Zone.</p> <p>The planning proposal and supporting documentation was referred to BCD for review. BCD have no objections to the planning proposal proceeding.</p> <p>Refer to the response provided to the final submission 14 received from BCD.</p>
		The submission states that the inclusion of the existing Vegetation Management Plan (VMP) prepared by Anderson (consultants) as part of the 'borrow pit' development application is confusing as the vegetation management areas identified in the Biodiversity Assessment Report prepared by MJD (consultants) are different.	<p>The planning proposal includes an older VMP which was prepared for a development application for the 'borrow pit' (DA 2017-282 for Lot 25 DA). It was a condition of the Gateway determination to include a copy of this VMP as an attachment to the planning proposal.</p> <p>A new VMP will be required as part of any future development application to better reflect the</p>

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			proposed future extension of the existing development over Lot 25, the inclusion of the new C2 Environmental Conservation zone, and proposed the koala corridor. This new VMP will replace the previous one.
		The submission states that a proposed Vegetation Management Area (VMA) close to Nelson Bay Road is dangerous as a high number of koalas is killed along Nelson Bay Road.	<p>The east-west koala corridor connection is proposed because there are records to indicate that koalas move across Nelson Bay Road at this location.</p> <p>It is acknowledged that road strike is a serious threat to koalas. Therefore, measures to establish this part of the corridor as a one-way crossing (to accept koalas from the east only) will be considered further at DA stage. The one-way crossing seeks to prevent koalas crossing Nelson Bay Road from Lot 25.</p>
		<p>The submission states that the location of Swamp Sclerophyll Forest EEC on Lot 25 appears different in the Vegetation Management Plan (VMP) from 2017 compared to the Biodiversity Assessment report for this planning proposal (MJD 2021).</p> <p>The submission seeks for the proposal to have greater consistency with the original VMP and to include the Vegetation Management Areas (VMA) 1 and 2 (currently identified as potential caravan storage area on the draft concept layout plan) as part of the future VMP area to strengthen the koala corridor.</p>	<p>The previous VMP prepared by Anderson Environmental (consultants) did not provide detailed vegetation mapping of the VMA in the 2017 Ecological Assessment or the VMP prepared for the 'borrow pit' development application.</p> <p>The latest vegetation mapping prepared by MJD (2020) to support this planning proposal is considered an accurate representation of the vegetation currently on site.</p> <p>The VMA identified in the 2017 Anderson VMP reflects vegetation condition classes (i.e. vegetation structure and level of weed infestation). They provide a guide for management and should not</p>

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			<p>be considered representative of vegetation mapping.</p> <p>A new VMP will be required as part of any future development application to better reflect the proposed future extension of the existing development over Lot 25, the inclusion of the new C2 Environmental Conservation zone, and proposed the koala corridor. This new VMP will replace the previous one.</p>
		<p>The submission raises concerns about the location of a caravan and boat storage area in the south east corner of Lot 25 as it will be visible from Nelson Bay Road and reduces the vegetation management area.</p>	<p>Any future development application proposing a boat and caravan storage will be assessed against planning provisions in force at the time of lodgement. This includes consideration of the potential need for screening the area from Nelson Bay Road and the requirement for a vegetation management plan, including the vegetation management area.</p>
		<p>The submission states that the Biodiversity Assessment Report for the planning proposal mentions the presence of koala scats on Lot 25, but does not provide the exact locations. The submission states that without a map of these locations it is not possible to see if koala scats have been found in the area indicated to provide storage space for caravans and boats.</p>	<p>The recorded presence of koala scat provides evidence that koalas are utilising habitat on site. All habitat on site has been considered as habitat for koalas. The exact location of the scat would not influence the assessment of the planning proposal.</p>
		<p>The submission raises concerns about traffic matters including:</p> <ul style="list-style-type: none"> Road deaths to any wildlife trying to cross Nelson Bay Road. 	<p>A Traffic and Parking Assessment Report was prepared for the planning proposal.</p> <p>Modelling shows that the likely additional traffic from the full development of the proposed expansion of the park will not</p>

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		<ul style="list-style-type: none"> • Safety concerns for residents entering and leaving the precinct. • The need for a more comprehensive traffic survey. • The need to reduce the maximum speed on Latitude Drive. 	<p>have an adverse impact on the operation/capacity of the Nelson Bay Road/Latitude Drive T- intersection post development in 2021 and in 2031.</p> <p>Council's Traffic Engineer reviewed the planning proposal and the Traffic and Parking Assessment Report and has no objection to the planning proposal.</p> <p>Transport for NSW (TfNSW) reviewed the planning proposal and the Traffic and Parking Assessment report and raises no objections to or requirements for the proposed development.</p> <p>TfNSW considers there will be no significant impact on the nearby classified (State) road network.</p> <p>Council could consider approaching TfNSW to review the speed limit at Latitude Drive for the public part of the road. The road owner can implement speed limits for the private portion of Latitude Drive. However, this is not a requirement for the planning proposal, and can be done independently and at any time.</p>
10	Tomaree Ratepayers & Residents Association (TRRA)	<p>The submission acknowledges that the Latitude One development and other similar land-lease communities are filling a gap in the housing market in Port Stephens and meeting a demand.</p> <p>The submission does not accept that the proposed expansion of the development is in the public interest unless</p>	<p>Noted.</p>

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		and until several outstanding issues are resolved.	
		The submission states that feedback should be obtained from existing residents of Latitude One and a summary of the feedback included in the report to Council on the planning proposal.	<p>At the time of community consultation (19 November – 17 December 2021), the requirements for public exhibition were set out in Local Environmental Plans – A guide to preparing local environmental plans 2018 (DPIE).</p> <p>The guide requires that public exhibition of the planning proposal is generally undertaken in the following manner:</p> <ul style="list-style-type: none"> • notification in a newspaper that circulates in the area affected by the planning proposal • notification on the website of the planning proposal authority • notification in writing to affected and adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them. <p>Public exhibition for the planning proposal was undertaken in accordance with these requirements.</p> <p>The submissions received are responded to in this submissions table.</p>
		<p>The submission supports the proposed rezoning of part of Lot 25 to C2 Environmental Conservation.</p> <p>The submission also supports the preparation of a Vegetation Management Plan (VMP) and potentially linking native wildlife habitat to the east and west of Lot 25.</p>	Noted.

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		The submission supports adding a permitted use to the RU2 Rural Landscape zone for this site only. This option is preferred to a residential zone which could allow for uses like local shops which could undermine the viability of nearby centres	Noted.
		<p>The submission seeks the preliminary comments made by Biodiversity and Conservation Division (BCD) of DPIE on the Vegetation Management Plan (VMP) to be addressed in an updated version.</p> <p>A biodiversity stewardship agreement should be required in addition to the VMP for the proposed C2 Environmental Conservation zone.</p>	<p>The submission refers to superseded preliminary advice provided by Biodiversity and Conservation Division (BCD) on 14 September 2021.</p> <p>Since then, a Biodiversity Assessment Report was prepared by the proponent and considered by BCD as part of their assessment of the planning proposal (undertaken in December 2022).</p> <p>Refer to the response provided to the final submission 14 received from BCD.</p>
		The submission requests that a safe wildlife crossing option for Latitude Drive should be required and implemented at the expense of the developer.	It is acknowledged that road strike is a serious threat to koalas. Therefore, measures to establish safe wildlife crossings will be considered further at DA stage.
		<p>The submission requests consideration of a safe wildlife crossing of Nelson Bay Road to the northeast of the Latitude Drive junction.</p> <p>This requires an appropriate contribution by the developer to the cost, and integration with the required road safety improvements to the junction.</p>	<p>The land to the northeast of Latitude Drive is not owned by the proponent. Therefore, this proposed wildlife crossing is unlikely to be feasible.</p> <p>Detailed measures for the koala corridors will be considered at development application stage.</p>
		The submission requests Council require discussions between the proponent and volunteer koala care and protection groups about arrangements for fencing,	Volunteer koala care and protection groups are encouraged to engage with the project throughout the submissions process for

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		planting and control of domestic animals within the Latitude One development, and protection of native wildlife in the proposed C2 Environmental Conservation zone and vegetation management area.	planning proposals and development applications.
		The submission requests Council require the caravan and boat storage area to be relocated to the north or west of the C2 Environmental Conservation zone, and that zone extended to include the southeast corner of Lot 25.	This is not a matter that can be addressed in the planning proposal. Any future development application proposing relocation of boat and caravan storage will be assessed against planning provisions in force at the time of lodgement.
		The submission requests that the provision of some specific additional community facilities for residents are 'locked in' to the approval of the planning proposal, with details of the facilities to be agreed with the Latitude One Residents Committee.	<p>Additional facilities are not required to be determined with the planning proposal.</p> <p>Any future development application will need to meet the minimum requirements in concurrence with the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> (the Regulations). The Regulations set out requirements for community amenities:</p> <ul style="list-style-type: none"> • A minimum of 10% of the total land area of a caravan park or camping ground must be reserved for recreation or other communal activities. • The council may allow a lower percentage, not less than 6% of the total land area of the caravan park or camping ground, to be reserved for recreation or other communal activities.

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			<ul style="list-style-type: none"> Before allowing a lower percentage, the council must consider (a) the type and range of amenities to be provided, and (b) other matters the council considers relevant.
		<p>The submission request a more comprehensive traffic survey as a basis both for technical assessment against the RTA/RMS guidelines and for a separate 'common sense' appraisal of the actual situation on the ground at this location.</p> <p>The submission requests improvements to the junction of Latitude Drive and Nelson Bay Road to prevent increased risk of serious accidents.</p> <p>The submission requests consideration by TfNSW for installation of a roundabout, or at least to a physically protected centre lane in Nelson Bay Road for vehicles turning right out of Latitude Drive.</p> <p>The submission requests that intersection-improvements should be made a condition of confirmation of the planning proposal.</p>	<p>A Traffic and Parking Assessment Report was prepared for the planning proposal.</p> <p>The Traffic and Parking Assessment Report for this the planning proposal was prepared with reference to the RTA's Guide to Traffic Generating Developments, Austroads Guide to Road Design (2019), and the Austroads Guide to Traffic Management (2020).</p> <p>Reference is also made to the Port Stephens Council Development Control Plan 2014 and the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>, and information provided by ADW Johnson Pty Ltd (consultants).</p> <p>Modelling shows that the likely additional traffic from the full development of the proposed expansion of the park will not have an adverse impact on the operation/capacity of the Nelson Bay Road/Latitude Drive T- intersection post development in 2021 and in 2031.</p> <p>Council's Traffic Engineer reviewed the planning proposal and the Traffic and Parking Assessment report</p>

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			<p>and has no objection to the planning proposal.</p> <p>Transport for NSW (TfNSW) reviewed the planning proposal and the Traffic and Parking Assessment Report and raises no objections to or requirements for the proposed development.</p> <p>TfNSW considers there will be no significant impact on the nearby classified (State) road network.</p>
		The submission requests that Council and/or Transport for NSW/RMS should implement a low speed limit on the public part of Latitude Drive.	<p>Council could consider approaching TfNSW to review the speed limit at Latitude Drive for the public part of the road. The road owner can implement speed limits for the private portion of Latitude Drive. However, this is not a requirement for the planning proposal, and can be done independently and at any time.</p>
		The submission states that the developer should be required to fund at least the 'marking' of a shared path (and street lighting) along Latitude Drive, including the 400m stretch for which Council is responsible.	<p>This is not a matter that can be addressed in a planning proposal.</p> <p>In addition, the current road width is approximately 6m. This is not wide enough to allow for any additional marked lanes, while maintaining 2-way travel.</p> <p>Austroads suggests that on local streets with low volumes, it is usually not necessary to make special provision for cyclists as the lower speed of motor traffic should enable cyclists to safely share the road with other users. Consideration of reducing speed limits has been addressed in the above.</p>

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		The submission states that any concerns Hunter Water has about the proposal should be addressed, with the cost of any further works required to be met as a condition on the developer.	<p>This is not a matter that can be addressed in a planning proposal.</p> <p>Hunter Water will advise if infrastructure upgrades are required at development application stage.</p>
		The submission states that written consent for the establishment of an easement across Lot 27 for stormwater be established prior to the planning proposal being confirmed, and provisions included to ensure any clearing of native vegetation on this easement is minimised.	<p>The proponent provided a Stormwater Strategy to demonstrate that stormwater from future development is able to be managed appropriately.</p> <p>At development application stage the proponent will need to provide sufficient detail to demonstrate if stormwater can be contained within the boundaries of the future development site.</p> <p>If this is not possible, detail is required at development application stage to demonstrate how any stormwater flows discharged from the development site shall not have a negative impact on surrounding land and/or that a legal point of discharge has been achieved.</p> <p>Alternatively, a deferred development application commencement condition may be imposed requiring an easement to be obtained.</p>
11	Resident	The submission objects to the planning proposal because of potential impact on preferred koala habitat. The submission makes reference to the preliminary advice provided by BCD.	The planning proposal aims to protect and enhance koala habitat with the introduction of a C2 Environmental Conservation zone and the future revegetation with koala feed trees on part of the site, and ongoing management and protection through a future vegetation management plan

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			<p>The submission refers to superseded preliminary advice provided by Biodiversity and Conservation Division (BCD) on 14 September 2021.</p> <p>Since then, a Biodiversity Assessment Report was prepared by the proponent and considered by BCD as part of their assessment of the planning proposal (undertaken in December 2022).</p> <p>Refer to the response provided to the final submission 14 received from BCD.</p>
		<p>The submission raises concerns about the safety of the intersection between Latitude Drive and Nelson Bay Road.</p>	<p>A Traffic and Parking Assessment Report was prepared for the planning proposal.</p> <p>Modelling shows that the likely additional traffic from the full development of the proposed expansion of the park will not have an adverse impact on the operation/capacity of the Nelson Bay Road/Latitude Drive T- intersection post development in 2021 and in 2031.</p> <p>Council's Traffic Engineer reviewed the planning proposal and the Traffic and Parking Assessment report and has no objection to the planning proposal.</p> <p>Transport for NSW (TfNSW) reviewed the planning proposal and the Traffic and Parking Assessment Report and raises no objections to or requirements for the proposed development.</p>

ITEM 2 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			TfNSW considers there will be no significant impact on the nearby classified (State) road network.
12	Transport for NSW (TfNSW)	The submission states that TfNSW raises no objections to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.	Noted.
		The submission advises that Council should consult with the local bus company about the potential to service the development through Latitude Drive. This arrangement may complement the current minibus service for the residents.	Council may consider consulting with a local bus company about the opportunity to provide a bus service to Latitude Drive. This is not a matter for the planning proposal and can be actioned independently and at any time.
13	Department of Regional NSW – Mining, Exploration & Geoscience (MEG) – Geological Survey of NSW (GSNSW)	The submission advises that GSNSW have no resource sterilisation issues for consideration under section 9.1 of the Environmental Planning and Assessment Act 1979, Ministerial Direction 1.3 Mining, Petroleum Production and Extractive Industries.	Noted.
14	Department of Planning, Industry and Environment – Biodiversity and Conservation Division (BCD)	The submission supersedes the preliminary advice from 14 September 2021 and does not provide objections to the planning proposal. The submission makes 3 recommendations and BCD understands that these will be addressed at the development application stage, following determination of the planning proposal.	Noted.
		The submission recommends for Council to consider whether the proposal will	Any future development application will be required to consider this matter.

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		<p>cause 'prescribed impacts' which trigger entry into the Biodiversity Offset Scheme.</p> <p>The <i>Biodiversity Conservation Regulation 2017</i>, Part 6 section 6.1 outlines 'prescribed impacts' including possible vehicle strike, or impacts on the connectivity between different areas of habitat of threatened species that facilitates the movement of those species across their range', or changes to the hydrology of the area.</p>	
		<p>The submission recommends a review of the Test of Significance (ToS) included in the Biodiversity Assessment Report.</p> <p>Information on each species/entity is to be provided in accordance with the ToS guidelines and may some species may require their own individual ToS.</p>	<p>Council agrees that the format of the Test of Significance (ToS) does not follow standard best practice, but is sufficient for the purposes of this planning proposal.</p> <p>Any future development application will be required to consider this matter.</p>
		<p>The submission recommends that a suitable mechanism is provided to ensure the biodiversity values of the koala corridor are protected into the future.</p> <p>BCD recommends a new Vegetation Management Plan with a legal mechanism attached to it. Alternatively, the proponent could investigate whether they could enter into a Biodiversity Stewardship Agreement.</p>	<p>Any future development application will be required to consider this matter.</p>
15	NSW Rural Fire Service	<p>The submission has no objection to the planning proposal.</p> <p>The submission provides recommendations for additional provisions to be</p>	Noted.

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		made at development application stage.	
		The submission recommends that any future additional areas, outside of Lot 25, proposed to be rezoned to C2 Environmental Conservation need to be assessed against the requirements for bush fire protection measures.	<p>The C2 Environmental Conservation zone over Lot 25, as identified in the planning proposal, has been considered against the requirements of the Planning for Bush Fire Protection 2019. No issues have been identified.</p> <p>No land outside of Lot 25 is proposed to be rezoned to C2 Environmental Conservation as part of this planning proposal.</p> <p>It is acknowledged that land outside of Lot 25 would require further assessment and consideration through a separate rezoning process.</p>
		The submission recommends to consider the internal road design and best traffic movement for emergency service vehicles at development application stage.	A final layout plan and internal road designs will be required and prepared for a future development application. Traffic movement for emergency service vehicles can be assessed at that stage.
		The submission recommends a review of traffic volumes onto Latitude Drive, taking into account emergency vehicle access. This matter can be considered at development application stage.	<p>TfNSW have reviewed the planning proposal and the traffic assessment and do not object to the planning proposal.</p> <p>A future development application will take into account the recommendations from NSW RFS.</p>
		The submission recommends the provision of a traffic-able defensible space for firefighters at the unmanaged hazard interface with the proposed future development. This matter can be addressed at development application stage.	A final layout design plan will be prepared at development application stage and consider the recommendations from NSW RFS.

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16	Worimi Local Aboriginal Land Council	No submission was received.	<p>Worimi Local Aboriginal Land Council was invited to comment on the planning proposal, however no submission was received.</p> <p>Consultation with Worimi Local Aboriginal Land Council was undertaken during the preparation of the Aboriginal Cultural Heritage Assessment for this planning proposal.</p>
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MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

ITEM NO. 2

FILE NO: 19/324404
EDRMS NO: 58-2018-25-1**PLANNING PROPOSAL FOR 70, 70A, 70B, 70C LATITUDE DRIVE AND 4473 NELSON BAY ROAD, ANNA BAY**REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Planning Proposal (**ATTACHMENT 3**) to amend the Port Stephens Local Environmental Plan 2013 to:
 - a. Regularise the existing approved use of land at Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 at 70, 70A, 70B and 70C Latitude Drive (known as the 'Latitude One Lifestyle Resort').
 - b. Enable the extension of the existing use to adjoining land at Lot 25 DP852410 at 4473 Nelson Bay Road (subject to development consent); and
 - c. Facilitate future subdivision of Lot 25 DP852410 at 4473 Nelson Bay Road, Anna Bay into 2 lots.
- 2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination and request authority to make the plan.

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

224	Councillor John Nell Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Adopt the Planning Proposal (ATTACHMENT 3) to amend the Port Stephens Local Environmental Plan 2013 to:<ol style="list-style-type: none">a. Regularise the existing approved use of land at Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 at 70, 70A, 70B and 70C Latitude Drive (known as the 'Latitude One Lifestyle Resort').b. Enable the extension of the existing use to adjoining land at Lot 25 DP852410 at 4473 Nelson Bay Road (subject to development consent); andc. Facilitate future subdivision of Lot 25 DP852410 at 4473 Nelson Bay Road, Anna Bay into 2 lots.
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MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

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| | 2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination and request authority to make the plan. |
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to recommend that Council adopt a Planning Proposal (**ATTACHMENT 3**) to amend the Port Stephens Local Environmental Plan 2013 (PSLEP 2013) to regularise the existing approved use of land at 70, 70A, 70B and 70C Latitude Drive, enable the extension of that use to adjoining land at 4473 Nelson Bay Road, and to facilitate the future subdivision of the adjoining land.

A locality map of the land the subject of the Planning Proposal is available at (**ATTACHMENT 1**) and a Strategic Planning Assessment Report (SPAR) for this Planning Proposal is available at (**ATTACHMENT 2**).

The Planning Proposal will regularise the approved existing use on the part of the site where an approved caravan park is located. The approved caravan park has 270 sites on which manufactured homes are currently located, or being installed and it is currently operating as a seniors living lifestyle resort. The current zoning of the site no longer permits this use and the development operates relying on existing use rights.

The Planning Proposal seeks to facilitate the extension of this use to part of an adjoining parcel, Lot 25 DP852410. Subject to development consent and further approvals, an additional 170 manufactured homes could potentially be accommodated on Lot 25 DP852410.

On 12 March 2019, Council resolved to prepare a planning proposal to amend the PSLEP 2013 to better plan for manufactured homes and caravan parks (Minute Number 045). That resolution responded to recent case law that potentially broadened the scope of the permissibility of this type of development. The Planning Proposal is not inconsistent with this resolution given the existing approved use of land. The Planning Proposal will facilitate the extension of this approved use and does not rely on the recent case law to enable the permissibility of manufactured homes on the site.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

The Planning Proposal will also facilitate the future subdivision of Lot 25 DP852410, enabling the part of the lot fronting Nelson Bay Road that is that not proposed to be used for the caravan park, to be excised.

Any expansion of the existing caravan park and future subdivision would be subject to future applications and assessment.

Should Council resolve to adopt the Planning Proposal, it will be forwarded to the NSW Department of Planning, Industry & Environment (DPIE) for a Gateway determination.

A summary of the Planning Proposal and property details are provided below.

Date Lodged:	17 October 2018
Proponent:	Ingenia Communities C/- ADW Johnson
Subject Site:	Lots 2 and 4 DP 39888; Lot 1 DP 1225542; Lot 2 DP 1204319; Lot 25 DP 852410
Total Area:	Total site area (all lots combined) is approximately 43ha, comprised of: Lot 2 DP 39888 approx. 10.3ha Lot 4 DP 39888 approx. 18.8ha Lot 1 DP 1225542 approx. 0.5ha Lot 2 DP 1204319 approx. 0.7ha Lot 25 DP 852410 approx. 13.2ha
Current Use:	Approved development on Lots 2 and 4 DP 398888; Lot 2 DP 1204319 and Lot 1 DP 1225542 consists of a caravan park with 270 sites, on which manufactured homes have been installed. This development was approved under a historic zoning and currently operates relying on existing use rights. Lot 25 DP 852410 is not included in the land subject to the caravan park approval. A single dwelling house is currently located on this lot.
Intended Use:	The purpose of the Planning Proposal is to regularise the existing approved use of Lots 2 and 4 DP 398888; Lot 2 DP 1204319 and Lot 1 DP 1225542 and to facilitate the future extension of that use to the adjoining Lot 25 DP 852410. The Planning Proposal also seeks to enable the future subdivision of Lot 25 DP 852410 which currently contains a dwelling fronting Nelson Bay Road.
Current Zoning:	RU2 Rural Landscape
Current Minimum Lot Size:	The minimum lot size that currently applies to all of the site is 20ha.

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Proposed amendment to PSLEP 2013:	<p>The PSLEP 2013 will be amended to regularise the existing, approved use of Lots 2 and 4 DP 398888; Lot 2 DP 1204319 and Lot 1 DP 1225542 and to facilitate the future extension of that use to the adjoining Lot 25 DP 852410.</p> <p>The amendments will also enable the future subdivision of Lot 25 DP 852410 so as to permit a minimum lot of approximately 8,000m² to be created fronting Nelson Bay Road.</p> <p>The necessary amendments to the PSLEP 2013 to achieve these outcomes will be identified in consultation with DPIE, should a Gateway determination be issued.</p>
Residential Lot Yield:	<p>Lot 25 DP 852410 is proposed to create 1 additional lot with capacity for approximately 170 sites on which manufactured homes could be installed.</p>

Development Application (DA16-2009-257)

On 13 July 2010, Council approved a development application (DA16-2009-257-1) for a caravan park on the land now known as 70, 70A, 70B and 70C Latitude Drive, Anna Bay. At that time the land was zoned 1(a) Rural Agriculture zone and caravan parks were permissible with consent (under the Port Stephens Local Environmental Plan 2000).

The Local Government Act 1993 and Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 permits the installation of moveable dwellings in approved caravan parks, including manufactured homes, without further Council approval. The consent has been modified over time and the site currently has 270 caravan sites on which manufactured homes are being installed.

The PSLEP 2013 zoned the land RU2 Rural Landscape zone, which does not permit caravan parks. The development on the site relies on the existing consent to operate.

Suitability of the site

The subject land is considered suitable for the proposed future use given that part of the land is already utilised for this use. The residual land (Lot 25 DP 852410) that will accommodate an extension of the caravan park (subject to development consent) is relatively unconstrained and, based on preliminary investigations, it is considered that constraints relating to ecology, acid sulphate soils, and flood prone land can be resolved should the Planning Proposal receive a Gateway determination to proceed.

This site can be distinguished from typical residential developments as it can provide a wide range of community facilities and services for future residents due to an existing development on a neighbouring lot. These include a community bus service, a club house (including hall, sports lounge, cinema, craft room, library, salon, indoor pool, spa, sauna, gym and café/hall), outdoor swimming pool, lawn bowls facility, croquet area, pocket parks, off leash dog exercise area, and walking areas.

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The site also offers opportunity to contribute to the targets and directions set by the Greater Newcastle Metropolitan Plan 2036 (GNMP) for new residential development in Port Stephens. The GNMP projects 11,050 new dwellings for Port Stephens by 2036. To support a changing population and dwelling needs, the GNMP sets a 60% target for new dwellings in the existing urban areas (infill) by 2036. The Plan also highlights the need for more variety of housing types and densities, and the provision of access to transport and community services and facilities for local communities.

The Planning Proposal will also respond to the need for increased variety of housing types and densities as identified by the GNMP. More specifically, the subject site provides opportunity for a particular type of medium density infill development which includes access to (bus) transport, and a wide range of community services and facilities. The Planning Proposal will also facilitate dwelling types that are suitable for seniors and will contribute to the housing choices available in the area.

The subject site is considered suitable for the outcomes of the Planning Proposal based on the land being relatively unconstrained, the availability and quality of community facilities and services, and the provision of an existing community bus service which connects the site with nearby town centres.

Servicing

Significant public infrastructure works, including a new access road to the subject land and upgrade of the Nelson Bay Road and Latitude Drive intersection, has been carried out as part of the current development consent. Consultation with service providers will be undertaken should the Planning Proposal receive a Gateway determination to proceed.

Contamination

Previous assessment of contamination in the vicinity undertaken as part of the development application process for the existing consent indicates that there is potential for contamination due to historic sand mining activities. Further assessment of the potential for contamination will be undertaken should the Planning Proposal receive a Gateway determination to proceed.

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

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

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Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Stage 1 fees of \$11,200 (incl. GST)
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications for Council as a result of the recommendation of this report.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the DPIE will refuse the Planning Proposal at Gateway.	Low	Adopt the recommendations of this Report.	Yes
There is a risk that the Planning Proposal will result in outcomes inconsistent with the Port Stephens Planning Strategy 2011 (PSPS) because the Planning Proposal is not identified for development in the PSPS and it is inconsistent with some of the principles and directions in the PSPS.	Medium	Assess the Planning Proposal in accordance with the guidance issued by DPIE for planning proposals that may not be consistent with State or local strategic plans and policies. See assessment of strategic and site specific merit assessment below and the Strategic Planning Assessment Report for the Planning Proposal (ATTACHMENT 2).	Yes

Environmental Planning and Assessment Act 1979

The Planning Proposal is being processed in accordance with Part 3 of the EP&A Act. Should Council resolve to adopt the Planning Proposal, it will be forwarded to DPIE for a Gateway determination, including a request for authority to make the plan.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019Hunter Regional Plan 2036 (2016)

The Hunter Regional Plan (HRP) sets priorities and provides direction for regional planning decisions. It focuses on new housing and jobs, and targets growth in strategic centres and renewal corridors close to transport to deliver social and economic benefits.

The HRP is applicable to the area, but the subject site is not located in an identified or emerging growth area identified in the HRP. The land is not located in a centre and some external services such as shops for day-to-day needs are a short drive away in nearby Anna Bay, Salamander Bay, and Nelson Bay.

However, the Planning Proposal is generally consistent with the visions and goals of the HRP. The proposal will make efficient use of the land, as it provides housing choice (including for seniors) with easy access to a range of community facilities and services within a lifestyle village setting.

Anna Bay Strategy and Town Plan (2008)

The Anna Bay Strategy and Town Plan guides the management of future population growth and the building of neighbourhoods in Anna Bay. It establishes a context and policy direction for future rezoning requests and development controls in the Anna Bay area. It also integrates the location, timing and funding for community facilities and infrastructure.

The subject land is not located within the Anna Bay town centre and therefore many of the key strategic directions outlined in the strategy are not relevant. The Planning Proposal is considered to support the vision established in the Strategy for Anna Bay as a small and vibrant town with a mix of retail and office space for local and visitor patronage. The proposed development will provide for additional residents within proximity of Anna Bay, resulting in patronage to the commercial uses within the town centre.

Port Stephens Planning Strategy (2011)

The Port Stephens Planning Strategy 2011 (PSPS) provides a comprehensive planning strategy for the Port Stephens LGA and was developed to inform the adoption of the PSLEP 2013. The Strategy identifies that medium density housing areas should be located where residents have good access to services and not in isolated locations to avoid the creation of social disadvantage.

The subject land is centrally located within a short drive from the town centres of Anna Bay (3.2km), Nelson Bay (8km), and the retail centre of Salamander Bay (5.6km). The caravan park is required to provide a community bus service for residents under the existing development consent. This service offers regular trips to surrounding retail centres, connects with existing public bus services, and is likely to be able to service an expanded development footprint.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

In addition, and unlike typical residential developments, the existing caravan park provides high quality community facilities for residents. These include a club house (including hall, sports lounge, cinema, craft room, library, salon, indoor pool, spa, sauna, gym and café/hall), outdoor swimming pool, lawn bowls facility, croquet area, pocket parks, off leash dog exercise area, and walking areas. The Planning Proposal provides the opportunity for the sharing of these facilities and potentially new facilities within future development. Because of the quality and variety of the facilities, the distance of the site from town centres is unlikely to result in an outcome where residents are at social disadvantage or feel isolated.

The PSPS acknowledges that medium density housing should, where practicable, be located according to principles in the PSPS which guide the application of new residential zones. These principles include locating medium density housing within a five minute walk of a centre or a five minute walk of a bus stop with frequent services to major centre or within a ten minute walk of Raymond Terrace or another town centre. As mentioned in the above, the existing caravan park provides residents with a community bus service and in combination with existing public bus services, is likely to provide a reasonable level of service.

The Planning Proposal is inconsistent with some of the principles and directions in the PSPS relating to medium density housing, however given the availability of a wide range of community services and facilities in existing development in combination with the existing community bus service linking residents to surrounding town centres, the proposal is considered to respond adequately to the PSPS directions.

State Environmental Planning Policy No 21—Caravan Parks (SEPP 21)

SEPP 21 applies to caravan parks or camping grounds, this includes moveable dwellings (such as manufactured homes) where they are located in a caravan park. This SEPP may apply to future development applications on the subject site, depending on the potential amendments made to the PSLEP 2013.

SEPP 21 provides matters for consideration when development consent is granted for a caravan park, including a caravan park that includes manufactured homes. These matters include site suitability, location and character, and whether necessary community facilities and services are available.

The Planning Proposal is considered to be consistent with the aims and objectives of the SEPP relating to the provision of community facilities, the protection of the environment in the vicinity of the land, and the orderly and economic development of the land used for long term residents. The proposal is also likely to be generally consistent with the matters listed for consideration during the assessment of any future development application.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019State Environmental Planning Policy No 36—Manufactured Home Estates (SEPP 36)

SEPP 36 provides for manufactured home estates to be carried out in zones where caravan parks are permissible and where the land is not otherwise excluded by the SEPP. Schedule 2 of SEPP 36 lists categories of excluded land, including land in Port Stephens that is not zoned for an urban use and not identified as suitable for urban development in a strategy endorsed by DPIE.

SEPP 36 does not currently apply to the site given the current zoning does not permit caravan parks, the current zone is not for urban purposes, and the site is not identified in an endorsed strategy as suitable for urban development.

Should the Planning Proposal receive a Gateway determination, it is proposed to consult with DPIE on the specific amendments to the PSLEP necessary to achieve the intended outcomes and the application of SEPP 36 to future development applications.

Port Stephens Local Environmental Plan 2013

The PSLEP 2013 zones the land RU2 Rural Landscape, which does not permit caravan parks. The current development on the site relies on the existing consent to operate and an extension of that use to the adjoining parcel would not be permissible under the current zoning.

Similarly the existing minimum lot size that applies to the land would not permit Lot 25 DP 852410 to be subdivided so as to excise the land fronting Nelson Bay Road.

There are a number of potential amendments that could be made to the PSLEP to facilitate the outcomes of the Planning Proposal. As outlined above, some mechanisms may relate to the application of State policies. Other potential amendments include site specific local provisions to permit and regulate additional uses.

DPIE provides guidance to councils that it is not necessary to identify the specifics of amendments to a local environmental plan prior to a Gateway determination if the objectives and outcomes have been identified.

Should the Planning Proposal receive a Gateway determination, it is proposed to consult with DPIE on the specific amendments to the PSLEP necessary to achieve the intended outcomes.

Assessment and Recommendation

As noted above, the subject site is not identified in State and local planning strategies for urban development. DPIE provides general guidance for assessing planning proposals that may not be consistent with State or local strategic plans and policies (Planning Proposals – a guide to preparing planning proposals, 2018) (DPIE Guide).

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

The assessment requires consideration of both the strategic merit and site-specific merits of a proposal:

(a) Strategic merit

The DPIE Guide specifies that Planning Proposal is considered to have strategic merit if it gives effect to relevant State strategies and local strategies that have been endorsed by DPIE, or responds to a change in circumstances that have not been considered by existing strategic plans.

As outlined above, the Planning Proposal is not consistent with State or local planning strategies, however it is considered to demonstrate strategic merit as it responds to a change in circumstances that has not been recognised by existing strategic plans.

The existing approved development is currently underway and includes a substantial investment in new infrastructure such as roads, services, and community infrastructure. The Planning Proposal would facilitate efficient use of this investment, including the community facilities and services located within the existing approved development site.

While the Planning Proposal does not demonstrate consistency with the medium density housing principles in the PSPS, the existing approved development includes a wide range of community facilities and services for residents which typical medium residential developments do not provide. Therefore, the principles of the PSPS can be considered more relevant to medium density residential development housing types that are not operating under land lease arrangements with substantial on-site facilities and services for residents.

These facilities and services and the nature of the manufactured homes that have been installed under the existing approval can also be distinguished from the caravan parks with moveable dwellings that were more predominant at the time the PSPS 2011 was prepared. The HRP similarly does not identify or address the range of modern housing typologies under land lease arrangements that have become more prevalent in coastal areas such as Port Stephens.

Given these changes since the preparation of the PSPS in 2011, and the changes in the housing market that are not reflected in the HRP, the Planning Proposal is considered to have strategic merit as it will respond appropriately by ensuring the orderly and economic use and development of land, consistent with the objects of the EP&A Act.

(b) Site-specific merit of the Proposal

The DPIE Guide requires a Planning Proposal to be assessed having regard to site-specific criteria as follows.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019**1. The natural environment**

The land is relatively clear from environmental constraints. Parts of Lot 25 DP 852410 are significantly degraded from previous use (sand mining) and current earthworks. The environmental values that remain on site can be protected and kept outside the proposed development footprint and these matters can be addressed at the development application stage. The Planning Proposal provides a balance between housing and conservation outcomes and is unlikely to result in significant adverse impacts on the natural environment.

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

The existing uses of land in the vicinity of the site include a limited number of single dwellings, dual occupancies, rural land, a trotting track, a golf course with a driving range, and vegetated sites.

Land to the north of the subject site consists of vacant vegetated land zoned E2 Environmental Conservation pursuant to the PSLEP. All other land to the south, east and west is zoned RU2 Rural Landscape pursuant to the PSLEP.

Directly adjoining the site to the east and south is land used for rural residential purposes, consisting of dwellings, dual occupancies and associated outbuildings on large lots. To the west of the subject site (at the rear of the rural residential properties) is land which contains cleared and vegetated areas and areas used for rural industry.

There are no unacted-on consents for approved uses in the vicinity of the site and the likely future uses of the land in the vicinity are expected to remain as per the current uses given there are no current planning proposals for that land. The surrounding land is also not identified in a State or local strategy for future land use changes.

Proposed vegetation management areas on the southern and eastern boundaries of Lot 25 DP 852410 will also create a buffer between any future development on that lot and land in the vicinity of the proposal.

The Planning Proposal is not expected to have a negative effect on land in the vicinity of the proposal.

3. The services and infrastructure that are or will be available to meet demands from the proposal.

Existing public utility services, (road) infrastructure, and community facilities and services associated within the site of the existing approved use can be extended to service a proposed extension on to Lot 25 DP 852410 (subject to development consent).

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

The site can provide a wide range of existing community facilities for future residents which are not available in typical medium residential developments. Demands for services and infrastructure from the proposal can therefore be met efficiently and to a high standard.

Given the Planning Proposal's ability to demonstrate both strategic merit and site-specific merits, it is considered appropriate for the Planning Proposal to proceed for a Gateway Determination.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic

The Planning Proposal is likely to deliver a range of social and economic benefits, including:

- Additional housing choices in the Anna Bay area and the Port Stephens LGA.
- Employment through construction and the long term employees within the lifestyle village.
- Increased retail and service industry patronage for nearby town centres.
- Efficient use of (private) community facilities and services provided at the existing approved caravan park.

Environmental

The land is partially cleared and Lot 25 DP 852410 is predominately vacant, comprising grassland and scattered vegetation towards the southern and eastern periphery. Sand extraction has previously occurred over part of the lot, resulting in a heavily disturbed area.

A Vegetation Management Plan (VMP) was prepared for Lot 25 DP 852410 which proposes vegetation management areas totalling approximately 3.6ha, adjacent to the southern and eastern boundaries of the lot.

CONSULTATIONInternal

Internal consultation was undertaken with the Natural Resources, Development Engineering, Traffic Engineering, Drainage & Flooding teams.

Further detailed investigations will be required should the Planning Proposal receive a Gateway Determination to proceed, including further ecological assessments.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019External

External consultation was undertaken with the DPIE to discuss possible amendments to the PSLEP 2013 to implement the outcomes the Planning Proposal seeks to achieve. The Department supports the approach taken in the Planning Proposal to outline the objectives and outcomes of the proposed amendment in the PSLEP 2013 and for the matter to be determined in accordance with any Gateway determination.

Further consultation with community and State Government agencies will be undertaken in accordance with the Gateway determination.

OPTIONS

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

ATTACHMENTS

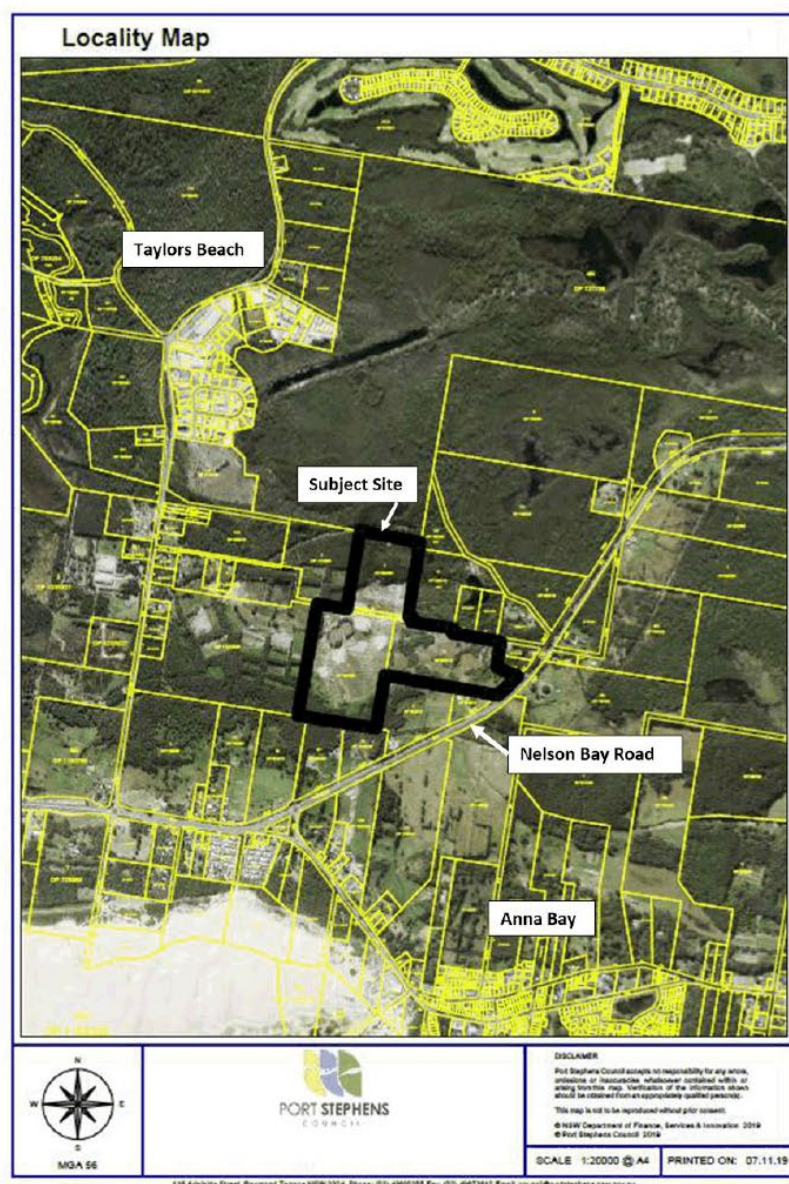
- 1) Locality Map. [↓](#)
- 2) Strategic Planning Assessment Report (SPAR). [↓](#)
- 3) Planning Proposal. (Provided under separate cover)

COUNCILLORS ROOM

Note: All relevant technical studies referenced in this report can be inspected upon request.

TABLED DOCUMENTS

Nil.



ITEM NO. 3

FILE NO: 22/45660
EDRMS NO: 58-2018-20-1

PLANNING PROPOSAL FOR 22 WARRIGAL CLOSE, BRANDY HILL

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the amendments to the planning proposal (**ATTACHMENT 2**) for 22 Warrigal Close, Brandy Hill (Lot 2, DP 1202880) to rezone part of the subject land from RU1 Primary Production to R5 Large Lot Residential and to reduce the minimum lot size on part of the subject land from AB3 (40 hectares) to ZI (2 hectares).
- 2) Receive and note the submissions (**ATTACHMENT 3**) received during agency consultation and public exhibition of the planning proposal.
- 3) Endorse the submission of the planning proposal (**ATTACHMENT 2**) to the Department of Planning, Infrastructure and Environment requesting they exercise their plan making authority to amend the Port Stephens Local Environmental Plan 2013 under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW).

ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION

075	<p>Councillor Chris Doohan Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Note the amendments to the planning proposal (ATTACHMENT 2) for 22 Warrigal Close, Brandy Hill (Lot 2, DP 1202880) to rezone part of the subject land from RU1 Primary Production to R5 Large Lot Residential and to reduce the minimum lot size on part of the subject land from AB3 (40 hectares) to ZI (2 hectares).2) Receive and note the submissions (ATTACHMENT 3) received during agency consultation and public exhibition of the planning proposal.3) Endorse the submission of the planning proposal (ATTACHMENT 2) to the Department of Planning, Infrastructure and Environment requesting they exercise their plan making authority to amend the Port Stephens Local Environmental Plan 2013 under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW).
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Councillor Chris Doohan left the meeting at 8:20pm.
Councillor Chris Doohan returned to the meeting at 8:22pm.
Councillor Matthew Bailey left the meeting at 8:23pm.
Councillor Matthew Bailey returned to the meeting at 8:24pm.

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 Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

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**) for 22 Warrigal Close, Brandy Hill and note the submissions received (**ATTACHMENT 3**). The report also seeks endorsement to submit the planning proposal (**ATTACHMENT 2**) to the Department of Planning, Infrastructure and Environment (DPIE), requesting they exercise their authority to make amendments to the Port Stephens Local Environmental Plan 2013 (LEP). A locality plan is provided at (**ATTACHMENT 1**).

The planning proposal seeks to amend the LEP to enable rural residential subdivision and housing on part of the land at 22 Warrigal Close, Brandy Hill. As a result of the planning proposal, 3 additional dwellings are expected. The planning proposal seeks to amend the LEP by rezoning part of the subject land from RU1 Primary Production to R5 Large Lot Residential and reducing the minimum lot size provisions on land within the proposed R5 zone from 40ha to 2ha.

The planning proposal is consistent with the criteria for rural-residential housing listed in Live Port Stephens, the local housing strategy and will provide a logical extension of existing rural residential housing in the locality to meet the housing needs of the community.

A summary of the planning proposal is set out below:

Date Lodged:	3 May 2018
Proponent:	Le Mottee Group
Subject properties:	Lot 2 DP 1202880 22 Warrigal Close, Brandy Hill
Area of Land:	Total site area is approximately 49ha
Proposed rezoning area:	Approximately 7ha

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

Lot yield:	4 (3 new dwellings in addition to an existing dwelling)
Current Zoning:	RU1 Primary Production
Proposed Zoning	Part RU1 Primary Production and Part R5 Large Lot Residential

On 28 July 2020, a Council delegate, in accordance with the Port Stephens Council Rezoning Request Policy, endorsed the planning proposal to be submitted to the Department of Planning, Industry and Environment (DPIE) to seek a Gateway determination. A Gateway determination was issued on 28 August 2020 **(ATTACHMENT 4)**.

In response to the Gateway determination, the planning proposal was updated to address a number of ministerial directions and State Environmental Planning Policies (SEPP), including consultation with agencies. Following an extended period of consultation with Department of Primary Industries - Agriculture (DPI), a revised gateway was issued by DPIE on 24 August 2021 to allow sufficient time to exhibit and complete the planning proposal **(ATTACHMENT 5)**. An objection from DPI remains outstanding and so accordingly, Council does not have delegation to make the plan.

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

There are no financial implications for Council as a consequence of the recommendations of 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

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

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that suitable sites for infill housing are not enabled to satisfy demand in the locality.	Low	Adopt the recommendations.	Yes

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.

The Gateway determination (**ATTACHMENT 3**) delegates plan making authority to Council only in the circumstance that there are no unresolved objections from agencies. In this instance, an objection from Department of Primary Industries – Agriculture (DPI) remains unresolved and so DPIE retain plan making authority. Should the recommendations be adopted, arrangements will be made to request DPIE exercise plan making authority and give effect to the planning proposal.

Hunter Regional Plan 2036

The planning proposal is consistent with the visions and goals of the HRP. The proposal will provide greater housing choice and promote housing diversity, by encouraging rural residential housing in proximity to an established rural residential area and within 10 minutes of a strategic centre at Raymond Terrace.

Greater Newcastle Metropolitan Plan 2036 (GNMP)

The planning proposal is consistent with GNMP and will give effect to Strategy 18 as it will deliver well-planned rural residential housing areas close to jobs and services.

Port Stephens Local Environmental Plan 2013 (LEP)

The subject land is zoned RU1 Primary Production under the LEP. The planning proposal will rezone approximately 7 hectares to R5 Large Lot Residential. The planning proposal will also reduce the minimum lot size within the proposed R5 zone from 40ha to 2ha.

The objective of the R5 Large Lot Residential zone is listed in the LEP as:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality

- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Amending the LEP will permit (with development consent) subdivision of the land and housing, which is consistent with the objectives of the zone and the surrounding subdivision pattern.

Port Stephens Local Strategic Planning Statement (LSPS)

The planning proposal is consistent with planning priority 9, 4 and 5 of the LSPS as it will increase the supply of land for residential housing and increase housing diversity by providing for large lot residential outcomes.

Live Port Stephens Local Housing Strategy (LHS)

The planning proposal is consistent with the Rural Residential Criteria listed in the LHS, and is consistent with planning objectives 1 and 3 as it will ensure adequate supply of new housing and increase housing diversity by providing for large lot residential outcomes.

Port Stephens Rural Residential Strategy (2015)

The planning proposal is consistent with the Rural Residential strategy, as it addresses matters for investigation that have been identified relevant to the proposed land, including estimating potential yield, ensuring suitable buffers between intensive agriculture, avoiding areas of environmental sensitivity and provision for flood evacuation.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic:

The planning proposal is expected to deliver a range of social and economic benefits to the existing and future community, including:

- Development of the land for housing will assist in meeting regional dwelling targets identified within the GNMP
- Benefit will be found in the provision of additional housing to service the future population needs of the community
- The Brandy Hill community have access to community services and facilities within the regional centre of Raymond Terrace and Maitland, and access to recreational facilities locally and within the wider Port Stephens locality

- The most significant vegetation will be located within land that is proposed to remain RU1.

Environmental

There are no significant adverse environmental effects expected as a result of this proposal. The subject land is mostly cleared and does not include identified koala habitat and/or corridors, significant native vegetation, endangered ecological communities, threatened species or habitats. The planning proposal is unlikely to adversely affect any important biodiversity values.

The planning proposal has considered the impacts of flooding, bushfire, rural land use conflict, acid sulfate soils, wastewater management, contamination and heritage, and demonstrated that the rezoning is compatible with the characteristics of the land.

CONSULTATION

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

Following issue of the Gateway determination, agency consultation was undertaken prior to public exhibition. Two agencies raised matters for further consideration, one of which remains outstanding as detailed below. Confirmation was received from all other agencies that they do not object to the planning proposal and the planning proposal was updated prior to community consultation.

During the public exhibition period, 8 submissions from residents were received. No further amendments have been made to the planning proposal as a result of these submissions.

All submissions are addressed in detail in **(ATTACHMENT 3)**.

Internal

Consultation with internal stakeholders was undertaken to assess the planning proposal, including with Engineering Services, Development Planning and Natural Systems units. No objections were raised and associated impacts can be addressed adequately at the development assessment stage.

External

The Gateway determination required Council to undertake consultation with relevant agencies prior to undertaking public exhibition. Council referred the planning proposal and associated studies to the following agencies on 21 September 2021.

- Newcastle Airport
- Civil Aviation and Safety Authority (CASA)
- Commonwealth Department of Defence

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

- Department of Primary Industries – Agriculture (DPI)
- Biodiversity Conservation Division – Water (BCD)
- Worimi Local Aboriginal Land Council
- Hunter Water Corporation.

A referral response objecting to the proposal was received from DPI on 5 November 2020. On 3 December 2020, DPIE held a meeting with Council and DPI to resolve the issues raised in the submission. On 8 December 2020, Council wrote to DPI to clarify points raised in the submission and to request an amended submission. No response has been received from DPI and an additional follow up phone call was not returned. This matter remains an outstanding objection.

Biodiversity Conservation Division – Water (BCD) (now Environment, Energy and Science Group) requested further flood information to determine the impact of flooding on the site. The proponent provided a concept subdivision layout and flood free access report to demonstrate that a subdivision outcome can be achieved with sufficient area above the flood planning level to accommodate future development. This sufficiently demonstrates that any inconsistency with Ministerial Direction 4.3 is of minor significance and the planning proposal can proceed.

Both BCD and DPI comments have been addressed in detail in **(ATTACHMENT 3)**.

Following the above consultation and resulting amendments, the planning proposal was publicly exhibited in accordance with the Gateway determination from 13 January 2022 to 10 February 2022. During the exhibition period, 8 submissions were received. The matters raised relate primarily to road safety on Warrigal Close, flood concerns for the future dwellings, and concern for potential loss of rural land, however did not justify further amendment to the planning proposal. The matters raised in the submissions have been summarised and addressed in **(ATTACHMENT 3)**.

OPTIONS

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

ATTACHMENTS

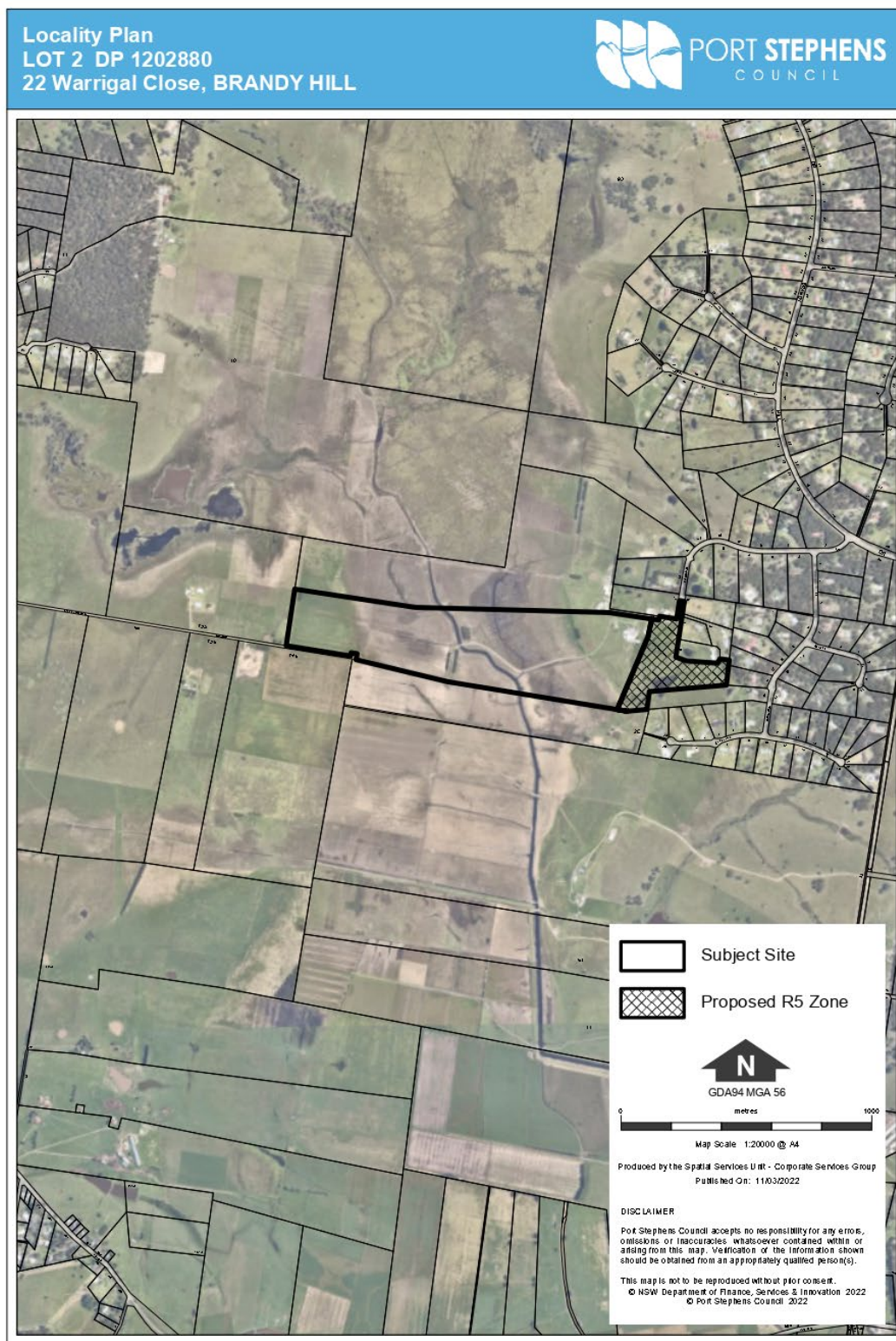
- 1) Locality Plan.
- 2) Final Planning Proposal. (Provided under separate cover)
- 3) Response to Submissions Table.
- 4) Gateway Determination.
- 5) Alteration of Gateway Determination.

COUNCILLORS ROOM

- 1) Relevant technical studies that form part of the planning proposal are available for review by Councillors upon request.
- 2) Copy of Submissions.

TABLED DOCUMENTS

Nil.



ITEM 3 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.
Planning Proposal for 22 Warrigal Close, Brandy Hill submissions

No.	Author of submission	Comment	Council response
1	Resident	<p>The submission expresses concerns regarding the ability of the road surface of Warrigal Close to support additional traffic generated from new residents as well as from the construction stage of any future dwellings.</p> <p>The submission notes that in some areas the road only supports traffic in one direction, and that the road surface is deteriorating.</p> <p>The submission also notes the fatal incident of a resident who was struck by a car on Warrigal Close.</p>	<p>A Traffic and Access Report was lodged with the planning proposal and concluded that there is sufficient capacity in the existing road networks to support the proposal.</p> <p>Warrigal Close is part of the public road network and is subject to maintenance as part of Councils ongoing road maintenance program.</p> <p>Council extends sympathy to the friends, family and community members involved in the tragic accident raised in the submission, and understands the ongoing impacts to all involved. Council has access to a range of mechanisms to deliver safety for motorists and pedestrians using the public road network, including the use of safety signage, and requiring construction of roads in accordance with the AustRoads Guidelines. A traffic and access review submitted to support the planning proposal has not identified any upgrades to Warrigal Close that are required to meet the AustRoads Guidelines.</p>
2	Resident	<p>The submission states that the ad hoc nature of the subdivision will create a precedent in the area and will result in further ad hoc subdivisions.</p>	<p>At this stage there is no application for a subdivision being assessed. The planning proposal seeks to amend the land zoning and minimum lot size maps, which would enable a development application to subdivide the land to be lodged and assessed.</p> <p>This rezoning request is the result of several strategic planning documents including the Hunter Regional Plan, Greater Newcastle Metropolitan Plan, and the Port Stephens Local Strategic Planning Statement (LSPS), which included an action to prepare a local housing strategy that includes assessment criteria for new rural residential development to protect existing and potential productive agricultural land.</p>

ITEM 3 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

			<p>A local housing strategy that included criteria for new rural residential development was adopted in July 2020 (Appendix 2 of Live Port Stephens). This application has been assessed against the Rural Residential Criteria (RRC) in Appendix 2 of Live Port Stephens and is considered to be consistent.</p> <p>The RRC was developed by constraints mapping in response to the Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036 directions. It accounts for:</p> <ul style="list-style-type: none"> • land identified by, or in proximity to an area identified by, a local, regional or State strategic plan for potential urban housing • land within a 2km distance from existing or planned major employment areas • slopes greater than 18 degrees • class 1 and 2 acid sulphate soils • land within the Flood Planning Area • high biodiversity value land, including coastal wetlands or coastal lakes • noise exposure areas within an ANEF 25 or greater • land identified as Important Agricultural Land, as defined by the Biophysical Strategic Agricultural Land (BSAL) mapping prepared by the State Government for the purposes of Strategic Regional Land Use Planning • land located within 500 metres of known extractive industries, quarrying or mining. • land identified by the State Government as having known mineral resource potential <p>Suitability of locations for rural residential housing are defined in accordance with the RRC in Live Port Stephens, and not in terms of precedence.</p> <p>The characteristics of the subject land and surrounding locality are consistent with the RRC in Live Port Stephens.</p>
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ITEM 3 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

	<p>The submission expresses concerns about the loss of fertile farmland.</p>	<p>Both the criteria in Live Port Stephens and ministerial directions 1.2 and 1.5 outline that land that is important agricultural land, state significant agricultural land, or Biophysical Strategic Agricultural Land (BSAL) should be excluded from rezoning unless justification is provided.</p> <p>The proposal does not relate to important agricultural land or state significant agricultural land. A small portion of the subject land is mapped as BSAL. However, the mapped BSAL subject to rezoning is on land with a slope greater than 10% and the contiguous area of BSAL within the allotment is less than 20ha. Therefore, in accordance with the 'Interim protocol for site verification and mapping of biophysical strategic agricultural land' (OEH, 2013) the site is not BSAL.</p> <p>The Rural Residential Strategy identifies the need to exclude lots greater than 80ha for agricultural or biodiversity purposes. The subject land is less than 50ha, of which approximately 7ha is proposed to be rezoned. The remaining 42ha will remain zoned RU1.</p> <p>The planning proposal is not considered to represent a meaningful loss of fertile farmland.</p>
	<p>The submission expresses concern for increase in traffic on Warrigal Close, noting the fatal traffic accident in 2018. The submission states the road into the subdivision should be sealed.</p>	<p>See response to submission No 1.</p>
	<p>The submission notes the proposed rezoning is on the side of a hill and will present sewage issues to surrounding properties and nearby natural waterway.</p>	<p>Connection to a reticulated sewer system is not available. As such, onsite wastewater systems will be required for each lot, which is consistent with the surrounding rural residential development of Brandy Hill. A Wastewater Management Report at the development application stage is appropriate given the size and yield of future lots.</p> <p>In accordance with PSC's Development Assessment Framework (DAF) the subject land is classified 'medium hazard'. As the number of lots that have the potential to be created is</p>

ITEM 3 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

			reasonably small, it would be appropriate for an OSMS report that meets the requirements of the DAF be provided at development application stage.
		The submission notes the noise increase from the RAAF base and Newcastle airport, and the impact of this on future development.	<p>The site is not identified as being within Australian Noise Exposure Forecast (ANEF) contours. Only proposals on land affected by ANEF contour 25 or above are deemed "unacceptable" for residential purposes under Australian Standard 2021 to 2015.</p> <p>As part of agency consultation Newcastle Airport, Civil Aviation and Safety Authority (CASA) and the Commonwealth Department of Defence were consulted with, and had no objections to the proposal.</p> <p>Despite this, the Port Stephens LGA regularly experiences some level of aircraft noise. Section 10.7(5) planning certificates issued for the site will contain a note advising that the property may be affected by aircraft noise.</p>
		The submission notes that the subject land is a koala corridor, and further subdivision and traffic will distress koala population.	<p>The proposal has been assessed against the Port Stephens Comprehensive Koala Plan of Management (CKPOM) and does not include any koala habitat and/or corridors.</p> <p>The land subject to rezoning is largely cleared of vegetation and does not include any significant native vegetation, endangered ecological communities, threatened species or habitats, and is not part of any regionally significant biodiversity corridors. The proposed lot size will allow for the retention of any existing trees.</p>
		The submission expresses concern for the added demand on power, water, and internet infrastructure that will come from additional dwellings, and the effect of this on existing residents.	The subject land is connected to a reticulated power supply. Preliminary service advice from Ausgrid (electricity) and Hunter Water Corporation (water) confirm the availability and capacity of electricity and water supply to the subject land. Formal consultation with Hunter Water was also carried out, with no objections raised.

ITEM 3 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

3	Resident	The submission notes that the site is within a private gated estate and has concerns relating to the privacy of residents and loss of amenity.	It should be noted that Warrigal Close is not a private gated community. The owners of 22 Warrigal Close have a right of carriageway on their land which permits certain neighbouring properties to access to their property. Privacy and amenity would be considered at development application stage should the site be rezoned.
		The submission expresses concern for the frequency of rezonings in this area, and concern that the proposed rezoning could then lead to further changes to zoning for the existing residents.	<p>Since the adoption of the current Local Environmental Plan in 2014, there has been no land rezoned in the Brandy Hill/Seaham/Nelsons Plains area.</p> <p>Any future rezoning request for rural residential housing will be assessed against the Rural Residential Criteria (RRC) in Appendix 2 of Live Port Stephens.</p> <p>It is noted that the surrounding land is inconsistent with the general housing criteria listed in Appendix 1 of Live Port Stephens.</p>
		The submission expresses concern about the loss of viable rural land.	See response to submission No 2.
		The submission notes that the planning proposal is inconsistent with Ministerial Direction '1.2 Rural Lands'.	<p>The planning proposal is inconsistent with Ministerial Direction 1.2 Rural Zones and 1.5 Rural Lands as it proposes to rezone land from RU1 Primary Production to R5 Large Lot Residential and will reduce the lot size provisions enabling an increase in the permissible density of the land.</p> <p>A planning proposal may be inconsistent with these directions if the proposal is in accordance with the Hunter Regional Plan (HRP) or Greater Newcastle Metropolitan Plan (GNMP). The planning proposal is consistent with both the HRP and GNMP as it will assist in meeting the dwelling targets identified within the GNMP and reinforce the role of Raymond Terrace as a strategic centre by providing increased housing diversity within a short distance of Raymond Terrace.</p>
		The submission expresses concern about the future residents gaining access via McClymonts Swamp Road, it is noted that this is flood affected.	A flood free access map and report was lodged with the planning proposal which demonstrates that the site is capable of flood free access and egress. McClymonts Swamp Road is

ITEM 3 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

			not proposed as a viable access road in a flood event.
		<p>The submission expresses traffic concerns for the narrow nature of 22 Warrigal Close, and the poor visibility onto Brandy Hill Drive.</p> <p>The submission expresses concern about the trucks necessary for future development concern that this will deteriorate road conditions.</p>	<p>A Traffic and Access Report was lodged with the planning proposal and concluded that there is sufficient capacity in the existing road networks to support the proposal.</p> <p>Warrigal Close is part of the public road network and is subject to maintenance as part of Councils ongoing road maintenance program.</p>
		The submission questions how rezoning 49 hectares will result in 3 blocks of 2 hectares.	It is proposed to rezone approximately 7ha of the site, with the remaining approximate 42ha to stay zoned RU1.
4	Resident	<p>The submission expresses concerns in the inability of Warrigal Close to support increased traffic / truck movement as a result of the proposed increase in number of large residential lots.</p> <p>The submission notes the danger of the road and makes reference to the fatal incident.</p>	See response to submission No 1.
5	Resident	The submission objects to koala habitat being cleared as a result of this proposal.	The proposal has been assessed against the Port Stephens CKPOM which identifies that the site does not include any koala habitat.
6	Community Group (Voice of Wallalong, Woodville and Surrounds)	<p>The submission expresses concern about the loss of rural land, and potential precedent for rural residential rezonings.</p> <p>The submission expresses concerns for inconsistency with the Rural Residential Criteria, specifically that the slope has not been analysed.</p>	<p>See response to submission No 2.</p> <p>A local housing strategy that included criteria for new rural residential development was adopted in July 2020 (Appendix 2 of Live Port Stephens). This application has been assessed against the Rural Residential Criteria (RRC) in Appendix 2 of Live Port Stephens and is considered to be consistent.</p> <p>The RRC includes consideration for land that has a slope of greater than 18 degrees. The subject land slope is not greater than 18 degrees, consistent with the exclusionary criteria.</p>
		The submission expresses concern about the flood free access map, stating it falsely indicates a flood exit to Seaham, which has no further exit.	A Flood Free Access Map has been prepared following a Gateway determination. The map demonstrates that the site has flood free access to

ITEM 3 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

		evacuation facilities at Wallalong and Seaham via a public road.
	<p>The submission expresses concern about the flood layout on each property, as detailed in the proposed lot layout, and states that Lot 202 would be severely compromised in a flood event.</p> <p>The submission requests that serious consideration must be given to the actual location of the dwellings, to get the safest and best outcome.</p>	<p>While the subject land is mapped as being flood prone land the proposed rezoning area largely avoids flood prone land. As provided in the concept subdivision layout, only two future allotments (Lot 202 and 204) will contain floodprone land. There is sufficient flood free land available on Lot 202 to accommodate future development and a dwelling exists on Lot 204.</p> <p>At the rezoning stage a subdivision layout is indicative only and is used to demonstrate that a minimum lot size of 2ha is appropriate to achieve a number of outcomes outlined within Ministerial Directions. Should the land be rezoned, a subsequent application for subdivision would need to be lodged, where the lot configuration would be determined.</p> <p>If the land were to be subdivided, the location of any dwellings would also be subject to a further development application which would determine the location of any future dwellings as a result of being assessed against the Port Stephens Local Environmental Plan, and Development Control Plan, including for flood considerations.</p>
	<p>The submission asks whether a rezoning was needed to create 3 lots with a lot size of 2ha, or whether this could have been achieved without rezoning the land.</p>	<p>The current minimum lot size of the site is 40ha, and therefore cannot be subdivided. One additional dwelling could currently be constructed on the lot subject to a development application, as dual occupancies are permissible in the RU1 zone.</p> <p>A rezoning is a type of LEP amendment. In order to subdivide the land, the minimum lot size map is required to be amended. While the lot size map may be amended without amending the land zoning map, the site would still need to go through the LEP amendment process.</p> <p>The zone objectives and proposed lot size are consistent with the R5 zone, and therefore if the lot size map is</p>

ITEM 3 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

			amended to reflect a minimum lot size of 2ha, it is most appropriate to also amend the zoning.
		The submission expresses that the desktop study referred to in the planning proposal that shows that a large yield of residential housing is possible is overstated because of the agricultural potential of the land and the extent of the flood plain.	The study referred to is the Port Stephens Rural Residential Strategy (2015). The rural residential criteria in Live Port Stephens requires proposals to address the Port Stephens Rural Residential Strategy (2015) including any matters for investigation that have been identified relevant to the proposed land which is why this study is referred to in the planning proposal.
		The submission states that the subject site is 15 minutes north west of Raymond Terrace and not 10 minutes as described in the planning proposal.	While travel time depends on many factors such as road works and traffic, Google Maps indicates a travel time from 22 Warrigal Close to the intersection of William St and Port Stephens Street, Raymond Terrace, considered the town centre, of 10 minutes. Additionally, 22 Warrigal Close to Market Place shopping centre is shown as an 11 minute drive on Google Maps.
		The submission expresses concern about the intersection of Brandy Hill Drive and Warrigal Close, and the date of the Traffic and Access report (March 2018). The submission also notes the fatal traffic accident in 2018.	See response to submission No 1. The Traffic and Access Report was undertaken in accordance with the Austroads Guides and RTA Guide to Traffic Generating Developments. The report was provided prior to issue of Gateway Determination in August 2020, which did not set a requirement for the report to be updated.
		The submission notes inconsistency with Ministerial Direction 1.2 Rural Zones and 1.5 Rural Lands.	See response to submission No 3.
		The submission notes minor inconsistencies with Ministerial Directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, and 4.3 Flood Prone Land.	Section 9.1 Ministerial Directions provide for where a planning proposal is inconsistent with the relevant direction, or if the inconsistency is of a minor nature. Each direction has been assessed and the planning proposal addresses and provides justification where there are inconsistencies.
7	Resident	The submission notes that the Local Housing Strategy states that extensive justification is required for any inconsistencies with Ministerial	Section 9.1 Ministerial Directions provide for where a planning proposal is inconsistent with the relevant

ITEM 3 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

		Directions, and expresses concern that there is not enough justification.	direction, or if the inconsistency is of a minor nature. Each direction has been assessed and the planning proposal addresses and provides justification where there are inconsistencies. Relevant studies and reports have also been prepared to address such inconsistencies.
		The submission states that all new developments should be planned with long term vision, and that the proposal does not meet Council or State's long term planning objectives.	See response to submission No 2.
		The submission expresses flood concerns in relation to access via McClymonts Swamp Road.	See response to submission No 3.
		The submission expresses traffic concerns from new residents, and future development, as well as the intersection at Brandy Hill Drive. The submission also notes the fatal accident that occurred in 2018.	See response to submission No 1 for further detail.
		The submission notes the aircraft noise of the area.	See response to submission No 2.
		The submission notes the impact on privacy and rural amenity to existing residents.	See response to submission No 3.
8	Resident	The submission expresses concern about the number of 2 hectare lots, and states the rural residential subdivision is out of character with the area.	There is a high presence of existing rural residential development to the north, south and east of the site. The site adjoins existing rural residential development and is therefore consistent with the character of the area.

ITEM 3 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

		<p>The submission expresses traffic concerns about the narrow nature of Warrigal Close, stating only one car can safely pass at a time.</p> <p>The submission notes that the location of the sun means that drivers are often blinded, referencing the fatal accident in 2018.</p> <p>The submission requests that an improved road and footpath to be installed for further subdivision/rezoning on Warrigal Close.</p>	<p>See response to submission No 1.</p> <p>There are many factors that determine whether or not footpaths are installed. The low density of rural residential housing provides a higher level of amenity for residents who benefit from greater separation between developments. However low density also results in a significantly reduced feasibility for the installation of footpaths in these locations. Port Stephens Council has a pathways plan as well as a Local Infrastructure Contributions plan that details the provision of pathways.</p>
		<p>The submission objects to flood mounds being built to accommodate future development, for both flooding and potential traffic concerns of trucks bringing fill in.</p>	<p>This proposal does not propose and therefore has not assessed flood mounds on site. If the site was to be rezoned, this would be the subject of a development application and assessed against the Port Stephens DCP.</p>
		<p>The submission requests further subdivisions be in line with the current rural residential amenity of the area.</p>	<p>The proposed lot size of 2ha and zone are consistent with the existing rural residential amenity of the area.</p>
9	Newcastle Airport	<p>The referral notes that the site is not within the Australian Noise Exposure Forecast (ANEF) for Newcastle Airport. However, the subject site will regularly experience some levels of aircraft noise from aircraft movements.</p> <p>The referral requested that the constraints associated with aircraft noise be placed on any s10.7 planning certificate issued by Council for the property.</p>	<p>Noted.</p> <p>Any section 10.7(5) planning certificates issued for the site contain a note to say that the property may be affected by aircraft noise.</p>
10	Civil Aviation and Safety Authority (CASA)	<p>CASA raised no objection to the planning proposal proceeding.</p>	<p>Noted.</p>
11	Commonwealth Department of Defence	<p>Defence noted that the site is outside the ANEF for RAAF Base Williamtown and Salt Ash Air Weapons Range but the site will still regularly experience some level of</p>	<p>Noted.</p>

ITEM 3 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

		aircraft noise from aircraft on approach and departure from RAAF Base Williamtown.	
		Defence requested that a property notation be placed on any S10.7 certificate that may be issued by Council for the property advising that the property is subject to aircraft noise generated by activities at RAAF Base Williamtown.	Any section 10.7(5) planning certificate issued for the site contains a note to say that the property may be affected by aircraft noise.
12	Department of Primary Industries – Agriculture (DPI)	The response referred to there being no supply and demand analysis for the proposal and that the most recent information in relation to this is in the draft Rural Residential Strategy which informs Live Port Stephens.	Planning proposals for rural residential development are not relied on for meeting the housing targets identified by DPIE. Rather, they align with Outcome 3 of Live Port Stephens to “Increase diversity of housing choice” and respond directly to the findings of the ‘Housing Preferences in Port Stephens Report’ prepared by SGS Economics & Planning, which identifies rural blocks as being the preferred housing choice amongst 14.4% of survey participants.
		It was noted that while it is unlikely to impact existing nearby farmers, the proposal lacks details regarding the Right to Farm Act and the existing land uses within the area (other than rural residential).	The planning proposal has been updated to include further information on the surrounding land uses.
		DPI noted that should the proposal proceed there would be two areas zoned RU1 that will be surrounded by rural residential development, and that there is no reference to this within the proposal or whether or not these RU1 zoned lots can continue to function for primary production purposes.	Three of the RU1 Primary Production zoned properties adjoining the subject site already have lot sizes commensurate with the proposed minimum lot size in the planning proposal, and are currently used for rural residential housing consisting of single dwellings, therefore the outcomes of the proposal are unlikely to significantly change the character of the immediate locality despite the change in zoning.
13	Biodiversity Conservation Division – Water	The response from the Biodiversity and Conservation Division (BCD) noted that part of the land is flood prone, with a small portion of High Hazard Floodway on proposed lot 202.	While the subject land is mapped as flood prone land the proposed rezoning area largely avoids flood prone land. As provided in the concept subdivision layout, only two future allotments (Lot 202 and 204) will contain flood prone land. There is sufficient flood free land available on Lot 202 to accommodate future development and a dwelling exists on Lot 204.
		BCD stated that the proposal should only proceed if the inconsistencies with Ministerial Direction 4.3 Flood Prone Land are considered to be of a minor significance. To demonstrate	To demonstrate that proposed lot 202 will have adequate area above the flood planning level to accommodate future housing, the proposal has provided a concept lot layout.

ITEM 3 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

		this, it should be shown that proposed lot 202 will have sufficient area above the flood planning level to accommodate future development.	
14	Hunter Water Corporation	Formal consultation with Hunter Water Corporation was undertaken through preliminary servicing advice. No objections were raised.	Noted.
15	Worimi Local Aboriginal Land Council	No objections were received from the Worimi Local Aboriginal Land Council.	Noted.

ITEM 3 - ATTACHMENT 4 GATEWAY DETERMINATION.



Planning,
Industry &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2020_PORTS_004_00): to rezone land from zone RU1 Primary Production to zone R5 Large Lot Residential and amend the minimum lot size from 40ha to 2ha on part of 22 Warrigal Close, Brandy Hill.

I, Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 to amend zoning and minimum lot size for land at 22 Warrigal Close, Brandy Hill should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the following is required:
 - a. Consultation with Department of Planning, Industry and Environment - Agriculture to address the proposals inconsistency with section 9.1 Direction 1.5 Rural Lands.
 - b. Preparation of report detailing the findings of a preliminary contamination investigation of the land carried out in accordance with the contaminated land planning guidelines to address section 9.1 Direction 2.6 Remediation of Contaminated Land.
 - c. Consultation with Newcastle Airport, Civil Aviation and Safety Authority (CASA) and Commonwealth Department of Defence to address section 9.1 Direction 3.5 Development Near Regulated Airports and Defence Airfields
 - d. Consultation with Department of Planning, Industry and Environment – Water with regard to flood prone land.

Council is to update the planning proposal to take into account the outcomes of the above studies and consultation and seek approval from the Department of Planning, Industry and Environment prior to undertaking community consultation.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and 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

ITEM 3 - ATTACHMENT 4 GATEWAY DETERMINATION.

identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act:

- Hunter Water Corporation

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

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

Dated 28th day of August 2020.

Damien Pfeiffer
Director, Western Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

PP_2020_PORTS_004_00 (IRF20/3648)



**Planning,
Industry &
Environment**

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2020_PORTS_004_00)

I, the Director, Central Coast and Hunter Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 28 August 2020 for the proposed amendment to the *Port Stephens Local Environmental Plan 2013* as follows:

1. Add to "condition 5"

- c. the planning proposal is consistent with section 9.1 Ministerial directions or the Secretary has agreed that any inconsistencies are justified.

2. Delete: "condition 6"

and replace with:

a new condition 6: "The time frame for completing the LEP is by 28 May 2022."

Dated 24th day of August 2021.

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

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

PP_2020_PORTS_004_00 (IRF21/2774)

ITEM NO. 4

**FILE NO: 22/20383
EDRMS NO: PSC2021-00560**

KARUAH PLACE PLAN

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the exhibition of the draft Karuah Place Plan and the response to the public submissions (**ATTACHMENT 1**).
 - 2) Adopt the Karuah Place Plan, as amended (**ATTACHMENT 2**).
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

076	<p>Councillor Jason Wells Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submissions received during the exhibition of the draft Karuah Place Plan and the response to the public submissions (ATTACHMENT 1).2) Adopt the Karuah Place Plan, as amended (ATTACHMENT 2).
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

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 process for the draft Karuah Place Plan (the Place Plan) and note the response to submissions (**ATTACHMENT 1**). The report recommends that Council adopt the Place Plan, as amended (**ATTACHMENT 2**).

At its meeting on 26 October 2021, Council resolved to exhibit the draft Karuah Place Plan and accompanying documents for 28 days (Minute No. 285) (**ATTACHMENT 3**). The Place Plan was exhibited from 1 November 2021 to 30 November 2021 and 26 submissions were received.

In response to submissions the Place Plan has been amended. The changes provide clarification regarding community led projects, requirements for planning proposals and to include additional actions, updates and corrections. Post exhibition amendments to the Place Plan are outlined in the submissions table (**ATTACHMENT 1**) and included in the amended Karuah Place Plan (**ATTACHMENT 2**).

Further details about the community consultation is outlined under the consultation section below.

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

Actions identified within the Karuah Place Plan will be funded via a combination of sources, including existing budgets, Local Infrastructure Contributions, grant funds, sponsorships and partnerships in line with existing work programs.

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

Hunter Regional Plan 2036 (HRP)

The Karuah Place Plan is consistent with the Hunter Regional Plan 2036 (HRP), including directions to plan for compact settlements, housing diversity and creating liveable communities.

Community Strategic Plan

The Community Strategic Plan 2018-2028 is a critical document for Council as it sets out the priorities of the community for our region to 2028 and beyond. These values have been used as a basis for the Karuah Place Plan, which identifies specific works and actions to provide a setting for people to live and work in their place.

Local Strategic Planning Statement 2020 (LSPS)

The LSPS sets out the vision for land use in Port Stephens over the next 20 years. It identifies the special character and values of our area that we should preserve and how change will be managed. A place planning approach is consistent with the following actions in the Port Stephens Local Strategic Planning Statement:

- Action 1.3 Complete the strategic planning framework for strategic and local centres including infrastructure plans and funding strategies.
- Action 10.2 Support the activation of public spaces, including events, public art, small business opportunities, markets and other temporary uses.

Local Housing Strategy - Live Port Stephens (2020)

Live Port Stephens encourages more housing in key locations that are well connected to employment, education, open spaces, transport and services. Live Port Stephens contains criteria for new urban housing areas to determine the site's suitability for residential development. The Karuah Place Plan is consistent with the outcomes and priorities adopted in Live Port Stephens.

Karuah Growth Strategy (2011)

The Karuah Growth Strategy (KGS) was adopted by Council in 2011 to guide future town growth. The KGS was central to identifying how Karuah could adapt following the completion of the highway bypass in 2004. The KGS established a land use plan to identify appropriate locations for new housing while considering economic and social development, environmental management and local infrastructure needs.

Since the adoption of the KGS, Council has rezoned Stage One Urban Release Areas and part of Stage Two Urban Release Areas. Only limited land remains unzoned in the Stage Two Urban Release Area, with limited ability to cater for housing growth in the future of Karuah.

The Karuah Place Plan has been prepared to support the KGS by identifying locations for housing, employment and public infrastructure, which extend beyond those already identified. It is supported by a Residential Land Needs Assessment which outlined that in order to meet demand for housing in Karuah over the next 15 years, land for 340 lots (or 27 hectares at 12.5 dwellings per hectare) needs to be rezoned, in addition to existing zoned, but undeveloped land. This approach was peer reviewed by third party planning consultants whose comments and recommendations were considered in the preparation of the Place Plan.

Using this data and taking into account the current market conditions, a short to medium term high growth scenario for Karuah has been assumed for the Karuah Place Plan. Two stages of urban release areas have been identified to accommodate this growth, as well as a future investigation area.

Stage one identifies land that has the necessary infrastructure to be rezoned now. This includes servicing by Hunter Water, which has been scheduled for implementation following planned local facility upgrades.

Stage two and the future investigation area identify opportunities for medium to long term development. To move forward with these stages, developers will need to work closely with the relevant authorities to manage critical infrastructure such as sewerage and water, which is not currently available to service this land.

Port Stephens Local Environmental Plan 2013 (LEP)

Amendments to the LEP may result from the updated land use plan. Planning proposals will be assessed for consistency with the Karuah Place Plan (and other Council plans and policies).

Port Stephens Development Control Plan 2014

Amendments to DCP Chapter D2: Karuah will be required as a result of identifying additional development areas in Karuah. In particular, linkages between adjoining development areas, interface treatments for adjoining environmental land or faunal movement corridors, opportunities for housing diversity, impacts on the operations of existing industry and footpaths to new developments should be addressed. The Karuah Place Plan includes an action to amend DCP Chapter D2: Karuah.

Local Infrastructure Contributions Plan 2020 (LIC)

The Karuah Place Plan includes an action to review the LIC to ensure that local infrastructure in Karuah reflects the anticipated growth of the town.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the Place Plan does not identify sufficient land to cater for demand for residential land over the next 15 years	Low	Adopt the recommendation. The Karuah Place plan identifies stage one urban release areas that will provide residential land for the next 15 years, and stage two and future investigation area that will provide for additional land should growth in Karuah exceed the expected rate.	Yes
There is a risk that land is rezoned that cannot be adequately serviced by Hunter Water	Medium	Adopt the recommendation. The Karuah Place Plan requires planning proposals to include evidence of an agreement with Hunter Water Corporation confirming that land can be adequately serviced. Following exhibition, the Place Plan was amended to clarify that proponents are able to utilise private systems in accordance with NSW Water Industry Competition Act 2006 to service new developments.	Yes

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

The Karuah Place Plan does not meet the community expectations	Low	<p>Adopt the recommendation. The Port Stephens Liveability Index has been used to create the foundations of the Place Plan and the actions have been created to respond to this data.</p> <p>The Place Plan's effectiveness in addressing these values will be monitored when Placescore data is collected through future liveability census surveys.</p> <p>The Place Plan has been amended to address a number of issues raised during exhibition.</p>	Yes
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Environment

The community of Karuah place a high value on the local environment with the river, wetlands and native bushland being key attractors to the town. The natural environment provides important habitat for native wildlife and is home to a diverse range of flora and fauna. Karuah's wetlands and bushland play an important role in keeping waterways healthy by absorbing excess nutrients, slowing over land flows, and reducing sediment, pollution and erosion. Preserving the natural environment is key to ensuring the long-term productivity of Karuah's waterways and river.

Actions in the Karuah Place Plan celebrate the connection of the community with the natural environment by improving access to the foreshore and identifying land for conservation. When planning for future land use, protection of these valuable habitats is an important consideration, in particular, as development in a place intensifies, consideration needs to be given to the function and importance of natural areas including the way in which native animals access food sources, breeding sites and water.

In Karuah, two important biodiversity corridors have been identified in the Place Plan. Biodiversity corridors are not designed to restrict development but to enhance the liveability of the place, protect local habitat and increase the wellbeing of those that live, work and visit the place.

As part of any new development in Karuah, applicants must show how they will minimise the environmental impact and demonstrate how new habitat and movement corridors will be created.

Social

Place Plans respond to the community's values and aspirations. They enable partnerships between residents, business and Council and guide a collaborative approach to the delivery of great place outcomes. The Karuah Place Plan contains actions to inspire community involvement in creating a better place, through conservation, beautification and civic pride projects, activation and event opportunities as well as improved wayfinding signage and connections.

The demand and cost of housing in Karuah is increasing. A mechanism to create greater housing affordability is to support housing choice and additional housing options to the market. With only a single site currently zoned for new land release in Karuah, there is difficulty in providing housing choice and supply to the market. The Place Plan therefore identifies urban release areas on land under multiple ownership.

In addition to providing housing in new release areas, Karuah has a number of large lots where there is opportunity for infill housing. The Place Plan identifies those locations where infill housing can provide alternate housing options to the market (secondary dwellings, dual occupancy and small lot housing etc).

Economic

For many years, the oyster and timber industries have been the leading employment industries in Karuah and have been an important element in forming the identity of the people and the place. Through the community engagement process, the need to ensure the long-term viability of these industries was identified as important to the local community. New development will need to consider these industries and ensure there is no negative impact on their sustainability. Furthermore, the plan identifies ways that these industries could diversify, such as river tours that showcase the local produce and activation opportunities in partnership with Council and the community.

As Karuah grows and new residential land is released, new residents will look for new business opportunities and new employment close to home. The KGS identifies land to the west of the town as suitable for industrial or employment land. Further investigation will be required to understand the short and long-term needs for employment land, the amount of employment land needed, the infrastructure required to service this land, and the recommended staging of any land release.

CONSULTATION

Internal

The Karuah Place Plan has been prepared in consultation with the relevant sections in the Development Services Group, Facilities and Services Group and Corporate Services Group.

External

Community input from the Place Score survey undertaken in 2020 has been used to determine the community's values and aspirations. The Place Plan responds to this by including actions that respond to identified values and areas for improvement.

In August and September 2020, community consultation was undertaken; a community drop-in session attended by 17 people, an online project page with 609 visits, an interactive online map with 166 comments and a survey with 26 responses were used to further refine the values and aspirations of the community. This consultation reinforced that the community value the natural environment and laidback feel of their town. The opportunities for improvement focussed on better open space and recreation facilities, improvements to local roads and footpaths and activation opportunities. The initial consultation outlined above informed the development of the draft Karuah Place Plan.

The Place Plan was exhibited from 1 November 2021 to 30 November 2021. During the exhibition period, 11 community members attended an online Q&A session. Consultation was also held with key stakeholders, including the Karuah Local Aboriginal Land Council, Hunter Water Corporation and landholders.

As a result of the exhibition, 26 submission were received. The submissions table (**ATTACHMENT 1**) details the issues raised during the exhibition period and Council's response, including whether an amendment was made to the Place Plan. A summary of the key issues is provided below:

Pathways

It was requested that the Place Plan identify additional pathways including those shown in the Karuah Pathways Plan.

Response:

The Place Plan identifies a number of new footpaths to service the needs of a growing community. Additional pathway connections have not been included as they are not expected to be funded over the next 5 years.

Open space and amenities

A number of suggestions about what should be included in the proposed playground upgrades at Aliceton Reserve and Longworth Park were provided.

Response:

The Place Plan was amended to include some of these suggestions including a commitment for Council to hold a community workshop on the design of the new facilities at Aliceton Reserve.

Karuah Preschool

It was requested that the Place Plan include upgrades and expansion to the Karuah Preschool.

Response:

The Place Plan does not include an expansion to the preschool as this is not consistent with Council's approach to rely on external providers to cater for the delivery of preschools and day care services.

Community ability to facilitate projects

Concern was raised about the community's capacity to deliver the community led projects identified in the Place Plan.

Response:

The Place Plan has been amended to clarify what is meant by community led projects. Council will undertake an education campaign to help the community start implementing the Karuah Place Plan.

Road network and town centre parking

The condition of roads in Karuah, particularly Tarean Road, and lack of parking in the town centre is a concern to many residents.

Response:

An action has been added that commits Council to undertaking a traffic and transport study of Tarean Road to determine road infrastructure requirements.

Environmental impact and biodiversity corridors

Concern was raised about the impact that new development will have on Koala habitat and many submissions request that no development is located where the clearing of vegetation is required.

Response:

The Place Plan has been amended to remove part of the site known to contain koala feed trees from the Stage 1 Residential land release area, and additional ecological investigations will be required to determine the appropriate development footprint in areas that are currently vegetated.

OPTIONS

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

ATTACHMENTS

- 1) Submissions Summary and Response Table. (Provided under separate cover)
- 2) Karuah Place Plan. (Provided under separate cover)
- 3) Minute No. 285, 26 October 2021.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 26 OCTOBER 2021

Councillor Ken Jordan returned to the meeting at 8:09pm.

ITEM NO. 3

**FILE NO: 21/248118
EDRMS NO: PSC2021-00560**

KARUAH PLACE PLAN

REPORT OF: JANELLE GARDNER - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Karuah Place Plan (**ATTACHMENT 1**) for exhibition for a period of 28 days.
-

ORDINARY COUNCIL MEETING - 26 OCTOBER 2021**MOTION**

285	Councillor Chris Doohan Councillor Glen Dunkley It was resolved that Council endorse the draft Karuah Place Plan (ATTACHMENT 1) for exhibition for a period of 28 days.
------------	--

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement to exhibit the draft Karuah Place Plan (**ATTACHMENT 1**) for a period of 28 days.

Place plans are a new way of planning for the growth of the unique towns and villages across Port Stephens. Place plans provide a local filter on the Port Stephens Local Strategic Planning Statement and other strategic documents and create actions that improve the liveability and wellbeing of our communities.

MINUTES ORDINARY COUNCIL - 26 OCTOBER 2021

Actions in Place Plans create alignment in the way we plan for future land use, invest in infrastructure, attract investment and bring life to our streets. Place Plans recognise the importance of our public spaces in creating great places to live, work and visit.

Place plans are being developed for those places that are seeing growth, or where existing local area strategies need updating to respond to new housing or population data, growth opportunities or planning proposals. Place Plans will include extensive consultation with the local community. They will respond to the values and aspirations of the community, enable partnerships between residents, council and business and guide a collaborative approach to the delivery of great place outcomes.

Karuah is a peaceful village home to 1,411 residents including 378 families (Remplan September 2021). Karuah is moving forward with the town emerging as an attractive place for those looking for an affordable lifestyle destination with an easy commute to the key employment areas of Williamtown, Raymond Terrace and Newcastle. This increasing demand has created upward pressure on land and house prices and new opportunities for growth need to be investigated.

The Karuah Growth Strategy (KGS) was adopted in 2011. Since this time, the majority of the sites identified for urban growth have been developed. At the same time, in response to growing demand for regional housing, proponents have sought to lodge planning proposals to rezone new land for housing in Karuah. These applications however, have been inconsistent with the KGS. The Karuah Place Plan was will update the KGS and identify appropriate locations to cater for new housing and jobs.

The Karuah Place Plan will also recognizes the values and priorities of Karuah community. The plan will aim to strengthen those values that are performing well and promote opportunities for those that require improvement. During the Karuah Liveability Survey, the community rated the following as the most important elements of their place:

1. General condition of public open space
2. Elements of natural environment
3. Sense of neighbourhood safety
4. Local businesses that provide for daily needs
5. Locally owned and operated businesses.

The Karuah Place Plan will reinforce these values by limiting new development to cleared land or where there is only low quality vegetation. The plan will recognize the importance of the timber and oyster industries, include mechanisms to protect and diversify existing businesses and identifying opportunities for improving safety, such as improved pathways and connectivity.

The place plan outlines a range of specific works the have been programmed for Karuah such as new BBQ facilities in Longworth Park, a new playground in Aliceton Reserve and pavement upgrade of Mustons Road. The plan also includes a number

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of projects that can be undertaken by other parts of community to contribute to improving liveability including:

- New shared pathways connecting the town centre to new growth areas
- Spaces for public art and murals
- Improving the connection between the town centre and Longworth Park
- Upgrading the existing mangrove boardwalk and connecting it back to Longworth Park
- Identifying future employment land to the west of town.

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

Actions identified within the Karuah Place Plan will be funded via a combination of sources including existing budgets, grant funds, sponsorships and partnerships in line with existing work programs.

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 IMPLICATIONSHunter Regional Plan 2036 (HRP)

The Karuah Place Plan is consistent with the Hunter Regional Plan 2036 (HRP), including directions to plan for compact settlements, housing diversity and creating liveable communities.

Community Strategic Plan

The Community Strategic Plan 2018-2028 is a critical document for Council as it sets out the priorities of the community for our region to 2028 and beyond. These values have been used as a basis for the Karuah Place Plan, which identifies specific works and actions to provide a setting for people to live and work in their place.

MINUTES ORDINARY COUNCIL - 26 OCTOBER 2021Local Strategic Planning Statement 2020 (LSPS)

The LSPS sets out the vision for land use in Port Stephens over the next 20 years. It identifies the special character and values of our area that we should preserve and how change will be managed.

A place planning approach is consistent with the following actions in the Port Stephens Local Strategic Planning Statement:

- Action 1.3 Complete the strategic planning framework for strategic and local centres including infrastructure plans and funding strategies.
- Action 10.2 Support the activation of public spaces, including events, public art, small business opportunities, markets and other temporary uses.

Local Housing Strategy - Live Port Stephens (2020)

Live Port Stephens encourages more housing in key locations that are well connected to employment, education, open spaces, transport and services.

Live Port Stephens contains criteria for new urban housing areas to determine the site's suitability for residential development.

The Karuah Place Plan is consistent with the outcomes and priorities adopted in Live Port Stephens.

Karuah Growth Strategy (2011)

The KGS was adopted by Council in 2011 to guide future town growth. The KGS was central to identifying how Karuah could adapt following the completion of the highway bypass in 2004. The KGS established a land use plan to identify appropriate locations for new housing while considering economic and social development, environmental management and local infrastructure needs.

Since the adoption of the KGS, council has rezoned Stage One Urban Release Areas and part of Stage Two Urban Release Areas. Only limited land remains unzoned in the Stage Two Urban Release Area, with limited ability to cater for housing growth in the future of Karuah.

Two recent planning proposals were submitted to the Department of Planning, Industry and Environment for Gateway assessment, to rezone land for housing which extended beyond that identified in the KGS. Gateway determinations for the planning proposals were received on 6 April 2020 (**ATTACHMENT 2**) and required the planning proposals to either be resubmitted to be consistent with the KGS or informed by an updated strategic planning framework, which included the following:

- An assessment of supply and demand for residential development within the housing market catchment

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- Details of current infrastructure capacity, upgrades required and funding mechanisms
- Prioritisation and staging of release areas
- Biodiversity constraints including regional and subregional corridors.

The Karuah Place Plan has been prepared to support the KGS by identifying locations for housing, employment and public infrastructure, which extend beyond those already identified. It is supported by a Residential Land Needs Assessment (**ATTACHMENT 3**) which outlined that in order to meet demand for housing in Karuah over the next 15 years, land for 340 lots (or 27 hectares at 12.5 dwellings per hectare) needs to be rezoned, in addition to existing zoned, but undeveloped land. This approach was peer reviewed by third party planning consultants (**ATTACHMENT 4**), whose comments and recommendations were considered in the preparation of the Place Plan.

Using this data and taking into account the current market conditions, a short to medium term high growth scenario for Karuah has been assumed for the Karuah Place Plan. Two stages of urban release areas have been identified to accommodate this growth, as well as a future investigation area.

Stage one identifies land that has the necessary infrastructure to be rezoned now. This includes servicing by Hunter Water, which has been scheduled for implementation following planned local facility upgrades.

Stage two and the future investigation area identify opportunities for medium to long term development. To move forward with these stages, developers will need to work closely with the relevant authorities to manage critical infrastructure such as sewerage and water, which is not currently available to service this land.

Port Stephens Local Environmental Plan 2013 (LEP)

Amendments to the LEP may result from the updated land use plan. Planning proposals will be assessed for consistency with the Karuah Place Plan (and other Council plans and policies).

Port Stephens Development Control Plan 2014

Amendments to DCP Chapter D2: Karuah will be required as a result of identifying additional development areas in Karuah. In particular, linkages between adjoin development areas, interface treatments for adjoining environmental land or faunal movement corridors, opportunities for housing diversity and footpaths to new developments should be addressed. The Karuah Place Plan includes an action to amend DCP Chapter D2: Karuah.

Local Infrastructure Contributions Plan 2020 (LIC)

The Karuah Place Plan includes an action to review the LIC to ensure that local infrastructure in Karuah reflects the anticipated growth of the town.

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Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the place plan does not identify sufficient land to cater for demand for residential land over the next 15 years	Low	Adopt the recommendation. The Karuah Place plan identifies stage one urban release areas that will provide residential land for the next 15 years, and stage two and future investigation area that will provide for additional land should growth in Karuah exceed the expected rate.	
There is a risk that land is rezoned that cannot be adequately serviced by Hunter Water	High	Adopt the recommendation. The Karuah Place Plan requires planning proposals to include evidence of an agreement with Hunter Water Corporation confirming that land can be adequately serviced.	
The Karuah Place Plan does not meet the community expectations	Low	Adopt the recommendation. The Port Stephens Liveability Index has been used to create the foundations of the Place Plan and the actions have been created to respond to this data. The Place Plan's effectiveness in addressing these values will be monitored when Placescore data is collected through future liveability census surveys.	

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Environment

The community of Karuah place a high value on the local environment with the river, wetlands and native bushland being key attractors to the town. The natural environment provides important habitat for native wildlife and is home to a diverse range of flora and fauna. Karuah's wetlands and bushland play an important role in

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keeping waterways healthy by absorbing excess nutrients, slowing over land flows, and reducing sediment, pollution and erosion. Preserving the natural environment is key to ensuring the long-term productivity of Karuah's waterways and river.

Actions in the Karuah Place Plan celebrate the connection of the community with the natural environment by improving access to the foreshore and identifying land for conservation.

When planning for future land use, protection of these valuable habitats is an important consideration, in particular, as development in a place intensifies, consideration needs to be given to the function and importance of natural areas including the way in which native animals access food sources, breeding sites and water.

In Karuah, two important biodiversity corridors have been identified:

- The North-South Corridor has been identified as part of the Watagans to Stockton green corridor and recognised as a high priority regional conservation area within the Lower Hunter Regional Strategy and the Lower Hunter Regional Conservation Plan. The North-South Corridor is also identified in the Port Stephens Biodiversity corridor mapping as a location where improvements to connectivity are required.
- The proposed East-West Corridor will provide connectivity to allow the movement of native animals away from proposed housing developments. The Karuah Place Plan does not define this corridor, but provides a guide as to where a corridor could be located. As part of any development, an ecological assessment would need to be undertaken to determine the best location, size and scale for these biodiversity corridors along with detailing how these corridors will support the protection and enhancement of valuable environment that makes Karuah so unique.

Biodiversity corridors are not designed to restrict development but to enhance the liveability of the place, protect local habitat and increase the wellbeing of those that live, work and visit the place.

As part of any new development in Karuah, applicants must show how they will minimise the environmental impact and demonstrate how new habitat and movement corridors will be created

Social

Liveability

Place Plans respond to the community's values and aspirations. They enable partnerships between residents, business and council and guide a collaborative approach to the delivery of great place outcomes.

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The Karuah Place Plan contains actions to inspire community involvement in creating a better place, through conservation, beautification and civil pride projects, activation opportunities such as events, and improved wayfinding and connections.

Housing affordability

The demand and cost of housing in Karuah is increasing. A mechanism to create more housing affordability is to provide land release on multiple fronts, providing competition and reducing land prices. With only a single site currently zoned for new land release, there is difficulty in providing this competition. The Place Plan therefore identifies urban release areas on land under multiple ownership.

In addition to providing housing in new release areas, Karuah has a number of large lots, where there is opportunity for infill housing. The Place Plan identifies those locations where infill housing can provide competition for greenfield land release. Infill housing also has an opportunity to provide for diverse housing such as secondary dwellings and small lot housing, to cater for those looking to downsize.

Economic

For many years, the oyster and timber industries have been the leading employment industries in Karuah and have been an important element in forming the identity of the people and the place. Through the community engagement process, the need to ensure the long-term viability of these industries was identified as important to the local community. New development will need to consider these industries and ensure there is no negative impact on the sustainability of these industries. Furthermore, the plan identifies ways that these industries could diversify, such as river tours that showcase the local produce.

As Karuah grows and new residential land is released, new residents will look for new business opportunities and new employment close to home. The KGS identifies land to the west of the town as suitable for industrial or employment land. Further investigation will be required to understand the short and long-term needs for employment land, the amount of employment land needed, the infrastructure required to service this land, and the recommended staging of any land release.

CONSULTATIONInternal

The Karuah Place Plan has been prepared in consultation with the relevant sections in the Development Services Group, Facilities and Services Group, and Corporate Services Group.

MINUTES ORDINARY COUNCIL - 26 OCTOBER 2021External**Community**

Place Score data collected in 2020, has been used to determine the community's values and aspirations. The Karuah Place Plan responds to this data by including actions that directly correspond to addressing identified values and areas for improvement.

In August and September 2020, community consultation was undertaken; a community drop-in session attended by 17 people, an online project page with 609 visits, an interactive online map with 166 comments and a survey with 26 responses were used to further refine the values and aspirations of the community. This consultation reinforced that the community value the natural environment and laidback feel of their town. The opportunities for improvement focussed on better open space and recreation facilities, improvements to local roads and footpaths and activation opportunities.

If endorsed, the Karuah Place Plan will be exhibited for a period of 28 days. Outcomes of community consultation will be reported to Council following the exhibition period.

Stakeholder Engagement

Key landholders have been consulted during preparation of the plan, including the Karuah Local Aboriginal Land Council and the landholders within the urban release areas, which includes Council's Property Team.

Hunter Water Corporation

Hunter Water have advised that while there is currently no capacity in the wastewater treatment facility, planned infrastructure upgrades will be sufficient to cater for existing undeveloped zoned land and Stage 1 urban release area. Consultation between Council, landholders and Hunter Water will be ongoing to ensure that Stage 2 and future investigation area are considered in future planning of Hunter Water infrastructure in Karuah.

OPTIONS

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

ATTACHMENTS

- 1) Karuah Place Plan. (Provided under separate cover)
- 2) Gateway determinations for Timbermill and Wetland sites.
- 3) Macroplan Residential Needs Assessment and Remplan Review. (Provided under separate cover)

MINUTES ORDINARY COUNCIL - 26 OCTOBER 2021

- 4) Independent Review – Karuah Place Plan (Cityplan July 2021). (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 26 OCTOBER 2021**ITEM 3 - ATTACHMENT 2 GATEWAY DETERMINATIONS FOR TIMBERMILL AND WETLAND SITES.**

Planning,
Industry &
Environment

PP_2019_PORTS_004_00 (EF19/24696)
PP_2019_PORTS_007_00 (EF19/31356)

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

Attention: Steven Peart

Dear Mr Wallis

Planning proposals PP_2019_PORTS_004_00 and PP_2019_PORTS_007_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) in respect of two planning proposals:

- PP_2019_PORTS_004_00, being 405 proposed residential lots at 269 Tarean Road, Karuah; and
- PP_2019_PORTS_007_00, being 182 proposed residential lots at 339 Tarean Road, Karuah.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposals should be resubmitted when matters outlined in the enclosed Gateway determinations have been addressed.

Council should seek to finalise its strategic planning work to more clearly set out when and where appropriate land use change is to occur within the local government area, specifically relating to housing growth and diversity. I note that Council has exhibited its draft Local Strategic Planning Statement and Housing Strategy.

The strategic planning matters that particularly relate to the above planning proposals and should be further investigated include supply and demand analysis for the housing market catchment, utility infrastructure servicing capacity of the Karuah area, and biodiversity corridor and conservation planning.

An alternative approach would be for the planning proposals to be resubmitted in line with the existing Karuah Growth Strategy. This would involve revising the planning proposals to be consistent with the release of land aligned with the sequencing and infrastructure capacity identified in this Strategy. Council would need to consider if this could result in a reduction of the proposed housing supply set out individually and cumulatively in the two planning proposals. There may also be merit in considering this as a staged approach.

Department of Planning, Industry and Environment
Central Coast and Hunter Region | Newcastle Office | Level 2, 26 Honeysuckle Drive, Newcastle | PO Box 1226 Newcastle 2300 |
T 02 4904 2700 | www.planning.nsw.gov.au

MINUTES ORDINARY COUNCIL - 26 OCTOBER 2021

**ITEM 3 - ATTACHMENT 2 GATEWAY DETERMINATIONS FOR TIMBERMILL
AND WETLAND SITES.**

If the planning proposals are not resubmitted and considered adequate before the timeframe specified in the enclosed Gateway determinations, they will be deemed as withdrawn.

Once you have considered the above the approaches, we would be happy to meet with Council to discuss a way forward. Should you have any enquiries about this matter, I have arranged for Mr James Shelton to assist you. Mr Shelton can be contacted on [REDACTED]

Yours sincerely

[REDACTED]

6/04/2020

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment

Encl: Gateway determinations

Department of Planning, Industry and Environment
Central Coast and Hunter Region | Newcastle Office | Level 2, 26 Honeysuckle Drive, Newcastle | PO Box 1226 Newcastle 2300 |
T 02 4904 2700 | www.planning.nsw.gov.au

MINUTES ORDINARY COUNCIL - 26 OCTOBER 2021**ITEM 3 - ATTACHMENT 2 GATEWAY DETERMINATIONS FOR TIMBERMILL AND WETLAND SITES.****Planning,
Industry &
Environment****Gateway Determination**

Planning proposal (Department Ref: PP_2019_PORTS_004_00): to rezone the land to enable approximately 405 residential lots

I, the Director of Central Coast and Hunter Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(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 the land to enable approximately 405 residential lots at 269 Tarean Road, Karuah should be resubmitted:

- 1) The resubmitted planning proposal should:
 - a) be revised in line with the existing Karuah Growth Strategy or informed by an updated strategic planning framework, which may include either a publicly exhibited draft Port Stephens Local Housing Strategy and/or an updated Karuah Growth Strategy;
 - b) consider consistency with Council's Local Strategic Planning Statement in terms of meeting future urban growth objectives;
 - c) consider consistency with the land release sequencing and infrastructure capacity in the Karuah Growth Strategy or include consideration of an infrastructure strategy for growth beyond the Strategy in consultation with utility service providers that provides:
 - i. an assessment of supply and demand for residential development within the housing market catchment;
 - ii. details of current infrastructure capacity, upgrades required and funding mechanisms;
 - iii. prioritisation and staging of release areas;
 - d) be updated to consider biodiversity constraints including regional and subregional corridors, which may require consultation with the NSW Biodiversity Conservation Division.
 - e) be updated to include an assessment against the State Environmental Planning Policy (Primary Production and Rural Development) 2019;
- 2) The timeframe to resubmit the planning proposal is by the 31 March 2021.

MINUTES ORDINARY COUNCIL - 26 OCTOBER 2021

**ITEM 3 - ATTACHMENT 2 GATEWAY DETERMINATIONS FOR TIMBERMILL
AND WETLAND SITES.**

Dated 6th day of April 2020.



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

Delegate of the Minister for Planning
and Public Spaces

PP_2019_PORTS_007_00 (EF19/31356)

MINUTES ORDINARY COUNCIL - 26 OCTOBER 2021**ITEM 3 - ATTACHMENT 2 GATEWAY DETERMINATIONS FOR TIMBERMILL AND WETLAND SITES.****Planning,
Industry &
Environment****Gateway Determination**

Planning proposal (Department Ref: PP_2019_PORTS_007_00): to rezone the land to enable approximately 182 residential lots.

I, the Director of Central Coast and Hunter Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(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 the land to enable approximately 182 residential lots at 339 Tarean Road, Karuah should be resubmitted:

- 1) The resubmitted planning proposal should:
 - a) be revised in line with the existing Karuah Growth Strategy or informed by an updated strategic planning framework, which may include either a publicly exhibited draft Port Stephens Local Housing Strategy and/or an updated Karuah Growth Strategy;
 - b) consider consistency with Council's Local Strategic Planning Statement in terms of meeting future urban growth objectives;
 - c) consider consistency with the land release sequencing and infrastructure capacity in the Karuah Growth Strategy or include consideration of an infrastructure strategy for growth beyond the Strategy in consultation with utility service providers that provides:
 - i. an assessment of supply and demand for residential development within the housing market catchment;
 - ii. details of current infrastructure capacity, upgrades required and funding mechanisms;
 - iii. prioritisation and staging of release areas;
 - d) be updated to consider biodiversity constraints including regional and subregional corridors, which may require consultation with the NSW Biodiversity Conservation Division.
 - e) be updated to include biodiversity studies that address the requirements of the *Biodiversity Conservation Act 2016* and Coastal Wetlands State Environmental Planning Policy 14;
 - f) consider of Council's obligations under the Remediation of Land State Environmental Planning Policy 55;
 - g) provide further analysis and evidence throughout the planning proposal to support various statements made relating to strategic and site specific merit.
- 2) The timeframe to resubmit the planning proposal is by the 31 March 2021.

MINUTES ORDINARY COUNCIL - 26 OCTOBER 2021

**ITEM 3 - ATTACHMENT 2 GATEWAY DETERMINATIONS FOR TIMBERMILL
AND WETLAND SITES.**

Dated 6th day of April 2020.



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

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

PP_2019_PORTS_007_00 (EF19/31356)

ITEM NO. 5

**FILE NO: 22/46956
EDRMS NO: PSC2021-01002**

EMPLOYMENT ZONES REFORM

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the employment zones reform preliminary translation amendment to Port Stephens Local Environmental Plan 2013 prepared by the Department of Planning, Industry and Environment (**ATTACHMENT 1**) and (**ATTACHMENT 2**).
 - 2) Note that a self-repealing State Environment Planning Policy Explanation of Intended Effect will be exhibited by the Department of Planning, Industry and Environment in April 2022 and no further endorsement will be required by Council prior to the translation amendment being made.
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

077	<p>Councillor Chris Doohan Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the employment zones reform preliminary translation amendment to Port Stephens Local Environmental Plan 2013 prepared by the Department of Planning, Industry and Environment (ATTACHMENT 1) and (ATTACHMENT 2).2) Note that a self-repealing State Environment Planning Policy Explanation of Intended Effect will be exhibited by the Department of Planning, Industry and Environment in April 2022 and no further endorsement will be required by Council prior to the translation amendment being made.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The Department of Planning, Industry and Environment (DPIE) are currently undertaking a reform process to consolidate the 12 existing business and industrial land use zones, into 8 new zones (5 employment zones, a mixed use zone, a working waterfront zone and an enterprise zone). The reforms are a recommendation of the NSW Productivity Commission and are intended to increase the flexibility of the zoning system by allowing for a greater range of land uses within each zone.

Following addition of the new zones into the Standard Instrument – Principle Local Environmental Plan, DPIE is now working to convert the existing business and industrial zones to the new zones in local environmental plans.

The reform process does not require Council to prepare a planning proposal or carry out a rezoning process, which will instead be carried out by DPIE on behalf of all NSW Councils. DPIE are seeking the endorsement of Council for the proposed zone conversions set out in the employment zones reform preliminary translation amendment to Port Stephens Local Environmental Plan 2013 (LEP 2013) **(ATTACHMENT 1)** and **(ATTACHMENT 2)** (the zone conversions).

The purpose of this report is to seek endorsement for the zone conversions **(ATTACHMENT 1)** and **(ATTACHMENT 2)**. DPIE intend to exhibit the zone conversions in April 2022.

The New Zones

The new employment and supporting zones are:

- E1 Local Centre: provides for a range of retail business, entertainment, community uses that serve a local area
- E2 Commercial Centre: large-scale commercial, retail, business and service development in strategic centres
- E3 Productivity Support: mix of industrial, commercial, creative, warehousing and emerging new industries that need larger floor space
- E4 General Industrial: light and general industrial, warehousing uses providing important services like waste management and concrete batching, and
- E5 Heavy Industrial: hazardous and industries with odour and noise impacts that need to be separated from other urban areas
- MU1 Mixed Use: mix of residential, commercial and industrial to provide a transition between zones and manage out of centre development

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

- W4 Working Waterfront: provide suitable protections for employment areas adjacent to waterways
- SP4 Enterprise: unique areas with an enterprise focus requiring tailored land uses.

DPIE has prepared land use tables for the new zones as part of the reforms package (**ATTACHMENT 2**). These land use tables have been prepared with specific reference to the existing permissible uses within the equivalent existing zone in LEP 2013, to ensure existing businesses are supported and have the opportunity to expand.

It is noted that DPIE has not identified any land within Port Stephens to be converted to E5 Heavy Industrial or SP4 Enterprise and so has not prepared land use tables for these zones.

Standard Conversion Table

To support the reform process, DPIE prepared a standard conversion table outlining which new zone existing business and industrial land will convert to. The standard conversions for the current LEP 2013 zones are outlined in the table below.

Current Zone	New Zone
B1 Neighbourhood Centre	E1 Local Centre
B2 Local Centre	E1 Local Centre
B3 Commercial Core	E2 Commercial Centre
B4 Mixed Use	MU1 Mixed Use
B5 Business Development	E3 Productivity Support
B7 Business Park	E3 Productivity Support
IN1 General Industrial	E4 General Industrial
IN2 Light Industrial	E4 General Industrial
IN4 Working Waterfront	W4 Working Waterfront

The proposed conversion for each zone has been reviewed alongside the broader suite of employment zones to ensure zone conversions align with local strategic planning.

Non-Standard Conversions

A land use audit has been undertaken of all existing business and industrial zoned land. This has confirmed that the standard zone conversion table will result in new zones that appropriately support existing and new business and industry in almost all locations. Accordingly, the zone conversions (**ATTACHMENT 1**) are in accordance with the standard conversion table prepared by DPIE, except for two sites within Raymond Terrace. A locality plan showing the two sites has been included as (**ATTACHMENT 3**).

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

Both sites are currently zoned IN2 Light Industrial, with a standard conversion to the new E4 General Industrial zone. The land use audit demonstrated that the land uses in these locations was more closely aligned with the new E3 Productivity Support zone. The range of uses and objectives of the E3 Productivity Support zone also align with the Port Stephens Commercial and Industrial Land Study and the Raymond Terrace and Heatherbrae Strategy, which identifies the need to strengthen the retail offering of Raymond Terrace.

This justification was included in a submission (**ATTACHMENT 4**) to the precursor employment zones framework in June 2021. DPIE has supported a non-standard conversion for both sites, to E3 Productivity Support.

Williamstown Special Activation Precinct

The employment zones reform will excise the Williamstown Special Activation Precinct (SAP) for the purposes of the employment zones exhibition. The SAP team are aiming to exhibit the Master Plan and amendment to the Activation Precincts SEPP for Williamstown SAP in March, this includes changes to zoning and land uses specific to this land. Depending on the timing and finalisation of each project, a transitional provision may be adopted in the Standard Instrument Order, enabling the on-going function of the existing B7 Business Park zone for the SAP land, until such time that the zoning for the SAP land has been made.

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

There are no known financial or resource implications for Council as a consequence of the proposed recommendations. The exhibition will be managed within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no known legal or risk implications resulting from the proposed recommendations.

A savings and transitional provision will be made to facilitate any subsequent required amendments to Council strategies, policies, plans and forms.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that affected landowners are not aware of the DPIE employment zones reform including the proposed translation amendment to LEP 2013.	Low	Provide a link to the DPIE employment zones reform exhibition including the translation amendment to LEP 2013 on the Port Stephens Council website. Publish a notice of the DPIE employment zones reform exhibition including the translation amendment to LEP 2013 in the Port Stephens Examiner.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant social, economic and environmental implications resulting from the proposed recommendations.

It was recommended by the NSW Productivity Commission to rationalise the number of employment zones in NSW and to increase flexibility within the new zones to expand the land uses that are permitted. This approach aims to remove widespread limitations on businesses that wish to establish, innovate and expand. It endeavours to support long term economic recovery through job creation and increased productivity in NSW.

CONSULTATIONInternal

Internal consultation on the employment zones reform was undertaken by the Strategic Planning Unit.

External

DPIE exhibited the employment zones framework from 20 May to 30 June 2021. Council made a submission on 30 June 2021 (**ATTACHMENT 4**).

A self-repealing State Environmental Planning Policy (SEPP) Explanation of Intended Effect (EIE), including supporting information comprising proposed land use tables and mapping for the translation amendment to LEP 2013, will be exhibited by DPIE in April 2022.

The exhibition by DPIE will include a website with exhibition material that will enable the public to identify the proposed translation amendments and make a submission. Submissions will be provided to council by DPIE following exhibition.

OPTIONS

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

ATTACHMENTS

- 1) Employment Zones Reform - Port Stephens LEP 2013 LUTs Translation.
- 2) Employment Zones Reform - GIS Mapping of translated zones - LEP Maps. (Provided under separate cover)
- 3) Employment Zones Reform - Non Standard Translation Locality Plan. (Provided under separate cover)
- 4) Submission - Port Stephens Council FINAL - 30 June 2021.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 EMPLOYMENT ZONES REFORM - PORT
STEPHENS LEP 2013 LUTS TRANSLATION.



Translation of the employment zones land use tables

Port Stephens LEP 2013 land use tables (Version 2.0)

Draft for Exhibition | February 2022 | Version 2.0

ITEM 5 - ATTACHMENT 1 EMPLOYMENT ZONES REFORM - PORT
STEPHENS LEP 2013 LUTS TRANSLATION.

Employment zones reform

Translation of Port Stephens LEP 2013 land use tables



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ITEM 5 - ATTACHMENT 1 EMPLOYMENT ZONES REFORM - PORT STEPHENS LEP 2013 LUTS TRANSLATION.

Employment zones reform

Translation of Port Stephens LEP 2013 land use tables



Port Stephens Local Environmental Plan 2013

Zone E1 Local Centre

1 Objectives of zone

- To provide a range of retail, business and community uses that serve the needs of people who live, work or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

2 Permitted without consent

[Environmental protection works](#); Home occupations

3 Permitted with consent

Amusement centres; [Attached dwellings](#); Boarding houses; [Boat building and repair facilities](#); [Boat launching ramps](#); [Boat sheds](#); Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; [Charter and tourism boating facilities](#); Commercial premises; Community facilities; [Educational establishments](#); [Electricity generating works](#); Entertainment facilities; [Environmental facilities](#); [Environmental protection works](#); [Flood mitigation works](#); Function centres; [Health consulting rooms](#); [Highway service centres](#); Home businesses; Home industries; [Home-based child care](#); [Hostels](#); Hotel or motel accommodation; [Industrial retail outlets](#); Information and education facilities; [Jetties](#); [Light industries](#); Local distribution premises; [Marinas](#); Medical centres; [Multi dwelling housing](#); Oyster aquaculture; [Passenger transport facilities](#); Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); [Registered clubs](#); [Research stations](#); [Residential flat buildings](#); Respite day care centres; [Restricted premises](#); Roads; [Seniors housing](#); Service stations; Shop top housing; Signage; Tank-based aquaculture; [Tourist and visitor accommodation](#); [Vehicle body repair workshops](#); [Vehicle repair stations](#); Veterinary hospitals; [Water recreation structures](#); [Water reticulation systems](#)

4 Prohibited

[Farm stay accommodation](#); Any other development not specified in item 2 or 3

ITEM 5 - ATTACHMENT 1 EMPLOYMENT ZONES REFORM - PORT STEPHENS LEP 2013 LUTS TRANSLATION.

Employment zones reform

Translation of Port Stephens LEP 2013 land use tables



Zone E2 Commercial Centre

1 Objectives of zone

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development that is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To facilitate the growth of Raymond Terrace as a regional centre.

2 Permitted without consent

Home occupations

3 Permitted with consent

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; [Boarding houses](#); [Boat building and repair facilities](#); [Boat launching ramps](#); [Boat sheds](#); Building identification signs; Business identification signs; [Car parks](#); Centre-based child care facilities; [Charter and tourism boating facilities](#); Commercial premises; Community facilities; [Dwelling houses](#); Educational establishments; Entertainment facilities; [Environmental facilities](#); [Environmental protection works](#); Function centres; [Highway service centres](#); Home businesses; Home industries; [Home-based child care](#); [Hostels](#); Hotel or motel accommodation; [Industrial retail outlets](#); Information and education facilities; [Jetties](#); [Light industries](#); Local distribution premises; [Marinas](#); Medical centres; Mortuaries; [Multi dwelling housing](#); Oyster aquaculture; Passenger transport facilities; Places of public worship; [Public administration buildings](#); Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; [Research stations](#); [Residential flat buildings](#); Respite day care centres; Restricted premises; Roads; [Seniors housing](#); [Service stations](#); [Shop top housing](#); [Signage](#); Tank-based aquaculture; [Tourist and visitor accommodation](#); [Vehicle body repair workshops](#); Vehicle repair stations; Veterinary hospitals; [Water recreation structures](#); [Water reticulation systems](#)

4 Prohibited

[Farm stay accommodation](#); [Any other development not specified in item 2 or 3](#)

ITEM 5 - ATTACHMENT 1 EMPLOYMENT ZONES REFORM - PORT STEPHENS LEP 2013 LUTS TRANSLATION.**Employment zones reform**

Translation of Port Stephens LEP 2013 land use tables

**Zone E3 Productivity Support****1 Objectives of zone**

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.

2 Permitted without consent

Nil

3 Permitted with consent

Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Correctional centres; Depots; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Freight transport facilities; Function centres; Garden centres; General industries; Hardware and building supplies; Helipads; Highway service centres; Home industries; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Jetties; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Marinas; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restricted premises; Roads; Rural supplies; Service stations; Signage; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures; Water reticulation systems; Wharf or boating facilities; Wholesale supplies

4 Prohibited

Pubs; Any other development not specified in item 2 or 3

ITEM 5 - ATTACHMENT 1 EMPLOYMENT ZONES REFORM - PORT STEPHENS LEP 2013 LUTS TRANSLATION.

Employment zones reform

Translation of Port Stephens LEP 2013 land use tables



Zone E4 General Industrial

1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

2 Permitted without consent

Nil

3 Permitted with consent

Airstrips; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Heavy industrial storage establishments; Heavy industries; Helipads; Heliports; Highway service centres; Information and education facilities; Industrial retail outlets; Industrial training facilities; Jetties; Landscaping material supplies; Light industries; Local distribution premises; Mortuaries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Port facilities; Recreation facilities (indoor); Research stations; Resource recovery facilities; Restricted premises; Roads; Rural supplies; Sawmill or log processing works; Service stations; Sex services premises; Signage; Stock and sale yards; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

4 Prohibited

Any other development not specified in item 2 or 3

ITEM 5 - ATTACHMENT 1 EMPLOYMENT ZONES REFORM - PORT STEPHENS LEP 2013 LUTS TRANSLATION.

Employment zones reform

Translation of Port Stephens LEP 2013 land use tables



Zone MU1 Mixed Use

1 Objectives of zone

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To encourage a mix of residential and non-residential uses, to align with the objectives of the Hunter Regional Plan.

2 Permitted without consent

Home occupations

3 Permitted with consent

Amusement centres; [Attached dwellings](#); Boarding houses; [Boat building and repair facilities](#); [Boat launching ramps](#); [Boat sheds](#); Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; [Charter and tourism boating facilities](#); Commercial premises; Community facilities; [Dwelling houses](#); Educational establishments; [Electricity generating works](#); Entertainment facilities; [Environmental facilities](#); [Environmental protection works](#); Flood mitigation works; Function centres; [Highway service centres](#); [Home businesses](#); [Home-based child care](#); Home industries; [Hostels](#); [Industrial retail outlets](#); Information and education facilities; [Jetties](#); Light industries; Local distribution premises; [Marinas](#); Medical centres; [Mortuaries](#); [Multi dwelling housing](#); Oyster aquaculture; Passenger transport facilities; Places of public worship; [Public administration buildings](#); Recreation areas; Recreation facilities (indoor); [Recreation facilities \(major\)](#); [Recreation facilities \(outdoor\)](#); Registered clubs; [Research stations](#); [Residential flat buildings](#); Respite day care centres; Restricted premises; Roads; [Semi-detached dwellings](#); Seniors housing; [Service stations](#); Shop top housing; [Signage](#); Tank-based aquaculture; Tourist and visitor accommodation; [Vehicle body repair workshops](#); Vehicle repair stations; [Veterinary hospitals](#); [Water recreation structures](#); [Water reticulation systems](#)

4 Prohibited

Any other development not specified in item 2 or 3

ITEM 5 - ATTACHMENT 1 EMPLOYMENT ZONES REFORM - PORT STEPHENS LEP 2013 LUTS TRANSLATION.

Employment zones reform

Translation of Port Stephens LEP 2013 land use tables



Zone W4 Working Waterfront

1 Objectives of zone

- To retain and encourage industrial and maritime activities on foreshores.
- To identify sites for maritime purposes and for activities requiring direct foreshore access.
- To ensure that development does not have an adverse impact on the environment and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Crematoria; Depots; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Heliports; Home businesses; Industrial retail outlets; Jetties; Landscaping material supplies; Light industries; Marinas; Mooring pens; Moorings; Mortuaries; Pond-based aquaculture; Port facilities; Roads; Rural supplies; Service stations; Sewage treatment plants; Sex services premises; Signage; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

ITEM 5 - ATTACHMENT 1 EMPLOYMENT ZONES REFORM - PORT STEPHENS LEP 2013 LUTS TRANSLATION.

Employment zones reform

Translation of Port Stephens LEP 2013 land use tables



Local Provisions and Schedule 1 – Additional permitted uses

LEP	Clause/Schedule	Provision
Port Stephens LEP 2013	Part 7 Additional local provisions	
	Cl.7.14 Maximum gross floor area for retail premises in Zone MU1	Limits GFA of retail premises in MU1 zones.
	Cl.7.20 Maximum gross floor area for commercial premises on certain land at Salt Ash (known as Paul's Corner)	Limits GFA of commercial premises on certain E1 land.
	Cl.7.23 Minimum building street frontages for development in Zones R3 and B2	Specifies minimum building street frontages for zone zoned E1 and R3 in Nelson Bay.
	Schedule 1	
	Schedule 1, cl.3, certain land at Frederick Drive, Oyster Cove	Allows dwelling houses/dual occupancies on land zoned E4.

Draft for Exhibition | Translation of Port Stephens LEP 2013 Version 2.0 | 9



Attn: Director Employment Zones
NSW Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

By online submission: <https://www.planningportal.nsw.gov.au/employment-zones-reform>

Dear Sir/Madam

Re: Employment Zones Reform

Thank you for the opportunity to provide feedback on the Employment Zones Reform (the reform). Port Stephens Council (Council) supports streamlining of the zoning system to provide a wider range of opportunities on employment zoned land.

The reform aligns with the Port Stephens Local Strategic Planning Statement (LSPS) priorities to support growth of our strategic centres and employment areas and make business growth easier.

The reform provides an opportunity for councils to build on strategic work that has already been undertaken and to provide comments on the 'zone translations' proposed as part of implementation. In Port Stephens, there are specific opportunities in Raymond Terrace for the zone translations to give effect to the State and local strategic direction for the town centre and correct errors made when the Standard Instrument Local Environmental Plan was adopted in 2014.

We have also identified more general opportunities for the implementation of these reforms to include measures to support improved planning outcomes.

Strategic outcomes in Raymond Terrace

Regularising existing commercial land uses in industrial zones in Raymond Terrace

The reforms involve zone translations for existing employment zones to the proposed new framework. In Raymond Terrace, there is a precinct of existing industrial zoned land that does not reflect existing uses and State and local strategic plans would support 'translating' this zone to the proposed 'E3 Productivity Support' zone. Figure 1 shows the extent of this precinct (Precinct 1).

PORT STEPHENS COUNCIL

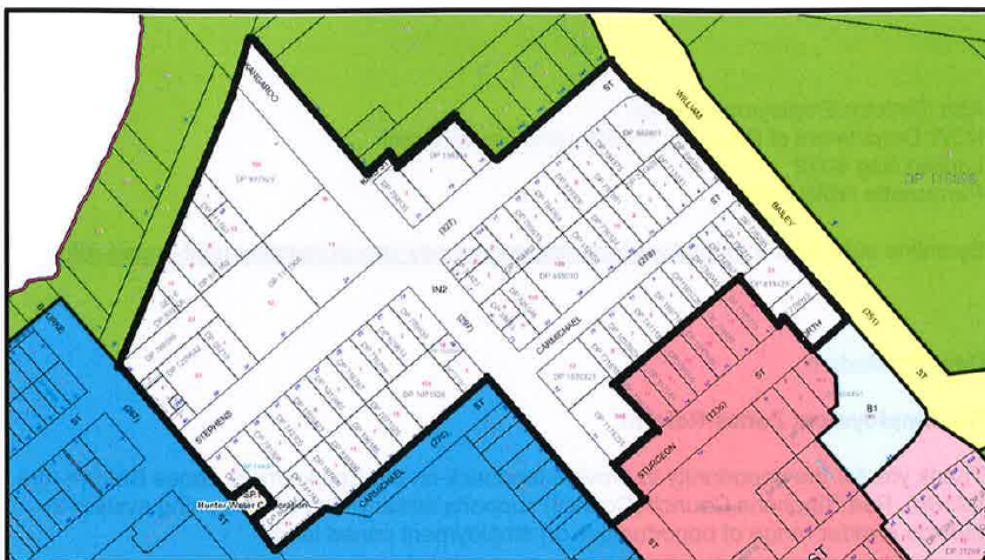
116 Adelaide Street
Raymond Terrace NSW 2324

PO Box 42
Raymond Terrace NSW 2324

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

www.portstephens.nsw.gov.au
ABN 16 744 377 876

Figure 1 IN2 Zoned land in Raymond Terrace (Precinct 1) - outlined in heavy black.



Precinct 1 contains 75 lots, 33 (44%) of which are currently using existing use rights to operate as commercial premises.

When the Port Stephens Local Environmental Plan 2013 (LEP) commenced, Precinct 1 was rezoned IN2 Light Industrial from 5(g) - Special Urban (flood affected) zone, under the Port Stephens Local Environmental Plan 2000 (LEP 2000) without any strategic justification. The 5(g) Special Urban zone previously permitted development of industrial, commercial and residential uses in a flood responsive manner and the current land uses that are inconsistent with the current IN2 zoning in Precinct 1 are primarily commercial premises.

Enabling a mix of commercial and industrial uses in this precinct is supported by local strategic planning studies. The Port Stephens Commercial and Industrial Land Study (Land Study) recommends a mix of IN2 Light Industrial and B5 Business Development zoning be applied to the land. The Raymond Terrace and Heatherbrae Strategy (RTHS) identifies the need to strengthen the retail offering of Raymond Terrace.

These objectives are consistent with State strategies including the Greater Newcastle Metropolitan Plan (GNMP), and the Hunter Regional Plan (HRP). Raymond Terrace is identified as a regional strategic centre in the HRP and defined in as an 'Emerging city centre'. Emerging city centres offer diverse economic activity, services and civic functions. Strategy 9 of the GNMP, 'Plan for jobs closer to homes in the metro frame' identifies that strategic centres should support small business growth and provide diversity of employment.

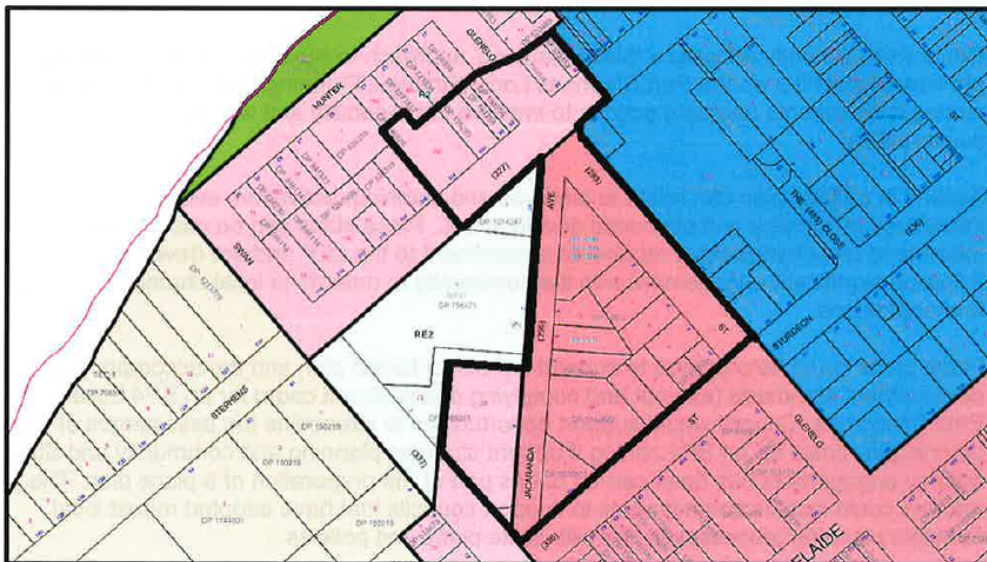
A survey demonstrates that actual uses of the land in this precinct align with the E3 Productivity Support zone. Applying the E3 Productivity Support zone to the land in Precinct 1 provides businesses with certainty that their current use can be expanded and allows new businesses to establish, consistent with the local context. This outcome is aligned with the goals of the reform to better accommodate the changing needs of business, improve strategic alignment, boost productivity and strengthen the economy.

In addition to Raymond Terrace, there are other parts of Port Stephens with employment precincts that are inconsistent with the current zoning of the land. Similar to Precinct 1, there may have been anomalies that occurred when the Standard Instrument was adopted or the current zoning framework is not flexible enough to adequately reflect existing uses in the precinct. If there is an opportunity to apply a more appropriate zone to the land through the implementation of these reforms, we welcome the opportunity to identify other employment areas in Port Stephens and appropriate 'zone translations' during the map review process.

Regularising existing commercial land uses in residential zones in Raymond Terrace

The reform will 'translate' existing employment zones to the proposed new zoning framework. There is however an opportunity in Raymond Terrace to zone a precinct of residential land to regularise existing commercial uses, in line with the strategic directions in local and State strategies (See Precinct 2 in Figure 2 below).

Figure 2 R2 and R3 zoned land used for commercial purposes (Precinct 2) - outlined in heavy black.



Of the 4.75ha of land identified in Precinct 2, only 0.75ha is currently used for residential purposes, and 1.64ha (69%) of the land is used for commercial purposes, including a carpark, small office complexes, medical and health facilities and a café.

Under the LEP 2000, the residential "A" Zone permitted 'small-scale commercial activities compatible with a residential neighbourhood and a variety of community uses' in Precinct 2. When the Standard Instrument was adopted, Precinct 2 was rezoned solely for residential purposes without any strategic justification.

Land in Precinct 2 is predominantly used for community services and facilities, including two medical and health facilities, which have been identified in the LSPS and RTHS as a key need for Raymond Terrace. The GNMP identifies Raymond Terrace as one of 12 'major health precincts in Greater Newcastle' and Direction 6 of the HRP identifies that healthcare is the largest provider of jobs in Port Stephens and is expected to grow with the forecast increases in the ageing population. The current R2 and R3 zonings for Precinct 2 do not align with these directions.

Existing and potential future land uses in Precinct 2 would align with the proposed MU1 Mixed Use zone and applying the MU1 zone will provide businesses with certainty that their current use can be expanded. It will allow new businesses to establish, consistent with the local context and strategic vision for Raymond Terrace. This outcome is aligned with the goals of the reform to better accommodate the changing needs of business, improve strategic alignment, boost productivity and strengthen the economy.

Improved planning outcomes

Place planning and the SP4 Local Enterprise Zone

Council has recently adopted a 'place planning' approach to replace local strategies and provide a local filter on the Port Stephens Local Strategic Planning Statement and other strategic documents to create actions to improve the liveability and wellbeing of our communities.

Actions in a place plan can relate to land use and planning, activation, events, infrastructure delivery and economic development. Place plans can be used to support future land use changes that require an amendment to the LEP and are developed following significant engagement with the community to determine local character, visions and aspirations.

Place plans could be prepared to support a precinct based plan and the accompanying development standards (exempt and complying development code) for an SP4 Local Enterprise zone. Council would support opportunities to streamline the assessment of the planning proposal for an SP4 zoning if upfront strategic planning and community and State agency engagement has been carried out as part of the preparation of a place plan. The reforms could include commitments to support councils that have adopted robust local strategic planning processes in line with State plans and policies.

Implementation and amendments

As part of implementation, we understand that councils will be provided with proposed zone translations and will be able to provide comments on the changes. The timeframe for providing comments will be relatively short and some councils may not have capacity to investigate proposed zonings to the level of detail necessary. If changes are required after the implementation of the reforms, we understand councils would be required to submit a planning proposal to amend their LEP. To address these risks and streamline corrections, the State could commit to collating a 'housekeeping' amendment to amend local environmental plans via a State environmental planning policy within 6 months after implementation. Alternatively, options for councils to progress amendments to correct errors and accelerate zone translations where consistent with State and local planning using the expedited amendment process under section 3.22 of the *Environmental Planning & Assessment Act 1979* could be explored.

We would be happy to provide further information on the proposed zone translations in Raymond Terrace outlined above and Council's place planning approach. We would also welcome the opportunity to provide advice on employment precincts in other parts of Port Stephens for consideration as part of the implementation of these reforms.

For further information, please contact Thomas Beckerton, Strategic Planner on (02) 4988 0463 or by email at thomas.beckerton@portstephens.nsw.gov.au

Yours sincerely,



Elizabeth Lamb
Strategic Planning Co-ordinator

30 June 2021

Telephone enquiries
(02) 4988 0463
Please quote file no: PSC2021-01002

ITEM NO. 6

**FILE NO: 22/74974
EDRMS NO: PSC2006-2170**

**ADDITION OF PAPER ROADS TO COLUMBEY AND MEDOWIE STATE
CONSERVATION AREAS**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Agree to that part of Road 1163 as shown by hatching on **(ATTACHMENT 1)** being closed by National Parks and Wildlife Service and incorporated into the Columbey State Conservation Area.
 - 2) Agree to that part of Road 1509 as shown by hatching on **(ATTACHMENT 2)** being closed by National Parks and Wildlife Service and incorporated into the Medowie State Conservation Area.
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

078	Councillor Giacomo Arnott Councillor Jason Wells It was resolved that Council: <ol style="list-style-type: none">1) Agree to that part of Road 1163 as shown by hatching on (ATTACHMENT 1) being closed by National Parks and Wildlife Service and incorporated into the Columbey State Conservation Area.2) Agree to that part of Road 1509 as shown by hatching on (ATTACHMENT 2) being closed by National Parks and Wildlife Service and incorporated into the Medowie State Conservation Area.
------------	--

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to authorise National Parks and Wildlife Service (NPWS) to close 2 paper roads so that they can be added to the adjoining state conservation areas. A paper road is a legally identified but unformed road.

Road 1163 (**ATTACHMENT 1**) is located at Duns Creek and is proposed to be closed and added to the Columbey State Conservation Area (CSCA).

Council has been the roads authority for Road 1163 since 11 June 1958 when it was declared a public road and dedicated to the public. It remains an unformed paper road that does not provide practical access to any private or Council owned lands. All lands adjoining the road form part of the CSCA and are under the care and control of NPWS.

The CSCA covers 25 hectares of land and is known to contain a variety of threatened species including the Koala and Glossy Black-Cockatoo, as well as the endangered ecological community Lower Hunter Spotted Gum-Ironbark Forest in the Sydney Basin Bioregion (EEC). NPWS' investigations indicate the paper road contains continuous native vegetation comparable to the CSCA and adding the road to it will facilitate ongoing conservation through unified management arrangements, and will transfer all maintenance obligations and liabilities from Council to NPWS.

Road 1509 (**ATTACHMENT 2**) is located in Medowie and is proposed to be closed and added to the Medowie State Conservation Area (MSCA).

The whole of Road 1509 was transferred from Crown Lands to Council on 15 January 2016. Part of the road is formed and provides public access to the Bower Estate, Medowie (the estate). The subject part as shown in hatching on (**ATTACHMENT 2**) is unformed and not required for future road purposes. It is situated north of the estate and is surrounded to the east, north and west by lands under the care and control of NPWS.

NPWS has recently acquired the lot immediately adjoining the paper road to the east (Lot 2 DP 1224780) (**ATTACHMENT 2**) and adding the closed road to the MSCA will facilitate ongoing conservation through unified management arrangements, and will transfer all maintenance obligations and liabilities from Council to NPWS.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Environmental Sustainability	Reduce the community's environmental footprint.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications associated with the transaction.

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

NPWS' legislation enables it to extinguish roads by publication in the Government Gazette, without the need for a formal road closure to be undertaken.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that maintenance responsibilities and other liabilities will remain with Council in perpetuity.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Addition of the paper roads to the surrounding state conservation areas will facilitate ongoing conservation efforts in both localities.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategic Property team.

Internal

- Senior Development Engineer.
- Development Engineer.
- Civil Assets Manager.

External

- National Parks and Wildlife Service.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan - Road 1163.
- 2) Locality Plan - Road 1509.

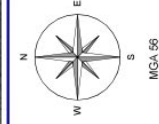
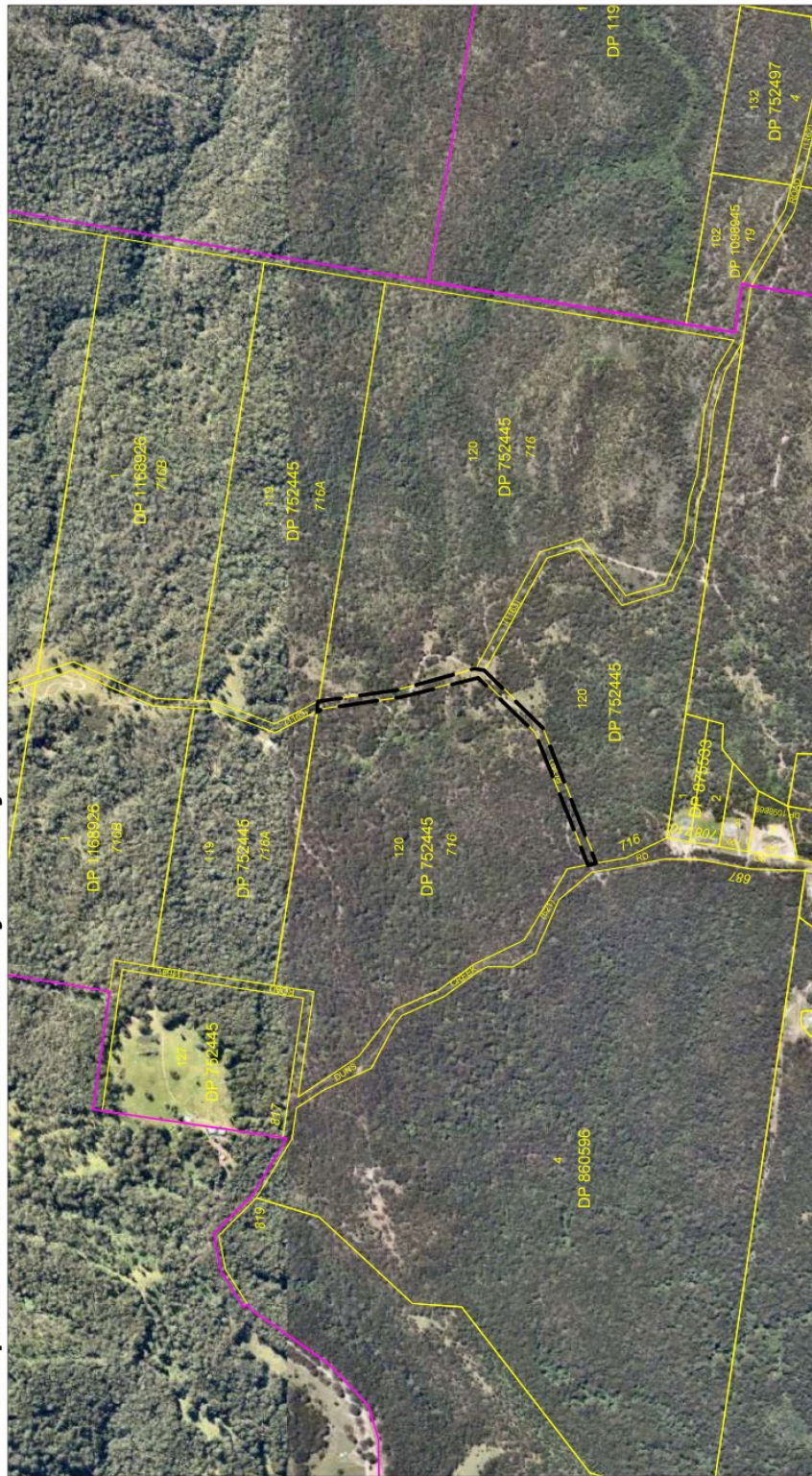
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Proposed Addition to Columbey SCA by NPWS - Unformed Council Road - Duns Creek



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

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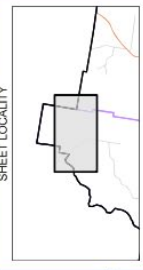
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SHEET LOCALITY





**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

079	Councillor Chris Doohan Councillor Giacomo Arnott It was resolved that Council adopt recommendations of Items 7 to 10 by multiple item adoption.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 7

FILE NO: 22/55016
EDRMS NO: PSC2019-05538

POLICY REVIEW - PUBLIC PROPERTY ENCROACHMENT POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Public Property Encroachment Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the revised Public Property Encroachment Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
 - 3) Revoke the Public Property Encroachment Policy dated 14 July 2020, Minute No. 133 should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

079	Councillor Chris Doohan Councillor Giacomo Arnott It was resolved that Council: 1) Endorse the revised Public Property Encroachment Policy shown at (ATTACHMENT 1) . 2) Place the revised Public Property Encroachment Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council. 3) Revoke the Public Property Encroachment Policy dated 14 July 2020, Minute No. 133 should no submissions be received.
------------	---

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is seek Council's endorsement of the revised Public Property Encroachment Policy (policy) shown as **(ATTACHMENT 1)**.

The policy relates to encroachment of private assets on Council's land, such as road reserves and community or operational land. The policy amongst other things defines what is meant by encroachment and also notes the application process.

Private assets include assets such as water features, steps, retaining walls, garden beds, and landscaping to name a few. The policy does not relate to buildings or structures as these are covered through the Development Application process.

Council acknowledges that the private assets on Council land can beautify an area and can be mutually beneficial to the community and Council. However, in some cases this beautification and encroachment on Council land may have a negative impact to the community, public safety, environment and amenity of the land, hence a Council position and process should be adopted by Council.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Infrastructure and Facilities	Plan civil and community infrastructure to support the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications with the adoption of this proposed policy.

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

While there may be a risk with private assets being built and maintained on Council land, it could be considered to have no more risk than the community mowing the nature strip adjacent to their property. This assumes that the private assets have been through the encroachment application process and have been approved by Council staff.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the policy will lead to an inconsistent management of private assets on public land.	Low	Adopt the policy.	Yes
There is a risk that assets will be built leading to unsafe community areas or access being prevented.	Low	Adopt the policy so the community and Council staff gain clarity on what is allowed and acceptable.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Allowing private assets on Council land through the policy provides beautification on public areas, gives residents ownership and a sense of pride of their surrounding community.

CONSULTATION

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

Internal

- Consultation has been undertaken with Council's operations, enforcement and environment sections.
- The policy has been endorsed by Council's Executive Team.

External

In accordance with local government legislation the Public Property Encroachment Policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Public Property Encroachment Policy 2022.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 7 - ATTACHMENT 1 REVISED PUBLIC PROPERTY ENCROACHMENT
POLICY 2022.**

Policy



FILE NO: PSC2019-05538

TITLE: PUBLIC PROPERTY ENCROACHMENT POLICY

OWNER: ASSET SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to provide Council's position on encroachment of private assets on Council's land such as road reserves and public community or operational land.
- 1.2 This policy is linked to Key Direction P2 Infrastructure and Facilities – Our community's infrastructure and facilities are safe, convenient, reliable and environmentally sustainable.

2. CONTEXT/BACKGROUND:

- 2.1 Council owns and manages a large portfolio of land for the community and public to use. Council recognises that some adjoining private property owners undertake work to beautify and maintain Council's land to the mutual benefit of each party. In some cases these beautifications extend beyond maintenance and result in private assets being placed on Council land.
- 2.2 In some cases this results in a sense of ownership and pride that benefits Council and the public.
- 2.3 In other cases this beautification and encroachment on Council land may have a negative impact to the community, public safety, environment and amenity of the land.
- 2.4 The extent of the encroachment and the organisation's risk appetite will determine Council's ability to accept or deny each encroachment and any further action required.

3. SCOPE:

- 3.1 This policy relates to encroachment on Council's road reserves and public community or operational land.
- 3.2 This policy does not relate to:
 - a. Parks and roadside memorials.
 - b. The encroachment on Council's commercial property portfolio.
 - c. Items covered under Council's Outdoor Trading Policy.

Policy

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ITEM 7 - ATTACHMENT 1 REVISED PUBLIC PROPERTY ENCROACHMENT POLICY 2022.



Policy

- d. Bus shelter advertising.
- e. The Dinghy Foreshore Vessel Storage Policy.
- f. Private utilities that are covered under Section 611 of the Local Government Act 1993.
- g. Any other activity or use that is approved or exempt from requiring prior approval. These are covered under other adopted Council policies, fees and charges or legislation.

3.3 Where an existing or proposed encroachment results in:

- a. A compromise to the integrity of natural and/or cultural values.
- b. Prevention of public use or access.
- c. Impediment of fire management.
- d. The detracting from aesthetic appearances and/or character of the area.
- e. The diversion and/or encumbrances of Council resources or assets.
- f. The jeopardy of public safety.
- g. The social inequity.
- h. Council's legal liability.
- i. Traffic and pedestrian safety.

3.4 Council may either not approve the proposed encroachment or order the person who undertook the existing encroachment to remove/make good the area to Council's satisfaction. These works and any associated approvals will be at the cost of the person who has undertaken the encroachment.

3.5 If works are not undertaken by the order date Council may take action and invoice the owner of the encroachment to recoup costs.

3.6 Should approval be granted, these works and any associated approvals will be at the cost of the applicant is requesting the encroachment works.

4. DEFINITIONS:

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

Private assets	Include but not limited to - water features, steps, retaining walls, fencing or physical barrier, gazebos, garden beds, and landscaping, vegetable patches, seating and furniture, BBQs, fire pits, boat ramps, storage equipment, structures (i.e. decking, patios, concrete/paving works).
Public community and operational land	Relates to lands defined as community or operational land held/managed by Council. Does not include Council owned commercial and investment lands.
Community Land	Land owned and managed by Council.

Policy

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Policy



Council managed Community Land	Land managed by Council (ie Crown Trust).
Operational Land for Community Purposes	Operational land owned and managed by Council for community purposes.
Road Reserve	Land owned and managed by Council.
Council managed Road Reserves	Land managed by Council (i.e. RMS roads).

5. STATEMENT:

- 5.1 Council acknowledges that suitable encroachments may have benefits to residents, the community, public and Council by providing a sense of place, ownership, pride and increased maintenance.
- 5.2 Proposed works are to be applied through Council's 'Works on Community Land Application' or Roads Act 1993 approval process.
- 5.3 Encroachment may take many forms and each one will be assessed on its merits, benefits to the public and the organisations risk appetite.
- 5.4 Council may revoke previous approvals as new information become available or if the change of use prevents the space from being used for which it was intended.
- 5.5 Any approval for private assets transfers to the new owners upon sale of the adjoining property.
- 5.6 The applicant of the encroachment asset/adjoining property owner is responsible to remove and restore the private asset should Council or any other public authority require access through the subject area.

6. RESPONSIBILITIES:

- 6.1 Community and Recreation Coordinator for community land.
- 6.2 Civil Assets Planning Manager for road reserves.

7. RELATED DOCUMENTS:

- 7.1 Roads Act 1993.
- 7.2 Local Government Act 1993.

Policy

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ITEM 7 - ATTACHMENT 1 REVISED PUBLIC PROPERTY ENCROACHMENT POLICY 2022.

Policy



CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2019-05583	EDRMS record No.	TBA
Audience	Mayor and Councillors, Council Staff and Community.		
Process owner	Community and Recreation Co-ordinator for community land. Civil Assets Planning Manager for road reserves. Property Services Section Manager for Operational land.		
Author	Asset Section Manager		
Review timeframe	2 3 years	Next review date	TBA
Adoption date	14 July 2020		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	14 July 2020	Asset Section Manager	New policy was adopted.	133
2	TBA	Asset Section Manager	Reviewed and updated into the Policy template. 3.2e Update name of policy. Removed "Dinghy" and replaced with "Foreshore Vessel Storage". 3.3i Add the word "safety".	TBA

Policy

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ITEM NO. 8

**FILE NO: 22/55172
EDRMS NO: PSC2015-01399**

POLICY REVIEW - FLOODPLAIN RISK MANAGEMENT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Floodplain Risk Management Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Floodplain Risk Management Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Floodplain Risk Management policy dated 10 April 2018, Minute No. 080 should no submissions be received.

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

079	<p>Councillor Chris Doohan Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Floodplain Risk Management Policy shown at (ATTACHMENT 1).2) Place the revised Floodplain Risk Management Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.3) Revoke the Floodplain Risk Management policy dated 10 April 2018, Minute No. 080 should no submissions be received.
------------	--

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Floodplain Risk Management Policy (policy) (**ATTACHMENT 1**).

In January 2019 Council resolved to form a Committee comprising of Councillors and Council staff to rewrite the Floodplain Risk Management Policy. The Committee met on numerous occasions between mid-2019 and late 2020 to review the policy and other flood related documentation. The Committee determined that the policy was appropriate and consistent with the State Government's Floodplain Development Manual 2005. The Committee was dissolved in late 2020 after completing its resolution.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

FINANCIAL/RESOURCE IMPLICATIONS

The cost of implementing the policy will be carried out within existing budgets.

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 Local Government Act 1993 (Section 733) provides Council with a general exemption from liability with respect to flood liable land if decisions are made or advice given in accordance with the State Government's Floodplain Development Manual 2005.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

The State Government has issued a direction regarding the advice to be provided on Section 10.7 Planning Certificates where land is subject to flood related development controls. The direction promotes the appropriate use of flood prone land and designates the land into areas dependent upon:

- Whether the land, or part of the land, is located within the flood planning area, and is subject to flood related development controls.
- Whether the land, or part of the land, is located between the flood planning area and probable maximum flood, and is subject to flood related development controls.

The Insurance Council of Australia has indicated that while insurance companies use a variety of flood data sources to make their own assessment of risk, it is likely that they will take a conservative view of risk. A conservative view without up to date data will result in an increase in insurance premiums for residents. Hence having up-to-date flood studies in accordance with the latest State Government guidelines and the Floodplain Development Manual will benefit residents and potentially reduce insurance premiums.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that not following the State Government's Floodplain Development Manual 2005 will lead to Council not meeting legislative obligations exposing Council to financial and legal risk.	High	Adopt recommendations and endorse the revised Floodplain Risk Management Policy.	Yes
There is a risk that not following the State Government's Floodplain Development Manual 2005 will allow the insurance companies to continue to take a conservative view of flood risk which results in increased insurance premiums for residents.	High	Adopt recommendations and endorse the revised Floodplain Risk Management Policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy aims to systematically reduce the impact of flooding and flood liability on individual owners and reduce the private and public losses resulting from floods. It also recognises that flood prone land is a valued resource to the community, land holders and the economy and these lands should not be sterilised by unnecessarily restricting appropriate development.

The policy takes an integrated risk management approach using the best available information that classifies land in terms of flood risk so that decisions take into account flood risk while recognising the social, economic and environmental values of flood prone land.

The policy ensures that the State Emergency Service and the Port Stephens Local Emergency Management Committee are provided with the most up-to-date flood information so they can include it in their emergency response and recovery planning.

CONSULTATION

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

Internal

Consultation with key internal stakeholders was undertaken during the timeframe of the review by the Committee.

External

The Committee formed by Council reviewed the policy and determined it was appropriate and consistent with the State Government's Floodplain Development Manual 2005.

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

OPTIONS

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

ATTACHMENTS

- 1) Revised Floodplain Risk Management Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 REVISED FLOODPLAIN RISK MANAGEMENT POLICY.

Policy



FILE NO: PSC2015-01399

TITLE: FLOODPLAIN RISK MANAGEMENT

OWNER: ASSET SECTION MANAGER

1. PURPOSE:

- 1.1 Port Stephens Council is committed to managing flooding across the Local Government Area using an integrated risk management approach, in order to:
- a) Systematically reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, hence reduce the losses resulting from floods.
 - b) Recognise that appropriately developed flood prone land is a valuable resource to the community, land holders and the economy and these lands should not be sterilised by unnecessarily restricting its development.
 - c) Consider floodplain risk as early as possible in the planning and development process using the best available flood information.
 - d) Classify land in terms of floodplain risk so that decisions take into account the risk while recognising the social, economic and environmental values of flood prone land.
 - e) Provide the framework to manage floodplain risk through cost-effective measures that address existing, future and continuing risks in a hierarchy of avoidance, minimisation and mitigation as identified in local floodplain risk management studies and plans.
 - f) Remain consistent with the floodplain risk management principles outlined in the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.
 - g) Facilitate the systematic collection of flood information and floodplain risk data, and the provision of such information in a timely way so that residents can understand the severity of floodplain risk and plan their affairs accordingly.
 - h) Promote the integration between Council's floodplain risk management activities and flood-related emergency management undertaken by the State Emergency Service and the Port Stephens Local Emergency Management Committee.
- 1.2 The measurement of success for this policy is the implementation of the integrated risk management approach.

2. CONTEXT/BACKGROUND:

- 2.1 Port Stephens covers a diverse number of catchments, generally flowing to the Hunter Estuary or the Port Stephens Estuary. The area has a number of

Policy

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ITEM 8 - ATTACHMENT 1
POLICY.

REVISED FLOODPLAIN RISK MANAGEMENT

Policy



creeks, rivers, estuaries, foreshore areas, stormwater channels and drains which are impacted by flooding or coastal inundation, sometimes with little or no warning.

- 2.2 Flooding is a significant issue affecting existing and future development throughout Port Stephens and may involve significant risk, including risks to life and property. While it is not usually cost-effective to entirely eliminate all floodplain risks, the risks can be managed.
- 2.3 Council has been undertaking the necessary flood studies in accordance with the State Government's Floodplain Development Manual 2005. Where the catchments cross local government boundaries, Council has been working in collaboration with neighbouring councils.
- 2.4 The Local Government Act (section 733) provides Council with a general exemption from liability with respect to flood liable land if the necessary studies and works are carried out in accordance with the principles contained in the NSW Floodplain Development Manual 2005.

3. SCOPE:

- 3.1 While local government in NSW has the primary responsibility for controlling the development within flood-prone land, both the State Government (for example, Crown developments and state significant developments) and the Federal Government (for example, development on Commonwealth land) consider development on the floodplain. Both local government and the State Government (principally through the State Emergency Service) are responsible for managing floodplain risk.

4. DEFINITIONS:

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

Flood prone land (flood liable land)	Land that is likely to be inundated by the probable maximum flood (PMF is the largest flood that could conceivably occur in a particular catchment) and defines the "floodplain" for that catchment.
Flood Planning Level	The level of the 1% AEP (annual exceedance probability) flood event in the year 2100 plus 0.5 metre freeboard, except for overland flooding areas where a freeboard of 0.3 metre is applied. The area of land below the Flood Planning Level (i.e. the Flood Planning Area) is subject to flood-related development controls.

Policy

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ITEM 8 - ATTACHMENT 1
POLICY.

REVISED FLOODPLAIN RISK MANAGEMENT

Policy



Floodway area	Land that is a pathway taken by major discharges of floodwaters, the partial obstruction of which would cause a significant redistribution of floodwaters, or a significant increase in flood levels. Floodways are often aligned with natural channels, are usually characterised by deep and relatively fast flowing water, and have major damage potential.
Flood Storage area	Those parts of the floodplain that are important for the temporary storage of flood waters. The loss of storage areas may increase the severity of flood impacts by reducing natural flood attenuation.
Flood Fringe area	The remaining land in the Flood Planning Area after the Floodway area and Flood Storage area have been defined.
Overland flow path	Areas of inundation by local runoff rather than inundation created by overbank flows discharging from a watercourse.
High Hazard flood area	The area of flood which poses a possible danger to personal safety, where the evacuation of trucks would be difficult, where able-bodied adults would have difficulty wading to safety or where there is a potential for significant damage to buildings.
Low Hazard flood area	The area of flood where, should it be necessary, a truck could evacuate people and their possessions or an able-bodied adult would have little difficulty in wading to safety.

5. STATEMENT:

- 5.1 Council will manage the risk of flooding on lands in accordance with State Government's Flood Prone Land Policy and Floodplain Development Manual 2005. This can be summarised as:
- Formation of a Floodplain Risk Management Committee, including members from council, community and state government agencies.
 - Collection of social, economic, flooding, ecological, land use, cultural and emergency management data.
 - Undertaking a flood study, in accordance with "Australian Rainfall & Runoff" published by the Commonwealth of Australia (Geoscience Australia) Engineers, Australia, to define floodplain risk throughout the catchment, including hydrologic and hydraulic aspects of floods of varying severity.
 - Identifying, assessing and comparing various risk management options through a Floodplain Risk Management Study.

Policy

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ITEM 8 - ATTACHMENT 1 REVISED FLOODPLAIN RISK MANAGEMENT POLICY.

Policy



- e) Developing a Floodplain Risk Management Plan outlining the implementation of acceptable flood response and property modification measures, and is formally approved by Council after public exhibition.
- 5.2 Categorising floodplain risk in terms of the hazard (low hazard and high hazard), the location (floodway area, flood storage area and flood fringe area) and the chance of the flood occurring in any one year (the annual exceedance probability (AEP)), namely:
 - a) Minimal risk flood prone land (above the Flood Planning Level and below the Flood prone land extent).
 - b) Low hazard – flood fringe area.
 - c) Low hazard – flood storage area.
 - d) Low hazard – floodway area.
 - e) Low hazard – overland flow path.
 - f) High hazard – flood fringe area.
 - g) High hazard – flood storage area.
 - h) High hazard – floodway area.
 - i) High hazard – overland flow path.
- 5.3 Keeping the Flood Hazard Maps up-to-date by incorporating relevant information from Council adopted Flood Studies, Floodplain Risk Management Plans, flood modification measures and approved filling within the floodplain which may change the categorisation of floodplain risk.
- 5.4 Undertaking a comprehensive benefit-cost analysis of proposed flood modification measures (for example, levees, retarding basins, flood gates) in each catchment using a standard approach and include those measures with a benefit: cost ratio greater than 1 into Council's Strategic Asset Management Plan (where possible Council will seek State and Federal government funding for such measures).
- 5.5 Considering property modification measures including voluntary purchase or house-raising and Development Control Plan (DCP) changes based on the floodplain risk categories.
- 5.6 Utilising a site-specific risk management approach for the finished floor level for non-residential developments, focussed on reducing risk-to-life and risk-to-property, based on the floodplain risk categories and specified in Council's DCP.
- 5.7 Ensuring that the State Emergency Service and the Port Stephens Local Emergency Management Committee are provided with the most up-to-date flood information so they can include it in their emergency response and recovery planning.

Policy

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ITEM 8 - ATTACHMENT 1 REVISED FLOODPLAIN RISK MANAGEMENT POLICY.



Policy

- 5.8 Ensuring that decisions relating to flood prone land do not have adverse consequences for emergency management or cause adverse impacts on flooding in other locations.
- 5.9 Ensuring that new Council assets have an appropriate floodplain risk category, so that future generations of residents and ratepayers are not inordinately burdened.
- 5.10 Developing a system for the timely provision of up-to-date flood information, to facilitate the assessment of development applications, to achieve a merit-based outcome for each floodplain risk category for an individual site.

6. RESPONSIBILITIES:

- 6.1 Assets Section Manager has overall responsibility for this policy.
- 6.2 Engineering Services Manager and Principal Flooding & Drainage Engineer is responsible for the implementation of the engineering aspects of this policy, including management of the Floodplain Risk Management process.
- 6.3 Strategy and Environment Section Manager is responsible for the implementation of the strategic planning aspects of this policy, including consideration of floodplain risk as early as possible in the planning process and the provision of the most up-to-date flood information through the issuing of Section 10.7 449 certificates.
- 6.4 Development Assessment and Compliance Section Manager is responsible for the implementation of the development assessment aspects of this policy, including a merit-based consideration of the floodplain risk categories for an individual site, focussed on reducing risk-to-life and risk-to-property, based on advice provided by Assets Section Manager, Engineering Services Manager and Principal Flooding & Drainage Engineer whose expert knowledge would need to be provided in making such decisions.
- 6.5 Communications and Customer Experience Section Manager is responsible for the implementation of the communications aspects of this policy, including assisting in the coordination of community engagement through the Floodplain Risk Management process.
- 6.6 Facilities and Services Group Manager is responsible for the integration between Council's floodplain risk management activities and flood-related emergency management undertaken by the State Emergency Service and the Port Stephens Local Emergency Management Committee.

Policy

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ITEM 8 - ATTACHMENT 1 REVISED FLOODPLAIN RISK MANAGEMENT POLICY.



Policy

7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993.
- 7.2 Environmental Planning and Assessment Act 1979.
- 7.3 Water Management Act 2000.
- 7.4 Hunter Water Act 1991.
- 7.5 State Emergency and Rescue Management Act 1989.
- 7.6 The State Government's Flood Prone Land Policy 2005.
- 7.7 The State Government's Floodplain Development Manual 2005.
- 7.8 Port Stephens Local Environment Plan 2013.
- 7.9 Port Stephens Development Control Plan 2014.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2015-01399	EDRMS record No.	TBA
Audience	Councillors, staff and community		
Process owner	Manager, Assets Section		
Author	Manager, Assets Section		
Review timeframe	2 3 years	Next review date	TBA
Adoption date	12 December 2017		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	16 Dec 2008	Integrated Planning Manager	Areas affected by flooding and/or inundation.	384
2	27 Oct 2015	Asset Section Manager	Draft Floodplain Risk Management Policy for Public Exhibition	323
2.1	8 Mar 2016	Asset Section Manager	Floodplain Risk Management Policy	054

Policy

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ITEM 8 - ATTACHMENT 1 REVISED FLOODPLAIN RISK MANAGEMENT POLICY.

Policy



Version	Date	Author	Details	Minute No.
3	12 Dec 2017	Asset Section Manager	Updated to new template, overland flooding areas, definitions, and policy responsibility.	322
3.1	10 April 2018	Asset Section Manager	Reconciled definitions against other Council documentations and modified as required. Modified Council officer titles to reflect current role title. Modified Policy responsibilities as required.	080
4	TBA	Asset Section Manager	Updated into the new policy template 5.1c by Replace "Engineers, Australia" with "the Commonwealth of Australia (Geoscience Australia)" 6.1 Remove "149" and replace with "10.7" and include "Customer Relations" to the Section Manager title.	TBA

Policy

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ITEM NO. 9

**FILE NO: 22/59366
EDRMS NO: PSC2005-2681**

POLICY REVIEW - FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Financial Assistance for the Disposal of Waste Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the revised Financial Assistance for the Disposal of Waste Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
 - 3) Revoke the Financial Assistance for the Disposal of Waste policy dated 11 February 2020, Minute No. 019 should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

079	<p>Councillor Chris Doohan Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Financial Assistance for the Disposal of Waste Policy shown at (ATTACHMENT 1).2) Place the revised Financial Assistance for the Disposal of Waste Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.3) Revoke the Financial Assistance for the Disposal of Waste policy dated 11 February 2020, Minute No. 019 should no submissions be received.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Financial Assistance for the Disposal of Waste Policy (policy) (**ATTACHMENT 1**).

Council provides financial assistance for waste disposal to charitable, not for profit or benevolent organisations that perform a bona fide service of Council.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Environmental Sustainability	Reduce the community's environmental footprint.

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments to adopting the recommendations.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation could be damaged if it is using a policy that is not up to date.	Low	Adopt the recommendations.	Yes
There is a risk that Council's reputation could be damaged if financial assistance is no longer provided to charitable, not for profit or benevolent organisations for disposal of waste.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications.

There are no sustainability implications created by this strategy.

CONSULTATION

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

The objective of the consultation is to ensure all stakeholders are included in the review of the policy to provide initial feedback to ensure the accuracy of the information documented within the policy.

Internal

- Executive Team
- Facilities and Services Group
- Community Services Section

External

No consultation with external stakeholders was required as there were no physical changes to processes recommended within the policy.

In accordance with local government legislation the revised Financial Assistance for the Disposal of Waste Policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Financial Assistance for the Disposal of Waste in Port Stephens Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 9 - ATTACHMENT 1 FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE IN PORT STEPHENS POLICY.

Policy



FILE NO: PSC2005-2681

TITLE: FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE IN PORT STEPHENS

OWNER: COMMUNITY SERVICES SECTION MANAGER

1. PURPOSE:

- 1.1 To lessen the financial burden of waste disposal for charitable, not for profit and benevolent organisations that provide a bona fide community service within the Port Stephens Council Local Government Area.

2. CONTEXT/BACKGROUND:

- 2.1 The program was developed and adopted in 2000 under the Donations Policy and Section 356 of the Local Government Act 1993 and is funded by the Waste Reserve.
- 2.2 The program was then formalised as a specific policy in 2007 and then amended in 2013 and 2018.
- 2.3 Currently approved organisations may deliver their waste to either the Salamander Bay Waste Transfer Station or the SUEZ Newline Road waste facility in Raymond Terrace.
- 2.4 There are generally around 30 organisations approved to receive financial assistance under this policy. The average annual cost to provide this service is \$70,000.

3. SCOPE:

- 3.1 This policy provides financial assistance for waste disposal to charitable, not for profit or benevolent organisations that perform a bona fide service of Council.
- 3.2 In order to qualify for financial assistance an organisation must submit the application form and supply evidence that demonstrates compliance with the Policy Statement. The application is assessed against the Policy Statement to determine if the organisation qualifies for assistance.

4. DEFINITIONS:

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

Policy

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ITEM 9 - ATTACHMENT 1 FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE IN PORT STEPHENS POLICY.

Policy



Full Gate Fee	The advertised per tonne disposal rate at the waste facility.
Waste Levy	The NSW Environmental Protection Authority per tonne levy for solid waste to landfill.
CPI	The Consumer Price Index (All Groups Sydney).

5. STATEMENT:

- 5.1 Eligible organisations are entitled to the level of financial assistance included within Council's annual fees and charges. These charges will increase by CPI annually and will be included within Council's Annual Fees and Charges presented to Council.
- 5.2 The charges applicable to the organisations are based on the tonnage of waste they deliver over the financial year, the tonnage brackets are as outlined in the below table.

Tonnes	Price
0 to 20	Free
20.01 to 60	As per Council's Fees and Charges
60.01 to 150	As per Council's Fees and Charges
Over 150	Full Gate Rate – Waste Levy

- 5.3 Port Stephens Council will provide financial assistance for the disposal of waste to organisations that meet the following requirements:
- Organisations must be registered as a charitable, not for profit or a benevolent organisation (supporting documentation must be supplied with application).
 - Organisations must apply to the NSW Environment and Protection Authority for an exemption from the waste levy and supply this information to Council with their application.
 - The waste generated by the organisation for disposal must be generated by a community service and that service must be a bona fide function of Council as described in the Local Government Act 1993.
 - Organisations are required to reduce waste to landfill by sorting waste into recyclable and non recyclable items prior to disposal.
 - Organisations are to adopt procedures and work with Council to reduce the amount of waste they generate or receive.
 - Schools which conduct volunteer working bees may be approved for one off waste disposal vouchers.

Policy

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ITEM 9 - ATTACHMENT 1 FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE IN PORT STEPHENS POLICY.

Policy



6. RESPONSIBILITIES:

- 6.1 ~~Waste Management Officer~~ **Waste Services Team Leader** – Responsible for the administrative tasks of the policy.
- 6.2 Waste Management Coordinator – Responsible for the overall implementation of the policy.
- 6.3 Community Services Section Manager – Responsible for monitoring of the policy.

7. RELATED DOCUMENTS:

- 7.1 Financial Assistance for Waste Disposal Application Form.
- 7.2 Local Government Act 1993.
- 7.3 Waste Management and Resource Recovery Policy.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2005-2681	EDRMS record No.	TBA
Audience	Local Charitable, Not for Profit and Benevolent Organisations		
Process owner	Waste Management Coordinator		
Author	Waste Management Coordinator		
Review timeframe	2 3 years	Next review date	TBA
Adoption date	27 February 2018		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	24/4/2007	Waste Management Coordinator	Initial Policy	106
2	24/9/2013	Waste Management Coordinator	Amended Policy Adopted	273

Policy

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ITEM 9 - ATTACHMENT 1 FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE IN PORT STEPHENS POLICY.

Policy



Version	Date	Author	Details	Minute No.
3	27/02/2018	Waste Management Coordinator	Revised draft policy for review and endorsement by Executive Leadership Team. Revised to new Policy template. Changes made to pricing table to remove actual charges and replace with "as per Council's Fees and Charges".	034
4	11/02/20	Waste Management Coordinator	Revised to new Policy template. 2.2 - Changes made to wording replace "was" with "then" and inserted additional wording "and 2018". 2.4 - Changed "28 organisations" to now read "generally around 30 organisations". 6.1 – Change made to position title by removing the word "Projects" and inserting "Management" to now read "Waste Management Officer". Draft for Public Exhibition.	019
5	TBA	Waste Management Coordinator	6.1 – Updated 'Waste Management Officer' to "Waste Services Team Leader". Controlled document information: amended review timeframe to 3 years in accordance with Council's policy review process.	TBA

Policy

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ITEM NO. 10

**FILE NO: 22/59424
EDRMS NO: PSC2005-3664**

POLICY REVIEW - PROVISION AND MANAGEMENT OF CEMETERIES POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Provision and Management of Cemeteries Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the revised Provision and Management of Cemeteries Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
 - 3) Revoke the Provision and Management of Cemeteries Policy dated 19 September 2019, Minute No.187 should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

079	<p>Councillor Chris Doohan Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Provision and Management of Cemeteries Policy shown at (ATTACHMENT 1).2) Place the revised Provision and Management of Cemeteries Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.3) Revoke the Provision and Management of Cemeteries Policy dated 19 September 2019, Minute No.187 should no submissions be received.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is seek Council's endorsement of the revised Provision and Management of Cemeteries Policy (policy) (**ATTACHMENT 1**).

Council is required to ensure the sufficient provision of cemetery facilities meet the needs of the community.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Infrastructure and Facilities	Maintain the Council's civil and community infrastructure to support the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications from adopting the recommendations. All revenue from cemetery fees and charges is used to offset the cost of maintaining all cemeteries to a high standard.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments to adopting the recommendations.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation could be damaged if it is using a policy that is not up to date.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications created by this strategy.

CONSULTATION

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

The objective of the consultation is to ensure all stakeholders are included in the review of the policy to provide initial feedback to ensure the accuracy of the information documented within the revised policy.

Internal

- Executive Team.
- Facilities and Services Group.
- Community Services Section.

External

No consultation with external stakeholders was required as there were no physical changes to processes recommended within the revised policy.

In accordance with local government legislation the revised Provision and Management of Cemeteries Policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Provision and Management of Cemeteries Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 10 - ATTACHMENT 1 REVISED PROVISION AND MANAGEMENT OF CEMETERIES POLICY.

Policy



FILE NO: PSC2005-3664

TITLE: PROVISION AND MANAGEMENT OF CEMETERIES

OWNER: COMMUNITY SERVICES SECTION MANAGER

1. PURPOSE:

- 1.1 To ensure the management and maintenance of cemeteries are undertaken in a lawful and respectful manner.
- 1.2 To ensure the sufficient provision of cemetery facilities to meet the needs of the community.

2. CONTEXT/BACKGROUND:

- 2.1 Council manages cemeteries at Anna Bay, Karuah, Nelson Bay, Seaham and Raymond Terrace. These cemeteries offer interments in plots, columbarium walls and memorial gardens. Council also maintains the grounds of historic cemeteries at Hinton, Raymond Terrace and Birubi Point.
- 2.2 Cemetery management requires a focus on compassion with the customer, accuracy in the management of records and safety in the issuing of permits to undertake work. This policy sets the parameters by which cemeteries will be managed in Port Stephens Council and ensures that the corporate knowledge that underpins the management of cemeteries is held in one place.

3. SCOPE:

- 3.1 This policy applies to all cemeteries that are on land that is owned or managed by Port Stephens Council.
- 3.2 This policy does not relate to cemeteries, columbarium walls or memorial gardens on land that is not owned or managed by Port Stephens Council.

4. DEFINITIONS:

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

Cemetery	A place for burials, not being a church yard.
Columbarium Wall	A structure with tiers of niches for reception of cinerary urns.
Memorial Garden	A place for reception of cinerary urns.

Policy

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ITEM 10 - ATTACHMENT 1 REVISED PROVISION AND MANAGEMENT OF CEMETERIES POLICY.

Policy



Exhumation	To dig out, unearth.
Interment	Burial in the earth or placement of cinerary urns in a columbarium wall or memorial garden.
Interment Site	A place of burial in the earth or placement of ashes in a columbarium wall or memorial garden.
Interment Right	An exclusive right granted for use of an interment site. There is no entitlement to any real estate. The holder of an interment right has the sole authority to determine who can be buried or placed in the interment site and to permit headstones, inscriptions and memorials on the site.

5. STATEMENT:

5.1 Provision of cemeteries

- 5.1.1 Council will plan for the provision of cemeteries including burial plots, columbarium walls and memorial gardens through the Strategic Asset Management Plan process.

5.2 Management of cemeteries

- 5.2.1 Council does not permit any person to undertake an activity within a cemetery unless:
- a) the activity is an approved activity such as:
 - i. the quiet and respectful commemoration of the dead or undertaking of historical research
 - ii. the use of roadways and pathways to gain access to interment sites or amenities.
 - b) the person holds an interment right, exhumation permit, works permit or monument permit issued by Council to undertake that activity.
- ~~5.3 Council may delegate some aspects of the maintenance of cemeteries to a 355c Committee or Volunteer Group of Council.~~
- 5.2.2 Council shall maintain cemeteries to agreed service levels detailed in the maintenance service contract specification.
- 5.2.3 Council shall create and maintain general terms and conditions relating to interment rights and monumental permits.

Policy

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ITEM 10 - ATTACHMENT 1 REVISED PROVISION AND MANAGEMENT OF CEMETERIES POLICY.

Policy



5.3 Keeping of records

- 5.3.1 Council shall maintain a register of all interments, exhumations and interment rights in respect of each cemetery.

5.4 Interment sites and Interment rights

- 5.4.1 Human remains of a deceased person may only be interred at interment sites with the written permission of Council who shall issue an interment right.
- 5.4.2 Interment rights may not be sold or transferred except with the express written consent of Council.
- 5.4.3 The owner of an interment right may relinquish an interment right to Council.
- 5.4.4 A person may not hold more than two interment rights.

5.5 Monuments

- 5.5.1 Council approval is required for the installation of a monument.
- 5.5.2 A monument must be in keeping with the scale and character of the interment area.
- 5.5.3 A monument permit shall only be granted in respect of an interment site with the consent of the holder of the interment right.
- 5.5.4 The holder of a monument permit is responsible for the maintenance and repair of the monument.
- 5.5.5 If Council is required to undertake any work relating to monuments, to ensure public or employee safety, Council may recover the costs associated with such works from the holder.

5.6 Exhumation

- 5.6.1 An exhumation may only take place when an order by a Coroner or a Court permitting such exhumation is issued; or
- a) a person has obtained prior to commencing exhumation:
- i. Approval for exhumation by NSW Department of Health in accordance with the provisions of the Public Health Act.
 - ii. Approval from Council.

6. RESPONSIBILITIES:

- 6.1 Overall implementation of this policy lies with the Community Services Section Manager. Key policy areas are delegated to the following sections and teams:
- a) Provision of cemeteries – Civil Assets Section.
- b) Management of cemeteries – Community Services Section / ~~Contracts and Services~~ **Emergency Management** team.

Policy

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ITEM 10 - ATTACHMENT 1 REVISED PROVISION AND MANAGEMENT OF CEMETERIES POLICY.

Policy



- c) Keeping of Records – Facilities and Services Group Manager's Office / Business Systems and Administration team.
- d) Interment sites and Interment rights – Facilities and Services Group Manager's Office / Business Systems and Administration team.
- e) Monuments - Facilities and Services Group Manager's Office / Business Systems and Administration team.
- f) Exhumation - Facilities and Services Group Manager's Office / Business Systems and Administration team.

7. RELATED DOCUMENTS:

- 7.1 Setting of Fees and Charges Management Directive (PSC).
- 7.2 Code of Conduct (PSC).
- 7.3 Procedure – Requirements for works within Council cemeteries by external agents (PSC).
- 7.4 Application Form – Permit to carry out monumental work in Port Stephens Cemeteries (PSC).
- 7.5 Application Form – Cemetery Burial Application (PSC).
- 7.6 Application Form – Columbarium Wall/ Memorial Garden Application (PSC).
- 7.7 Application Form – Annual Permit to undertake work in Port Stephens Council Cemeteries (PSC).
- 7.8 Application Form – Confirmation of Cemetery Information (PSC).
- 7.9 Application Form – Request to Transfer Right of Interment (PSC).
- 7.10 Form – Template for Memorial Niche Plaques (PSC).
- 7.11 Form – Template for Terrazzo Oval Plaques (PSC).
- 7.12 Form – Template for Raymond Terrace Granite Columbarium Wall (PSC).
- 7.13 Port Stephens Cemeteries information brochure (PSC).
- 7.14 Port Stephens Columbarium Walls and Memorial Gardens brochure (PSC).
- 7.15 Cemeteries and Crematoria Act 2013 (NSW).
- 7.16 Local Government Act 1993 (NSW).
- 7.17 Crown Lands **Management** Act 2016 (NSW).
- 7.18 Public Health Act 2010 (NSW).
- 7.19 Coroners Act 2009 (NSW).
- 7.20 Anti-Discrimination Act 1977 (NSW).
- 7.21 Births Deaths and Marriages Registration Act 1995 (NSW).
- 7.22 Fair Trading Act 1987 (NSW).
- 7.23 Government Information (Public Access) Act 2009 (NSW).
- 7.24 Heritage Act 1977 (NSW).
- 7.25 Human Tissues Act 1983 (NSW).
- 7.26 State Records Act 1998 (NSW).
- 7.27 Work Health and Safety Act 2011 (NSW).

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ITEM 10 - ATTACHMENT 1 REVISED PROVISION AND MANAGEMENT OF CEMETERIES POLICY.

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EDRMS container No.	PSC2005-3664	EDRMS record No.	TBA
Audience	Funeral Directors, Grave Diggers, Monumental Masons, West Ward Cemetery Group, 355c Cemetery Committees, Volunteer Groups, Historical Societies, general community.		
Process owner	Contracts and Services Emergency Management Coordinator		
Author	Community Services Section Manager		
Review timeframe	2 3 years	Next review date	TBA
Adoption date	14/07/2015		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
0.1	27/05/2015	Community Services Section Manager	Draft version for review by Executive Leadership Team	n/a
0.2	07/07/2015	Community Services Section Manager	Draft version for Public Exhibition.	n/a
1.	14/07/2015	Community Services Section Manager	The Public Exhibition period ended 20 August 2015 and no submissions were received. This policy is now adopted and replaces the Port Stephens Cemeteries Policy (dated 290102 – Min No. 016)	194
2.	19/09/2019	Community Services	Reviewed and updated in new Policy Template.	187

Policy

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ITEM 10 - ATTACHMENT 1 REVISED PROVISION AND MANAGEMENT OF CEMETERIES POLICY.

Policy



Version	Date	Author	Details	Minute No.
		Section Manager	<p>4.1 Definitions updated to include 'Memorial Garden' and under Interment Site the words 'of ashes' and 'wall' were added.</p> <p>5.2.6 the addition of "or Volunteer Group".</p> <p>7.16 the addition of "Local Government Act 1993 (NSW)".</p> <p>Controlled Document Information the addition of the word "cemetery" and "Volunteer Group".</p> <p>The public exhibition period ended 18 September 2019 and no submissions were received.</p> <p>This policy is now adopted and replaces the Provision and Management of Cemeteries Policy dated 14/07/2015 – Min No. 194.</p>	
3.	TBA	Community Services Section Manager	<p>Updated policy into the latest format.</p> <p>2.2 – Removed "Council".</p> <p>5.3 – Removed 'Council may delegate some aspects of the maintenance of cemeteries to a 355c Committee or Volunteer Group of Council' to reflect that all maintenance is either carried out by contractors or internal Council staff.</p> <p>5.6.1 (a) – Updated 'NSW Department of Health' to 'NSW Health' to reflect correct title.</p> <p>6.1 (b) – Updated 'Contracts and Services team' to 'Emergency Management team' to reflect current responsibilities.</p>	

Policy

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ITEM 10 - ATTACHMENT 1 REVISED PROVISION AND MANAGEMENT OF CEMETERIES POLICY.

Policy



Version	Date	Author	Details	Minute No.
			<p>7.17 Added "Management" to the Crown Lands Act 2016 (NSW).</p> <p>Audience: Removed '355c Cemetery Committees' to reflect that there are no 355c Cemetery Committees.</p> <p>Process owner: updated 'Contracts and Services Coordinator' to 'Emergency Management Coordinator' to reflect current responsibilities.</p> <p>Controlled document information: amended review timeframe to 3 years in accordance with Council's policy review process.</p>	

Policy

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ITEM NO. 11

**FILE NO: 22/74978
EDRMS NO: PSC2011-02657**

**SIX MONTH PROGRESS REPORT: JULY TO DECEMBER 2021 AGAINST THE
PORT STEPHENS COUNCIL DELIVERY PROGRAM 2018-2022**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Six Month Progress Report for July to December 2021
(**ATTACHMENT 1**) on the progress of Port Stephens Council's Delivery
Program 2018 – 2022.
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

080	<p>Councillor Chris Doohan Councillor Matthew Bailey</p> <p>It was resolved that Council adopt the Six Month Progress Report for July to December 2021 (ATTACHMENT 1) on the progress of Port Stephens Council's Delivery Program 2018 – 2022.</p>
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Ryan Palmer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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 - 2022.

This is the seventh progress report of the Delivery Program 2018 - 2022 which was originally 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 Month Progress 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

Essential Element 4.9 of the Integrated Planning and Reporting Guidelines for Local Government in NSW, September 2021 stipulates that: 'The General Manager must ensure that progress reports are provided to the Council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months'.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not adopt the Six Month Progress Report July to December 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.

Due to the timing of this report, some of the annual results for our key result measures such as service delivery, community satisfaction, governance, infrastructure backlog and underlying financial position have not been finalised and will be reported in the 2021-2022 Annual Report.

To date, Council has exceeded the targets set for employee engagement (83% against a target of 70%) and risk management (87% against a target of 80%). Due to the ongoing impacts of COVID-19 and a general economic downturn, despite financial austerity measures at the December 2021 Quarterly Budget Review, Council reported an underlying budget deficit of \$975,000. Similarly, our service delivery and asset backlog measure has been impacted, tracking at 92.8% against a target of 95%.

CONSULTATION

The Six Month Progress Report July to December 2021 has been compiled from information and data provided across Council's operations and reviewed by the Executive Team of Council.

Following Council consideration the report will be made available on Council's website and distributed across a number of communication channels.

OPTIONS

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

ATTACHMENTS

- 1) Six Month Progress Report for July to December 2021. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 12**FILE NO: 22/74979
EDRMS NO: PSC2018-00057****ORGANISATION STRUCTURE**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the organisational structure as shown in **(ATTACHMENT 1)**.
- 2) Endorse the 4 senior staff positions in the structure consisting of the General Manager, Group Manager Corporate Services, Group Manager Development Services and Group Manager Facilities and Services.

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

081	Councillor Leah Anderson Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Endorse the organisational structure as shown in (ATTACHMENT 1).2) Endorse the 4 senior staff positions in the structure consisting of the General Manager, Group Manager Corporate Services, Group Manager Development Services and Group Manager Facilities and Services.
------------	--

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek endorsement by Council of the organisational structure as shown at **(ATTACHMENT 1)**.

The current structure was initially adopted by Council on 28 August 2018, Minute No. 275 **(ATTACHMENT 2)** and has been modified at various times through the Service Review process. Current senior staff positions are the General Manager, Group Manager Corporate Services, Group Manager Development Services and Group Manager Facilities and Services.

Council delivers a diverse range of more than 300 services which have been grouped into 60 service packages. They are delivered under the following organisation structure:

- General Manager's Office responsible for provision of strategic leadership and governance.
- Corporate Services Group responsible for internal service provision.
- Development Services Group responsible for enabling balanced growth.
- Facilities and Services Group responsible for external service delivery.

Recently the Workforce Management Strategy was reviewed as part of the Community Strategic Planning process. During this review it was determined by the Executive Team that the structure continues to be appropriate to deliver on the service needs of the community into the foreseeable future.

Port Stephens Council operates a rolling program of Service Reviews across all services which ensures that changes required to the structure are implemented in a timely way and presented to Council when required.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance	Develop and encourage the capabilities and aspirations of a contemporary workforce.

FINANCIAL/RESOURCE IMPLICATIONS

The Service Review program ensures that savings are identified through efficiencies in service delivery and these savings are returned to the organisation and reinvested in improved service delivery.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Funds have been allocated in the 2021-2022 budget to fund salaries under the organisation structure.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Under Section 332 of the Local Government Act 1993, Council is required to determine an organisation structure and to identify positions within the structure that are deemed to be senior staff. A senior staff position is one where:

- The total remuneration package is to be at least equal to or greater than that (within the meaning of Part 3B of the Statutory and Other Offices Remuneration Act 1975) payable with respect to senior executives whose positions are graded Band 1 under the Government Sector Employment Act 2013.
- Senior staff are to be employed under performance based fixed-term contracts not less than 12 months and not exceeding 5 years. These are standard contracts determined by the Office of Local Government.
- Council is required to publish the total package value of senior staff's employment contracts in the annual report.
- Note: On 15 October 2021, Local Government NSW Board supported a proposal to remove references to senior staff from the Local Government Act (the Act) so that all executive level employees (excluding General Managers) are to be covered by the Local Government (State) Award or a Council's applicable Enterprise Agreement. The Office of Local Government and industry unions are yet to identify the necessary amendments to the Act, determine transitional timeframes and arrangements and develop relevant guidelines and Award advice. It is expected that further consultation and advice will become available during 2022.

Section 333 of the Act, provides that the structure (at the senior staff level) may be re-determined by the Council from time to time. It must be reviewed and may be re-determined within 12 months after any ordinary election of the Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
That the Organisation structure is unsuitable to support Council's strategic direction.	Low	Workforce Management Plan. Rolling program of Service Reviews. Australian Business Excellence Framework. Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The organisation structure assists Council to ensure it is delivering valued services to its community and supports the Delivery Program in the Community Strategic Plan.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Organisation Support Section through the Integrated Planning and Reporting process to ensure the Workforce Plan and the resulting structure is appropriate to deliver objectives of the current Community Strategic Plan.

Internal

- Executive Team.
- Section Managers.
- Staff.
- Consultative Committee.

External

- Community.
- Relevant Unions.

OPTIONS

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

ATTACHMENTS

- 1) Port Stephens Council Organisation Structure 2022.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

2) Port Stephens Council Organisation Structure - adopted. 28 August 2018.

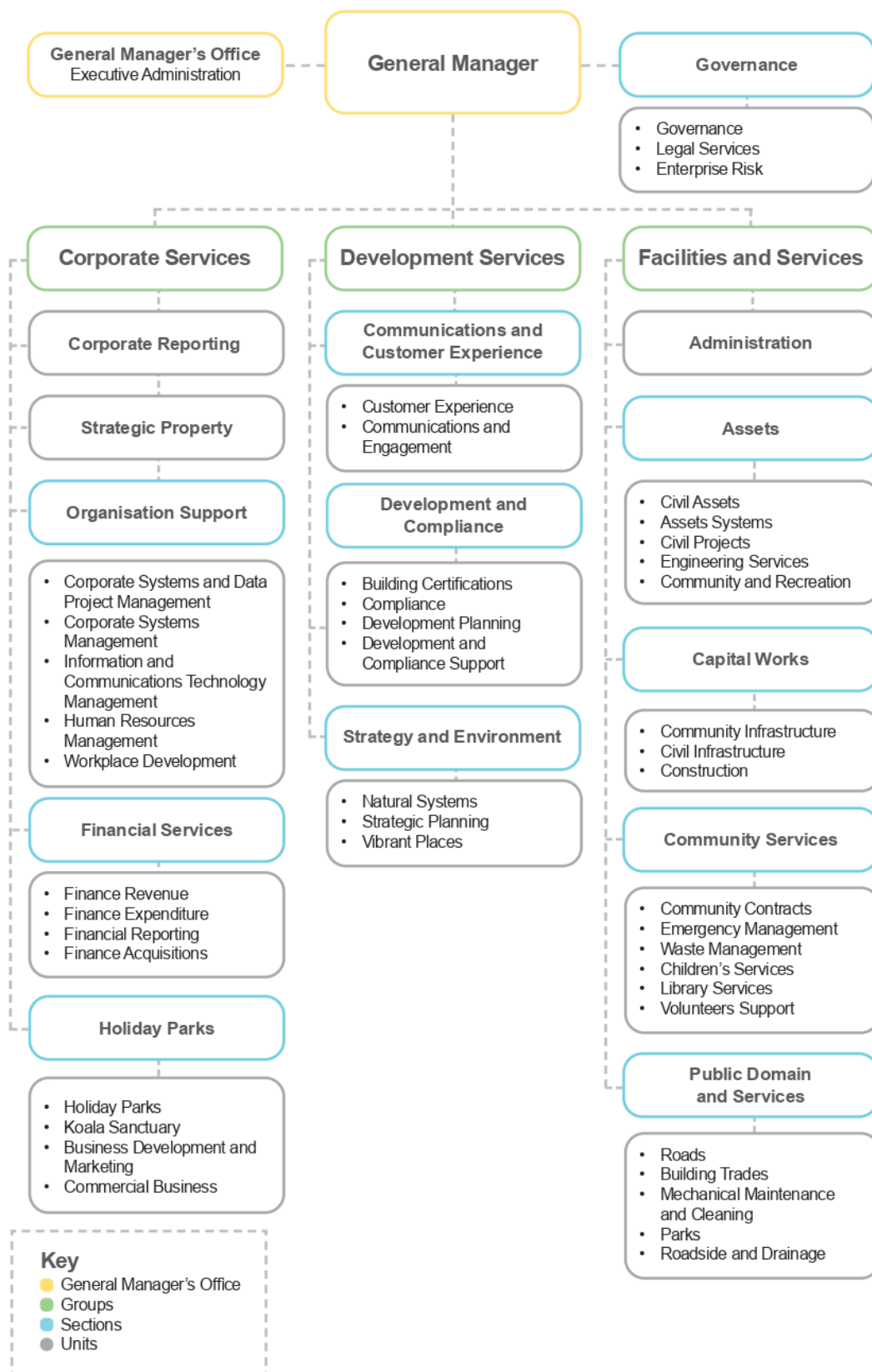
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 12 - ATTACHMENT 1 PORT STEPHENS COUNCIL ORGANISATION STRUCTURE 2022.

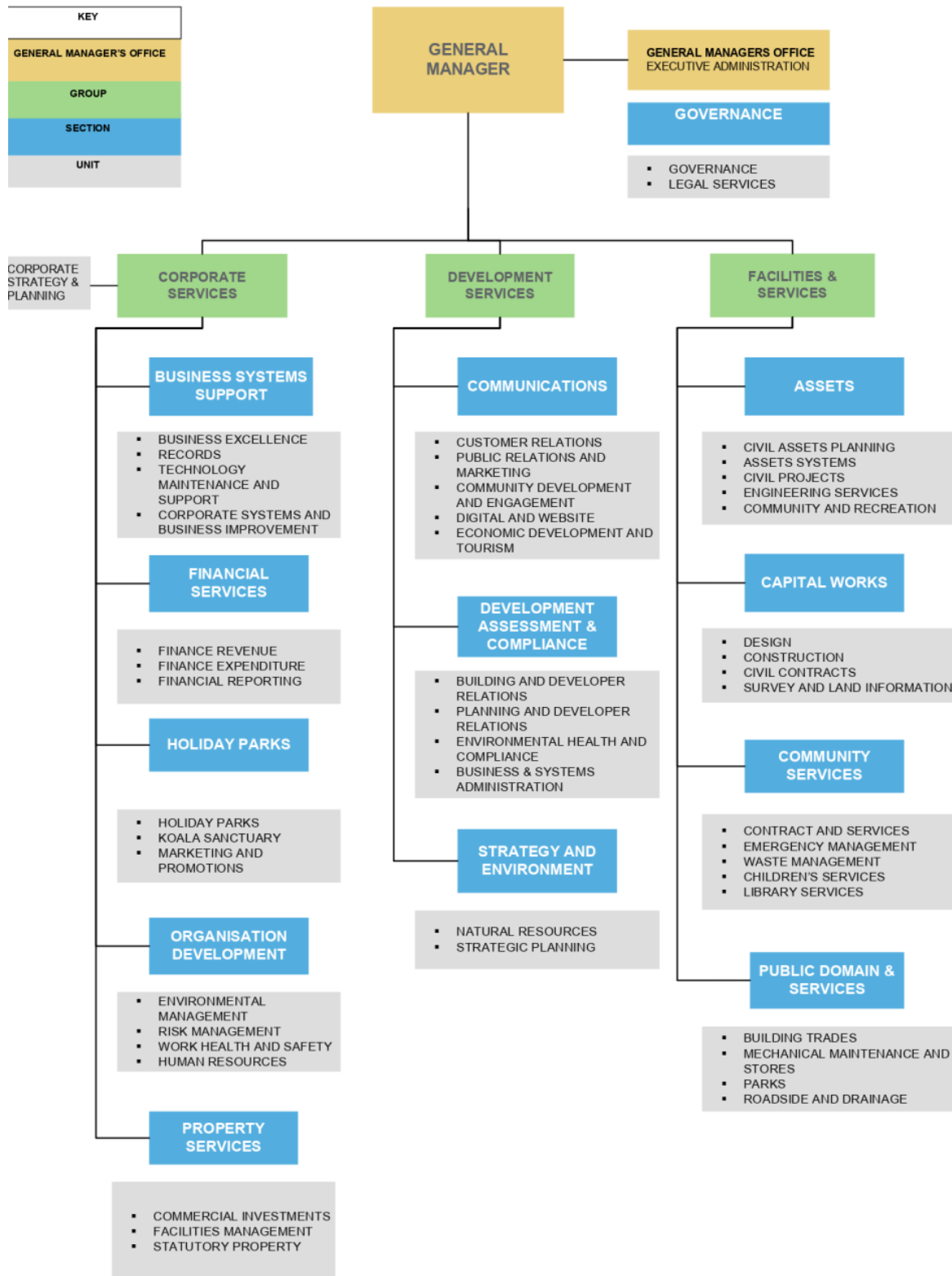


Organisation Structure 5

ITEM 12 - ATTACHMENT 2 PORT STEPHENS COUNCIL ORGANISATION STRUCTURE - ADOPTED. 28 AUGUST 2018.



Port Stephens Council Organisation Structure



ITEM NO. 13**FILE NO: 22/57332
EDRMS NO: PSC2005-1826****AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY - 19-22 JUNE 2022 - CANBERRA****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominate Council delegates to attend the hybrid 2022 Australian Local Government Association (ALGA) National General Assembly (NGA) from 19-22 June 2022 either in Canberra or virtually.
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

082	Mayor Ryan Palmer Councillor Chris Doohan It was resolved that Council nominate Mayor Ryan Palmer, Crs Leah Anderson, Chris Doohan, Glen Dunkley and Steve Tucker to attend the hybrid 2022 Australian Local Government Association (ALGA) National General Assembly (NGA) from 19-22 June 2022 either in Canberra or virtually.
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Councillor Matthew Bailey left the meeting at 8:44pm.

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to inform Council of the 2022 National General Assembly to be held in Canberra from 19-22 June 2022. Delegates can choose to attend in person or virtually.

The conference program is not yet available, but will be distributed as soon as practicable. In 2021, the conference program included sessions on:

- Keynote Address – Politics and the Bush
- Keynote Address – Regional Awareness
- Regional Telecommunications Review
- Regional Australia
- Rural Health
- Keynote Address – Regional Trends
- Panel of Mayors: Rural Health – Council Concerns
- Federal Local Government Minister Address

This event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of councils and communities.

As the Mayor and Councillors are aware, the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy (the 'Policy') requires that a resolution of Council be sought for all attendance at a conference or seminar.

The costs associated with registration, travel and accommodation will be covered from within the existing professional development budget, subject to the Mayor or any individual Councillor/s not exceeding the conference budget limits set in the Policy.

Ensuring the Port Stephens local government area is well represented in all matters at the conference will benefit the Port Stephens community. Information received at the conference will be reported back to Council and will be distributed to the appropriate members of the community and relevant Council staff.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide strong civic leadership and government regulations.

FINANCIAL/RESOURCE IMPLICATIONS

Registration cost for the ALGA NGA is \$989 for an in person delegate or \$689 for a virtual delegate.

The costs associated with registration, travel and accommodation will be covered from within the existing budget, subject to any individual elected member not exceeding the conference budget limits in the Policy.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

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 Payment of Expenses and Provision of Facilities to Councillors/Mayor Policy requires approval of a full Council meeting.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Port Stephens Council will not be represented on matters at the conference.	Low	That the recommendation be adopted.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Ensuring the local government area is well represented in all matters at the conference will benefit the Port Stephens Community. Information received will be distributed to the appropriate members of the community and relevant Council staff.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 14**FILE NO: 22/70013
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 Ward funds to the following:-
 - a. 1st Tilligerry Scout Group – Cr Steve Tucker – Rapid Response - \$206 donation towards reimbursement of fire safety inspection fee.
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

083	Councillor Steve Tucker Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Ward funds to the following:-<ol style="list-style-type: none">a. 1st Tilligerry Scout Group – Cr Steve Tucker – Rapid Response - \$206 donation towards reimbursement of fire safety inspection fee.
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Councillor Matthew Bailey returned to the meeting at 8:46pm.

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

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

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

- 1) Mayoral Funds
- 2) Rapid Response
- 3) Community 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:

WARD FUNDS

1 st Tilligerry Scout Group	Scouts prepare young people with skills for life by taking in part in various activities.	\$206	Donation towards reimbursement of annual fire safety inspection fee.
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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 undertaken with the key stakeholders to ensure budget requirements are met and approved.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 15**FILE NO: 22/69967
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 22 March 2022.

No:	Report Title	Page:
1	February 2022 Cash and Investments	227
2	Report on Local Government NSW (LGNSW) Special Conference 28 February 2022 - 2 March 2022	229
3	Council Resolutions - 22 February 2022	231
4	Council Resolutions -14 March 2022	232
5	Designated Persons' Return	245

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

084	Councillor Glen Dunkley Councillor Chris Doohan It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 22 March 2022. <hr/> <table><tr><th>No:</th><th>Report Title</th></tr><tr><td>1</td><td>February 2022 Cash and Investments</td></tr><tr><td>2</td><td>Report on Local Government NSW (LGNSW) Special Conference 28 February 2022 - 2 March 2022</td></tr><tr><td>3</td><td>Council Resolutions - 22 February 2022</td></tr><tr><td>4</td><td>Council Resolutions -14 March 2022</td></tr><tr><td>5</td><td>Designated Persons' Return</td></tr></table>	No:	Report Title	1	February 2022 Cash and Investments	2	Report on Local Government NSW (LGNSW) Special Conference 28 February 2022 - 2 March 2022	3	Council Resolutions - 22 February 2022	4	Council Resolutions -14 March 2022	5	Designated Persons' Return
No:	Report Title												
1	February 2022 Cash and Investments												
2	Report on Local Government NSW (LGNSW) Special Conference 28 February 2022 - 2 March 2022												
3	Council Resolutions - 22 February 2022												
4	Council Resolutions -14 March 2022												
5	Designated Persons' Return												

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 22/66178
EDRMS NO: PSC2017-00180**

FEBRUARY 2022 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 28 February 2022.

ATTACHMENTS

1) February 2022 Cash and Investments.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

ITEM 1 - ATTACHMENT 1 FEBRUARY 2022 CASH AND INVESTMENTS.

CASH AND INVESTMENTS HELD AS AT 28 FEBRUARY 2022								
ISSUER	BROKER	RATING	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
JUDO BANK	RIM	BBB	TD	0.70%	294	12-Apr-22	1,000,000	1,000,000
ILLAWARRA CREDIT UNION	LAMINAR	NR	TD	0.86%	175	10-May-22	2,000,000	2,000,000
DEFENCE BANK	CURVE	BBB	TD	0.85%	539	25-May-22	1,000,000	1,000,000
DEFENCE BANK	CURVE	BBB	TD	0.85%	550	7-Jun-22	600,000	600,000
MOVE BANK	RIM	NR	TD	0.85%	384	21-Jun-22	1,000,000	1,000,000
MOVE BANK	RIM	NR	TD	0.85%	391	28-Jun-22	500,000	500,000
JUDO BANK	RIM	BBB	TD	0.75%	392	19-Jul-22	1,000,000	1,000,000
BNK BANK	RIM	NR	TD	1.02%	356	2-Aug-22	1,000,000	1,000,000
JUDO BANK	LAMINAR	BBB	TD	0.80%	349	18-Aug-22	875,000	875,000
BNK BANK	LAMINAR	NR	TD	0.77%	376	14-Sep-22	875,000	875,000
JUDO BANK	LAMINAR	BBB	TD	0.80%	390	28-Sep-22	875,000	875,000
AMP BANK	LAMINAR	BBB	TD	0.80%	361	11-Oct-22	750,000	750,000
ARAB BANK	LAMINAR	NR	TD	0.86%	369	8-Nov-22	1,000,000	1,000,000
AMP BANK	LAMINAR	BBB	TD	1.00%	375	22-Nov-22	750,000	750,000
AMP BANK	LAMINAR	BBB	TD	1.00%	368	22-Nov-22	750,000	750,000
AMP BANK	LAMINAR	BBB	TD	1.00%	390	20-Dec-22	1,000,000	1,000,000
MUTUAL BANK	CURVE	NR	TD	1.10%	397	3-Jan-23	1,000,000	1,000,000
AMP BANK	LAMINAR	BBB	TD	1.00%	405	17-Jan-23	800,000	800,000
JUDO BANK	LAMINAR	BBB	TD	0.99%	368	31-Jan-23	470,000	470,000
BANK OF QUEENSLAND	BANK OF QLD	BBB	TD	0.80%	382	14-Feb-23	955,000	955,000
WESTPAC	WESTPAC	AA-	TD	0.95%	391	14-Mar-23	1,000,000	1,000,000
WESTPAC	WESTPAC	AA-	TD	1.12%	454	16-May-23	1,000,000	1,000,000
MUTUAL BANK	CURVE	NR	TD	1.25%	551	6-Jun-23	1,000,000	1,000,000
AMP BANK	LAMINAR	BBB	TD	1.35%	550	20-Jun-23	585,000	585,000
WESTPAC	WESTPAC	AA-	TD	1.30%	517	18-Jul-23	1,000,000	1,000,000
WESTPAC	WESTPAC	AA-	TD	1.48%	629	7-Nov-23	1,000,000	1,000,000
WESTPAC	WESTPAC	AA-	TD	1.53%	732	30-Jan-24	1,000,000	1,000,000
WESTPAC	WESTPAC	AA-	TD	1.53%	746	13-Feb-24	1,000,000	1,000,000
WESTPAC	WESTPAC	AA-	TD	1.72%	741	27-Feb-24	1,000,000	1,000,000
MUTUAL BANK	IAM	BBB	TD	1.00%	411	12-Apr-23	1,000,000	1,000,000
MUTUAL BANK	IAM	BBB	TD	1.00%	397	29-Mar-23	1,000,000	1,000,000
MUTUAL BANK	IAM	BBB	TD	1.00%	432	3-May-23	600,000	600,000
JUDO BANK	CURVE	BBB	TD	1.05%	425	26-Apr-23	650,000	650,000
MACQUARIE BANK	LAMINAT	A+	AT CALL	0.35%			2,000,000	2,000,000
SUB TOTAL (\$)							32,035,000	32,035,000
TCORP CASH FUND	TCORP	AAA					2,000,000	1,995,414
TCORP SHORT TERM INCOME FUND	TCORP	AAA					5,000,000	5,012,069
TCORP MEDIUM TERM GROWTH FUND	TCORP	AAA					3,500,000	3,692,591
TCORP LONG TERM GROWTH FUND	TCORP	AAA					1,000,000	1,151,752
INVESTMENTS TOTAL (\$)							43,535,000	43,886,826
CASH AT BANK (\$)							11,339,758	11,339,758
TOTAL CASH AND INVESTMENTS (\$)							54,874,758	55,226,585
CASH AT BANK INTEREST RATE				0.20%				
BBSW FOR PREVIOUS 3 MONTHS				0.07%				
AVG. INVESTMENT RATE OF RETURN ON TDs				0.97%				
TD = 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 NO. 2

**FILE NO: 22/71043
EDRMS NO: PSC2021-04212**

**REPORT ON LOCAL GOVERNMENT NSW (LGNSW) SPECIAL CONFERENCE 28
FEBRUARY 2022 - 2 MARCH 2022**

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

BACKGROUND

The purpose of this report is to provide an overview of the 2022 Local Government NSW (LGNSW) Special Conference held from 28 February to 2 March 2022 in Sydney. The conference was attended by Mayor Ryan Palmer, Cr Peter Francis, Cr Steve Tucker and General Manager Wayne Wallis.

Hundreds of local government delegates from Councils across NSW joined together at the Hyatt Regency, Sydney to attend the conference which is the annual policy-making event for NSW general-purpose councils and associate members. It is the pre-eminent event of the local government year where local elected members come together to share ideas and debate issues that shape the way local government is governed.

There was a range of guest speakers and panellists, including an address from LGNSW President, Darriea Turley AM, Cr Linda Scott, President of the Australian Local Government Association (ALGA) and Local Government Minister, Wendy Tuckerman. Also speaking were Mayors from various councils sharing their experience and expertise on climate change, the housing crisis and the economic outlook panel 2022-23 and beyond.

The main purpose of the conference is to vote on motions and policy positions which are provided by councils throughout the year. The motions that are carried, then become the platform that LGNSW will advocate for in the future.

The LGNSW Board motion which called for an urgent review of IPART's 0.7% baseline rate peg received unanimous support with action to ensure no council is at a financial disadvantage. IPART's decision surprised councils across the state as it may well force councils to cut spending on infrastructure and services at a critical time in the economic cycle.

In her address, Local Government Minister, Wendy Tuckerman confirmed that NSW Government has requested IPART review its rate peg methodology including the local government cost index and will continue to advocate for councils in this important area.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

Another priority topic for delegates attending the conference was the regional housing crisis, with delegates passing a series of motions, including the call for a Royal Commission into the issue.

Other motions included requesting the State Government revisit the short-term holiday accommodation issue, which again, received unanimous support. The consensus being that those living in the community, including teachers, nurses and doctors, play a key part in popular holiday towns and we need to ensure young families and essential workers can afford a roof over their heads.

The full record of the [conference decisions](#) and [conference resolutions](#) can be found on the LGNSW website.

The 2022 Annual LGNSW Conference is scheduled for 23-25 October 2022 at the Crowne Plaza in the Hunter Valley.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 22/70225
EDRMS NO: PSC2021-01880**

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:

- Development Planner (PSC768)
- Community Services Section Manager (PSC401)

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 4

**FILE NO: 22/70160
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS AS AT 28 FEBRUARY 2022

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 Resolutions.
- 2) Development Services Group Resolutions.
- 3) Facilities & Services Group Resolutions.
- 4) General Manager's Office Resolutions.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



Action Sheets Report	Division:	Corporate Services	Date From:	26/09/2017
	Committee:		Date To:	22/02/2022
	Officer:		Printed: Monday, 28 February 2022	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/05/2021	Crosdale, Timothy	Car parking in Shoal Bay	30/06/2022	12/05/2021	
1		Crosdale, Timothy				21/12/3694
25 Feb 2022						
In principle approval received from Crown Lands. Plan of Management to be addressed before progressing works.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2013	Crosdale, Timothy	Campvale Drain	30/12/2022		
243		Crosdale, Timothy				
25 Feb 2022						
Hunter Water Corporation, National Parks and Wildlife Service (NPWS) and two private owners involved. Matter ongoing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Crosdale, Timothy	Newline Road, Raymond Terrace	30/04/2022		
2		Crosdale, Timothy				20/288489
199						
25 Feb 2022						
Approved. Contracts prepared. Finalising survey levels in contract.						

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						
25 Feb 2022						
Matter progressing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Crosdale, Timothy	Proposed sale of Council owned land - 44B Squire Street, Fingal Bay	8/03/2022	25/02/2022	
1		Crosdale, Timothy				22/57049
063						
25 Feb 2022						
Subject to Notice of Rescission on 8 March 2022.						

ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.


Division:	Development Services	Date From:	13/07/2021
Committee:		Date To:	22/02/2022
Officer:		Printed:	Monday, 28 February 2022
Action Sheets Report			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Drinan, Kate	Caravan Park Communities	26/04/2022	14/02/2022	
1 026		Pearl, Steven				22/45826
24 Feb 2022						
A report is being drafted to be put to Council on 26 April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Lourens, Rean	FLYING-FOX ISSUES AT ROSS WALLBRIDGE RESERVE	15/04/2022	14/02/2022	
7 032		Pearl, Steven				22/45826
24 Feb 2022						
Action underway, currently undertaking population number monitoring and surveys; and has commenced consulting with external stakeholders including wildlife care groups.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Lourens, Rean	AIR QUALITY MONITORING AT EXTRACTIVE INDUSTRIAL OPERATIONS	15/04/2022	14/02/2022	
11		Pearl, Steven				22/45826
24 Feb 2022						
Action underway, consultation with stakeholders commenced.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Drinan, Kate	Illegal Dumping	24/05/2022	14/02/2022	
10 035		Pearl, Steven				22/45826
25 Feb 2022						
A report is being drafted to be put to Council in May 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/10/2021	Connell, Sarah	Karuah Place Plan	31/03/2022	28/10/2021	
3 285		Pearl, Steven				21/286560
24 Feb 2022						
To be considered at Council meeting of 22 March 2022. This report will include submissions from Public Exhibition.						

ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division:	Development Services	Date From:	13/07/2021
	Committee:		Date To:	22/02/2022
	Officer:		Printed:	Monday, 28 February 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Submissions	30/04/2022		
4		Pear, Steven				21/190429
28 Feb 2022						
Awaiting legal advice.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Information	30/04/2022		
3		Pear, Steven				21/190429
178						
28 Feb 2022						
Awaiting legal advice.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/09/2021	Connell, Sarah	Port Stephens Waterway Strategy	31/03/2022	15/09/2021	
1		Pear, Steven				21/252518
240						
24 Feb 2022						
Project has been reallocated to Strategic Planning. The project scope is being researched.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Lourens, Rean	Carbon Neutrality	31/03/2023	13/10/2021	
2		Pear, Steven				21/274186
275						
24 Feb 2022						
Action underway, consultation commenced with internal stakeholders associated with carbon emissions to obtain baseline data. Consultants have been engaged for preparation of a baseline report and baseline data has been supplied for reporting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Lamont, Brock	Policy Review: Rezoning Request Policy	12/05/2022	25/02/2022	
4		Pear, Steven				22/57049
051						
28 Feb 2022						
Policy placed on public exhibition for 28 days.						

**ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP
RESOLUTIONS.**



Action Sheets Report	Division:	Development Services	Date From:	13/07/2021
	Committee:		Date To:	22/02/2022
	Officer:		Printed:	Monday, 28 February 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Drinan, Kate	Minor DA Modification Reporting	24/05/2022	25/02/2022	
7 060		Pearl, Steven				22/57049
28 Feb 2022						
Policy will be updated and exhibited. Should submissions be received, it will be returned to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Pearl, Steven	Williamstown CRG	8/03/2022	25/02/2022	
5 057		Pearl, Steven				22/57049
28 Feb 2022						
A letter will be drafted to various organisations regarding reinstatement of the Williamstown CRG.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Gardner, Janelle	Newspaper Notices	8/03/2022	25/02/2022	
2 055		Pearl, Steven				22/57049
28 Feb 2022						
A number of options are being considered and will be reported back to Council in April 2022.						



Division: Facilities & Services	Date From: 27/11/2020
Committee:	Date To: 22/02/2022
Officer:	Printed: Monday, 28 February 2022
Action Sheets Report	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	POLICY REVIEW - CONTRIBUTION TO WORKS FOR KERB AND GUTTERING CONSTRUCTION POLICY	26/07/2022	14/02/2022	
6 018		Kable, Gregory				22/45826
24 Feb 2022						
Report with requested information shall be provided to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Medowie Library	28/06/2022	14/02/2022	
2 027		Kable, Gregory				22/45826
25 Feb 2022						
Investigation underway to determine viability as requested.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Ford Avenue, Medowie, Sturgeon Street, Raymond Terrace, Nelson Bay Road and Gan Gan Road	29/03/2022	14/02/2022	
3 028		Kable, Gregory				22/45826
24 Feb 2022						
As requested an update will be provided to Councillors via PS News.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	POLICY REVIEW - ASSET MANAGEMENT POLICY	30/04/2022	14/02/2022	
5		Kable, Gregory				22/45826
24 Feb 2022						
The Asset Management Policy has been placed on Public Exhibition until the 10 March 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Burton, Paul	Raymond Terrace Indoor Sports Facility	30/06/2022	13/10/2021	
9 271		Kable, Gregory				21/274186
24 Feb 2022						
Item will be added to Works Program Plus, advocacy documentation and staff will seek to identify suitable grant funding for the options analysis.						

ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.


Division:	Facilities & Services	Date From:	27/11/2020
Committee:		Date To:	22/02/2022
Officer:		Printed:	Monday, 28 February 2022
Action Sheets Report			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/10/2021	Maretich, John	REVIEW OF DOG OFF LEAD AREAS - BOAT HARBOUR	31/08/2022	28/10/2021	
20		Kable, Gregory				21/286560
24 Feb 2022						
A report will be prepared once the extension of the trial period has been completed.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Raymond Terrace Lakeside Pathway	24/05/2022	14/02/2022	
4 029		Kable, Gregory				22/45826
24 Feb 2022						
Preliminary investigation was undertaken to form part of the NOM background. Additional investigation with assistance from NSW Police will be undertaken and report will be presented to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Tomaree Road Footpath	24/05/2022	14/02/2022	
13 037		Kable, Gregory				22/45826
24 Feb 2022						
Report will be provided to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Basketball Backboard and Rings - Croquet Court, Boomerang Park	24/05/2022	14/02/2022	
15 039		Kable, Gregory				22/45826
24 Feb 2022						
Further investigation on the foundation will be undertaken to ensure the court is fit for the proposed use. Report will then be provided back to Council.						
Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Gutsche, Tammy	Independent Audit of Financial Positions of 355c Hall Committees	22/06/2022	14/02/2022	
16 041		Kable, Gregory				22/45826
25 Feb 2022						
Report is currently in progress.						

ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.



Division: Facilities & Services	Date From: 27/11/2020
Committee:	Date To: 22/02/2022
Officer:	Printed: Monday, 28 February 2022
Action Sheets Report	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Iris Moore Reserve	29/03/2022	14/02/2022	
12 036		Kable, Gregory				22/45826
24 Feb 2022						
As requested Council staff shall write to National Parks.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Foreshore Reserves and Parking on Council Land	26/07/2022	14/02/2022	
5 030		Kable, Gregory				22/45826
24 Feb 2022						
Report shall be provided to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Gutsche, Tammy	Reusable Nappies and Menstrual Products	22/06/2022	14/02/2022	
6 031		Kable, Gregory				22/45826
25 Feb 2022						
Report is currently in progress.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Boomerang Park BBQs	28/06/2022	14/02/2022	
9 034		Kable, Gregory				22/45826
24 Feb 2022						
Report shall be provided to Council on the proposal to increase facilities as per this NOM.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Anna Bay Drainage Union	1/06/2022	26/05/2021	
2 126		Kable, Gregory				21/138820
24 Feb 2022						
The State Government agency responsible for Anna Bay Drainage Union shall be consulted with.						

ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.



Division: Facilities & Services	Date From: 27/11/2020
Committee:	Date To: 22/02/2022
Officer:	Printed: Monday, 28 February 2022
Action Sheets Report	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Bus Stop in Seaside Estate, Fern Bay	31/05/2022	26/05/2021	
5		Kable, Gregory				21/138820
128						
24 Feb 2022						
This review shall be undertaken through Local Traffic Committee and consultation with members of the Seaside Community Association and a report is being compiled.						

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Burton , Paul	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	31/08/2022		
2		Kable, Gregory				21/33235
012						
24 Feb 2022						
Two-Way Council briefing will be scheduled in the near future to discuss the future of this land.						

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	31/05/2022		
3		Kable, Gregory				20/391301
24 Feb 2022						
A Two-Way Briefing has been scheduled for 26 April 2022.						

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	30/06/2022		
3		Kable, Gregory				21/33235
006						
24 Feb 2022						
Discussions have commenced with Telstra.						

ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.



Division: Facilities & Services	Date From: 27/11/2020
Committee:	Date To: 22/02/2022
Officer:	Printed: Monday, 28 February 2022
Action Sheets Report	

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	30/06/2022		
2 177		Kable, Gregory				21/190429
24 Feb 2022						
Staff are currently in consultation with suppliers on how to introduce new fuel sources for our vehicles.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Burton , Paul	Raymond Terrace Seven Day Makeover	31/12/2022		
17 228		Kable, Gregory				21/218740
24 Feb 2022						
This will be discussed with the Councillors in the lead up to William St, Stage 2 which funded through the Streets of Shared Spaces grant.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Burton , Paul	Shade Sail at Robinson Reserve, Anna Bay	30/06/2022	13/10/2021	
7 269		Kable, Gregory				21/274186
24 Feb 2022						
Item will be added to Works Program Plus and staff will seek to identify suitable grant funding for the project.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Gutsche, Tammy	Change to Lease Arrangements for Fingal Bay Surf Life Saving Club and Commercial Tenancies	31/03/2022	13/10/2021	
8 270		Kable, Gregory				21/274186
25 Feb 2022						
Paperwork currently being prepared for the Mayor and General Manager for the official seal.						

ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division:	Facilities & Services	Date From:	27/11/2020
	Committee:		Date To:	22/02/2022
	Officer:		Printed:	Monday, 28 February 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Stewart, Adam	Australia Post Mail Box, 14A William Street, Raymond Terrace	30/06/2022	13/08/2021	
20 229		Kable, Gregory				21/218740
24 Feb 2022						
There are a variety of site specific constraints and factors which need to be taken into account including compliance with the Disability Discrimination Act, NSW Road Rules in regard to stopping near a post box, and Council's Stage 2 works for William Street which will seek to relocate and optimise the location of street furniture including mail boxes.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	DEDICATION AS PUBLIC ROAD OF PART LOT 491 DP 27846 - 18C CROMARTY ROAD, SOLDIERS POINT	31/12/2022	13/08/2021	
1 210		Kable, Gregory				21/218740
24 Feb 2022						
Council staff will commence transfer of land parcel to the road reserve.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Agreement with Community Association DP270468 - Lagoons Estate, Nelson Bay	30/06/2022		
4 208		Kable, Gregory				21/218740
24 Feb 2022						
Council to enter agreement with the Community Association DP 270468 in accordance with the confidential terms as per Council report.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Stewart, Adam	Kirrang Drive, Medowie Shared Pathway	30/06/2022	13/08/2021	
8 217		Kable, Gregory				21/218740
24 Feb 2022						
Council staff will undertake further investigations into the financial requirements and options to accelerate the Kirrang Drive, Medowie pathway. Staff will report the outcomes back to Council.						

ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division:	Facilities & Services	Date From:	27/11/2020
	Committee:		Date To:	22/02/2022
	Officer:		Printed: Monday, 28 February 2022	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Maretich, John	Port Stephens Disaster Recovery 2021	31/03/2022	25/02/2022	
2 046		Kable, Gregory				22/57049
28 Feb 2022						
Staff to prepare letters requesting urgent action on funding the disaster recovery works across Port Stephens.						



Action Sheets Report	Division:	General Manager's Office	Date From:	10/08/2021
	Committee:		Date To:	22/02/2022
	Officer:		Printed: Monday, 28 February 2022	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Wickham, Tony	Public Access	26/04/2022	13/08/2021	
1 054		Wallis, Wayne				21/218740
25 Feb 2022						
Council staff will commence review of the Public Access process as resolved by Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Wickham, Tony	Vote Recording	26/04/2022	25/02/2022	
6 059		Wallis, Wayne				22/57049
25 Feb 2022						
The trial to commence from 8 March 2022 and conclude on 26 April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Wickham, Tony	Election Report	26/04/2022	25/02/2022	
8 061		Wallis, Wayne				22/57049
25 Feb 2022						
Council staff will commence surveying all candidates from the local government election held in Port Stephens and compile a report to Council.						

ITEM NO. 5

**FILE NO: 22/67534
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS AS AT 14 MARCH 2022

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 Resolutions.
- 2) Development Services Group Resolutions.
- 3) Facilities & Services Group Resolutions.
- 4) General Manager's Office Resolutions.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



Division: Corporate Services	Date From: 27/08/2013
Committee:	Date To: 22/02/2022
Officer:	Printed: Monday, 14 March 2022
Action Sheets Report	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2013	Crosdale, Timothy	Campvale Drain	30/12/2022		
243		Crosdale, Timothy				
11 Mar 2022						
Hunter Water Corporation, National Parks and Wildlife Service (NPWS) and two private owners involved. Matter ongoing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Crosdale, Timothy	Urgent Community Works Program - Sale of Land, Lot 95 DP26610, 109 Foreshore Drive, Salamander Bay	22/03/2022	25/02/2022	
1 045		Crosdale, Timothy				22/57049
11 Mar 2022						
Subject to Notice of Rescission on 22 March 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Crosdale, Timothy	Proposed sale of Council owned land - 44B Squire Street, Fingal Bay	22/03/2022	25/02/2022	
1 063		Crosdale, Timothy				22/57049
04 Mar 2022						
Subject to Notice of Rescission on 22 March 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Crosdale, Timothy	Newline Road, Raymond Terrace	30/04/2022		
2 199		Crosdale, Timothy				20/288489
11 Mar 2022						
Approved. Contracts prepared. Finalising survey levels in contract.						

ITEM 5 - ATTACHMENT 1 CORPORATE SERVICES GROUP RESOLUTIONS.



Division:	Corporate Services	Date From:	27/08/2013
Committee:		Date To:	22/02/2022
Officer:		Printed:	Monday, 14 March 2022
Action Sheets Report			

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						
11 Mar 2022						
Matter progressing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/05/2021	Crosdale, Timothy	Car parking in Shoal Bay	30/06/2022	12/05/2021	
1		Crosdale, Timothy				21/123694
11 Mar 2022						
In principle approval received from Crown Lands. Plan of Management to be addressed before progressing works.						

ITEM 5 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division:	Development Services	Date From:	13/07/2021
	Committee:		Date To:	22/02/2022
	Officer:		Printed:	Monday, 14 March 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Drinan, Kate	Illegal Dumping	26/04/2022	14/02/2022	
10 035		Peart, Steven				22/45826
11 Mar 2022						
A report is being drafted to be put to Council on 26 April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Lourens, Rean	FLYING-FOX ISSUES AT ROSS WALLBRIDGE RESERVE	15/04/2022	14/02/2022	
7 032		Peart, Steven				22/45826
11 Mar 2022						
Action underway, currently undertaking population number monitoring and surveys; and has commenced consulting with external stakeholders including wildlife care groups.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Drinan, Kate	Minor DA Modification Reporting	25/05/2022	25/02/2022	
7 060		Peart, Steven				22/57049
28 Feb 2022						
Policy will be updated and exhibited, should submissions be received, it will be returned to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Gardner, Janelle	Newspaper Notices	26/04/2022	25/02/2022	
2 055		Peart, Steven				22/57049
01 Mar 2022						
A number of options are being considered and will be reported back to Council in April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Lamont, Brock	Policy Review: Rezoning Request Policy	12/05/2022	25/02/2022	
4 051		Peart, Steven				22/57049
09 Mar 2022						
Draft Rezoning Request Policy on Public Exhibition from 3 March 2022 to 1 April 2022.						

ITEM 5 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.


Division:	Development Services	Date From:	13/07/2021
Committee:		Date To:	22/02/2022
Officer:		Printed:	Monday, 14 March 2022
Action Sheets Report			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/09/2021	Connell, Sarah	Port Stephens Waterway Strategy	31/03/2022	15/09/2021	
1		Pear, Steven				21/252518
240						
09 Mar 2022						
Research is being undertaken and an internal team meeting has been scheduled to determine the next steps and prepare a project scope and timeline.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Submissions	30/04/2022		
4		Pear, Steven				21/190429
10 Mar 2022						
Two Way postponed - awaiting Legal advice.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Information	30/04/2022		
3		Pear, Steven				21/190429
178						
10 Mar 2022						
Two Way postponed - awaiting Legal advice.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Drinan, Kate	Caravan Park Communities	26/04/2022	14/02/2022	
1		Pear, Steven				22/45826
026						
11 Mar 2022						
A report is being drafted to be put to Council on 26 April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Lourens, Rean	Carbon Neutrality	31/03/2023	13/10/2021	
2		Pear, Steven				21/274186
275						
09 Mar 2022						
Councillor Briefing (Two Way) has been scheduled for 19 April 2022.						



Action Sheets Report	Division:	Facilities & Services	Date From:	24/11/2020
	Committee:		Date To:	22/02/2022
	Officer:		Printed:	Monday, 14 March 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Ford Avenue, Medowie, Sturgeon Street, Raymond Terrace, Nelson Bay Road and Gan Gan Road	29/03/2022	14/02/2022	
3 028		Kable, Gregory				22/45826
11 Mar 2022						
As requested an update will be provided to Councillors via PS News.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Raymond Terrace Lakeside Pathway	24/05/2022	14/02/2022	
4 029		Kable, Gregory				22/45826
11 Mar 2022						
Preliminary investigation was undertaken to form part of the NOM background. Additional investigation with assistance from NSW Police will be undertaken and report will be presented to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Foreshore Reserves and Parking on Council Land	26/07/2022	14/02/2022	
5 030		Kable, Gregory				22/45826
11 Mar 2022						
Report shall be provided to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Gutsche, Tammy	Medowie Library	28/06/2022	14/02/2022	
2 027		Kable, Gregory				22/45826
11 Mar 2022						
Investigation underway to determine viability as requested.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Burton , Paul	Raymond Terrace Indoor Sports Facility	30/06/2022	13/10/2021	
9 271		Kable, Gregory				21/274186
11 Mar 2022						
Item will be added to WPP. Grant funding opportunities will be investigated following adoption of the WPP.						



Division: Facilities & Services	Date From: 24/11/2020
Committee:	Date To: 22/02/2022
Officer:	Printed: Monday, 14 March 2022
Action Sheets Report	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/10/2021	Maretich, John	REVIEW OF DOG OFF LEAD AREAS - BOAT HARBOUR	31/08/2022	28/10/2021	
20		Kable, Gregory				21/286560
11 Mar 2022						
A report will be prepared following a 2 way booked for 19 April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	POLICY REVIEW - CONTRIBUTION TO WORKS FOR KERB AND GUTTERING CONSTRUCTION POLICY	26/07/2022	14/02/2022	
6 018		Kable, Gregory				22/45826
11 Mar 2022						
Report with requested information shall be provided to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Basketball Backboard and Rings - Croquet Court, Boomerang Park	24/05/2022	14/02/2022	
15 039		Kable, Gregory				22/45826
11 Mar 2022						
Further investigation on the foundation will be undertaken to ensure the court is fit for the proposed use. Report will then be provided back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Gutsche, Tammy	Independent Audit of Financial Positions of 355c Hall Committees	22/06/2022	14/02/2022	
16 041		Kable, Gregory				22/45826
11 Mar 2022						
Report is currently in progress.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Maretich, John	Port Stephens Disaster Recovery 2021	31/03/2022	25/02/2022	
2 046		Kable, Gregory				22/57049
11 Mar 2022						
Staff to prepare letters requesting urgent action on funding the disaster recovery works across Port Stephens.						

ITEM 5 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.



Division: Facilities & Services	Date From: 24/11/2020
Committee:	Date To: 22/02/2022
Officer:	Printed: Monday, 14 March 2022
Action Sheets Report	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Tomaree Road Footpath	24/05/2022	14/02/2022	
13 037		Kable, Gregory				22/45826
04 Mar 2022						
Report will be provided to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Gutsche, Tammy	Reusable Nappies and Menstrual Products	22/06/2022	14/02/2022	
6 031		Kable, Gregory				22/45826
11 Mar 2022						
Report is currently in progress.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Burton , Paul	Boomerang Park BBQs	28/06/2022	14/02/2022	
9 034		Kable, Gregory				22/45826
11 Mar 2022						
Report shall be provided to Council on the proposal to increase facilities as per this NOM.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Burton , Paul	Iris Moore Reserve	29/03/2022	14/02/2022	
12 036		Kable, Gregory				22/45826
11 Mar 2022						
As requested Council staff shall write to National Parks.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Anna Bay Drainage Union	1/06/2022	26/05/2021	
2 126		Kable, Gregory				21/138820
11 Mar 2022						
The State Government agency responsible for Anna Bay Drainage Union shall be consulted with.						



Division:	Facilities & Services	Date From:	24/11/2020
Committee:		Date To:	22/02/2022
Officer:		Printed:	Monday, 14 March 2022
Action Sheets Report			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Bus Stop in Seaside Estate, Fern Bay	31/05/2022	26/05/2021	
5 128		Kable, Gregory				21/138820
11 Mar 2022						
This review shall be undertaken through Local Traffic Committee and consultation with members of the Seaside Community Association and a report is being compiled.						

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	30/06/2022		
2 177		Kable, Gregory				21/190429
11 Mar 2022						
Staff are currently in consultation with suppliers on how to introduce new fuel sources for our vehicles.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Burton, Paul	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	31/08/2022		
2 012		Kable, Gregory				21/33235
11 Mar 2022						
Two-Way Council briefing will be scheduled in the near future to discuss the future of this land.						

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.	30/06/2022		
11 261		Kable, Gregory				20/358525
11 Mar 2022						
Council response to Newcastle Airport DA modification is expected in coming weeks. 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	31/05/2022		
3		Kable, Gregory				20/391301
11 Mar 2022						
A 2 Way Briefing has been scheduled for 26 April 2022.						

ITEM 5 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division:	Facilities & Services	Date From:	24/11/2020
	Committee:		Date To:	22/02/2022
	Officer:		Printed:	Monday, 14 March 2022

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	30/06/2022		
3 006		Kable, Gregory				21/33235
11 Mar 2022						
Discussions have commenced with Telstra.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Burton , Paul	Raymond Terrace Seven Day Makeover	31/12/2022		
17 228		Kable, Gregory				21/218740
11 Mar 2022						
This will be discussed with the Councillors in the lead up to William St, Stage 2 which funded through the Streets of Shared Spaces grant.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Burton , Paul	Shade Sail at Robinson Reserve, Anna Bay	30/06/2022	13/10/2021	
7 269		Kable, Gregory				21/274186
11 Mar 2022						
Item will be added to WPP. Grant funding opportunities will be investigated following adoption of the WPP.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Gutsche, Tammy	Change to Lease Arrangements for Fingal Bay Surf Life Saving Club and Commercial Tenancies	30/04/2022	13/10/2021	
8 270		Kable, Gregory				21/274186
11 Mar 2022						
Target date changed from 31 March 2022 to 30 April 2022						

ITEM 5 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.



Division: Facilities & Services	Date From: 24/11/2020
Committee:	Date To: 22/02/2022
Officer:	Printed: Monday, 14 March 2022
Action Sheets Report	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Stewart, Adam	Australia Post Mail Box, 14A William Street, Raymond Terrace	30/06/2022	13/08/2021	
20 229		Kable, Gregory				21/218740
11 Mar 2022						
There are a variety of site specific constraints and factors which need to be taken into account including compliance with the Disability Discrimination Act, NSW Road Rules in regard to stopping near a postbox, and Councils Stage 2 works for William Street which will seek to relocate and optimise the location of street furniture including mail boxes.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	DEDICATION AS PUBLIC ROAD OF PART LOT 491 DP 27846 - 18C CROMARTY ROAD, SOLDIERS POINT	31/12/2022	13/08/2021	
1 210		Kable, Gregory				21/218740
11 Mar 2022						
Council staff will commence transfer of land parcel to the road reserve.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Agreement with Community Association DP270468 - Lagoons Estate, Nelson Bay	30/06/2022		
4 208		Kable, Gregory				21/218740
11 Mar 2022						
Council to enter agreement with the Community Association DP 270468 in accordance with the confidential terms as per Council report.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Stewart, Adam	Kirrang Drive, Medowie Shared Pathway	30/06/2022	13/08/2021	
8 217		Kable, Gregory				21/218740
11 Mar 2022						
Council staff will undertake further investigations into the financial requirements and options to accelerate the Kirrang Drive, Medowie pathway. Staff will report the outcomes back to Council.						



Action Sheets Report	Division:	General Manager's Office	Date From:	22/02/2022
	Committee:		Date To:	22/02/2022
	Officer:		Printed:	Monday, 14 March 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Wickham, Tony	Election Report	26/04/2022	25/02/2022	
8 061		Wallis, Wayne				22/57049
25 Feb 2022 Council staff will commence surveying all candidates from the local government held in Port Stephens and compile a report to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Wickham, Tony	Vote Recording	26/04/2022	25/02/2022	
6 059		Wallis, Wayne				22/57049
25 Feb 2022 The trial to commence from 8 March 2022 and conclude on 26 April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Wickham, Tony	Public Access	26/04/2022	25/02/2022	
1 054		Wallis, Wayne				22/57049
25 Feb 2022 Council staff will commence review of the Public Access process as resolved by Council.						

NOTICES OF MOTION

NOTICE OF MOTION**ITEM NO. 1****FILE NO: 22/69909****EDRMS NO: PSC2021-04195****CONFLICTS OF INTEREST****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Agrees to amend the Code of Meeting Practice at 16.1 as follows:
 - a. After the existing paragraph, add in the following: "The full form that was filled out by the Councillor to declare their conflict of interest will be displayed in the meeting minutes, with any confidential or personal information redacted".
 - 2) Agrees to place the amended policy on public exhibition for 28 days. If no submissions are received, the amendment will be made. If any submissions are received, the policy is to come back to Council for a decision.
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

085	Councillor Giacomo Arnott Councillor Leah Anderson It was resolved that Council agrees to amend the Code of Meeting Practice at 16.1, as part of the Code of Meeting Practice review, as follows: <ol style="list-style-type: none">a. After the existing paragraph, add in the following: "The full form that was filled out by the Councillor to declare their conflict of interest will be displayed in the meeting minutes, with any confidential or personal information redacted".
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Ryan Palmer, Steve Tucker and Jason Wells.

Those against the Motion: Cr Chris Doohan.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

The motion was carried.

BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION MANAGER

BACKGROUND

The Code of Conduct and the Code of Meeting Practice both require Council officials to declare any conflict of interests.

Conflict of interests are generally declared at the beginning of each Council meeting and at any time during a meeting, where required. All conflict of interest declarations are recorded in the Council minutes.

There is no requirement to include the declaration form in the Council minutes.

It is anticipated the review of the new Model Code of Meeting Practice will be tabled with Council in April 2022.

An amendment of the Code of Meeting Practice is required to be placed on public exhibition for a period of 28 days and allow 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. 2****FILE NO: 22/74981****EDRMS NO: PSC2021-04195****TREE MORATORIUM****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Notes that on 10 March 2020, Council amended its tree removal practices to allow for dangerous trees to be removed without the need for approval from Council.
 - 2) Requests a report from the General Manager outlining the following:
 - a. How many trees have been removed and reported after the fact since then?
 - b. How many trees have been found to have been removed without the proper reporting occurring?
 - c. How many trees have been removed and reported after the fact, and found to have not been dangerous?
 - d. What educational material was pushed out by Council at the time of the moratorium?
 - e. How much money is Council estimated to have saved since then, by essentially outsourcing tree removal to residents, without oversight?
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

086	Councillor Giacomo Arnott Councillor Leah Anderson It was resolved that Council: <ol style="list-style-type: none">1) Notes that on 10 March 2020, Council amended its tree removal practices to allow for dangerous trees to be removed without the need for approval from Council.2) Requests an email from the General Manager outlining the following:<ol style="list-style-type: none">a. How many trees have been removed and reported after the fact since then?b. How many trees have been found to have been removed without the proper reporting occurring?
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MINUTES ORDINARY COUNCIL - 22 MARCH 2022

	<p>c. How many trees have been removed and reported after the fact, and found to have not been dangerous?</p> <p>d. What educational material was pushed out by Council at the time of the moratorium?</p> <p>e. How much money is Council estimated to have saved since then, by essentially outsourcing tree removal to residents, without oversight?</p>
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: BROCK LAMONT – STRATEGY AND ENVIRONMENT SECTION MANAGER

BACKGROUND

The Port Stephens Development Control Plan 2014 (DCP 2014) was amended on 25 August 2020 to enact the Council resolution on 10 March 2020 (**ATTACHMENT 1**), which requested that Council approval not be required for removal of vegetation and trees where there is a risk to human life or property.

The amendments also aligned DCP 2014 with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) that provides that a permit is not required to remove trees and vegetation in non-rural areas that the Council is satisfied are:

- dying or dead and is not required as the habitat of native animals, or
- a risk to human life or property.

The effect of the amendments were to require landowners to submit a tree notification application to Council 10 days prior to undertaking any tree removal works. Council staff have been reviewing these notifications to verify the information provided as part of the assessment process.

Since July 2021, from which date all applications were recorded electronically, Council has received a total of 168 tree removal notifications.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

Council's Vegetation Management Officer assessed the tree removal notifications against the DCP 2014 provisions and found that 50 tree removal notifications complied with the notification requirements. This resulted in the removal of 66 trees.

The remaining 118 non-compliant tree removal notifications were transferred to the tree permit process and included the removal of 138 trees and the planting of 172 replacement trees.

During this period there has not been any instances where Council were notified of removal on account of immediate failure, while 11 trees are known to have been removed with no notification or permit. These 11 incidents have been placed on Council's breaches register and compliance action was undertaken.

To inform the community of the changes to DCP 2014, Council produced factsheets that are available on the Council website. A number of social media posts were published that included posts after large storm events.

Council staff also established a web-based application process to streamline applications.

It is further noted that residents have historically been responsible for the removal of trees on private property. There has therefore not been any additional costs incurred by residents or Council subsequent to the adoption of the DCP 2014 amendments on 25 August 2020.

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) Ordinary Council Meeting - 25 August 2020 (Minute 156).

**ITEM 2 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 25 AUGUST 2020
(MINUTE 156).****MINUTES ORDINARY COUNCIL - 25 AUGUST 2020****ITEM NO. 4****FILE NO: 20/234295
EDRMS NO: PSC2019-05146****AMENDMENT TO THE PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014
- CHAPTER B1 TREE MANAGEMENT**

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

RECOMMENDATION IS THAT COUNCIL:

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

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

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

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

Those against the Motion: Nil.

The motion was carried.

**ITEM 2 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 25 AUGUST 2020
(MINUTE 156).****MINUTES ORDINARY COUNCIL - 25 AUGUST 2020****BACKGROUND**

The purpose of this report is to report on the outcomes of the public exhibition and to seek Council approval for the Port Stephens Development Control Plan 2014 (DCP 2014) (Amendment No. 13) (the Amendment) (**ATTACHMENT 1**), which will align the DCP 2014 with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP).

The Vegetation SEPP provides that approval is not required to remove trees and vegetation in non-rural areas that the Council is satisfied are:

- dying or dead and is not required as the habitat of native animals, or
- a risk to human life or property.

The Amendment will ensure consistency with the Vegetation SEPP and educational resources have been prepared to assist landowners to identify when removal of vegetation can occur without Council approval.

The Amendment will give effect to the Council resolution on 10 March 2020, Minute Number 055 (**ATTACHMENT 2**) by amending the DCP 2014 to specify that approval to remove vegetation and trees is not required where there is a risk to human life or property.

The Amendment also includes changes to chapters E1 and E3 of the DCP 2014 to clarify references included in chapter B1 of the DCP 2014 (**ATTACHMENT 1**).

The Amendment was publically exhibited for a period of 28 days from 25 June 2020 to 27 July 2020. During public exhibition, 22 submissions were received. The submissions are summarised and addressed in (**ATTACHMENT 3**).

Minor changes to the Amendment have been made following consultation to update references to State agencies. The Amendment will also be supported by educational materials on Council's website. As noted in (**ATTACHMENT 3**) some amendments to the materials will be made in response to matters raised in submissions.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

FINANCIAL/RESOURCE IMPLICATIONS

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

**ITEM 2 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 25 AUGUST 2020
(MINUTE 156).****MINUTES ORDINARY COUNCIL - 25 AUGUST 2020**

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

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

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

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)

Clause 9 of the Vegetation SEPP enables a development control plan to declare the kinds of vegetation in non-rural areas which require a council permit to be cleared.

The Vegetation SEPP specifies the type and thresholds of vegetation which do not require approval for clearing.

Clause 8(3) of the Vegetation SEPP provides that approval is not required for the removal of vegetation that the council is satisfied is:

- dying or dead and is not required as the habitat of native animals, or
- a risk to human life or property.

The Amendment will give effect to the provisions of the SEPP and will clarify tree removal requirements and exemptions for the community.

MINUTES ORDINARY COUNCIL - 25 AUGUST 2020Port Stephens Development Control Plan 2014 (DCP 2014)

Chapter B1 of the DCP 2014 declares the kinds of vegetation and trees in non-rural areas that may be cleared with approval and when removal is exempt from approval.

Currently, tree removal that is exempt from requiring approval includes where urgent removal is necessary on account of immediate failure. The Amendment will align the DCP 2014 with the Vegetation SEPP by enabling removal where a tree is dead or dying and is not required as the habitat of native animals, or where there is a risk to human life or property.

The Amendment includes notification requirements where removal is proposed for a tree that is dead or dying and is not required as the habitat of native animals, or where there is a risk to human life or property. Notice is required to be provided to Council 10 days prior to the removal of the tree.

Other amendments are proposed to ensure consistency with the Vegetation SEPP and other relevant legislation.

Port Stephens Local Strategic Planning Statement

The Port Stephens Local Strategic Planning Statement (LSPS) was adopted by Council on 14 July 2020. The Amendment is consistent with Action 7.1 in the LSPS which requires Council to review and update the tree management framework.

Environment Policy

Clause 5.4 of the Environment Policy (the policy) requires Council to meet all its statutory responsibilities under environmental legislation. The Amendment is consistent with the policy as it will align the DCP 2014 with relevant environmental legislation, specifically the Vegetation SEPP.

Port Stephens Comprehensive Koala Plan of Management

Chapter B1 of the DCP 2014 specifies the categories of tree removal that are exempt from approval or require a permit. The Port Stephens Comprehensive Koala Plan of Management applies to the assessment of tree removal and other development that requires development consent. Therefore the Amendment has no impact on the operation of the Port Stephens Comprehensive Koala Plan of Management.

**ITEM 2 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 25 AUGUST 2020
(MINUTE 156).****MINUTES ORDINARY COUNCIL - 25 AUGUST 2020**

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
If the Amendment is not made, there is a risk that Council's tree management framework is inconsistent with State legislation.	Medium	Adopt the recommendations.	Yes
There is a risk that the Amendment results in increased compliance actions for Council.	Low	Adopt the recommendations. Educational materials have been prepared to clarify tree removal requirements and exemptions for the community. The existing provisions of the DCP 2014 note that a landowner bears the onus of proof when undertaking tree removal without a permit.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Amendment will align Council's tree management framework with State environmental legislation by specifying that approval is not required for the removal of trees or vegetation that Council is satisfied is:

- dying or dead and is not required as the habitat of native animals, or
- a risk to human life or property.

This will be through the Port Stephens Council Exempt Tree Removal Self Certification Form which is required to be provided to Council 10 days prior to the removal of the tree.

There are no changes proposed to the categories of trees and vegetation that can currently be removed without approval under the DCP 2014, Vegetation SEPP or other legislation.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment section to identify and consider any issues post exhibition.

**ITEM 2 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 25 AUGUST 2020
(MINUTE 156).****MINUTES ORDINARY COUNCIL - 25 AUGUST 2020**Internal

Internal consultation has been undertaken with the Facilities and Services Group, Development Assessment and Compliance section, and the Natural Resources unit on the proposal. All stakeholders support the Amendment as it will align the tree management framework with State legislation. The consultation has informed the preparation of the Amendment and the development of additional processes for the tree removal notification requirements outlined in the Amendment.

The Natural Resources unit prepared the educational materials to support the Amendment.

External

The Amendment was placed on public exhibition for 28 days from 25 June 2020 to 27 July 2020. In response to the exhibition of the Amendment, 22 submissions were received. A summary and response to the submissions can be found in **(ATTACHMENT 3)**.

OPTIONS

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

ATTACHMENTS

- 1) Development Control Plan Amendment. [↓](#)
- 2) Minute No.055, 10 March 2020. [↓](#)
- 3) Submissions Summary. [↓](#)

COUNCILLORS ROOM

- 1) Copy of unredacted submissions.
- 2) Vegetation SEPP and Educational Resources.

TABLED DOCUMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 3****FILE NO: 22/69914****EDRMS NO: PSC2021-04195****COUNCIL AGENDAS****COUNCILLOR: LEAH ANDERSON**

THAT COUNCIL:

- 1) Notes the release of the Model Code of Meeting Practice by the Office of Local Government.
 - 2) As part of the review of the Model Code of Meeting Practice, the following be included for consideration by Council:
 - a. Provide Council business papers to the Mayor and Councillors by close of business on the first Friday after the previous Council meeting.
 - b. Publish Council business papers to the website for public view by 10am the first Monday after the previous Council meeting.
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

087	Councillor Leah Anderson Councillor Giacomo Arnott It was resolved that Council: <ol style="list-style-type: none">1) Notes the release of the Model Code of Meeting Practice by the Office of Local Government.2) As part of the review of the Model Code of Meeting Practice, the following be included for consideration by Council:<ol style="list-style-type: none">a. Provide Council business papers to the Mayor and Councillors by close of business on the first Friday after the previous Council meeting.b. Publish Council business papers to the website for public view by 10am the first Monday after the previous Council meeting.c. Notice of Motion be lodged 3 days prior to the distribution of the business paper.
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Councillor Matthew Bailey left the meeting at 9:01pm.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION MANAGER

BACKGROUND

Clause 3.7 of the Code of Meeting Practice requires the business paper to be provided to the Mayor and Councillors at least 3 days before each Council meeting. This clause reflects section 376(1) of the Local Government Act 1993. The agenda is currently provided 4 business days prior to a Council meeting.

Should Council wish to amend clause 3.7, clause 3.10 would also require amendment. Clause 3.10 relates to the lodgement of a notice of motion. The Code of Meeting Practice requires a notice of motion to be lodged 10 business days before the meeting is to be held. This would need to be extended to 15 business days before the meeting.

The Office of Local Government has released a new Model Code of Meeting Practice. It is anticipated the review of the new Model Code of Meeting Practice will be tabled at Council in April 2022.

Any amendment of the Code of Meeting Practice is required to be placed on public exhibition for 28 days and allow 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.

ORDINARY COUNCIL MEETING - 22 MARCH 2022

MOTION

088	Mayor Ryan Palmer Councillor Giacomo Arnott It was resolved that the Council meeting be extended to 9:30pm.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Ryan Palmer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

NOTICE OF MOTION**ITEM NO. 4****FILE NO: 22/69996****EDRMS NO: PSC2021-04195****OPERATIONAL LAND****COUNCILLOR: PETER KAHER**

THAT COUNCIL:

- 1) Notes the importance of protecting the local environment of Port Stephens.
 - 2) Calls upon the General Manager to brief Councillors on parcels of land within Port Stephens that Council owns that are operational and could be sold and be used to fund projects for the community of Port Stephens in the future.
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

089	Mayor Ryan Palmer Councillor Chris Doohan It was resolved that Notice of Motion 4 be deferred.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND REPORT OF: TIM CROSDALE – GROUP MANAGER
CORPORATE SERVICES****BACKGROUND**

A briefing on operational land resources can be arranged through Council's two way conversation process. In the context of potential land sales, Council has 3 main types of operational land in its property portfolio being lands surplus to Council, property development sites and investment properties.

Surplus lands are operational lands that are held by Council for no specific or identified purpose, or are underutilised, underperforming or declining assets.

Property development sites are those that have been identified as appropriate for subdivision or development. These sites are prioritised and managed in accordance with Council's Property Investment Strategy (PIS) to enable Council to generate a non-rate capital revenue source. In accordance with the PIS, the revenue generated through property development sites is reinvested into property assets to continue this source of non-rate revenue into the future.

Investment properties are those that have been purchased or developed by Council for the sole purpose of returning a recurrent non-rate revenue to Council. Should Council resolve to sell an investment property, the proceeds need to be reinvested to maintain or improve the recurrent revenue generated from Council's property portfolio. This process is undertaken in accordance with the PIS.

The management of the property portfolio and implementation of the PIS is undertaken with input from Council's Property Advisory Panel (PAP) consisting of the Mayor and nominated Councillors.

FINANCIAL/RESOURCE IMPLICATIONS

The revenue generated from surplus land sales and property development projects are directed to the Restricted Property Reserve and used to fund future capital projects with any surplus profits directed to the Prosperity Fund.

Investment income supplements Council's rate income and supports operational needs.

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. 5****FILE NO: 22/69971****EDRMS NO: PSC2021-04195****LAKESIDE LEISURE CENTRE****COUNCILLOR: PETER KAHER**

THAT COUNCIL:

- 1) Call upon the General Manager to brief Council where the subsequent staged works of Lakeside Leisure Centre (pool) are up to given Stage 1 (the indoor and outside 50 metre pool) has been in place for over 20 years – (so the local community becomes better informed – as Raymond Terrace community have been asking this question for years).
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

090	Mayor Ryan Palmer Councillor Chris Doohan It was resolved that Notice of Motion 5 be deferred.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Ryan Palmer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER**BACKGROUND**

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

The centre was constructed in 2000 to replace the previous aquatic centre that was located in Raymond Terrace. Compared to the previous aquatic centre, Lakeside Leisure Centre increased the level of service to include an indoor heated leisure pool

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

for both learn to swim and recreation swimmers. The new centre also has an external 50m pool that is also heated all year round.

This centre was located at Lakeside to cater for the growth in Raymond Terrace and Medowie districts.

The centre site has the capacity for future expansion that includes a 25m indoor pool. External market expressions of interest were undertaken in the past. Due to the quantum of capital expense required for this next stage, there were no interested parties.

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.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

Councillor Jason Wells left the meeting at 9:13pm.

Councillor Jason Wells returned to the meeting at 9:14pm.

NOTICE OF MOTION

ITEM NO. 6

FILE NO: 22/63579

EDRMS NO: PSC2021-04195

GUY MARKS OVAL, KING PARK, RAYMOND TERRACE

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that Guy Marks played his first game for Raymond Terrace District Cricket Club in 1990.
 - 2) Notes that Guy became President of the club at the commencement of the 1994/95 cricket season and remained as President until the end of the 2020/21 season – a massive 26 years.
 - 3) Notes that throughout the years, Guy has also been a member of the West Ward Sports Council, a curator, and has managed bookings for the King Park Sports Complex.
 - 4) Agrees to rename the King Park Oval to the “Guy Marks Oval” in recognition of his decades of service to the Raymond Terrace Cricket Club, and the broader Raymond Terrace sporting community, at the request of his fellow players from the Raymond Terrace District Cricket Club.
-

ORDINARY COUNCIL MEETING - 22 MARCH 2022 MOTION

091	<p>Councillor Giacomo Arnott Councillor Peter Francis</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Notes that Guy Marks played his first game for Raymond Terrace District Cricket Club in 1990.2) Notes that Guy became President of the club at the commencement of the 1994/95 cricket season and remained as President until the end of the 2020/21 season – a massive 26 years.3) Notes that throughout the years, Guy has also been a member of the West Ward Sports Council, a curator, and has managed bookings for the King Park Sports Complex.
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MINUTES ORDINARY COUNCIL - 22 MARCH 2022

	4) Agrees to rename the King Park Oval 4 the “Guy Marks Oval” in recognition of his decades of service to the Raymond Terrace Cricket Club, and the broader Raymond Terrace sporting community, at the request of his fellow players from the Raymond Terrace District Cricket Club.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

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

The NSW Geographical Names Act 1966 empowers the Geographic Naming Board (GNB) as the body responsible for overseeing the formal naming of places. The GNB Place Naming Policy sets out the rules and regulations that apply to such applications.

Relative to this Notice of Motion, the policy states that ‘personal names, including those of persons still living, may be used for built features e.g. pavilions and grandstands etc., however these features are not formally assigned by the GNB and are not covered by the Act.’

As such, the formal naming of an open space asset such as a sporting field would not be generally supported by GNB. As an alternative to the above process, Council may name assets or projects by dedication in an informal manner (such as sporting fields, community buildings, footpaths, boardwalks etc.).

Although the GNB policy does not strictly apply in this instance, it does provide guidance as to what information should be considered when assessing commemorative naming requests. The GNB policy offers the following guidelines regarding association or contribution for naming:

- Two or more terms of office on the governing local government council.
- Twenty or more years association with a local community group or service club.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

- Twenty or more years of association or service with a local or state government or organisation.
- Action by an individual to protect, restore, enhance or maintain an area that produces substantial long term improvements for the community.
- The death of a person within a place is not solely to be considered sufficient justification for commemoration.
- Local residents of note.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 7****FILE NO: 22/72839****EDRMS NO: PSC2021-04195****IDENTIFYING POTHOLES****COUNCILLOR: LEAH ANDERSON**

THAT COUNCIL:

- 1) Note that the process of identifying potholes can take time, be often relied upon by the general public to report them, and can lead to dangerous potholes not being reported in a timely manner.
 - 2) Agrees that a method of identifying potholes without solely relying on reports from the public would ensure that dangerous potholes can be fixed quicker.
 - 3) Acknowledge that at the Council Strategic Workshop on Saturday 12 February 2022, Cr Anderson provided an example of a proactive Council, Moreton Bay Council, that has technology via cameras on garbage trucks, to identify potholes and report them to Council via a computer system, and requested staff to look into this proactive method and its suitability.
 - 4) Asks the General Manager to prepare a report on the cost and benefits of implementing a system of cameras on garbage trucks to:
 - a. Scan the roads as the trucks travel on them
 - b. Identify potholes
 - c. Send their size and location back to a computer system
 - d. Tag them based on their depth and size
 - e. Send them off to the maintenance team for review and repair
 - f. Provide frequent reports to councillors, residents and ratepayers as to this proactive pothole maintenance initiative, highlighting the number of potholes identified each month, and number of potholes filled, and the location.
-

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

092	Councillor Leah Anderson Councillor Giacomo Arnott It was resolved that Council: 1) Note that the process of identifying potholes can take time, be often relied upon by the general public to report them, and can lead to dangerous potholes not being reported in a timely manner.
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MINUTES ORDINARY COUNCIL - 22 MARCH 2022

	<ul style="list-style-type: none">2) Agrees that a method of identifying potholes without solely relying on reports from the public would ensure that dangerous potholes can be fixed quicker.3) Acknowledge that at the Council Strategic Workshop on Saturday 12 February 2022, Cr Anderson provided an example of a proactive Council, Moreton Bay Council, that has technology via cameras on garbage trucks, to identify potholes and report them to Council via a computer system, and requested staff to look into this proactive method and its suitability.4) Asks the General Manager to prepare a report on the cost and benefits of implementing a system of cameras on garbage trucks to:<ul style="list-style-type: none">a. Scan the roads as the trucks travel on themb. Identify potholesc. Send their size and location back to a computer systemd. Tag them based on their depth and sizee. Send them off to the maintenance team for review and repairf. Provide frequent reports to councillors, residents and ratepayers as to this proactive pothole maintenance initiative, highlighting the number of potholes identified each month, and number of potholes filled, and the location.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: TAMMY GUTSCHE – COMMUNITY SERVICES SECTION MANAGER

BACKGROUND

In 2019, Moreton Bay Regional Council implemented a program to provide a timely data collection method to facilitate improved and better targeted road maintenance and management. The initiative involved fitting waste trucks with videoing technology and using the latest in artificial intelligence to identify potential issues with the road network across the LGA.

Data is then provided back to Council's Asset Management system as defect records against the corresponding road records allowing for measured, timely and cost-effective management.

Council's Facilities and Services Group has commenced investigations into this initiative, with discussions to be held with relevant councils, our waste service provider and relevant stakeholders to determine the cost and benefits of implementing such a system within Port Stephens.

A report can be provided to Council in the coming months.

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.

There being no further business the meeting closed at 9:33pm.