

# NOTICE OF ORDINARY MEETING

## 13 JUNE 2023



The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

Councillors: L Anderson, G Arnott, M Bailey, C Doohan, G Dunkley, P Francis, P Kafer, S Tucker, J Wells.

### SCHEDULE OF MEETINGS

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

### Please Note:

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

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

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

Food and beverages are not permitted in the Council Chamber.

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## **BUSINESS**

- 1) Opening meeting.
- 2) Acknowledgement of Country  
We acknowledge the Worimi people as the original Custodians and inhabitants of Port Stephens. We acknowledge and pay respects to Worimi elders past and present. May we walk the road to tomorrow with mutual respect and admiration as we care for the beautiful land and waterways together.
- 3) Prayer - We recognise the rich cultural and religious diversity in Port Stephens and pay respect to the beliefs of all members of our community, regardless of creed or faith.
- 4) Apologies and applications for a leave of absence by Councillors.
- 5) Disclosures of interests.
- 6) Confirmation of minutes Ordinary Meeting of 23 May 2023.
- 7) Mayoral minute(s) – if submitted.
- 8) Motions to close meeting to the public – if submitted.
- 9) Reports to Council.
- 10) General Manager's reports – if submitted.
- 11) Questions with Notice – if submitted.
- 12) Questions on Notice.
- 13) Notices of motions – if submitted.
- 14) Rescission motions – if submitted.
- 15) Confidential matters – if submitted.
- 16) Conclusion of the meeting.

### **Statement of Ethical Obligations**

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the commencement of this Council term to undertake their civic duties in the best interests of the people of Port Stephens and Port Stephens Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Meeting Practice and Code of Conduct.

## **PRINCIPLES FOR LOCAL GOVERNMENT**

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

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

### **Guiding principles for Council**

#### **1) Exercise of functions generally**

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

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

#### **2) Decision-making**

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

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



3) Community participation

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

**Principles of sound financial management**

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

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

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

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

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

## PORT STEPHENS COMMUNITY STRATEGIC PLAN

The Local Government Act requires Council to adopt a Community Strategic Plan (10+ years). The Plan includes a Delivery Program (4 years), Annual Operational Plan and a Resource Strategy, it also includes the Council's budget.

The Community Strategic Plan is organised into 4 focus areas:

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

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

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

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

## BUSINESS EXCELLENCE

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

These outcomes align with the following Business Excellence principles:

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

## MEETING PROCEDURES SUMMARY

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

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

### **Declarations of Interest**

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

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

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

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

### **Motions and Amendments**

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

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

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

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

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

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

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

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

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

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

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

A Point of Order can be raised where:

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

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

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

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

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

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



## Form of Special Disclosure of Pecuniary Interest

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

### Important information

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

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

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

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

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

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

**ORDINARY COUNCIL - 13 JUNE 2023**

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

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

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

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

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

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

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

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

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

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

Date \_\_\_\_\_

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





## Declaration of Interest form

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

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

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

Tick the relevant response:

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

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

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

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

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

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

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

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

# MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 23/107909  
EDRMS NO: PSC2017-00937

**MOTION TO CLOSE**

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

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**RECOMMENDATION:**

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

ITEM NO. 1

FILE NO: 23/79499  
EDRMS NO: 16-2023-61-1

**DEVELOPMENT APPLICATION 16-2023-61-1 FOR THE CONSTRUCTION OF A HIGH VOLTAGE SUBSTATION - 55 SLADES ROAD AND 89 MEDOWIE ROAD, WILLIAMTOWN AT NEWCASTLE AIRPORT**

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2023-61-1 for the construction of a high voltage substation at 55 Slades Road and 89 Medowie Road, Williamtown (LOT: 43 DP: 1045602, LOT: 201 DP: 1091749) subject to the conditions contained in **(ATTACHMENT 1)**.

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**BACKGROUND**

The purpose of this report is to present Development Application (DA) 16-2023-61-1 for the construction of a high voltage (HV) substation to Council for determination.

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

Subject Land:	55 Slades Road, Williamtown (Lot: 43 DP: 1045602) 89 Medowie Road, Williamtown (Lot: 201 DP: 1091749)
Total Area:	521.7 hectares
Zoning:	SP2 Defence / Air Transport Facility
Submissions:	0
Key Issues:	The key issues identified throughout the assessment of the DA relate to parking and tree removal.
Owner:	Barr Property and Planning Pty Ltd on behalf of the Commonwealth of Australia

The DA has been reported to Council in accordance with Council's 'Council Related Planning Matters Policy' as the DA is a Council-related DA with a cost of works exceeding \$250,000. As per this policy, the DA has been reviewed by a third party consultant.

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

### Proposal

The application seeks consent for the construction of a high voltage (HV) substation to replace the existing HV substation at Newcastle Airport. The proposed development specifically includes:

- Demolition of existing carpark kerb, carpark asphalt and removal of 39 carparks from the Long Stay 1 car park
- Removal of existing carpark light poles and signage
- Removal of 5 trees
- Relocation of existing boom gate
- Construction of a new switch room and chamber substation including installation of new generator on an elevated service platform
- Ground trenching works to enable connection of new HV substation to new terminal building and premium carpark
- Extension to the existing gravel driveway from Williamtown Drive to the new substation facility
- Installation of soft landscaping
- Adjustments to Long Stay 1 Carpark facilitating new aisle layout.

The HV substation building will include the new substation, main switch room and generator. The existing HV substation will be decommissioned following construction of the proposed HV substation.

The HV substation has a maximum height of 6.5m from the existing ground level and is proposed to be constructed of concentrate brick, metal cladding with vertical screens.

### Site Description

The site comprises 2 lots, including 55 Slades Road, Williamtown (Lot: 43 DP: 1045602) and 89 Medowie Road, Williamtown (Lot: 201 DP: 1091749). The development is primarily located on Lot: 43 DP: 1045602, which is an irregular shaped lot that measures an area of approximately 20.7ha. The site consists of the Newcastle Airport Terminal and associated aircraft maintenance facilities and hangars, airport taxiway and other associated infrastructure including car parking. The development is also partially located on Lot: 201 DP: 1091749, which is another irregular shaped lot containing the airport run way and Royal Australia Air Force (RAAF) Base Williamtown with an area of approximately 501ha.

### Site History

The site is subject to a number of historic development approvals relating to the airport, signage and car parking. The relevant approvals to the proposal relate to the long stay car park and are discussed below.

**DA 16-2021-1153-1**

DA 16-2021-1153-1 was approved by Council in April 2022 for a car park extension involving the construction of 175 additional short stay car parks and 905 additional long stay car parks. This approval resulted in a total of 1,484 long stay car parks to service the airport and ancillary operations.

**DA 16-2022-855-1**

DA 16-2022-855-1 was recently approved by Council on 23 May 2023. The DA sought to extend the Long Stay 1 car park from 1,484 spaces to 1,798 spaces. The proposal also involved the reallocation of 756 Long Stay 1 spaces to service Stage 1 of the Astra Aerolab Business Park, rather than airport operations. This resulted in a total of 1,042 car parks within the Long Stay 1 car park being allocated to the airport. There is currently a total of 3,719 spaces either constructed or approved that are dedicated to airport operations. Even with the reallocation of 756 airport spaces under DA 16-2022-855-1, a total of 2,963 spaces will remain dedicated to airport operations. This notably exceeds the 2,134 spaces (1,676 customer and 458 staff/operations) required to cater for intended airport operations under the approved Airport Terminal Building expansion (approved under DA 16-2008-940-4), by 829 spaces. The Airport Terminal approval is based on the airport accommodating 2 million passengers per annum.

The subject DA sought to remove 39 car parks from the Long Stay 1 car park, resulting in a total of 1,003 car parks being allocated to the airport in this car park. A cumulative total of 2,924 spaces will remain dedicated to airport operations across all car parks and continue to exceed the car parking requirements for the Airport Terminal extension approved under DA 16-2008-940, by 790 spaces.

Key Issues

The key issues identified throughout the assessment of the DA relate to car parking and minor tree removal. A detailed assessment of the DA is contained within the Planners Assessment Report (**ATTACHMENT 3**).

Car Parking

The proposal seeks to remove 39 car spaces from the existing Long Stay 1 car park. The Long Stay 1 carpark currently has approval for the provision of 1,042 spaces allocated to the airport under DA 16-2022-855-1. The proposed 39 car space reduction will result in a total of 1,003 car parks still being provided to service the airport. Despite the reduction, the provision of car parking spaces will continue to exceed the car parking requirement for the Airport Terminal extension, by 790 spaces.

Car parking generation from the HV substation is expected to be minimal. Parking demand will largely be for servicing, which is expected to occur on a monthly basis. Appropriate space is provided for the parking of servicing vehicles within the hardstand spaces adjacent to the HV substation building.

Tree Removal

The proposed development seeks consent to remove 5 existing native trees, comprising 3 x River Oak's and 2 x Scribbly Gum's. The trees identified for removal provide limited ecological value as outlined in the Planners Assessment Report **(ATTACHMENT 3)**. The removal of these trees would require 17 replacement plantings. The landscape plan provided with the DA has provision for the planting of 19 Banksia Robur, which are small native trees. Council's Natural Systems Officer concluded that the proposed 19 replacement plantings satisfies the replacement planting requirement in accordance with the Port Stephens Tree Technical Specification.

Conclusion

As detailed in the Planners Assessment Report **(ATTACHMENT 3)**, the proposed development is considered to be consistent with the aims and objectives of the relevant environmental planning instruments and Council policies applicable to the subject site.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Strong economy, vibrant local businesses, active investment	Support sustainable business development in Port Stephens

**FINANCIAL/RESOURCE IMPLICATIONS**

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

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes (\$7.12)		Should Council determine to approve the DA, s.7.12 development contributions would be applicable and would be levied in accordance with conditions of consent.
External Grants	No		
Other	No		



**LEGAL, POLICY AND RISK IMPLICATIONS**

The DA is consistent with the relevant planning instruments including the Environmental Planning and Assessment Act 1979 (EP&A Act) and associated State Environmental Planning Policies. A detailed assessment against the relevant environmental planning instruments and planning controls is contained within the Planners Assessment Report contained at **(ATTACHMENT 3)**.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the DA is approved, the determination of the DA may be challenged by a third party in the Land and Environment Court.	Low	Accept the recommendations.	Yes
There is a risk that if the DA is refused, the determination of the DA may be challenged by the applicant in the Land and Environment Court.	Medium	Accept the Recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

**Social and Economic Impacts**

The proposed development will result in positive social and economic impacts through the construction phase by providing short-term employment opportunities. The proposed HV substation will support the future Airport Terminal expansion works, which will provide ongoing social and economic impacts for the wider Port Stephens and Hunter region.

**Impacts on the Built Environment**

The proposed development will not adversely impact the surrounding built form in that the substation will be contained within a modern building to screen the infrastructure, in addition to the planting of native species and landscaping to visually soften the hardstand space.

**Impacts on the Natural Environment**

The proposed development involves the removal of 5 native trees. The tree removal is not expected to have an adverse impact on the natural environment and provides a net gain of trees through the replacement planting of 19 native species.

## **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.

### Internal

Consultation was undertaken with Council's Development Engineering, Building Surveying, Natural Resources and Development Contributions teams. The referral comments from these officers have been considered as part of the Planners Assessment Report (**ATTACHMENT 3**). The internal referral officers supported the DA, subject to the recommended conditions of consent (**ATTACHMENT 1**).

### External

Consultation was undertaken with the Department of Defence (DoD), Hunter Water Corporation (HWC), Ausgrid, Regional Growth Development Corporation (RGDC) and the Environment Protection Authority (EPA). The comments provided by the external agencies are discussed within the Planners Assessment Report (**ATTACHMENT 3**) with conditions recommended accordingly (**ATTACHMENT 1**).

### Public Exhibition

The DA was not notified in accordance with the requirements of the Port Stephens Council Community Engagement Strategy.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Recommended Conditions of Consent. [↓](#)
- 2) Locality Plan. [↓](#)
- 3) Planners Assessment Report. [↓](#)

**COUNCILLORS ROOM**

1) Development Plans.

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

**TABLED DOCUMENTS**

Nil.



## RECOMMENDED CONDITIONS OF CONSENT

## 1.0 - General Conditions of Consent

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

- (1) **External agency approvals** – The requirements from the following agencies must be complied with prior to, during, and at the completion of the development.

The Requirements are:

1. Ausgrid, Reference: 1900119980, Dated: 13/03/2023

A copy of the Requirements is attached to this determination notice.

- (2) **Approved plans and supporting documentation** – Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title.	Drawn By.	Dated.
ACE-01-AR-DRG-DA-01-02	01	Existing Site Plan	Cox Architecture	02/02/2023
ACE-01-AR-DRG-DA-01-03	01	Site Wide Works	Cox Architecture	02/02/2023
ACE-01-AR-DRG-DA-01-04	01	Demolition Plan – Substation Building	Cox Architecture	02/02/2023
ACE-01-AR-DRG-DA-01-05	01	Floor Plan	Cox Architecture	02/02/2023
ACE-01-AR-DRG-DA-01-06	01	Roof Plan	Cox Architecture	02/02/2023
ACE-01-AR-DRG-DA-01-07	01	Elevations	Cox Architecture	02/02/2023
ACE-02-LA-DRG-DA-L1100	B	Tree Impact and Retention	Cox Architecture	03/02/2023
ACE-02-LA-DRG-DA-L1200	B	Plant Schedule	Cox Architecture	03/02/2023
ACE-02-LA-DRG-DA-L2000	B	Landscape Softworks Plan	Cox Architecture	03/02/2023
17284-H-DR-DA-0110	C	Erosion and Sediment	Cox Architecture	02/02/2023

PORT STEPHENS COUNCIL

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17284-H-DR-DA-0111	B	Control Plan Erosion and Sediment Control Details	Cox Architecture	25/01/2023
17284-H-DR-DA-0120	C	Stormwater Management Plan	Cox Architecture	02/02/2023
17284-H-DR-DA-0121	B	Stormwater Management Details	Cox Architecture	25/01/2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

- (3) **Building Code of Australia** – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Sign on building** – Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the Principal Certifying Authority for the work, the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.  
  
The sign must be maintained while the work is being carried out and is to be removed when the work is completed.
- (5) **Tree removal** – The trees numbered 1, 2, 3, 4 & 5 as identified in the 'Arboricultural Impact Assessment Report', prepared by Joseph Pidutti Consulting Arborist, dated 11 January 2023, are approved for removal. No other trees are approved to be removed.
- (6) **Outdoor lighting** - All lighting must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting' and the lighting controls detailed in the Civil Aviation Safety Authority (CASA) Manual of Standards (MOS-139) Aerodromes.
- (7) **Sewage Treatment Plant Access** – Both vehicular and pedestrian access to the existing sewage treatment plant must not be impeded during both construction and operation.
- (8) **PFAS Management** - Prior to the commencement of works, a Construction Management Plan is to be prepared and include the following actions to manage interaction with PFAS contamination during construction:



1. Where the potential for Per- and Poly-Fluoroalkyl Substances (PFAS) contamination exists in soil, groundwater or surface water at the development site, the applicant must identify whether any construction activities could disturb or interact with any PFAS contaminated soil, groundwater or surface water.
  2. If construction activities could disturb or interact with any PFAS contaminated soil, groundwater or surface water, the applicant must:
    - a. prevent, or limit as far as possible, offsite migration of PFAS contamination;
    - b. prevent, or limit as far as possible, contact and exposure to PFAS;
    - c. manage potentially PFAS impacted groundwater that may accumulate in any footings or excavations to ensure this does not run-off the site;
    - d. manage any PFAS-impacted soils, by controlling erosion and covering stockpiles of PFAS impacted soils to protect from rainfall egress and runoff; and
    - e. ensure that any PFAS contaminated material transported from the site to a site that is lawfully able to receive it.
  3. Where PFAS contaminated material is to be removed from the site, the applicant must sample the soil for PFAS and classify the soil in accordance with the EPA's Addendum to the Waste Classification Guidelines (2014) – Part 1: classifying waste to identify lawful management and disposal options.
- (9) **Report recommendations** – Construction of the development must comply with the recommendations of the 'Contamination Testing' report prepared by Douglas Partners, dated 8 November 2022, reference: R.003.Rev0 (prepared for DA 16-2008-940-6) detailed as follows:
- a) It is recommended that an unexpected finds protocol (UFP) is implemented for earthworks for the site as part of the construction management plans. The UFP should outline the appropriate action should suspected / unexpected contamination such as building materials or hydrocarbon impacts be observed during clearing or earthworks;
  - b) Additional inspections and contamination testing, where required, within soils proposed for reuse. Additional testing should be considered for the following:
    - Materials that are to be brought to the surface for reuse (i.e. to be used in landscaping or in uncapped areas);
    - Soils to be disposed off site;
    - Groundwater to be disposed off site;
    - Where potentially impacted soil or groundwater is identified under the unexpected finds protocol.
- (10) **Building Materials** – Building materials used for construction are to be non-reflective. If it is later found that glare endangers the safety of aircraft operations, the Department of Defence may require the suitable modifications.
- (11) **Bush Fire Safety – Other Developments** – The site is located within a bushfire prone area and must comply with NSW Rural Fire Service document "Planning for Bushfire Protection 2019" (PBP2019). In this regard the following is required:



- a) The entire property must be managed as an 'Inner Protection Area' as outlined within PBP2019.
- b) Compliance with Appendix 3 of PBP2019.
- c) Compliance with the specific requirements of Chapter 8 of PBP2019.

Details demonstrating compliance must be prepared by a qualified Bushfire Consultant provided to the Certifying Authority by an NSW suitably qualified BPAD Bushfire Consultant.

- (12) **Pedestrian Footpath** – The pedestrian footpath to the north east of the substation must be maintained or an alternative measure must be provided. Should it be damaged through construction, it must be fully repaired.

## 2.0 – Prior to Issue of a Construction Certificate

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

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

Details demonstrating compliance must be provided to the Certifying Authority.

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

- (2) **Flood Risk Management Plan** – A Flood Risk Management Plan prepared by a suitably qualified Engineer must be provided to the Certifying Authority demonstrating compliance with the following:
  - a) The design must show that the proposed development is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact and loading from debris up to and including the 1% Annual Exceedance Probability (AEP) event.
  - b) Certification that the proposed development/ building flood refuge is capable of withstanding the force of any flood waters experienced up to the Probable Maximum Flood Event (PMF).
  - c) Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property
  - d) Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces.

- (3) **Erosion and sediment control plan**– Before the issue of a construction certificate the applicant is to ensure that an erosion and sediment control plan is prepared in



accordance with the following documents before it is provided to and approved by the certifier:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the BlueBook), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

- (4) **Section 7.12 development contributions** - A monetary contribution is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning & Assessment Act 1979* and the Port Stephens Local Infrastructure Contributions Plan 2020, related to the Capital Investment Value (CIV) of the development as determined in accordance with clause 208 of the *Environmental Planning and Assessment Regulation 2021* and outlined in the table below.

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

The payment of the fixed development consent levy is to be accompanied by a Cost Summary Report Form setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Council Fixed Development Contributions Plan.

Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a Registered Associate member or above, of the Australian Institute of Quantity Surveyors.

This condition cannot be taken to be satisfied until a payment has been made in accordance with the CIV stated on a cost summary report submitted to Council in accordance with this condition.

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

- a) Prior to issue of the Construction Certificate.

- (5) **Structural engineer's certificate** – A certificate must be prepared by a qualified Structural Engineer certifying that the building design is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy, impact and





loading from debris up to and including the future 1% Annual Exceedance Probability (AEP) event.

Details demonstrating compliance must be provided to the Certifying Authority.

- (6) **Payment of building and construction industry long service levy** - Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of \$7,331.00 as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

**Note.** Condition only applies to developments with a cost of works over \$250,000.

### 3.0 - Prior to Commencement of Works

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

- (1) **Notice of Principal Certifying Authority appointment** – The Principal Certifier for this development must give notice must be given to the consent authority and Council, where the Council is not the consent authority, at least two days prior to subdivision and/or building works commencing in accordance with Section 6.6 (2) (a) of the Environmental Planning and Assessment Act 1979 and Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:
- a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the Registered number and date of issue of the relevant development consent;
  - d) the name and address of the Principal Certifier and the person who appointed the principal certifier;
  - e) if the principal certifier is a registered certifier
    - i) the certifier's registration number, and
    - ii) a statement signed by the registered certifier to the effect that the certifier consents to being appointed as principal certifier, and
    - iii) a telephone number on which the certifier may be contacted for business purposes.

The notice must be lodged on the NSW planning portal.

- (2) **Notice commencement of work** – Notice must be given to Council and the Principal Certifier, if not the Council, of the person's intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:
- a) the name and address of the person;
  - b) a description of the work to be carried out;



- c) the address of the land on which the work is to be carried out;
- d) the Registered numbers and date of issue of the development consent and construction certificate;
- e) a statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before the work commences have been satisfied; and
- f) the date on which the work is intended to commence.

The notice must be lodged on the NSW planning portal.

- (3) **Signs on site** – A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

**Note:** This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

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

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

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

- (6) **Demolition work** – All demolition works are to be carried out in accordance with Australian Standard AS 2601 'The demolition of Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility.



Any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility.

Evidence is to be provided to the Certifying Authority demonstrating that asbestos waste has been disposed of in accordance with this condition.

- (7) **Erosion and sediment controls in place** – Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

- (8) **All weather access** – A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.

No materials, waste or the like are to be stored on the all-weather access at any time.

- (9) **Rubbish generated from the development** – Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.

No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.

#### 4.0 - During Works

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

- (1) **Hours of work** – Building work, demolition or vegetation removal is permitted to be carried out 24 hours a day, 7 days a week.
- (2) **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.
- The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.
- (3) **Compliance with the Building Code of Australia** – Building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (4) **Excavations and backfilling** – All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.



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

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

The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

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

- (5) **Unexpected finds contingency (general)** – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (6) **Implementation of the Soil, erosion, sediment and water management plan** – All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.
- (7) **Offensive noise, dust, odour and vibration** – All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.
- (8) **Uncovering relics or Aboriginal objects** - While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- "relic" means any deposit, artefact, object or material evidence that:



- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
  - (b) is of State or local heritage significance; and
- "Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.
- (9) **Tree protection measures** – Tree number 6 as identified in the 'Arboricultural Impact Assessment Report', prepared by Joseph Pidutti Consulting Arborist, dated 11 January 2023, must be retained and protected in accordance with the recommendations of the arborist assessment and with AS4970 'Protection of Trees on Development Sites' for the duration of construction.
- (10) **Tree removal/pruning** – All approved tree removal/pruning is subject to all pruning works being undertaken by a qualified arborist with minimum Australian Qualification Framework Level 3 qualifications or higher. All works are to be undertaken in accordance with the relevant provisions of AS 4373 'Pruning of Amenity trees'.
- (11) **Dewatering** – Should ground water be encountered during construction, a Site Dewatering Plan must be prepared and submitted to the principal certifying authority to ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems.

The Site Dewatering Plan is to comprise of detailed plans, documentation and certification of the system and prepared by a suitably qualified engineer. If the dewatering exceeds the exemptions outlined by the Water Management (General) Regulation 2018 then water use approval will be required to be obtained from Water NSW.

#### 5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Flood design measures** – Evidence of certification demonstrating that the following flood related design precautions have been adhered to in the design must be submitted to the Principal Certifying Authority:
  - a) In sewerred areas some plumbing fixtures may be located below the Flood Planning Level (FPL). Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge;
  - b) All materials stored at the site and capable of causing harm to the environment must be stored at a level not less than the FPL or suitable bunding must be placed around such materials to a minimum of the FPL;



- c) All building materials, equipment, ducting, etc., below the FPL must be flood compatible and ducting must be provided with openings for drainage and cleaning;
  - d) All main power supply, heating and air conditioning service installations, including meters must be located above the FPL. All electrical equipment installed below the FPL must be capable of disconnection by a single plug from the power supply;
  - e) All electrical wiring below the FPL must be suitable for continuous submergence in water. All conduits below the FPL must be self-draining. Earth core leakage systems or safety switches are to be installed;
  - f) Wherever possible, the premises must be designed to ensure that plant, equipment, storage tanks or other fixtures or fittings liable to damage by floods are located above the FPL or be moveable to levels above the FPL. Should this not have the ability to occur, they shall be suitable for submergence in water and securely anchored to overcome buoyancy and movement. All storage tanks must be vented to an elevation above the FPL.
  
- (2) **Occupation Certificate required** - An Occupation Certificate must be obtained prior to any use or occupation of the development.  
 The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
  
- (3) **Survey Certificate** – A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.
  
- (4) **Services** – Evidence is to be provided to Council demonstrating that the following reticulated services are available to the development:
  - a) Electricity;
  - b) Water;
 Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.
  
- (5) **Stormwater/drainage works** – All stormwater and drainage works required to be undertaken in accordance with this consent must be completed.  
 The certification/verification by a suitably qualified person must be provided to the satisfaction of the Principal Certifying Authority.
  
- (6) **Protection and certification of electrical services** – All power points, fittings, electrical connections and the incoming meter box are to be located above the Flood Planning Level (FPL).



Switches, light fittings and power points may be located below the FPL provided they are capable of being isolated by a single Residual Current Device (RCD) protected switch that is located above the FPL. Certification of these works are to be provided to the Principal Certifying Authority.

- (7) **Completion of landscape and tree works** – Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, are undertaken in accordance with *AS 4373-2007 Pruning of amenity trees* and the approved plans and any relevant conditions of this consent.
- (8) **Waste disposal** – The building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on public land (e.g. footpaths, roadways, plazas, reserves) at any time.

## 6.0 – Ongoing Use

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

- (1) **Removal of graffiti** – The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (2) **Parking areas to be kept clear** – At all times, the loading, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.
- (3) **Maintenance of landscaping** – Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.  
  
If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.
- (4) **Maintenance of Stormwater system**– The stormwater systems must be maintained in accordance with the approved stormwater management plan and conditions of this development consent.

**Advice Note(s):**

- (1) **'Dial Before you Dig'** – Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables.
- (2) **Disability Discrimination Act** – The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act.
- (3) **Flood information is subject to change** – You are advised that flood information is subject to change if more accurate data becomes available to Council. It is the responsibility of the applicant to use the most up-to-date flood information. Prior to applying for a construction certificate, Council should be contacted to verify the currency of the flood information.
- (4) **Works near/adjoining electricity network assets** – There are Ausgrid electricity network assets adjacent to the proposed development. Any works undertaken adjacent to Ausgrid assets must be undertaken with care in accordance with Ausgrid Network Standard Document NS 156 – Work Near or Around Underground Cables.





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



## DEVELOPMENT ASSESSMENT REPORT

### APPLICATION REFERENCES

<b>Application Number</b>	16-2023-61-1
<b>Development Description</b>	Construction of a new high voltage (HV) substation
<b>Applicant</b>	NEWCASTLE AIRPORT PTY LIMITED
<b>Land owner</b>	DEPARTMENT OF DEFENCE
<b>Date of Lodgement</b>	17/02/2023
<b>Value of Works</b>	\$2,932,465.00
<b>Submissions</b>	0

### PROPERTY DETAILS

<b>Property Address</b>	55 Slades Road WILLIAMTOWN, 89 Medowie Road WILLIAMTOWN
<b>Lot and DP</b>	LOT: 43 DP: 1045602, LOT: 201 DP: 1091749
<b>88B Restrictions on Title</b>	N/A
<b>Current Use</b>	Newcastle Airport
<b>Zoning</b>	SP2 INFRASTRUCTURE
<b>Site Constraints</b>	<p>Weed Infestations</p> <p>Bushfire Prone Land – Vegetation Category 3, Vegetation Buffer</p> <p>Acid Sulfate Soils – Class 4</p> <p>Koala Habitat – Link over cleared, buffer over cleared, preferred, clear</p> <p>Endangered Ecological Communities – Swamp Sclerophyll Forest.</p> <p>Biodiversity Values Map</p> <p>ANEF – 40+, 35-40</p> <p>Height Trigger Map – structures over 7.5m</p> <p>Bird Strike – Group A</p> <p>Extraneous Lighting</p> <p>Hunter Water Special Area</p>

## ITEM 1 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

	NSW Wildlife Atlas – fauna Water course
<b>State Environmental Planning Policies</b>	State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021

**PROPOSAL**

The application seeks consent for the construction of a high voltage (HV) substation to replace the existing HV substation on the site.

The proposed development specifically includes:

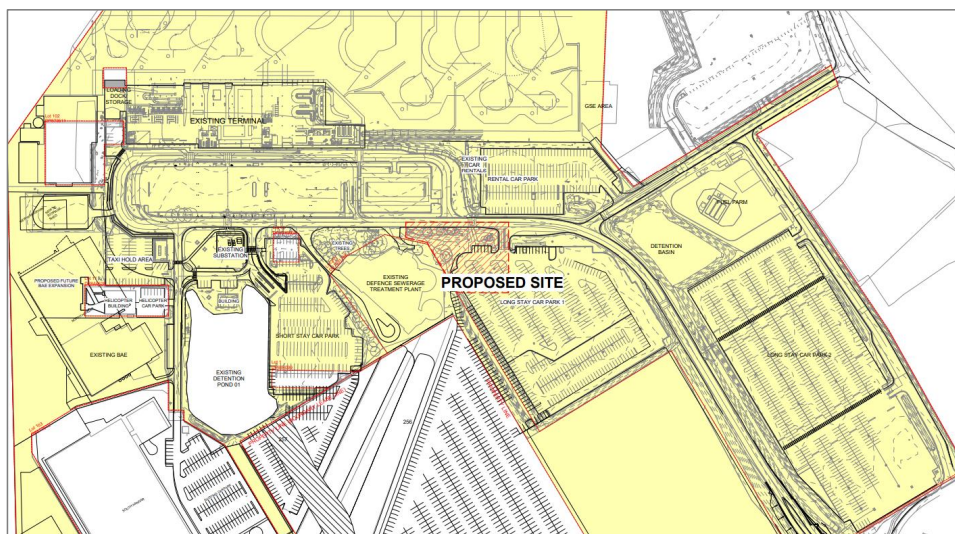
- Demolition of existing carpark kerb, carpark asphalt and removal of 39 carparks from the Long Stay 1 car park;
- Removal of existing carpark light poles and signage;
- Removal of five (5) trees;
- Relocation of existing boom gate;
- Construction of a new Switch Room and Chamber Substation including installation of new generator on an elevated service platform;
- In ground services trenching to enable connection of new HV substation to new terminal building and premium carpark;
- Extension to the existing gravel driveway from Williamtown Drive to the new substation facility;
- Provision of soft landscaping; and
- Adjustments to Long Stay 1 Carpark facilitating new aisle layout.

The HV substation is proposed to be located in the north of the existing Long Stay Car Park 1 and to the east of the existing on-site sewerage treatment plant, refer to Figure 1. The HV substation building will include the substation, main switch room and generator, refer to Figure 2. Vehicular access will be provided from Williamtown Drive. The HV substation has a maximum height of 6.5m from the existing ground level and is proposed to be constructed of concentrate brick, metal cladding with vertical screening, Refer to Figure 3.

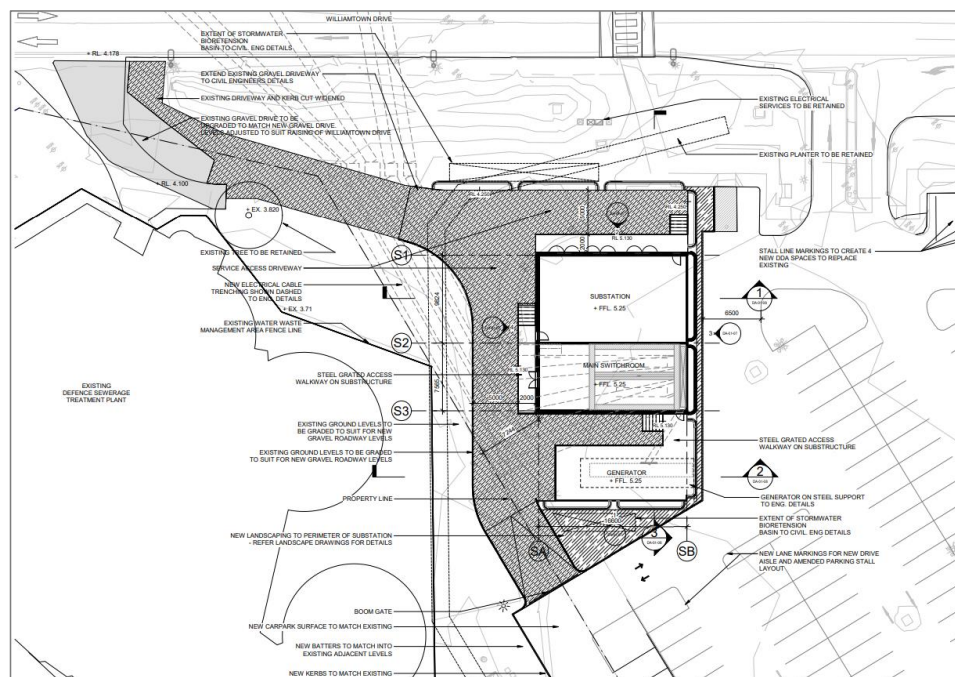
Proposed landscaping consists of native vegetation, including swamp banksia, knobby club-rush and tanika. The vegetation is proposed to be located along the northern, eastern and southern elevations of the building, refer to Figure 4 below. These elevations are those that will have direct frontage to the adjacent car park and Williamtown Drive. The western elevation is not proposed to be landscaped given it fronts the existing sewer treatment plant.

The existing HV substation will be decommissioned following construction the proposed HV substation.





**Figure 1.** Location of proposed HV substation



**Figure 2. Proposed Floor Plan**

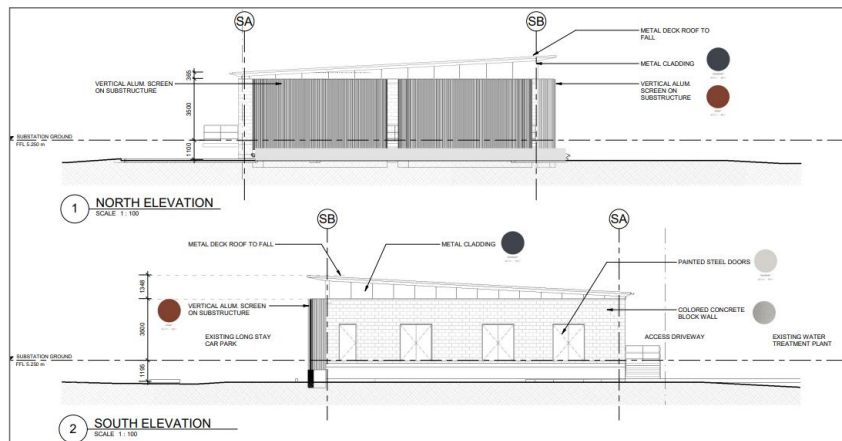


Figure 3. Proposed elevations

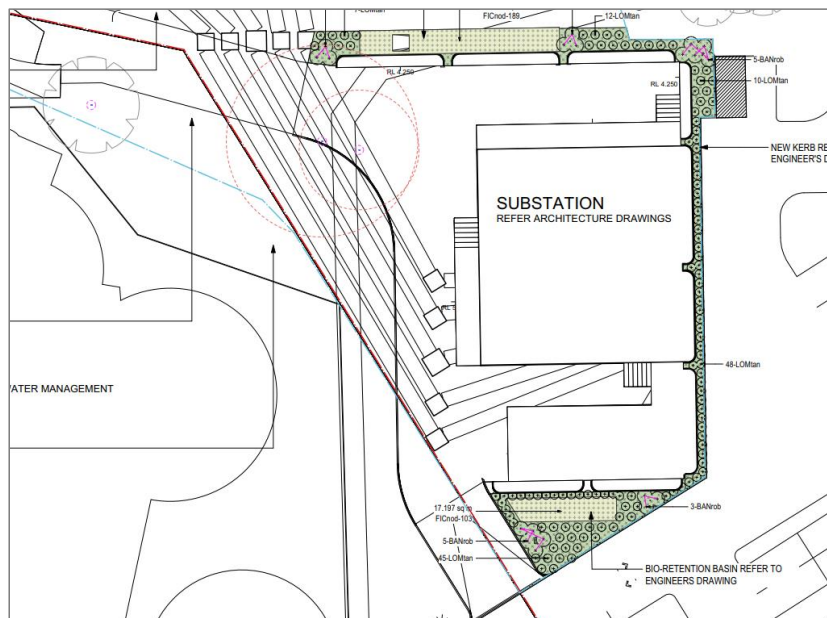


Figure 4. Proposed Landscaping

### SITE DESCRIPTION

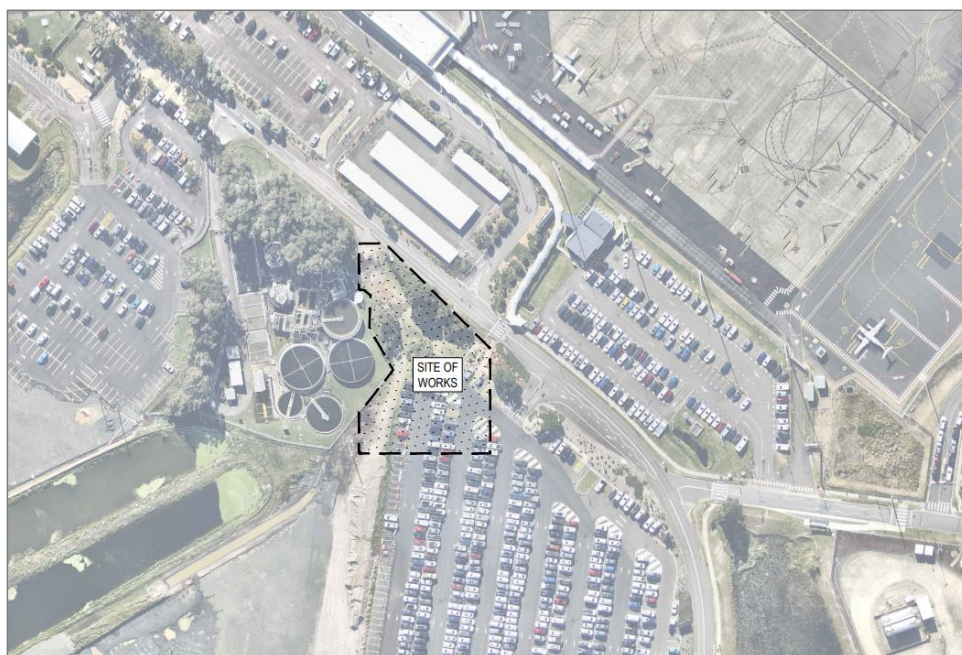
The site comprises 2 lots, including 55 Slades Road, Williamtown (Lot: 43 DP: 1045602) and 89 Medowie Road, Williamtown (Lot: 201 DP: 1091749). The development is primarily located on Lot: 43 DP: 1045602, which is an irregular shaped lot that measures an area of approximately 20.7ha. The site consists of the Newcastle Airport Terminal and associated aircraft maintenance facilities and hangars, airport taxiway and other associated infrastructure including car parking. The development is also partially located on Lot: 201 DP: 1091749, which is another irregular shaped lot containing the airport run way and the Royal Australia Air Force (RAAF) Base Williamtown with an area of approximately 501ha. The proposed substation works on Lot: 201 DP: 1091749 is adjacent to the existing on-site sewerage treatment plant.





**Figure 5.** Site Aerial (55 Slades Road in blue and 89 Medowie Road in red)

The proposed HV substation is located in the north of the Long Stay Car Park 1 and to the east of the existing on-site sewerage treatment plant, refer to Figure 6.



**Figure 6.** Site Aerial of the proposed location of the HV substation

## ITEM 1 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

**SITE HISTORY**

The site is subject to a number of historic development approvals relating to the airport, signage and car parking. The relevant approvals to the proposal relate to the long stay car park and are listed in Table 1 below.

**Table 1:** History of Development Approvals

DA Number	Proposed Works	Approval/Refusal	Date of Decision
16-2022-855-1	Carpark extension - construction of 314 new parking spaces and conversion of 756 airport parking spaces for use as part of the Astra Aerolab	Approved by Council	23 May 2023
16-2021-1153-1	Construction of 175 additional short stay car parks and 905 additional long stay car parks	Approved under delegation	29 April 2022

**DA 16-2021-1153-1**

DA 16-2021-1153-1 was approved by Council in April 2022 for a car park extension involving the construction of 175 additional short stay car parks and 905 additional long stay car parks. This approval resulted in a total of 1484 long stay car parks to service the airport and ancillary operations.

**DA 16-2022-855-1**

DA 16-2022-855-1 has recently been approved by Council on 23 May 2023. The DA sought to extend the Long Stay 1 car park from 1,484 spaces to 1,798 spaces. The proposal also involved the reallocation of 756 Long Stay 1 spaces to service Stage 1 of the Astra Aerolab Business Park, rather than airport operations. This resulted in a total of 1,042 carparks within the Long Stay 1 car park being allocated to the airport. There was a total of 3,719 spaces either constructed or approved that are dedicated to airport operations. Even with the reallocation of 756 airport spaces under DA 16-2022-855-1, a total of 2,963 spaces will remain dedicated to airport operations. This notably exceeds the 2,134 spaces (1,676 customer and 458 staff/operations) required to cater for intended airport operations under the approved Airport Terminal Building expansion (approved under DA 16-2008-940-4), by 829 spaces. The Airport Terminal approval is based on the airport accommodating 2 million passengers per annum.

The subject DA seeks to remove 39 car parks from the Long Stay 1 car park, resulting in a total of 1,003 carparks being allocated to the airport in this car park. A cumulative total of 2,924 spaces will remain dedicated to airport operations across all carparks and continue to exceed the car parking requirements for the Airport Terminal extension approved under DA 16-2008-940 by 790 spaces.

**SITE INSPECTION**

A site inspection was carried out on 29 March 2023.

The subject site can be seen in Figure 7 - 9 below:





**Figure 7.** Proposed location of HV substation



**Figure 8.** Proposed location of HV substation and trees to be removed





**Figure 9.** Proposed location of HV substation and existing sewerage treatment plant to the right

#### PLANNING ASSESSMENT

The application was assessed, and comments provided, by the following external agencies and internal specialist staff:

##### ***Internal***

Development Engineer – The application was referred to Council's Development Engineering team to review the proposed access, stormwater and flooding impacts. Council's Development Engineer noted that the proposed access was acceptable, the site is above the flood planning level and drainage has been suitably addressed. Overall, the proposal was supported subject to conditions.

Natural Systems – The application was referred to Council's Natural Systems team to review the proposed tree removal. Council's Natural Systems Officer found that in accordance with the Port Stephens Tree Technical Specification, 17 replacement plants are required. The landscape plans seek to plant 19 Banksia robur, which were considered to be suitable replacements. Overall, the application was supported subject to conditions.

Development Contributions – The application was referred to Council's Development Contributions Officer. It was found that s7.12 contributions apply and a condition was recommended accordingly. This condition has been included within the recommended conditions.

Building Surveyors – The application was referred to Council's Building Surveyors to review the proposal against the Building Code of Australia (BCA). Council's Building Surveyor found that the proposal is capable of achieving compliance with the BCA and is unlikely to necessitate significant modifications to the proposal at a later date. Therefore, there were no objections raised regarding this proposal subject to conditions.

***External***

Hunter Water Corporation – Given the sites location within the Tomago Sandbeds Special Area, the application was referred to Hunter Water Corporation (HWC) for comment. HWC initially requested additional information to determine whether it could be demonstrated that the proposal would result in a Neutral or Beneficial Effect (NorBE) on water quality. MUSIC modelling was provided by the applicant for HWC to assess. HWC reviewed the stormwater management plan and MUSIC model and found that the plans demonstrate NorBE is achievable. HWC did however note that there were some failings within the MUSIC model associated with gravel roads. HWC noted that if Council had no concern over this then HWC would be supportive of the stormwater management plan. As noted above, Council's Development Engineer supported the development from a stormwater management perspective.

HWC also noted that groundwater may be encountered during construction and that it supports the recommendations of the Contamination Assessment (prepared by Douglas Partners) submitted in support of DA 16-2008-940-6. HWC requested that these recommendations be included on the consent. It also noted that conditions to manage PFAS have also been recommended by the EPA and have been included on the consent.

Environment Protection Authority – The application was referred to the Environmental Protection Authority (EPA) for comment given the sites location within proximity to the primary PFAS management zone. The EPA identified that the proposal does not constitute a Scheduled Activity under the Protection of the Environment Operations Act 1997 (POEO Act) nor is being regulated by the EPA under the Contaminated Land Management Act 1997. However, was noted that the site is in close proximity to the management zone of the Williamstown per-and poly-fluoroalkyl substances (PFAS) Management Area. Therefore, the EPA provided conditions to be included on the consent for the proposal. These conditions have been recommended.

Ausgrid – The application was referred to Ausgrid due the proposed connection to the Ausgrid network. Ausgrid provided advice in relation to the electricity connection, underground mains and electricity easements. The letter forms a part of a recommended condition and will be provided to the applicant upon determination.

DPE Williamstown SAP – Given the sites location within the Williamstown Special Activation Precinct (SAP), it was referred to the DPE SAP team for comment. No comments were received during the assessment of the application. Notwithstanding, it is considered that the proposal is consistent with the SAP Masterplan.

Department of Defence – The subject site is located on land owned by the Department of Defence (DoD). The application was lodged with owners consent from the DoD subject to consideration of access to the existing sewerage treatment plant located to the east of the proposed substation and the use of non-reflective building materials. There appears to be two access points to the sewerage treatment plant one of which will not be impacted by the proposal. The other existing access will be upgraded and used for access to the proposed HV substation. A condition has been recommended on the consent noting that access to the existing sewerage treatment plant must not be impeded during both construction and operation of the HV substation. The substation building is proposed to be constructed of concrete brick, metal cladding and vertical screening. A condition has been recommended that finishes are to be non-reflective.

The application was also referred to DoD during the assessment of the DA. Defence raised no objection to the DA.

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

Section 4.46 EP&A Act provides that development is integrated development if in order to be carried out, the development requires development consent and one or more other approvals. The proposed development is not considered to be integrated development.

***Section 4.14 – Consultation and development consent (certain bushfire prone land)***

Small portions of the site are mapped as bushfire prone land, specifically being vegetation buffer. As such, Planning for Bushfire Protection (PBP) 2019 applies. Given the size of the site as a whole, the location of the proposed works are approximately 70m from the nearest mapped bushfire prone land.

Notwithstanding, the proposal is considered to be consistent with the requirements of PBP 2019 for the following reasons:

- The nearest bushfire threat is located to the south of the proposed HV substation. The vegetation within this area is considered to be forest and grass land and is approximately 210m from the proposed development area. The separation between the hazard and the proposed alterations are considered sufficient;
- Given the existing built form and presence of hardstand spaces and approval for vegetation removal between the bushfire threat and the proposed development, it is considered that the proposal provides appropriate defensible space;
- Reticulated water is available to the development; and
- The access roads to the development provide access for fire fighting vehicles.

***Section 4.15 - Matters for consideration***

The proposal has been assessed under the relevant matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

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

An assessment has been undertaken against each of the applicable environmental planning instruments (EPI's), as follows:

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

**Chapter 2 Vegetation in Non-Rural Areas**

Chapter 2 Vegetation in Non-Rural Areas of the Biodiversity and Conservation SEPP aims to protect the biodiversity values and preserve the amenity and other vegetation in non-rural areas of the State. The chapter works in conjunction with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW.

Part 2.3 of the chapter contains provisions similar to those contained in the former (now repealed) clause 5.9 of Port Stephens Local Environmental Plan 2013 and provides that Council's Development Control Plan can make declarations with regards to certain matters. The Chapter further provides that Council may issue a permit for tree removal.

The development application seeks consent for the removal of 5 existing native trees which are impacted by the proposed works, as well as the trenching required. The removal is supported as replacement plantings are proposed consistent with Council's landscape technical specifications. This was supported by Council's Natural Systems officer.

**Chapter 4 Koala Habitat Protection 2021**

This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

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The area of the site impacted by the proposed development is mapped as mainly cleared koala habitat. The Port Stephens Comprehensive Koala Plan of Management (CKPoM) states that no further koala habitat assessment is required where land is mapped as being mainly cleared and consent for the proposed development should not be withheld on koala habitat grounds.

Notwithstanding, the 5 trees proposed for removal are not koala habitat or feed trees and therefore the proposal is considered consistent with this Chapter and the CKPoM.

**State Environmental Planning Policy (Resilience and Hazards) 2021****Chapter 4 Remediation of Land**

Section 4.6 of Chapter 4 of the Resilience and Hazards SEPP provides that a consent authority must not grant consent unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Preliminary Contamination Assessment (PCA) prepared by Qualtest dated 3 December 2021 was submitted with DA 16-2021-1153-1 for the 905 space car park located to the sites south west. Another Report on Contamination Testing was prepared by Douglas Partners dated November 2022 which was submitted with the s4.55 modification 16-2008-940-6 which related to the airport terminal expansion.

Given the location of the HV substation within proximity to the assessment previously undertaken, the findings of both the prior Contamination Assessment remain relevant to inform the assessment of the subject application.

The PCA prepared by Qualtest for the car park assessed the likelihood of contamination present from past and current site activities which included both a desktop review and soil sampling. Two Areas of Environmental Concern (AECs) were identified based on the site history and site observations, including a stockpile of imported fill and PFAS contamination, noting the site is within the PFAS Management area for RAAF Base Williamtown.

The Report on Contamination Testing prepared by Douglas Partners for the airport terminal expansion involved a desktop review and soil and groundwater sampling to assess the potential for contamination of the site. The report identifies a number of potential sources of contamination, including fill; fuel storage and use; firefighting training areas and industrial uses; former buildings; and fuel and oil leakage from parked cars. Ground water samples were analysed for contaminants commonly associated with the sources of contamination identified above. The results of the assessment indicated the general absence of gross contamination in soil and groundwater at the test locations and depths assessed. The presence of PFAs was also noted in this report.

Based on the findings of both the assessments, it is considered that the site is not contaminated and suitable for the use as a HV substation subject to the implementation of conditions found with the previous contamination assessments. The consolidated recommendations are as follows:

- Due to the presence of PFAS contaminated groundwater at shallow depths, a management plan would be required for construction workers during construction of the car parks.
- An Unexpected Finds Procedure is prepared and implemented during the construction works.
- Additional inspections and contamination testing, where required, within soils proposed for reuse.

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Section 4.6(2) provides that before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

Sub section (4) provides that the land concerned is—

- (a) *land that is within an investigation area,*
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
  - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
  - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The proposed development involves a change of use to HV substation. However, the proposed development is not located on land specified in subsection (4) as the land is not within an investigation area, is not land for a potentially contaminating purposes listed in table 1 of the contaminated land planning guidelines is being, or is known to have been, carried it. The proposal is not for residential, educational, recreational or child care purposes, or for the purposes of a hospital and therefore (i) and (ii) do not apply.

On this basis, the jurisdictional pre-requisites of Section 4.6 are met.

The application was also referred to EPA for comment regarding PFAS contamination as the EPA is the lead authority regarding management of PFAS in NSW. In response, the EPA highlighted that the management of PFAS through the implementation of various management plans to be implemented throughout construction was appropriate and supported the application with conditions relating to the management plans. The conditions relate to PFAS sampling (in accordance with the PFAS National Environmental Management Plan), identification of potential interaction with groundwater or soils containing PFAS, sediment and erosion and methods of preventing contact and exposure of PFAS during construction.

Subject to the EPA conditions and the recommendations made both previous contamination assessments, the proposal is considered suitable for the proposed use and satisfies the provisions of Section 4.6 of the SEPP.

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

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

The site is mapped as SP2 Infrastructure – Defence / Air Transport Facility. The proposed development being for a HV substation is considered to be electricity generating works, which is defined within the PSLEP as follows:

***electricity generating works*** means a building or place used for the purpose of—

- (a) *making or generating electricity, or*
- (b) *electricity storage.*

The purpose of the proposed HV substation is to provide electricity to the existing premium carpark to the north and future (approved) Airport Terminal building. The proposal is therefore considered ancillary development to the existing Airport Transport Facility and is therefore permissible with consent in the zone. The proposal is considered to be consistent with the zoning

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objective in that it provides compatible development that doesn't detract from the provision of infrastructure.

#### **Clause 2.7 – Demolition requiring development consent**

Clause 2.7 identifies that the demolition of a building or work may be carried out only with development consent, unless identified as exempt development under an applicable environmental planning instrument.

The proposed development requires the demolition of existing carpark kerb, carpark asphalt including the removal of 39 carparks as well as the removal of existing carpark light poles and signage. Accordingly, conditions of consent have been included in order to mitigate potential impacts to adjoining properties and the locality during demolition works.

#### **Clause 4.3 – Height of Buildings**

The site does not have a maximum height of buildings. The proposed development has a maximum height of 6.5m from the existing ground level, which is considered to be consistent with the objectives of the clause and surrounding development building heights.

#### **Clause 5.10 – Heritage conservation**

The location of the proposed development is not mapped as containing a heritage listed item nor is it within a conservation area. There are no heritage listed items within the immediate vicinity of the development.

Given the historic disturbance of the area where the proposed HV substation is to be located, it is considered the Aboriginal and archaeological artefacts are not likely to be found. In addition, a search of the Aboriginal Heritage Information Management System (AHIMS) on 4 May 2023 did not reveal any previously recorded Aboriginal sites on or in proximity to the site. Therefore, impacts to items of Aboriginal heritage are unlikely. Notwithstanding, a condition has been recommended which states that works are to cease should any unexpected finds be uncovered.

Any potential impact to the heritage significance of the site can reasonably avoided and/or mitigated through the unexpected finds protocol condition. Subsequently, the development is consistent with the objectives of this clause.

#### **Clause 5.21 – Flood Planning**

Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development complies with the following matters:

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses*

The proposed development is located on land mapped as minimal risk flood prone land. The proposal is considered to be a compatible land use on minimal risk flood prone land subject to development controls.

Council's Development Engineers noted that the site is currently above the Flood Planning Level. As such, it is considered that the proposal will not increase the flood risk to life. Council's Development Engineer recommended that a condition be included on the consent that flood

compatible materials be utilised. It is considered that the inclusion of this condition will ensure flood risk to property is reduced.

The proposal is not considered likely to impact the stability of river banks or watercourses.

Noting the above, the proposal is considered to be consistent with this Clause.

**Clause 7.1 – Acid Sulfate Soils**

The subject land is mapped as containing potential Class 4 acid sulfate soils. The proposed development requires excavations for the construction of footings for the substation building as well trenching for the installation of inground cables. A letter was provided from Hatch Pty Ltd (dated 2 February 2023) who confirmed that the earthworks and excavation depths for the civil and structural engineered elements would be limited to works not exceeding 2m in depth from the surveyed surface. It is therefore not expected that ASS will be uncovered during construction.

The proposal

**Clause 7.2 – Earthworks**

The application proposes earthworks to construct a level building platform and to install footings for the building and generator platform. Earthworks are also required for the installation of the in ground electrical cables which will connect to the car park to the north.

The proposed earthworks are minor in nature and are not anticipated to result in any negative impacts on the subject or adjoining land, or any public place. No material is proposed to be imported or exported from the subject site and accordingly, the development accords with the requirements of this clause.

**Clause 7.4 – Airspace Operations**

The subject site is located within the Limitation or Operations Surface map in the 'Defence Boundaries' mapped area. The application was referred to the Department of Defence who raised no concern regarding the height of the proposed HV substation.

**Clause 7.5 – Areas Subject to Aircraft Noise**

The proposed development is located on land identified as being within the 2021 40+ ANEF contour. The Australia Standard (AS 2021—2000 Acoustics – Aircraft noise intrusion – Building siting and constructed) referenced within this Clause applies to 'building sites' that may be affected by aircraft noise. In accordance with the AS 2021—2000, a 'building site' refers to the location of a proposed or existing building not associated with the aerodrome. In this case, the proposal is directly associated with the existing airport and its operations and therefore AS 2021—2000 does not strictly apply.

Notwithstanding, the proposal is considered to be generally consistent with this clause in that:

- The proposal will not result in an increase in the number of dwellings or people affected by aircraft noise.
- The location of the proposal is suitable given it is ancillary to the airport operations.

**Clause 7.6 – Essential Services**

There are services within the vicinity of the subject site. Notwithstanding, it is considered that the connection to water and sewer is not essential for the proposal. The development will provide electricity connection to the northern carpark and the future approved Airport Terminal building. Access remains unimpeded and provided from Williamstown Drive.

**Clause 7.8 – Drinking Water Catchments**

The proposed development is located within a drinking water catchment and accordingly the requirements of this clause apply. The subject development has been designed so as not to result

in negative impacts on the quality or quantity of water entering the drinking water storage through the use of an existing on-site stormwater management system. HWC reviewed the stormwater management plan and MUSIC modelling, and concluded the proposal demonstrates NorBE is achievable.

The on-site system has been designed in accordance with Councils requirements to reduce the levels of identified pollutants to acceptable levels, prior to discharge from the site. There are no anticipated adverse impacts on the drinking water catchment as a result of the proposed development.

**Clause 7.9 – Wetlands**

The proposal is not located on land identified as wetland.

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

State Environmental Planning Policy (Activation Precincts) 2020 (Activation Precincts SEPP) seeks to promote economic development through the implementation of Activation Precincts. The draft masterplan to support the Williamstown Special Activation Precinct (SAP) was recently on exhibition and would include an amendment to this SEPP. However, no provisions specific to the Williamstown SAP have been exhibited in a proposed amendment to the SEPP. Notwithstanding, consideration has been given to the SAP masterplan that was exhibited from 25 January – 22 February 2023. The site is located within SAP boundary and is within the RAAF Base Williamstown and Newcastle Airport area. The proposal is considered to be consistent with the draft SAP masterplan.

There are no other draft environmental planning instruments that apply to the proposal.

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

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

**Chapter B1 – Tree Management**

An Arborist Report was prepared for the proposal by Joseph Pidutti Consulting Arborist dated 11 January 2023 which found that the removal of 5 trees is required to facilitate the proposed development. Given the tree removal required, this chapter applies. The Arborist Report identified that type of trees required to be removed and provided Tree Protection Measures for the tree identified as being retained (tree 6). Council's Natural Systems Officer recommended conditions regarding the removal of trees and the protection of those being retained.

The DCP requires that compensatory planting be consistent with the Port Stephens Tree Technical Specification. The landscape plan demonstrates that 19 replacement plantings are proposed, which include Banksia robur. The replacement plantings are consistent with the Port Stephens Tree Technical Specification and supported by Councils Natural Systems Officer.

**Chapter B2 – Natural Resources**

The development site is proximity to LEP mapped wetlands and preferred koala habitat therefore this Chapter applies. It is considered that the proposed development does not have the potential have impact biodiversity and therefore a flora and fauna survey was not submitted with the application.

Notwithstanding, the proposal seeks consent to remove 5 existing native trees being 3 x River Oak's and 2 x Scribbly Gum's. The trees identified for removal provide limited ecological value. Council's Natural Systems Officer concluded that the removal of these trees would require 17 replacement plantings.



The landscape plan has provision for the planting of 19 Banksia robur, which are small native trees. Council's Naturals Systems Officer concluded the 19 plantings satisfy the replacement planting requirement in accordance with the Port Stephens Tree Technical Specification which is compliant with this chapter.

### **Chapter B3 – Environmental Management**

#### Noise

Given the proposed development location within an existing airport and proximity from sensitive receivers, it is considered noise impacts from its operation will be negligible.

The proposal seeks consent to undertake construction at any time of the day and week to ensure that construction works impose little impact to the airport operations. Given the site location away from sensitive receivers, the impacts of the development during construction could be limited through conditions of consent which limit construction work hours and mitigate noise derived from ventilation and air conditioning systems. Subject to conditions, the application is satisfactory in regards to noise management.

#### Earthworks

As discussed at clause 7.2 above, the proposed development involves the installation of the underground electrical cables, and construction of building footings. The impacts of the proposed earthworks can be mitigated through conditions of consent. The proposal is therefore consistent with requirements outlined in Councils DCP relating to earthworks.

### **Chapter B4 – Drainage and Water Quality**

The proposal increases impervious surfaces and therefore this chapter applies. A stormwater management plan prepared by Hatch Pty Ltd was submitted with the application. The stormwater management plan proposes discharge all water from the new roof area to the existing stormwater pit adjacent to the car park. The stormwater management plan also proposes to provide two bio-retention basins which are proposed to discharge to existing stormwater pits. The proposal demonstrates that the post-development flow rate does not exceed the pre-development flow rates as required by the DCP. The stormwater drainage plan has been assessed as being consistent with Councils Infrastructure Specifications. A condition of consent has been recommended requiring the provision of detailed engineering plans, prior to the issue of a Construction Certificate.

Given the site is within a drinking water catchment it is required to stormwater quality improvement devices (SQIDs). As per the DCP, the water quality outcomes are required to achieve NorBE or Council's water quality stripping targets. The application was referred to HWC who were satisfied that the proposal could demonstrate that NorBE is achievable and was therefore supported on these ground.

Overall, the proposal is considered to be consistent with this chapter.

### **Chapter B5 – Flooding**

The subject land is mapped as being within the Flood Planning Area. The proposed development is located on land mapped as minimal risk flood prone land. The proposal is considered to be suitable on minimal risk flood prone land.

Council's Development Engineers noted that the site is currently above the Flood Planning Level which is consistent with the DCP. Council's Development Engineer recommended that a condition be included on the consent that flood compatible materials be utilised. It is considered that the inclusion of this condition will ensure flood risk to property is reduced.

Following from the discussion against clause 5.21 of the PSLEP above, the proposed development is acceptable in this regard

**Chapter B6 – Williamtown RAAF Base - Aircraft Noise and Safety**

The proposed development is located on land identified as being within the 2021 40+ ANEF contour and therefore this chapter applies. The proposal will not result in an increase in the number of dwellings or people affected by aircraft noise. The proposal is not considered to be a habitable space and therefore considered to be acceptable within the 40+ ANEF contour.

Lighting has not been identified on the plans. However, a condition has been recommended that any outdoor lightning installed must comply with the extraneous lighting controls detailed in the Civil Aviation Safety Authority (CASA) Manual of Standards (MOS-139) Aerodromes. This condition ensure compliance with Control B6.7.

**Chapter B8 – Road Network and Parking**

The proposal seeks to extend the existing access from Williamtown Drive. This will allow for vehicles to access the substation for servicing purposes. The applicant has advised that servicing will be required to occur on a monthly basis. The operational phase of the development is therefore not considered likely to impact the existing road network from a traffic perspective as parking is provided on hardstand space near the substation building and the generation increase from servicing vehicles is very minimal.

Additional vehicles are expected during the construction phase of the development on a short-term basis, although the additional traffic volume can be catered for within the existing road network.

Parking

The proposal seeks to remove 39 car spaces from the existing Long Stay 1 car park. The Long Stay 1 carpark currently has approval for the provision of 1,042 spaces allocated to the airport under DA 16-2022-855-1. The proposed 39 car space reduction will result in a total of 1,003 carparks still being provided to service the airport. Despite the reduction, the provision of car parking spaces will continue to exceed the car parking requirement for the Airport Terminal extension, by 790 spaces.

Car parking generation from the HV substation is expected to minimal. Parking demand will largely be for servicing, which is expected to occur on a monthly basis. Appropriate space is provided for the parking of servicing vehicles within the hardstand spaces adjacent to the HV substation building.

**Chapter C – Development Types**

The proposed development is for a HV substation. No specific development controls apply within Chapter C of the DCP.

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

Nil applicable.

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

The proposed development will result in positive social and economic impacts through the construction phase through providing short-term employment opportunities. The proposed HV substation will support the future Airport Terminal building expansion works which will provide ongoing social and economic impacts for the wider region.

Impacts on the Built Environment

The proposed development will not adversely impact the surrounding built form in that the substation will be contained within a modern building to screen the infrastructure, in addition to the planting of native species and landscaping to soften surrounding hardstand space.

#### Impacts on the Natural Environment

The proposed development involves the removal of 5 native trees. The native trees were not identified as being of significant ecological value and therefore their removal is not expected to have an adverse impact on the natural environment and provides a net gain of trees through the replacement planting of 19 native species. Furthermore, appropriate stormwater quality management procedures are proposed to ensure that the proposal results in a Neutral or Beneficial Effect (NorBE) on water quality. In regard to groundwater and dewatering, conditions have been included on the consent to address PFAS management and the need for a dewatering management plan where ground water is encountered.

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

The location of the proposed HV substation is considered to be suitable given it is relatively cleared of significant vegetation, will not result in adverse built form or environmental impacts and is positioned in a location that will not impact airport operations.

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

The application was not exhibited or notified given the minor nature of the works and the site not being located in proximity to any nearby residential properties or sensitive receivers. The land surrounding the proposed substation is developed for airport operations and either owned by Defence or the airport. Notwithstanding, no submissions were received.

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

The proposed development is considered to be in the public interest as it is compliant with relevant environment planning instruments, planning policies, does not result in adverse amenity or environmental impacts and will assist in providing essential infrastructure to the airport to accommodate the future expansion.

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

Section 7.12 contributions are applicable a condition has been recommended accordingly.

### **DETERMINATION**

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

**ITEM NO. 2****FILE NO: 23/90645  
EDRMS NO: 16-2023-78-1****DEVELOPMENT APPLICATION 16-2023-78-1 FOR INSTALLATION OF  
BAGGAGE HANDLING SYSTEM AT AIRPORT - 55 SLADES ROAD,  
WILLIAMTOWN AT NEWCASTLE AIRPORT****REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2023-78-1 for the upgrade of the existing airport baggage handling systems (BHS) at 55 Slades Road, Williamtown (Lot 43 DP: 1045602) subject to the conditions contained in **(ATTACHMENT 1)**.

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**BACKGROUND**

The purpose of this report is to present Development Application (DA) 16-2023-78-1 for the upgrade of the existing airport baggage handling systems (BHS) to Council for determination.

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

Subject Land:	55 Slades Road, Williamtown (Lot: 43 DP: 1045602)
Total Area:	20.7 hectares
Zoning:	SP2 Defence / Air Transport Facility
Submissions:	0
Key Issues:	The key issues identified throughout the assessment of the DA relate to aircraft noise.
Owner:	Barr Property and Planning Pty Ltd on behalf of the Commonwealth of Australia

The DA has been reported to Council in accordance with Council's 'Council Related Planning Matters Policy' as the DA is a Council-related DA with a cost of works exceeding \$250,000. As per this policy, the DA has been reviewed by a third party consultant.

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

### Proposal

The application seeks consent for alterations and additions to the existing Newcastle Airport Terminal. The purpose of the proposed development is to expand and upgrade the existing baggage handling systems (BHS). The BHS facilitates the transport of baggage from ticket counters to the baggage handling bays for transfer onto aircraft. The proposed BHS upgrade is essential for the approved airport expansion. The BHS is located within the northern area of the Airport Terminal.

The proposal specifically involves the following:

- Demolition of existing ground floor columns and internal wall
- Demolition of existing awning and associated structure
- Removal of existing ground floor plinth and relocation of existing air handling unit
- Re-grading of existing airside apron including relocation of existing strip drain
- Construction of new baggage handling system including new plinth and associated structures
- Construction of new awning and associated structures
- New pedestrian path line marking.

### Site Description

The proposed development is located on 55 Slades Road, Williamtown, defined as Lot 43 DP: 1045602, which is an irregular shaped lot that measures an area of approximately 20.7ha. The site consists of the Newcastle Airport Terminal and associated aircraft maintenance facilities and hangars, airport taxiway and other associated infrastructure including car parking. Royal Australia Air Force (RAAF) Base Williamtown is located to the north of the site, supporting all defence related infrastructure.

The BHS is located in a hanger on the north-west corner of the existing terminal building. The BHS is located within a covered hanger and connects to the existing plane holding area to the north. The site office and servicing area for 'Fly Pelican' is located directly to the west of the BHS hanger.

### Site History

The site is subject to a number of historic development approvals relating to airport operations, including services, building works, signage and car parking. The relevant development approval explicitly relevant to the proposed BHS relates to the Newcastle Airport Terminal expansion approved under DA 16-2008-940-1. The Airport Terminal expansion was approved in April 2013 for major redevelopment of the terminal and parking areas to support increased flights and catering for international travel that will accommodate 2 million passengers per annum.

### Key Issues

Given the minor scale of the proposed development and location within the airport, there are limited critical planning or environmental issues. Being in close proximity to the runway and aircraft movements, a discussion of aircraft noise is provided below and detailed within the Planners Assessment Report (**ATTACHMENT 3**).

### Aircraft Noise

The proposed development is located on land identified as being within the 2021 40+ ANEF contour and therefore Clause 7.5 of the Port Stephens LEP (PSLEP) 2013 and Chapter B6 of the Development Control Plan (DCP) apply. The Australia Standard (AS 2021—2000 Acoustics – Aircraft noise intrusion – Building siting and constructed) is referenced within both the PSLEP and the DCP and applies to ‘building sites’ that may be affected by aircraft noise. In accordance with the AS2021 - 2000, a ‘building site’ refers to the location of a proposed or existing building not associated with the aerodrome. In this case, the BHS is directly associated with the existing airport operations and therefore the AS provisions are not strictly applicable.

Notwithstanding, the proposed development is considered to be generally consistent with both the PSLEP and DCP provisions in that:

- The development will not increase the number of dwellings or people affected by aircraft noise noting that the proposal will not directly increase staffing.
- The location of the BHS is suitable given it is ancillary and essential to airport operations.
- The development will improve existing noise attenuation measures through the proposed enclosure of much of the BHS.

### Conclusion

As detailed in the Planners Assessment Report (**ATTACHMENT 3**), the DA is considered to be consistent with the aims and objectives of the relevant environmental planning instruments and Council policies applicable to the subject site.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Strong economy, vibrant local businesses, active investment	Support sustainable business development in Port Stephens

**FINANCIAL/RESOURCE IMPLICATIONS**

The DA 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 (S7.11)	Yes (s7.12)		Should Council determine to approve the DA, s7.12 development contributions would be applicable and would be levied in accordance with conditions of consent.
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The DA is consistent with the relevant planning instruments including the Environmental Planning and Assessment Act 1979 (EP&A Act) and associated State Environmental Planning Policies. A detailed assessment of the DA against the environmental planning instruments and Council planning policies is contained within the Planners Assessment Report contained at **(ATTACHMENT 3)**.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources ?
There is a risk that if the DA is approved, the determination of the DA may be challenged by a third party in the Land and Environment Court.	Low	Accept the recommendations.	Yes
There is a risk that if the DA is refused, the determination of the DA may be challenged by the applicant in the Land and Environment Court.	Medium	Accept the recommendations.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental implications.

### Social and Economic Impacts

The development will generate temporary jobs during the construction phase of the BHS. During operation, the BHS will allow for the airport to process larger volumes of passengers including catering for international travel demand, which will have a positive social and economic impact on the wider community.

### Impacts on the Built Environment

The proposed alterations and additions are considered to be consistent with the existing Airport Terminal building and surrounding built form as well as the approved airport expansion. The BHS is not visible from public areas and therefore will not impact the public domain or streetscape.

### Impacts on the Natural Environment

The proposed development will not result in any impact to the natural environment. The proposal does not require the removal of any vegetation, major ground disturbance and provides appropriate stormwater management that can be catered for within the existing system.

## **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.

### Internal

Consultation was undertaken with Council's Development Engineering, Building Surveying, and Development Contributions teams. The referral comments from these officers have been considered as part of the Planners Assessment Report **(ATTACHMENT 3)**. The internal referral officers supported the DA, subject to the recommended conditions of consent **(ATTACHMENT 1)**.

### External

Consultation was undertaken with the Department of Defence (DoD), and Regional Growth Development Corporation (RGDC). The comments provided by the external agencies are discussed within the Planners Assessment Report **(ATTACHMENT 3)** with conditions recommended accordingly **(ATTACHMENT 1)**.



### Public Exhibition

The application was exhibited from 14 March 2023 to 28 March 2023 in accordance with the Port Stephens Council Community Engagement Strategy. No submissions were received with relation to the subject development proposal.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Recommended Conditions of Consent. [↓](#)
- 2) Locality Plan. [↓](#)
- 3) Planners Assessment Report. [↓](#)

### **COUNCILLORS ROOM**

- 1) Development Plans.

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

### **TABLED DOCUMENTS**

Nil.



## RECOMMENDED CONDITIONS OF CONSENT

### 1.0 - General Conditions of Consent

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

- (1) **Approved plans and supporting documentation** – Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title.	Drawn By.	Dated.
ACE-01-AR-DRG-DA-02-01-01	B	Western Baggage Handling – Site Plan	Cox Architecture	10/02/2023
ACE-01-AR-DRG-DA-02-02-01	B	Western Baggage Handling - AXO	Cox Architecture	10/02/2023
ACE-01-AR-DRG-DA-02-08-00	B	Western Baggage Handling – L0 Demolition	Cox Architecture	10/02/2023
ACE-01-AR-DRG-DA-02-08-01	B	Western Baggage Handling – L1 Demolition	Cox Architecture	10/02/2023
ACE-01-AR-DRG-DA-02-09-00	B	Western Baggage Handling – L0	Cox Architecture	10/02/2023
ACE-01-AR-DRG-DA-02-09-01	B	Western Baggage Handling – L1	Cox Architecture	10/02/2023
ACE-01-AR-DRG-DA-02-15-01	B	Western Baggage Handling – Sections and Elevations	Cox Architecture	10/02/2023
17284-H-SK-C-1000	A	Stormwater Management Plan	Cox Architecture	25/01/2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

PORT STEPHENS COUNCIL

## ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

- (2) **Building Code of Australia** – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (3) **Sign on building** – Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the Principal Certifying Authority for the work, the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.  
  
The sign must be maintained while the work is being carried out and is to be removed when the work is completed.
- (4) **Outdoor lighting** - All lighting must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting' and the lighting controls detailed in the Civil Aviation Safety Authority (CASA) Manual of Standards (MOS-139) Aerodromes.
- (5) **Building Materials** – Building materials used for construction are to be non-reflective. If it is later found that glare endangers the safety of aircraft operations, the Department of Defence may require the suitable modifications.
- (6) **Bush Fire Safety – Other Developments** – The site is located within a bushfire prone area and must comply with NSW Rural Fire Service document "Planning for Bushfire Protection 2019" (PBP2019). In this regard the following is required:
  - a) The entire property must be managed as an 'Inner Protection Area' as outlined within PBP2019.
  - b) Compliance with Appendix 3 of PBP2019.
  - c) Compliance with the specific requirements of Chapter 8 of PBP2019.

Details demonstrating compliance must be prepared by a qualified Bushfire Consultant provided to the Certifying Authority by an NSW suitably qualified BPAD Bushfire Consultant.

## 2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Stormwater/drainage plans** – Detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council).  
  
Details demonstrating compliance must be provided to the Certifying Authority.

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## ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



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

- (2) **Erosion and sediment control plan**– Before the issue of a construction certificate the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the BlueBook), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

- (3) **Section 7.12 development contributions** - A monetary contribution is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning & Assessment Act 1979* and the Port Stephens Local Infrastructure Contributions Plan 2020, related to the Capital Investment Value (CIV) of the development as determined in accordance with clause 208 of the *Environmental Planning and Assessment Regulation 2021* and outlined in the table below.

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

The payment of the fixed development consent levy is to be accompanied by a Cost Summary Report Form setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Council Fixed Development Contributions Plan.

Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a Registered Associate member or above, of the Australian Institute of Quantity Surveyors.

This condition cannot be taken to be satisfied until a payment has been made in accordance with the CIV stated on a cost summary report submitted to Council in accordance with this condition.

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

- a) Prior to issue of the Construction Certificate.

## ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



- (4) **PFAS Management** - Prior to the commencement of works, a Construction Management Plan is to be prepared and include the following actions to manage interaction with PFAS contamination during construction:
1. Where the potential for Per- and Poly-Fluoroalkyl Substances (PFAS) contamination exists in soil, groundwater or surface water at the development site, the applicant must identify whether any construction activities could disturb or interact with any PFAS contaminated soil, groundwater or surface water.
  2. If construction activities could disturb or interact with any PFAS contaminated soil, groundwater or surface water, the applicant must:
    - a. prevent, or limit as far as possible, offsite migration of PFAS contamination;
    - b. prevent, or limit as far as possible, contact and exposure to PFAS;
    - c. manage potentially PFAS impacted groundwater that may accumulate in any footings or excavations to ensure this does not run-off the site;
    - d. manage any PFAS-impacted soils, by controlling erosion and covering stockpiles of PFAS impacted soils to protect from rainfall egress and runoff; and
    - e. ensure that any PFAS contaminated material transported from the site to a site that is lawfully able to receive it.
  3. Where PFAS contaminated material is to be removed from the site, the applicant must sample the soil for PFAS and classify the soil in accordance with the EPA's Addendum to the Waste Classification Guidelines (2014) – Part 1: classifying waste to identify lawful management and disposal options.
- (5) **Report recommendations** – Construction of the development must comply with the recommendations of the 'Contamination Testing' report prepared by Douglas Partners, dated 8 November 2022, reference: R.003.Rev0 (prepared for DA 16-2008-940-6) detailed as follows:
- a) It is recommended that an unexpected finds protocol (UFP) is implemented for earthworks for the site as part of the construction management plans. The UFP should outline the appropriate action should suspected / unexpected contamination such as building materials or hydrocarbon impacts be observed during clearing or earthworks;
  - b) Additional inspections and contamination testing, where required, within soils proposed for reuse. Additional testing should be considered for the following:
    - Materials that are to be brought to the surface for reuse (i.e. to be used in landscaping or in uncapped areas);
    - Soils to be disposed off site;
    - Groundwater to be disposed off site;
    - Where potentially impacted soil or groundwater is identified under the unexpected finds protocol.
- (6) **Payment of building and construction industry long service levy** - Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of \$2,379.00 as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and*



*Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

**Note.** Condition only applies to developments with a cost of works over \$250,000.

### 3.0 - Prior to Commencement of Works

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

- (1) **Notice of Principal Certifying Authority appointment** – The Principal Certifier for this development must give notice must be given to the consent authority and Council, where the Council is not the consent authority, at least two days prior to subdivision and/or building works commencing in accordance with Section 6.6 (2) (a) of the Environmental Planning and Assessment Act 1979 and Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:

- a) a description of the work to be carried out;
- b) the address of the land on which the work is to be carried out;
- c) the Registered number and date of issue of the relevant development consent;
- d) the name and address of the Principal Certifier and the person who appointed the principal certifier;
- e) if the principal certifier is a registered certifier
  - i) the certifier's registration number, and
  - ii) a statement signed by the registered certifier to the effect that the certifier consents to being appointed as principal certifier, and
  - iii) a telephone number on which the certifier may be contacted for business purposes.

The notice must be lodged on the NSW planning portal.

- (2) **Notice commencement of work** – Notice must be given to Council and the Principal Certifier, if not the Council, of the person's intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:
- a) the name and address of the person;
  - b) a description of the work to be carried out;
  - c) the address of the land on which the work is to be carried out;
  - d) the Registered numbers and date of issue of the development consent and construction certificate;

## ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



- e) a statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before the work commences have been satisfied; and
- f) the date on which the work is intended to commence.

The notice must be lodged on the NSW planning portal.

- (3) **Signs on site** – A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
- a) showing the name, address and telephone number of the principal certifier for the work, and
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

**Note:** This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

- (4) **Construction Certificate Required** – In accordance with the provisions of Section 6.7 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
  - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and
  - c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (5) **Demolition work** – All demolition works are to be carried out in accordance with Australian Standard AS 2601 'The demolition of Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility.

Any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility.

Evidence is to be provided to the Certifying Authority demonstrating that asbestos waste has been disposed of in accordance with this condition.

- (6) **Erosion and sediment controls in place** – Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment



## ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

- (7) **Rubbish generated from the development** – Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.

No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.

- (8) **Damage report – Public Infrastructure** – The applicant is required to notify Council in writing of any existing damage to public infrastructure (including landscaping) within the vicinity of the development, the absence of such notification signifies that no damage exists.

- (9) **Hazardous Building Materials Assessment** – A Hazardous Building Material Assessment (HBMA) must be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. A HBMA report must be provided to the PCA and Council.

Once hazardous components are identified, all demolition works that involve the demolition and removal of the hazardous materials must ensure that all site personnel are protected from risk of exposure in accordance with relevant SafeWork NSW and NSW Demolition Guidelines. Premises and occupants on adjoining land must also be protected from exposure to any hazardous materials.

- (10) **Construction site management plan** - Before the commencement of works, the applicant must ensure a construction site management plan is prepared. The plan must include the following matters:
- a) location and materials for protective fencing and hoardings to the perimeter on the site
  - b) provisions for public safety
  - c) pedestrian and vehicular site access points and construction activity zones
  - d) details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
  - e) protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
  - f) details of any bulk earthworks to be carried out
  - g) location of site storage areas and sheds
  - h) equipment used to carry out all works
  - i) a garbage container with a tight-fitting lid
  - j) dust, noise and vibration control measures



## ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



- k) location of temporary toilets
- l) Location of any proposed oil and/or fuel storage.

The applicant must ensure a copy of the approved construction site management plan must be provided to Council and kept on-site at all times during construction.

#### 4.0 - During Works

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

- (1) **Hours of work** – Building work, demolition or vegetation removal is permitted to be carried out 24 hours a day, 7 days a week.
- (2) **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.  
  
The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.
- (3) **Compliance with the Building Code of Australia** – Building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (4) **Offensive noise, dust, odour and vibration** – All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.
- (5) **Hazardous Building Materials Assessment** - All works (including demolition and materials handling, storage, transport and disposal) must be undertaken in accordance with the requirements outlined in the Hazardous Building Material Assessment (HBMA).
- (6) **Uncovering relics or Aboriginal objects** - While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
  - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

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## ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



- (b) is of State or local heritage significance; and
  - “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.
- (7) **Implementation of the Soil, erosion, sediment and water management plan** – All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.

### 5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate required** - An Occupation Certificate must be obtained prior to any use or occupation of the development.
- The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
- (2) **Stormwater/drainage works** – All stormwater and drainage works required to be undertaken in accordance with this consent must be completed.
- The certification/verification prepared by a suitably qualified person must be provided to the satisfaction of the Principal Certifying Authority.

### 6.0 – Ongoing Use

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

- (1) **Offensive noise** – The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the Protection of the Environment Operation Act 1997 and must comply with the NSW Noise Policy for Industry 2017 (as amended).
- (2) **Maintenance of stormwater management system** – During occupation and ongoing use of the building, the applicant must ensure the stormwater management system is regularly maintained to remain effective.

### Advice Note(s):

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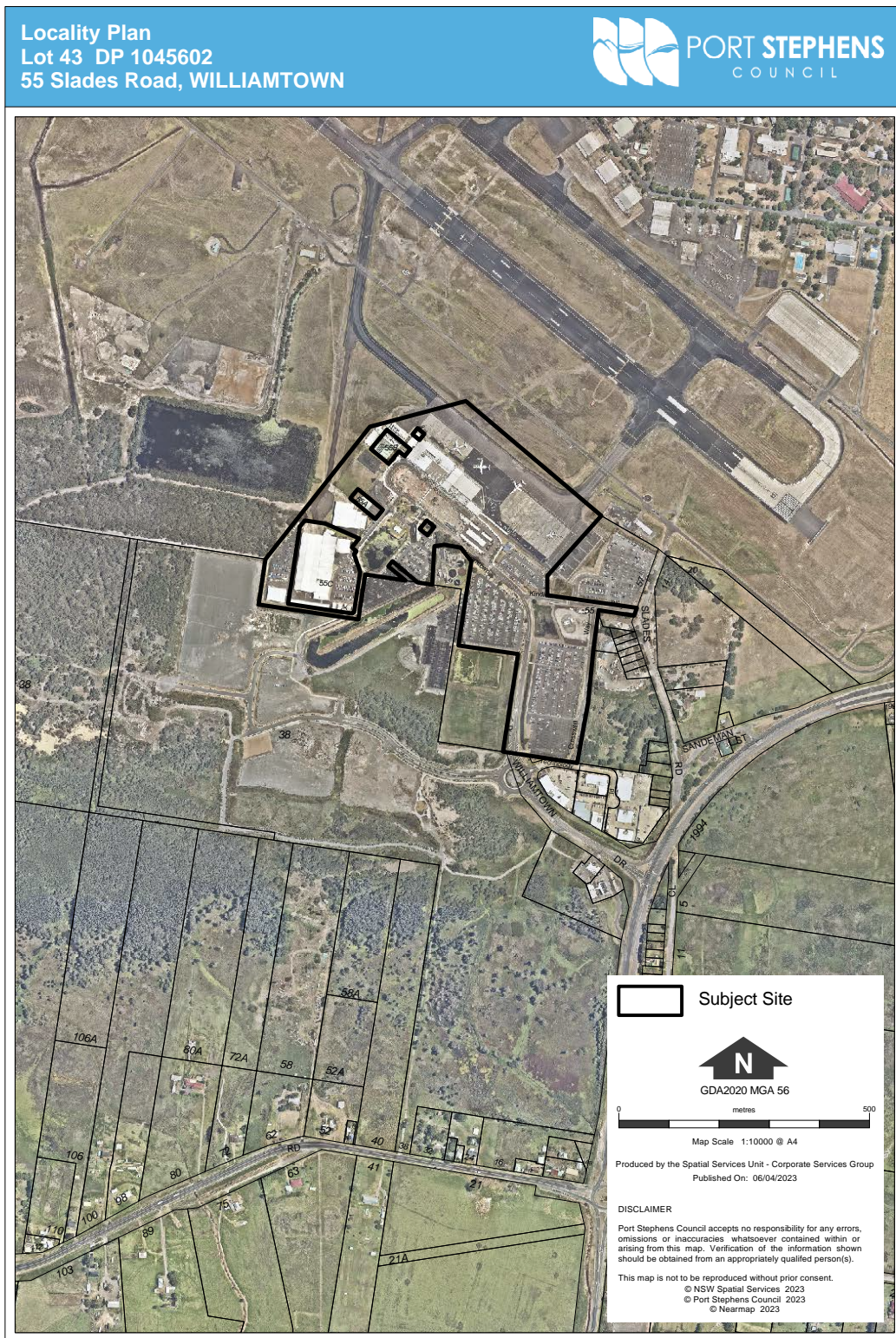
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## ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



- (1) **'Dial Before you Dig'** – Before any excavation work starts, contractors and others should phone the "Dial Before You Dig" service to access plans/information for underground pipes and cables.
- (2) **Premise standard** – It is the Applicants responsibility to ensure compliance with the requirements of the Disability Discrimination Act 1992 (DDA).  
**Note:** Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.
- (3) **Disability Discrimination Act** – The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act.
- (4) **Flood information is subject to change** – You are advised that flood information is subject to change if more accurate data becomes available to Council. It is the responsibility of the applicant to use the most up-to-date flood information. Prior to applying for a construction certificate, Council should be contacted to verify the currency of the flood information.
- (5) **Approved Plans to be on-site** – A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.
- (6) **Building materials not permitted on Council's footpath/road reserve**– No building materials, plant, equipment, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath or outside the boundaries of the development site unless approved by Council in writing. Where building activity cannot avoid occupation of the public road reserve, (such as, for the erection of hoarding, scaffolding, partial closure) separate approval from Council for the use of the road reserve is required.





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



## DEVELOPMENT ASSESSMENT REPORT

### APPLICATION REFERENCES

<b>Application Number</b>	16-2023-78-1
<b>Development Description</b>	Installation of baggage handling system at airport
<b>Applicant</b>	NEWCASTLE AIRPORT PTY LIMITED
<b>Land owner</b>	DEPARTMENT OF DEFENCE/COMMONWEALTH OF AUSTRALIA
<b>Date of Lodgement</b>	03/03/2023
<b>Value of Works</b>	\$951,877.00
<b>Submissions</b>	0

### PROPERTY DETAILS

<b>Property Address</b>	55 Slades Road WILLIAMTOWN
<b>Lot and DP</b>	LOT: 43 DP: 1045602
<b>88B Restrictions on Title</b>	N/A
<b>Current Use</b>	Airport
<b>Zoning</b>	SP2 INFRASTRUCTURE
<b>Site Constraints</b>	<p>Weed Infestations</p> <p>Bushfire Prone Land – Vegetation Category 3 and Buffer</p> <p>Acid Sulfate Soils – Class 4</p> <p>Koala Habitat – Link over clear, buffer over clear, preferred, and clear.</p> <p>Endangered Ecological Communities – Swamp Sclerophyll Forest</p> <p>Biodiversity Values Map</p> <p>ANEF – 40+, 35-40</p> <p>Height Trigger Map – refer structures higher than 7.5m</p> <p>Bird Strike – Group A</p> <p>Extraneous Lighting</p> <p>Hunter Water Special Area</p>

	NSW Wildlife Atlas – Fauna Watercourse Flood Prone Land LEP mapped wetlands
<b>State Environmental Planning Policies</b>	State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021

### PROPOSAL

The application seeks consent for alterations and additions to the existing Newcastle Airport Terminal building. The purpose of the proposed alterations and additions are to expand and upgrade the existing baggage handling systems (BHS). The BHS facilitates the transport of baggage from ticket counters to the baggage handling bays for transfer onto airplanes. The proposed upgrade is essential for the approved airport expansion (16-2008-940-6). The BHS is located within the north of the airport, refer to Figure 1.

The proposal specifically involves the following:

- Demolition of existing ground floor columns and internal wall;
- Demolition of existing awning and associated structure;
- Removal of existing ground floor plinth and relocation of existing air handling unit;
- Re-grading of existing airside apron including relocation of existing strip drain;
- Construction of new baggage handling system including new plinth and associated structures;
- Construction of new awning and associated structures; and
- New pedestrian path line marking

The proposed ground floor plan is shown in Figure 2 below and the proposed elevation is shown in Figure 3 below.



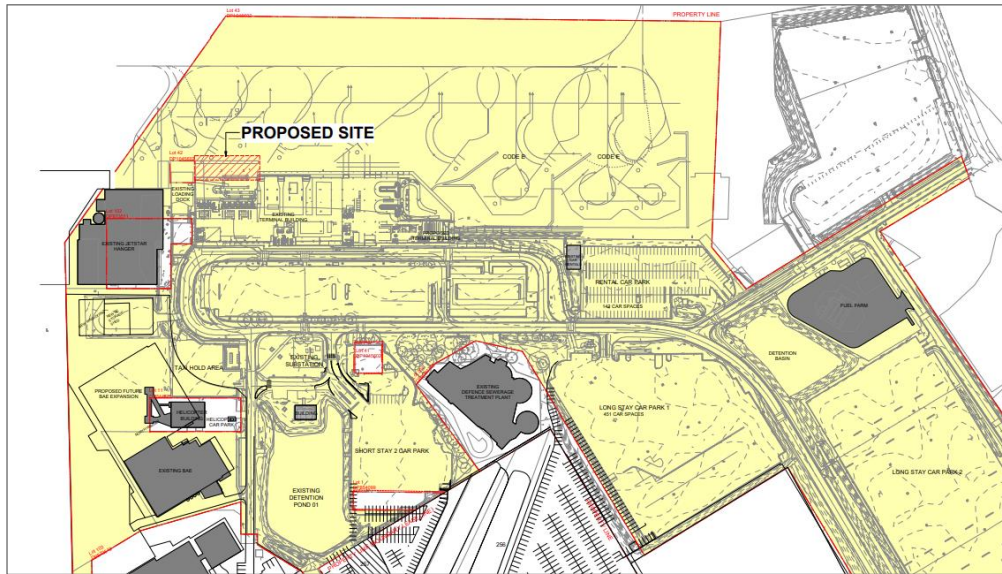


Figure 1. Location of proposed BHS

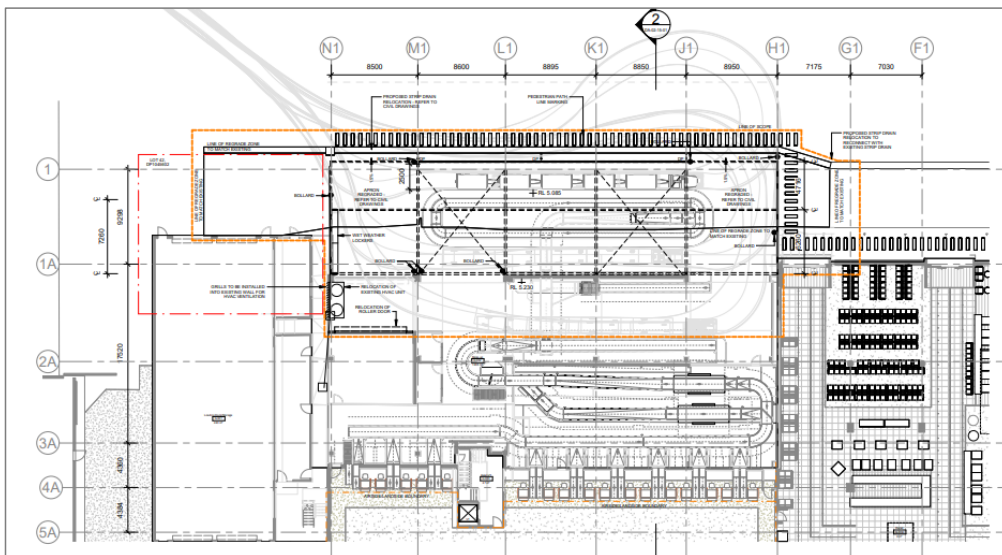


Figure 2. Proposed ground floor plan (extension in dotted orange)

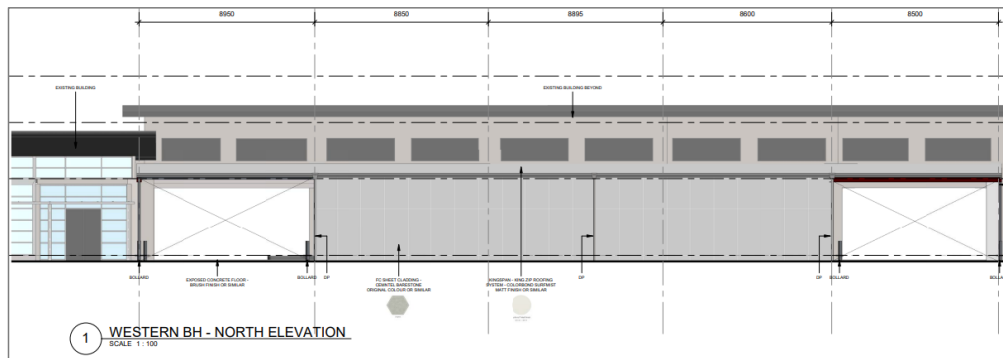


Figure 3. Proposed Elevation

**SITE DESCRIPTION**

The proposed development is located on 55 Slades Road, Williamtown, defined as Lot 43 DP: 1045602, which is an irregular shaped lot that measures an area of approximately 20.7ha. The site consists of the Newcastle Airport Terminal and associated aircraft maintenance facilities and hangars, airport taxiway and other associated infrastructure including car parking. Royal Australia Air Force (RAAF) Base Williamtown is located to the north of the site, supporting all defence related infrastructure, refer to Figure 4.

The location of the existing and proposed BHS extension is within the north of the existing terminal building, refer to Figure 5 below.



Figure 4. Site Aerial





Figure 5. Location of proposed BHS extension/upgrade (in blue)

#### SITE HISTORY

The site is subject to a number of historic development approvals relating to airport operations, including services, building works, signage and car parking. The relevant development approval explicitly relevant to the proposed BHS relates to the Newcastle Airport Terminal expansion approved under DA 16-2008-940-1. The Airport Terminal expansion was approved in April 2013 for major redevelopment of the terminal and parking areas to support increased flights and catering for international travel that will accommodate 2 million passengers per annum.

Table 1 – Application History

DA Number	Proposed Works	Determination	Date of decision
16-2008-940-6	S4.55(1A) to Alterations and Additions to Newcastle Airport Terminal - amend terminal building design	Approved under delegation	23 May 2023
16-2008-940-5	S4.55(1A) to Alterations and additions to Newcastle Airport Terminal – amend parking, road configuration and staging	Approved under delegation	1 February 2023
16-2008-940-4	S4.55 to Alterations and Additions to Airport Terminal – Amend building footprint, internal layout and bathroom amenities	Approved under delegation	13 August 2014
16-2008-940-3	S4.55 to Alterations and Additions to Airport Terminal – Remove Contributions	Refused by Council	12 August 2014
16-2008-940-2	S4.55 to Alterations and Additions to Airport Terminal – Amended Stage 1 Plans	Approved under delegation	9 April 2014
16-2008-940-1	Alterations and Additions to Airport Terminal	Approved under delegation	1 April 2013

The proposal relates to the above applications in that it will upgrade the existing baggage handling system inline the approved airport expansion. The proposed development is consistent with the approved airport expansion works.

#### **SITE INSPECTION**

A site inspection was carried out on 29 March 2023.

The subject site can be seen in Figures 6 – 8 below:



**Figure 6.** Existing baggage handling systems and location of proposed extension



**Figure 7.** Existing baggage handling system and location of proposed extension.



**Figure 8.** Existing baggage handling system and location of proposed extension.

### **PLANNING ASSESSMENT**

The application was assessed, and comments provided, by the following external agencies and internal specialist staff:

#### Internal

Development Engineer – The application was referred to Council's Development Engineer for comment. Council's Development Engineer reviewed the proposal and advised that the development is compatible with flood risk and existing approvals for stormwater management over the site. The proposal was supported unconditionally.

Development Contributions – The application was referred to Council's Development Contributions Officer. It was advised that s7.12 contributions apply to the proposal. A condition has been recommended to this effect.

Building Surveyor – The application was referred to Council's Building Surveyor. A condition has been recommended requiring that the building be constructed to comply with the Building Code of Australia.

#### External

Regional Growth Development Corporation (RGDC) – Given the sites proximity to the Williamtown Special Activation Precinct (SAP), the application was referred to RGDC for comment. Comments were not received from RGDC. Notwithstanding, it is considered that the proposal is not inconsistent with the Williamtown SAP.

Department of Defence – Given the sites proximity to the RAAF Base Williamtown, the application was referred to the Department of Defence (DoD) for comment. The referral received from DoD advised that no adverse effects to the Defence assets are apparent. In addition to the DA referral,

**ITEM 2 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.**

owners consent was provided for the DA from DoD. The owner's consent letter noted that the development should be constructed of non-reflective material. The BHS extension is proposed to be constructed of fibre cement cladding and colorbond roofing. This is considered to be low reflective and therefore consistent with the DoD advice.

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

Section 4.46 EP&A Act provides that development is integrated development if in order to be carried out, the development requires development consent and one or more other approvals. The proposed development is not considered to be integrated development and no other approvals are required.

**Section 4.14 – Consultation and development consent (certain bushfire prone land)**

Small portions of the site are mapped as bushfire prone land, specifically being vegetation buffer. As such, Planning for Bushfire Protection (PBP) 2019 applies. Given the size of the site as a whole, the location of the proposed works are approximately 180m from the nearest mapped bushfire prone land.

Notwithstanding, the proposal is considered to be consistent with the requirements of PBP 2019 for the following reasons:

- The nearest bushfire threat is located to the south east of the BHS area. The vegetation within this area is considered to be forest and is approximately 290m from the proposed development area. The separation between the hazard and the proposed alterations are considered sufficient;
- Given the existing built form and presence of hardstand spaces between the bushfire threat and the proposed development, it is considered that the proposal provides appropriate defensible space;
- Reticulated water is available to the development; and
- The access roads to the development provide access for fire fighting vehicles.

**Section 4.15 - Matters for consideration**

The proposal has been assessed under the relevant matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

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

An assessment has been undertaken against each of the applicable environmental planning instruments (EPI's), as follows:

**State Environmental Planning Policy (Biodiversity and Conservation) 2021****Chapter 2 Vegetation in Non-Rural Areas**

Chapter 2 Vegetation in Non-Rural Areas of the Biodiversity and Conservation SEPP aims to protect the biodiversity values and preserve the amenity and other vegetation in non-rural areas of the State. The chapter works in conjunction with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW.

Part 2.3 of the chapter contains provisions similar to those contained in the former (now repealed) clause 5.9 of Port Stephens Local Environmental Plan 2013 and provides that Council's



Development Control Plan can make declarations with regards to certain matters. The chapter further provides that Council may issue a permit for tree removal.

The proposed development does not propose vegetation removal.

Chapter 4 Koala Habitat Protection 2021

This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

The site is mapped as being clear of koala habitat. No trees require removal to facilitate the proposal. The proposal is therefore, considered unlikely to impact upon koala habitat and therefore is consistent with the Port Stephens Comprehensive Koala Plan of Management (CKPoM), which constitutes compliance with Chapter 4 of this SEPP.

State Environmental Planning (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Section 4.6 of Chapter 4 of the Resilience and Hazards SEPP requires the consent authority to consider whether land is contaminated, is in a suitable state despite contamination, or requires remediation to be made suitable for the proposed development.

It is noted that the NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated, nor has previous record of contamination in Council's system. The land is not within an investigation area, there are no records of potentially contaminating activities occurring on the site, and the proposed baggage handling system is not listed as a possible contaminating use, per Table 1 of the Guidelines.

In addition, a Report on Contamination Testing prepared by Douglas Partners, Project 211445.00 dated November 2022 was submitted with the s4.55 modification 16-2008-940-6 which related to the airport terminal expansion. The report involved desktop review and soil and groundwater sampling to assess the potential for contamination of the site. The report identifies a number of potential sources of contamination, including the following:

- Fill;
- Fuel storage and use;
- Firefighting training areas and industrial uses;
- Former buildings; and
- Fuel and oil leakage from parked cars.

The report identifies a number of potential receptors and exposure pathways to end users of the development. Accordingly, soil and ground water samples were analysed for contaminants commonly associated with the sources of contamination identified above.

The results of the assessment indicated the general absence of gross contamination in soil and groundwater at the test locations and depths assessed. The results also indicated a general absence of hydrocarbon impacts in groundwater, including the absence of volatile hydrocarbon impact in the vicinity of the proposed terminal expansion structure. On the basis of the contamination testing, the report concluded that the assessment area is considered to be generally suitable for the proposed airport redevelopment with respect to contamination, subject to the following recommendations:

- Implementation of an unexpected finds protocol (UFP); and
- Additional testing of any soils proposed for reuse.

The site is located within the Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) primary management area associated with RAAF Base Williamtown.

The Douglas Partners Report on Contamination Testing included soil and groundwater sampling to identify the presence of PFAS. PFAS species were found in the majority of soil samples tested, both in upper roadbase fill and underlying natural sands. Concentrations of PFAS in soil were within the adopted human health screening values for commercial/industrial site use, and were also within the interim ecological screening values for both direct and indirect exposure. Notwithstanding, the report recommends the preparation of a site-specific PFAS management plan, to be implemented during construction and within WHS management plans.

Standard conditions from the NSW EPA have been recommended to manage PFAS.

Noting this, the proposed development satisfies the requirements of Chapter 4 of this SEPP.

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

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

The site is zoned SP2 Infrastructure - Defence / Airport Transport Facility. Development is permitted with consent in the zone if it is for the purpose shown on the land zoning map or is ordinarily incidental or ancillary to development for that purpose. The proposed development is an expansion of the existing baggage handling system which is considered ancillary to the existing airport and therefore permissible with consent. The proposal is considered to be consistent with the zoning objective in that it provided compatible development that doesn't detract from the provision of infrastructure.

##### **Clause 2.7 – Demolition requiring development consent**

Clause 2.7 identifies that the demolition of a building or work may be carried out only with development consent, unless identified as exempt development under an applicable environmental planning instrument.

The proposed development requires the demolition of the existing ground floor columns, internal walls, awning and associated structures. Accordingly, conditions of consent have been included in order to mitigate potential impacts to adjoining properties and the locality during demolition works.

##### **Clause 4.3 – Height of Buildings**

The site does not have a maximum height of buildings. The proposed development has a maximum height of 5.12 metres. This is considered consistent with objectives of the zone and surrounding development. The proposed addition sits below existing taller buildings.

##### **Clause 5.10 – Heritage conservation**

The area of the subject to development does not contain a heritage item, nor is it within a heritage conservation area. The proposal is located on land featuring significant prior ground disturbing activities and is not located in proximity to any sensitive Aboriginal landscape features. A search of the Aboriginal Heritage Information Management System (AHIMS) on 4 May 2023 did not reveal any previously recorded Aboriginal sites on or in proximity to the site. Therefore, impacts to items of Aboriginal heritage are unlikely.

A condition of consent is recommended regarding the implementation of an unexpected finds procedure. Subject to this condition, the proposal is consistent with the requirements of this clause.

##### **Clause 5.21 – Flood Planning**

## ITEM 2 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development complies with the following matters:

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses*

The proposed development is located on land mapped as being Flood Planning Area, specifically within the minimal risk flood prone land category. Given the minor nature of the proposal including minor earthworks and not fill within an existing airport terminal service area, the proposal is not expected to impact the flood behaviour. The proposal was supported by Council's Development Engineer.

#### **Clause 7.1 – Acid Sulfate Soils**

The subject land is mapped as containing potential Class 4 acid sulfate soils. The proposed development is not anticipated to entail excavations below 2 metres and therefore it is not expected that acid sulfate soils would be encountered during works.

#### **Clause 7.2 – Earthworks**

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

In accordance with Clause 7.2(3) before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The development proposes earthworks on the site to create the footings for the proposed additions, as well as regrading the existing apron and drain. The earthworks are minor in nature and are not anticipated to result in any negative impacts on the subject or adjoining land, or any public place. Subject to conditions relating to the importation of materials, and sediment and erosion controls, the proposal satisfies the requirements of this section.

## ITEM 2 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

**Clause 7.4 – Airspace Operations**

The subject site is located within the Limitation or Operations Surface map in the 'Defence Boundaries' mapped area. The application was referred to the Department of Defence who raised no concern regarding the height of the proposed BHS or associated works.

**Clause 7.5 – Areas Subject to Aircraft Noise**

The proposed development is located on land identified as being within the 2021 40+ ANEF contour. The Australia Standard (AS 2021—2000 Acoustics – Aircraft noise intrusion – Building siting and constructed) referenced within this Clause applies to 'building sites' that may be affected by aircraft noise. In accordance with the AS, a 'building site' refers to the location of a proposed or existing building not associated with the aerodrome. In this case, the proposal is directly associated with the existing airport and its operations and therefore the AS does not strictly apply.

Notwithstanding, the proposal is considered to be generally consistent with this clause in that:

- The proposal will not result in an increase to the number of dwellings or people affected by aircraft noise. Noting that staff working within the BHS area are required to wear hearing protection.
- The location of the proposal is suitable given it is ancillary to the airport operations.
- The proposal will improved existing noise attenuation through the proposed enclose of much of the existing BHS.

Given the above, the proposal is not considered likely to be adversely affected by aircraft noise.

**Clause 7.6 – Essential Services**

The subject site is serviced by reticulated water, electricity and sewer. In addition, the application has demonstrated that stormwater drainage resulting from roof and hard stand areas can be catered for in accordance with Councils requirements. The subject land also maintains direct access to Williamstown Drive, meeting the requirements of this clause.

**Clause 7.8 – Drinking Water Catchments**

The proposed development is located within a drinking water catchment and accordingly the requirements of this clause apply. The subject development has been designed so as not to result in negative impacts on the quality or quantity of water entering the drinking water storage through the use of an on-site stormwater management system.

Noting the minor nature of the proposed development, there are no anticipated adverse impacts on the drinking water catchment as a result of the proposed development.

**Clause 7.9 – Wetlands**

The proposed development does not impact any wetlands.

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

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

***Section 4.15(a)(iii) – any development control plan***

Port Stephens Development Control Plan 2014

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

**Chapter B1 – Tree Management**

No tree removal is proposed.



**Chapter B2 – Natural Resources**

The proposed development will not impact nearby items of environmental significance.

**Chapter B3 – Environmental Management**Noise

Given the proposed development location within an existing airport and proximity from sensitive receivers, it is considered noise impacts from its operation will be negligible.

The proposal seeks consent to undertake construction at any time of the day and week to ensure that construction works impose little impact to the airport operations. Given the site location away from sensitive receivers, the impacts of the development during construction could be limited through conditions of consent which limit construction work hours and mitigate noise derived from ventilation and air conditioning systems. Subject to conditions, the application is satisfactory in regards to noise management.

Earthworks

As discussed at clause 7.2 above the proposed development involves minor earthworks to secure the footings for the proposed addition. Regrading of the air side apron is also proposed to occur to accommodate the new BHS system and reconfigure the existing strip drain. The impacts of the proposed earthworks can be mitigated through conditions of consent. The proposal is therefore consistent with requirements outlined in Councils DCP relating to earthworks.

**Chapter B4 – Drainage and Water Quality**

This section applies to development that:

- Increases impervious surfaces; or
- Drains to the public drainage system; or
- Involves a controlled activity within 40m of waterfront land.

The alterations and additions do not increase the impervious surfaces nor does it involve a controlled activity within 40m of waterfront land. The proposal also does not seek to drain to the public drainage system but rather the additions will drain via downpipes to the reconfigured strip drain on the airside apron. The strip drain will connect with the airport's existing stormwater drainage network and drain to the south of the existing Airport Terminal Building.

This chapter therefore does not strictly apply. Notwithstanding, a stormwater management plan was submitted with the application. Council's Development Engineer reviewed the plan and found that the proposal is consistent with existing approvals for stormwater management over the site. The proposal was supported by Council's Development Engineer unconditionally.

**Chapter B5 – Flooding**

The subject land is mapped as being within the Flood Planning Area being specifically located within the minimal risk hazard category. Following from the discussion against clause 5.21 of the PSLEP above, the proposed development is acceptable in this regard.

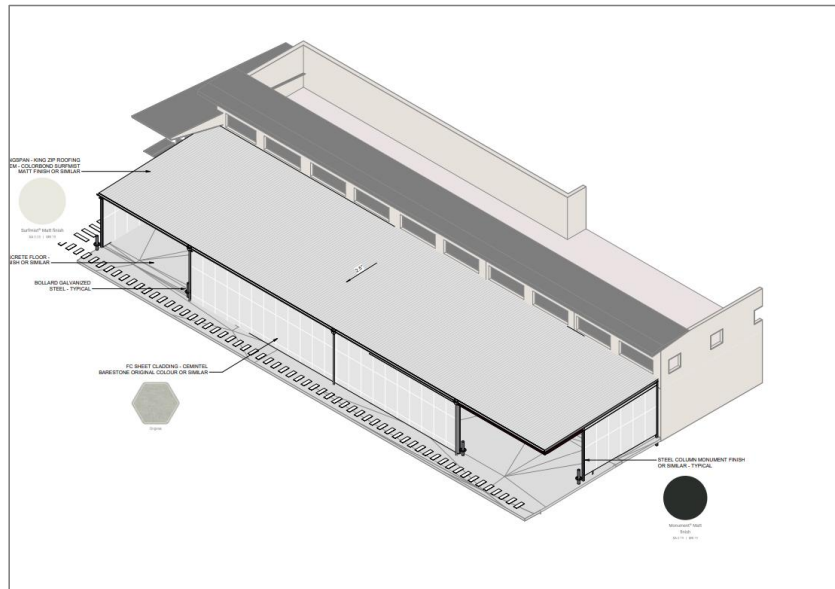
**Chapter B6 – Williamstown RAAF Base - Aircraft Noise and Safety**

The impact of aircraft noise on the proposed development has been assessed in the discussion against clause 7.5 of the PSLEP above, and found to be acceptable in this instance.

Whilst the provisions of AS 2021—2000 are not applicable, the proposal is considered to be an improvement in terms of noise attenuation. The proposal is for alterations and additions to the existing BHS area which is currently constructed of brick. There are two openings along the brick elevation and an attached colour bond and steel awning. The awning is currently open to the airports runway.

The proposal seeks to extend the existing awning and keep the two openings but enclose the remainder of the BHS area utilising fibre cement cladding, refer to Figure 9 below. The larger enclosed area and provision of side wall is considered to be an improvement with regard to aircraft noise exposure to staff from the existing arrangement. In addition to the above note improvement, staff working within the BHS area are required to wear hearing protection. The proposal is therefore considered acceptable.

It is noted that the proposal will not alter the existing indoor sound treatment levels of the Airport Terminal Building.



**Figure 9. Proposed BHS upgrade montage**

Lighting has not been identified on the plans. However, a condition has been recommended that any outdoor lightning installed must comply with the extraneous lighting controls detailed in the Civil Aviation Safety Authority (CASA) Manual of Standards (MOS-139) Aerodromes. This condition ensure compliance with Control B6.7.

## Chapter B8 – Road Network and Parking

This chapter applies to development with the potential to impact on the existing road network or create demand for on-site parking. The proposed BHS upgrade is essential for the approved airport expansion (16-2008-940-6). The works relate to upgrading existing airport infrastructure, consequently there will be no increase in traffic generation or parking demand. This chapter therefore does not strictly apply to the proposal.

## Chapter C – Development Types

The proposed development does not fall within a specific development type identified within this chapter.

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

Nil relevant.

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

Social and Economic Impacts

The proposal will generate temporary jobs during the construction phase of the development. During operation, the proposal will allow for the airport to process larger volumes of passengers including catering for international travel demand which will have a positive social and economic impact on the wider community.

Impacts on the Built Environment

The proposed alterations and additions are considered to be consistent with the existing Airport Terminal and surrounding built form as well as the approved airport expansion. The proposal is not visible from the public domain or streetscape and is orientated towards the RAAF Base and runway areas. Therefore, the development will not adversely impact the built environment.

It is noted that a condition has been recommended that requires the development be constructed of non-reflective building materials to ensure that glare does not impact the safety of aircraft operations.

Impacts on the Natural Environment

The proposal will not impact the natural environment. The proposal does not require the removal of any vegetation and provides appropriate stormwater drainage.

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

The subject site is suitable for the proposed development as it seeks to enlarge the existing BHS without resulting in adverse impacts to the built form or natural environment.

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

The application was exhibited from 14 March 2023 to 28 March 2023 in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. No submissions were received with relation to the subject development proposal.

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

The development is considered to be in the public interest as it is consistent with relevant environmental planning instruments, Council policies, does not result in adverse amenity or environmental impacts and will assist in providing an essential service to airport operations including the future expansion.

***Section 7.12– Contribution towards provision or improvement of amenities or services (developer contributions)***

Section 7.12 contributions are applicable and a condition has been recommended accordingly.

**DETERMINATION**

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

**ITEM NO. 3**

**FILE NO: 23/91572  
EDRMS NO: PSC2018-03515**

**PROPOSED RE-ESTABLISHMENT OF ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE (RAYMOND TERRACE), NELSON BAY AND RAYMOND TERRACE TOWN CENTRE**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Exhibit the proposal to re-establishment Alcohol Free Zones (AFZs) in Anna Bay, Lakeside (Raymond Terrace), Nelson Bay and Raymond Terrace town centre in accordance with section 644A of the Local Government Act 1993 (NSW).
- 2) If no submissions are received, adopt the proposal to re-establish Alcohol Free Zones (AFZ) in Anna Bay, Lakeside (Raymond Terrace), Nelson Bay and the Raymond Terrace town centre for 4 years.

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**BACKGROUND**

The purpose of this report is to seek a Council resolution to undertake the consultation process as required by section 644A of the Local Government Act 1993 (NSW) to re-establish the existing Alcohol Free Zones (AFZs) in Anna Bay, Lakeside (Raymond Terrace), Nelson Bay and Raymond Terrace town centre as shown on the attached locality maps (**ATTACHMENT 1**).

AFZs act to prohibit the consumption of alcohol on specified public roads, footpaths and car parks and are in force 24 hours per day. They provide Police with the power to seize and dispose of alcohol from a person if they are drinking it in an AFZ or if there is reasonable cause to believe the person is about to drink alcohol in the AFZ.

The intent of these measures is to improve public safety by preventing anti-social behavior and alcohol related crime taking place on public roads, footpaths and car parks. However, it should be noted that there is the ability to suspend AFZs for events and to allow alfresco dining, subject to alcohol license conditions.

AFZs were first established in Port Stephens in 2007 and have assisted in stabilising the number of liquor offences in the Local Government Area (LGA). The subject AFZs are set to expire in September 2023. In accordance with section 644 of the Local Government Act 1993 and the Ministerial Guidelines on Alcohol-Free Zones (published February 2009), it is proposed to re-establish these AFZs for a period of 4 years.

The Police have advised that AFZs are an effective tool in preventing disorderly behaviour caused by the consumption of alcohol in public areas. It is considered that, without the re-establishment of AFZs, there would be an increase in disorderly behaviour.

This proposal is in response to a request from Port Stephens Hunter Police.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Thriving and safe place to live	Deliver an annual program for Council to provide development services to enhance public safety, health and liveability

## **FINANCIAL/RESOURCE IMPLICATIONS**

The cost of re-establishing an AFZ includes amending the existing AFZ signs and the public consultation and notification process. Funds to cover the cost of amending signage will be sourced from Assets existing budgets.

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

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

### Local Government Act 1993 (NSW)

Part 4 of Chapter 16 of the Local Government Act 1993 provides Council with the legislative powers to establish an AFZ for a period of up to 4 years, operating 24 hours per day, on public roads, footpaths and in public car parks in locations where antisocial behaviour or crime has been linked to the public consumption of alcohol. Section 644A includes the consultation requirements and the recommendations are in accordance with this section.

### Ministerial Guidelines on Alcohol-Free Zones 2009

The Ministerial Guidelines on Alcohol Free Zones 2009 supplements the relevant provisions of the Local Government Act 1993 and provides detailed procedures to be

followed when considering the establishment (including the re-establishment) of an AFZ. The guideline contains evaluation criteria for Councils to use when re-establishing an AFZ. The criteria have been addressed in this report.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the AFZs are not re-established Police will lose powers to manage anti-social behaviour.	Medium	Accept the recommendations.	Yes
There is a risk that AFZs are not adequately signposted.	Low	Accept the recommendations.	Yes
There is a risk that members of the community or key stakeholders do not support the re-establishment of the AFZs.	Low	Accept the recommendations.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The establishment of the AFZs has helped to improve public perceptions of safety in these areas. The re-establishment of the AFZs will continue to assist Police in reducing anti-social and criminal behaviour in public places, as well as reduce the costs to Council for repairing property damage caused by such behaviour. Therefore, it is considered that the recommendations would have positive sustainability implications.

## **CONSULTATION**

### Internal

The Strategy and Environment Section are responsible for alcohol management on public land in Council. Should the proposal be adopted, consultation with Facilities and Services will be undertaken to ensure signage is updated to reflect the amended timeframes.

### External

Local Police have requested the re-establishment of AFZs and have confirmed that the AFZs will continue to assist them in managing and enforcing alcohol related offences, containing anti-social behaviour and providing a safe street environment in

these communities. Police have expressed concern that if alcohol consumption was permitted in these areas, anti-social behavior would escalate to a significant level.

Should Council endorse the proposal, public consultation will be undertaken for in accordance with section 644A of the Local Government Act 1993, as follows:

- A notice will be published on Council's website for a period of 30 days, advising that Council proposes to re-establish the AFZs and how to make a submission.
- The Port Stephens-Hunter Police District and local licensed premises within the AFZ areas will be notified of the proposal and given 30 days to provide a response.

Should submissions be received, a further report will be made to Council addressing the submissions and an amended proposal, if required.

### **OPTIONS**

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

### **ATTACHMENTS**

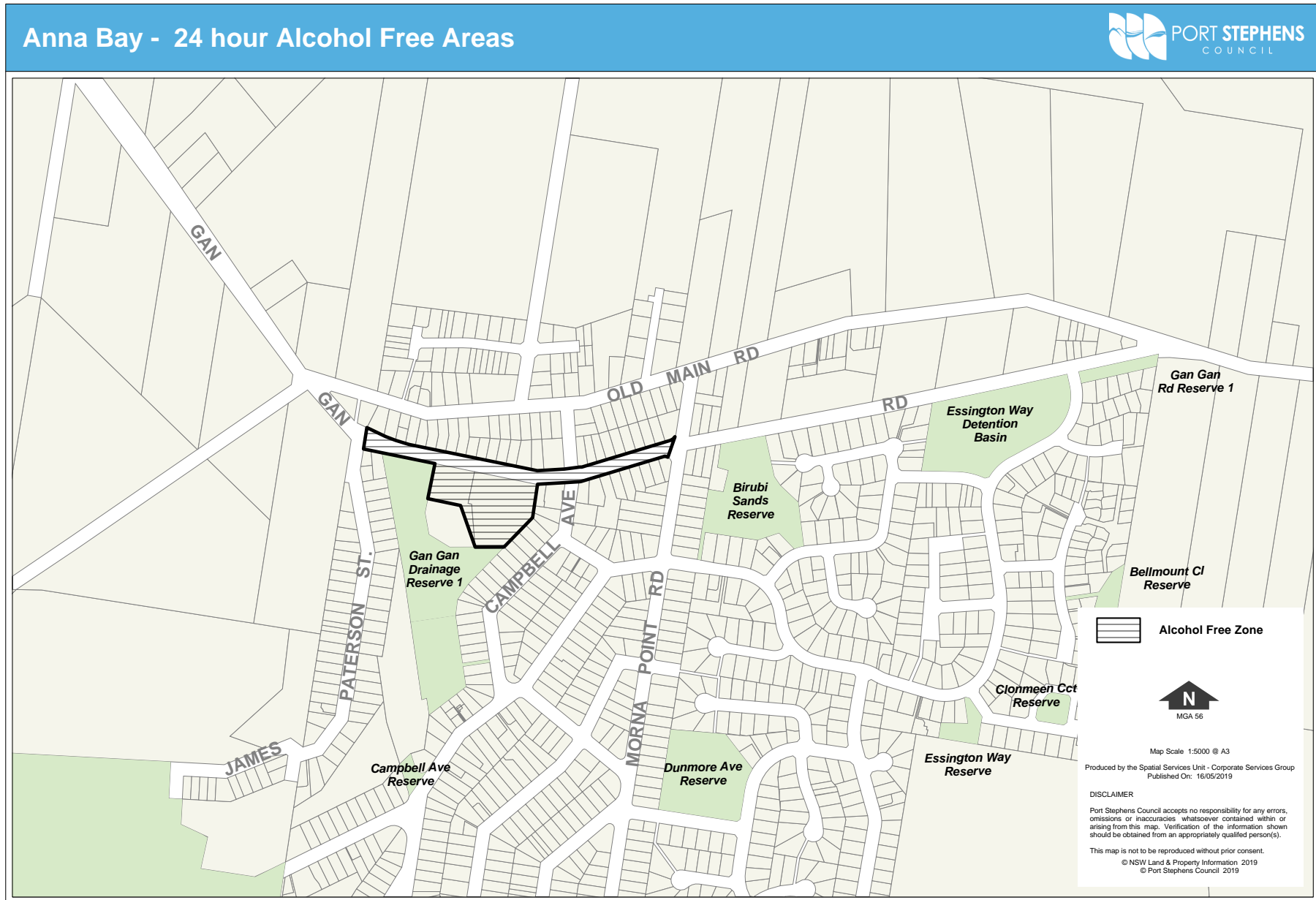
- 1) Alcohol Free Zones – locality plan. [↓](#)

### **COUNCILLORS ROOM**

Nil.

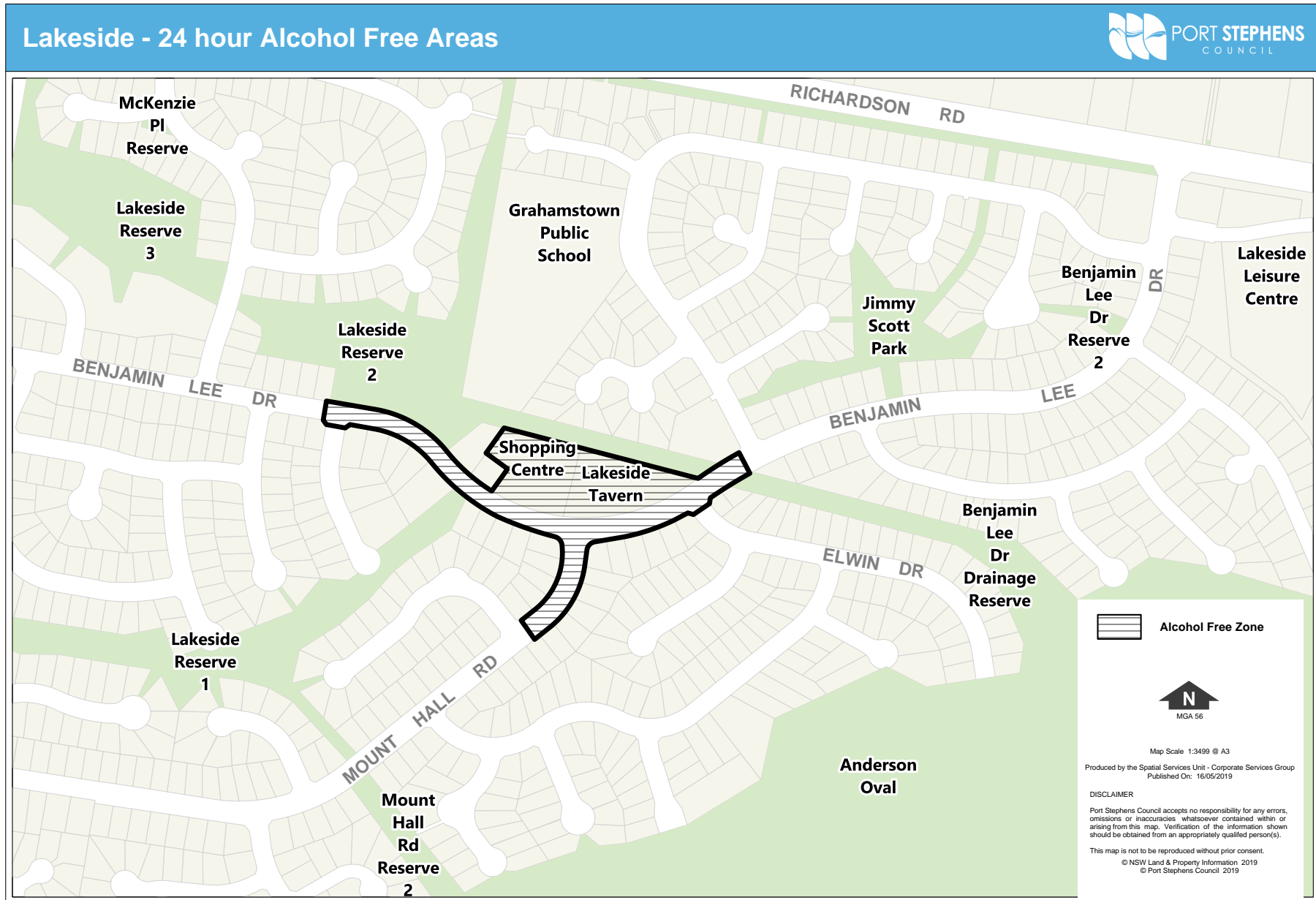
### **TABLED DOCUMENTS**

Nil.

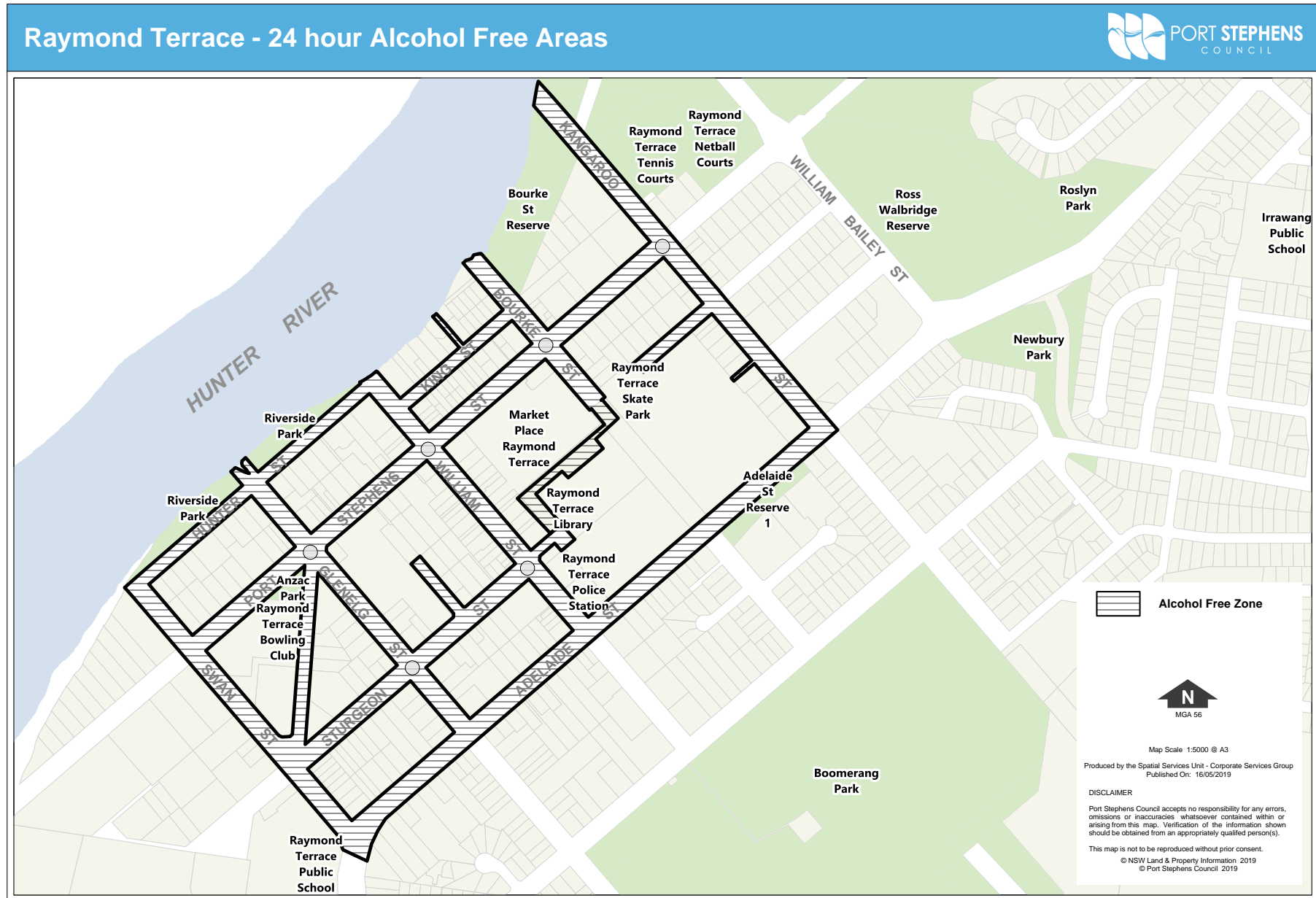


116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

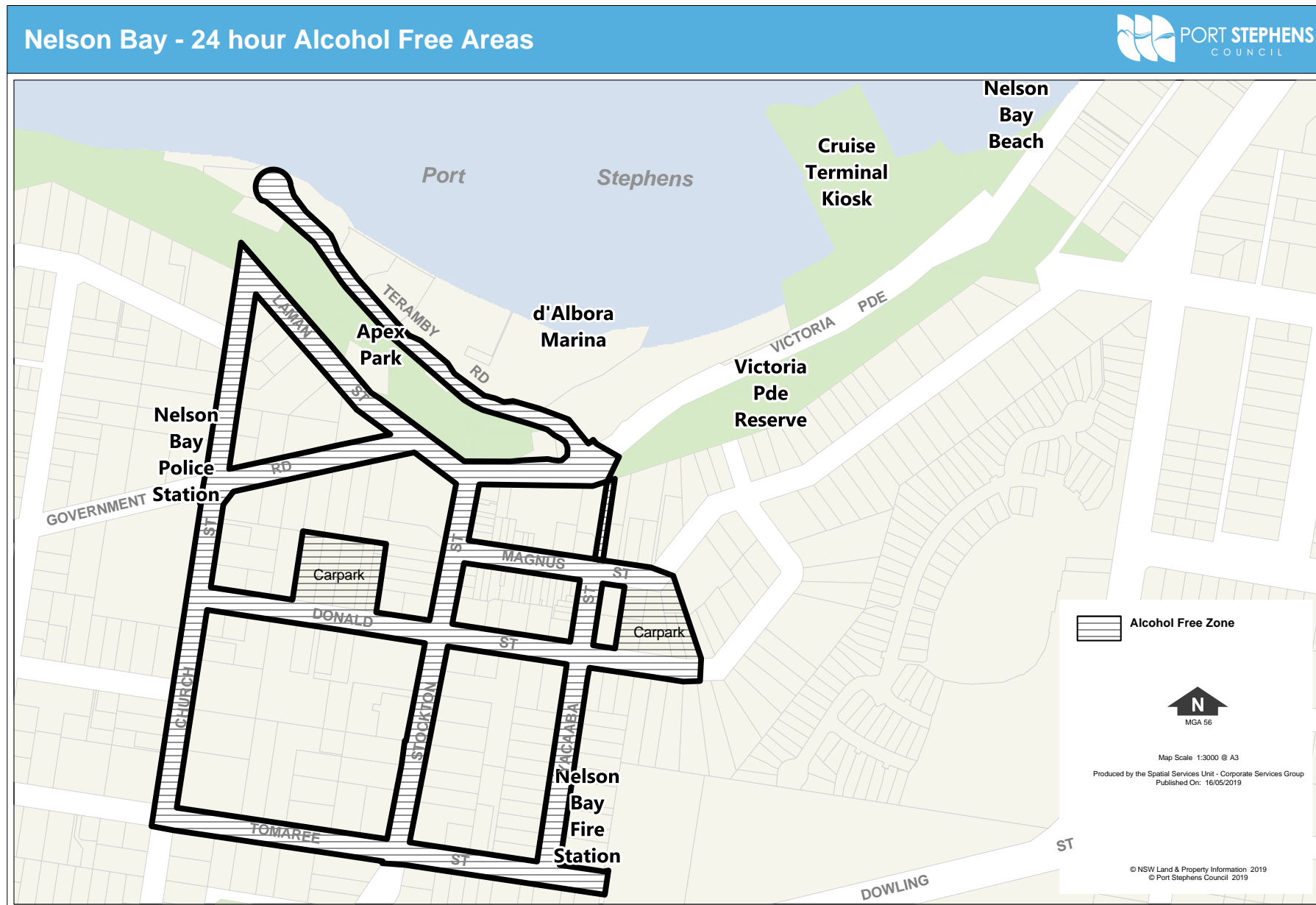




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ITEM NO. 4

FILE NO: 23/125386  
EDRMS NO: PSC2013-00406

## POLICY - DRAFT MEDIA LIAISON POLICY

REPORT OF: JANELLE GARDNER - COMMUNICATIONS AND CUSTOMER  
EXPERIENCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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### RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the submission received during the exhibition of the draft new Media Liaison Policy and the response to the public submission.
- 2) Endorse the new Media Liaison Policy **(ATTACHMENT 1)**.
- 3) Revoke the Media Liaison Policy dated 27 October 2020 Minute No. 220 **(ATTACHMENT 2)**.

---

### BACKGROUND

The purpose of this report is to seek Council endorsement of the new Media Liaison Policy (the new policy) shown at **(ATTACHMENT 1)** following public exhibition.

At its meeting on 14 March 2023, Minute No. 5 **(ATTACHMENT 3)**, Council resolved to exhibit the new policy for a minimum of 28 days, 15 March 2023 to 14 April 2023. During this period, 1 submission was received.

Post exhibition responses are outlined in the submission table **(ATTACHMENT 4)**.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Communication and engagement	Deliver the 4-year program for the Communications and Engagement Strategy

### FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications arising from the development and adoption of the new policy. No substantive changes are proposed to the way in which Council communicates with media, relative to the existing 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

There is no legal requirement for Council to have a Media Liaison Policy however, it is important to provide the framework for how we work with the media to ensure a consistent, accurate and timely approach to communications.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of a policy an inconsistent approach to communications may negatively impact our relationships with the media and the delivery of important information across our community.	Medium	Adopt the recommendation.	Yes
There is a risk that in the absence of a policy those without media delegation will communicate with the media and share incorrect or personal information.	Medium	Adopt the recommendation.	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Effective communications and engagement is directly linked to the liveability and wellbeing of our community. The new policy creates a clear framework for working with the media and will help ensure that a wide and diverse section of our community receive information on issues and opportunities connected to their place.

## **CONSULTATION**

The Communications team in conjunction with the wider Communications and Engagement section has undertaken consultation with key stakeholders.

### Internal

The following sections of Council were consulted on the new policy and all feedback and comments have been incorporated into the new policy.

- Governance
- Communications and Engagement
- The Executive Team was consulted to seek management endorsement.

### External

In accordance with local government legislation, the new policy was placed on public exhibition from 15 March 2023 to 14 April 2023 days. Targeted engagement was also undertaken with media outlets.

One submission was received during the public exhibition period.

The feedback expressed during the public exhibition period and the response from Council is included (**ATTACHMENT 4**).

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Revised Media Liaison Policy. [↓](#)
- 2) Media Liaison Policy. [↓](#)
- 3) Minute No. 5 of Council Meeting - 14 March 2023. [↓](#)
- 4) Submission Table. [↓](#)

## **COUNCILLORS ROOM**

- 1) Copy of Submission.

## **TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2015-0350

**TITLE:** MEDIA LIAISON POLICY

**OWNER:** COMMUNICATIONS AND CUSTOMER EXPERIENCE  
SECTION MANAGER

### 1. PURPOSE:

- 1.1 Enable the delivery of timely, creative and transparent communications that connects our stories, our people and our place.
- 1.2 Build trust and reputation through proactive, consistent and trustworthy information that responds to issues and community priorities.
- 1.3 Establish and maintain a collaborative relationship between Council and media representatives and organisations.
- 1.4 Clearly define the roles and responsibilities of Council's delegated media spokespeople.
- 1.5 Encourage identification of proactive opportunities for media coverage across all business units of Council.

### 2. CONTEXT/BACKGROUND:

- 2.1 The media plays a key role in the delivery of Council communications by sharing information and helping our community connect Council's strategic direction with the programs and works in their place.
- 2.2 The media helps create awareness of the opportunities for our community to be actively involved in Council decision making.

### 3. SCOPE:

- 3.1 This policy applies to the Mayor, all Councillors and Council staff including permanent, casual and temporary employees; volunteers; contractors; or consultants in relation to interaction with the media.
- 3.2 This policy is guided by the Office of Local Government (OLG) Model Media Policy.

## Policy

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## Policy



### 4. DEFINITIONS:

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

Media	Any print, broadcast and online media used for communicating information to the public, including but not limited to, newspapers, magazines, internet publishers, radio and television broadcasters.
Delegated spokesperson	Any staff with delegations to interact with the media in an official capacity on behalf of Council.

### 5. STATEMENT:

- 5.1 Port Stephens Council is committed to building and maintaining strong relationships with the media to facilitate informed communications.
- 5.2 Council will promote Port Stephens with positive and proactive media by identifying stories of interest to the media and our community.
- 5.3 Council will be open and honest in its dealing with the media, notwithstanding that Council will comply with its duty of care to protect confidential or personal information and does not infringe any laws in providing information.
- 5.4 Council will respond promptly to media enquiries to meet news deadlines.
- 5.5 Media organisations and their representatives will be treated equally and without bias.
- 5.6 All Council staff contact with the media is to be coordinated through the Communications and Engagement team.
- 5.7 The Communications and Engagement team is responsible for coordinating media liaison and issuing media releases and is delegated to respond to media enquiries on behalf of Council.
- 5.8 Written statements will be approved by the Mayor, General Manager or relevant Group Manager or other quoted delegated spokespersons.
- 5.9 All media engagement by council officials must be conducted in a professional, timely and respectful manner.
- 5.10 All staff, Councillors, volunteers and contractors must abide by Council's Code of Conduct when speaking with the media.

## Policy

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## Policy



### General Manager and the media

- 5.11 The General Manager is the official spokesperson for Council on operational and administrative matters.
- 5.12 The General Manager may delegate to other council staff to speak on their behalf where appropriate, (for example, where the delegated staff member has professional expertise regarding the subject matter, or the General Manager is unavailable).
- 5.13 From time to time, the General Manager may also authorise individuals other than staff or Councillors to represent Council to the media, for example Chairperson of a committee.

### Mayor and the media

- 5.14 The Mayor is the principal spokesperson of Council, including representing the views of Council as to its local priorities.
- 5.15 If the Mayor is unavailable, the Deputy Mayor may act as Council's spokesperson.
- 5.16 The Mayor may delegate their role as spokesperson to other Councillors where appropriate (for example, where another Councillor is best placed to comment, because the issue is of particular interest to them, or it is within their particular areas or expertise).

### Councillors and the media

- 5.17 As a member of the governing body and as a representative of the community, Councillors have been elected to represent the community and are free to speak to the media.
- 5.18 When engaging with the media Councillors:
  - a) must not intend to speak for Council unless authorised to do so
  - b) must clarify when speaking to the media that they are expressing their personal views as an individual Councillor and that they are not speaking for Council (unless authorised to do so)
  - c) must uphold and accurately represent the policies and decisions of Council
  - d) must not disclose council information unless authorised to do so, and
  - e) must seek information and guidance from the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.

## Policy

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## Policy



- 5.19 In the interests of promoting a positive, safe and harmonious organisational culture, Councillors should endeavour to resolve personal differences privately and must not prosecute them publicly through the media.
- 5.20 Where Councillors (including the Mayor) become aware of potential issues that could result in media interest, they should provide this information to the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator.
- 5.21 Councillors must direct any questions about their obligations under this policy to the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator.

### Staff and the media

- 5.22 Council staff must not speak to the media about matters relating to Council unless authorised by General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator to do so.
- 5.23 If Council staff receive a media enquiry or they are invited to comment to the media on a matter relating to Council, they must refer the enquiry to the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator.
- 5.24 Council staff are free to express their personal views to the media on matters that do not relate to Council, but in doing so, must not make comments that reflect badly on Council or that bring it into disrepute.
- 5.25 If authorised to speak to the media, Council staff:
  - a) must uphold and accurately represent the policies and decisions of Council
  - b) must not disclose Council information unless authorised to do so by the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator and
  - c) must seek information and guidance from the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.
- 5.26 Where Council staff become aware of potential issues that could result in media interest, they should provide this information to the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator.

### Policy

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## Policy



### **Media during emergencies**

- 5.27 During emergencies, such as natural disasters or public health incidents, the Communications and Customer Experience Section Manager or Communications and Engagement Coordinator will be responsible for coordinating media releases and statements on behalf of Council.
- 5.28 The Mayor, Councillors, Council staff and other Council officials must not provide comment or information to the media that is inconsistent with official advice issued by Council and any other agency coordinating the emergency response.

### **Media in the lead up to elections**

- 5.29 This policy does not prevent the Mayor or Councillors who are candidates for Council or any other election from providing comment to the media in their capacity as candidates at the election.
- 5.30 Any media comment provided by the Mayor or Councillors who are candidates for Council or another election must not be provided in an advertisement, newspaper column, or a radio or television broadcast paid for by Council or produced by Council or with Council resources.

### **Record management requirements**

- 5.31 Media content created and received by Council officials (including Councillors) acting in their official capacity is a Council record and may be subject to information access applications made under the Government Information (Public Access) Act 2009. These records must also be managed in accordance with the requirements of the State Records Act 1998 and Council's approved records management policies and practices.

## **6. RESPONSIBILITIES**

- 6.1 The Communications and Customer Experience Section Manager and the Communications and Engagement Coordinator is responsible for monitoring, reviewing and providing advice on this policy.
- 6.2 Implementation of and compliance with this policy is the responsibility of all staff, with the Senior Leadership Team responsible for ensuring the policy is implemented throughout the organisation.

## Policy

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## Policy



### 7. RELATED DOCUMENTS

- 7.1 Code of Conduct
- 7.2 Communications and Engagement Strategy
- 7.3 Online and social media directive
- 7.4 Social media guidelines

#### CONTROLLED DOCUMENT INFORMATION:

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<b>EDRMS container No.</b>	PSC2013-00406-0065	<b>EDRMS record No.</b>	TBC
<b>Audience</b>	Councillors, Community, Employees		
<b>Process owner</b>	Communication and Customer Experience Section Manager		
<b>Author</b>	Communications and Engagement Coordinator		
<b>Review timeframe</b>	3 years	<b>Next review date</b>	TBC
<b>Adoption date</b>	TBC		

#### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	18 January 2023	Communications and Customer Experience Section Manager		TBC

## Policy

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## Policy



**FILE NO:** PSC2013-00406  
**TITLE:** MEDIA LIAISON POLICY  
**OWNER:** COMMUNICATIONS SECTION MANAGER

### 1. PURPOSE:

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

### 2. CONTEXT/BACKGROUND:

- 2.1 The current media landscape is a rapidly changing one. Technology is the norm - increasing the speed of communication, and influencing audience behaviour and expectations of how they receive and consume information.
- 2.2 News no longer runs on a weekly or even a 24-hour cycle - as soon as it breaks, there is a waiting audience, with social media beating newspapers, television and radio to the punch every time.
- 2.3 Despite the overwhelming changes to the media landscape and the rapidity of this change, there are still portions of the audience, particularly at the local community level, who continue to consume their information via more traditional means. This may be due to factors such as limited access to technology, failure to adopt new technology as a result of age, or socio-economic status, or lack of trust.

#### Policy

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## Policy



- 2.4 While most traditional media outlets have also adopted a digital-first approach to stay in touch with a broader audience, the dominant social media landscape has seen an exponential rise in the number of digital channels.
- 2.5 The changes have allowed brands and organisations, such as Port Stephens Council, to adapt our communications in response. Where we once relied almost exclusively on traditional media to reach our community and help tell our stories, we now create our own content and can communicate with a large portion of our community in real-time in a targeted fashion.
- 2.6 Port Stephens Council's Public Relations and Marketing approach has evolved to adapt to the changes, adopting a focus on our owned media channels. As well as reaching our own audience, owned media also influences our reach through earned media, with journalists often using social media as key tool when researching news or community stories.
- 2.7 Working with the traditional media with a shared understanding of the importance of a digital-first approach has and will continue to foster solid relationships and allow us to convey our messages to our community in more ways than ever before. With this in mind it is important for Council to establish and maintain cooperative working relationships with all forms of media.

### 3. SCOPE:

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

### 4. DEFINITIONS:

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

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

## Policy

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## Policy



Owned media

Content created and published on one's own media channels.

### 5. STATEMENT:

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

## Policy

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## Policy



5.10 Written statements to the media on behalf of Council must be issued through the Public Relations and Marketing unit and approved by the Communications Section Manager. Where appropriate, they will seek approval from the Mayor, General Manager or relevant Group Manager. Where other staff have been quoted in written statements, approval will be sought from the individual(s) prior to distribution to the media.

5.11 All Council staff contact with the media is to be coordinated through Council's Public Relations and Marketing unit. Council will use agreed protocols and procedures to guide staff and Councillors to ensure that this policy is followed.

### 6. RESPONSIBILITIES:

6.1 This policy is to be implemented by all areas of Council.

6.2 The Communications Section Manager is responsible for the implementation, monitoring, evaluating and reviewing the policy.

### 7. RELATED DOCUMENTS:

7.1 Code of Conduct

7.2 Social Media Strategy

7.3 Online and Social Media Management Directive

### CONTROLLED DOCUMENT INFORMATION:

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<b>EDRMS container No.</b>	PSC2013-00406	<b>EDRMS record No.</b>	20/354590
<b>Audience</b>	Councillors, Community, Employees		
<b>Process owner</b>	Communications Section Manager		
<b>Author</b>	Public Relations and Marketing Coordinator		
<b>Review timeframe</b>	2 years	<b>Next review date</b>	October 2022
<b>Adoption date</b>	28 May 2002		

## Policy

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## Policy



### VERSION HISTORY:

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

## Policy

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## Policy



1.3	27 October 2020	Public Relations and Marketing Coordinator	<p>Updated to new policy template.</p> <p>1.2 Added new paragraph Council informs and consults effectively with the community via both owned and earned media channels. This policy outlines Council's position on liaison with earned media channels.</p> <p>1.4 Deleted good and added cooperative.</p> <p>1.4 Deleted Social, electronic, digital and print media are principal means by which Council can inform and consult effectively with its community</p> <p>2.1 Deleted paragraph. Reference to previous review is not required as it is specified in the version history.</p> <p>2.2 Added - the norm.</p> <p>2.3 Deleted traditional media, such as</p> <p>2.4. Deleted matter lack of trust, , or simply preferring the ritual of turning on the television, tuning into the radio or holding a paper in our hands.</p> <p>2.5 Deleted burgeoning and added dominant.</p> <p>2.7. Added new paragraph Port Stephens Council's Public Relations and Marketing approach has evolved to adapt to the changes, adopting a focus on our owned media channels. As well as reaching our own audience, owned media</p>	220
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### Policy

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## Policy



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

## Policy

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**MINUTES ORDINARY COUNCIL - 14 MARCH 2023**

Councillor Glen Dunkley left the meeting at 6:56pm and did not return.

**ITEM NO. 5**

**FILE NO: 23/6956  
EDRMS NO: PSC2015-03550**

**POLICY REVIEW: MEDIA LIAISON POLICY**

REPORT OF: JANELLE GARDNER - COMMUNICATIONS SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the new Media Liaison Policy shown at **(ATTACHMENT 1)**.
- 2) Place the new Media Liaison 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 Media Liaison Policy dated 27 October 2020 Minute No. 220 **(ATTACHMENT 2)**.

**ORDINARY COUNCIL MEETING - 14 MARCH 2023  
MOTION**

<b>050</b>	<b>Councillor Giacomo Arnott Councillor Peter Kafer</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorse the new Media Liaison Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the new Media Liaison Policy, as amended on public exhibition for a period of 28 days and report the policy back to Council following public exhibition.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Peter Kafer, 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 new Media Liaison Policy (the policy) **(ATTACHMENT 1)** and place the policy on public exhibition.

**MINUTES ORDINARY COUNCIL - 14 MARCH 2023**

Council is committed to inform and improve community awareness of programs, activities and services. We understand that effective communication and engagement are directly linked to the liveability and wellbeing of our community. By listening to our community and providing genuine opportunities for engagement, we'll create a greater sense of community ownership and, improve the delivery of Council services aligned to community needs.

The media plays a key role in Council's communication and engagement delivery by sharing information which helps our community connect Council's strategic direction with the programs and activities in their place. This could be through the sharing of stories, promoting opportunities for the community to have their say or by communicating urgent and important information during a crisis or emergency.

The media also hold Council to account for decision making which can help build trust and transparency across our community.

This policy provides a consistent approach to how Council will work with the media. The policy also clearly defines the roles and responsibilities of Council's delegated media spokespersons.

The policy aligns directly to the Communication and Engagement Strategy and the newly adopted Office of Local Government Model Media Policy. Due to the number of changes, it is recommended that the existing policy is revoked and the new policy adopted (**ATTACHMENT 1**).

**COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2022-2026
Communication and engagement	Deliver the 4-year program for the Communications and Engagement Strategy

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial implications arising from the development and adoption of this new policy. No substantive changes are proposed to the way in which Council communicates with media, relative to the existing policy.

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

## MINUTES ORDINARY COUNCIL - 14 MARCH 2023

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

## LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement for Council to have a media liaison policy however, it is important to provide the framework for how we work with the media to ensure a consistent, accurate and timely approach to communications.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of a policy an inconsistent approach to communications may negatively impact our relationships with the media and the delivery of important information across our community.	Medium	Adopt the recommendation.	Yes
There is a risk that in the absence of a policy those without media delegation will communicate with the media and share incorrect or personal information.	Medium	Adopt the recommendation.	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Effective communications and engagement is directly linked to the liveability and wellbeing of our community. This policy creates a clear framework for working with the media and will help ensure that a wide and diverse section of our community receive information on issues and opportunities connected to their place.

## CONSULTATION

Consultation with key stakeholders has been undertaken by the Communications team in conjunction with the wider Communications and Engagement section.



**MINUTES ORDINARY COUNCIL - 14 MARCH 2023**Internal

The following sections of Council were consulted on the new policy and all feedback and comments have been incorporated into the new policy.

- Governance
- Communications and Engagement
- The Executive Team was consulted to seek management endorsement.

External

In accordance with local government legislation the new Media Liaison Policy will go on public exhibition for a period of 28 days.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Media Liaison Policy - New.
- 2) Media Liaison Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

ITEM 5 - ATTACHMENT 1 MEDIA LIAISON POLICY - NEW.

## Policy



**FILE NO:** PSC2015-0350

**TITLE:** MEDIA LIAISON POLICY

**OWNER:** COMMUNICATIONS AND CUSTOMER EXPERIENCE  
SECTION MANAGER

### 1. PURPOSE:

- 1.1 Enable the delivery of timely, creative and transparent communications that connects our stories, our people and our place.
- 1.2 Build trust and reputation through proactive, consistent and trustworthy information that responds to issues and community priorities.
- 1.3 Establish and maintain a collaborative relationship between Council and media representatives and organisations.
- 1.4 Clearly define the roles and responsibilities of Council's delegated media spokespeople.
- 1.5 Encourage identification of proactive opportunities for media coverage across all business units of Council.

### 2. CONTEXT/BACKGROUND:

- 2.1 The media plays a key role in the delivery of Council communications by sharing information and helping our community connect Council's strategic direction with the programs and works in their place.
- 2.2 The media helps create awareness of the opportunities for our community to be actively involved in Council decision making.

### 3. SCOPE:

- 3.1 This policy applies to the Mayor, all Councillors and Council staff including permanent, casual and temporary employees; volunteers; contractors; or consultants in relation to interaction with the media.
- 3.2 This policy is guided by the Office of Local Government (OLG) Model Media Policy.

## Policy

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## MINUTES ORDINARY COUNCIL - 14 MARCH 2023

## ITEM 5 - ATTACHMENT 1

## MEDIA LIAISON POLICY - NEW.

## Policy



## 4. DEFINITIONS:

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

Media	Any print, broadcast and online media used for communicating information to the public, including but not limited to, newspapers, magazine, internet publishers, radio and television broadcasters.
Delegated spokesperson	Any staff with delegations to interact with the media in an official capacity on behalf of Council.

## 5. STATEMENT:

- 5.1 Port Stephens Council is committed to building and maintaining strong relationships with the media to facilitate informed communications.
- 5.2 Council will promote Port Stephens with positive and proactive media by identifying of interest to the media and our community.
- 5.3 Council will be open and honest in its dealing with the media, notwithstanding that Council will comply with its duty of care to protect confidential or personal information and does not infringe any laws in providing information.
- 5.4 Council will respond promptly to media enquiries to meet news deadlines.
- 5.5 Media organisations and their representatives will be treated equally and without bias.
- 5.6 All Council staff contact with the media is to be coordinated through the Communications and Engagement team.
- 5.7 The Communications and Engagement team is responsible for coordinating media liaison and issuing media releases and is delegated to respond to media enquiries on behalf of Council.
- 5.8 Written statements will be approved by the Mayor, General Manager or relevant Group Manager or other quoted delegated spokespersons.
- 5.9 All media engagement by council officials must be conducted in a professional, timely and respectful manner.
- 5.10 All staff, Councillors, volunteers and contractors must abide by Council's Code of Conduct when speaking with the media.

## Policy

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**MINUTES ORDINARY COUNCIL - 14 MARCH 2023****ITEM 5 - ATTACHMENT 1****MEDIA LIAISON POLICY - NEW.**

## Policy



### General Manager and the media

- 5.11 The General Manager is the official spokesperson for Council on operational and administrative matters.
- 5.12 The General Manager may delegate to other council staff to speak on their behalf where appropriate, (for example, where the delegated staff member has professional expertise regarding the subject matter, or the General Manager is unavailable).
- 5.13 From time to time, the General Manager may also authorise individuals other than staff or Councillors to represent Council to the media, for example Chairperson of a committee.

### Mayor and the media

- 5.14 The Mayor is the principle spokesperson of Council, including representing the views of the Council as to its local priorities.
- 5.15 If the Mayor is unavailable, the Deputy Mayor may act as the Council's spokesperson.
- 5.16 The Mayor may delegate their role as spokesperson to other Councillors where appropriate (for example, where another Councillor is best placed to comment, because the issue is of particular interest to them, or it is within their particular areas or expertise).

### Councillors and the media

- 5.17 As a member of the governing body and as a representative of the community, Councillors have been elected to represent the community and are free to speak to the media.
- 5.18 When engaging with the media Councillors:
- a) must not intend to speak for the Council unless authorised to do so
  - b) must clarify when speaking to the media that they are expressing their personal views as an individual Councillor and that they are not speaking for the Council (unless authorised to do so)
  - c) must uphold and accurately represent the policies and decisions of the Council
  - d) must not disclose council information unless authorised to do so, and
  - e) must seek information and guidance from the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.

### Policy

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**MINUTES ORDINARY COUNCIL - 14 MARCH 2023****ITEM 5 - ATTACHMENT 1****MEDIA LIAISON POLICY - NEW.**

## Policy



- 5.19 In the interests of promoting a positive, safe and harmonious organisational culture, Councillors should endeavour to resolve personal differences privately and must not prosecute them publicly through the media.
- 5.20 Where Councillors (including the Mayor) become aware of potential issues that could result in media interest, they should provide this information to the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator.
- 5.21 Councillors must direct any questions about their obligations under this policy to the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator.
- Staff and the media**
- 5.22 Council staff must not speak to the media about matters relating to the Council unless authorised by General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator to do so.
- 5.23 If Council staff receive a media enquiry or they are invited to comment to the media on a matter relating to the Council, they must refer the enquiry to the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator.
- 5.24 Council staff are free to express their personal views to the media on matters that do not relate to the Council, but in doing so, must not make comments that reflect badly on the Council or that bring it into disrepute.
- 5.25 If authorised to speak to the media, Council staff:
- a) must uphold and accurately represent the policies and decisions of the Council
  - b) must not disclose Council information unless authorised to do so by the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator and
  - c) must seek information and guidance from the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.
- 5.26 Where Council staff become aware of potential issues that could result in media interest, they should provide this information to the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator.



**MINUTES ORDINARY COUNCIL - 14 MARCH 2023****ITEM 5 - ATTACHMENT 1****MEDIA LIAISON POLICY - NEW.**

## Policy



### Media during emergencies

- 5.27 During emergencies, such as natural disasters or public health incidents, the Communications and Customer Experience Section Manager or Communications and Engagement Coordinator will be responsible for coordinating media releases and statements on behalf of the Council.
- 5.28 The Mayor, Councillors, Council staff and other Council officials must not provide comment or information to the media that is inconsistent with official advice issued by the Council and any other agency coordinating the emergency response.

### Media in the lead up to elections

- 5.29 This policy does not prevent the Mayor or Councillors who are candidates for Council or any other election from providing comment to the media in their capacity as candidates at the election.
- 5.30 Any media comment provided by the Mayor or Councillors who are candidates for Council or another election must not be provided in an advertisement, newspaper column, or a radio or television broadcast paid for by Council or produced by the Council or with Council resources.

### Record management requirements

- 5.31 Media content created and received by Council officials (including Councillors) acting in their official capacity is a Council record and may be subject to information access applications made under the Government Information (Public Access) Act 2009. These records must also be managed in accordance with the requirements of the State Records Act 1998 and the Council's approved records management policies and practices.

## 6. RESPONSIBILITIES

- 6.1 The Communication & Customer Experience Section Manager and the Communications & Engagement Coordinator is responsible for monitoring, reviewing and providing advice on this policy.
- 6.2 Implementation of and compliance with this policy is the responsibility of all staff, with the Senior Leadership Team responsible for ensuring the policy is implemented throughout the organisation.



## MINUTES ORDINARY COUNCIL - 14 MARCH 2023

## ITEM 5 - ATTACHMENT 1 MEDIA LIAISON POLICY - NEW.

## Policy



## 7. RELATED DOCUMENTS

- 7.1 Code of Conduct
- 7.2 Communications and Engagement Strategy
- 7.3 Online and social media directive
- 7.4 Social media guidelines.

## CONTROLLED DOCUMENT INFORMATION:

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<b>EDRMS container No.</b>	PSC2013-00406	<b>EDRMS record No.</b>	20/354590
<b>Audience</b>	Councillors, Community, Employees		
<b>Process owner</b>	Communication and Customer Experience Section Manager		
<b>Author</b>	Communications and Engagement Coordinator		
<b>Review timeframe</b>	3 years	<b>Next review date</b>	TBA
<b>Adoption date</b>	TBA		

## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	TBA	Communications and Customer Experience Section Manager	New policy.	TBA

## Policy

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**MINUTES ORDINARY COUNCIL - 14 MARCH 2023****ITEM 5 - ATTACHMENT 2****MEDIA LIAISON POLICY.**

## Policy



**FILE NO:** PSC2013-00406  
**TITLE:** MEDIA LIAISON POLICY  
**OWNER:** COMMUNICATIONS SECTION MANAGER

### 1. PURPOSE:

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

### 2. CONTEXT/BACKGROUND:

- 2.1 The current media landscape is a rapidly changing one. Technology is the norm - increasing the speed of communication, and influencing audience behaviour and expectations of how they receive and consume information.
- 2.2 News no longer runs on a weekly or even a 24-hour cycle - as soon as it breaks, there is a waiting audience, with social media beating newspapers, television and radio to the punch every time.
- 2.3 Despite the overwhelming changes to the media landscape and the rapidity of this change, there are still portions of the audience, particularly at the local community level, who continue to consume their information via more traditional means. This may be due to factors such as limited access to technology, failure to adopt new technology as a result of age, or socio-economic status, or lack of trust.

## Policy

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## MINUTES ORDINARY COUNCIL - 14 MARCH 2023

## ITEM 5 - ATTACHMENT 2 MEDIA LIAISON POLICY.

## Policy



- 2.4 While most traditional media outlets have also adopted a digital-first approach to stay in touch with a broader audience, the dominant social media landscape has seen an exponential rise in the number of digital channels.
- 2.5 The changes have allowed brands and organisations, such as Port Stephens Council, to adapt our communications in response. Where we once relied almost exclusively on traditional media to reach our community and help tell our stories, we now create our own content and can communicate with a large portion of our community in real-time in a targeted fashion.
- 2.6 Port Stephens Council's Public Relations and Marketing approach has evolved to adapt to the changes, adopting a focus on our owned media channels. As well as reaching our own audience, owned media also influences our reach through earned media, with journalists often using social media as key tool when researching news or community stories.
- 2.7 Working with the traditional media with a shared understanding of the importance of a digital-first approach has and will continue to foster solid relationships and allow us to convey our messages to our community in more ways than ever before. With this in mind it is important for Council to establish and maintain cooperative working relationships with all forms of media.

## 3. SCOPE:

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

## 4. DEFINITIONS:

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

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

## Policy

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**MINUTES ORDINARY COUNCIL - 14 MARCH 2023****ITEM 5 - ATTACHMENT 2****MEDIA LIAISON POLICY.**

## Policy



Owned media

Content created and published on one's own media channels.

### 5. STATEMENT:

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

## Policy

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## MINUTES ORDINARY COUNCIL - 14 MARCH 2023

## ITEM 5 - ATTACHMENT 2 MEDIA LIAISON POLICY.

## Policy



5.10 Written statements to the media on behalf of Council must be issued through the Public Relations and Marketing unit and approved by the Communications Section Manager. Where appropriate, they will seek approval from the Mayor, General Manager or relevant Group Manager. Where other staff have been quoted in written statements, approval will be sought from the individual(s) prior to distribution to the media.

5.11 All Council staff contact with the media is to be coordinated through Council's Public Relations and Marketing unit. Council will use agreed protocols and procedures to guide staff and Councillors to ensure that this policy is followed.

## 6. RESPONSIBILITIES:

6.1 This policy is to be implemented by all areas of Council.

6.2 The Communications Section Manager is responsible for the implementation, monitoring, evaluating and reviewing the policy.

## 7. RELATED DOCUMENTS:

7.1 Code of Conduct

7.2 Social Media Strategy

7.3 Online and Social Media Management Directive

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<b>EDRMS container No.</b>	PSC2013-00406	<b>EDRMS record No.</b>	20/354590
<b>Audience</b>	Councillors, Community, Employees		
<b>Process owner</b>	Communications Section Manager		
<b>Author</b>	Public Relations and Marketing Coordinator		
<b>Review timeframe</b>	2 years	<b>Next review date</b>	October 2022
<b>Adoption date</b>	28 May 2002		

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## MINUTES ORDINARY COUNCIL - 14 MARCH 2023

## ITEM 5 - ATTACHMENT 2 MEDIA LIAISON POLICY.

## Policy



## VERSION HISTORY:

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

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## MINUTES ORDINARY COUNCIL - 14 MARCH 2023

## ITEM 5 - ATTACHMENT 2 MEDIA LIAISON POLICY.

## Policy



1.3	27 October 2020	Public Relations and Marketing Coordinator	<p>Updated to new policy template.</p> <p>1.2 Added new paragraph Council informs and consults effectively with the community via both owned and earned media channels. This policy outlines Council's position on liaison with earned media channels.</p> <p>1.4 Deleted good and added cooperative.</p> <p>1.4 Deleted Social, electronic, digital and print media are principal means by which Council can inform and consult effectively with its community</p> <p>2.1 Deleted paragraph. Reference to previous review is not required as it is specified in the version history.</p> <p>2.2 Added - the norm.</p> <p>2.3 Deleted traditional media, such as</p> <p>2.4. Deleted matter lack of trust. , or simply preferring the ritual of turning on the television, tuning into the radio or holding a paper in our hands.</p> <p>2.5 Deleted burgeoning and added dominant.</p> <p>2.7. Added new paragraph Port Stephens Council's Public Relations and Marketing approach has evolved to adapt to the changes, adopting a focus on our owned media channels. As well as reaching our own audience, owned media</p>	220
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## MINUTES ORDINARY COUNCIL - 14 MARCH 2023

## ITEM 5 - ATTACHMENT 2 MEDIA LIAISON POLICY.

## Policy



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

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**MINUTES ORDINARY COUNCIL - 14 MARCH 2023****ORDINARY COUNCIL MEETING - 14 MARCH 2023  
MOTION**

<b>051</b>	<b>Councillor Leah Anderson Councillor Jason Wells</b>  It was resolved that Council adopt Items 6 to 10 be multiple item adoption.
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Councillor Peter Kafer left the meeting at 6:59pm.

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

Those against the Motion: Nil.

The motion was carried.

## ITEM 4 - ATTACHMENT 4 SUBMISSION TABLE.

## Draft Media Liaison Policy – Response to Submission

No.	Author of submission	Comment	Council response
1	Tomaree Ratepayers & Residents Associations Inc. (TRRA)	The new policy was placed on public exhibition without content or explanation of the proposed changes. The extent of changes made a 'tracked changes' version impractical but an explanation of the changes is even more important.	This previous policy was revoked and a new policy developed. This new policy is directly aligned to the Communications and Engagement Strategy and the Office of Local Government Model Media Policy. The content and explanation of the new policy is outlined in the Council report from the 14 March 2023, Minute No 5 ( <b>ATTACHMENT 2</b> ).
		Policy's definition of 'Media' reflects an outdated focus on 'traditional' media being press and broadcast media organisations. The policy should focus on non-traditional sources also including many social media pages and online blogs operated by people other than professional journalists.	This definition of Media within the policy includes any print, broadcast and online media used for communicating information to the public. Social media and online blogs are captured by the term 'online media' (See 4.1 Definitions)
		The policy should say more about the challenges for Councillors and Council staff in dealing with non-traditional media.	Council is in the process of developing a Social Media Policy. This new policy will provide the framework for the management and administration of Councils social media platforms.
		Previous policy was much more inclusive in addressing the changing media environment and leaves out the wider issues of social and online media.	Social media and online media are at centre of Councils' communication approach. There is no longer a need to identify these media platforms as a separate function.
		Future consideration to incorporate the Media and Liaison Policy into a revised Communications and Engagement Policy	This policy is specifically relates to the way in which Councillors and Council staff interact with the media. With an adopted Communications and Engagement Strategy, there is no requirement for an additional policy.
		No direct consultation with local traditional media organisations/outlets in the preparation of the revised policy.	Targeted engagement was undertaken during the public exhibition period.

ITEM NO. 5

FILE NO: 23/110964  
EDRMS NO: PSC2022-03935

**2023-2033 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2023-2024 FEES AND CHARGES**

REPORT OF: ZOE PATTISON - ACTING GROUP MANAGER CORPORATE SERVICES  
GROUP: CORPORATE SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the community submissions received and response in relation to the draft 2023 to 2033 Integrated Planning and Reporting documents, draft Fees and Charges 2023 to 2024 and the revised Debt Recovery and Hardship Policy (**ATTACHMENT 1**).
- 2) Note the recommendations relating to changes to the Integrated Planning and Reporting documents, being the Delivery Program 2022 to 2026 incorporating the Operational Plan 2023 to 2024, Resourcing Strategy 2023 to 2033 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2023 to 2033 and Strategic Asset Management Plan 2023 to 2033) and the Fees and Charges 2023 to 2024 (**ATTACHMENT 2**).
- 3) Adopt the Integrated Planning and Report documents, being the Delivery Program 2022 to 2026 incorporating the Operational Plan 2023 to 2024, Resourcing Strategy 2023 to 2033 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2023 to 2033 and Strategic Asset Management Plan 2023 to 2033) and the Fees and Charges 2023 to 2024 with amendments as provided in (**ATTACHMENT 2**).
- 4) Make the rates and charges for the 2023-2024 financial year in accordance with the Independent Pricing and Regulatory Tribunal's determination of Council's Special Rate Variation application (supplementary information to be provided post announcement).

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**BACKGROUND**

The purpose of this report is to provide Council with information on the community submissions received during the public exhibition period and changes proposed to the Integrated Planning and Reporting documents and Fees and Charges for 2023 to 2024.

Why these documents are necessary

The 2023 to 2024 financial year is the second year of the Integrated Planning and Reporting cycle following the local government election.

This year, the Integrated Planning and Reporting (IP&R) documents consist of the Delivery Program 2022 to 2026 incorporating the Operational Plan 2023 to 2024, Resourcing Strategy 2023 to 2033 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2023 to 2033 and Strategic Asset Management Plan 2023 to 2033). The Fees and Charges 2023 to 2024 are also a key resource.

Our Delivery Program outlines a 4 year program that Council commits to delivering within the resources available. It translates the Plan's goals into clear activities and actions.

Our Operational Plan is Council's annual action plan which contributes to our 4 year Delivery Program. It outlines what Council proposes to deliver in 2023 to 2024 along with which area of Council is responsible for delivery. The Operational Plan includes the Statement of Revenue Policy and Statement of Waste Management and is implemented with a supporting annual budget to fund the necessary work.

Our Resourcing Strategy enables us to implement these plans with the appropriate human, capital and asset resources. It consists of 3 interrelated plans; the Long Term Financial Plan, Strategic Asset Management Plan and Workforce Management Strategy which provide more detail on the financial, asset and workforce matters that Council is responsible for.

Council, also in accordance with the Local Government Act 1993 and other applicable legislation, charges and recovers approved fees and charges for any services it provides as contained within its schedule of fees and charges. As with the Delivery Program, Operational Plan and Resourcing Strategy, Council cannot implement these fees, actions, works or budget until they have been on public exhibition, submissions considered and adopted by Council.

#### Public Exhibition and Submissions

During the public exhibition period, 2 submissions were received with a summary outlined in **(ATTACHMENT 1)** and recommended changes to the documents, where deemed appropriate from the community submissions or administrative corrections detailed within **(ATTACHMENT 2)**.

Further detail on the public submissions and exhibition process is outlined under the consultation section of this paper.

#### Special Rate Variation Application

At the time of writing this report Council's Special Rate Variation application is being assessed by the Independent Pricing and Regulatory Tribunal (IPART). IPART confirmed that due to the high volume of applications they received its determination would be delayed.

## ORDINARY COUNCIL - 13 JUNE 2023

As soon as IPART's determination report is made available to Council, a Supplementary Report will be provided for Council's consideration and formal making of the Rates and Charges.

Furthermore, as the revised Debt Recovery and Hardship Policy is dependent on Council's Special Rate Variation determination, a recommendation on the policy will be available for Council's consideration in the Supplementary Report.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver the program for the Integrated Planning and Reporting Framework.

### FINANCIAL/RESOURCE IMPLICATIONS

The cost of printing the revised documents can be substantial. For this reason, a limited amount of copies will be produced (following Council adoption of the proposed amendments) for inspection at Council Libraries and Administration Building. The documents will also be available on Council's website.

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

Council is required to undertake integrated planning and report activities in accordance with the Local Government Act, Local Government (General) Regulation 2021 (Local Government Regulation) and the NSW Government's Integrated Planning and Reporting Guidelines (IP&R Guidelines) and Handbook (IP&R Handbook) September 2021.

Section 403 to 406, Section 608 to 610 and Section 532 to 545 of the Local Government Act relates to Council's strategic planning and outlines the specific requirements of the IP&R documents, Fees and Charges and making of the Rates and Charges.

**ORDINARY COUNCIL - 13 JUNE 2023**

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council's IP&R documents and Fees and Charges may not comply with legislation leading to a loss of Council's reputation.	Low	Staff cross reference legislative requirements of the documents with the Office of Local Government requirements as best as possible.	Yes
There is a risk that Council does not have an understanding of community priorities.	Low	The IP&R documents have been reviewed and revised based on integrated engagement.	Yes
There is a risk that Council does not have the resources to meet its Delivery Program and annual Operational Plan.	Medium	Staff continue to realistically plan and investigate resourcing opportunities as outlined in the Delivery Program and Resourcing Strategy. Financial sustainability continues to remain a key focus for Council.	Yes
There is a risk that the Operational Plan and Resourcing Strategy (containing the Long Term Financial Plan) which include the budget for 2023 to 2024 is not adopted in the timeframe required to implement the budget and raise Rates and Charges from 1 July 2023.	High	Adopt the recommendations.	Yes
There is a risk that failure to make and serve the Rate Notices by 1 August 2023 will defer the due date for the first instalment payment to 30 November 2023 adversely affecting cash flow.	High	Council will make Rates and serve Notice before 1 August 2023.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

As required by the Local Government Act 1993, the Integrated Planning and Reporting documents and the Fees and Charges 2023 to 2024 were developed and reviewed in accordance with the principles of equity, social justice and sustainability. The Plan has been developed in alignment with these principles addressing social, economic, environmental and governance factors (quadruple bottom line) through 4 interconnected focus areas: Our Community, Our Place, Our Environment and Our Council. The 4 focus areas provide a structure for planning in each of the documents, enabling Council to address key actions while aiming to holistically meet the community's vision of 'A great lifestyle in a treasured environment'. Rates and charges income is necessary for Council to deliver the services outlined in the Delivery Program and the Operational Plan.

## **CONSULTATION**

The draft documents were originally founded on the integrated engagement with Councillors and the community over multiple phases when reviewing the Community Strategic Plan 2022 to 2032. Further to this, community feedback from the extensive engagement program surrounding financial sustainability and the Special Rate Variation application has been integrated into the adopted revised documents in November 2022. These draft documents have now been updated in consultation with staff across Council to reflect the most up to date information and data.

Consultation with internal and external stakeholders has been undertaken in accordance with Council's Communication and Engagement Strategy to develop the final documents.

### Internal

Proposed changes to the final documents have been discussed with the Executive Team, relevant Section Managers and staff.

### External

Public Exhibition occurred from 13 April 2023 until 5pm on 12 May 2023.

Exhibition of the documents and opportunities to make a submission were promoted on Council's website, social media and in the local paper. Hard copies of the documents were also made available at the Administration Building and Council's Libraries, with submissions able to be made via mail or email.

Council received 2 community submissions which is summarised in **(ATTACHMENT 1)**. The low number of submissions reflects Council's comprehensive community engagement program undertaken over time in developing these documents with community aspirations and priorities reflected throughout the integrated plans.

We value the time and effort taken by community members in reviewing the documents and providing submissions. Each submission receives a formal acknowledgement outlining that a further report would be considered by Council on any submissions received. Contact is made with applicants to close the loop on queries raised in their submission.

Councillors have been provided with a copy of the un-redacted submissions which is available in the Councillors Room for their consideration.

Recommended changes to the documents, where deemed appropriate from community submissions or administrative corrections are detailed within **(ATTACHMENT 2)**.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Summary of Submissions. [↓](#)
- 2) Changes to the 2023 - 2033 Integrated Planning and Reporting documents. [↓](#)

### **COUNCILLORS ROOM**

- 1) Copy of submissions.

### **TABLED DOCUMENTS**

Nil.



## ITEM 5 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.

**ATTACHMENT 1** - Integrated Planning and Reporting Documents 2023 to 2033 including Fees and Charges 2023 to 2024 and the revised Debt Recovery and Hardship Policy – Summary of submissions.

No.	Author	Content	Council Response
1	Elected Member EDRMS 23/119549	A resident adjacent to Avenue of the Allies Tanilba Bay has raised the issue of frequently occurring potholes adjacent to their property which is unusual as this is a low traffic area.	This section of Avenue of the Allies is not included in the current draft SAMP. Recommend to be scheduled in conjunction with the neighboring intersection (Capital Works Plan Plus: Roundabout Construction - Haig Hexagon, Tanilba Bay) in the Capital Works Plus Plan as part of the 2023 to 2033 Strategic Asset Management Plan – refer Attachment 2.
2	Resident EDRMS 23/120447	<p>The IP&amp;R documents are repetitive, full of jargon and management speak, and it is unreasonable to expect the community to have the time and patience to read them all. Council should have provided briefer versions which articulates key aspects of the plans and policies.</p> <p><u>Newcastle Airport (NA)</u></p> <p>Opinions raised that Council has more insight and input into the management of the Newcastle Airport, further explicit detail of the Airport needs to be incorporated into Council's Plans and an assessment of whether or not the Airport is a good</p>	<p>The Integrated Planning and Reporting (IP&amp;R) documents are created in accordance with the requirements and framework set out in the Office of Local Government's IP&amp;R Guidelines. Council makes every attempt to ensure accessibility and ease of reading whilst complying with the IP&amp;R Guidelines, which is a legislative obligation.</p> <p>Newcastle Airport is jointly owned by City of Newcastle and Port Stephens Council. It is governed by a Board of Directors comprising both independent and shareholder-nominated directors, of which the Council has representation.</p>

**ATTACHMENT 1** - Integrated Planning and Reporting Documents 2023 to 2033 including Fees and Charges 2023 to 2024 and the revised Debt Recovery and Hardship Policy – Summary of submissions.

		investment given a return of \$2 million dividend and its associated risks.	<p>The Airport's financials are included in Council's Long Term Financial Plan under its Airport Scenario and the Airport's activities are consolidated and reported on in Council's Annual Financial Statements. Both documents are published on Council's website.</p> <p>Council regularly makes assessments of all its investments. Council's primary investment strategy for the Airport is to provide a facility for economic growth to the region. Measurement of its returns is in the long-term asset growth and value of the facility, with dividends used in line with the resilience fund, rather than reliance on daily operations.</p>
		<p><u>Future Funds</u></p> <p>The establishment of the Resilience Fund may be an admirable objective but in a current and foreseeable future environment of uncertain financial stability faced by ratepayers is unrealistic. The \$2 million dividend along with any surpluses derived from commercial activities should be returned to general revenue to fund core services.</p>	<p>Council established the Resilience Fund in October 2021 to safeguard any excess non-rate revenue that was surplus to Council's needs. The purpose of which is to fund significant infrastructure, investments or initiatives that align Council's strategic plans. This type of expenditure is strategic and takes a long-term view by which core services or capital expenditure such as roads may be funded.</p>

**ATTACHMENT 1** - Integrated Planning and Reporting Documents 2023 to 2033 including Fees and Charges 2023 to 2024 and the revised Debt Recovery and Hardship Policy – Summary of submissions.

		<p><u>Resource Planning</u></p> <p>Staffing is Council's largest fixed cost. This fixed cost could be reduced by reducing staff levels over time in areas where alternative service providers are available. 11.8% staff turnover affords this opportunity. Council should initiate a project to identify where such an option could take place.</p> <p>No staffing levels discussed in relation to programs nor if SRV is successful. Council should resource plan.</p>	<p>Council's staffing levels are detailed on page 10 in the draft Workforce Management Strategy, which is contained within the draft Resourcing Strategy 2022 – 2026 from pages 7 – 27.</p> <p>Workforce planning statements for both the Special Rate Variation and Base scenarios are also provided within the Workforce Management Strategy and also articulated in Council's application to IPART, which can be found on either Council or IPART websites.</p> <p>Council's staffing level is monitored through a rigorous, ongoing internal service review program which aims to streamline services and resourcing where possible. This ensures that Council's workforce is appropriately managed in order to successfully deliver each of Council's plans through its 61 services.</p>
		<p><u>Roads</u></p> <p>A 17% satisfaction rating for local roads is disgraceful. It is unclear what Council's plan is to address this or how much funding is allocated to re-sealing, re-sheeting and rehabilitation each year. A list should be provided detailing this and roads should be prioritised.</p>	<p>The Capital Works Program as shown in the draft 2023 – 2033 Strategic Asset Management Plan (SAMP) from pages 101 to 120 provides detail around planned projects, including road repairs and rehabilitation, and their estimated costs.</p> <p>The road rehabilitation program is also documented</p>

**ATTACHMENT 1** - Integrated Planning and Reporting Documents 2023 to 2033 including Fees and Charges 2023 to 2024 and the revised Debt Recovery and Hardship Policy – Summary of submissions.

			<p>in the Capital Works Program, though as grants become available the program may change or additional roads may be added to the list. The roads chosen will depend on the criteria stipulated in the grant and the sum of money offered. The rolling reseal program is reviewed annually based on road seal condition at the time of the assessment. This list will also vary in length depending on open market contractor rates.</p> <p>Council has committed \$7.1m in funding on local road works should the SRV application be successful. The work would commence in the second year of the rate rise as priority over other enhancements areas. Further information is detailed on page 83 of the SAMP.</p>
		<p><u>Levels of Service</u></p> <p>The lack of financial consequence attached to the choices on levels of services put forward to the community was flawed during the SRV engagement. Council has diluted the level of emphasis that should be given to the high-demand services by attempting to spread the level of limited resources across a whole range of services.</p>	<p>Over the course of the 2022 SRV engagement, Council held discussions with the community on non-rate revenue options, the option of reducing service levels and various rate increase options. Options included either the dollar figure increase available for non-rate revenue options, the dollar figure that Council would need to recover by reducing services, and the percentage and dollar increase associated with different rate increases.</p>

## ITEM 5 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.

**ATTACHMENT 1** - Integrated Planning and Reporting Documents 2023 to 2033 including Fees and Charges 2023 to 2024 and the revised Debt Recovery and Hardship Policy – Summary of submissions.

			<p>The engagement program canvassed differing views from the community about service levels and ultimately a special rate variation application has been submitted in order to maintain services at their existing levels with modest enhancements to community-identified priority areas such as roads, public space, environment and waterways.</p> <p>No changes are recommended to any of the IP&amp;R documents as a result of this submission.</p>
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# ITEM 5 - ATTACHMENT 2 CHANGES TO THE 2023 - 2033 INTEGRATED PLANNING AND REPORTING DOCUMENTS.

## ATTACHMENT 2 - CHANGES TO THE 2023 TO 2033 INTEGRATED PLANNING AND REPORTING DOCUMENTS INCLUDING FEES AND CHARGES FOR 2023 TO 2024 and DEBT RECOVERY AND HARDSHIP POLICY

Ordinary IPR Related Changes			
No. of change	Document Title and Page Number (Public Exhibition Copy)	Summarised key issues incorporated in the documents	Recommended changes to the documents
All documents			
1.		Administrative correction - formatting	Delete 'DRAFT' from document covers and footer of all documents.
DELIVERY PROGRAM 2022 TO 2026 AND OPERATIONAL PLAN 2023 TO 2024			
2.	3, 13, 41, 43, 99	Administrative correction – updating currency	Delete 'draft' from document.
3.	3	Administrative correction – updating currency	Delete struck out text below <del>Council invites community feedback on the draft IP&amp;R documents during the public exhibition process. To have your say and find out more details about how to make a submission visit portstephens.nsw.gov.au.</del>
RESOURCING STRATEGY 2023 TO 2033			
4.	4	Administrative correction – updating currency	Delete 'draft' from document.
5.	4	Administrative correction – updating currency	Delete struck out text below <del>As part of the annual review, Council invites community feedback on these documents during the public exhibition process. To have your say and find out more details about how to make a submission visit portstephens.nsw.gov.au.</del>
6.	350	Administrative correction	Replace 'Port Stephen' with 'Port Stephens'

**ITEM 5 - ATTACHMENT 2 CHANGES TO THE 2023 - 2033 INTEGRATED PLANNING AND REPORTING DOCUMENTS.**

Workforce Management Strategy 2022 to 2026 (Nil changes required)			
Long Term Financial Plan 2023 to 2033 (Nil changes required)			
Strategic Asset Management Plan 2023 to 2033			
7.	128, 130, 132, 133, 135, 136, 137 138	Administrative correction: removing Capital Works Plus Plan projects which have been completed or are in progress in 2022-2023; adding a project to the Capital Works Plus Plan, refer Submission 1 in Attachment 1.	Amend projects shown as outlined in Item 7.
FEES AND CHARGES 2023 TO 2024			
8.	20	Administrative correction – error in uploading Smart Parking Meter Fee	Delete text shown as struck out below: <del>“Sunday Monday for the period 1<sup>st</sup> December-31<sup>st</sup> January”</del> Fee will read as shown in Item 8 below.
9.	23	Administrative correction – OLG Circular 23-02 amending Section 603 certificate charges	Delete fee of '\$90' and replace with fee of '\$95'. Fee will read as shown in Item 9 below.
10.	121	Administrative correction – These types of charges are not subject to GST. The total fee amounts remain the same.	Delete GST from two fees “Sports Facilities Hire – All Categories - Bond”. Fee will read as shown in Item 10 below.
11.	122	Administrative correction – Amending the description of the Sports Facilities Categories	Amend description as shown in Item 11 below.
DEBT RECOVERY AND HARDSHIP POLICY (Nil changes required)			

**ITEM 5 - ATTACHMENT 2 CHANGES TO THE 2023 - 2033 INTEGRATED PLANNING AND REPORTING DOCUMENTS.**

Item 7

<b>CHANGES TO THE 2023-2033 STRATEGIC ASSET MANAGEMENT PLAN CAPITAL WORKS PLUS PLAN</b>				
<b>Page Reference</b>	<b>Asset Category</b>	<b>Project Description</b>	<b>Estimate</b>	<b>Comment as to why project is being deleted or added</b>
128	Pathway	Shared Path – Medowie Road, Medowie. From Silver Wattle Drive to Ferodale Road	\$143,000	Delete - Works Completed
128	Pathway	Shared Path – Medowie Road, Medowie. From Ferodale Road to Brocklesby Road	\$581,000	Delete - Works Completed
128	Pathway	Footpath – Brush Box Avenue, Medowie. From Medowie Road to Bottle Brush Avenue	\$17,000	Delete - Works Completed
130	Pathway	Medowie Rd, Silver Wattle Dr to Ferodale Rd, Off road Shared Path	\$205,000	Delete - Works Completed
132	Pavement assets	Six Mile Rd, Eagleton – 6 Six Mile Rd To 149 Six Mile Rd	\$611,000	Delete - Works Completed
132	Pavement assets	Tanilba Road, Mallabula – Fairlands Rd to Mallabula Rd	\$607,000	Delete - Works Completed
133	Pavement Assets	Church Street, Nelson Bay – Government Rd to Dowling St	\$480,000	Delete - Works Completed
133	Pavement Assets	Foreshore Drive, Corlette – Culvert Replacement	\$1,600,000	Delete - Works Completed
133	Pavement Assets	Six Mile Road, Eagleton – 149 Six Mile Rd to Winston Rd	\$355,000	Delete - Works Completed



**ITEM 5 - ATTACHMENT 2 CHANGES TO THE 2023 - 2033 INTEGRATED PLANNING AND REPORTING DOCUMENTS.**

134	Pavement Assets	Ferodale Road, Medowie Roundabout to 38 Ferodale Rd	\$188,000	Delete - Works Completed
135	Pavement Assets	Medowie Road, At Silver Wattle Drive, Install Pedestrian Refuge Island	\$25,000	Delete - Works Completed
135	Pavement Assets	Silver Wattle Drive, At Medowie Road, Install Pedestrian Refuge Island	\$25,000	Delete - Works Completed
135	Pavement Assets	Medowie Road At Ferodale Road, Upgrade Pedestrian Refuge Island	\$25,000	Delete - Works Completed
135	Pavement Assets	Ferodale Road West of Medowie Road, Upgrade Pedestrian Refuge Island	\$25,000	Delete - Works Completed
136	Pavement Assets	Pavement Reconstruction. Avenue of the Allies- Tanilba Bay. Widening, drainage, K&G Poilus Pde to King Albert Ave STAGE 1	\$1,200,000	Delete - In SAMP 2022 to 2032 Capital Works Plan for 2022-2023. Project starting 2022-2023.
137	Pavement Assets	Pavement Rehabilitation. Ferodale - & 80m of Kindiebark Dr SEG 140 - Medowie From 93 Ferodale Road to 131 Ferodale Road	\$150,000	Delete - Works Completed
138	Pavement Assets	Avenue of the Allies - Haig Hexagon to Peace Parade	To be determined	Add – as per Submission 1.

## ITEM 5 - ATTACHMENT 2 CHANGES TO THE 2023 - 2033 INTEGRATED PLANNING AND REPORTING DOCUMENTS.

Item 8

**Parking****Smart Parking Meters**

15 Minutes Park Free	Parking sessions 15 minutes or less are free	\$0.00	\$0.00	\$0.00	\$0.00		Road Transport Act 2013	Market pricing
Smart Parking Meter Fee	No fee for holders of Smart Parking Permit.	\$4.50	\$4.09	\$0.41	\$4.50	Per Hour	Road Transport Act 2013	Market pricing

Item 9

**Property Administration**

Duplicate Rate Notice, Invoice, Account etc. (not for receipting purposes)		\$8.60	\$9.30	\$0.00	\$9.30	Per copy	Local Government Act 1993   Section 608	Full cost pricing
Rates Certificate	Provides details of any outstanding rates on a property. Issued within 5 business days of receipt of request	\$95	base fee plus 100% loading for urgent issue within 24 hours/1 business day			Per item	Local Government Act 1993   Section 608	Statutory pricing

Item 10

Sports Facilities Hire: All Categories – Bond	Function, no alcohol	\$660.00	\$712.00	\$0.00	\$712.00	Per function	Market pricing
Sports Facilities Hire: All Categories – Bond	Function, alcohol consumed	\$1,105.00	\$1,195.00	\$0.00	\$1,195.00	Per function	Market pricing

Item 11

Delete the wording immediately below:

**Category 1 Facilities**

King Park Complex, Lakeside Sports Complex, Tomaree Sports Complex

**Category 2 Facilities**

Bill Strong Oval, Ferodale Sports Complex, Mallabula Sports Complex, Salamander Sports Complex, Salt Ash Equestrian Centre, Yulong Park, Lakeside Building 2, Meeting Room

**Category 3 Facilities**

Boomeranh Park, Bowthorne Oval, Boyd Park, Brandon Park, Fingal Bay Oval, Green Wattle Creek Equestrian Centre, Karuah Oval, Kindlebark Oval, Salamander Bay Oval, Stuart Park, Vi Barnett Field

Page 122 of 149

Replace wording immediately above with wording below:

**Sports Facilities Categories**

**Category 1**

King Park Complex - buildings and grounds, Tomaree Sports Complex - buildings and grounds

**Category 2**

Lakeside Sports Complex - buildings and grounds, Ferodale Sports Complex, Mallabula Sports Complex, Salamander Sports Complex - buildings and grounds, Bowthorne Park

**Category 3**

Jack Johnson Trotting Club, Boomerang Park, Boyd Oval, Brandon Park, Fingal Bay Oval, Green Wattle Creek Equestrian Centre, Lionel Morton Oval, Kindlebark Oval, Stuart Park, Vi Barnett Oval, Korora Oval, Elaine Hurst Oval, Bill Strong Oval, Yulong Oval

**Definitions**

Ground: A recreational playing surface, the size of 1 large athletics field or 2 soccer fields

**ITEM NO. 6**

**FILE NO: 23/118716  
EDRMS NO: PSC2021-04206**

**REQUEST FOR FINANCIAL ASSISTANCE**

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Ward funds to the following:-
  - a) Tilligerry Community Association – Cr Jason Wells – Rapid response - Central Ward funds - \$500 donation towards reprint of Tilligerry Peninsula maps.
  - b) Nelson Bay Junior Rugby League – Cr Matthew Bailey – Rapid response – East Ward funds - \$500 donation towards replacement water bottles for junior players.
  - c) Raymond Terrace RSL Sub Branch – West Ward funds - \$3,615 donation towards the hire of equipment associated with ANZAC Day Service in Raymond Terrace.

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**BACKGROUND**

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

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

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

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

**ORDINARY COUNCIL - 13 JUNE 2023**

The requests for financial assistance are shown below:

**WARD FUNDS**

Tilligerry Community Association	A volunteer group dedicated to improving the Tilligerry area.	\$500	Donation towards reprint of Tilligerry Peninsula maps.
Nelson Bay Junior Rugby League Club	The Nelson Bay Junior Rugby League Club provides rugby league coaching and match fixtures for children.	\$500	Donation towards replacement of sports water bottles for junior players.
Raymond Terrace RSL Sub Branch	An ex service organisation tasked with the well-being, care and commemoration of ex-serving Defence Force personnel and their dependants.	\$3,615	Donation towards the hire of equipment associated with the ANZAC Day Service in Raymond Terrace.

**COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Provide the Community Financial Assistance Program

**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.

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

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

Consultation has been 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 the request.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 7**

**FILE NO: 23/120507**  
**EDRMS NO: PSC2022-02308**

**INFORMATION PAPERS**

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

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**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 13 June 2023.

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<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Designated Persons' Return	154
2	Delegations Report	155
3	Council Resolutions	157

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# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 23/112940  
EDRMS NO: PSC2022-01241**

**DESIGNATED PERSONS' RETURN**

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

**BACKGROUND**

The purpose of this report is to table Councillor and 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:

- Natural Resources Coordinator PSC023.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Designated Persons' Return.

**ITEM NO. 2**

**FILE NO: 23/118690**  
**EDRMS NO: PSC2009-00965**

## **DELEGATIONS REPORT**

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

## **BACKGROUND**

The purpose of this report is to advise Council of each occasion the Mayor and/or General Manager have exercised their delegations, other than under section 226 and 335 of the Local Government Act 1993, which are conferred on each role.

The report at **(ATTACHMENT 1)** provides details of the delegation exercised, such as the delegated authority, the date and the reason for exercising the delegation.

## **ATTACHMENTS**

1) Delegations Report. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 2 - ATTACHMENT 1      DELEGATIONS REPORT.****MAYOR AND GENERAL MANAGER DELEGATION REPORT**

<b>Date exercised</b>	<b>Delegations exercised</b>	<b>Purpose</b>	<b>Role exercising delegation</b>	<b>Reported to Council</b>
15 May 2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of a tender - T035-2023 for Sturgeon Street Road Construction	General Manager	13 June 2023
15 May 2023	Code of Meeting Practice	Approval of Public Access - 18-20 Soldiers Point Road, Soldiers Point	Mayor	13 June 2023
23 May 2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of a tender - T015 -2023 Little Beach Foreshore Reserve Upgrade	General Manager	13 June 2023
23 May 2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of a tender - T034 -2023 Lemon Tree Passage Town Square Upgrade	General Manager	13 June 2023

**ITEM NO. 3**

**FILE NO: 23/118695  
EDRMS NO: PSC2017-00106**

## **COUNCIL RESOLUTIONS**

REPORT OF: TIMOTHY CROSDALE - 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 Council resolutions. [↓](#)
- 2) Development Services Group Council resolutions. [↓](#)
- 3) Facilities & Services Council resolutions. [↓](#)
- 4) General Manager's Office Council resolutions. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

## ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES GROUP COUNCIL RESOLUTIONS.



<b>Action Sheets Report</b>	<b>Division:</b>	Corporate Services	<b>Date From:</b>	27/08/2013
	<b>Committee:</b>		<b>Date To:</b>	23/05/2023
	<b>Officer:</b>		<b>Printed:</b> Wednesday, 24 May 2023	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	30/06/2023	12/10/2022	
1						22/273002
<b>24 May 2023</b>						
Public Exhibition deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	30/06/2023	12/10/2022	
2						22/273002
<b>24 May 2023</b>						
Report deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/11/2022	Pattison, Zoe	Special Rate Variation - Revised Integrated Planning and Reporting Documents - Rate Rise Options Engagement	30/06/2023	9/11/2022	
1						22/300562
<b>24 May 2023</b>						
Recommendation endorsed. Council submitted an application to the Independent Pricing and Regulatory Tribunal for a Special Rate Variation in January 2023. Application pending assessment.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Pattison, Zoe	Newline Road, Raymond Terrace	30/06/2023		
2						20/288489
199						
<b>24 May 2023</b>						
Completion of the acquisition is subject to completion of the road works, as finished levels are required to inform the survey. The road works have been substantially delayed due to continued adverse weather conditions.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/05/2021	Pattison, Zoe	Car parking in Shoal Bay	30/06/2023	12/05/2021	
1						21/123694
<b>24 May 2023</b>						
Construction of the car park is subject to adoption of a Plan of Management for the land. The land has been added to the draft Plan of Management for the Shoal Bay Holiday Park. Public Exhibition of the draft Plan of Management has concluded and a post exhibition report is currently being prepared.						

**ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES GROUP COUNCIL RESOLUTIONS.**

Action Sheets Report	Division:	Corporate Services	Date From:	27/08/2013
	Committee:		Date To:	23/05/2023
	Officer:		Printed: Wednesday, 24 May 2023	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2013	Pattison, Zoe	Campvale Drain	30/12/2023		
243						
<b>24 May 2023</b>						
Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.						

## ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP COUNCIL RESOLUTIONS.



<b>Action Sheets Report</b>	<b>Division:</b>	Development Services	<b>Date From:</b>	14/09/2021
	<b>Committee:</b>		<b>Date To:</b>	23/05/2023
	<b>Officer:</b>		<b>Printed:</b>	Thursday, 25 May 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Lamont, Brock	Health Facilities in Port Stephens	15/12/2023	12/04/2023	
5 095		Peart, Steven				23/92450
<b>25 May 2023</b> Council is reviewing work plans to include the adopted recommendations in work programs. Council is preparing correspondence to further advocate for government investment in public hospitals and associated tertiary education and/or research facilities in Port Stephens. Nomination has been accepted for the Port Stephens Local Health Committee.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Lamont, Brock	NSW Electric Vehicle Strategy	11/08/2023	12/04/2023	
3 093		Peart, Steven				23/92450
<b>25 May 2023</b> Council is undertaking consultation with stakeholders to establish a framework for the proposed Development Control Plan (DCP) amendments. Council is aiming to report the DCP amendments to the 8 August 2023 meeting. Investigations have commenced into available grant funding opportunities. Potential sites have been identified for EV chargers, the feasibility of these sites are currently being reviewed and the Expression of Interest for EV charging providers is currently being developed, subject to site feasibility.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Peart, Steven	Development Application Information	31/07/2023	12/04/2023	
3 103		Peart, Steven				23/92450
<b>25 May 2023</b> Staff have commenced discussions with the 'DA Tracker' software vendor in relation to adding additional fields. A report will be provided to Council in relation to providing additional information on 'DA Tracker'.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/05/2023	Peart, Steven	Development Application (Da) 16-2022-626-1 - Solar Energy System at 8 Leisure Way, Raymond Terrace	29/12/2023	24/05/2023	
2 119		Peart, Steven				23/127521
<b>25 May 2023</b> It was resolved that Council defer Development Application DA No. 162022-626-1 for a solar energy system at 8 Leisure Way, Raymond Terrace (Lot 2 DP 1006266) until the Masterplan for Lakeside Sports Complex is completed.						



## ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP COUNCIL RESOLUTIONS.



<b>Action Sheets Report</b>	<b>Division:</b>	Development Services	<b>Date From:</b>	14/09/2021
	<b>Committee:</b>		<b>Date To:</b>	23/05/2023
	<b>Officer:</b>		<b>Printed:</b>	Thursday, 25 May 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Lamont, Brock	Housing Affordability	29/09/2023	12/04/2023	
6 105		Peart, Steven				23/92450
<b>25 May 2023</b> Council has commenced drafting an Affordable Housing Action Plan. A Councillor briefing was undertaken on 18 April 2023, seeking feedback. A draft action plan is forecasted to be placed on public exhibition in July 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/03/2023	Lamont, Brock	Draft Development Control Plan - Housekeeping	8/08/2023	15/03/2023	
3 048		Peart, Steven				23/69308
<b>25 May 2023</b> The endorsed Port Stephens Development Control Plan 2014 has been adopted. Council is undertaking consultation with internal stakeholders and impacted landholders regarding a further review of Chapter D12 - Richardson Road. A draft amendment is forecasted to be presented to Council at the 8 August 2023 meeting, seeking endorsement to commence public exhibition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/09/2021	Lamont, Brock	Port Stephens Waterway Strategy	29/12/2023	15/09/2021	
1 240		Peart, Steven				21/252518
<b>25 May 2023</b> Council was unsuccessful in the Regional NSW - Business Case and Strategy Development Fund grant. Other funding sources are currently being investigated. Funding is being sought for consultants to prepare the Port Stephens Waterways Strategy.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/03/2023	Lamont, Brock	Matter Arising - LEP Amendment to review building height controls	15/12/2023		
		Peart, Steven				
<b>25 May 2023</b> Council has commenced consultation with external stakeholders and continues to investigate options for the resolved LEP amendment. A draft amendment is forecasted to be presented to Council at the 12 December 2023 meeting, seeking endorsement to submit the planning proposal to the NSW Department of Planning and Environment for a Gateway determination.						

## ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP COUNCIL RESOLUTIONS.



<b>Action Sheets Report</b>	<b>Division:</b>	Development Services	<b>Date From:</b>	14/09/2021
	<b>Committee:</b>		<b>Date To:</b>	23/05/2023
	<b>Officer:</b>		<b>Printed:</b>	Thursday, 25 May 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Lamont, Brock	22 Homestead Street, Salamander Bay	11/07/2023	12/04/2023	
5 088		Pearl, Steven				23/92450
<b>25 May 2023</b>						
Council is investigating options for the rezoning of 22 Homestead Street, Salamander Bay. Council has commenced benchmarking and investigations into the feasibility of developing an Environmental Management Plan for the relevant lots. A report is forecasted to be presented to Council for consideration at the 11 July 2023 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/03/2023	Lamont, Brock	Street Tree Strategy	11/08/2023	29/03/2023	
1 070		Pearl, Steven				23/81000
<b>25 May 2023</b>						
Council has commenced benchmarking and investigations on the development of a Street Tree Strategy. A report is forecasted to be presented to Council at the 8 August 2023 meeting.						

## ITEM 3 - ATTACHMENT 3 FACILITIES &amp; SERVICES COUNCIL RESOLUTIONS.



<b>Division:</b>	Facilities & Services	<b>Date From:</b>	09/02/2021
<b>Committee:</b>		<b>Date To:</b>	25/03/2023
<b>Officer:</b>		<b>Printed:</b>	Wednesday, 24 May 2023
<b>Action Sheets Report</b>			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Maretich, John	Naming Recreation Precinct at Medowie after Geoff Dingle	31/12/2023	12/04/2023	
2 085		Kable, Gregory				23/92450
<b>24 May 2023</b>						
Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to name the recreation precinct after Geoff Dingle.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/03/2023	Maretich, John	Naming of Athletics Track at Vi Barnett Oval	31/05/2023	29/03/2023	
4 073		Kable, Gregory				23/81000
<b>24 May 2023</b>						
Currently designing sign to be ordered and installed as soon as possible.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 23/05/2023	Maretich, John	Matter Arising: Medowie Lounge Library - Request the General Manager to prepare a report on potential funding options for a lounge library at Medowie.	30/09/2023		
		Kable, Gregory				
<b>24 May 2023</b>						
Staff will investigate and prepare a report for the 26 September 2023 Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/05/2023	Maretich, John	Construction of a Building	22/12/2023	10/05/2023	
1 113		Kable, Gregory				23/115742
<b>24 May 2023</b>						
Staff will investigate and prepare a report as per Council resolution.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/07/2022	Maretich, John	Smart Parking	31/05/2023	27/07/2022	
2		Kable, Gregory				22/199431
<b>24 May 2023</b>						
Staff compiling details to report back to Council at the meeting to be held on 27 June 2023.						

**ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES COUNCIL RESOLUTIONS.**



<b>Division:</b>	Facilities & Services	<b>Date From:</b>	09/02/2021
<b>Committee:</b>		<b>Date To:</b>	25/03/2023
<b>Officer:</b>		<b>Printed:</b>	Wednesday, 24 May 2023
<b>Action Sheets Report</b>			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Raymond Terrace Seven Day Makeover	30/06/2023		
17 228		Kable, Gregory				21/218740
<b>24 May 2023</b>						
This will be discussed with the Councillors in the lead up to William Street, Stage 2 which is funded through the Streets of Shared Spaces grant. There is the possibility to incorporate a Business Boosters Program to create great business vibrancy in Raymond Terrace.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Maretich, John	Medowie Regional Playground and Town Centre	30/06/2023		
2 012		Kable, Gregory				21/33235
<b>24 May 2023</b>						
The regional playground was addressed in the Medowie Place Plan report that was presented to Council at the meeting held 11 April 2023, Min No. 094.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Maretich, John	Review of Dog Off Lead Areas - Boat Harbour Beach	30/06/2023	27/05/2022	
4		Kable, Gregory				22/136825
<b>24 May 2023</b>						
Report was endorsed by Council at its meeting held 24 May 2022, Minute No. 133. A review will be carried out in 12 months as per the Council resolution.						

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	30/06/2023	13/10/2021	
8 270		Kable, Gregory				21/274186
<b>24 May 2023</b>						
Lease for Saltwater Restaurant has been executed. Still waiting on solicitors for Longboat Café and Fingal Surf Club to finalise these leases.						

ITEM 3 - ATTACHMENT 4  
RESOLUTIONS.

## GENERAL MANAGER'S OFFICE COUNCIL



<b>Action Sheets Report</b>	<b>Division:</b>	General Manager's Office	<b>Date From:</b>	23/05/2023
	<b>Committee:</b>		<b>Date To:</b>	23/05/2023
	<b>Officer:</b>		<b>Printed:</b>	Wednesday, 24 May 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Urgency Motion	Ordinary Council 23/05/2023	Crosdale, Timothy	Community Meeting – Anti-Social Behaviour	30/07/2023		
<b>24 May 2023</b>						
Meeting to be organised with relevant stakeholders as soon as possible.						
Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Crosdale, Timothy	Request for Financial Assistance	15/06/2023	12/04/2023	
9 099						23/92450
<b>24 May 2023</b>						
Awaiting necessary paperwork to process payments.						

# QUESTIONS ON NOTICE

**ITEM NO. 1****FILE NO: 23/128425  
EDRMS NO: PSC2021-04203****QUESTIONS ON NOTICE / QUESTIONS WITH NOTICE****REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receives and notes the information provided in response to Questions on Notice / Questions with Notice.

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**BACKGROUND**

The purpose of this report is to provide responses to questions taken on or with notice in accordance with the Code of Meeting Practice.

<b>Item:</b>	5 – Delegations Report Information Paper - Tenders
<b>Councillor:</b>	Giacomo Arnott
<b>Date Received:</b>	23 May 2023
<b>Question with Notice:</b>	How many quotes did we source for this?
<b>Response:</b>	The request for quote opportunity was extended to 6 approved contractors within Council's Panel Contract. A total of 3 responses were received, with only 2 conforming.
<b>Item:</b>	5 – Delegations Report Information Paper - Tenders
<b>Councillor:</b>	Giacomo Arnott
<b>Date Received:</b>	23 May 2023
<b>Question with Notice:</b>	Is the product locally sourced?
<b>Response:</b>	Yes.
<b>Item:</b>	5 – Delegations Report Information Paper - Tenders
<b>Councillor:</b>	Giacomo Arnott
<b>Date Received:</b>	23 May 2023
<b>Question with Notice:</b>	Was there a tender process or a quotation process?
<b>Response:</b>	Sourced through Panel Contract.
<b>Item:</b>	5 – Delegations Report Information Paper - Tenders
<b>Councillor:</b>	Giacomo Arnott
<b>Date Received:</b>	23 May 2023

## ORDINARY COUNCIL - 13 JUNE 2023

Question with Notice:	How many different projects is this product being used for?
Response:	2 Projects – Glenelg Street, Raymond Terrace and Ferodale Road, Medowie.
Item:	5 – Delegations Report Information Paper - Tenders
Councillor:	Giacomo Arnott
Date Received:	23 May 2023
Question with Notice:	Is the product cheaper than non-recycled asphalt?
Response:	These projects are being used to trial a new recycled mix that is designed to be more sustainable. The cost of this new product is between 10% and 15% more expensive as it is an emerging technology. This is an important part of testing and trialling different road materials as part of the ongoing circular economy initiative. This is the second year of trialling alternative asphalt products.
Item:	5 – Delegations Report Information Paper - Tenders
Councillor:	Giacomo Arnott
Date Received:	23 May 2023
Question with Notice:	What is the percentage of recycled material in this product being used?
Response:	This varies depending on the asphalt mixture and thickness. As an example, the material being used in Council's upcoming resurfacing works typically contains 25% of recycled glass bottle, rubber from truck tyres and recycled asphalt.
Item:	5 – Subdivision of Council Owned Land at 3 Industrial Place, Medowie
Councillor:	Cr Chris Doohan
Date Received:	23 May 2023
Question with Notice:	Are there any reasons why we would not consider developing all of the land at 3 Industrial Place, Medowie (Lot 12 DP 813265)?
Response:	3 Industrial Place, Medowie comprises 5.5 hectares of industrial zoned land positioned within close proximity to existing industrial development in Medowie. There is a current Asset Protection Zone approximately 20 metres in width located parallel to the western boundary of the site, which is the preferred location of the proposed access road. The construction of the road will create vehicle access to 1.9 hectares of predominantly cleared industrially zoned land.



	<p>The location of the proposed industrial lots is based on minimising vegetation clearing and limit stormwater control measures. Environmental assessments conducted on the site details that the higher quality vegetation is located along the eastern boundary of the site, which the proposed development design has avoided. It is noted that previous development plans to develop the entire site were not considered viable due to the cost of significant internal and external stormwater and drainage infrastructure. The retention of the southern vegetated portion of the site will ensure stormwater can be captured on-site, removing the requirement for significant drainage upgrades.</p> <p>As a result, it is proposed that only the cleared land is proposed to form part of a development application for a 1 into 5 lot subdivision.</p>
Item:	7 – Quarterly Budget Review to 31 March 2023
Councillor:	Giacomo Arnott
Date Received:	23 May 2023
Question with Notice:	What is included in the Other category on page 219 and does it include external Code of Conduct?
Response:	<p>The 'Other' category on page 219 relates to the cost of consultants incurred by the following sections - Financial Services, Human Resources, Community and Recreation, Emergency Services, Disaster Recovery, Public Relations, Marketing and Customer Relations.</p> <p>The Code of Conduct costs are included in 'Materials &amp; Contracts' on page 7 of the QBR document (or page 208 on the Council agenda). Total costs for Code of Conduct as at 31 March 2023 were \$11,940 and relates to costs incurred from 1 July 2022 to 31 March 2023.</p>

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

# NOTICES OF MOTION

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 23/112941**

**EDRMS NO: PSC2021-04195**

**RAMSAR LISTING FOR MAMBO WANDA WETLANDS**

**COUNCILLOR: LEAH ANDERSON**

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**THAT COUNCIL:**

- 1) Notes the Mambo Wetlands Reserve and the Wanda Wetlands Reserve form part of an important wildlife corridor and habitat which significantly contributes to the performance of the local ecosystem.
- 2) Requests that the General Manager prepare a report for consideration of relevant matters relating to the potential for Ramsar listing of the Mambo Wetlands Reserve and the Wanda Wetlands Reserve.

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**BACKGROUND REPORT OF: BROCK LAMONT – STRATEGY AND ENVIRONMENT SECTION MANAGER**

**BACKGROUND**

The Mambo Wetlands Reserve and the Wanda Wetlands Reserve form part of an important wildlife corridor and habitat, stretching north of Salamander Way and west towards Soldiers Point. Collectively the sites cover an area of approximately 188 hectares and contains saltwater and freshwater wetlands.

A Ramsar site is a wetland site designated to be of international importance under the Ramsar Convention. The Ramsar Convention's broad aims are to halt the worldwide loss of wetlands and to conserve those that remain.

The development of a Ramsar site nomination is a collaborative process between the landowner and the state and federal government. Consultation with the key stakeholders (including the traditional owners) is an important component in both the preparation of a Ramsar nomination and the negotiation of ongoing management arrangements for the site.

To add a wetland to the Ramsar list there needs to be clear evidence that the site is internationally important by providing adequate justification that the site meets at least 1 of the Ramsar criteria for identifying Wetlands of International Importance.

A Ramsar site nomination is considered by the Australian Government on its merits. The final decision to add a site to the Ramsar list rests with the Australian Government Environment Minister.

The benefits of a Ramsar listing of the site would include, amongst other things:

- Potential for the attraction of additional funding for rehabilitation and maintenance works.
- International recognition.
- Increased community awareness, education and support.

There are also a number of unknown risks / constraints to a successful Ramsar listing, amongst other things:

- Potential for increased management and maintenance costs
- Potential implications of the application of the Federal Environment Protection and Biodiversity Conservation Act for activities within the catchment
- Potential interaction with other conservation listing processes such as Aboriginal Place declarations and associated management processes.

Should this motion be supported, a report would be prepared detailing:

- The steps required by Council to support a site nomination.
- The cost and resourcing required to develop and support a site nomination.
- The cost and resourcing required for ongoing maintenance and monitoring of the site.
- Any potential constraints, including legislative, to be considered prior to supporting the Ramsar listing.

#### **FINANCIAL/RESOURCE IMPLICATIONS**

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

#### **ATTACHMENTS**

Nil.

# CONFIDENTIAL ITEMS

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

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