

NOTICE OF ORDINARY MEETING

27 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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1. NEW LEASE OF PRIVATE LAND IN NELSON BAY FOR TEMPORARY PUBLIC CAR PARKING

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 13 June 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 - 27 JUNE 2023

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

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

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

to be held on the _____ day of _____ 20__

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

¹ 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.

² 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"/>	pecuniary conflict of interest
<input type="checkbox"/>	significant non pecuniary conflict of interest
<input type="checkbox"/>	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is _____

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.)

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: 23/141120
EDRMS NO: PSC2014-03305-064**

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **NEW LEASE OF PRIVATE LAND IN NELSON BAY FOR TEMPORARY PUBLIC CAR PARKING**.
 - 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.
-

COUNCIL REPORTS

ITEM NO. 1**FILE NO: 23/148557
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**

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)**.

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

Strategic Direction	Delivery Program 2022-2026
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	Risk Ranking	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 1 - 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.

ITEM 1 - 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.



- (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 1 - 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



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



- 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



- (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 Operations 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.

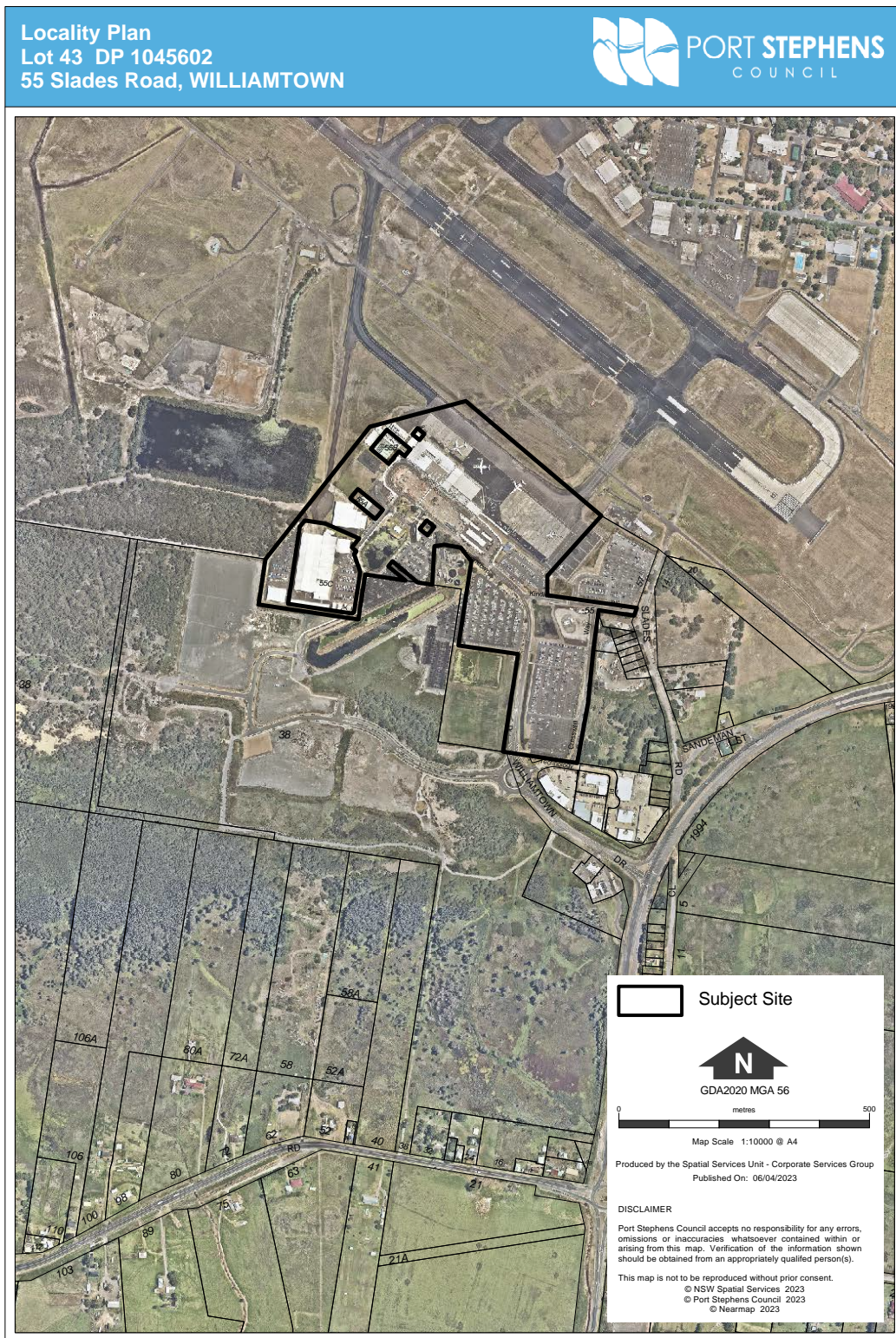
Advice Note(s):

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ITEM 1 - 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

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

PROPERTY DETAILS

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

	NSW Wildlife Atlas – Fauna Watercourse Flood Prone Land LEP mapped wetlands
State Environmental Planning Policies	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.

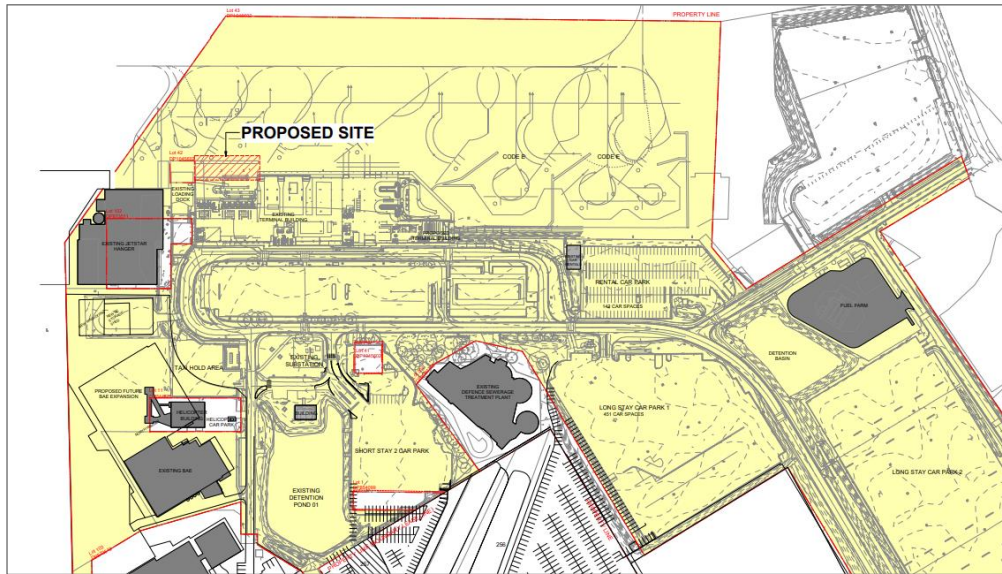


Figure 1. Location of proposed BHS

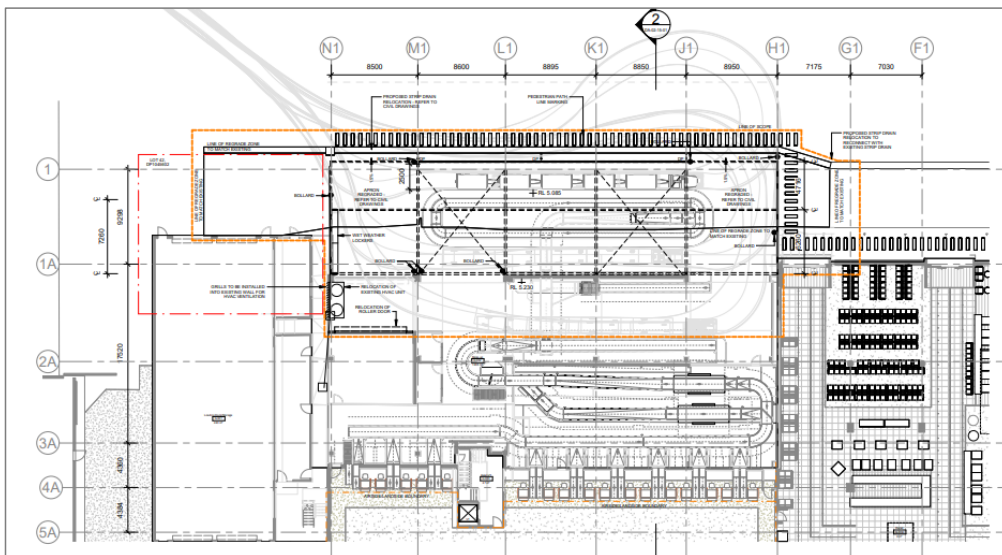


Figure 2. Proposed ground floor plan (extension in dotted orange)

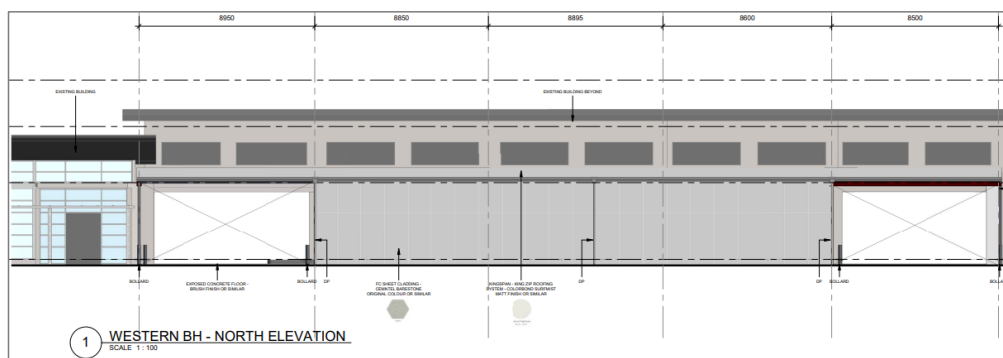


Figure 3. Proposed Elevation

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,

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

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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.

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 enclosure 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 ManagementNoise

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.

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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.

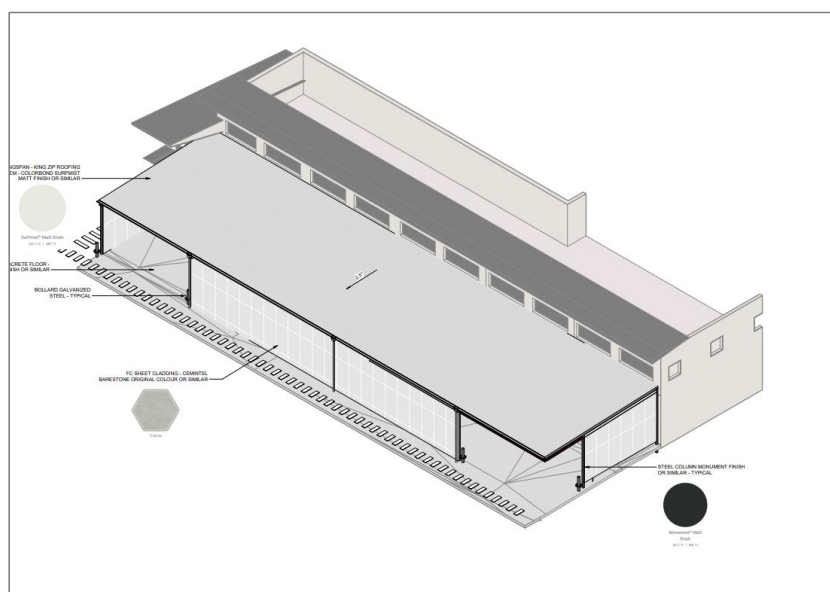


Figure 9. Proposed BHS upgrade montage

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 regulationsPublic 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. 2**FILE NO: 23/148563
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**

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)**.

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

Strategic Direction	Delivery Program 2022-2026
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.

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

Risk	Risk Ranking	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 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

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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.



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DEVELOPMENT ASSESSMENT REPORT

APPLICATION REFERENCES

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

PROPERTY DETAILS

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

ITEM 2 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

	NSW Wildlife Atlas – fauna Water course
State Environmental Planning Policies	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.

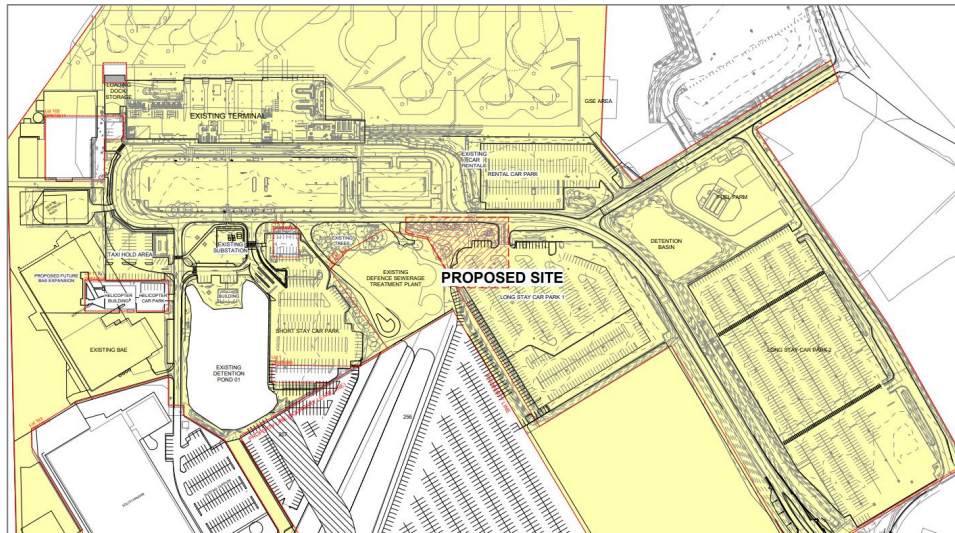


Figure 1. Location of proposed HV substation

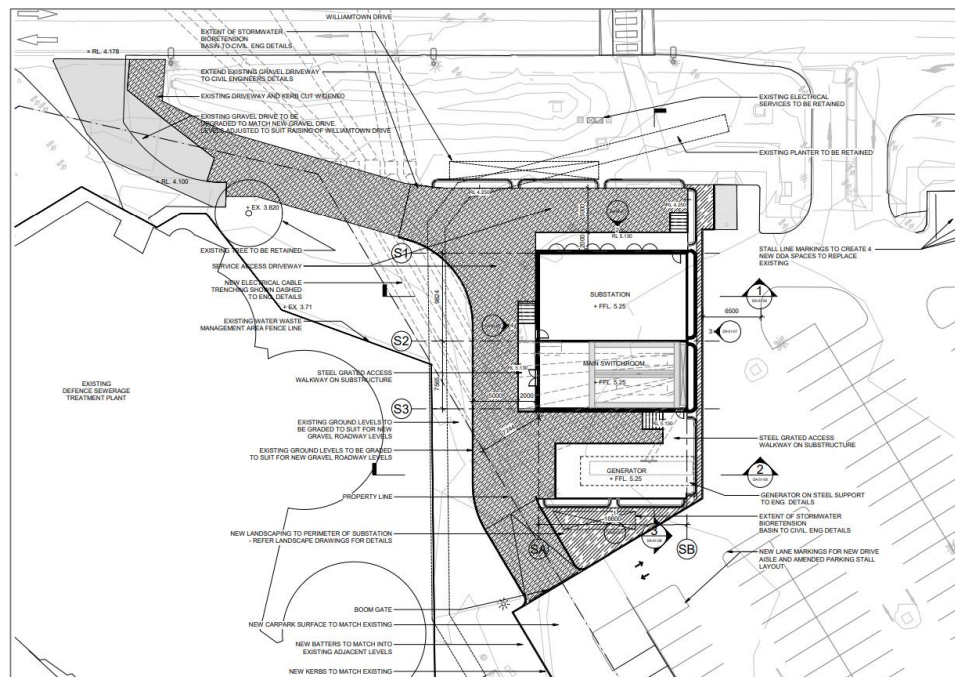


Figure 2. Proposed Floor Plan

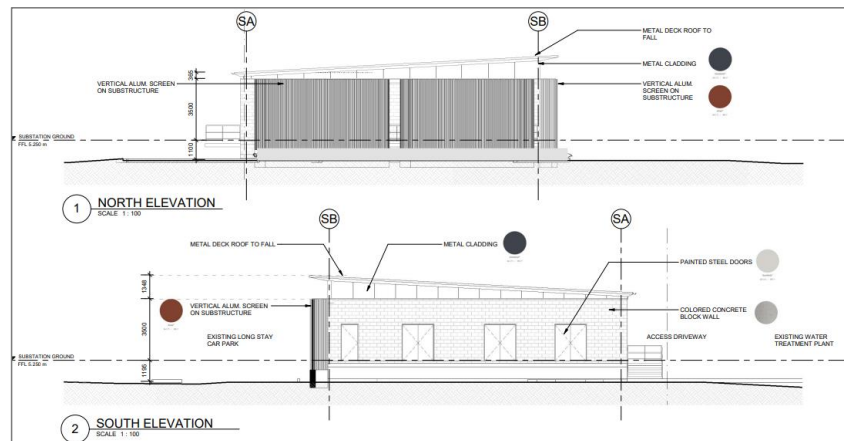


Figure 3. Proposed elevations

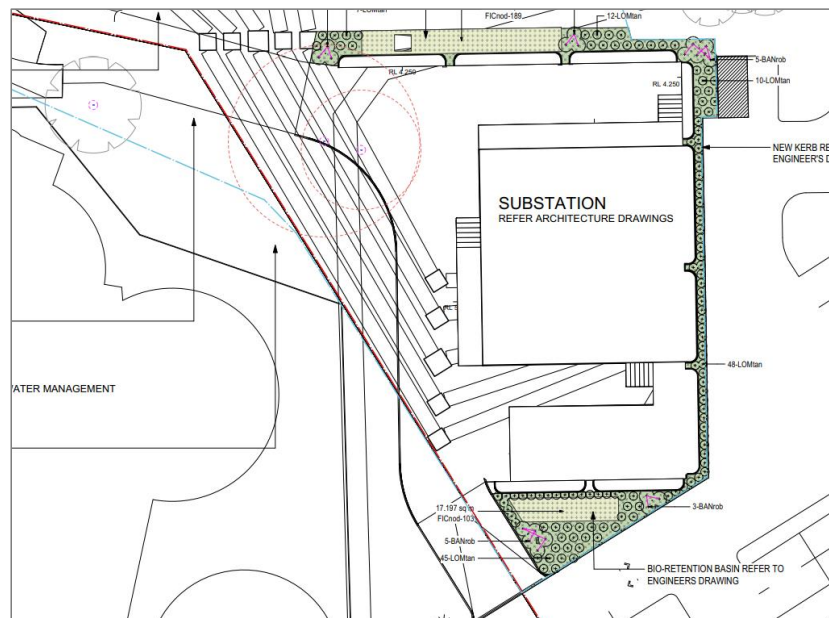


Figure 4. Proposed Landscaping

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.

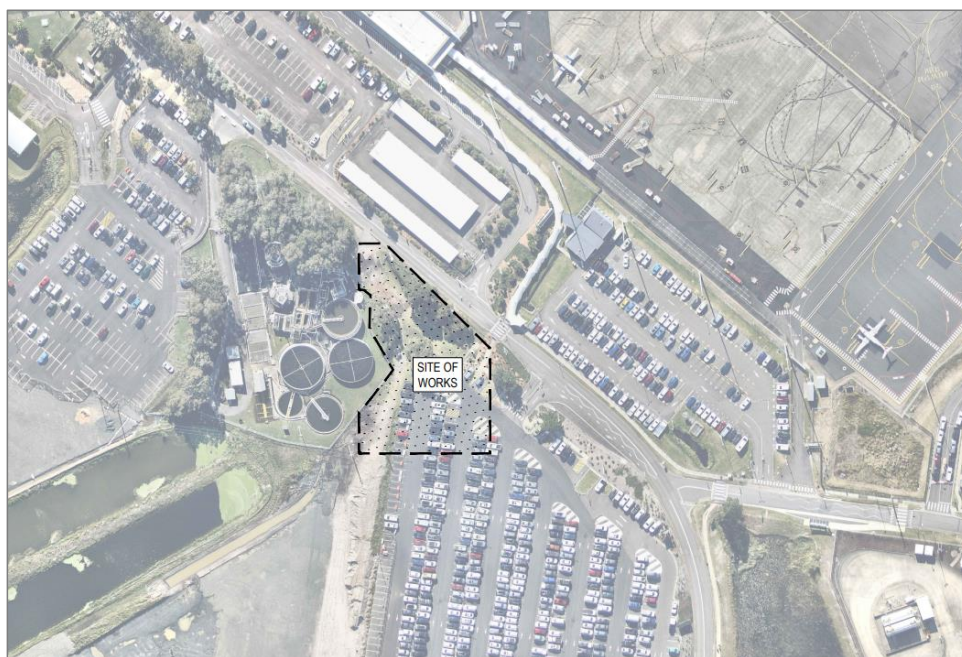


Figure 6. Site Aerial of the proposed location of the HV substation

ITEM 2 - 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.

ITEM 2 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

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 Williamstown.

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

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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 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.

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 localitySocial 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. 3**FILE NO: 23/96729
EDRMS NO: 16-2022-1030-1****DEVELOPMENT APPLICATION 16-2022-1030-1 FOR A FLOOD MOUND AND
CHANGE OF USE TO ANIMAL BOARDING AND TRAINING ESTABLISHMENT
AT 209 NEWLINE ROAD, RAYMOND TERRACE****REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES
GROUP: DEVELOPMENT SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2022-1030-1 for a flood mound and change of use to animal boarding and training establishment at 209 Newline Road, Raymond Terrace (Lot: 2 DP: 1173402) subject to the conditions contained in **(ATTACHMENT 1)**.
-

BACKGROUND

The purpose of this report is to present Development Application (DA) 16-2022-1030-1 for a flood mound and change of use to animal boarding and training establishment.

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

Subject Land:	209 Newline Road, Raymond Terrace (Lot: 2 DP: 1173402)
Total Area:	11.62 ha
Zoning:	RU1 Primary Production
Submissions:	0
Key Issues:	Flooding and visual impact of the mound on the surrounding rural landscape.

The DA has been reported to Council in accordance with Council's 'Council Related Planning Matters Policy' as it has been called up by Councillor Giacomo Arnott and Councillor Leah Anderson **(ATTACHMENT 2)**.

A locality plan is provided at **(ATTACHMENT 3)**.

Proposal

The proposed development seeks consent to undertake bulk earthworks and a change of use to animal boarding and training establishment. The bulk earthworks include construction of an earth mound on the northeast corner of the site, horse arenas and associated driveway access from Newline Road. The proposed development involves the placement of approximately 141,000m³ of fill on the site.

Site Description and History

The subject site is legally identified as Lot 2 DP 1173402 and generally known as 209 Newline Road, Raymond Terrace. The site has frontage to Newline Road to the east and Williams River is located adjoining the property to the west. The site maintains a relatively flat topography, sloping slightly towards the river. The site comprises a total area of approximately 11.62 hectares and accommodates an existing earth mound and horse arena. The site is surrounded by large rural properties used for agricultural purposes or dwellings. Irrawang Swamp and Kings Hill is located to the east across Newline Road.

Key Issues

The key issues identified during assessment relate to the prospect of a future dwelling on the flood mound, impact to rural character and flood impact and management. A detailed assessment of the proposed development and these matters is contained within the Planners Assessment Report (**ATTACHMENT 4**).

Flood Impact and Risk

The proposed development is located on land mapped as being Flood Planning Area, specifically being 'High Hazard Floodway'. The Flood Planning Level (FPL) relevant to the land is RL 5.9 metres AHD, with the Probable Maximum Flood (PMF) RL being 8.8 metres AHD. The development plans submitted show the Finished Floor Level (FFL) of the mound at RL 9.0 metres AHD, which is above the FPL and above the PMF level and therefore accords with the requirements Clause 5.21 of the Port Stephens LEP 2013 (PSLEP 2013). In addition, the applicant has submitted a Flood Impact and Risk Assessment (FIA) that demonstrates offsite flooding and velocity impacts will not occur to surrounding properties during 1% AEP or PMF flood events. Minor ponding durations may extend as a result of the proposed development, however this will not pose a threat to life or surrounding buildings.

The proposed development seeks to minimise the flood risk to life and property associated with the use of the land by creating an area for stock refuge and facilitation of an animal training and boarding facility above the PMF level. The development has been sited and designed for compatibility with the flood function and behaviour of the land, being located away from the Williams River and positioned near Newline Road, with negligible impacts on adjoining land and the environment.

Clause 5.21 of the PSLEP 2013 states that development must be compatible with the flood function and behaviour of the land, that it must not adversely affect flood behaviour or safe occupation and efficient evacuation of people. The mound is proposed above the FPL and PMF level, and aims to facilitate the proposed animal boarding and training establishment, as well as future ancillary farm buildings (subject to additional approval or exempt development). For this purpose, the development is considered to be compatible with the flood hazard category applying to the site, as it seeks to minimise the flood risk to life and property associated with

the use of the land. Additionally, the development has been sited and designed for flood compatibility with the flood function and behaviour of the land.

Moreover, Council must consider the volume/size and location of the livestock flood refuge mound against the criteria in Figure BK of B5 the DCP, which relates to flood mound design; and the size of the mound must have regard to the agricultural capacity of the land. The design and size of the mound is determined by reference to the NSW Department of Primary Industries – Agriculture, 'Primefacts: Livestock flood refuge mounds' (2009). The mound exceeds the criteria in Figure BK, as the proposed finished floor level is above that required of livestock flood refuge mounds. Notwithstanding, the Flood Impact and Risk Assessment provided with the application, which was endorsed by Council Flooding Engineers, found that the mound will not significantly change the flood behaviour of the area, increase risk to life or property or exacerbate existing flood risk.

The 61m x 120m mound pad is sufficient for the animal boarding and training establishment facilities and agricultural use of the land given the capacity of the land to support the number of horses anticipated to be kept on the mound (up to 25 with supplementary feeding). NSW Department of Primary Industries – Agriculture 2009, 'Primefacts: Livestock flood refuge mounds' supports the size of the mound based on stock refuge ratios for up to 25 horses.

In summary, Council's Flooding Engineers assessed the proposed mound and Flood Impact and Risk Assessment and concluded the mound will result in minimal adverse impact on adjacent land, which is already designated as a High Hazard Floodway catchment. The proposed development satisfies the objectives outlined in B5 of the DCP and Clause 5.21 of the PSLEP2013 subject to conditions to the recommended conditions contained in **(ATTACHMENT 1)**.

Residential Dwelling in Floodway

Chapter B5 of the DCP 2014 provides detailed provisions relating to suitable land uses and controls on flood prone land. The B5 DCP Chapter was amended in December 2020 to include performance based solutions for certain development in flood prone areas. The amended Chapter states that dwelling houses on land categorised as High Hazard Floodway can be considered, only where the performance based criteria outlined in B5 of the DCP 2014 can be satisfactorily addressed.

The submitted Statement of Environmental Effects noted the flood mound may be used for the purpose of a residential dwelling in the future, although not formally applied for as part of the subject application. On this basis, it is appropriate for Council to consider that the mound currently proposed may be used for a residential dwelling. The prospects of a dwelling being constructed with regard Chapter B5 of the DCP have been considered accordingly. Figure BI of B5 of the DCP stipulates dwellings in a High Hazard Floodway as being generally unsuitable, with no performance based solutions proposed by the applicant. As such, inadequate

information has been provided to consider any future residential as being suitable for the site.

Based on these grounds, it is considered appropriate to impose a Section 88B instrument that restricts a future dwelling being constructed on the mound. This instrument will function as a land use restriction and has the effect of limiting future habitable uses on the proposed mound. The 88B instrument is able to be altered or removed subject to a future development application, should additional flood information be provided to allow Council to consider a residential use and assess accordingly against B5 of the DCP.

Rural Character

The proposed development is not considered to have an adverse impact on the built environment and is consistent with the built form of the area. Earth mounds are a common type of development within the locality, given the flood prone nature of the surrounding catchment. The size of the mound is considered compatible with the surrounding topography and land form, noting its location within 1 kilometre of the nearest two hills, both much taller than the proposed mound, thereby providing a backdrop within which the mound will be established. Additionally, the mound height above ground is integrated within the context of nearby levees on the Williams River and the raised nature of Newline Road, in addition to the nearby Kings Hill located to the north-east of the site, which contains a waste management facility viewable from Newline Road. Any potential for rural amenity and visual impacts on surrounding properties from the mound are mitigated by the context, topography and nearby features of the site. Additionally, conditions have been recommended that the mound be landscaped, dressed and seeded to achieve a natural green form and mitigate visual impact.

Conclusion

The subject site is considered suitable for the proposed mound and change of use commensurate with the land size, location and consistency with the RU1 zone objectives. The site is large enough to facilitate the animal boarding facility as well as the proposed stock mound. Animal boarding and training establishments are permissible in the RU1 zone and contribute to the mix of rural and agricultural uses encouraged in these areas, as they are considered appropriate in comparison to densely populated residential or commercial zones. The development will have acceptable impacts on the natural and built environment, and is consistent with the relevant environmental planning instruments and Council planning policies.

Based on a detailed assessment of the proposed development, and with consideration to the consistency with the relevant environmental planning instruments, the DA is recommended for approval subject to the conditions contained in **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is consistent with the relevant planning instruments including the EP&A Act, PSLEP 2013 and DCP 2014. Detailed assessments against these requirements and provisions are contained within the Planners Assessment Report provided at **(ATTACHMENT 4)**.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the DA is refused, the determination of the DA may be challenged by a third party in the Land and Environment Court.	Medium	Determine the DA in line with the recommendations.	Yes
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	Determine the DA in line with the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic

The proposed development will provide flood free land for livestock and provides a compatible land use that provides ongoing employment opportunities. The development improves the viability of the land for primary production purposes, through works that facilitate an animal boarding establishment that provides a service for the local community.

Natural Environment

The proposed development does not involve the clearing of any native vegetation under this application and therefore will not have an adverse impact on the natural environment. The completed mound will be top dressed and seeded with fast growing grassing, with conditions of consent relating to the control of existing noxious weeds on site. The proposal has been sited and designed to ensure coastal areas of environmental significance are protected.

CONSULTATION

Internal

Consultation was undertaken with Council Development Engineering and Flooding Officers as part of the assessment. The referral comments provided by these officers are discussed within the Planners Assessment Report **(ATTACHMENT 4)**. Council Development Engineering and Flooding Officers had no objections to the proposal subject to the recommended conditions.

External

Consultation was undertaken with external agencies, including the Hunter Valley Flood Mitigation Team of the NSW Department of Planning and Environment and Ausgrid. The referral comments provided by these agencies were considered as part of the assessment and are discussed within the Planners Assessment Report **(ATTACHMENT 4)**.

Notification

The application was exhibited from 20 January 2023 to 2 February 2023, in accordance with the Port Stephens Council Community Participation Plan. No submissions were received.

OPTIONS

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

3) Reject the recommendation.

ATTACHMENTS

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

COUNCILLORS ROOM

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

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

TABLED DOCUMENTS

Nil.



SCHEDULE 1 – 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 ~~works~~ of this consent expressly require otherwise.

Plan No.	Revision No.	Name of Plan	Prepared by	Date
1 of 2	2	Showing levels & proposed mound	David Cant Surveyors	7/12/2022
2 of 2	2	Plan showing sections over proposed mound	David Cant Surveyors	7/12/2022

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.

2.0 – Prior to Commencement of Works

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

- (1) **Scour Protection** - Scour protection is to be designed and implemented for the flood mound to ensure the mound can withstand flood velocity. Details demonstrating compliance must be provided to Council and the Certifying Authority.
- (2) **Structural engineer's certificate** – A certificate must be prepared by a qualified Structural Engineer certifying that the mound 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 Council and the Certifying Authority.

PORT STEPHENS COUNCIL

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

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

- (4) **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.

- (5) **Section 88B Instrument** – The applicant must prepare a Section 88B Instrument which incorporates the following positive covenant and restriction:

- a) A restriction on the title of the property which restricts a dwelling from being constructed on the flood mound.

Details of the 88B and covenant being formally registered on the title must be provided to Council.

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

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

- (7) **Roads Act Approval** – For construction/reconstruction of Council infrastructure, including for construction of new vehicular crossing to access to the animal boarding and training facility, an application must be made for a Roadworks Permit under Section 138B of the Roads Act 1993. The following information must be provided to Council as Roads Authority with the Roads Act Application:

- a) The driveway will be a minimum 6.5 metres for the initial 6 metres within the property boundary followed by a passing bay at 30m intervals;
- b) The driveway and access will be constructed to the flood immunity of Newline Road.

- (8) **Landscape Plan** – A Landscape/Tree Plan must be submitted to Council for approval. The Landscape/Tree Plan must include the following:

- a) mature tree plantings along the front property boundary and around the mound for visual screening purposes; and



- b) grass seeding and dressing of the mound.

Tree and species selection must be in accordance with Councils Landscape Technical Specification.

3.0 - During Works

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

- (1) **Hours of work** – The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:
7.00am to 5.00pm on Monday to Saturday

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council approval.
- (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) **Placement of fill** - Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.

Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.
- (4) **Disposal of stormwater** – Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant Environmental Protection Agency and Australian and New Zealand Environment and Conservation Council standards for water quality discharge.
- (5) **Location of stockpiles** – Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.



- (6) **Truck wash down** – Provision must be made for all trucks to be effectively washed down after loading and unloading, prior to leaving the site. This must be within a suitably contained and designated area.
- (7) **Weed management** – All machinery that has operated in affected areas shall be cleaned thoroughly prior to leaving the site. A wash down area shall be established, and monitored for priority weeds as defined by the NSW Biosecurity Act 2015. Cleaning must include the removal of all mud and plant matter, followed by washing with high pressure water. An area for storage of contaminated soil that is separate from clean material shall be provided during construction.
- (8) **Soil, erosion, sediment and water management** – All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.
- (9) **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.
- (10) **Delivery register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered.

This register must be made available to Council officers on request and be provided to the Council at the completion of the development.

- (11) **Fill material** – The only fill material that may be received at the development site is:
 - a) Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act (POEO Act 1997)*; or
 - b) Excavated natural material (ENM) within the meaning of the *POEO Act 1997*; or
 - c) Any other waste-derived material the subject of a resource recovery exemption under s.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.

Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions.

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

4.0 – Prior to Commencement of Use

The following conditions of consent shall be complied prior to the commencement of use for the mound.

- (1) **Repair of infrastructure** – On completion of the earthworks and mound, the applicant must ensure any public infrastructure damaged as a result of the carrying



out of works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

- (2) **Completion of Roads Act Approval works** - All approved road, and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the *Roads Act* Approval to the satisfaction of the Council as the Roads Authority.
- (3) **Flood Risk Management Plan** - A Flood Risk Management Plan prepared by a qualified Flood Engineer must be provided to Council 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.
- (4) **Completion of Landscape Works** - All landscaping works and tree plantings must be completed in accordance with the Landscape/Tree approved under condition 2.0 – 8 of this consent. Satisfactory evidence of completed landscape works are to be submitted to Council prior to use of the flood mound.
- (5) **Completion of flood mound** – Following completion of the earthworks and mound;
 - a) The final pad shape, levels and location will be confirmed by the submission of a detailed survey plan prepared by a Registered Surveyor. A detailed works as executed survey plan must be provided in accordance with Council's Infrastructure Specification to Council within 14 days of completion.
 - b) The mound is to be top dressed and seeded with fast growing grasses.

4.0 – Ongoing Use

The following conditions of consent shall be complied during ongoing use.

ITEM 3 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



- (1) **Use of mound** – All materials stored at the site and capable of causing harm to the environment and surrounding properties must be stored at a level not less than the Flood Planning Level (FPL) or suitable bunding must be placed around such materials to a minimum of the FPL.
- (2) **Hours of operation** – The property is only to be open for business and used for the purpose approved between 6am – 9pm daily. Other operations such as cleaning, preparation and additional visits from specialists may be undertaken outside of the above hours provided no disturbance to the amenity of the area occurs.
- (3) **Animal numbers** – the site is to contain a maximum 25 horses on site at any one time.
- (4) **Events** – In addition to daily operation of training and boarding, a maximum of 10 events per year are permitted on the site. All parking must be contained within the top pad of the mound. No overflow parking on Newline Road is permitted.
- (5) **Deliveries** – Deliveries for the site must occur between after 6:00am – 9pm daily.

Advice Note(s):

- (1) **Use of mound** - This mound should be for livestock flood refuge purposes and facilitation of the approved animal boarding and training facility only, as the land is High Hazard Floodway, and no dwelling should be planned here. Access at the height of the connecting public road should be considered in the future to allow the best chance of safe livestock evacuation/early access to stranded livestock after a flood event.
- (2) **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.
- (3) **Farm buildings or structures** – This consent does not include approval for any structures or buildings. Any farm buildings should be undertaken as exempt development or subject to future approval.
- (4) **Location of future structures** - Future construction of horse shelters (not part of this application) between the proposed mound and Williams River levee or Hunter Valley Flood Mitigation Scheme drain should maintain a setback of 10m from the existing levee toe or edge of the drainage channel.

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

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; Port Stephens Local Environmental Plan 2013 (PSLEP), State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Port Stephens Council Development Control Plan 2014 (PSDCP).
- Subject to the recommended conditions the proposed development will be provided with adequate essential services required under the PSLEP.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- Council has given due consideration to community views when making the decision to determine the application.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

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

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

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

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



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

RIGHT OF REVIEW

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

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

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



Call to Council form

Development Application

116 Adelaide Street,
Raymond Terrace NSW 2324

PO Box 42
Raymond Terrace NSW 2324

p (02) 4988 0255 | **f** (02) 4987 3612
e council@portstephens.nsw.gov.au

DX 21406 | **ABN** 16 744 377 876

DEVELOPMENT APPLICATION (DA) CALL TO COUNCIL REQUEST

We (Mayor/Councillor/s)

Name:	Arnott
Name:	Anderson
Name:	
request that DA number:	DA 16-2022-1030-1
for DA description:	
located at:	209 Newline Rd, Raymond Terrace

be reported to Council for determination.

REASON

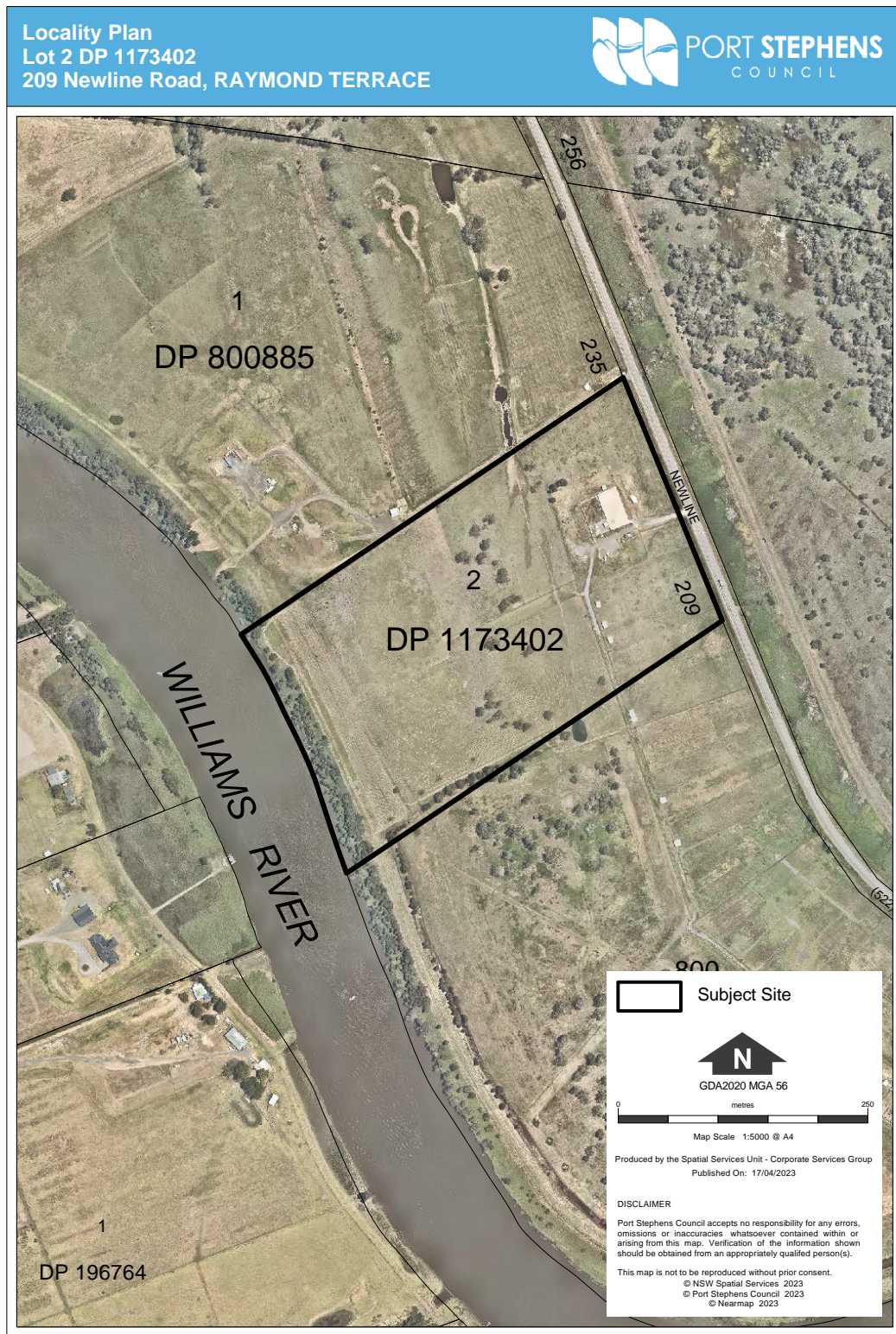
Public interest

SIGNATURE OF APPLICANT/S

Signature		Date	/ /
Signature		Date	/ /
Signature		Date	/ /

PRIVACY

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



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



DEVELOPMENT ASSESSMENT REPORT

APPLICATION REFERENCES

Application Number	16-2022-1030-1
Development Description	Earthworks for the purpose of an earth mound, road, horse arenas, and change of use to animal boarding and training establishment
Applicant	MR A Quinn
Land owner	MS T HUSAKOVA & MR A P QUINN
Date of Lodgement	12/01/2023
Value of Works	\$55,000.00
Submissions	0

PROPERTY DETAILS

Property Address	209 Newline Road RAYMOND TERRACE
Lot and DP	LOT: 2 DP: 1173402
88B Restrictions on Title	N/A
Current Use	Rural
Zoning	RU1 PRIMARY PRODUCTION
Site Constraints	<p>Bush Fire Prone Land – Veg Category 3, Veg Buffer; Coastal Zone – Combined Map; Weed infestations – standard weeds conditions and advices; Acid Sulfate Soils – Class 1, 2 & 3; Koala Habitat Planning Map – Preferred, cleared over buffer & link; Endangered Ecological Communities – Swamp Sclerophyll Forest; High Environmental Value Mapping – OEH; Biodiversity Values Map – Core habitat within CKPoM, OEH Referral – HV Flood Mitigation Scheme – Drainage Chanel, Flood Gate Structure, Levee, Flood Gate Outlet; Height Trigger Map – 45m;</p>

	Bird Strike – Group A; Prime Agricultural Land (Classes 1-3); Combined Corridor Map – Local Link, Landscape Habitat Link; Dwelling Entitlement – permitted; Watercourses – Natural Water Course, Inland Shoreline.
State Environmental Planning Policies	State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 2 Coastal Management, Chapter 4 Remediation of Land; and State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 3 Koala Habitat Protection 2020.

PLANNERS PRE-ASSESSMENT CHECKLIST

OWNERS CONSENT	YES / N/A
Land owners consent	Yes
If the land owned by a corporation/company, relevant signatures have been provided (sole director, or director/director / director/company secretary).	N/A
For works occurring outside property, neighbouring consent provided.	N/A
For works occurring on common property within Strata, owner's consent from Strata body provided (common seal).	N/A
DA FORM AND AUTHORITY	
Applicant's description of proposal consistent with DA plans.	Yes
DA description correct in Authority (i.e. LEP definition).	Yes
DA lodged over all affected properties and Authority correct.	Yes
Satisfactory cost of works.	Yes
NOTIFICATION	
Application notified correctly (i.e. check properties notified).	Yes
REFERRALS	
Check referrals are correct and identify if additional required: i.e. Integrated Development (send within 14 days section 42(2) EPA Regs 2021	Yes

Call applicant and send email acknowledgement.

Yes

PROPOSAL

The proposed development seeks consent for an animal boarding establishment and to undertake bulk earthworks over the subject site. The bulk earthworks are for the purpose of a livestock flood refuge and two (2) horse arenas.

The earth mound is proposed within the north eastern section of the site, adjacent Newline Road. The proposed mound top pad has an area of approximately 6,890m² requiring approximately 141,000m³ of fill for construction. The earth mound will raise the existing surface level to 9m AHD. The mound will have a height of approximately 5.7m above existing ground level, with a top surface area of approximately 7200m².

The details of the proposed animal boarding and training facility are as follows:

- Operational hours between 8am to 6pm daily;
- 2 staff on-site daily from 7:30 to 8pm with additional weekly visits from specialists when necessary;
- Boarding of up to 25 horses at any time;
- Activities at the boarding facility include training up to 12 horses 5 days a week, 10-15 riding lessons per week, occasional day events for up to 10 riders 2-3 times per year, use of 2 dressage arenas.

The earth mound would facilitate future farm buildings and stock yards that will be ancillary to the proposed animal boarding and training establishment. These buildings are not part of this consent, and are proposed to be undertaken as exempt development or subject to future approval.

Although not part of this application, the submitted Statement of Environment Effects makes reference to a 'potential dwelling' as a future use of the mound. This aspect of the proposed development is not supported and has been addressed in further detail under B5 of the DCP.

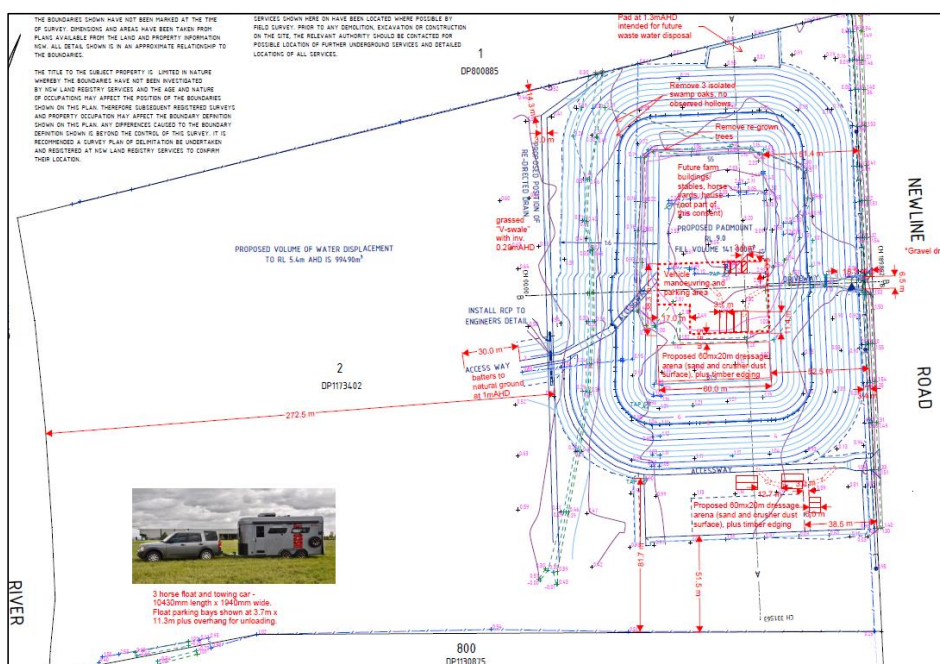


Figure 1: Proposed site plan

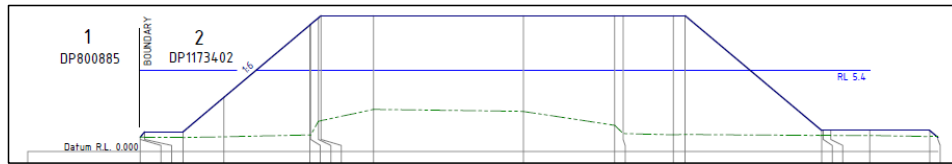


Figure 2: Proposed western section

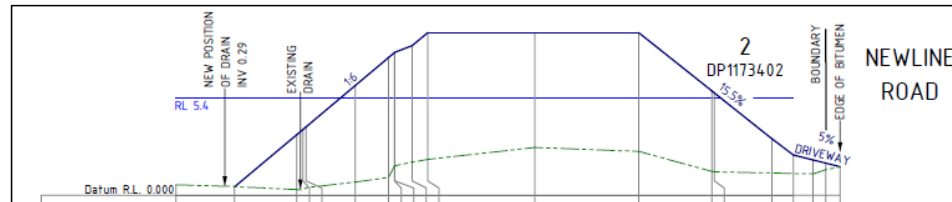


Figure 3: Proposed southern section

SITE DESCRIPTION

The subject site is located at 209 Newline Road, Raymond Terrace and is legally identified as Lot: 2 DP: 1173402. The lot is rectangular in shape and maintains frontage to Newline Road at the east and the Williams River at the west. Located across Newline Road to the east of the site is the Irrawang Swamp, with a waste facility located 900m to the north of the site with Kings Hill beyond. The subject site comprises a total area of 11.63 hectares and currently supports an existing earth mound and horse arena. The existing mound is approximately 3.2m AHD, as per a previous development consent at the highest point, and the new mound will be developed over the existing mound.

The site is relatively flat in its topography, slightly sloping towards the river. The entire site is categorised as High Hazard Floodway. Essential services including access are currently available to the site, with electricity and reticulated water available for connection. No easements or land use restrictions have been identified over the site.



Figure 4 Aerial of subject site

SITE HISTORY

There are no previous development applications on the subject site. The site registered in 2012, being subdivided from the neighbouring lot to the south east. Notwithstanding, DA 16-2004-519-1 applies to the subject site prior to subdivision. The DA was issued for a stock refuge to 5.5m AHD and 26m² shed which exists on site.

SITE INSPECTION

A site inspection was carried out on 21 April 2023. The subject site can be seen in Image 1 below:



ITEM 3 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.

Image 1: Site frontage

PLANNING ASSESSMENT

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

Internal

Development Engineer – The proposal was referred to Council's Development Engineer as the site is located on flood prone land and proposes bulk earthworks. The referral advised that additional information was required to demonstrate performance based assessment of the possible future dwelling noted in the Statement of Environmental Effects. Subsequently, the applicant confirmed that there is no dwelling proposed as part of this application and has been considered in further detail in this report.

The Flood Impact Assessment (FIA) was assessed by Councils Flooding and Drainage Engineers and it was concluded the FIA was adequate and could be supported with batch flood conditions imposed relating to emergency management and evacuation, despite cumulative impacts and emergency management not being addressed. Additionally, it was observed that the mound is not for habitable development, therefore a lower surface level at the Flood Planning Level (FPL) of 5.9m could be more appropriate.

External

Office of Environment and Heritage (OEH) - The development is located within proximity of a Hunter Valley Flood Mitigation Scheme (HVFMS) asset, and agency referral was issued in accordance with Section 256 of the *Water Management Act 2000*. Referral comments from OEH stated Section 256 approval is not required for the works, as the mound will be over 200m from the scheme levee and drainage channel. Furthermore, OEH advised that while the development is located in a high hazard floodplain area, it is not part of the areas gazetted under the former *Hunter Valley Flood Mitigation Act 1956* as a declared floodplain and consequently, no referral under s256(1)(b) of the *Water Management Act* is required.

The referral also noted that any future construction of horse shelters (not part of this application) between the proposed mound and Williams River levee or HVFMS drain, a setback of 10m should be maintained from the existing levee toe or edge of the drainage channel. An advisory note to this effect has been included on the recommended conditions of consent.

Ausgrid / Transgrid – The proposal is located within proximity of power lines, and agency referral to Ausgrid was issued under Section 2.48 of *SEPP (Transport and Infrastructure) 2021*. Referral comments were not received within the 21 day statutory timeframe of Council notification, and it is therefore assumed there are no objections to the proposal.

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 integrated as there are no approvals required under S4.46 integrated triggers.

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

The proposed development is mapped as bushfire prone land, Vegetation Category 3, and as such requires consideration under the NSW RFS Planning for Bushfire Protection 2019. The

ITEM 3 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.

development proposes non-habitable structures and earthworks which do not require specific bushfire protection measures or a S100B Bushfire Safety Authority from the Rural Fire Service.

There are no bush fire protection requirements for Class 10a buildings located more than 6m from a dwelling in bush fire prone areas. Where a Class 10a building is located within 6m of a dwelling it must be constructed in accordance with the NCC. Given there is no dwelling on the site, there are no specific bushfire requirements and the development conforms to the specifications and requirements of the PBP 2019.

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 3 Koala Habitat Protection 2020

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.

Part of the subject site is mapped as preferred koala habitat, with the majority of the site being mapped as buffer and link over cleared. The proposed development is not situated on the portion of the site mapped as preferred koala habitat. No koala feed trees are proposed for removal, and the development is not considered to exacerbate impacts to koala habitat, corridors or result in a cumulative decline in koala population.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

The subject land is located with the Coastal Use Area and Coastal Environment Area; as such the following general matters are required to be considered when determining an application.

2.10 Development on land within the coastal environment area

In accordance with Section 2.10 of Chapter 2 of the Resilience and Hazards SEPP, development consent must not be granted for development within the coastal environment area unless the consent authority has considered whether the development will cause impact to the integrity of the biophysical and ecological environment, the values and natural coastal processes, marine vegetation, native vegetation and fauna and existing public open space and access to and along the foreshore.

The proposed mound is sufficiently setback from the Williams River waterbody, with no works in the immediate proximity that would result in adverse impacts to ecological or hydrological processes. Furthermore, the proposal is separated from the main waterbody by a HVFMS flood levee. This HVFMS asset provides physical separation between development over the site and this coastal environment.

2.11 Development on land within the coastal use area

In accordance with Section 2.11 of Chapter 2 of the Resilience and Hazards SEPP, development consent must not be granted for development unless the consent authority has considered existing and safe access to and along the foreshore, overshadowing and loss of views, visual amenity and

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scenic qualities and heritage values. The consent authority must also be satisfied that the development is designed and sited to avoid adverse impacts and to ensure the development has taken into account the surrounding built environment in its design.

The development of the site for a stock refuge in conjunction with an animal boarding and training facility is consistent with the surrounding landscape and will not adversely impact the visual amenity of the coastal area, being the Williams River. The envelope and scale of the development is also compatible with the natural rural setting and will not adversely impact views.

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Section 2.12 of Chapter 2 of the SEPP requires consideration to whether the development would increase the risk of coastal hazards. The proposed development is suitably designed and located to not increase risk to coastal hazards. The works will not impact the Williams River flood levy and contribute to coastal erosion or natural hazards.

The proposed development is satisfactory in terms of the jurisdictional prerequisites of Chapter 2 of the Resilience and Hazards SEPP as outlined above, and complies with the aims of the SEPP and the matters for consideration stipulated under Section 2.10, 2.11 and 2.12.

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.

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 also not within an investigation area. The site has however historically supported agricultural activities, which are identified as a possible contaminating land use under Table 1 of the Contaminated Lands Guidelines. The proposed development proposes fill for the purpose of a flood mound, which does not require surface penetration. The proposed use as an animal boarding facility is a low risk land use that is comparable to the historic agricultural activities that have occurred on site. Given there are no sensitive land uses proposed and ground disturbance is minor, the proposed development is suitable for the site and no preliminary or detailed site investigation is reasonably warranted. 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 objectives of the RU1 Primary Production zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To facilitate a variety of tourist and visitor-orientated land uses that complement and promote a stronger rural sector appropriate for the area.*

The proposed development comprises earthworks for the purpose of a flood mound and an animal boarding and training establishment, which are permissible with consent in the RU1 Primary Production zone. The proposed earthworks for a stock refuge is considered ancillary to the proposed animal boarding and training establishment and enabled through the provisions of

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Clause 7.2 of the LEP. The development is consistent with the objectives of the zone by encouraging sustainable primary industry and maintains the rural landscape character of the land.

Clause 5.21 – Flood Planning

The proposed development is located on land mapped as being Flood Planning Area, specifically being 'High Hazard Floodway'. The Flood Planning Level (FPL) relevant to the land is RL 5.9 metres AHD, with the Probable Maximum Flood (PMF) RL being 8.8 metres AHD. The development plans submitted show the Finished Floor Level (FFL) of the mound at RL 9.0 metres AHD, which is above the FPL and above the PMF level and therefore accords with the requirements of this clause. In addition, the applicant has submitted a Flood Impact Assessment (FIA) that demonstrates offsite flooding and velocity impacts will not occur during 1% AEP or PMF flood events. Minor ponding durations may extend as a result of the proposed development, however this will not pose a threat to life or surrounding buildings.

The proposed development seeks to minimise the flood risk to life and property associated with the use of the land, through creating an area for stock refuge and facilitation of an animal training and boarding facility above the PMF level. The development has been sited and designed for compatibility with the flood function and behaviour of the land, being located away from the Williams River and positioned near the road, with negligible impacts on adjoining land and the environment.

It is acknowledged the Statement of Environmental Effects submitted with application states that the development will provide for a mound to facilitate a 'possible future dwelling house'. Although a dwelling is not a part of this application, if the intended use of the earth mound is for a future dwelling, further flood information would be required to consider the proposed future residential use under this application, including flood free egress, emergency evacuation, PMF refuge and certification for the dwelling. This additional information was requested from the applicant to clarify that the mound currently proposed may be used for residential purposes. This information was not provided, and therefore insufficient information has been provided to consider increased risk to life and property in this regard. The use of the mound for residential purposes has been discussed in further detail at Chapter B5 of the DCP below.

Clause 7.1 – Acid Sulfate Soils

The subject land is mapped as containing potential Class 1, 2 and 3 acid sulfate soils. The proposed development will predominately require fill, and is not anticipated to entail excavations below 1 metres and therefore it is not expected that acid sulfate soils would be encountered during works. On this basis, no acid sulfate soils management plan is required.

Clause 7.2 – Earthworks

Development consent is required for the earthworks associated with the construction of an earth mound over the site. The proposed mound is consistent with the requirements for a stock refuge and is not disproportionate to the size of the lot. The proposed mound is located on the eastern portion of the site near Newline Road in order to avoid the highest flood risk from the Williams River. The height of the mound has potential to have negative impacts on rural amenity and character, however the mound is positioned approximately 500 metres to the north east of the nearest dwellings, which are located across the Williams River, and as such minimises amenity impact for surrounding properties.

The mound is not considered likely to result in adverse impacts to the surrounding properties or disturb the drainage patterns or soil stability in the location, as outlined in the Flood Impact Assessment which was endorsed by Councils Development Engineer. The development does not affect the potential for future development opportunities on the site, which are generally limited to rural type activities. Rather the mound will create an area on the site above the current day PMF flood level to allow the animal boarding and training facility to be operated.

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The proposal requires the importation of approximately 141,000m³ of fill. Any potential adverse impacts caused by the proximity of the earthworks to the nearby waterway have been mitigated by the location of the mound. Additionally, conditions relating to fill quality, earth-works management and sediment and erosion control measures have been included in the recommended conditions.

Clause 7.6 – Essential Services

The subject site is serviced by drainage and access to Newline Road. Electricity and reticulated water are not currently provided for the site, though are available for connection, meeting the requirements of this clause. The development proposes a driveway to the animal boarding facility on the top pad of the mound, which will provide vehicular access from Newline Road.

Clause 7.9 – Wetlands

A portion of the subject site is mapped as wetland, on the south west boundary of the site. The proposal has been sited and designed to avoid adverse impacts on wetlands. Furthermore, the proposal is separated from the identified wetlands by the HVFMS flood levee, which provides physical separation between the development and the wetland and coastal area. The proposed development is set back approximately 150 metres from mapped wetland on the neighbouring site, and is not anticipated to have any negative impact on the flora and fauna of the wetland, including either native and migratory species, or the characteristics of the ground or surface water.

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

This part applies to development that removes or prunes trees or other vegetation within non-rural areas. Any tree clearing required for the mound is proposed under the Local Land Services Act 2013, and therefore does not require approval as outlined in this Chapter.

Chapter B2 – Natural Resources

Environmental Significance

The mound is sited on land within 500 metres of a mapped wetland. A proposed proximity buffer of approximately 150m will be established between the wetland and the mound. Furthermore, the proposal has been designed to mitigate impacts on these wetlands through the installation of erosion/sediment controls during construction and compacting the mound to avoid sediment movement during flood events.

B2.C Noxious weeds

The proposal is sited on land that contains noxious weeds. Conditions of consent requiring the management of weeds on site have been included in the consent.

Chapter B3 – Environmental Management

Acid Sulfate Soils

The objective of this DCP Chapter is to ensure that developments do not disturb, expose or drain Acid Sulfate Soils (ASS) and cause environmental damage. As detailed within clause 7.1 discussion above, the proposed development could be undertaken, subject to conditions of

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consent, without resulting in adverse impact to ASS. In this regard the development is consistent with the objective and requirements of the DCP.

Noise

The separation distances incorporated into the development will limit any significant impacts on the adjoining development. 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 development is satisfactory in regards to noise management.

Earthworks

As discussed at Clause 7.2 above, the proposed development involves the placement of approximately 141,000m³ of fill. Conditions relating to fill quality, earthworks management and sediment and erosion control measures have been recommended on the development consent. The proposal is therefore consistent with objectives and requirements outlined in Councils DCP relating to earthworks.

Chapter B4 – Drainage and Water Quality

The proposal does not increase impervious surfaces over the site, and will utilise existing drainage methods. No stormwater drainage plan, onsite-detention or water quality modelling is required.

Chapter B5 – Flooding

The subject land is mapped as being within the Flood Planning Area. Chapter B5 provides objectives to inform and assist with determining development suitability on land designated in particular flood hazards. All new developments are required to address the development controls within this part of the DCP to mitigate flood risks and inform land use suitability.

B5.A Development on all flood prone land

The objectives of B5.A are to ensure flood risk is considered as early as possible in the planning and development process, based on the best available flood information, and to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone land.

Figure BJ states that the following finished floor levels (FFL) are required for flood prone development:

Development type	Required FFL	On site requirement
Residential (habitable rooms)	Flood Planning Level	5.9m AHD
Residential (non-habitable rooms)	Adaptable minimum floor level	5.9m AHD
Residential (flood refuge)	Probable Maximum Flood (PMF)	8.8m AHD
Farm buildings	Minimum on-site wastewater level	3.8m AHD
Driveways and access	Current day 1% AEP flood level, or the flood immunity of the connecting public road	4.9m AHD or flood immunity of Newline Road

The mound is proposed to 9.0m AHD which is above the requirements of Figure BJ. Additionally, driveways and access are to be constructed to the flood immunity of Newline Road, which has been included as a recommended condition of consent. Additionally, as the land becomes a

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floodway in the PMF event, a condition of consent requiring structural certification of the mound has been recommended.

B5.B Development on all flood prone land other than minimal risk flood prone land

The objective of B5.B is to ensure that appropriate controls are applied to development on land where more than a minimal risk is present.

The area has been classified as flood prone land and is located within a High Hazard Floodway.

The current flood levels applicable to the site area are:

- Minimum onsite wastewater level – 3.8m AHD
- 1% AEP (Current day) – 4.9m AHD
- 1% AEP (2100) – 5.4m AHD
- Flood Planning Level (FPL) – 5.9m AHD
- Probably Maximum Flood (PMF) – 8.8m AHD

The proposed level of the flood mound is 9.0m AHD, which is 200mm above the PMF level.

Development Controls - Mound

Council must consider the volume/size and location of the livestock flood refuge mound against the criteria in Figure BK, which relates to flood mound design; and the size of the mound must have regard to the agricultural capacity of the land. The design and size of the mound shall be determined by reference to the NSW Department of Primary Industries – Agriculture, '*Primefacts: Livestock flood refuge mounds*' (2009).

The mound exceeds the criteria in Figure BK, as the proposed finished floor level is above that required of livestock flood refuge mounds. Notwithstanding, the Flood Impact Assessment provided with the application, which was endorsed by Council Flooding Engineers, found that the mound will not significantly change the flood behaviour of the area, increase risk to life or property or exacerbate existing flood risk.

The 61m x 120m mound pad is sufficient for the animal boarding and training establishment facilities and agricultural use of the land given the capacity of the land to support the number of horses anticipated to be kept on the mound (up to 25 with supplementary feeding). NSW Department of *Primary Industries – Agriculture 2009, 'Primefacts: Livestock flood refuge mounds'* supports the size of the mound given based on stock refuge rations in that it is intended to be used for up to 25 horses.

The proposed mound includes finished floor level (FFL) at 9.0m AHD, 200mm above the PMF. A Flood Impact and Risk Assessment (as defined in the DCP) was provided with the application. Council's Development and Flooding Engineers considered the proposal against Figure BK of the DCP. This assessment concluded the proposed flood mound is suitable for the site for livestock flood refuge. The FIA concluded there would be no adverse impact on adjacent land or overland flow paths, which is already high hazard floodway and unsuitable for development other than for the purpose of a livestock flood refuge mound, such as that proposed. Council's Flooding Engineer concluded the mound would not increase flood risk to life or property or result in cumulative impacts on flood behaviour and the environment. The net volume of fill is below the 20% of storage area control for the 12.428ha property.

Driveways and access

The proposed driveway and access will achieve the flood immunity of Newline Road, and a condition to this effect has been recommended.

Emergency onsite flood refuge

Access to the mound and animal boarding facility from Newline Road is restricted in minor flood events. The development proposes an animal boarding facility, and does not propose any

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habitable/residential space. Notwithstanding, flood free refuge above the PMF level is provided on the flood mound. There is a risk that people attending the site associated with the animal boarding facility would become stranded for long periods of time during major events waiting for flood waters to recede to allow safe egress. To address this risk, a condition of consent has been recommended for a Flood Emergency Response Plan to be developed prior to use of the mound and animal boarding facility to ensure evacuation measures are in place for a flood event.

On the basis of the above considerations, the proposed development satisfies the objectives and requirements of B5 subject to the recommended conditions.

Residential Dwelling

Chapter B5 of the DCP 2014 provides more detailed provisions to inform the assessment against Clause 5.21 LEP 2013 provisions. The DCP chapter was amended in December 2020 to include performance based solutions for certain development in flood prone areas. The amended chapter states that dwelling houses on land categorised as High Hazard Floodway can be considered, only where the performance based criteria in B5 of the DCP 2014 can be satisfactorily addressed.

The submitted Statement of Environmental Effects noted the flood mound may be used for the purpose of a residential dwelling, although not part of the subject application. On this basis, it is appropriate for Council to consider that the mound currently proposed may be used for a residential dwelling. The prospects of a dwelling being constructed with regard Chapter B5 of the DCP have been considered accordingly. Figure B1 of B5 of the DCP stipulates dwellings in a High Hazard Floodway as being generally unsuitable, with no performance based solutions proposed by the applicant. As such, inadequate information has been provided to consider any future residential as being suitable for the site.

Based on these grounds, it is considered appropriate to impose a Section 88B instrument that restricts a future dwelling being constructed on the mound. This instrument will function as a land use restriction and has the effect of limiting future habitable uses on the proposed mound. The 88B instrument is able to be altered or removed subject to a future development application, should additional flood information be provided to allow Council to consider a residential use and assess accordingly against B5 of the DCP.

Chapter B8 – Road Network and Parking

The proposed land use will change to an animal boarding establishment, and thus is expected to generate minor increases in traffic as the intensity of the land use is increasing. The anticipated increase will be minor, with a maximum of 6 vehicles and medium truck movements anticipated at any one time. Additional cars may be as a result of an occasional day event, such as a riding day or workshop, and will be capped at a level that allows for safe parking and unloading of horses on property. A condition of consent has been included restricting these events to 10 per year.

Truck and dog vehicles are expected to be required for construction and delivery purposes, although not for the ongoing operation of the proposed animal boarding establishment. Truck deliveries and movements on site will be managed through conditions of consent.

Chapter B8 does not have a required parking rate for animal boarding or training establishment and a merits based assessment has been applied. All parking areas and driveway will be of gravel surface. The mound has demonstrated there is sufficient gravelled space for vehicle manoeuvring and parking on the top of the pad with an approximate area of 2,300m², with 4 car spaces provided, as well as 4 larger spaces designated for trucks and horse floats. The development is considered compliant with this chapter, with ample space for additional parking and vehicle manoeuvring when necessary.

The proposed driveway crossing will be a minimum 6.5 metres to facilitate passing, consistent with this chapter.

Chapter C – Development Types

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The development does not fall into any of the categories outlined in Chapter C.

Chapter D

The development site does not fall into any of the Specific Areas outlined in Chapter D.

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

No matters under the Regulations require consideration.

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 localitySocial and Economic Impacts

The proposed development will provide flood free land for livestock and provides a compatible land use that provides ongoing employment opportunities. The development improves the viability of the land for primary production purposes, through works that facilitate an animal boarding establishment that provides a service for the local community.

Impacts on the Built Environment

The proposed development is not considered to have an adverse impact on the built environment and is consistent with the built form of the area. Earth mounds are a common type of development within the locality, given the flood prone nature of the surrounding catchment. The size of the mound is considered compatible with the surrounding topography and land form, noting its location within 1 kilometre of the nearest two hills, both much taller than the proposed mound, thereby providing a backdrop within which the mound will be established. Additionally, the mound height above ground is integrated within the context of two nearby levees and the raised nature of Newline Road, in addition to the nearby Kings Hill north-east of the site, which contains a waste management facility viewable from Newline Road. Any potential for rural amenity and visual impacts on surrounding properties from the mound are mitigated by the context, topography and nearby features of the site. Conditions have been recommended that the mound be landscaped, dressed and seeded to achieve a natural green form and mitigate visual impact.

Impacts on the Natural Environment

The proposed development does not involve the clearing of any native vegetation under this application and therefore will not have an adverse impact on the natural environment. The completed mound will be top dressed and seeded with fast growing grassing, with conditions of consent relating to the control of existing noxious weeds on site. The proposal has been sited and designed to ensure coastal areas of environmental significance are protected.

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

The subject site is considered suitable for the proposed mound and change of use commensurate with the land size, location and consistency with the RU1 zone objectives. The site is large enough to facilitate the animal boarding facility as well as the proposed stock mound. Animal boarding and training establishments are permissible in the RU1 zone and contribute to the mix of rural and agricultural uses encouraged in these areas, as they are considered appropriate in comparison to densely populated residential or commercial zones. The development will have minimal impacts on the natural and built environment, and is consistent with the relevant environmental planning instruments and Council planning policies.

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

The application was exhibited from 20 January 2023 until 2 February 2023 in accordance with Councils Community Participation Plan. No submissions were received against the subject development proposal.

Section 4.15(1)(e) the public interest

The proposed development is in the public interest as it facilitates a rural industry that is compatible with the character of the area and will provide an animal boarding and training facility to serve the local community. The proposed flood mound does not negatively impact the amenity of the area and reduces the reliance of the land owner on other property owners and local services in times of flood, as well as facilitating the proposed animal boarding use.

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

Nil.

DETERMINATION

The application is recommended to be approved, subject to conditions of consent.

MIA GALLAWAY

Development Planner

ITEM NO. 4

**FILE NO: 23/103382
EDRMS NO: PSC2021-02594**

COMMUNITY SUPPORT FUND (ROUND 2) 2022 TO 2023

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the allocation of Community Support Funding to the amount of:
 - a) \$5,939 to Royal Life Saving NSW for Water Safety and Survival for Teens.
 - b) \$3,000 to Hope Unlimited Church Incorporated for Seeds of Hope.
 - c) \$6,000 to Rotary Club of Nelson Bay for Reflective Garden Health and Wellbeing Tomaree Community Hospital.
 - d) \$6,000 to Tanilba Bay Baptist Church for Community Meals 4U.

BACKGROUND

The purpose of this report is to seek endorsement for the allocation of funding from the round 2 Community Support Fund 2022 to 2023.

The Community Support Fund aims to build sustainable local communities and improve liveability and wellbeing the wellbeing of the Port Stephens community. This grant welcomes applications from community groups and not-for-profit organisations seeking support for projects, activities and events that address community needs.

The total amount of annual funding available is \$70,000. Round 2 of the program opened on 20 February 2023 to 2 April 2023. A total of 11 applicants applied for the Community Support Fund. 4 applications were successful.

The assessment process was carried out in accordance with the program guidelines. The assessment panel included 3 Councillors (one from each ward), the Mayor and 2 Council Officers.

Unsuccessful applicants will be contacted and advice provided on more relevant funding streams along with support to assist in future funding applications.

A total of \$20,939 is recommended for funding. Table 1 details the projects recommended.

Table 1: Community Support Fund recommended projects

Organisation	Project Title	Amount	Project Description
Royal Life Saving NSW	Water Safety and Survival for Teens	\$5,939	200 students from Tomaree High School will participate in a 2-day water safety and lifesaving education program. The program will teach lifesaving skills, increase water confidence and address risk-taking behaviour in and around water.
Hope Unlimited Church Incorporated	Seeds of Hope	\$3,000	The project will create a community garden which will be open to the public. This space will support pastoral care across the Port Stephens community.
Rotary Club of Nelson Bay	Reflective Garden Health and Wellbeing Tomaree Community Hospital	\$6,000	The project will create an accessible space to enhance the physical and mental health of visitors, workers and patients at the Tomaree Community Hospital. This space will include therapeutic nature spaces and community seating.
Tanilba Bay Baptist Church	Community Meals 4U	\$6,000	The project funding will enable the purchase of a fridge/freezer and contribute to ongoing meal costs for a food outreach program specifically for vulnerable community members.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
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	\$70,000	
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments in adopting the recommendations. Council provides financial assistance in accordance with Section 356(1) of the Local Government Act 1993. Council manages the Community Support Fund in accordance with the Grants and Donations policy.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that funds to successful applicants may not be expended or projects uncompleted and/or not acquitted.	Low	Adopt the recommendation. Manage the grant administration process as per the program guidelines.	Yes
There is a risk that unsuccessful applicants are displeased with Council decision-making	Low	Adopt the recommendation. Asses applications in line with guidelines Provide feedback and grant writing support to unsuccessful applicants.	Yes
There is a risk that the Council may set a precedent when allocating funds to the community and an expectation those funds will always be available.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation will result in improved social outcomes for the Port Stephens community through opportunities to generate social connections and improvements for community wellbeing.

CONSULTATION

The Community Funding Program was promoted through a range of media channels including print media, social media and digital newsletters. Information on the program was also shared with community groups and networks.

The Mayor and Councillors (one Councillor from each ward) participated as part of the assessment panel.

Internal consultation on the projects was undertaken with relevant teams including Vibrant Places and Communications.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5

FILE NO: 23/146290
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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the community submissions received and responses in relation to the draft 2023 to 2033 Integrated Planning and Reporting documents, draft Fees and Charges 2023 to 2024 and 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) Adopt the Additional Fees and Charges 2023 to 2024 (**ATTACHMENT 4**).
 - 5) Make the rates and charges for the 2023-2024 financial year in accordance with (**ATTACHMENT 5**).
 - 6) Adopt the revised Debt Recovery & Hardship Policy to commence on 1 July 2023 (**ATTACHMENT 6**).
 - 7) Revoke the Debt Recovery & Hardship Policy dated 10 November 2020, Minute Number 238, on 30 June 2023.
 - 8) Resolve to establish the Enhanced Services Focus Areas Reserve as outlined in the Long Term Financial Plan.
-

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)**. Recommended changes to the documents were made, where deemed appropriate, from the community submissions and or administrative corrections required as detailed within **(ATTACHMENT 2)**.

ORDINARY COUNCIL - 27 JUNE 2023

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

Additional Fees and Charges 2023 to 2024

The draft Additional Fees and Charges 2023 to 2024 were placed on public exhibition for 28 days from 24 May 2023 to 21 June 2023.

The public exhibition period ends after the distribution of the Council agenda and prior to the required deadline of 30 June 2023. Should any submissions be received a Supplementary Information report will be provided.

Special Rate Variation Application

On 15 June 2023, IPART announced that it has approved Council's Special Rate Variation (SRV) application as detailed within **(ATTACHMENT 3)**.

Council will continue to focus on reducing operating costs and through its rolling Service Review Program find efficiency savings that enable the delivery of valued services to the community in the best possible way.

Revised Debt Recovery and Hardship Policy

In conjunction with the Special Rate Variation, the revised Debt Recovery and Hardship Policy will include additional affordability measures to mitigate the impact of the rate increase on ratepayers both pensioners and non-pensioners who may experience financial hardship.

The policy will be:

- Published on Council's website and details provided under the dedicated Financial Hardship page.
- Referenced on the back of the rates notice.
- Details provided verbally and via post directly to those experiencing financial hardship when speaking with Council's Rates team.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The Independent Pricing and Regulatory Tribunal (IPART) has granted a Special Rate Variation for Port Stephens Council (**ATTACHMENT 3**). The proposed rates and charges reflect those included in the amended Statement of Revenue Policy which will be included in the revised Operational Plan 2023 to 2024 as outlined in (**ATTACHMENT 5**).

The outstanding rates and charges interest rate will be the maximum rate as determined by the Minister for Local Government. Legislation requires the rates to be calculated using 1 July 2022 base date land values. Rates and charges income must be collected in a timely manner to ensure cash flow to fund Council operations.

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 - 27 JUNE 2023

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
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 and serve the Rates Notices 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. [↓](#)
- 3) IPART's Determination Report. (Provided under separate cover)
- 4) Additional Fees and Charges 2023 to 2024. [↓](#)
- 5) Schedule of Rates and Charges 2023-2024. [↓](#)
- 6) Revised Debt Recovery and Hardship Policy. [↓](#)

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&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&R) documents are created in accordance with the requirements and framework set out in the Office of Local Government's IP&R Guidelines. Council makes every attempt to ensure accessibility and ease of reading whilst complying with the IP&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&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 Council invites community feedback on the draft IP&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.
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 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.
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: “ Sunday Monday for the period 1st December 31st January ” 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

CHANGES TO THE 2023-2033 STRATEGIC ASSET MANAGEMENT PLAN CAPITAL WORKS PLUS PLAN				
Page Reference	Asset Category	Project Description	Estimate	Comment as to why project is being deleted or added
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
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

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

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

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

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

SRV 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
DELIVERY PROGRAM 2022 TO 2026 AND OPERATIONAL PLAN 2023 TO 2024			
12.	3	SRV Determination	<p>Message from the General Manager - Update currency following the Special Rate Variation determination.</p> <p>The SRV application to the Independent Pricing and Regulatory Tribunal (IPART) was lodged in January 2023 with a successful determination yet to be made by IPART made by IPART on 15 June 2023.</p>
13.	10	SRV Determination	<p>Replace "Application submitted" with "Application Successful"</p> <p>Update currency of the Special Rate Variation commentary as shown in Item 12 below.</p>
14.	12	SRV Determination	Update currency of the Special Rate Variation commentary as shown in Item 13 below.
15.	13	SRV Determination	Update currency of the Additional Affordability Measures commentary as shown in Item 14 below.
16.	25	SRV Determination	Update currency of the Special Rate Variation commentary as shown in Item 15 below.
17.	34	SRV Determination	Update currency of the Financial Sustainability commentary as shown in Item 16 below.
18.	89	SRV Determination	Update currency of Statement of revenue policy as shown in Item 17 below.
19.	91	SRV Determination	Delete page
20.	99 - 100	SRV Determination	Delete pages
RESOURCING STRATEGY 2023 TO 2033			
21.	4	SRV Determination	Message from the General Manager - Update currency following the Special Rate Variation determination.

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

			Council formally resolved to apply for a SRV of 9.5% per year for three years, with an application to IPART lodged in January 2023 and determination yet to be made by IPART. with a successful determination made by IPART on 15 June 2023.
Workforce Management Strategy 2022 to 2026			
22.	10	SRV Determination	Update currency of Rate rise application as shown in Item 20 below.
Long Term Financial Plan 2023 to 2033			
23.	38	SRV Determination	Update currency of SRV – Reduced Independent Recommendation Scenario as shown in Item 21 below.
24.	49	SRV Determination	Update currency of SRV – Impact statement as shown in Item 22 below.
Strategic Asset Management Plan 2023 to 2033			
25.	82	SRV Determination	Update currency of Rate rise application as shown in Item 23 below.

Item 12

Proposed Special Rate Variation (SRV)

Application submitted **Successful**

After an extensive community engagement program undertaken from July to November 2022 and independent advice, Council unanimously agreed to submit an application to the Independent Pricing and Regulatory Tribunal (IPART) for a special rate variation (SRV). An SRV is a tool used by Councils to adjust its fixed income base when reducing operating expenditure alone does not balance the budget.

Without an SRV Council is forecasting an \$80 million budget shortfall over the next 10 years. It would be unsustainable for Council to operate year after year with budget shortfalls. The increased income raised by a Special Rate Variation **would will** be used to eliminate forecasted shortfalls, covering the rising costs associated with delivering planned services to our community. Meaning council will be able to fund and meet community expectations as outlined in our Integrated Planning and Reporting suite of documents. Where additional funds are generated Council will be able to increase funding into community priorities being road maintenance, condition of our public spaces, and protecting our waterways and natural environment.

In January 2023, Council submitted an application for a multi-year rate variation, a cumulative increase of 31.29%, being a 9.5% increase for three consecutive years 2023-2024 to 2025-2026. The SRV scenario is inclusive of the state imposed rate cap.

Council has applied for the increase to be retained permanently in the rates general income base. This means that rate levels in the first year after the SRV and subsequent years will only increase by the rate cap set by the state government and rates will not be reduced to pre-SRV levels.

IPART is considering Council's application based on detailed criteria and their community consultation period held in February 2023. It is expected IPART will make a determination in May 2023. If approved, the rate increase would commence 1 July 2023. **On 15 June 2023, IPART announced that it has approved Council's Special Rate Variation application of 9.5% each year, for three years. The cumulative rate increase of 31.29% will commence 1 July 2023, includes the 2023-2024 4.4% rate cap and will be a permanent increase within the rate base.**

Item 13

In January 2023, Council submitted its application to IPART and is expected that the determination will be announced in May 2023 **was successful as it demonstrated IPART's criteria.**

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

Item 14

Rate rise options additional affordability measures

We understand that it may be difficult for some of our community to pay for an increase in rates. We have a range of current initiatives in place to assist ratepayers experiencing hardship, whether it be for a short or long time. ~~These can be found in our existing Debt Recovery and Hardship Policy.~~

To ensure that there is ample assistance available to those who may experience financial stress should there be an **as a result of the** approved rate increase, Council is proposing **has adopted** the additional affordability measures (Refer to Appendix 4). This would include:

- Pensioners, and increase the amount of assistance for non-pensioners.
- Financial assistance to include waste charges reduction for koala carers and ratepayers with medical conditions that result in large amounts of waste.
- Include referral of financial hardship matters to Council in the event of a significant event affecting Port Stephens primary producers.
- Increase the debt balance threshold for commencement of legal action

After engaging with the Community on these additional affordability measures Council has incorporated these into its draft Debt Recovery and Hardship Policy and will be adopted subject to an approved SRV **commencing 1 July 2023.**

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

Item 15

Planned Services

The key purpose of Council's applying for a SRV is for Financial Sustainability. Council has had predicated an \$80 million shortfall for the next ten years without having a SRV. With an the approved SRV, this would mean that the \$80 million shortfall would be is eliminated and the bulk of the funds raised would will go towards funding existing planned current services as outlined within the Community Strategic Plan, Delivery Program and Operational Plan. Meaning there would will be no reduction in service delivery and services would continue to be delivered as expected over the next ten years. The funds raised through a SRV would will see Council's operational day-to-day budget strengthen, to overcome external shocks, keep up with rising cost pressures and support long term financial sustainability of Port Stephens.

Enhanced Services

From our discussions with our community, we know that not only was financial sustainability critical but there is a desire for enhanced current services, and for these enhancements to target our road network. We initially asked if there were to be additional funds over and above daily needs what areas the community sees as a priority. The SRV application takes what we heard from our conversations with the community and puts it into a detailed action plan where fixing our roads is first priority. With the reduced-independent recommendation put forward in Council's SRV application approved the community will see gradual and modest enhancements.

Item 16

Financial Sustainability

Over the past 3 years Council has been facing its toughest challenge financially to date, with the Long Term Financial Plan (LTFP) anticipating significant financial challenges

Following extensive financial investigations and independent reports, continuing austerity measures, increasing non-statutory fees and charges by 10% in the 2022-2023 year and identifying surplus land for potential sale, Council engaged with the community about applying for a Special Rate Variation (SRV).

Extensive consultation was carried out to ensure we adequately captured the community's priorities regarding any application to IPART. Council's LTFP and IP&R documents were subsequently revised to incorporate options discussed with the community and reflect the different SRV scenarios.

In November 2022, Council unanimously formally resolved to apply for a SRV of 9.5% per year for three years. Following this, the IPART application was prepared for lodgement in early 2023. IPART is yet to assess and determine the application IPART has approved Council's application. Read more about the Rate Rise investigations and options.

As part of our considering our financial sustainability, Council endorsed removing the reliance on the dividend from Newcastle Airport as part of our operational budget. This represents an ongoing operational efficiency up to \$2M per annum into the future.

CSP Key Strategy - L2.1 Maintain financial sustainability.

Delivery Program - L2.1.1 Manage implementation of the Long Term Financial Plan 2023 to 2033.

Item 17

Appendix two: Statement of revenue policy

Council has had its made an application to the Independent Pricing and Regulatory Tribunal (IPART) for a special rate variation (SRV) to ordinary rates been approved.

As Council is awaiting the determination announcement from IPART both the SRV Scenario and Base Scenario have been modelled in these Integrated Planning and Reporting documents. Both SRV scenarios are inclusive of the state imposed rate peg.

Council is proposing that the The SRV increase will be retained permanently in the rates general income base. This means that rate levels in the first year after the SRV and subsequent years will only increase by the rate peg set by the State Government and rates will not be reduced to pre-SRV levels.

The following rates are proposed for 2023-2024, and key elements of Council's rating policy are:

- **Base Scenario** — 4.4% state-imposed rate cap assumption;
- **Reduced Independent Recommendation Scenario** - A cumulative increase of 31.29%, being a 9.5% increase for three consecutive years 2023-2024 to 2025-2026;
- All scenarios include continuation of sub-categories in the residential and farmland categories aligned with the Williamstown Management Area;
- It is proposed to continue to make the farmland rate the same as the residential rate;
- 35% base amounts are proposed to continue in the main residential rate category and business rate category

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

Item 20

Council has submitted an application to **been approved by** the Independent Pricing and Regulatory Tribunal (IPART) for a special rate variation (SRV) of 9.5% each year, for three years, with a cumulative increase of 31.29%. Council is awaiting a determination from IPART.

If approved, the SRV will be implemented **commence** on 1 July 2023 for the key purpose of financial sustainability and delivering planned services with some enhancements.

Base Scenario

Under the base option, Council's rate income would only increase by the rate cap, being 2.5%. This income will not cover what we need to spend to deliver services as they currently are. Council will not be financially sustainable, our assets will deteriorate, and we will need to consider reducing or ceasing services.

At the current levels of our workforce, reducing services would more than likely translate to reducing staff. This is not ideal but would be necessary to return to a balanced budget. As with services, Council would not and is unable to reduce our workforce immediately. What this does mean is that staff levels would not increase with service delivery demand, and over time, positions that become vacant may not be filled. Natural attrition through not filling vacancies is both unsustainable and unsafe as we are not able to redistribute staff due to the vast differences in skills and experience needed to deliver our 61 diverse services. The level of service in which our workforce provides to the community would therefore be reduced.

If this were the path forward, Council would need to have extensive conversations with the community to understand what services the community is prepared to see reduced or stopped in the future. Council would then begin internal processes to align our workforce with those reduced service levels.

Special Rate Variation Scenarios

The special rate variation application, if successful, is to eliminate proposed budget shortfalls by funding planned services, activities and actions outlined in the CSP, DP and OP. It would mean Council's current workforce would remain at the right level to deliver the services required and be in line with good practice service delivery models. Council would ensure any enhanced services are achieved in line with our current standard of delivery either through our workforce or works contracted out. Council's workforce would remain highly engaged and committed to delivering services valued by our community in the best possible way.

Item 21

SRV - Reduced Independent Recommendation Scenario

A cumulative increase of 31.29%, being a 9.5% increase for three consecutive years 2023-2024 to 2025-2026.

Council has applied to **been approved by** IPART for a Special Rate Variation and is awaiting the determination. This iteration of the LTFP models the SRV scenario as discussed with the community in 2022 and endorsed by Council in November 2022.

The key purpose of the Special Variation (SRV) Application is financial sustainability.

SRV income will be used to eliminate the successive operational budget shortfalls as forecasted within the LTFP Base Scenario and ensure Council can continue to deliver the activities and actions outlined in our Integrated Planning and Reporting suite of documents. This ensures that rate income is sufficient to provide core services, and therefore, reduce the risk and reliance on commercial revenues.

The funding generated through this increase will also enable Council to deliver modest enhancements in four key areas of existing services as identified as priorities by our community, (i) road maintenance, (ii) condition of public space, (iii) protecting our natural environment and (iv) protecting our waterways.

Council has requested that **been approved for** the increase be retained permanently in the rates general income base. This means that rate levels in the first year after the SRV and subsequent years will only increase by the rate peg set by the State Government and rates will not be reduced to pre-SRV levels.

ITEM 5 - ATTACHMENT 2 CHANGES TO THE 2023 - 2033 INTEGRATED PLANNING AND REPORTING DOCUMENTS.**Item 22****Impact Statement**

Council has applied to **been approved by** IPART for a Special Rate Variation, known as a rate rise. This follows on from extensive community engagement undertaken throughout most of 2022 and for the key purpose of financial sustainability. Council unanimously resolved to apply for a lower-than-proposed rate increase with a cumulative increase of 31.29%, being a 9.5% increase for three consecutive years (inclusive of the 4.4% rate cap for 2023-2024 and assumed 2.5% rate cap for years 2 and 3).

Under this scenario, it is **assumed** Council's SRV application is successful. Council would **will** eliminate every year of forecasted shortfalls of the base scenario and break even in the first year of the plan. This forecasted underlying result is supported by an approved special rate variation, further stimulus operating grants being used to fund capital projects and Councils Crown Holiday Parks revenue bouncing back after state-mandated Covid-19 lockdowns. All of these income streams come with restrictions, any surplus generated from the Crown Holiday Parks is required to be spent on Crown land, grant funds are required to be spent in accordance with the particular grant guidelines and the SRV funds can only be used as outlined in Council's application.

In opposition to new and strengthened income streams Council has not received its annual \$2 million dividend from Newcastle Airport since 2020 in connection with the Covid-19 pandemic. Previously Council consumed the dividend in its day-to-day operating budget to support delivering services to the community. This resulted in an overall loss of \$6 million to the organisation thus far, in which Council has had to find efficiency savings to offset this loss. This external shock demonstrated to Council its heavy reliance on the airport dividend to fund day-to-day operations.

Whilst the dividend is expected to resume in 2027, confidence in its strengthened return is moderate due to the Airport's expansion plans. In the interest of financial sustainability and the financial restructuring commenced in 2022, Council determined that any future dividend received will be redirected from the day-to-day operating budget to the Resilience Fund. The overall aim of the Resilience Fund is to ensure that the use of excess non-rate revenue is contributed towards significant projects, investments or initiatives to achieve the strategies of Council.

Income generated by the SRV would allow **will** Council to deliver its current services at existing levels as well as additional funds being allocated to small enhancements in priority focus areas as identified by the community during the SRV engagement program. Council would see a return to its 1% resilience target during the life of the plan and be considered financially sustainable.

Permanent in nature

Council is proposing that the **The** SRV increases **will** be retained permanently in the rates general income base. This means that rate levels in the first year after the SRV and subsequent years will only increase by the rate peg set by the state government and rates will not be reduced to pre-SRV levels.

SAMP and WMS Impact Statements

An impact statement of the Reduced Independent Recommendation scenario for both the SAMP and WMS can be found in their respective documents.

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

Item 23

Rate rise application

Council has submitted an application to **been approved by** the Independent Pricing and Regulatory Tribunal (known as IPART) for a special rate variation of 9.5% each year, for three years with a cumulative increase of 31.29%. Council is awaiting a determination from IPART and if approved will be implemented **The SRV will commence** on 1 July 2023 for the key purpose of financial sustainability and delivering planned services with some enhancements.

Base Scenario

It would be unsustainable for Council to continue to operate with annual operating shortfalls. To address this Council would look to reduce services to the community to balance the budget. As part of those efforts, the overall current condition of our assets would decrease. This would mean the levels and timeliness at which we maintain, renew and construct new infrastructure would be reduced. Over 90% of Council's assets currently sit in a condition rating of 1-3, meaning assets are in excellent to satisfactory condition. Under the base scenario, the community would see over time these assets slip into the condition category of poor and very poor. Council may also look at asset rationalisation, meaning that Council may sell or dispose of assets to minimize ongoing maintenance costs to slightly minimise the burden. This does not mean corners would be cut; Council is committed to ensuring our assets are safe for our community.

Special Rate Variation – application submitted

If the special rate variation was approved it would **will** eliminate proposed budget shortfalls by funding planned services, activities and actions outlined in the CSP, DP and OP. This means council's current asset management plans would remain fully funded. The special rate variation scenarios allow for some enhanced services as desired by the community. This would see Council's target our road network, public space and our natural environment and waterways. In response to community feedback received from the SRV engagement period Council modified the timing of expenditure to ensure that road maintenance works would be prioritised up front.

IP&R Framework

Additional Fees and Charges

2023 to 2024

Draft



PORT STEPHENS
COUNCIL

DRAFT

Additional Fees & Charges

Port Stephens Council

ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
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Port Stephens Council**Administration Services****Financial Management****Tenders****Leases/Licences****Property Licences**

Key Bond	One off fee charged upon the commencement of the lease/licence, refundable upon the return of the key(s) at the end of the lease/licence agreement	\$0.00	\$50.00	\$0.00	\$50.00			Market pricing
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Licences**Commercial Operator's Licence – Water/Land Activities – Category 1**

Category 1 Location: Shoal Bay Foreshore Boat Ramp (A), Shoal Bay Foreshore Adjacent Public Wharf (B), Shoal Bay Beach Road Adjacent Harbourside Haven (C), Shoal Bay Foreshore at intersection of Harwood Avenue and Beach Road (D), Nelson Bay Foreshore on Victoria Parade adjacent to Kiosk and Carpark, Nelson Bay Foreshore on Victoria Parade adjacent Fly Point amenities. These locations are suitable for example for Catamarans, Paddle Boarding, Kayaking, and other tourism and adventure activities.

Category 1 Location: Fly Point (suitable as dive site), Nelson Bay Foreshore on Victoria Parade adjacent to kiosk and carpark (bike hire and tours)

Licence fee	Annual fee	Commercial operators earning revenue above \$52,000 per annum after the first 12 months, at Councils discretion will be subject to an independent market rent review. All commercial operators are to provide audited financial statements to council by 30th September each year.	Per licence	Market pricing
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ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
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Commercial Operator's Licence – Water/Land Activities – Category 2

Category 2 Location: Birubi Beach, Fingal Beach (A), Fingal Beach (B), One Mile Beach. These locations are suitable for example for Surf School, other tourism, adventure and beach activities.

Category 2 Location: Dutchman's Beach 1, Dutchman's Beach 2, Fitzgerald Bridge Boat Ramp, Roy Wood Reserve. These locations are suitable for example for Catamarans, Paddle Boarding, Kayaking, other tourism and adventure activities.

Licence fee	Annual fee	Commercial Operators earning revenue above \$52,000 per annum after the first 12 months, at Councils discretion will be subject to an independent market rent review. All Commercial Operators are to provide audited financial statements to council by 30th September each year.	Per licence	Market pricing
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Commercial Operator's Licence – Water/Land Activities – Category 3

Category 3 Location: Fisherman's Bay Foreshore Reserve, Bagnall Beach Foreshore adjacent Pantawarra Street, Caswell Reserve, George's Reserve, Forster Park Foreshore, Peace Park Boat Ramp, Taylors Beach.

These locations are suitable for example for Catamarans, Paddle Boarding, Kayaking, and other tourism and adventure activities.

Category 3 Location: Bagnall Beach Foreshore adjacent Pantawarra Street. This location is suitable for example for Bike hire and tours.

Licence fee	Annual fee	Commercial Operators earning revenue above \$52,000 per annum after the first 12 months, at Councils discretion will be subject to an independent market rent review. All Commercial Operators are to provide audited financial statements to council by 30th September each year.	Per licence	Market pricing
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Commercial Operator's Licence – Land-based Activities

The following sites are suitable for example for Boot Camps, Personal Training, Tai Chi, Pilates, and other suitable Fitness activities: Birubi Beach, Robinson Reserve, Conroy Park, Fingal Bay Foreshore Reserve, Fingal Bay Oval, Fingal Beach (A), Fingal Beach (B) Boat ramp end, Tom O Dwyer Oval, Fisherman's Bay Park, Hinton Foreshore, Stuart Park, Aliceton Reserve, Lionel Morton Oval, Kooindah Park, Mallabula Sports Complex, Boyd Oval, Coachwood Drive Reserve 2, Ferodale Sports Park, Kindlebark Oval, Yulong Oval, Bill Strong Oval, Dutchman's Beach Reserve, Fly Point Reserve, Little Beach Reserve, Neil Carroll Park, Tomaree Sports Complex, One Mile Beach, Alton Park Reserve, Boomerang Park, King Park Sports Complex, Lakeside Reserve 2, Lakeside Reserve 3, Lakeside Sports Complex, Ross Walbridge Reserve, Vi Barnett Oval, Bagnall Beach Road Detention Basin, Joe Redman Reserve, Korora Oval, Salamander Sports Complex, Brandon Park, Seaham Park, Everitt Park, Bowthorne Park.

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ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
Commercial Operator's Licence – Land-based Activities [continued]								
Licence fee	Annual fee	Commercial Operators earning revenue above \$52,000 per annum after the first 12 months, at Councils discretion will be subject to an independent market rent review. All Commercial Operators are to provide audited financial statements to council by 30th September each year.				Per licence		Market pricing
Commercial Operator's Market Licence – More than 4 times per year								
Licence fee	Annual fee	Commercial Operators earning revenue above \$52,000 per annum after the first 12 months, at Councils discretion will be subject to an independent market rent review. All Commercial Operators are to provide audited financial statements to council by 30th September each year.				Per licence		Market pricing
Commercial Operator's Not for Profit Licence								
Commercial Operator's Mobile Food/Retail Licence & Permit								
Licence fee	Annual fee	Commercial Operators earning revenue above \$52,000 per annum after the first 12 months, at Councils discretion will be subject to an independent market rent review. All Commercial Operators are to provide audited financial statements to council by 30th September each year.				Per licence		Market pricing
Electrical Inspection Charge		\$370.00	\$336.36	\$33.64	\$370.00	Per Inspection		Market pricing
Property Licences								
Licence Administration - Community Licences	Minimum Administration Fee for establishment and management of licence.	\$213.00	\$230.00	\$0.00	\$230.00			Market pricing

ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
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Parking**Smart Parking Meters**

Smart Parking Permit - Non-LGA Business Permit	For businesses located outside Port Stephens Council Local Government Area who regularly work in and around metered parking scheme zones	\$139.00	\$150.00	\$0.00	\$150.00	Per vehicle		Market pricing
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Publications**Development Plans****Contribution Plans**

Available free on web

Control Plans

Available free on web

Integrated Plans

Integrated Plans Fee	Plans include Integrated Plans, Resource Strategy Plus postage and handling at cost. Available free on web	\$143.00	\$154.50	\$0.00	\$154.50	Per set		Full cost pricing
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ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Year 23/24 Fee (incl. GST)	Unit	Legislation	Pricing Policy
Reports								
Reports Fee	Annual Report, End of Term Report, Customer Survey Reports, Fees and Charges Per volume plus postage and handling at cost. Available free on web	\$48.00	\$52.00	\$0.00	\$52.00	Per report		Full cost pricing

Spatial Services**Maps/Plans****GIS Electronic Files**

pdf or jpg format

ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Year 23/24 Fee (incl. GST)	Unit	Legislation	Pricing Policy
Community Services and Events								
Cemetery Operations								
Cemetery – Other fees								
Weekend Internment Fee	Burial fee for weekend and public holiday interments. Including ashes in plot.	\$350.00	\$342.84	\$34.28	\$377.12	Per occurrence		Market pricing

Cemetery – Memorial Trees**Waste Management Services****Collection Services****Kerbside Collection**

For a kerbside collection, contact Council's contractor, Suez, on 1300 734 470 or book on-line through PSC's website.

ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Year 23/24 Fee (incl. GST)	Unit	Legislation	Pricing Policy
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Development & Building Services**Rezoning and Reclassification****Rezoning Requests****Basic (Category A) - Planning Proposals**

Low impact and low yield development. Includes Section 3.22 amendments, minor additional permitted uses. A low level of assessment, consultation and coordination is required. No, or minimal, supporting studies are required. An accompanying development control plan is not required.

This fee also applies to planning proposals that are consistent with a Place Strategy. The total of all stages except for the Stage 1 - Scoping, is to be paid at Lodgement.

Stage 1 – Scoping/pre-lodgement advice	Fee includes up to 25 hours of work by Council staff. Additional hours will be invoiced to the applicant at an hourly rate of \$214 per hour. The fee is to be paid prior to Council staff accepting the scoping report.	\$0.00	\$5,350.00	\$0.00	\$5,350.00	Per proposal		
Stage 2 - Lodgement/Gateway request	Fee includes up to 35 hours of work by Council staff. Additional hours will be invoiced to the applicant at an hourly rate of \$214 per hour	\$0.00	\$7,490.00	\$0.00	\$7,490.00	Per proposal		
Stage 3 – Post Gateway /exhibition	Fee includes up to 80 hours of work by Council staff. Additional hours will be invoiced to the applicant at an hourly rate of \$214 per hour.	\$0.00	\$17,120.00	\$0.00	\$17,120.00	Per proposal		Full cost pricing

ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
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Standard (Category B) - Planning Proposals

Locally significant urban release areas and development. Significant additional permitted uses. A medium to high level of assessment, consultation and coordination is required. A medium to high number of supporting studies is required. An accompanying development control plan may be required.

Stage 1 – Scoping/pre-lodgement advice	Fee includes up to 35 hours of work by Council staff including rezoning request assessment prior to lodgement. Any additional hours will be invoiced to the applicant at \$214 per hour. The fee is to be paid prior to Council staff accepting the scoping report.	\$0.00	\$7,490.00	\$0.00	\$7,490.00	Per proposal		Full cost pricing
Stage 2 - Lodgement/Gateway request	Fee includes up to 70 hours of work by Council staff. Any additional hours will be invoiced to the applicant at \$214 per hour.	\$0.00	\$14,980.00	\$0.00	\$14,980.00	Per proposal		Full cost pricing
Stage 3 – Post Gateway /exhibition	Fee includes up to 150 hours of work by Council staff. Any additional hours will be invoiced to the applicant at \$214 per hour.	\$0.00	\$32,100.00	\$0.00	\$32,100.00	Per proposal		Full cost pricing

Complex (Category C) - Planning Proposals

Large scale urban release areas and development. A high level of assessment, consultation and coordination is required. A high number of supporting studies is required. A development control plan is required.

continued on next page ...

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ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
Complex (Category C) - Planning Proposals [continued]								
Stage 1 – Scoping/pre-lodgement advice	Fee includes up to 50 hours of work by Council staff including rezoning request assessment prior to lodgement. Any additional hours will be invoiced to the applicant at \$214 per hour. The fee is to be paid prior to Council staff accepting the scoping report.	\$0.00	\$10,700.00	\$0.00	\$10,700.00	Per proposal		Full cost pricing
Stage 2 - Lodgement/Gateway request	Fee includes up to 280 hours of work by Council staff. Any additional hours will be invoiced to the applicant at \$214 per hour.	\$0.00	\$59,920.00	\$0.00	\$59,920.00	Per proposal		Full cost pricing
Stage 3 – Post Gateway /exhibition	Fee includes up to 300 hours of work by Council staff. Any additional hours will be invoiced to the applicant at \$214 per hour.	\$0.00	\$64,200.00	\$0.00	\$64,200.00	Per proposal		Full cost pricing

ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
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Applications (including DAs, CCs, CDCs and s.68)**Development Applications****Application Fees**

Fees are based on value of development as determined by Council's authorised officer for the purposes of setting fees equitably and fairly. For the purposes of this Schedule, a fee unit is—

(a) in the financial years ending on 30 June 2022 and 30 June 2023—\$100, and

(b) in each subsequent financial year—the amount calculated as follows—

$\$100 \times A/B$

where—

A is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the March quarter of 2023.

Additional Application Fees

Electronic referral and review of DA by an Urban Design Panel		\$1,500.00	\$1,500.00	\$0.00	\$1,500.00			
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Notification and Advertising Fees

*Note - Council shall refund so much of the additional portion of the fee as not spent in giving the notice.

Building Works Construction Certificate Fees**Application Fees**

All application fees are to be as per a pre-lodgement quotation based upon the finished market value of works as determined by Council, the professionalism of the submission, the applicant or applicants agent and the business relationship with the Council

Complying Development Certificate Fees**Application Fees**

Variable component building works – Based on the value of the building and all development works as determined by Council's Building Surveyor

ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
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Certification**Building Inspection Fees****Residential Development Fees**

For all additional inspections in excess of those listed additional inspection fees including GST are applicable

Commercial/Industrial Development/ Residential Fees (class2-9)

For all additional inspections in excess of those listed additional inspection fees including GST are applicable

Class 2, 3 & 4 Additional Inspection Fees

Additional residential fees under s61 EP&A (DC&FS)Regs 2021

ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23	Year 23/24		Unit	Legislation	Pricing Policy
		Fee (incl. GST)	Fee (excl. GST)	GST			

Engineering & Works

Civil Works

DRAFT

ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
Recreation & Leisure Services								
Aquatic Centres – Lakeside Leisure Centre								
General Admission								
Single Visit								
Entry - Child	Casual entry for children 4 - 11 years	\$5.20	\$5.00	\$0.50	\$5.50	Per visit		
Entry - Companion/Carers	Casual Entry for Companion Card Holders	\$0.00	\$0.00	\$0.00	\$0.00	Per visit		Free (zero priced)
Membership								
Pool membership - Corporate Discount - Single	Corporate membership discount applicable to pool membership - adult single weekly direct debit	Corporate Single Direct Debit discount 5% (10+ Employees) Corporate Single Direct Debit discount 10% (500+ Employees) Corporate Single Direct Debit discount 15% (1000+ Employees) Corporate Single Direct Debit discount 20% (5000+ Employees)				Per week		
Programs								
Aquatic Education								
Swimming Lesson - School	Includes pool entry	\$8.00	\$9.00	\$0.00	\$9.00	Per lesson		
Special								
Visitor 7 day Pass - Single	7 day pass from date of purchase, offered December/January Only upfront payment	\$34.00	\$31.82	\$3.18	\$35.00	Per week		Market pricing

continued on next page ...

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ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
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Special [continued]

Visitor 7 day Pass - Family	7 day pass from date of purchase, offered December/January Only upfront payment. Family is defined as members of family on a medicare card or proof of residence at the same address.	\$134.40	\$122.73	\$12.27	\$135.00	Per week		Market pricing
Pool Hire Fee 50m	Entire 50m pool - per hour	\$257.50	\$240.91	\$24.09	\$265.00	Per Hour		Market pricing
Pool Hire Fee Leisure Pool	Entire Leisure Pool - Per hour	\$206.00	\$195.45	\$19.55	\$215.00	Per Hour		
Hydro Functional Kickstarter Pass	6 Week Membership	\$62.00	\$60.73	\$6.07	\$66.80			Market pricing
Pool Inflatable Hire	\$100 per hours, min 3 hours	\$300.00	\$272.73	\$27.27	\$300.00			Market pricing

Aquatic Centres – Tilligerry Aquatic Centre**General Admission****Multiple Visits**

Multi Visit Pass - Concession Single 20 Visits	Six month expiry term, 20 visits for price of 18 visits. (Concession Card Holders- including Veterans, Pension, Health Care Card, Student, Disability)	\$74.20	\$73.64	\$7.36	\$81.00	Per 20 Visits		Market pricing
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Single Visit

Entry - Child	Casual Entry for children 4-11 years	\$5.20	\$4.73	\$0.47	\$5.20	Per visit		Market pricing
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ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Year 23/24 Fee (incl. GST)	Unit	Legislation	Pricing Policy
Single Visit [continued]								
Entry - Companion/Carers	Casual Entry for Companion Card Holders	\$0.00	\$0.00	\$0.00	\$0.00			Free (zero priced)
Membership								
Pool membership – Corporate Discount – Single	Corporate membership discount applicable to pool membership - adult single weekly direct debit	Corporate Single Direct Debit discount 5% (10+ Employees) Corporate Single Direct Debit discount 10% (500+ Employees) Corporate Single Direct Debit discount 15% (1000+ Employees) Corporate Single Direct Debit discount 20% (5000+ Employees)				Per week		Market pricing
Programs								
Aquatic Education								
Swimming Lesson - School	Includes pool entry	\$8.00	\$9.00	\$0.00	\$9.00	Per lesson		Market pricing
Special								
Pool Hire Fee 25m	Entire 25m - per hour	\$206.00	\$195.45	\$19.55	\$215.00	Per Hour		Market pricing
Pool Inflatable Hire	\$100 per hr, min 3 hrs	\$300.00	\$272.73	\$27.27	\$300.00			Market pricing

ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Year 23/24 Fee (incl. GST)	Unit	Legislation	Pricing Policy
Aquatic Centres – Tomaree Aquatic Centre								
General Admission								
Multiple Visits								
Multi Visit Pass – Concession Single 20 visits	Six month expiry term, 20 visits for price of 18 visits (Concession Card Holders- including Veterans, Pension, Health Care Card, Student, Disability)	\$92.70	\$90.00	\$9.00	\$99.00	Per 20 Visits		Market pricing
Single Visit								
Entry - Child	Casual Entry for children 4-11 years	\$5.20	\$5.00	\$0.50	\$5.50	Per visit		Market pricing
Entry - Companion/Carers	Casual Entry for Companion Card	\$0.00	\$0.00	\$0.00	\$0.00			Free (zero priced)
Waterslide All Day Family Ride Pass	Family is defined as members of family on a Medicare card or proof of residence at the same address	\$51.50	\$50.00	\$5.00	\$55.00			Market pricing
Membership								
Pool membership – Corporate Discount – Single	Corporate membership discount applicable to pool membership - adult single weekly direct debit		Corporate Single Direct Debit discount 5% (10+ Employees) Corporate Single Direct Debit discount 10% (500+ Employees) Corporate Single Direct Debit discount 15% (1000+ Employees) Corporate Single Direct Debit discount 20% (5000+ Employees)			Per week		Market pricing

ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
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Programs**Aquatic Education**

Swimming Lesson - School	Includes pool entry	\$8.00	\$9.00	\$0.00	\$9.00	Per lesson		Market pricing
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Special

Pool Hire Fee 50m	Entire 50m Pool - per hour	\$257.50	\$254.55	\$25.45	\$280.00	Per Hour		Market pricing
Pool Hire Fee Leisure Pool	Pool Hire Fee Leisure Pool - per hour	\$206.00	\$201.82	\$20.18	\$222.00	Per Hour		Market pricing
Pool Inflatable Hire	\$100 per hr, min 3 hrs	\$300.00	\$272.73	\$27.27	\$300.00			Market pricing

Sports Facilities Categories**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

Boomeran 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

Sports Councils Facilities Hire**Category 2**

Salt Ash Sports Ground

ITEM 5 - ATTACHMENT 4 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
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Community Services and Events**Cemetery Operations****Cemetery – Memorial Trees****Halls & Community Centres****Soldiers Point Hall**

Hourly Rate	For-profit hirers & private bookings	\$22.00	\$21.82	\$2.18	\$24.00	Per hour		Market pricing
Hourly Rate	Registered charities & community groups	\$16.60	\$16.36	\$1.64	\$18.00	Per hour		Market pricing
Hourly Rate	Regular hirers	\$13.40	\$13.18	\$1.32	\$14.50	Per hour		Market pricing

Waste Management Services**Collection Services****Kerbside Collection**

For a kerbside collection, contact Council's contractor, Suez, on 1300 734 470 or book on-line through PSC's website.

SCHEDULE OF RATES AND CHARGES 2023-2024

- 1) Following approval of Council's 9.5% Special Rate Variation application by IPART, make ordinary rates in accordance with the following schedule for 2023-2024 financial year using 1 July 2022 base date land values.

Ordinary Rates				
Category	Sub-category	Ad Valorem Rate c in \$	Base Amount \$	% of yield form base amount
Residential	Residential	0.1704	\$441.00	35%
Residential	Williamstown Primary Zone	0.1136	\$294.00	36%
Residential	Williamstown Secondary Zone	0.1278	\$331.00	39%
Residential	Williamstown Broader Zone	0.1534	\$397.00	38%
Farmland	Farmland	0.1704	\$441.00	19%
Farmland	Williamstown Primary Zone	0.1136	\$294.00	27%
Farmland	Williamstown Secondary Zone	0.1278	\$331.00	26%
Farmland	Williamstown Broader Zone	0.1534	\$397.00	26%
Business	n/a	0.4659	\$1,891.00	36%
Mining	n/a	0.4659	0.00	n/a

- 2) Levy on behalf of Hunter Local Land Services a catchment contribution at the rate determined by the Service for 2023-2024 on all rateable land with a land value of \$300 or more in the defined catchment area. The defined catchment area is shown on the Hunter Local Land Services Contribution Area map.
- 3) Fix the interest rate to apply to overdue rates and charges in 2023-2024 at the maximum rate as determined by the Minister for Local Government.
- 4) Make the following annual Domestic Waste Management Charges and Waste Management Charges for 2023-2024. All rateable assessments that are undeveloped (ie. have no buildings erected upon them) will be levied either a Domestic Waste Management Charge or a Waste Management Charge. All developed rateable assessments (ie. have a building/s erected upon them) will be levied either a Domestic Waste Management Service Charge or a Waste Management Service Charge in addition to the Domestic Waste Management Charge/Waste Management Charge.

ITEM 5 - ATTACHMENT 5 SCHEDULE OF RATES AND CHARGES 2023-2024.

Charge type	Charge code	Charge name	Land category charge applies to	Amount of charge
Domestic Waste Management (<i>s496 Local Government Act, 1993</i>)	6-63	Domestic Waste Management Charge	All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Service Charge (7-73).	\$115.00 per assessment
Waste Management Charge (<i>s501 Local Government Act, 1993</i>)	6-64	Waste Management Charge	All rateable land categorised as Mining or Business. All rateable land categorised as Farmland except land that is levied a s501 Additional Farm Waste Management Charge (6-65). All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Charge (6-63). All non-rateable land that uses the Domestic Waste Management Service.	\$115.00 per assessment
Waste Management Charge (<i>s501 Local Government Act, 1993</i>)	6-65	Additional Farm Waste Management Charge	All rateable land categorised as Farmland where more than one assessment is held in the same ownership and those assessments are operated as a single farming entity, then the Waste Management Charge (6-64) is to be levied on the first assessment and this Additional Farm Waste Management Charge (6-65) is to be levied on the second and subsequent assessments.	\$1.00 per assessment
Waste Management Charge (<i>s501 Local Government Act, 1993</i>)	7-74 or 19-74	Waste Management Service Charge	All developed rateable land categorised as Mining or Business, whether occupied or unoccupied.	\$520.00 for 240 litre waste bin, 240 litre or 360 litre recycling bin and 240 litre green organics bin service

ITEM 5 - ATTACHMENT 5 SCHEDULE OF RATES AND CHARGES 2023-2024.

Charge type	Charge code	Charge name	Land category charge applies to	Amount of charge
Domestic Waste Management (s496 Local Government Act, 1993)	7-73 or 10-73	Domestic Waste Management Service Charge	All developed rateable land categorised as Residential or Farmland, whether occupied or unoccupied. All non-rateable land that uses the Domestic Waste Management Service.	\$520.00 for 240 litre waste bin, 240 litre or 360 litre recycling bin and 240 litre green organics bin service
Waste Management Charge (s501 Local Government Act, 1993)	3-74	Waste Service Charge – Additional Waste Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$268.00 per additional waste (red lid) bin
Waste Management Charge (s501 Local Government Act, 1993)	4-74 or 18-74	Waste Service Charge – Additional Recycling Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$178.00 per additional recycling (yellow lid) bin
Waste Management Charge (s501 Local Government Act, 1993)	20-74	Waste Service Charge – Additional Garden Organics Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$178.00 per additional garden organics (green lid) bin

ITEM 5 - ATTACHMENT 6 REVISED DEBT RECOVERY AND HARDSHIP POLICY.**Policy**

FILE NO: PSC2009-02488
TITLE: DEBT RECOVERY AND HARDSHIP
OWNER: FINANCIAL SERVICES SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to ensure:
- a) Efficient and effective processes for collection of outstanding debts.
 - b) Provision of a decision making framework for assessment of financial hardship applications.
 - c) Statutory requirements are met for recovery of rates, charges, fees and other debts.
 - d) Debts are recorded in Council's accounting system.
 - e) Compliance with the Office of Local Government Debt Management and Hardship Guidelines.

2. CONTEXT/BACKGROUND:

- 2.1 This document prescribes Council procedures to recover monies that become overdue for rates, charges, fees and other debts and assistance to ratepayers and debtors experiencing financial hardship.

3. SCOPE:

- 3.1 This policy has been written considering the following principles:
- a) Council has a responsibility to recover monies owing to it in a timely, efficient and effective manner to fund its operations.
 - b) All people will be treated fairly and consistently.
 - c) All matters will be considered confidentially.
 - d) Financial hardship will be recognised and people treated with respect and compassion in considering their circumstances.

4. DEFINITIONS:

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

30 day trading account	A sundry debtor account wherein Council extends credit to the debtor to be paid in full monthly in arrears.
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ITEM 5 - ATTACHMENT 6 REVISED DEBT RECOVERY AND HARDSHIP POLICY.

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Aged pensioner	A person verified by Centrelink as receiving an aged pension and holding a pensioner concession card.
Legal action	Debt recovery action taken under the Civil Procedure Act 2005 or Local Government Act 1993.
Letter of demand	Correspondence sent to a ratepayer or debtor formally requesting payment.
Recovery action	Making contact with a ratepayer or debtor to request payment of overdue amounts.

5. STATEMENT:Part 1 – Recovery of rates and charges

5.1 Rates and charges notice:

- a) A rates and charges notice will be sent in July each year payable in four instalments due on 31 August, 30 November, 28 February and 31 May.
- b) An instalment notice will be sent 30 days before instalments two, three and four are due.
- c) Ratepayers can elect to receive rate instalments and reminder notices by email.

5.1.1 Overdue instalment notices:

- a) An overdue instalment notice will be sent 14 days after the due date for all unpaid assessments over \$25.00.

5.1.2 Overdue instalment notices will include:

- a) Debt details.
- b) A request to pay within 14 days.
- c) An option of repayment arrangement.
- d) A notice of referral to Council's debt collection agency if the overdue amount exceeds ~~\$1,200~~ **\$1,400** and remains unpaid.
- e) An instruction to disregard notice if complying with a repayment arrangement.

5.1.3 Recovery action – referral to debt collection agency

5.1.3.1 21 days after the issue of the overdue instalment notice, assessments will be referred to Council's debt collection agency where:

- a) The debt balance is ~~\$1,200~~ **\$1,400** or more.

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ITEM 5 - ATTACHMENT 6 REVISED DEBT RECOVERY AND HARDSHIP POLICY.

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- b) There is no repayment arrangement in place.
 - c) There is no undetermined request for financial assistance.
 - d) There has been no contact from a support service on behalf of the ratepayer.
- 5.1.4 Recovery action – debt collection agency procedures
- 5.1.4.1 Council's debt collection agency will issue a letter of demand in relation to each debt advising that:
- a) Council has referred the debt for collection.
 - b) Payment is required within 28 days of the date of the letter.
 - c) If unpaid; legal action will be commenced.
 - d) The minimum amount in legal costs that will be added to the ratepayer's assessment if legal action is commenced.
- 5.1.5 Council will only commence legal action as a last resort. The debt will escalate to the following stages only if it remains unpaid:
- a) 28 days after the date of the letter a statement of liquidated claim will be prepared, filed with the court and issued for service.
 - b) If unpaid after the statutory period following service, judgment will be obtained.
 - c) Further action will be commenced to recover the debt including examination notice, examination notice writ of execution and garnishee orders.
- 5.1.6 Arrangements to pay rates and charges
- 5.1.6.1 A ratepayer may enter into a weekly, fortnightly or monthly arrangement to pay rates and charges with Council or Council's debt collection agency subject to the following conditions:
- a) The overdue amount must be paid in full within 12 months.
 - b) Normal interest charges apply, unless written off under hardship provisions of this policy at part 4.
 - c) Council's Finance Officer – Revenue Collection may enter into a longer term repayment arrangement if in that Officer's opinion a ratepayer's financial circumstances warrant this.
 - d) A ratepayer dissatisfied with a decision of the Finance Officer – Revenue Collection may have that decision reviewed by the Finance Officer - Revenue Team Leader.
 - e) Ratepayers will be advised at the time of making a repayment arrangement that if the arrangement is dishonoured recovery action will recommence without further notice.
 - f) Where an arrangement has been dishonoured, a new arrangement cannot be accepted until a payment is received to show good faith.
 - g) Where legal action has commenced, arrangements must be in the form of lodgement of terms of settlement with the court or a court instalment order.

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- h) Extensions of time beyond 3 months without any payment will not be acceptable.
- i) Where a supplementary rates and charges notice is issued in the latter part of the year and where an arrangement is made for payment of the rates within 6 months of the due date, interest will be written off provided payment of one half of the amount due is made within 3 months and the balance is paid within 6 months.

Part 2 – Recovery of sundry debtor accounts

- 5.2 Sundry debtor invoices and statements
 - 5.2.1 Sundry debtor accounts and invoices will be created when information becomes available and emailed or posted weekly. The payment due date will be 30 days after the invoice issue. A statement will be issued within 7 days of month's end.
 - 5.2.1.1 Hardship provisions apply to sundry debtor accounts in certain circumstances; refer to paragraphs 5.2.3 and 5.4.1.
 - 5.2.2 Overdue sundry debtors
 - 5.2.2.1 The following process applies to recovery of overdue sundry debtor accounts:
 - a) If unpaid by the due date a second and then a third monthly statement will be forwarded as a reminder.
 - b) Warning letter will be sent by Council before an overdue sundry debt is referred to Council's debt collection agency. Section 355(b) committees, sporting clubs and government agencies will not be referred to the debt collection agency.
 - 5.2.3 Overdue sundry debtors – aged pensioners
 - 5.2.3.1 If a sundry debtor account is a charge on the land ie kerb and gutter, or foot paving, and it is payable by an aged pensioner, the aged pensioner may apply to Council to have the account deferred against their estate subject to the hardship provisions of this policy and provided they have already deferred their rates against their estate.
 - 5.2.4 Recovery action – suspension of credit facilities
 - 5.2.4.1 If the account is a recurring account, e.g. waste tipping fees, and any part remains unpaid for more than 60 days, further credit to that debtor account may be withdrawn until the overdue amount is paid. The process of suspending credit facilities will be:
 - a) Council will make contact with the debtor to notify of the Council's intention to suspend credit facilities. Notification will include a letter when credit is suspended.

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- b) After payment of the overdue amount or commencement of a satisfactory repayment arrangement, credit facilities may be resumed; and
 - c) If payment terms are breached again Council may cancel credit facilities.
- 5.2.5 Recovery action – referral to debt collection agency
- 5.2.5.1 21 days after issue of the warning letter as described in 5.2.2.1 above, Council will refer overdue accounts to its debt collection agency.
- 5.2.6 Recovery action – debt collection agency procedures
- 5.2.6.1 Council's debt collection agency will issue a letter of demand in relation to each debt advising:
- a) Council has referred the debt for collection.
 - b) Payment is required within 28 days of the date of the letter.
 - c) If unpaid, legal action will be commenced.
 - d) The minimum amount in legal costs that will be added to the debtor's account if legal action is commenced.
- 5.2.7 Council will only commence legal action as a last resort. The debt will escalate to the following stages only if it remains unpaid:
- a) 28 days after the date of the letter a statement of liquidated claim will be prepared, filed with the court and issued for service.
 - b) After the statutory period following service, judgment will be obtained.
 - c) Further action will be commenced to recover the debt including examination notice, writ of execution and garnishee orders.
- 5.2.8 Arrangements to repay sundry debtor accounts
- 5.2.8.1 A debtor may enter into a weekly, fortnightly or monthly arrangement to repay accounts with Council or Council's debt collection agency subject to the following conditions:
- a) The overdue amount must be paid in full within 12 months.
 - b) Council's Finance Officer – Revenue Collection may enter into a longer term repayment arrangement if in that Officer's opinion a debtor's financial circumstances warrant this.
 - c) A debtor dissatisfied with a decision of the Finance Officer – Revenue Collection may have that decision reviewed by the Finance Officer – Revenue Specialist.
 - d) Debtors will be advised at the time of making a repayment arrangement that if the arrangement is dishonoured recovery action will recommence without further notice.

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- e) Where an arrangement has been dishonoured, a new arrangement cannot be accepted until a payment is received to show good faith.
- f) Where legal action has commenced, arrangements must be in the form of lodgement of terms of settlement with the court or a court instalment order.
- g) Extensions of time beyond 3 months without any payment will not be acceptable.

Part 3 – Credit control

5.3 Terms of payment – 30 day accounts

5.3.1 All accounts with Council will be strictly 30 days trading terms, without exceptions. Council will open credit accounts in accordance with this policy.

5.3.2 Terms of payment – credit accounts:

5.3.2.1 No credit account will be opened unless a 30-day trading application form has been completed and returned. Council will conduct a reference check on the applicant, verifying references provided by the applicant, before a credit account is offered.

5.3.3 Terms of payment – one off usage

5.3.3.1 No company or individual will be extended credit for one off use of:

- a) room hire
- b) hall hire
- c) community centre bookings
- d) holiday park bookings
- e) council stores
- f) sporting field use
- g) enrolment fees
- h) tipping fees
- i) vehicle repairs
- j) sundry sales including documents, copying and plant.

5.3.4 Council will invoice government departments that provide a purchase order. All other one off usages must be paid for in advance or at the time of usage to avoid difficulties in locating debtors and recovering fees. Council's receipts satisfy the requirements of a tax invoice for business debtors.

5.3.5 Council will extend credit and allow payment plans for animal impounding fees and sustenance fees at the discretion of the Coordinator Environmental Health and Compliance to avoid hardship.

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- 5.3.6 Terms of payment – deposits and progress payments
- 5.3.6.1 For private works Council will provide a written quote for the proposed work to cover estimated costs for the work. For work to proceed, Council requires written authorisation from the client and proof of identity. For work valued at more than \$1,000 a 10% deposit will be required before work commences. For work valued at more than \$10,000 Council will require agreed progress payments at various stages.
- 5.3.7 Judgment debts and credit history
- 5.3.7.1 Credit reporting agencies access some court records relating to debt recovery. Specifically, they access details of all default judgments and record these on the individual's credit history, in some cases for 5 years. If a statement of liquidated claim is served and the debtor:
- Makes no payment in the next 28 days.
 - Doesn't pay the amount claimed, including legal costs.
 - Doesn't apply for a court instalment order to pay off the amount claimed, including legal costs.
 - Doesn't lodge a notice of defence with the court disputing the claim.
 - Then the debtor may be liable to incur a default judgment. It is these default judgments, where a debtor has not responded to a statement of claim that may be included in an individual's credit history.
- 5.3.8 If the debt has been paid in full, Council will upon request, write a letter to the debtor confirming that the debt has been repaid in full which may then be presented as proof of payment. Credit reporting agencies will not remove from an individual's credit history the existence of a default judgment because it assists users of their reports with credit risk assessment.
- 5.3.9 Debtors may sometimes ask for Council to consent to the filing of a notice of discontinuance or to have judgment set aside to have the default judgment removed from their credit history. The process requires a notice of motion to have judgment set aside and then a notice of discontinuance. Council will not have judgment set aside or issue a notice of discontinuance in these circumstances. A notice of discontinuance is a remedy for correcting a claim that was issued in error, before judgment is entered by the court. A debtor has no right to have a default judgment erased upon payment of the debt. The debtor had the opportunity to avoid default judgment when they were issued with the statement of claim and judgment warning letter. A default judgment is a valid court judgment.
- 5.3.9.1 Council does not report debts to any credit reporting agencies, and is under no obligation to assist debtors to delete factually correct court judgment history.

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- 5.3.10 Notwithstanding clause 5.3.9, if a debtor satisfies the Finance Officer – Revenue Collection that there were extenuating circumstances that resulted in default judgment, then Council may agree to setting aside judgment on one occasion only subject to:
- a) The judgment debt having been paid in full, and
 - b) Current rates being up to date, and
 - c) The judgment debtor to arrange the necessary documentation for Council to sign at the judgment debtor's own cost, or
 - d) The judgment debtor meeting the cost of Council's debt collection agency in preparing any necessary documentation.

Part 4 – Hardship provisions

- 5.4 Defer payment of rates and charges – aged pensioners
- 5.4.1 Aged pensioners who satisfy the eligibility criteria may make application to defer the payment of rates and charges and property related sundry debtor accounts against their estate. If granted, payment of the rates, charges, interest and property related sundry debts will be deferred until any of the following occurs:
- a) Death of the ratepayer.
 - b) Sale of the property.
 - c) The ratepayer ceases to occupy the property as their principal place of living and rents the property out.
- 5.4.2 The criteria used to determine eligibility for deferral will be:
- a) The ratepayer must be an aged pensioner as defined by Centrelink in receipt of a pensioner rate concession in relation to the property.
The property must be the ratepayer's principal place of living.
 - b) The property must be used for residential or farming purposes only.
 - c) The property can have no more than a single dwelling house or residential unit erected upon it.
 - d) The total annual amount of rates and charges (net of pensioner concession) payable must be more than ~~8%~~ 7% of the age pension of an individual (if the ratepayer is an individual) or ~~8%~~ 7% of the age pension of a couple (if the ratepayer is a couple) at the date of the initial application.
- 5.4.3 An initial application form must be completed and lodged with Council and determined by the Finance Revenue Coordinator. A ratepayer dissatisfied with a decision of the Finance Revenue Coordinator may have that decision reviewed by the Hardship Panel

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established under this policy. The Hardship Panel may approve an application for deferral if it believes the circumstances of the ratepayer warrant this even if the eligibility criteria have not been met. A letter of determination will be issued to the ratepayer. If an application is refused, the ratepayer will be provided with reasons for the refusal.

- 5.4.4 After approval, a letter will be posted out annually to the ratepayer with a copy to sign and return to continue the deferral. The purpose of the annual letter will be to confirm that the ratepayer continues to own and occupy the property, is still alive, and is aware of and agrees to the deferral. Deferral will continue once granted without the need to satisfy the ~~8%~~ 7% criteria again, provided that the ratepayer continues to own and occupy the property. Where the ratepayer ceases to occupy the rateable property and the property becomes rented a repayment timeframe for the deferred rates and charges will be negotiated by the Finance Officer – Revenue Collection. A person dissatisfied with a decision of the Finance Officer – Revenue Collection may have that decision reviewed by the Finance Officer – Revenue Specialist.
- 5.4.5 Interest charges accrue in respect of deferred rates and charges at the rate determined under the Local Government Act. No deferred rates, charges or interest will be written off under this policy.
- 5.4.6 Writing off of accrued interest
 - 5.4.6.1 The Finance Officers – Revenue Collection and Finance Officer – Revenue Specialist have delegated authority to write off small amounts of interest that have accrued on rates and charges where the person was unable to pay the rates and charges when they became due and payable for reasons beyond their control. The Finance Revenue Coordinator has delegated authority to write off an unspecified amount of interest.
 - 5.4.6.2 Ratepayers seeking to have interest written off under hardship provisions must submit the prescribed application form to be considered by the Finance Revenue Coordinator. Accrued interest on rates and charges may be written off where payment of the accrued interest would cause the person hardship. A person dissatisfied with a decision of the Finance Revenue Coordinator may have that decision reviewed by the Hardship Panel. The Hardship Panel may request the ratepayer to come to an interview if it is necessary to understand the issues causing hardship.
- 5.4.7 Hardship resulting from a general revaluation of the Port Stephens Local Government Area.
 - 5.4.7.1 In accordance with section 601 of the Local Government Act a ratepayer who suffers substantial hardship as the consequence of the making and levying of a rate on the most recent valuation, may apply to Council for relief. Assistance will only be available in the first year new valuations are used to calculate rates.

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5.4.7.2 The criteria used to determine eligibility:

- a) Rates payable must be more than 3% of the gross household income.
- b) The applicant must be an owner and occupier of the property to which the rates relate and the dwelling must be the applicant's sole or principal place of living.
- c) The ordinary rate increase must be more in percentage terms than the amount determined by Council at each revaluation. The ordinary rate increase is calculated as the ordinary rates payable for the new rating year (being the first year in which new valuations are used) minus the ordinary rates payable in the previous rating year increased by the allowed rate pegging increase for the year (e.g. rates 2020-2021-2023-2024 \$1,200 minus rates 2019-2020 2022-2023 \$1,000 plus 2.6% 4.4% rate pegging increase (\$1,026-\$1,044) = \$174 \$156).

5.4.7.3 Applications must be submitted on the prescribed application form. Assistance will be calculated as follows:

- a) One half of the ordinary rate increase up to a maximum of \$200 (e.g. \$176 \$156 increase x 0.5 = \$87 \$78).
- b) No assistance will be given for domestic waste management charges, Hunter Local Land Services Catchment Contribution or other charges.
- c) The maximum amount of assistance in aggregate for all ratepayers will be \$20,000.

5.4.7.4 Applications will be considered in the order in which they are received by Council. No further applications will be considered once the aggregate amount of assistance has been granted. Applications will be considered by the Finance Officer – Revenue Specialist. A ratepayer dissatisfied with a decision of the Finance Officer – Revenue Specialist may have that decision reviewed by the Hardship Panel established under this policy. If an application is refused, the applicant will be provided with reasons for the refusal.

5.4.8 Rates Assistance Program

5.4.8.1 Council partners with local welfare and/or financial counselling services to act as a referral point for ratepayers experiencing financial hardship. Participating services are empowered to assess ratepayer's individual financial circumstances and recommend to Council that rates and charges up to \$250 \$500 be written off due to financial hardship. Each participating service is given an annual limit of \$5,000 \$10,000 that they can recommend for financial assistance. Assistance is limited to non-pensioners to assist individuals and families who are experiencing financial hardship and difficulty paying rates, but are not eligible for a pensioner concession. \$500 assistance is available to individual non-pensioner rate assessments per annum and \$250 is available to individual pensioner rate assessments per annum (in addition to the pensioner rate concession) to assist ratepayers who are experiencing financial hardship and difficulty paying rates. Participating services are to contact Council to recommend assistance. Council will check

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the ratepayer's property ownership and pensioner rate concession status and provide confirmation of the maximum eligible amount to the participating service. Council will check to ensure the ratepayer is not in receipt of a pensioner rate concession and provide confirmation to the participating service. A credit will then be processed to the ratepayer's rate assessment. A record of all assistance is kept. and assistance is limited to \$250 per ratepayer per annum. Assistance is provided in the order that recommendations are received by Council.

- 5.4.8.2 The rates assistance program is included in Council's revenue policy annually and publicly exhibited as a proposed donation for a class of individuals under section 356 of the Local Government Act 1993 and the aggregated cost included in the annual report.

5.4.9 Fees and Charges

- 5.4.9.1 The Compliance Coordinator Environmental Health and Compliance may consider hardship matters relating to animal impounding and sustenance fees. Assistance may be provided in the form of allowing additional time to pay or waiving the fees in cases of hardship. A customer dissatisfied with a decision of the Compliance Coordinator Environmental Health and Compliance may have that decision reviewed by the Hardship Panel established under this policy. Applicants under this section will be made aware that fees and charges in relation to animal impounding increase on a daily basis and will accrue during the review period. Council will not consider hardship applications in relation to animal registration fees or the costs of microchipping or veterinarian fees and charges.

- 5.4.9.2 The Waste Management Coordinator may allow payment plans or reduce charges for additional waste services to avoid hardship of ratepayers or residents with medical conditions or who are koala carers that directly and significantly contribute to the generation of waste. A customer dissatisfied with a decision of the Waste Management Coordinator may have that decision reviewed by the Hardship Panel established under this policy.

- 5.4.9.3 Where a ratepayer or debtor has incurred cheque or direct debit dishonour fees the Finance Officer – Revenue Collection may write off the fee on one occasion per customer per financial year where the officer is satisfied that the non-payment was due to circumstances beyond the customers' control.

5.4.10 Hardship Panel

- 5.4.10.1 A panel comprising the Finance Revenue Coordinator, Finance Officer - Revenue Specialist and the Financial Services Section Manager will determine applications for assistance referred to it and review decisions as necessary.

5.4.10.2 Referral of matters to Hardship Panel

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5.4.10.3 The General Manager or Mayor may refer any Council matter involving financial hardship of a ratepayer or resident to the Hardship Panel for consideration and advice.

5.4.10.4 In the event of a natural disaster such as, but not limited to storm, flood, bushfire or disease outbreak affecting primary producers in Port Stephens LGA, the General Manager or Mayor may request a report on potential financial impacts in the context of rate payments of affected producers and any potential feasible financial response.

5.4.11 Privacy

5.4.11.1 In accordance with the Privacy Code of Practice and Council's Privacy Management Plan, personal information collected as a consequence of this policy will only be used for the purpose of assessing eligibility under the policy and will not be used for any other purpose or disclosed to any other person unless Council is required by law to do so or authorised to do so by the person to whom that personal information relates.

Part 5 – Sale of land for unpaid rates or charges:

5.4.12 Where rates or charges for a property are overdue for more than five years the land is liable to be sold under Section 713 of the Local Government Act 1993. The process in compliance with the requirements of ss713-726 of the Local Government Act 1993 will generally be as follows:

- a) Each September outstanding rate assessments will be reviewed to identify all land liable to be sold.
- b) Land titles will be searched and all persons with an interest in the land will be notified of Council's intention.
- c) A report will be prepared for Council to consider offering the land for sale by public auction.
- d) A date will be set for the public auction.
- e) A real estate agent will be appointed to conduct the sale.
- f) Notice of the auction will be published in accordance with s715 of the Act and given to all persons with an interest in the land.
- g) Contracts for sale will be prepared.
- h) The real estate agent will market the land.
- i) Reserve prices will be established.
- j) All land will be offered for sale by public auction unless all overdue amounts are paid in full prior to auction.
- k) On auction day a deposit of 10% in cash or bank cheque will be payable by the successful bidder.
- l) If the land is not sold at auction the land may be sold by private treaty, subject to the restrictions contained in s716 of the Act.
- m) All costs associated with the sale must be met from sale proceeds.
- n) Sale proceeds will be applied as required by the Act.

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- o) The land will be conveyed free of debts to the extent provided by the Act.
- p) Council will hold any surplus proceeds for persons having estates or interests in the land immediately before the sale according to their respective estates and interests.
- q) Council will pay the balance of the purchase money or any part of the balance to or among the persons who are, in its opinion, clearly entitled to it.

Part 6 – Pensioner rate concessions:

5.4.13 The following prescribes how Council will grant concessions to pensioners:

5.4.13.1 Eligibility for pensioner concessions - In all situations where an eligible pensioner has assumed full and sole responsibility for the paying of rates, notwithstanding the nature of the ownership of the property, Council agrees to grant the full pensioner concession under Section 577 of the Act. The presentation of a Pensioner Concession Card, and completion of any prescribed form will be accepted by Council as a sufficient test to meet the hardship requirements of the Act under these circumstances.

5.4.13.2 Backdating of pensioner concessions - Where an eligible pensioner applies for a concession Council will backdate that concession for up to 2 years prior to the current year (i.e. a maximum total of 3 years including the current year) provided that:

- a) The pensioner was at all times eligible for the concession.
- b) The pensioner provides a statutory declaration that the rateable property was their sole or principal place of living for all of the period that the concession is claimed for.

Part 7 – Social implications:

5.4.14 Council has a charter under the Local Government Act 1993 to raise funds for local purposes by imposing rates, charges and fees fairly. A policy that prescribes Council's process of collecting debts facilitates consistency and promotes fairness.

5.4.15 The hardship provisions of this policy empower Council to provide practical financial assistance to financially vulnerable ratepayers and debtors, which is consistent with Council's charter of social justice and equity.

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6. RESPONSIBILITIES:

- 6.1 The Finance Revenue Coordinator is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.
- 6.2 The Finance Officer - Revenue Specialist and Finance Officer – Revenue Collection are responsible for complying with the policy.

7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993 – specifically sections 564, 567, 577, 601, 712 and 713-726.
- 7.2 Code of Conduct

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No	PSC2009-02488	EDRMS record No	TBA
Audience	Council staff and Community		
Process owner	Financial Services Section Manager		
Author	Financial Services Section Manager		
Review timeframe	2-3 years	Next review date	TBA
Adoption date	28/08/2007		

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VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28/08/2007	Financial Services Section Manager	Policy adopted	235
2.0	14/12/2010	Financial Services Section Manager	Revised policy adopted	404
3.0	11/12/2012	Financial Services Section Manager	Revised policy adopted	338
4.0	25/11/2014	Financial Services Section Manager	Revised policy adopted	315
5.0	25/10/2016	Financial Services Section Manager	Adopted by Council	313

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6.0	29/01/2019	Financial Services Section Manager	<p>Increased minimum threshold for commencing rates legal action from \$700 to \$800.</p> <p>Additional dot point regarding letters of demand at 5.2.2.</p> <p>Removed two dot points regarding overdue sundry debtor accounts at 5.2.2.</p> <p>Added dot point regarding credit facilities at 5.2.4.</p> <p>Removed two dot points regarding overdue accounts at 5.2.4.</p> <p>Added 'or' to dot points at 5.3.7.</p> <p>Changed 'will' to 'may' to dot point 5 at 5.3.7.</p> <p>Changed financial years from 2014 – 2015 to 2017 – 2018 and 2013 – 2014 to 2016 – 2017 to dot point 3 at 5.4.8.</p> <p>Changed pricing from \$900 to \$1000 and \$700 to \$800 to dot point 3 at 5.4.8.</p> <p>Changed rate pegging increase from 2.8% to 1.5% and subsequent calculation of $\\$719.60 = \\180.40 to $\\$812.00 = \\188.00 to dot point 3 at 5.4.8.</p> <p>Changed assistance calculation from $\\$180.40 \times 0.5 = \\90.20 to $\\$188.00 \times 0.5 = \\94.00 to dot point 1 at 5.4.9.</p> <p>Removed '\$500 increase $\times 0.5 = \\$200$ max' to dot point 1 at 5.4.9.</p> <p>Changed 'special rates' to 'other charges' to dot point 2 at 5.4.9.</p> <p>Added section on 'Rates Assistance Program' to 5.4.11.</p> <p>Amended numbering from 5.4.11 through to 5.4.15.</p>	004
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			<p>Removed 'Senior Social Planning Officer' and 'a representative from Corporate Services'; replaced with 'Finance Revenue Team Leader' and 'Finance Services Section Manager' at 5.4.12.</p> <p>Removed dot point regarding provisions of revised policy at 5.7.3.</p> <p>Added at 1.1 reference to the new OLG Debt Management and Hardship Guidelines</p> <p>Removed 'Genuine' from the last dot point at 3.1</p> <p>Added to option to receive notice by email at 5.1.1</p> <p>Replaced 14 days with 21 days at 5.1.3</p> <p>Added to 5.1.3 'or undetermined request for financial hardship assistance, or contact from a support service on behalf of the ratepayer,'</p> <p>Added to 5.1.4.1 'Council will only commence legal action as a last resort'</p> <p>Replaced Nine days with 21 days at 5.1.4.1</p> <p>Replaced 'repay overdue' with 'pay' at 5.1.5 and 5.1.5.1</p> <p>Added paragraph about hardship at 5.2.1.2</p> <p>Replaced 'recovery notice' with 'letter of demand' and the paragraph referencing at 5.2.5.1</p> <p>Added to 5.2.6.2 'Council will only commence legal action as a last resort'</p> <p>Replaced 'Nine' with '21' days at 5.2.6.2</p>	
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7.0	14/07/2020	Financial Services Section Manager	<p>Change the reference to Council's overdue debtor letter as a warning letter rather than a letter of demand. Correct the spelling of 'judgment'.</p> <p>Removed reference to the Council assistance program, which was proposed as part of the special rate variation application. Update the s.601 financial assistance worked examples. Introduce the process of an examination notice.</p> <p>Introduce the discretion to set aside judgment and write off payment dishonour fees in extenuating circumstances.</p> <p>Remove references to revoked policies in related documents.</p> <p>Updated staff job titles where required.</p> <p>5.4.12.2 - Added 'The Waste Management Coordinator may allow payment plans or reduce charges for additional waste services to avoid hardship of ratepayers or residents with medical conditions that directly and significantly contribute to the generation of waste. A customer dissatisfied with a decision of the Waste Management Coordinator may have that decision reviewed by the Hardship Panel established under this policy.'</p>	Deferred
8.0	10/11/2020	Financial Services Section Manager	Added clause 5.4.11 and updated numbering accordingly.	238

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9.0	TBA	Finance Officer – SRV project	<p>Policy revised to include the additional affordability measures outlined in the revised Delivery Plan/Operational Plan as part of the Special Rate Variation engagement program and Council's application.</p> <p>5.1.2 d) Increased amount to \$1400 (from \$1200).</p> <p>5.1.3.1 a) Increased amount to \$1400 (from \$1200).</p> <p>5.4.2 d) Decreased amount to 7% (from 8%).</p> <p>5.4.4 Decreased amount to 7% (from 8%).</p> <p>5.4.7.2 c) Updated year, adjusted pricing and rate pegging % in the example for currency.</p> <p>5.4.7.3 a) Decreased amount to \$156 (from \$176) and = \$78 (from \$87) in the example for currency.</p> <p>5.4.8.1 Recommend to Council that rates and charges be written off due to financial hardship increased to \$500 (from \$250).</p> <p>5.4.8.1 Increase in annual limit to \$10,000 (from \$5000).</p> <p>5.4.8.1 Added '\$500 assistance is available to individual non-pensioner rate assessments per annum and \$250 is available to individual pensioner rate assessments per annum (in addition to the pensioner rate concession) to assist ratepayers</p>	TBA
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			<p>who are experiencing financial hardship and difficulty paying rates' and 'Council will check the ratepayer's property ownership and pensioner rate concession status and provide confirmation of the maximum eligible amount to the participating service'.</p> <p>5.4.9.1 – Updated title for Compliance Coordinator to current.</p> <p>5.4.9.2 – Added 'or who are koala careers'.</p> <p>5.4.10.4 – Added new clause.</p> <p>Controlled document information:</p> <ul style="list-style-type: none"> Amended review timeframe to 3 years in accordance with Council's policy and management directive review timeframe. 	
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ITEM NO. 6**FILE NO: 23/138561
EDRMS NO: PSC2017-00180****SHOAL BAY HOLIDAY PARK - PLAN OF MANAGEMENT****REPORT OF: KIM LATHAM - HOLIDAY PARKS SECTION MANAGER
GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the community submission received and response in relation to the Shoal Bay Holiday Park Plan of Management **(ATTACHMENT 1)**.
- 2) Adopt the Plan of Management for Shoal Bay Holiday Park **(ATTACHMENT 3)** in accordance with section 38 of the Local Government Act 1993.

BACKGROUND

The purpose of this report is to provide Council with information on the community submission received during the public exhibition of the Shoal Bay Holiday Park Plan of Management (PoM).

The draft PoM for Shoal Bay Holiday Park was exhibited in July 2019 but required re-exhibition as a result of a change to precinct 1A (Bernie Thompson Reserve) with plans to construct a structured public car park.

In accordance with the Council resolution on 9 August 2022, Minute Number 208 **(ATTACHMENT 2)** the draft PoM for the Shoal Bay Holiday Park was placed on public exhibition from 28 February 2023 to 11 April 2023.

During the public exhibition period, 1 submission was received with a summary outlined in **(ATTACHMENT 1)**. Noting that there were a number of points raised in the submission about car parking in Shoal Bay and the Place Planning process, the submission was supportive in nature and had no objections to the proposed PoM. As a result there are no changes to the document.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Financial Management	Implement the 2022 to 2025 Delivery Plans for Beachside Holiday Parks and Koala Sanctuary.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications associated with the Plans of Management.

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

Clause 70A of the Crown Land Management Regulation 2016 exempts councils from conducting a public hearing under section 40A of the Local Government Act 1993 (LG Act). The only requirement is to publicly exhibit the PoM under section 38 of LG Act.

Any legal implications are mitigated by the relevant planning approval process for any future works proposed for the lands.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the continued viability of the Shoal Bay Holiday Park will not be managed appropriately if the PoM is not adopted.	High	Adopt the recommendations.	Yes
There is a risk that no further improvement or other works could take place in the Shoal Bay Holiday Park.	High	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The PoM establishes objectives, strategies and performance targets for the ongoing operation and development of the Shoal Bay Holiday Park.

The PoM seeks to conserve and maintain the natural environment of the Holiday Park while providing a range of recreation and accommodation opportunities for visitors.

As a key source of non-rate revenue to Council, the PoM ensures Council remains competitive in the market and can continue to optimise the economic benefit to the community.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Holiday Parks Section.

Internal

- Holiday Parks Management.
- Strategic Property Coordinator.

External

In accordance with local government legislation the draft PoM for the Shoal Bay Holiday Park was placed on public exhibition from 28 February 2023 to 11 April 2023.

Council received 1 community submission during the exhibition period. No changes are required to the draft PoM as a result of the submission.

OPTIONS

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

ATTACHMENTS

- 1) Summary of Submission. [↓](#)
- 2) Council Meeting 9 August 2022, Minute Number 208. [↓](#)
- 3) Shoal Bay Holiday Park - Plan of Management. (Provided under separate cover)

COUNCILLORS ROOM

- 1) Copy of submission.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 SUMMARY OF SUBMISSION.

Shoal Bay Holiday Park - Plan of Management submissions

No.	Author	Comment	Council response
1	Tomaree Ratepayers and Residents Association (TRRA)	Generally supportive of the Plan of Management with questions only on Precinct 1A which is the proposed formalisation of the car park on the corner of Shoal Bay Road and Government Road.	No action required.

ITEM 6 - ATTACHMENT 2 COUNCIL MEETING 9 AUGUST 2022, MINUTE NUMBER 208.**MINUTES ORDINARY COUNCIL - 9 AUGUST 2022****ITEM NO. 3****FILE NO: 22/165638
EDRMS NO: PSC2017-00180****PLANS OF MANAGEMENT: SHOAL BAY HOLIDAY PARK, FINGAL BAY HOLIDAY PARK AND HALIFAX HOLIDAY PARK****REPORT OF: KIM LATHAM - HOLIDAY PARKS SECTION MANAGER
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the draft Plan of Management (PoM) on public exhibition for Shoal Bay Holiday Park and Fingal Bay Holiday Park in accordance with section 38 of the Local Government Act 1993.
- 2) Note that under clause 70A of the Crown Land Management Regulation (2016) a public hearing is not required.
- 3) Agree to adopt the Plan of Management for Shoal Bay Holiday Park and Fingal Bay Holiday Park following the public exhibition period, should no submissions be received.
- 4) Adopt the Plan of Management for Halifax Holiday Park in accordance with section 38 of the Local Government Act 1993.

**ORDINARY COUNCIL MEETING - 9 AUGUST 2022
MOTION**

208	Councillor Glen Dunkley Councillor Leah Anderson It was resolved that Council: <ol style="list-style-type: none">1) Place the draft Plan of Management (PoM) on public exhibition for Shoal Bay Holiday Park and Fingal Bay Holiday Park in accordance with section 38 of the Local Government Act 1993.2) Note that under clause 70A of the Crown Land Management Regulation (2016) a public hearing is not required.3) Agree to adopt the Plan of Management for Shoal Bay Holiday Park and Fingal Bay Holiday Park following the public exhibition period, should no submissions be received.4) Adopt the Plan of Management for Halifax Holiday Park in accordance with section 38 of the Local Government Act 1993.
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Councillor Peter Kafer left the meeting at 6:07pm.

MINUTES ORDINARY COUNCIL - 9 AUGUST 2022

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to endorse the public exhibition of the Plan of Management (PoM) for Shoal Bay Holiday Park (**ATTACHMENT 1**) and Fingal Bay Holiday Park (**ATTACHMENT 2**) and adopt the PoM's on completion of the exhibition period if no submissions are received.

Further, this report seeks to authorise the adoption of the already exhibited Plan of Management for Halifax Holiday Park (**ATTACHMENT 3**) supported by the Plan of Management, Halifax Holiday Park Post Exhibition Report (**ATTACHMENT 4**).

The draft PoM for Halifax Holiday Park has not changed since it was exhibited in July 2019 with no objections received. Reference is also made within the PoM to Lot 424 noted as 'precinct 7' with no plans to change the current land use from a community recreational open space.

The draft PoM for Shoal Bay Holiday Park was exhibited in July 2019 but requires re-exhibition as a result of a change to precinct 1A (Bernie Thompson Reserve) with plans to construct a structured public car park.

The draft PoM for Fingal Bay Holiday Park was delayed as a result of Crown Land's reclassification process. Crown Land have now confirmed the Holiday Park as community land so we can proceed to exhibit the draft PoM.

The Crown Land Management Act 2016 (CLM Act), authorises local councils that have been appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the Local Government Act 1993 (LG Act).

In accordance with the CLM Act, Port Stephens Council is required to prepare new Plans of Management for Halifax, Shoal Bay and Fingal Bay Holiday Parks and adhere to the specific requirements stated in Division 3.6 of the CLM Act. This includes the requirement to undertake community engagement on a draft plan of management which has already been completed for Halifax Holiday Park.

The Plans of Management establish objectives, strategies and performance targets for the ongoing operation and development of the Holiday Parks. The PoM's seek to conserve and maintain the natural environment of the Holiday Parks while providing a range of recreation and accommodation opportunities for visitors. As a key source of

ITEM 6 - ATTACHMENT 2 COUNCIL MEETING 9 AUGUST 2022, MINUTE NUMBER 208.**MINUTES ORDINARY COUNCIL - 9 AUGUST 2022**

non-rate revenue to Council, the PoM's ensure we remain competitive in the market and can continue to optimise the economic benefit to the community.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Financial Management.	Implement the 2022 to 2025 Delivery Plans for Beachside Holiday Parks and Koala Sanctuary.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications associated with the Plans of Management.

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

Clause 70A of the Crown Land Management Regulation 2016 exempts councils from conducting a public hearing under section 40A of the LG Act. The only requirement is to publicly exhibit the PoM under section 38 of LG Act.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the continued viability of each Holiday Park will not be managed appropriately if the PoM's are not adopted.	High	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The new draft PoM's will allow the continued management and delivery of successful business outcomes for Council's Crown Land Holiday Parks as listed in the

MINUTES ORDINARY COUNCIL - 9 AUGUST 2022

Beachside Holiday Parks Delivery Plan which include economic, social and environmental objectives.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Holiday Parks Section.

Internal

- Holiday Parks Management.
- Strategic Property Coordinator.

External

- Crown Lands.
- Community groups.
- Holiday Van Consultative Committee.

In accordance with local government legislation the draft PoM's for Shoal Bay Holiday Park and Fingal Bay Holiday Park will go on public exhibition for 42 days.

OPTIONS

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

ATTACHMENTS

- 1) Plan of Management - Shoal Bay Holiday Park. (Provided under separate cover)
- 2) Plan of Management - Fingal Bay Holiday Park. (Provided under separate cover)
- 3) Plan of Management - Halifax Holiday Park. (Provided under separate cover)
- 4) Halifax Holiday Park Post Exhibition Report. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7**FILE NO: 23/141044
EDRMS NO: PSC2021-04206****REQUEST FOR FINANCIAL ASSISTANCE**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Ward funds to the following:-
 - a) 1st Tilligerry Scouts – Cr Steve Tucker – Rapid response - Central Ward funds - \$336.84 donation towards reimbursement of DA fees.
 - b) Medowie Football Club – Cr Chris Doohan – Rapid response – Central Ward funds - \$500 donation towards a new gazebo.
 - c) Raymond Terrace Magpies Football Club – Cr Giacomo Arnott - Rapid response – West Ward funds - \$500 donation towards supporting women in rugby league.
 - d) Raymond Terrace Athletics Club – Cr Giacomo Arnott – Rapid response – West ward funds - \$500 donation towards hire of roller for ground preparation.
 - e) Fern Bay Public School P&C – Cr Giacomo Arnott – Rapid response – West ward funds - \$400 donation towards NAIDOC Week celebrations.
 - f) Salt Ash Public School P&C – Cr Jason Wells – Rapid response – Central ward funds - \$300 donation towards playground, new flag pole and garden beds.
 - g) Lions Club of Tilligerry Peninsula – Cr Steve Tucker – Rapid response – Central ward funds - \$500 donation towards costs associated with the Jupiter Op Shop Ball.

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

ORDINARY COUNCIL - 27 JUNE 2023

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

The requests for financial assistance are shown below:

WARD FUNDS

1 st Tilligerry Scouts	The Scout Group involves boys and girls aged 6 – 26 in the Scout Program where they engage in peer to peer mentoring and healthy, outdoor adventurous activities.	\$336.84	Donation towards reimbursement of DA fees.
Medowie Football Club	The Medowie Football Club is a predominately junior club with a growing number of senior members and teams.	\$500	Donation towards purchase of new gazebo.
Raymond Terrace Magpies Football Club	The Raymond Terrace Magpies are a local rugby league club supporting players across various levels.	\$500	Donation towards supporting women in rugby league.
Raymond Terrace Athletics Club	Raymond Terrace Athletics Club aims to bring together athletes and families in a range of outdoor physical activities.	\$500	Donation towards hire of roller for field preparation.
Fern Bay Public School P&C	Fern Bay Public School is a caring and supportive school preparing students to meet the challenges of the future.	\$400	Donation towards NAIDOC Week celebrations.

ORDINARY COUNCIL - 27 JUNE 2023

Salt Ash Public School P&C	Through collaboration and innovation, Salt Ash Public School promotes a culture of high expectations, meaningful engagement and continuous improvement.	\$300	Donation towards playground, new flagpole and garden beds.
Lions Club of Tilligerry Peninsula	Tilligerry Lions Club was formed in 1984 and support various community activities and initiatives.	\$500	Donation towards costs associated with Jupiter Op Shop Ball.

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.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 8

FILE NO: 23/141132
EDRMS NO: PSC2022-02308

INFORMATION PAPERS

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

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 27 June 2023.

No: Report Title Page:

1	May 2023 Cash and Investments	206
2	Smart Parking	210
3	Carbon Neutrality 2025	276
4	Council Resolutions	287
5	Delegations Report	297

INFORMATION PAPERS

ITEM NO. 1**FILE NO: 22/325566
EDRMS NO: PSC2017-00180****MAY 2023 CASH AND INVESTMENTS**

REPORT OF: GLEN PETERKIN - ACTING FINANCIAL SERVICES SECTION
MANAGER
GROUP: CORPORATE SERVICES

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 May 2023.

The invested funds are set aside for:

Restricted Cash	
Reserve	As at May 2023 \$'000
External	
Deposits, retentions and bonds	875
Grants and Contributions	9,736
Developer contributions (inc Haulage)	22,554
Domestic Waste Management	7,891
Crown Reserve	7,508
Internal	
Asset Rehab/Reseals	2,741
Drainage	468
Commercial Property	20,032
Election Reserve	241
Federal Assistance Grant in Advance	0
Fleet	1,712
Resilience fund	3,000
Grants Co-contribution	3,000
Emergency & Natural Disaster	7,000
Other Waste	311
Council Parking	438
IT	2,305
Sustainable energy and water reserve	215
Unexpended loan funds	809
Repealed	2,703
Transport levy	241
Admin Building	403

ORDINARY COUNCIL - 27 JUNE 2023

Ward Funds	67
Community Halls	52
Community Loans	200
Total	94,502

The variance in the Cash and Investment Report (**ATTACHMENT 1**) and the table above is explained below.

Cash and Investment Report	88,110
Variance Cash Reserves to Bank Account	(6,392)

Variance Due to:

Outstanding State Roads payments	283
Loans not funded through a reserve	333
Outstanding GST refund	596
Contract Asset (Outstanding Grant Payments)	3,096
Outstanding Natural Disaster Funding	1,456
Total Variance	5,764

Cash Shortfall	(628)
(due to timing of income and expenditure)	

ATTACHMENTS

- 1) Cash and Investments - May 2023. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS - MAY 2023.

Cash and Investments Held as at 31 May 2023

ISSUER	Broker	Rating*	Type	Investment Date	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
Police Credit Union	IAM	NR	TD	22-Dec-22	4.48%	181	21-Jun-23	1,000,000	1,019,638
Bank of Queensland	BOQ	BBB	TD	2-Jun-22	3.40%	389	26-Jun-23	1,500,000	1,550,721
AMP Bank	Laminar	BBB	TD	2-Aug-22	4.20%	332	30-Jun-23	825,000	853,669
Defence Bank	IAM	BBB	TD	21-Jun-22	4.38%	379	5-Jul-23	1,000,000	1,041,280
Illawarra Credit Union	Laminar	BBB	TD	3-Jun-22	3.52%	403	11-Jul-23	1,000,000	1,034,911
Westpac	Westpac	AA	TD	16-Feb-22	1.30%	517	18-Jul-23	1,000,000	1,000,534
AMP Bank	IAM	BBB	TD	18-Aug-22	4.15%	340	24-Jul-23	1,000,000	1,032,518
Auswide Bank	IAM	BBB	TD	26-Apr-23	4.57%	91	26-Jul-23	5,000,000	5,021,911
Arab Bank	IAM	NR	TD	26-Apr-23	4.50%	91	26-Jul-23	5,000,000	5,021,575
Macquarie Bank	IAM	A	TD	26-Apr-23	4.42%	91	26-Jul-23	5,000,000	5,021,192
Macquarie Bank	IAM	A	TD	27-Apr-23	4.42%	90	26-Jul-23	525,861	528,026
Westpac	Westpac	AA	TD	3-Jun-22	3.28%	424	1-Aug-23	1,000,000	1,007,998
Mutual Bank	Curve	BBB	TD	2-Jun-22	3.40%	438	14-Aug-23	1,000,000	1,033,814
AMP Bank	Laminar	BBB	TD	29-Jul-22	4.45%	382	15-Aug-23	1,000,000	1,037,307
AMP Bank	Laminar	BBB	TD	2-Aug-22	4.45%	384	21-Aug-23	825,000	855,376
AMP Bank	IAM	BBB	TD	25-Aug-22	4.25%	361	21-Aug-23	500,000	516,243
AMP Bank	Laminar	BBB	TD	1-Sep-22	4.25%	368	4-Sep-23	700,000	722,170
Australian Unity Bank	Curve	BBB	TD	1-Jun-22	3.40%	468	12-Sep-23	1,000,000	1,033,907
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.39%	467	27-Sep-23	1,000,000	1,018,041
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.41%	481	11-Oct-23	1,000,000	1,018,123
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.42%	495	25-Oct-23	1,000,000	1,018,164
Westpac	Westpac	AA	TD	16-Feb-22	1.48%	629	7-Nov-23	1,000,000	1,000,608
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.45%	524	23-Nov-23	1,000,000	1,018,288
Summerland Credit Union	IAM	NR	TD	30-Nov-22	4.72%	362	27-Nov-23	1,000,000	1,023,535
ING Bank	ING	A	TD	24-Jun-22	4.22%	531	7-Dec-23	1,000,000	1,039,425
QBANK	Ord Minnett	BBB	TD	2-Dec-22	4.70%	374	11-Dec-23	975,000	997,599
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.48%	552	21-Dec-23	1,000,000	1,018,411
ING Bank	ING	A	TD	24-Jun-22	4.33%	559	4-Jan-24	1,000,000	1,040,453
ING Bank	ING	A	TD	29-Jun-22	4.35%	566	16-Jan-24	1,000,000	1,040,044
Westpac	Westpac	AA	TD	8-Aug-22	4.00%	532	22-Jan-24	1,000,000	1,004,055
Westpac	Westpac	AA	TD	8-Aug-22	4.00%	539	29-Jan-24	1,000,000	1,003,616
Westpac	Westpac	AA	TD	28-Jan-22	1.53%	732	30-Jan-24	1,000,000	1,001,383
Westpac	Westpac	AA	TD	28-Jan-22	1.53%	746	13-Feb-24	1,000,000	1,001,383
Westpac	Westpac	AA	TD	16-Feb-22	1.72%	741	27-Feb-24	1,000,000	1,000,707
Westpac	Westpac	AA	TD	1-Sep-22	4.30%	557	11-Mar-24	1,000,000	1,010,721
Bank Vic	IAM	BBB	TD	3-Feb-23	4.62%	409	18-Mar-24	1,000,000	1,014,809
Westpac	Westpac	AA	TD	14-Oct-22	4.53%	542	8-Apr-24	1,000,000	1,005,833
Judo Bank	IAM	BBB	TD	22-Apr-22	3.35%	732	23-Apr-24	825,000	827,953
Summerland Credit Union	Curve	NR	TD	23-Nov-22	4.60%	523	29-Apr-24	1,000,000	1,023,819
Judo Bank	IAM	BBB	TD	22-Apr-22	3.35%	746	7-May-24	825,000	827,953
Macquarie Bank	Curve	A	TD	1-Sep-22	4.41%	627	20-May-24	1,000,000	1,032,864
Commonwealth Bank of Australia	CBA	AA	TD	7-Feb-23	4.65%	475	27-May-24	1,000,000	1,007,644
Macquarie Bank	Curve	A	TD	1-Sep-22	4.41%	649	11-Jun-24	1,000,000	1,032,864
Westpac	Westpac	AA	TD	23-Aug-22	4.35%	685	8-Jul-24	1,000,000	1,000,953
Westpac	Westpac	AA	TD	23-Aug-22	4.35%	692	15-Jul-24	1,000,000	1,000,953
Australian Military Bank	Curve	BBB	TD	25-Aug-22	4.40%	704	29-Jul-24	1,000,000	1,033,633
Police Credit Union	IAM	NR	TD	14-Feb-23	5.02%	538	5-Aug-24	1,000,000	1,014,579

ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS - MAY 2023.

Cash and Investments Held as at 31 May 2023

ISSUER	Broker	Rating*	Type	Investment Date	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
Westpac	Westpac	AA	TD	21-Feb-23	5.01%	538	12-Aug-24	1,000,000	1,001,235
Defence Bank	Curve	BBB	TD	5-May-23	4.95%	479	26-Aug-24	1,000,000	1,003,526
Bank Vic	IAM	BBB	TD	15-Mar-23	5.02%	544	9-Sep-24	1,000,000	1,010,590
Police Credit Union	IAM	NR	TD	5-May-23	5.02%	500	16-Sep-24	1,000,000	1,003,576
Police Credit Union	IAM	NR	TD	5-May-23	5.02%	507	23-Sep-24	1,000,000	1,003,576
ING Bank	ING	A	TD	23-Dec-22	4.68%	655	8-Oct-24	1,000,000	1,020,387
ING Bank	ING	A	TD	23-Dec-22	4.70%	661	14-Oct-24	1,000,000	1,020,474
Westpac	Westpac	AA	TD	3-Nov-22	4.90%	732	4-Nov-24	1,000,000	1,003,759
Summerland Credit Union	Curve	NR	TD	23-Nov-22	4.65%	719	11-Nov-24	1,000,000	1,024,078
Summerland Credit Union	Curve	NR	TD	23-Nov-22	4.65%	726	18-Nov-24	1,000,000	1,024,078
ING Bank	IAM	A	TD	2-Dec-22	4.50%	724	25-Nov-24	1,000,000	1,022,192
ING Bank	IAM	A	TD	2-Dec-22	4.50%	738	9-Dec-24	1,000,000	1,022,192
Commonwealth Bank of Australia	CBA	AA	TD	20-Dec-22	4.71%	731	20-Dec-24	1,000,000	1,019,356
Police Credit Union	IAM	NR	TD	5-May-23	5.02%	612	6-Jan-25	1,000,000	1,003,576
Commonwealth Bank of Australia	CBA	AA	TD	8-Feb-23	4.74%	733	10-Feb-25	1,000,000	1,007,792
Summerland Credit Union	Curve	NR	TD	15-Mar-23	5.05%	726	10-Mar-25	1,000,000	1,010,653
AMP Bank	IAM	BBB	TD	20-Apr-23	5.00%	732	21-Apr-25	1,000,000	1,005,616
AMP Bank	IAM	BBB	TD	9-May-23	5.00%	727	5-May-25	1,000,000	1,003,014
MOVE Bank	Curve	NR	TD	26-May-23	5.15%	731	26-May-25	1,000,000	1,000,705
ING Bank	ING	A	TD	31-May-23	5.05%	377	10-Jun-24	1,000,000	1,000,000
ING Bank	ING	A	TD	31-May-23	5.05%	383	17-Jun-24	1,000,000	1,000,000
Total Term Deposits (\$)								78,500,861	79,621,579
Macquarie Bank	Laminar	A	At Call		3.80%			0	0
Total Investments (\$)								78,500,861	79,621,579
Cash at Bank (\$)								8,488,063	8,488,063
Total Cash and Investments (\$)								86,988,924	88,109,642
Cash at Bank Interest Rate		3.90%							
3 month BBSW		3.90%							
Weighted Average Investment Rate of Return on TD's		4.28%							
TD = Term Deposit									
*Standard & Poors Long Term Rating									
Certificate of Responsible Accounting Officer									
I hereby certify that the investments listed above have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government									
Glen Peterkin									
Acting Financial Services Section Manager									

ITEM NO. 2

**FILE NO: 23/99034
EDRMS NO: PSC2019-005143**

SMART PARKING

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

BACKGROUND

The purpose of this report is to provide an update on progress of the Smart Parking System investigations and roll outs. Update is provided given the volume of requested updates on this topic, in particular the areas of community consultation.

The Smart Parking implementation is directed by the 26 July 2022 Council Resolution **(ATTACHMENT 1)** that specified a number of criteria and directions.

INFORMATION

Current status of investigation and implementation for each location is summarised in **(ATTACHMENT 2)**. Each location is detailed below

Nelson Bay Expansion

The expansion of the existing Nelson Bay Smart Parking system is ready for implementation, noting that the Little Beach precinct has been separated from this grouping. The public engagement campaign for expansion to Fly Point and Laman Street was conducted in August - September 2022 and included zoom meetings, public survey, social media, direct emails and distribution of fact sheets. The Engagement Report **(ATTACHMENT 3)** indicates that the public sentiment around Smart Parking was divided, with a very slight skew towards the negative. Locals that were happy with the initiative provided the caveat that it was only as long as it remained free for residents.

The financial proceeds from the Nelson Bay Expansion will be contributed to the delivery of the Nelson Bay Infrastructure Plan. An update to the existing Nelson Bay Infrastructure Plan is currently being prepared that includes the expanded area of operation and the directions from the 26 July 2022 Council resolution, which will be presented to a future Council report.

Shoal Bay

Community engagement for Smart Parking roll out within the Shoal Bay precinct was completed in March – April 2023. The approach included public survey, social media, direct emails, distribution of fact sheets and a community drop-in session. The outcomes of the consultation are currently being analysed and will be reported to a future Council meeting with the proposed Infrastructure Plan for Shoal Bay.

Birubi Headland and One Mile

The next stage for roll out in these precincts is community engagement, which is in the final stages of planning for delivery in the near future. The approach includes a similar range of public survey, social media, direct emails, distribution of fact sheets and a community drop in session that has worked in other precincts. The outcomes of the consultation will be reported to a future Council meeting with the proposed Infrastructure Plans.

Fingal Bay

Traffic and parking surveys were undertaken at Fingal Bay over the 2023 Easter period to guide the development of Smart Parking system extents and desired outcomes. A further baseline parking survey will be undertaken in off peak times for a comparative analysis to inform the Traffic/Parking report. Once the report is finalised, community consultation will be undertaken to inform the final system design and proposed Infrastructure Plan. The outcomes will be reported to a future Council meeting with the proposed Infrastructure Plan for Fingal Bay.

Little Beach

The Little Beach precinct was removed from the Nelson Bay expansion grouping due to the ongoing works in this locality. Once the current upgrades and projects are nearing completion, traffic/parking assessments and community engagement will be undertaken to determine the Smart Parking system extents and desired outcomes. The outcomes of the engagement will be reported to a future Council meeting with the proposed Infrastructure Plan for Little Beach.

Anna Bay

The investigation into the roll out of Smart Parking Infrastructure at Anna Bay has been paused until the final form and delivery of the Birubi Interchange is finalised.

General

A procurement strategy has been developed and is currently being delivered. The first phase is a public tender for the provision of a Parking Meter Network & Guidance Monitoring System covering all potential roll out sites. The tender closed on 21 April 2023 and is currently under assessment.

ATTACHMENTS

- 1) Council Resolution - Smart Parking - Min. No 194 - 26 July 2023. [↓](#)
- 2) Smart Parking Location Status. [↓](#)
- 3) Nelson Bay Smart Parking Expansion Engagement Report. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 2 - ATTACHMENT 1 COUNCIL RESOLUTION - SMART PARKING - MIN.
NO 194 - 26 JULY 2023.****MINUTES ORDINARY COUNCIL - 26 JULY 2022**

ITEM NO. 2

FILE NO: 22/114478
EDRMS NO: PSC2019-05143**SMART PARKING**REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the continued rollout of SMART Parking at:
 - Shoal Bay
 - The expansion of the Nelson Bay area including:
 - Fly Point
 - Little Beach
 - Laman Street
- 2) Commence investigation and community consultation at Birubi Headland, Anna Bay, Fingal Bay and One Mile around the installation of SMART Parking.
- 3) Develop infrastructure program for investment of SMART Parking funds at Birubi Headland, Anna Bay, Fingal Bay and One Mile after community consultation and investigation.
- 4) Continue to provide free SMART Parking in Port Stephens for residents, rate payers and employees of local businesses. Time based restrictions to apply.
- 5) Manage funding by holding revenue generated from SMART Parking in an internally restricted reserve.
- 6) Invest the funds raised from SMART Parking back into SMART Parking precincts.

**ORDINARY COUNCIL MEETING - 26 JULY 2022
MOTION**

	Councillor Leah Anderson Councillor Glen Dunkley That Council: 1) Note the continued rollout of SMART Parking at: <ul style="list-style-type: none">• Shoal Bay• The expansion of the Nelson Bay area including:<ul style="list-style-type: none">○ Fly Point
--	---

**ITEM 2 - ATTACHMENT 1 COUNCIL RESOLUTION - SMART PARKING - MIN.
NO 194 - 26 JULY 2023.****MINUTES ORDINARY COUNCIL - 26 JULY 2022**

	<ul style="list-style-type: none">○ Little Beach○ Laman Street
2)	Commence investigation and community consultation at Birubi Headland, Anna Bay, Fingal Bay and One Mile around the installation of SMART Parking.
3)	Develop infrastructure program for investment of SMART Parking funds at Birubi Headland, Anna Bay, Fingal Bay and One Mile after community consultation and investigation.
4)	Continue to provide free SMART Parking in Port Stephens for residents, rate payers and employees of local businesses. Time based restrictions to apply.
5)	Manage funding by holding revenue generated from SMART Parking in an internally restricted reserve.
6)	Invest the funds raised from SMART Parking back into SMART Parking precincts.

**ORDINARY COUNCIL MEETING - 26 JULY 2022
MOTION**

193	Councillor Peter Kafer Councillor Matthew Bailey It was resolved that Cr Leah Anderson be granted a 2 minutes extension of time to address Council.
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Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Peter Kafer and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING - 26 JULY 2022
AMENDMENT**

194	Councillor Leah Anderson Councillor Peter Kafer It was resolved that Council: 1) Note the continued rollout of SMART Parking at: <ul style="list-style-type: none">• Shoal Bay• The expansion of the Nelson Bay area including:<ul style="list-style-type: none">○ Fly Point
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MINUTES ORDINARY COUNCIL - 26 JULY 2022

	<ul style="list-style-type: none">○ Little Beach○ Laman Street
2)	Commence investigation and community consultation at Birubi Headland, Anna Bay, Fingal Bay and One Mile around the installation of SMART Parking.
3)	Develop infrastructure program for investment of SMART Parking funds at Birubi Headland, Anna Bay, Fingal Bay and One Mile after community consultation and investigation.
4)	Continue to provide free SMART Parking in Port Stephens for residents, rate payers and employees of local businesses. Time based restrictions to apply.
5)	Manage funding by holding revenue generated from SMART Parking in an internally restricted reserve.
6)	Invest the funds raised from SMART Parking back into SMART Parking precincts.
7)	That Council complete consultation regarding Smart Parking at Fly Point, Little Beach, and Laman Street and bring this feedback back to Council before proceeding with Smart parking rollout in these locations.
8)	If Council proceeds to put parking meters at Fly Point, Little Beach, and Laman Street, to fund the Smart Parking, that residents and ratepayers will be exempt from paying for parking at these parking meters.
9)	That Council provide the names of the businesses in the Shoal Bay shopping precinct that they spoke to directly and what the feedback from those businesses was regarding smart parking before smart parking is introduced on the shopping strip.
10)	That the Shoal Bay Infrastructure Program be put forward for community consultation and for East Ward councillors review, prior to it being adopted.
11)	That further and more extensive community consultation be completed on the potential one way traffic arrangement in Shoal Bay and this be brought back to council for further consideration before it is implemented.
12)	That the Nelson Bay Infrastructure Program from 2022 onwards be put forward for community consultation and for East Ward councillors review, prior to it being adopted.
13)	That item 14 on the Nelson Bay Infrastructure Program in 2023 being the Design and Construction of at grade parking, be completely removed from the Nelson Bay infrastructure program.

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

Those against the Motion: Cr Glen Dunkley.

MINUTES ORDINARY COUNCIL - 26 JULY 2022

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

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

Those against the Motion: Cr Glen Dunkley.

The motion was carried.

BACKGROUND

The purpose of this report is to provide information regarding the continued roll out of SMART Parking at the following locations:

- Shoal Bay
- Fly Point
- Little Beach
- Laman Street

Council intends to commence investigation and community consultation for the continuation of the expansion of the SMART Parking Scheme at other key locations.

The expansion of the Smart Parking Scheme addresses the SMART Parking Notice of Motion from the Ordinary Council Meeting of 10 December 2019 (**ATTACHMENT 1**) relevant to Shoal Bay and Nelson Bay.

Shoal Bay

The installation of SMART Parking at Shoal Bay is supported by the 2021 Shoal Bay Traffic and Movement Report, and the outcomes from the community consultation.

The extent of the SMART Parking Scheme to be established at Shoal Bay has been mapped on the Shoal Bay SMART Parking Scheme Extents (**ATTACHMENT 2**). Installation of SMART Parking infrastructure will assist in addressing the community's concerns with parking and movement in Shoal Bay, particularly during peak holiday periods. The establishment of a SMART Parking Scheme will enable funds to be raised for infrastructure. These funds will be invested back into SMART Parking precincts.

Community consultation for Shoal Bay included online and face to face workshops and a follow up survey. The feedback received was that the expansion of the SMART Parking Scheme to Shoal Bay was a viable solution to assist with a range of parking and movement issues.

An independent Traffic and Movement Report for Shoal Bay was undertaken to determine the parking demand and management in Shoal Bay. The assessment was based on traffic surveys carried out in April and May of 2021. This period enabled the capture of a peak period (Easter) and a typical weekday and weekend. Analysis of

MINUTES ORDINARY COUNCIL - 26 JULY 2022

the survey results provided evidence of a significant parking shortage on weekends and during holiday periods. The shortage and low turnover rates result in road network congestion caused by vehicle circulation attempting to find available parking spots. The installation of SMART parking would assist in managing the high demand at peak periods and increase vehicle turnover.

The installation of SMART parking and associated infrastructure at Shoal Bay is not currently funded. It is proposed to use the income generated from the installation of parking meters to fund the project.

Nelson Bay Extension

The expansion of the existing SMART Parking Scheme in the Nelson Bay precinct will include the areas of Fly Point, Little Beach and Laman Street. This expansion will further assist in addressing the communities concerns with parking demand and supply in the greater Nelson Bay area.

The expansion of the SMART Parking Scheme to be installed in the Nelson Bay precinct has been mapped for the Fly Point, Little Beach and Laman Street locations on the Nelson Bay Expansion Map 1 Fly Point SMART Parking Scheme Extents (**ATTACHMENT 3**), Nelson Bay Expansion Map 2 Little Beach SMART Parking Scheme Extents (**ATTACHMENT 4**), Nelson Bay Expansion Map 3 Laman Street SMART Parking Scheme Extents (**ATTACHMENT 5**).

The expansion of the SMART Parking Scheme will enable additional funds to be raised for infrastructure. These funds will be invested back into SMART Parking precincts.

Council will continue to engage with the business community as part of the ongoing roll out of the SMART Parking Scheme.

The installation of SMART parking and associated infrastructure at Fly Point, Little Beach and Laman Street is not currently funded. It is proposed to use the income generated from the installation of parking meters to fund the project.

Birubi Headland

Investigation into the proposed installation of SMART Parking at Birubi Headland has commenced with a Parking Assessment Report completed in early 2022. Community consultation is to be undertaken at Birubi Headland to address the SMART Parking Notice of Motion from the Ordinary Council Meeting of 10 December 2019 (**ATTACHMENT 1**) relevant to Birubi Headland.

Other Key Locations

Based on feedback regarding parking supply and demand after the installation of SMART Parking in the Nelson Bay town centre, it has been identified that there are opportunities at other key locations which experience a high demand for parking. Council intend to commence investigation and community consultation regarding the continuation of the roll out of SMART Parking at the following key locations:

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- Anna Bay
- Fingal Bay
- One Mile

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2022-2032

FINANCIAL/RESOURCE IMPLICATIONS

The forecast revenue generated from the establishment of an expanded SMART Parking Scheme has been included in the Integrated Planning and Reporting documents which were adopted at the Ordinary Council Meeting of 28 June 2022.

The roll out of SMART Parking at Shoal Bay, Fly Point, Little Beach and Laman Street is estimated to cost \$623,000.

Financial modelling forecasts that revenue from the parking meter installation will provide an opportunity to fund the Shoal Bay SMART Parking Infrastructure Program projects as noted in **(ATTACHMENT 6)**. Revenue generated from the Fly Point, Little Beach and Laman Street locations will go towards expediting the projects identified on the Nelson Bay SMART Parking Infrastructure Program – Summary Sheet **(ATTACHMENT 7)**. This financial modelling is based on data collected as part of the Nelson Bay Smart Parking scheme which includes free parking for residents, rate payers, and employees of local businesses.

The forecast revenue generated per year from the SMART Parking Scheme is estimated to be at least \$750,000 per annum, which includes a forecasted reduction to accommodate the change in demand between the Nelson Bay area and the other locations.

The financial modelling is generally based on pre-existing COVID-19 usage rates in the Nelson Bay Foreshore Area, with updated data from more recent peak periods and the Nelson Bay CBD area has been included. Reduction factors have been included, providing a conservative approach in the modelling. The impact of any future NSW Government restrictions regarding movement and gatherings is not known and has not been factored in. Given the long term nature of the model, and the relatively short term duration of restrictions it is considered a low risk that the long term revenue projections in the financial modelling will not be realised.

Shoal Bay

The Shoal Bay SMART Parking Infrastructure Program projects are currently listed within the Strategic Asset Management Plan (SAMP) 11 Capital Works Plan Plus.

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Once the forecast parking meter revenue is realised, these projects will be moved into the Capital Works Program for delivery.

Nelson Bay Expansion

Extending the existing SMART Parking Scheme in Nelson Bay to include Fly Point, Little Beach and Laman Street will enable the projects listed on the SMART Parking Infrastructure Program for the Nelson Bay area to be expedited. Council anticipates the additional revenue raised will allow for further projects to be funded in future.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	623,000	Funded from SMART Parking income.
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the forecast revenue is not realised leading to revenue estimations/capital work projections not being met.	Medium	Conservatism has been incorporated into the financial modelling. Additionally, track actual revenue compared to forecast revenue, and adjust capital expenditure accordingly.	Yes
There is a risk that the smart parking technology will not be embraced by the community leading to a low usage or avoidance.	Medium	Ensure the user interfaces are intuitive and community education is included as part of the project delivery.	Yes

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There is a risk that the collection, storage and use of personal information associated with the SMART parking scheme may be inappropriately used and/or disclosed.	High	Ensure the requirements of Council's Privacy Management Plan and the prevailing laws are strictly adhered to in a system design and binding contracts with any external parties.	Yes
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The parking charges and any fee exemptions are covered by the advertised and adopted schedule of fees and charges.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is anticipated that the continued roll out of SMART Parking will provide an ongoing source of funds which will be used for infrastructure projects within SMART Parking precincts.

CONSULTATION

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

Internal

- Financial Services Section – to validate the financial modelling and proposed procurement methodology.
- Assets Section – Traffic and Asset Engineering to determine practicality and regulatory pathways for implementation.
- Compliance Team – To ensure enforceability and safety of compliance staff.
- Economic Development Team – to assist in place activation/events initiatives and assist in assessing the potential impacts of SMART parking to businesses.
- Information Communication and Technology Team – to assist in optimising and assessing the integration requirements of SMART parking into Council's existing systems.
- Communications and Engagement Teams – to assist in developing, implementing and reporting on community engagement strategy.
- Councillors – Two Way Information Session held 26 April 2022.

External**Shoal Bay**

Consultation has been undertaken over a period of time, and has included targeted and non-targeted general public consultation. The results of the consultation are detailed in the Shoal Bay SMART Parking Engagement Report May 2022 (**ATTACHMENT 8**) and are summarised below:

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- Generally supportive for the installation of SMART Parking in Shoal Bay to assist with a range of parking and movement issues.
- Support for the SMART Parking scheme including the permits to allow free parking for employees of local businesses, residents and rate payers of the Port Stephens local government area.
- Support for the delivery of projects in Shoal Bay using the funds generated from the SMART Parking Scheme.
- Concern that a one-way arrangement would have a negative impact on local streets. Any future one-way proposals would require further consultation and is not included in the scope of this project.

OPTIONS

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

ATTACHMENTS

- 1) Notice of Motion - Smart Parking - 10 December 2019.
- 2) Shoal Bay SMART Parking Scheme Extents.
- 3) Fly Point SMART Parking Scheme Extents.
- 4) Little Beach SMART Parking Scheme Extents.
- 5) Laman Street SMART Parking Scheme Extents.
- 6) Shoal Bay SMART Parking Infrastructure Program.
- 7) Nelson Bay Smart Parking Infrastructure Program - Summary Sheet - 12 May 2020.
- 8) 2020.
- 9) Engagement Report Smart Parking May 2022.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

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DECEMBER 2019.****MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019****NOTICE OF MOTION****ITEM NO. 3****FILE NO: 19/378259
EDRMS NO: PSC2017-00019****SMART PARKING****MAYOR: RYAN PALMER****THAT COUNCIL:**

- 1) Investigate the installation of SMART Parking at Birubi Headland and Shoal Bay CBD Precinct/Foreshore.
- 2) Continue community consultation in Nelson Bay around the installation of SMART Parking.
- 3) All SMART Parking in Port Stephens be free for residents, rate payers and employees of local businesses. Time based restrictions to apply.
- 4) Invest the funds raised from SMART Parking back into the precinct where the funds are collected.
- 5) Invest the funds into the following projects (but not limited to) – public domain, improved/increased car parking, place activation, marketing and advertising, landscaping etc.
- 6) Each precinct shall have its own reserve to managing funding.

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

261	Mayor Ryan Palmer Councillor Glen Dunkley It was resolved that Council: <ol style="list-style-type: none">1) Investigate the installation of SMART Parking at Birubi Headland and Shoal Bay CBD Precinct/Foreshore.2) Continue community consultation in Nelson Bay around the installation of SMART Parking.3) All SMART Parking in Port Stephens be free for residents, rate payers and employees of local businesses. Time based restrictions to apply.4) Invest the funds raised from SMART Parking back into the precinct where the funds are collected.5) Invest the funds into the following projects (but not limited to) – public domain, improved/increased car parking, place activation, marketing and advertising, landscaping etc.
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DECEMBER 2019.****MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

- 6) Each precinct shall have its own reserve to manage funding.

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

Smart parking schemes help to influence transport mode choice and prioritise efficient travel in areas where there is a high demand for parking on roads and road related areas. Generally, smart parking schemes are intended primarily:

- a. to ensure both safety and traffic efficiency within the overall context of travel demand management and the management of traffic on the road system
- b. to provide equitable access to parking spaces through increased parking turnover in areas where demand for parking exceeds the available parking spaces
- c. to help manage the competition between short-medium term parking and all day parking
- d. to ensure that any parking demand strategy is consistent with any land transport strategy for the area, and to support and complement the transport objectives, especially public and active transport, rather than working against them
- e. to enable revenue capture to ensure establishment and administration of the scheme and the provision of infrastructure.

Roads & Maritime Services (RMS) concurrence must be sought for the implementation of a smart parking scheme. This is because parking signs, meters/machines and certain pavement marking are prescribed traffic control devices and therefore must go through the Local Traffic Committee before they can be installed. A review of the regulations and RMS guidelines confirm that Council may introduce a concurrent permit parking scheme which would allow permit holders to park without charge and/or time restrictions in relevant pay parking spaces.

The proposed smart parking scheme is supported by the Nelson Bay Strategy/Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program through recommendations of the Citizens Parking Panel. Additionally, the technical Traffic and Parking Studies parking studies and community consultation recommendations 9 and 15 - Parking in Nelson Bay: Engagement Report (AKA Independent Citizens Parking Panel Report).

9. Rationalise parking limits and times, with:

- a. a review of the different time zones (eg 5, 10, 15 minute parking zones) and of their location
- b. paid parking in certain areas/car parks
- c. permits/times for locals.

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15. Investigate 'smart parking' opportunities, including but not limited to the following:

- a. Signage to include count of available spaces and direction/distance to
- b. Cameras linked to signage to identify and direct to available spaces
- c. Plate recognition to identify parking users, generate data, but also enable remote payment ie users (potentially only non-locals) are identified by a sensor as they enter the CBD and start paying a fee after a given number of hours (or straightaway depending on the time of the year)
- d. Technology linked to smartphones via applications
- e. Use Artificial Intelligence (drone parking).

Recommendations P3 and P5 in the Nelson Bay Traffic and Parking Study Update:

- P3 – Improve town centre off-street parking facilities
- P5 – Expand paid parking coverage.

The Birubi Headland and Shoal Bay CBD precinct/foreshore area will need further investigation to be reported back to Council.

ATTACHMENTS

Nil.

An aerial photograph of Shoal Bay, Australia, with a proposed development area highlighted in cyan. The development is a large, rectangular plot of land situated along the coastline, adjacent to a residential area with yellow lot numbers. The map includes property boundaries, lot numbers, and labels for 'Shoal Bay' and 'DP 130668'. The development area is situated along the coastline, adjacent to a residential area with yellow lot numbers.

Nelson Bay Expansion Map 1 Fly Point SMART Parking Scheme Extents



Nelson Bay Expansion Map 2 Little Beach SMART Parking Scheme Extents



Nelson Bay Expansion Map 3 Laman Street SMART Parking Scheme Extents



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INFRASTRUCTURE PROGRAM.****Shoal Bay Infrastructure Program – Summary Sheet**

#	Item	FY	Source of work
1	One way traffic CBD – direction to be confirmed and further consultation – additional parking spots created	2023	Traffic/Parking
2	Carpark formalisation - Cnr Shoal Bay road & Government road (Coral Tree carpark)		Traffic/Parking
3	Carpark formalisation - Tennis court – Messines Street		Traffic/Parking
4	Carpark formalisation – Beach Road/ANZAC Park.		Traffic/Parking
5	Carpark formalisation – Shoal Bay Road (east of CBD near boat ramp)		Traffic/Parking
6	Pathway – Halifax Holiday Park via Beach Road to Shoal Bay Holiday Park		SAMP Capital Works Plus Plan
7	Parks and Reserves Assets - Shoal Bay Foreshore - Implementation of the master plan		SAMP Capital Works Plus Plan
8	Parks and Reserves Assets – Shoal Bay West Accessible Beach Ramp		SAMP Capital Works Plus Plan
9	Fingal Bay to Shoal Bay missing link - Government Road		SAMP Capital Works Plus Plan
10	Shared Path - Beach Road, Shoal Bay. From Harwood Avenue to Shoal Bay Road.		SAMP Capital Works Plus Plan
11	Pathway Shared Path - Government Road, Shoal Bay. From Messines Street to Peterie Street.		SAMP Capital Works Plus Plan
12	Pathway Shared Path - Government Road, Shoal Bay. From Peterie Street to Sylvia Street.		SAMP Capital Works Plus Plan
13	Pathway Shared Path - Shoal Bay Road, Shoal Bay. From Beach Road to End of existing.		SAMP Capital Works Plus Plan
14	Pathway Shared Path - Sylvia Street, Shoal Bay. From Government Road to Horace Street.		SAMP Capital Works Plus Plan
15	Pavement Assets - Tomaree Road, Shoal Bay - 42 Tomaree Rd to 86 Tomaree Rd		SAMP Capital Works Plus Plan
16	Pavement Assets - Tomaree Road, Shoal Bay - 86 Tomaree Rd to 136 Tomaree Rd		SAMP Capital Works Plus Plan
17	Pavement Assets - Tomaree Road, Shoal Bay - Messines St to 42 Tomaree Rd		SAMP Capital Works Plus Plan
18	Pavement Rehabilitation. Tomaree Road - Shoal Bay From Verona Road to Messines Road		SAMP Capital Works Plus Plan
19	CBD Improvements Shoal Bay Road, Shoal Bay.		SAMP Capital Works Plus Plan
20	Playground Assets – Shoal Bay – Exercise Gym/Equipment		SAMP Capital Works Plus Plan

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**ITEM 2 - ATTACHMENT 7 NELSON BAY SMART PARKING
INFRASTRUCTURE PROGRAM - SUMMARY SHEET - 12 MAY 2020.**

Smart Parking Infrastructure Program - Summary Sheet

#	Item	FY	Source of work
1	Review current town centre parking restriction for consistency and effectiveness	2021	Traffic/ Parking
2	Convert Yacaaba St and Stockton St to one way flow (Donald to Tomaree St)	2021	Traffic/ Parking
3	Donald Street East - Demolish existing structure.	2020	Traffic/ Parking
4	Donald Street East - New at-grade carpark. Design & construct at grade car parking	2020	Traffic/ Parking
5	Parking Meter expansion covering town centre	2021	Traffic/ Parking
6	Stockton/Tomaree Carpark (leased site) - design and construct at grade car parking	2021	Traffic/ Parking
7	Pavement mark all spaces within town centre	2021	Traffic/ Parking
8	Expansion of 40km/h high pedestrian area	2021	Traffic/ Parking
9	Update shared zone pavement marking and signage to reflect contemporary guidelines	2021	Traffic/ Parking
10	Sensors, apps and signage for parking management	2021	Traffic/ Parking
11	Upgrade existing parking meters to 'pay by plate'	2021	Traffic/ Parking
12	APEX Park/VIC - Formalise perimeter footpath, adjustment to pedestrian access ramps and widening stairs	2022	PDP
13	Convert existing Stockton Street traffic signals to allow pedestrian scramble and widen crossing;	2022	PDP
14	48A Stockton St and surrounding road verge. (AKA Worimi Park) - Design and Construct at grade parking	2023	Traffic/ Parking
15	Stockton Street - Large Vision	2025	PDP
16	Intersection Upgrade - Church Street with Donald Street	2025	Traffic/ Parking
17	Overflow parking - Tom Dwyer Memorial Oval	2026	Traffic/ Parking
18	Nelson Bay Wayfinding Signage Strategy	2026	Traffic/ Parking
19	Remove Stockton Street Stage	2027	PDP
20	Stockton St and Yacaaba Street - Complete missing footpath connections and improve pedestrian crossing amenities at Tomaree intersection;	2027	PDP
21	Improve signage and lighting to assist visitor wayfinding	2028	PDP
22	Eastern Foreshore - Implement wayfinding and interpretative signage;	2029	PDP
23	69 Victoria Parade (AKA Victoria Parade Reserve) - Design and Construct at grade parking	2030	Traffic/ Parking
24	Park and Ride - Investigation, design and construction, incl coach parking facilities.	2030	Traffic/ Parking
25	Eastern Foreshore - Upgrade and expand existing playground, provide shade canopies, and connecting footpaths	2031	PDP
26	Eastern Foreshore - BBQ Amenities and shelter	2031	PDP
27	Magnus Street Village Precinct - Large Vision Concept	2031	PDP

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ITEM 2 - ATTACHMENT 8 ENGAGEMENT REPORT SMART PARKING MAY 2022.



Shoal Bay Smart Parking Engagement Report – May 2022

Summary

In December 2019 a notice of motion to investigate the extension of smart parking to Birubi and Shoal Bay was made.

The following report is focused only on Shoal Bay and builds on information gained from an independent Parking and Movement study undertaken in 2021 and early 2022.

The issue of parking and movement was also a large part of the discussion at the Place Plan workshops for Shoal Bay. However, at this time Council staff was unable to address this issue effectively as the Parking and Movement study had not been fully completed. A short summary of the discussion from these workshops in August 2021 is attached as Appendix A.

Project Description

One of the key aspects of the engagement for this project was to ensure that the local Shoal Bay businesses and the community were included in these early discussions.

Overall finding

Feedback at the community workshops and through the results from the follow up survey was that the extension of Smart Parking to Shoal Bay was considered a viable solution to assist with a range of parking and movement issues.

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Communications and Engagement approach

- Parking is very much on the business and communities agenda – the parklets trial triggered new conversation and angst including petitions and regular contact from the community
- In the Liveability Index 2020 for Shoal Bay, '*ease of driving and parking*' was identified as a medium priority that was negatively affecting liveability
- Ensure existing known stakeholders especially those who had been engagement through the previous place plan workshops engagement are invited personally to the upcoming workshops
- Continuing a proactive engagement with the community will:
 - Build trust and relationships with key stakeholders
 - Limit delays in delivery of smart parking
 - Ensure full understanding of community concerns prior to delivery

COMMUNICATIONS METHODS		
ACTIVITY	DESCRIPTION	REACH
Project webpage	EHQ project to host engagement tools and project document	148 visits
Newsletter	Project information and invitation to workshop to key stakeholders including businesses along Shoal Bay foreshore and residents in Messines Street, Government Road and part of Tomaree Road	350+ distributed
Direct emails	Direct invites to known stakeholders	74 + 1349
	Email to Councillors to ask that information is shared with their local networks	1
	Follow up email to workshop participants to complete survey	34
	Email invite via 'have your say' e-newsletter	1500+
	Email invite part of PSToday e-newsletter	2500+
Social media	1 paid post (targeting Shoal Bay);	971
	2 x event posts for each workshop;	3515
	1 post re: cancellation of drop in (due to weather) and survey	2609
	Post shared on Business Port Stephens Facebook and local community Facebook pages	Unknown

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ENGAGEMENT METHODS		
DATE	METHOD	REACH
Key stakeholder meeting	A meeting with representatives from Port Stephens Business Chamber (meeting included reference to other projects)	2
Workshop - Online and Face to Face	The workshops involved a structured presentation and deeper exploration of issues, potential solutions for Parking and Movement for four separate precincts.	10 attended online session; 24 attended face to face workshop Overall 34 attendees
Online Survey Open 8 April to 19 April 2022	Testing level of support for potential parking and movement mitigation strategies	27 surveys completed

Key findings

Engagement Activity

1. Workshop

A total of 34 attendees participated in a 2hr workshop session (10 attended online workshop session and 24 attended face to face workshop session).

A short presentation for the workshop was prepared and the groups were then split into four separate precinct areas to work through the parking and movement issues, constraints and solutions for the different precincts.

Each group circled through a discussion on each precinct area for approximately 20mins focusing on issues, constraints and pros and cons of potential solutions.

It should be noted that Precinct 1 – Town Centre (green) and Precinct 2 – Foreshore East (yellow) are the primary precincts out of the four precinct areas where smart parking would be installed and as such is the focus for this report. A short precis of the other two precincts also follows however greater detail will be included in the Shoal Bay Place Plan engagement report.

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These precinct areas are Precinct 1: Town centre (green); Precinct 2: Foreshore East (yellow); Precinct 3: Foreshore West (red) and Precinct 4: Local streets (blue).

Precinct 1: Town centre (green)

In this precinct we know from the traffic study findings, previous place plan workshop discussions and complaint history that at peak times parking is over capacity and there are no car parking spaces. This problem is exacerbated by circulating traffic looking for car parking which increases congestion in the area. It should be noted that on a typical weekday there is spare parking capacity. There are also known missing pedestrian links in the area and the town centre is currently well serviced by public transport.

Some ideas from the workshop specifically around smart parking include:

- Convert existing gravel Crown land car park to sealed Smart Parking carpark to help generate turnover and availability of carparking for the area. This project is a potentially whilst this would result in some of the trees being removed most of these are coral trees which are a noxious weed;
- Smart Parking would also generate income which could be spent on the area and would help to implement Place Plan actions;
- Bullecourt Street could be used as an allocated business parking area to support worker parking for the shopping precinct area. Electronic signage or indicator boards informing of parking availability would also help with easing circulating traffic looking for car parking spaces in Bullecourt Street;
- Smart Parking implementation would mean potentially more parking in local residential streets as people aim to avoid paying for parking during peak periods and also could potentially push traffic to Fingal Bay for the same reason.

Further discussion around one-way options around the town centre was undertaken. There was strong support for a one way option particularly from members of the Shoal Bay Community Association who have been advocating this as a solution over a number of years. A one-way arrangement would create more carparking spaces

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and in conjunction with Smart Parking would assist with the turnover of carparking in an area of Shoal Bay which needs it the most.

Any one-way proposal would need to be considered together with other accompanying traffic changes for example:

- Potential changes to nearby streets to cater for traffic flow changes
- Shared zones (10km/hr) to be implemented along foreshore area
- Wider pedestrian paths and on-road cyclist allocations
- Easy access to shops and beach for people with access difficulties

There was no particular one-way proposal put to the workshop attendees or in the follow up survey and traffic flow either way around the town centre would work as per the traffic study findings. Any future one-way proposals would need further consultation with the key stakeholders, including businesses and residents.

Other more general ideas or suggestions for the CBD precinct include:

- Move loading zones to Bullecourt Street would help ensure encourage an 'eat' street atmosphere along Shoal Bay Road
- Explore potential additional formed parking availability near Tennis court area
- Explore options to make Bullecourt Street a through road by purchasing nearby land
- Explore option to move playground and use this area as additional formed parking

Precinct 2: Foreshore east (yellow)

We know from traffic study findings, place plan discussions and complaint history is that congestion can get bad during peak times in this precinct and this is compounded by the dead end at Tomaree Lodge. There is also a lack of parking supply along Shoal Bay Road and near to the beaches during peak periods. The parking around the Shoal Bay boat ramp is also being used by cars rather than vehicles with trailers. There are also evidence of considerable illegal parking and overstaying of vehicles, trailers and motorhomes around this precinct.

Some ideas from the workshop specifically around Smart Parking include:

- Workshop participants were generally supportive of paid parking along Shoal Bay Road especially to help flow of new patrons and customers to local seasonal businesses;
- The formalisation of parking around the boat ramp would assist with providing additional parking opportunities and would reduce illegal parking and overstaying;
- Electronic signage or indicator boards would also help improve congestion from vehicles circling looking for parking spots;
- Smart Parking revenue could be used to fund improvements particularly in this very popular recreation area of Shoal Bay

Some of the bigger ideas or suggestions for the foreshore east precinct include:

- The future of Tomaree lodge use and also the extension of the coastal walk need to be considered in future planning especially around parking
- Construction of a suitable turning bay at the Tomaree headland access gate

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- Moving the existing boom gate back to allow public access to the old cricket pitch area of Tomaree Lodge and existing amenities could provide additional parking availability and access to amenities.

Precinct 3: Foreshore west (red)

We know from traffic study findings, place plan discussions and complaint history is that congestion can get bad during peak times due to traffic lights, pedestrian crossing and the large volume trying to enter Shoal Bay Road on the one in/out road. The current parking supply located at Beach Road near Harbourside Haven is also not formalised and could provide additional parking supply.

This precinct area includes the well-known missing link section of pathway between Shoal Bay Road and the beach which is also tied to dune stabilisation problems.

Some of the bigger ideas or suggestions for the Foreshore west precinct include:

- Undertake beach stabilisation and build suitable pathway to provide much needed missing shared path missing link
- Upgrade dirt road and connect Shoal Bay Road to Harwood Avenue would improve traffic movement and connectivity and would also provide an additional beach destination point
- Investigate potential use of cycle/pedestrian path and APZ area at the rear of Harbourside Haven as either a new one-way or as an emergency access road
- Relocate playground at Bernie Thompson reserve to this precinct

Precinct 4: Local streets (blue)

We know from the traffic study findings, previous place plan workshop discussions and complaint history that people use the local streets to park during peak times and that the streets are generally narrow and are not necessarily set up for on road parking. These existing parking problems would be exacerbated by Smart Parking introduction as it would push car parking into this area.

Some of the bigger ideas or suggestions for the local streets precinct include:

- This area would need better kerb and guttering and flood mitigation measures including kerb and guttering to allow for car parking to be able to spread into this area.
- Road pavement improvements in the local streets particularly along Tomaree Road would need to be continued.
- Funding pathway connections between the local school, housing, business and foreshore areas would be a significant safety improvement and would also provide better access for people with high accessibility needs including those using prams and mobility scooters.

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NO 194 - 26 JULY 2023.****MINUTES ORDINARY COUNCIL - 26 JULY 2022****ITEM 2 - ATTACHMENT 8 ENGAGEMENT REPORT SMART PARKING MAY
2022.****2. Online Survey****General overall data and demographics**

- A total of 27 surveys were received – responses were sourced via direct emails to workshop participants and from social media.
- Of those who completed the survey, 44% (or 12 respondents) had attended one of the two parking and movement workshop held on the 31 March or 1 April, and are considered highly informed. 56% (or 15 respondents) had not attended a workshop and are considered moderately informed.
- 59% (or 16 respondents) indicated that they either learnt about the project via targeted direct email, leaflet or word of mouth which indicates that they are Shoal Bay locals. The remaining 41% (11 responses) indicated that they learnt about the project via social media. Almost half of these respondents (5/11) did not complete an email address indicating that they are not willing to keep up to date with this project.

Parking and movement community experiences

When asked of their experience of the following traffic and movement aspects, respondents indicated parking demands as their most unsatisfactory element in Shoal Bay. Traffic safety, traffic flows and illegal parking were also considered unsatisfactory. Pedestrian flows were considered the most satisfactory movement element.

Please see the table below for the more detail:

Satisfaction with parking and movement elements in Shoal Bay			
Aspect	Unsatisfactory	Satisfactory	Unsure
Parking demands	63%	30%	7%
Traffic safety	56%	44%	-
Traffic flows	52%	44%	4%
Illegal parking	52%	33%	11%
Duration of stays	44%	44%	11%
Pedestrian flows	44%	56%	-

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MINUTES ORDINARY COUNCIL - 26 JULY 2022

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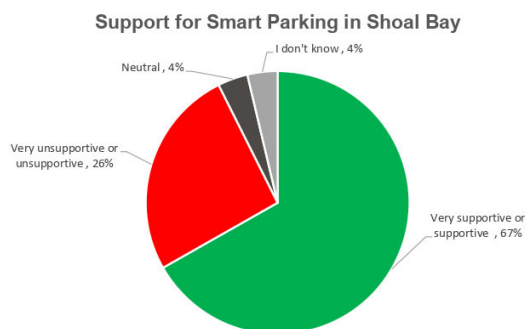
Parking and movement community experiences

The statements below were taken from findings from the recent Shoal Bay traffic study and tested against local responses with respondents asked whether they agree with the following statements. The following table shows strong community agreement with the findings of the recent Shoal Bay traffic study.

Level of agreement with Traffic Study findings			
Statement	Definitely agree or somewhat agree	Definitely disagree or somewhat disagree	Neutral
Lack of parking availability along waterfront and to access Tomaree headland and nearby beaches	70%	11%	19%
Illegal parking and significant safety issues in and around access roads to nearby beaches	74%	8%	19%
Active transport options are fragmented	63%	11%	26%
Consideration of public transport and shared spaces options	67%	4%	30%

Smart Parking support levels

When asked for a level of support for Smart Parking to be introduced to Shoal Bay, 67% of all respondents indicated they were very supportive or supportive. It should be noted that 100% of highly informed respondents (those people who attended the workshops) were either supportive or very supportive.



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2022.

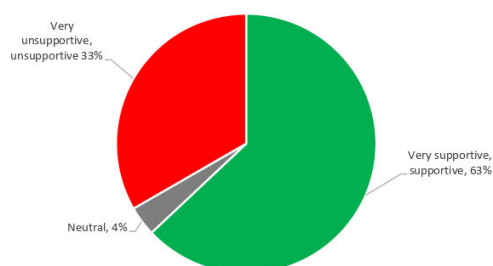
The three (3) comments made to further explain their level of support for Smart Parking in Shoal Bay were:

- *I would like to see the crown land on the corner Shoal Bay Rd and Government Rd next to the caravan park developed into a smart parking area. Could be developed into a 2 storey car park. This would encourage people to park and walk into the shops or the beach. This would alleviate a lot of the congestion. I would like to see the current parking on the foreshore stay as is so our older residents have close parking facilities for their shopping. [Level of support: supportive]*
- *As long as all generated income is used to improve the Shoal Bay CBD Public Domain [Level of support: very supportive]*
- *Needs clearer business case - evidence of costs:benefit equation (inc. net revenue from Nelson Bay precedent + of reaction of visitors to having to pay what amounts to a 'tourist tax'. Question logic of free parking for residents of the whole of Pt Stephens (other than political expediency) [Level of support: don't know/unsure/need more information]*

Level of support for further investigation into one-way option at Shoal Bay

When asked for a level of support for further investigation into a one-way traffic arrangement in Shoal Bay town centre (involving Messines Street and part of Tomaree Road), 63% of respondents were either very supportive or supportive.

General level of support for further
investigation into one-way arrangement at
Shoal Bay



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**ITEM 2 - ATTACHMENT 1 COUNCIL RESOLUTION - SMART PARKING - MIN.
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2022.**

The five (5) comments made to further explain their level of support for further investigation into a one-way traffic arrangement in Shoal Bay were:

- *I don't think it will solve the problem only move it to another street [Level of support: Unsupportive]*
- *You already have working traffic flows on Shoal Bay Road with the installation of the traffic lights. To suggest changing it to one way and making Messines St the other option is ludicrous to put that busy road during Tourist season through a RESIDENTIAL area [Level of support: Very unsupportive]*
- *Need to be very careful so as not to be negatively impact on Shoal Bay Businesses Also important to address Bullicourt st traffic management And parking . Eg loading zones should not be 24 hours and not on Sundays as iShoal Bay is becoming an eatstreet [Level of support: Supportive]*
- *Only solution to developing problem which can only worsen over time, particularly with promotion on coastal path by NPWS and future visitor use of Tomaree Lodge site. Would also allow low speed shared use zone along commercial frontage on SB Rd and change to parking config. Pros and cons of both ways round the circuit. [Level of support: Very supportive]*
- *I think it is unnecessary as the only time that there is an issue with traffic flow is peak times, 3-4 weeks of the year...and then traffic is backed up from Fingal Bay to Nelson Bay so disturbing the residents in Messine St by forcing the traffic through there is not going to make any difference. [Level of support: Very unsupportive]*

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ENGAGEMENT REPORT SMART PARKING MAY

Appendix A

Place Plan workshop summary from September 2021



Shoal Bay

Workshop 1 – 14 Sep 2021 + Workshop 2 – 21 Sep 2021 = 28 people attended **both** workshops

Great ideas we've heard for Shoal Bay

Quick wins	Big Picture
Clean up day	Beach front stabilisation to prevent erosion
Entertainment on foreshore or village square	Develop change rooms along foreshore
Continue community collaboration effort	Develop community gardens on vacant land
Native garden between boat ramp and Tomaree Lodge	Safe shared pathway between Beach Road and foreshore
Signage to prevent heavy vehicles using residential areas and waterfront	Lighting along foreshore walk between wharf and Tomaree Lodge
Sandstone blocks to prevent parking on vegetated areas near parking areas	Create a natural amphitheater out of Murrumbidgee Reserve
Install more information signage	Upgrade ANZAC Park
Three minute drop off zone in front of beaches	Future of Tomaree Lodge
Lighten new amenities block replacing every third roof sheet with clear roofing sheet	Height limits in new developments
	Upgrade the Shoal Bay business centre

Most popular ideas we action planned

Markets and/or entertainment on foreshore	Beach front stabilisation to prevent erosion
Clean up day	Future of Tomaree Lodge
Native garden between boat ramp and Tomaree Lodge	Safe shared pathway between Beach Road and foreshore
	Keep village feel of Shoal Bay

Emerging themes

- **Protecting open space and reserves**
Liveability priorities – protection of the natural environment + local history, historic buildings/features
- **Congestion, access and lack of car parking**
Liveability priority – ease of driving and parking
- **Business area feels old and dated**
Liveability priorities – locally owned and operated businesses + local businesses that provide for daily needs
- **More pathway connections esp. missing links**
Liveability priorities – walking/jogging/ bike paths that connect to communal amenity + access and safety of walking, cycling and/or public transport

PORT STEPHENS COUNCIL

Our Engagement Journey | February 2022

Shoal Bay Smart Parking May 2022
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ITEM 2 - ATTACHMENT 2 SMART PARKING LOCATION STATUS.

Smart Parking Location Status

Precinct	Traffic/Parking Study	System Concept	Community Consultation	Infrastructure Plan	Target System Installation
Nelson Bay Expansion (Fly Point and Laman Street)	Completed	Completed	Completed	In Progress	2023/24
Shoal Bay	Completed	Completed	In Progress	In Progress	2023/24
Birubi Headland	Completed	Completed	Planning	In Progress	2023/24
Fingal Bay	In Progress	In Progress	Planning	In Progress	2023/24
One Mile	Planning	Completed	Planning	Planning	2024/25
Little Beach	Planning	In Progress	Planning	Planning	2024/25
Anna Bay	Completed	Completed	Paused	Paused	TBD

Nelson Bay parking and pedestrian Engagement Report

September 2022



August 2022 – September 2022

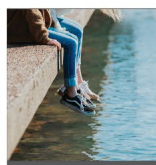
ITEM 2 - ATTACHMENT 3
ENGAGEMENT REPORT.

NELSON BAY SMART PARKING EXPANSION

Nelson Bay parking and pedestrian
Engagement snapshot

The lease on the carpark at the corner of Yacaaba and Donald Streets, Nelson Bay ended on Wednesday 31st August. It was resolved at the two-way conversations with Councilors (Tuesday 23rd August) that Port Stephens Council would use the announcement regarding this closure as an opportunity to engage with the local business community about a number of changes relating to parking and pedestrian access in the Nelson Bay area.

What we've been up to



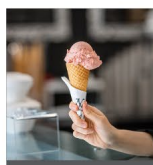
Zoom briefing

11 attendees
446 distributed



Surveys

67 completed



Factsheets

665 delivered



Direct emails

293 sent



Social media

10175 reached

Survey Results - most popular responses



40%

How do you feel
about Smart
Parking in
general?

AVERAGE



36%

How do you feel
about Smart
Parking for
businesses

AVERAGE



55%

Is Laman St
suitable for
Business
Parking?

YES



72%

What's the
primary use for
the Fly Point
parking area?

TOURISTS



56%

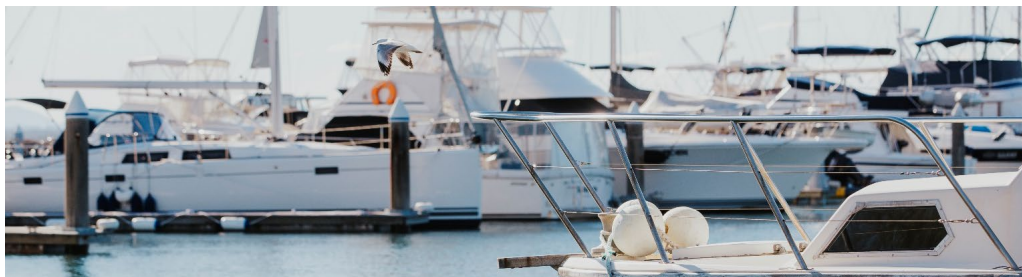
Is access
adequate
without the
footbridge?

NO

Key quotes

Great initiative but like all initiatives,
keep monitoring and improving.

Contents



Summary

Engagement Methods

Key Findings

Appendices

- **Appendix A: Nelson Bay parking and pedestrian factsheet**
- **Appendix B: Survey data**
- **Appendix C: Facebook post and reach**

**ITEM 2 - ATTACHMENT 3 NELSON BAY SMART PARKING EXPANSION
ENGAGEMENT REPORT.**

Summary

The lease on the carpark at the corner of Yacaaba and Donald Streets, Nelson Bay ended on Wednesday 31st August. It was resolved at the two-way conversations with Councilors (Tuesday 23rd August) that Port Stephens Council would use the announcement regarding this closure as an opportunity to engage with the local business community about a number of changes relating to parking and pedestrian access in the Nelson Bay area.

The changes we discussed with local business owners were as follows:






- Due to the closure of the carpark on the corner of Yacaaba and Donald Streets, Smart Parking for business would be extended into two places along Yacaaba Street and Victoria Parade
 - Yacaaba Street parking: primarily from Donald Street intersection to Tomaree Street intersection. This added 48 replacement parking spaces
 - Victoria Parade parking: angle parking North-East of the roundabout adjacent to the dog on-lead exercise area. This will add 22 replacement parking spaces.
- It is proposed that Smart Parking will be extended into other areas in Nelson Bay. In this engagement we asked business owners and some select residents what they thought about extending Smart Parking into both Laman St and the Fly Point area.
- The Victoria Parade skybridge was removed in April due to structural issues. Its removal (for was already alluded to as Nelson Bay Public Domain Plan published in 2019. Feedback was sought regarding the impact the removal of the footbridge has had on businesses in the area.

The engagement was timed to coincide with the closure of the carpark and was targeted at businesses south of the Port Stephens Visitor Information Centre, as well as residents who live on Laman St and at Fly Point.

Business owners were given an opportunity to ask questions of the Assets team from Port Stephens Council via a Zoom briefing. Following this, a factsheet was distributed by hand to businesses and residents affected by the changes. This factsheet was also distributed digitally to both the Council's and Business Port Stephens' email lists of Nelson Bay business owners.

To finalize the engagement, a survey was created in Survey Monkey to gauge the sentiment of affected business owners and residents regarding the 3 changes outlined above.

Communication and engagement methods

COMMUNICATIONS METHODS		
ACTIVITY	DESCRIPTION	REACH
 Zoom briefing	Zoom briefing was held for Nelson Bay business owners to ask questions regarding the closure of Yacaaba St carpark and the removal of the Nelson Bay pedestrian footbridge. Attended by Darren Mitchell and Joshua Chapman from Assets, Sophie Jordan and Julian Honeywill from Communications and Engagement, Mel Turner and Kerri Rodley from Business Port Stephens, Cr Leah Anderson and 4 business owners from Nelson Bay	7 external stakeholders in the Zoom briefing Zoom recording Link sent to 446 newsletter subscribers
 Direct emails	Direct emails via converse@portstephens.nsw.gov.au to identified known Nelson Bay business owners Emails to members sent by Business Port Stephens	73 emails sent 220 emails sent
 Social media	Port Stephens Council Facebook Post regarding carpark closure published 27 August at 8:00am	10175 reached 928 post clicks
 Nelson Bay parking and pedestrian survey	Local businesses were asked to complete a survey regarding changes to Smart Parking and the impact of the removal of the Victoria Parade footbridge. Created in Survey Monkey and open from 26 August – 11 September.	67 respondents
 Factsheets	Factsheets delivered by hand to businesses and residents (Laman St + Flypoint only) in Nelson Bay Business Port Stephens newsletters distributed containing the factsheet	219 factsheets delivered Sent to 446 subscribers

Findings

SURVEY DATA

The Nelson Bay parking and pedestrian survey was created in Survey Monkey and was accessible from 26 August – 11 September 2022 via QR code or embedded link in the factsheet. 67 people completed it.

Summary of Survey Responses

The closure of the carpark on the corner of Yacaaba and Donald Streets, Nelson Bay, was the catalyst for this engagement. The original purpose of the survey was to determine how Smart Parking was working for businesses in Nelson Bay due to the impact that this closure would have on access to Smart Parking. It also sought community feedback on areas for extension of Smart Parking, looking at Laman Street and Fly Point specifically. Despite this being the original focus, the opportunity was taken to also seek feedback on the impact of the Victoria Parade footbridge removal, given the target stakeholder group.

Respondents were a lot more vocal regarding the removal of the Victoria Parade footbridge than around any proposed changes to Smart Parking. It is possible that this is the result of campaigning by local business in Nelson Towers. Anecdotal evidence provided by the community was that shop-owners were asking shoppers to fill out the survey, with the particular intention of highlighting the impact of the footbridge's removal. This may have caused bias of the survey data for certain responses as the survey was not widely publicised and was directed at a specific target audience of local businesses and residents.

Smart Parking

The public sentiment around Smart Parking was divided, with a very slight skew towards the negative. Smart Parking in general was more positively received than Smart Parking for businesses but only marginally. Most respondents who took the time to comment on the first two questions were coming from a negative stance with the general themes of their comments listed below:

- The Smart Parking process is confusing (particularly for tourists)
- Cost of parking is driving tourists and visitors away
- It is hard to work out where the free parks are from the signs
- Smart Parking should adapt to the peak and off-peak periods

Locals that were happy with the initiative provided the caveat that it was only as long as it remained free for residents. Some respondents also put forward ideas of having variable parking based on need eg shopping, dining, cruises, tourist, local etc.

Laman Street

Data from the survey showed a fairly even split between the three proposed use-cases of visitors & tourists (37%), businesses (28%) and local residents (35%), with respondents slightly in favour of it being used by visitors. Respondents also leaned towards a 4 hour parking limit for Laman St (45%), though 27% thought a 2 hour limit would be more suitable. The majority of people (42%) felt that Laman Street was suitable for business parking but those that didn't agree (34%) made mention of the distance from the Nelson Bay CBD. 24% of respondents weren't sure whether the area was suitable for business parking or not.

Fly Point

Over three-quarters of respondents (79%) saw the primary use of the Fly Point area being for tourists and visitors, with almost half (48%) choosing 4 hours as the most appropriate timing for parking in this location. As this space is a fair way removed from the Nelson Bay CBD, there was no underlying negativity around this questioning.

Victoria Parade Footbridge

Survey respondents provided strong support for the return of the Victoria Parade footbridge, where 71% felt that pedestrian access was inadequate it. 45% of people claimed to use the bridge daily before its removal, 18% used it weekly, 11% used it monthly, 15% used it a few times a year and 11% had never used it. Anecdotal evidence provided by the community suggests that the data collected regarding the removal of the Victoria Parade footbridge has been negatively skewed by a targeted campaign from shop owners in Nelson Towers. The survey was aimed towards business owners and select residents, however reports have identified that shop-owners were asking customers to fill out the survey, which was outside the intended scope of the engagement. The results from the survey also do not reflect the general feeling that came from engaging with the community during the factsheet drop-off.

The majority of business owners didn't seem affected by the removal of the bridge, with some not even knowing that it had been removed. A lot of people mentioned that since the traffic lights had been added at the intersection of Government Road and Stockton Street, it had improved access for pedestrians and most people would access the CBD from that point. During the face-to-face exchanges far more people seemed concerned about Smart Parking affecting their business than the removal of the footbridge, though this was not reflected in the survey. The 3 open-ended questions about the removal of the footbridge had an average of 53 responses, whereas the 3 open-ended questions regarding Smart Parking had only 24.

Whilst the shop-owners in Nelson Towers have articulated a loss in revenue to Business Port Stephens, they haven't provided any data to substantiate the impact on their business. On top of that, it would be hard to reconcile any figures provided due to the unprecedented circumstances surrounding the reporting period. With lockdowns and border closures impacting tourism and small businesses for the last two years, as well as local weather events of historical proportions, it would be hard to ascertain just how much of a financial impact the removal of the footbridge has caused.

APPENDIX A

Nelson Bay parking and pedestrian factsheet



FACT SHEET



Nelson Bay parking and pedestrian changes



Changes to the existing parking arrangements

- The lease on the carpark at the corner of Yacaaba and Donald Streets, Nelson Bay will end shortly.
- Smart Parking infrastructure at the site will need to be removed, including sensors and electronic signage.
- Businesses in the area will need to find other parking arrangements from Wednesday 31 August 2022
- We have arranged for alternative areas for business parking along Yacaaba Street and Victoria Parade.
- **Yacaaba Street parking:** primarily from Donald Street intersection to Tomaree Street intersection. This will add 48 replacement parking spaces.
- **Victoria Parade parking:** angle parking North-East of the roundabout adjacent to the dog on-lead exercise area. This will add 22 replacement parking spaces.




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PORT STEPHENS
COUNCIL



Proposed extension to smart parking arrangements in Nelson Bay

- We are investigating the extension of Smart Parking to Laman Street (approximately 55 car spaces) and the Fly Point area (approximately 50 car spaces). Find out more from the Council meeting on Tuesday 26 July 2022 pscouncil.info/minutes260722
- It is proposed that these new parking arrangements may be 4 hour parking similar to the majority of the other areas along the Nelson Bay foreshore.
- We want to understand your opinion around the proposed extension to Smart Parking in Nelson Bay. Please complete the Nelson Bay parking and pedestrian survey below



Pedestrian access changes from the Public Domain Plan

- The Nelson Bay skybridge (pedestrian footbridge) was removed on the 27th of April 2022 due to structural issues.
- The Nelson Bay Public Domain Plan (2019) recommends the removal of the skybridge to create a more generous pedestrian environment.
- As part of our Nelson Bay parking and pedestrian survey we would like to understand more about how the changes to the footbridge have impacted you, checking in to ensure community input still aligns with the Nelson Bay Public Domain Plan recommendation.

Nelson Bay parking and pedestrian survey

We would love to hear from you. Complete the survey on how the changes to parking and pedestrian traffic in Nelson Bay are affecting you via the QR code or the link below.

pscouncil.info/NBSurvey



To learn more about Smart Parking in Port Stephens

pscouncil.info/smartparking

Our future. Our Port Stephens.

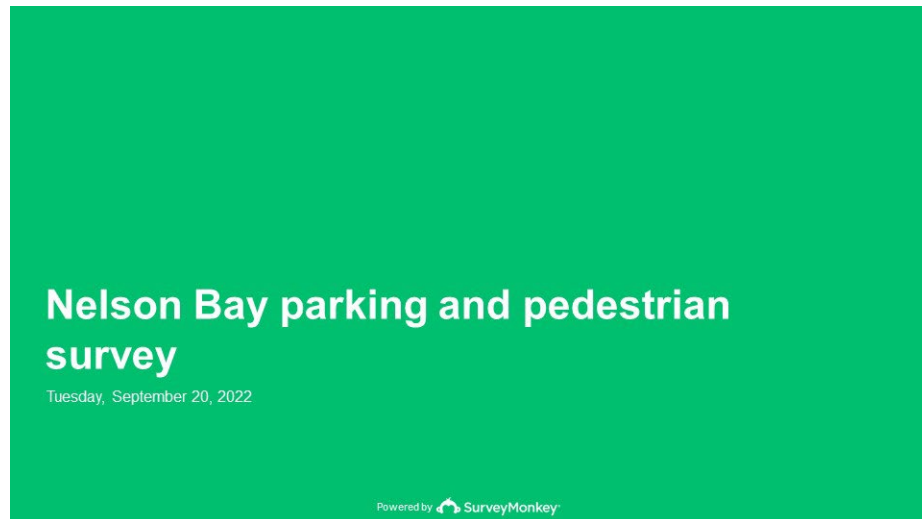
council@portstephens.nsw.gov.au | 02 4988 0255 | PORTSTEPHENS.NSW.GOV.AU



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APPENDIX B

Survey data



67

Total Responses

Date Created: Wednesday, August 24, 2022

Complete Responses: 67

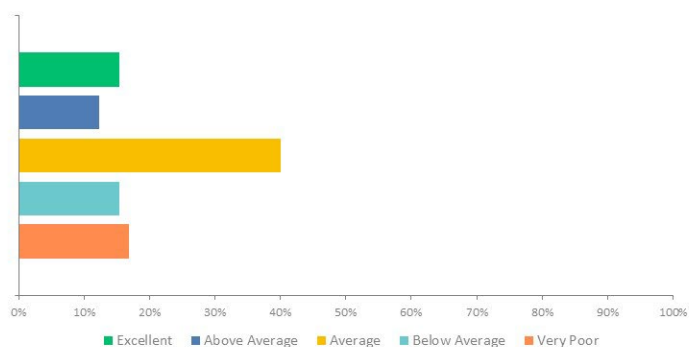
Powered by  SurveyMonkey

ITEM 2 - ATTACHMENT 3
ENGAGEMENT REPORT.

NELSON BAY SMART PARKING EXPANSION

Q1: How do you feel Smart Parking is working in the Nelson Bay area in general?

Answered: 65 Skipped: 2



Powered by SurveyMonkey

	EXCELLENT	ABOVE AVERAGE	AVERAGE	BELOW AVERAGE	VERY POOR	TOTAL	WEIGHTED AVERAGE
(no label)	15.38% 10	12.31% 8	40.00% 26	15.38% 10	16.92% 11	65	3.06

#	COMMENTS	DATE
1	I don't really know. As a resident I don't use it.	9/8/2022 1:25 PM
2	Makes it harder to get a park in certain areas at particular times....	9/3/2022 11:06 AM
3	Too many people can't workout how to use	9/3/2022 10:06 AM
4	It is good that residents of the area can park free for the first amount of time allocated on the signs; this allows us to go to the Post Office, Chemist, Newsagent and do quick shopping. Take away our ability to park and Nelson Bay will die and so will the elderly who cannot walk long distances; I am not convinced it alleviates congestion if that was the intent other than to make money for the council. If anything it deters holiday makers from accessing the shops	9/1/2022 1:07 PM
5	As a resident, very good	9/1/2022 12:00 PM
6	Very nice	9/1/2022 10:56 AM
7	All this archives is taking parking off customers/shoppers and giving the parking to staff and employees that normally parked on the corner car park now to be removed.	9/1/2022 7:49 AM
8	Neutral - no information has been published by Council to show whether the objectives of the new system of paid parking management are being achieved, or not. Because no information has been provided, my guess is that the financial performance has not been as expected and my impression is that the winner has been the system supplier (tech and electronic signs) rather than the community.	9/1/2022 6:29 AM
9	It's driving tourists out especially Sunday morning. Lots of complaints about it been confusing and to expensive.	8/31/2022 5:58 PM

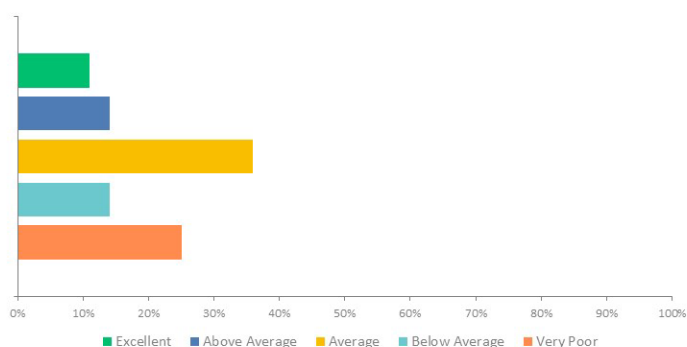
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NELSON BAY SMART PARKING EXPANSION

10	Why did you have to spend so much money on " smart parking " wen motorists can do the speed limit and find a park. You wonder why the businesses in the Bay are dying wen the very people they are relying on have to pay to duck into a shop. Why has Nelson Bay all of a sudden become the money spinner for Port Stephens. Why not put meters in William St Raymond Terrace or is that because everyone who lives on the Penninsula is cashed up. Stop killing Nelson Bay!!!!	8/31/2022 5:43 PM
11	Some local people still think they have to pay and therefore avoid coming into Nelson Bay, they go to Salamander Bay instead where you do not have to pay.	8/31/2022 3:57 PM
12	I guess its working for the council, as long as locals are exempt from paying.	8/31/2022 2:33 PM
13	The illuminated signs which (I think) are intended to display the number of parking spaces available in an area are confusing to say the least. For example, the one beside the intersection of Laman Street and Government Road faces traffic coming uphill toward that intersection and is clearly indicating that traffic should proceed the wrong way up Laman Street (a one way street) to reach parking. This probably accounts for the increased number of cars driving the wrong way up Laman Street ever since the sign was put there.	8/31/2022 11:59 AM
14	When you are driving it is hard to work out where the spaces are.	8/31/2022 11:50 AM
15	A great idea as long as the proceeds go towards improvements to the CBD	8/30/2022 5:42 PM
16	hard on businesses in off peak season that people are still paying for parking	8/29/2022 11:34 AM
17	While it has rectified the issue of a lack of available parking, it has caused a host of negative impacts - mainly in respect to local business. However, my biggest concern about smart parking right now is the proposal to remove resident and ratepayer permits.	8/28/2022 10:53 AM
18	People are leaving our shop because they need to top up their parking. People can't work out the machines	8/26/2022 2:19 PM

Q2: How do you feel Smart Parking is working in the Nelson Bay area for businesses?

Answered: 64 Skipped: 3



Powered by SurveyMonkey

	EXCELLENT	ABOVE AVERAGE	AVERAGE	BELOW AVERAGE	VERY POOR	TOTAL	WEIGHTED AVERAGE
(no label)	10.94%	14.06%	35.94%	14.06%	25.00%	64	3.28
	7	9	23	9	16		

ITEM 2 - ATTACHMENT 3 NELSON BAY SMART PARKING EXPANSION ENGAGEMENT REPORT.

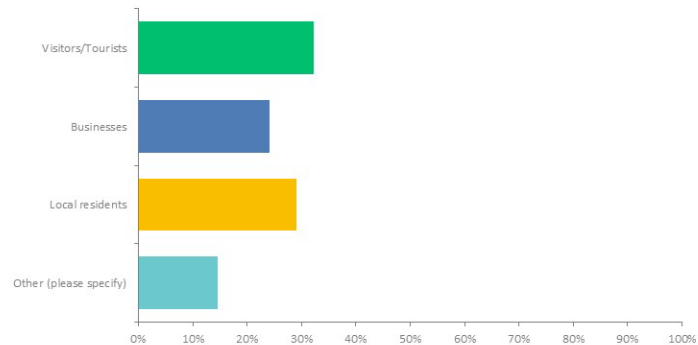
#	COMMENTS	DATE
1	Not really in a position to judge this, but there still seems to be plenty of foot traffic in and around Nelson Bay suggesting that visitation rates haven't been adversely affected by the introduction of Smart Parking.	9/8/2022 5:49 PM
2	Again, I wouldn't know	9/8/2022 1:25 PM
3	We have lost Business due to people not wanting to pay for parking..GET RID OF IT!	9/8/2022 9:22 AM
4	Even though it is free with time limits for local people it discourages them from going to the bay to look around better to go elsewhere....	9/3/2022 11:06 AM
5	Not very well	9/3/2022 10:06 AM
6	Don't own a business	9/2/2022 9:14 AM
7	A lot of people now go top Salamander and shop as holiday makers and residents are not free to stroll around Nelson Bay without having to pay in some way. Small businesses even are struggling, cafes, restaurants etc. Who wants to pay to go for a coffee and pay for parking as well; same as cinema. It is only working for Council to make money and where is that being spent??	9/1/2022 1:07 PM
8	No information available	9/1/2022 12:00 PM
9	It's working good	9/1/2022 10:56 AM
10	Between the smart parking and the bridge being removed there has been a definite down turn in trade in our retail store and this is across the CBD retailers.	9/1/2022 7:49 AM
11	I have no observations positive or negative	9/1/2022 6:29 AM
12	Driving tourists away. Very sad from a thriving town to be dead on Sundays.	8/31/2022 5:58 PM
13	Why didn't you ask the businesses b4 you installed all of the meters!!	8/31/2022 5:43 PM
14	Sometimes people will not hang around because they have to pay more for parking therefore may not visit other shops.	8/31/2022 3:57 PM
15	People come to town to spend money and shouldn't have to pay for parking on top.	8/31/2022 2:33 PM
16	Anecdotal evidence from visitors to the area is that, after arriving in Nelson Bay, they would rather avoid the town centre and stop for refreshment elsewhere if there is no free parking in the town centre.	8/31/2022 11:59 AM
17	Visitors often need more time & are interrupted by time pressures	8/31/2022 11:50 AM
18	People are used to it as other councils have been using it for some time	8/30/2022 5:42 PM
19	The effect has been devastating! I can not tell you how heartbreaking it is as a small business owner when you constantly have visitors have to run out of your store because their parking is up and they have to run. Visitors are frustrated about the high cost - most believe it it was too expensive for a small regional holiday town. Another huge frustration is lack of long term spaces to be able to spend the day in town, or the ability to top up their parking without having to move the car.	8/28/2022 10:53 AM
20	Reps can't print ticket's for there employer People are leaving our shop to top up the parking meter and NOT coming back ☹	8/26/2022 2:19 PM

ITEM 2 - ATTACHMENT 3 ENGAGEMENT REPORT.

NELSON BAY SMART PARKING EXPANSION

Q3: How do you primarily see the parking area on Laman Street being used?

Answered: 62 Skipped: 5



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ANSWER CHOICES	RESPONSES
Visitors/Tourists	32.26% 20
Businesses	24.19% 15
Local residents	29.03% 18
Other (please specify)	14.52% 9
TOTAL	62

#	OTHER (PLEASE SPECIFY)	DATE
1	As there is VERY LITTLE free parking, workers or locals park here to go down to their respective jobs and or to shop; I live in Laman and it is the only place to park for my visitors local or out of the area; tourists only tend to use this on weekends or in summer holidays.I have v	9/1/2022 1:07 PM
2	Mostly by local businesses people	9/1/2022 10:56 AM
3	We live in the area and have direct observation of parking on Laman, Church and Thurlow in both peak and off peak times. During off peak, most of the time parking is by people who look like they work in the marina or on fishing boats (eg, all day according to a range of working hours, sometimes long term for several days). Tradies and mobile workers use the area for breaks. Residents who live on the street use it for resident parking including visitors to their households. Holiday rentals use street parking for overflow and longer term parking for the length of their stay. On Church and into Thurlow, it's primarily residents including holiday lets. During peak times - summer weekends, holiday periods, events - the balance shifts and there are more tourists in the area. On street parking is full and extends onto Church and Thurlow. Many of these seem to be day trippers. Regularly there are people who seem to be local to the area but not residents of the nearby streets, who park their caravans or RV buses on the street (Laman or Church) for days, or a week or more at a time. You can't isolate parking decisions about Laman without considering the impact on Church and Thurlow.	9/1/2022 7:14 AM
4	And locals and residents	8/31/2022 5:59 PM

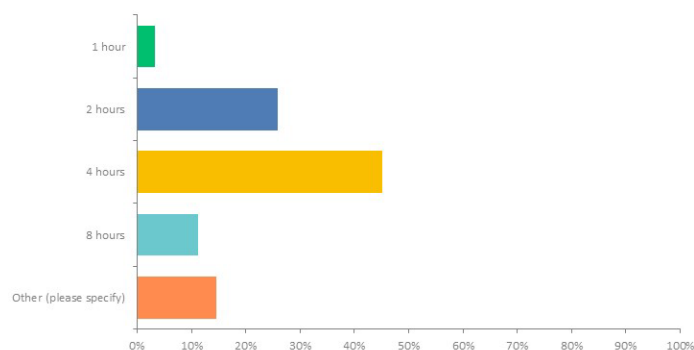
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NELSON BAY SMART PARKING EXPANSION

5	Don't have meters, have parking limit times.	8/31/2022 5:48 PM
6	Presently it is a fairly even mixture of tourists/visitors and local residents	8/31/2022 12:01 PM
7	There is little room around for workers to park long term	8/31/2022 11:52 AM
8	Laman St is frequently used by business employees, local residents and visitors and many park there for at least 8 hours	8/30/2022 10:56 AM
9	Its going to be a mix. I personally use it as a resident but im sure during peak tourist season its a popular parking spot for visitors too	8/28/2022 10:57 AM

Q4: What is the appropriate timing for the parking on Laman Street?

Answered: 62 Skipped: 5



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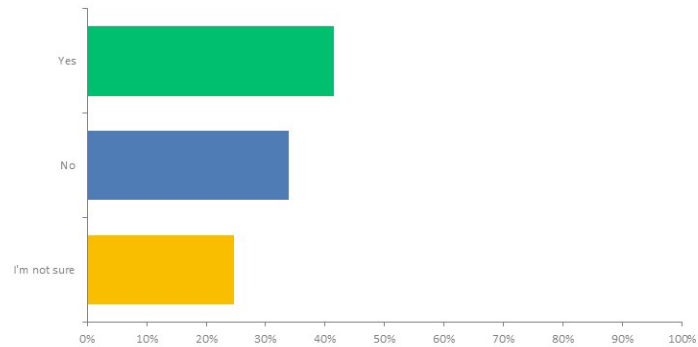
ANSWER CHOICES		RESPONSES	
1 hour		3.23%	2
2 hours		25.81%	16
4 hours		45.16%	28
8 hours		11.29%	7
Other (please specify)		14.52%	9
TOTAL			62
#	OTHER (PLEASE SPECIFY)	DATE	
1	All Day parking	9/8/2022 9:24 AM	
2	Unlimited	9/3/2022 9:30 AM	
3	I am totally against paid parking; this is a residential styreet	9/1/2022 1:07 PM	
4	2 hours	9/1/2022 10:56 AM	
5	This shows the council has no idea where there going with the CBD parking problems.	9/1/2022 7:52 AM	
6	Unrestricted as it is today - this is a mixed use area though primarily residential and by locals. While it's more heavily used by tourists during peak periods, many of those day trippers also seem to be local area residents (based on the signage on their vehicles)	9/1/2022 7:14 AM	
7	Businesses use this to avoid main street parking or pay parking	8/31/2022 3:58 PM	
8	People who work need free parking	8/31/2022 2:35 PM	
9	No time restriction. Visitors are not as aware of free parking there so go elsewhere.	8/31/2022 11:52 AM	

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NELSON BAY SMART PARKING EXPANSION

Q5: Is Laman Street an appropriate area for business parking?

Answered: 65 Skipped: 2



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ANSWER CHOICES	RESPONSES	
Yes	41.54%	27
No	33.85%	22
I'm not sure	24.62%	16
TOTAL		65

ITEM 2 - ATTACHMENT 3 NELSON BAY SMART PARKING EXPANSION ENGAGEMENT REPORT.

Q6 Why don't you think Laman Street is appropriate for business parking?

Answered: 21 Skipped: 46

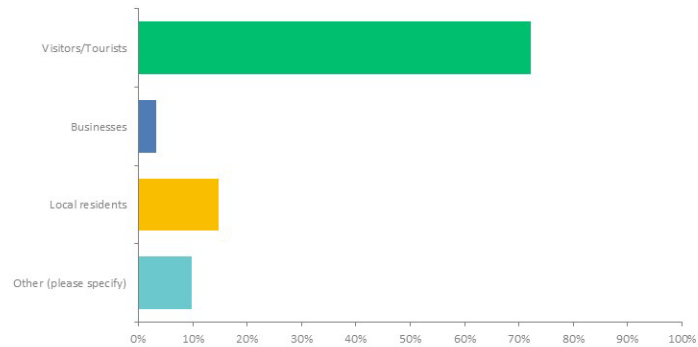
#	RESPONSES	DATE
1	Too far away	9/9/2022 5:08 PM
2	In Holiday time no workers will be able to get a park	9/8/2022 9:25 AM
3	Access to CBD	9/3/2022 11:06 AM
4	Because of proximity to tourist attractions	9/3/2022 10:08 AM
5	Coz	9/3/2022 9:31 AM
6	Not enough parking	9/3/2022 8:17 AM
7	Day visitors tend to park close to the marina. There is alot of holiday accommodation in and around Laman St which rely on on-street parking.	9/2/2022 3:23 PM
8	It is more of a residential area than a business parking area	9/1/2022 1:20 PM
9	This is a holiday destination, that will only encourage the holiday residence to park in CBD.	9/1/2022 7:55 AM
10	If by business parking, you mean by customers of nearby businesses, I would say not. Most customers of businesses in the marina and in the Nelson Bay business district will seek to park closer to the district for a business. Parking flow considerations, to keep customer flow moving, are not a primary criteria for this area. It's more a mixed use area and probably like most of Nelson Bay, affected by peak and off peak tourist impacts. Any change of term limits on Laman are highly likely to have negative flow on impacts for residents on Church and into Thurlow based on current observable patterns of use.	9/1/2022 7:23 AM
11	There isn't enough car spaces as it is	8/31/2022 11:27 PM
12	Should be left to tourists and residents.	8/31/2022 6:00 PM
13	I don't think it's appropriate	8/31/2022 5:50 PM
14	Laman Street is a residential area with no businesses in the street. Of 14 apartment in our block, only one is available for holiday letting..	8/31/2022 12:02 PM
15	Distance from town centre	8/31/2022 7:50 AM
16	there is already parking in cbd for businesses	8/30/2022 5:45 PM
17	Not close enough	8/29/2022 1:45 PM
18	That close to the waterfront, its prime parking for both locals and visitors to access the marina and walking trails. Doesn't make sense to congest this area up with business parking	8/28/2022 10:58 AM
19	Not enough save and not convenient for business parking	8/27/2022 10:10 AM
20	Needs closer	8/26/2022 3:26 PM
21	To far away from the main st	8/26/2022 2:21 PM

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NELSON BAY SMART PARKING EXPANSION

Q7: How do you primarily see the parking area at the Fly Point area being used?

Answered: 61 Skipped: 6



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ANSWER CHOICES	RESPONSES
Visitors/Tourists	72.13% 44
Businesses	3.28% 2
Local residents	14.75% 9
Other (please specify)	9.84% 6
TOTAL	61

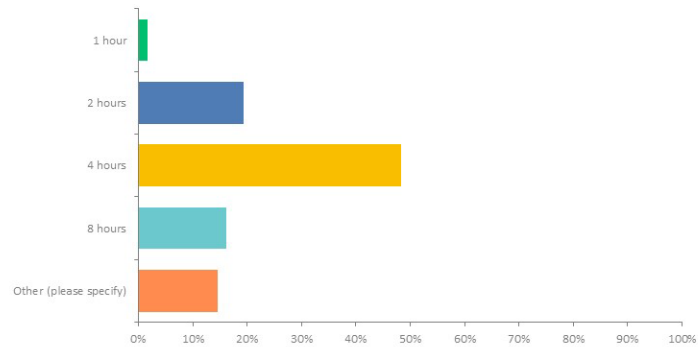
#	OTHER (PLEASE SPECIFY)	DATE
1	And businesses	9/9/2022 7:43 AM
2	Outside of holiday season there are a lot of locals who park to go to the beach; to make them pay for parking is another kick in the teeth, cant we enjoy our surrounds without having to continually fork out money	9/1/2022 1:07 PM
3	Tourist	9/1/2022 10:58 AM
4	Both local residents who use the area for recreation and tourists who overflow from Victoria Parade and also use the area for recreation.	9/1/2022 8:12 AM
5	visitors and local residents	8/30/2022 11:00 AM
6	Again, its going to be a mix. I know locals use this area to visit the arks/beaches in the area and also that its a suer popular parking area during tourist season.	8/28/2022 11:01 AM

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NELSON BAY SMART PARKING EXPANSION

Q8: What is the appropriate timing for the parking at the Fly Point area?

Answered: 62 Skipped: 5



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ANSWER CHOICES	RESPONSES
1 hour	1.61% 1
2 hours	19.35% 12
4 hours	48.39% 30
8 hours	16.13% 10
Other (please specify)	14.52% 9
TOTAL	62

#	OTHER (PLEASE SPECIFY)	DATE
1	No time limit	9/8/2022 9:27 AM
2	FREE PARKING and no removal of vegetation.	9/2/2022 6:59 PM
3	4-5hrs	9/2/2022 3:30 PM
4	Visiting Nbay is a problem and doesn't welcome tourists	9/2/2022 10:37 AM
5	Should not have to pay	9/1/2022 1:07 PM
6	2 hours	9/1/2022 10:58 AM
7	6-8 hours; 4 hours is too short for both residents and tourists who are primarily using the area for recreation and while it's fair for tourists to contribute to the upkeep of the area, it feels unwelcoming to the Port Stephens brand to force people to move their cars or pay more if they are here to enjoy a day in the area	9/1/2022 8:12 AM
8	As long as people like to stay	8/31/2022 2:38 PM
9	All day to cope with those meeting boats & fishing etc.	8/31/2022 11:56 AM

ITEM 2 - ATTACHMENT 3 NELSON BAY SMART PARKING EXPANSION ENGAGEMENT REPORT.

Q9 Do you have any other comments on Smart Parking in Nelson Bay?

Answered: 34 Skipped: 33

#	RESPONSES	DATE
1	Great initiative but like all initiatives keep monitoring and improving.	9/9/2022 7:43 AM
2	It seems to be working well. I don't often need to take a vehicle into the town centre, but when I do I am usually able to find somewhere to park. Great that there is no cost for residents.	9/8/2022 5:52 PM
3	Popular with locals as long as they continue to receive free access. Very unpopular otherwise.	9/8/2022 2:35 PM
4	The timing needs to recognize its usage, eg, 4 hours for shopping and eating, 2 hours for local tourist, 8 hours for cruises	9/8/2022 1:29 PM
5	You are making it harder and harder for workers to find a park. Its getting ridiculous how do you expect us to work in the Businesses when there's no parking for us. Worst decision ever from the Council!!!	9/8/2022 9:27 AM
6	Would be ok if council were smart with the money ...	9/3/2022 11:07 AM
7	No	9/3/2022 10:08 AM
8	A great way to push away tourists and decrease your tourism	9/3/2022 10:07 AM
9	ABANDON IT BEFORE COUNCIL CHARGES RATEPAYERS AND RESIDENTS.	9/2/2022 6:59 PM
10	Parking regulations need to remain area specific, with a mix of free short term spaces in high traffic areas, reasonable free mid-length parking in recreational areas (which allow people free access to public space - but also encourages a reasonable turnover which reflects the popularity of that particular area) - and free longer-term parking for day-trippers and workers within a reasonable distance from popular areas	9/2/2022 3:30 PM
11	Yet to see any business case for it with cost benefit analysis from council to justify its implementation let alone expansion.	9/1/2022 6:19 PM
12	Paid parking on Laman St will push residential and business parking and traffic on to Church St and Thurlow Ave creating more congestion in these residential areas	9/1/2022 1:24 PM
13	! On another note, is the Council prepared to publish in the Examiner the amount of money received from paid parking in the Nelson Bay area and what it is exactly spent on... surely not anything to give back to the community here that shouldn't be anyway; perhaps a start would be to put in a new bridge and fix up the roads properly.	9/1/2022 1:07 PM
14	No	9/1/2022 11:19 AM
15	Should be left as it is	9/1/2022 10:58 AM
16	While it's fair to expect tourists and day trippers to contribute to the costs of maintenance in the area, it's important decision makers are careful not to get caught up by the tagline Smart Parking in framing the decision. The changes to paid parking were initially rolled out as a staged experiment in Nelson Bay with subsequent stages to be informed by experience and data. While we have all lived through unprecedented times recently, there has to be some data, qualitative and quantitative, that can be used to inform next-step decisions. From reading the fact sheet for this survey, my impression is that the loss of business parking from Donald St may shift some parking to Victoria Pd which may shift tourist parking to other areas. And that's the reason for wanting to expand paid parking now to Fly Point and Laman St (notwithstanding that these areas were part of the visioning 3 years ago - is that the real driver? If we're still in a 'test and learn' phase about the implications of increasing term limited, paid parking along the foreshore due to lack of data, can next steps be taken that are less expensive but still provide data so that learning can take place (eg, does it need to be so tech heavy to get a result)? Also, this survey looks like a pulse check and if change is planned regardless, I hope those directly impacted will have a voice in implementation decisions.	9/1/2022 8:12 AM
17	YES get rid of it, this is another Council idea wasting ratepayers money.	9/1/2022 7:58 AM
18	I have since moved out postal box from Nelson Bay to Salamander Bay since the	8/31/2022 11:31 PM

ITEM 2 - ATTACHMENT 3 NELSON BAY SMART PARKING EXPANSION ENGAGEMENT REPORT.

introduction of smart parking and limited parking in Nelson Bay. If council wants people to spend money in Nelson Bay, they will need to make parking more affordable to tourists and ensure the return of the foot bridge. I for one, only visit Nelson Bay for the cinema, whereas I used to shop when I collected post.

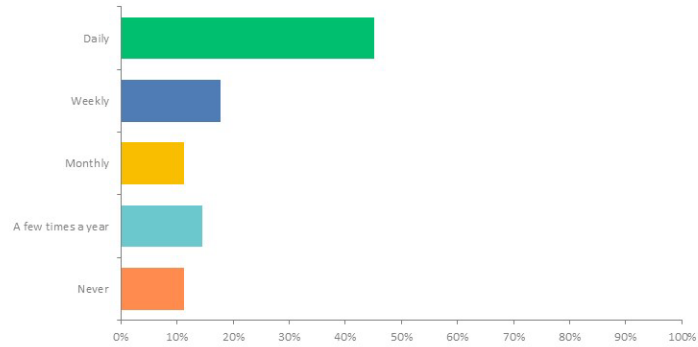
19	Going well. Ignore the party politics and non-business entities like TRRA	8/31/2022 7:41 PM
20	They should leave us alone and not become a casino with meters around the whole waterfront areas of the bay.	8/31/2022 6:02 PM
21	I don't think you should apply it to Lamen St	8/31/2022 3:59 PM
22	Parking should be free for all	8/31/2022 2:38 PM
23	Do not remove the benefit to residence of free parking. Replicating the northern Beaches complimentary parking for rate payers. He's a good idea.	8/31/2022 1:52 PM
24	Free Resident Parking is essential.	8/31/2022 1:40 PM
25	If the council's intention is to accelerate the change from a pleasant small town which people like to visit, to a dreadful high rise holiday centre overlooked by its dreadful yellow crane (now a fixture for more than a decade), the paid parking is inevitable. However, even in that case, I believe that's not yet justified.	8/31/2022 12:04 PM
26	Set up a replacement area in Stockton & Tomatee Sts to replace Yackaba & Donald loss.	8/31/2022 11:56 AM
27	Nil	8/31/2022 7:51 AM
28	No	8/31/2022 7:49 AM
29	I consider the indicator sign at Eastern end of Laman st to be absolutely miss leading as to direction, and should be removed or corrected.	8/30/2022 11:00 AM
30	we should be able to adjust to off peak season	8/29/2022 11:35 AM
31	I maintain all of my concerns previously presented to council in writing and only have further fears and concerns about the viability of our small business if current smart parking proposals are moved forward.	8/28/2022 11:01 AM
32	Don't agree	8/26/2022 3:27 PM
33	We need to get rid of them	8/26/2022 2:22 PM
34	It's great	8/26/2022 2:03 PM

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NELSON BAY SMART PARKING EXPANSION

Q10: How often did you use the footbridge on Victoria Parade before it was removed?

Answered: 62 Skipped: 5



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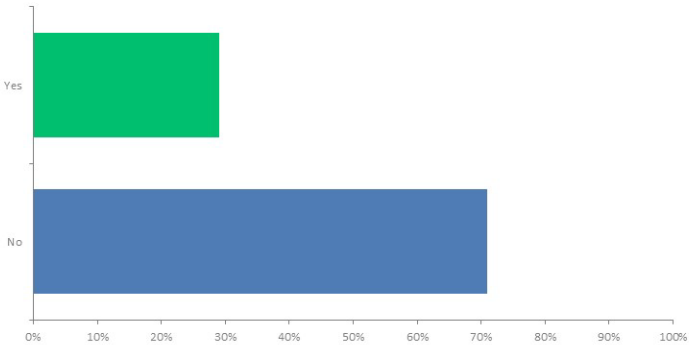
ANSWER CHOICES	RESPONSES	
Daily	45.16%	28
Weekly	17.74%	11
Monthly	11.29%	7
A few times a year	14.52%	9
Never	11.29%	7
TOTAL		62

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Q11: Do you feel pedestrian access is adequate without the footbridge on Victoria Parade?

Answered: 62 Skipped: 5



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ANSWER CHOICES	RESPONSES	
Yes	29.03%	18
No	70.97%	44
TOTAL		62

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NELSON BAY SMART PARKING EXPANSION

Q12 What are the positive impacts for you from not having a footbridge on Victoria Parade?

Answered: 54 Skipped: 13

#	RESPONSES	DATE
1	It has opened up the area and looks much better, and makes tourist info centre more visible	9/9/2022 8:11 PM
2	None as we need easy access from the foreshore to the arcade and Magnus street	9/9/2022 5:10 PM
3	None	9/9/2022 10:22 AM
4	The footbridge is a dated heavy construction which appeared to be trying to imitate US design of the 70s. Removal of the bridge has cleaned up the airspace and fixed the 'seedy' view of the area. Next ask the Thai restaurant to retile the front of their business and remove all the remaining concrete to open up the tourist office..make it more glass.	9/9/2022 7:56 AM
5	Removal of an unsightly structure. Eventual removal of the ramp/support structure on the marina side which would greatly improve the sight lines, enhance public amenity generally and remove the 'dead' space that always seemed to accumulate rubbish and was often used for anti-social behaviour.	9/8/2022 6:03 PM
6	Less maintenance. Better appearance of the Street. Reducing litter in the area.	9/8/2022 2:39 PM
7	Aesthetically appeal. Less anti-social behavior and rubbish under the northern ramp	9/8/2022 1:32 PM
8	None	9/8/2022 9:29 AM
9	None	9/4/2022 1:20 PM
10	None	9/4/2022 12:17 PM
11	None	9/3/2022 11:08 AM
12	None	9/3/2022 10:09 AM
13	No positive impact	9/3/2022 10:09 AM
14	There is no positive impact to removing the footbridge.	9/3/2022 9:37 AM
15	Nil	9/3/2022 9:34 AM
16	N/A	9/3/2022 8:19 AM
17	NONE. It was installed to compensate the shortfall of in-house parking by The Towers with overflow to external parking on Victoria Parade, Laman Street and marina parking.	9/2/2022 7:07 PM
18	none	9/2/2022 5:40 PM
19	Helps traffic flow	9/2/2022 10:51 AM
20	None	9/2/2022 10:47 AM
21	None	9/2/2022 9:16 AM
22	None	9/1/2022 7:40 PM
23	There aren't any	9/1/2022 7:31 PM
24	None	9/1/2022 7:05 PM
25	None	9/1/2022 6:22 PM
26	More aesthetically pleasing	9/1/2022 1:26 PM
27	Only visual	9/1/2022 1:08 PM
28	None	9/1/2022 11:29 AM
29	Nothing	9/1/2022 10:59 AM
30	Look and feel of the area is better, more open, welcoming and modern; access from one precinct to the other is still effective. It's been coupled with investment in street appearance	9/1/2022 8:26 AM

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	on the park side and the business district- please continue, this makes our town more liveable, including street tree retention.	
31	NIL	9/1/2022 8:04 AM
32	Nil	8/31/2022 8:48 PM
33	Nothing really	8/31/2022 7:43 PM
34	None	8/31/2022 6:05 PM
35	None	8/31/2022 6:01 PM
36	Great way to get from one side to the other, nice feature too, good for businesses in arcade and town.	8/31/2022 2:41 PM
37	Less ugly.	8/31/2022 1:53 PM
38	It was an eyesore, tall boats trucks might have had trouble.	8/31/2022 1:41 PM
39	A little less visual clutter.	8/31/2022 12:06 PM
40	None	8/31/2022 12:00 PM
41	None	8/31/2022 11:59 AM
42	Not positive	8/31/2022 7:54 AM
43	It's very difficult to survive the business	8/31/2022 7:50 AM
44	None	8/30/2022 8:01 PM
45	aesthetics. people have the traffic light crossing to use.	8/30/2022 5:48 PM
46	can't imagine any positive impact of removal. Certainly better to use than holding up traffic at busy times at traffic lights	8/30/2022 11:07 AM
47	None	8/29/2022 1:49 PM
48	None	8/29/2022 12:24 PM
49	nil	8/29/2022 11:37 AM
50	I guess it was fairly cumbersome and unattractive, but on the same point, it was kind of an iconic part of the Bay's charm.	8/28/2022 11:09 AM
51	None	8/27/2022 11:12 AM
52	None	8/26/2022 3:31 PM
53	None	8/26/2022 2:23 PM
54	Opens up the area the bridge is useless	8/26/2022 2:04 PM

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NELSON BAY SMART PARKING EXPANSION

Q13 What are the negative impacts for you from not having a footbridge on Victoria Parade?

Answered: 54 Skipped: 13

#	RESPONSES	DATE
1	None	9/9/2022 8:11 PM
2	Restrictive access to town	9/9/2022 5:10 PM
3	Not easily accessible to the park	9/9/2022 10:22 AM
4	No negative impacts...only positive. The arcade is also a design of the 70s...close it and design more shop front facing roads. Wheelchair access would not then be an issue.	9/9/2022 7:56 AM
5	None, as I didn't use the bridge once the traffic lights and pedestrian crossing were installed a few years ago.	9/8/2022 6:03 PM
6	None.	9/8/2022 2:39 PM
7	Absolutely none.	9/8/2022 1:32 PM
8	It allows more flow of pedestrians to move safely from side to the other plus I bet the businesses up the top of the bridge has a lack of customers now with having to walk ALL the way around..	9/8/2022 9:29 AM
9	It is a high traffic area and I felt safer having the footbridge to cross with children and not having them to close to the road	9/4/2022 1:20 PM
10	Have to walk further to and from shopping and eating in the arcade. Means won't visit as often.	9/4/2022 12:17 PM
11	Easy access between foreshore, toilets and CBD...	9/3/2022 11:08 AM
12	Traffic will only become more of a nightmare	9/3/2022 10:09 AM
13	Heavy pedestrian traffic causing traffic congestion which will unfortunately end in pedestrian accidents and driver rage	9/3/2022 10:09 AM
14	Disabled persons and children in strollers walking up to TOWN from traffic etc. I believe that the impact to trades in Nelson Towers and Magnas St shop would suffer	9/3/2022 9:37 AM
15	Major reduction in foot traffic to Nelson Towers and Magnus St business	9/3/2022 9:34 AM
16	Less access to shops	9/3/2022 8:19 AM
17	Hurting failing businesses. It was knocked down by a truck with a crane on board back in 1993 or 1994 and a new one was built.	9/2/2022 7:07 PM
18	need to cross busy road , not connected	9/2/2022 5:40 PM
19	Not east access to shops in Magnus st	9/2/2022 10:51 AM
20	Access from arcade not adequate to marina Summer will be horrendous	9/2/2022 10:47 AM
21	Bad for local business	9/2/2022 9:16 AM
22	It's difficult and unsafe crossing Victoria Parade.	9/1/2022 7:40 PM
23	Can't use it	9/1/2022 7:05 PM
24	Traffic flow etc from government road and discourages foot traffic from the park without navigating the traffic	9/1/2022 6:22 PM
25	None	9/1/2022 1:26 PM
26	I often walk down from my unit in Laman and prefer to cross over the bridge to get to that area of shopping and cafes. I believe it is much safer for elderly people rather than crossing at the lights where traffic is held up	9/1/2022 1:08 PM
27	I don't think having to walk so much further is appropriate for elderly and disabled people . Also people using the arcade find it hard to across the public amenities across the road .	9/1/2022 11:29 AM

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	People will try crossing without the lights and have a fatal accident . Please replace the bridge .	
28	Have to wait for traffic at the lights and enjoy looking at the shops that come thru to the bridge	9/1/2022 11:21 AM
29	Business is down as there's no flow of people in the arcade	9/1/2022 10:59 AM
30	No negative impacts	9/1/2022 8:26 AM
31	The removal of the bridge is having a real impact on the businesses in the Towers arcade and retailers in Magnus Street.	9/1/2022 8:04 AM
32	reduction of access. current access is 'adequate' but that's not good enough	8/31/2022 7:43 PM
33	It Brings people halfway down Magnus st and the arcade needs the bridge for business. It will become a ghost arcade just like the other two.	8/31/2022 6:05 PM
34	My children love walking over the foot bridge. It's easier than walking back through town. No traffic lights, no putting up with the loud mouths from the Hotel on the corner.	8/31/2022 6:01 PM
35	Great feature lost, no crossing☹	8/31/2022 2:41 PM
36	None.	8/31/2022 1:53 PM
37	None	8/31/2022 1:41 PM
38	The occasional inconvenience of having to wait for traffic lights to change.	8/31/2022 12:06 PM
39	Access to businesses and less distance to walk	8/31/2022 12:00 PM
40	People moving from the park to shops do not slow passing traffic at the pedestrian crossing as much	8/31/2022 11:59 AM
41	Business effected. Also the bridge is an iconic feature in if the bay area.	8/31/2022 7:54 AM
42	No business	8/31/2022 7:50 AM
43	Strong negative impact on Nelson Bay retail	8/30/2022 8:10 PM
44	Killing tourism. Killing retail. Killing the cafes. We need more foot traffic, not less. There is a whole apartment/holiday rental block that is now a white elephant	8/30/2022 8:01 PM
45	n/a	8/30/2022 5:48 PM
46	More and more disruptions to traffic at busy times at traffic lights, some pedestrians tend to ignore lights	8/30/2022 11:07 AM
47	Shops losing customers	8/29/2022 1:49 PM
48	Pram access Inconvenience	8/29/2022 12:24 PM
49	easy access with prams and bikes, also local businesses are affected by removal of access. footbridge also easier than ramps when in wheelchair	8/29/2022 11:37 AM
50	It provides direct traffic to the businesses within the towers arcade and a flow on effect of bringing foot traffic down to the middle of Magnus St - which is currently cut off and thus directly impacts our business. Not as drastically as those business in that arcade which must be freaking out about the idea its not going to be replaced - but still impacts us and this area of the CBD in particular.	8/28/2022 11:09 AM
51	The footbridge provided a safer and more convenient way of accessing the marina compared to the crossing at the lights. It also provided alot of passing trade for many shops and cafes I visit.	8/27/2022 11:12 AM
52	Access need back the poor businesses are Bradley effected	8/26/2022 3:31 PM
53	Loss of sale	8/26/2022 2:23 PM
54	No negative comment	8/26/2022 2:04 PM

ITEM 2 - ATTACHMENT 3 NELSON BAY SMART PARKING EXPANSION ENGAGEMENT REPORT.

Q14 Do you have any other comments on the removal of the footbridge on Victoria Parade?

Answered: 50 Skipped: 17

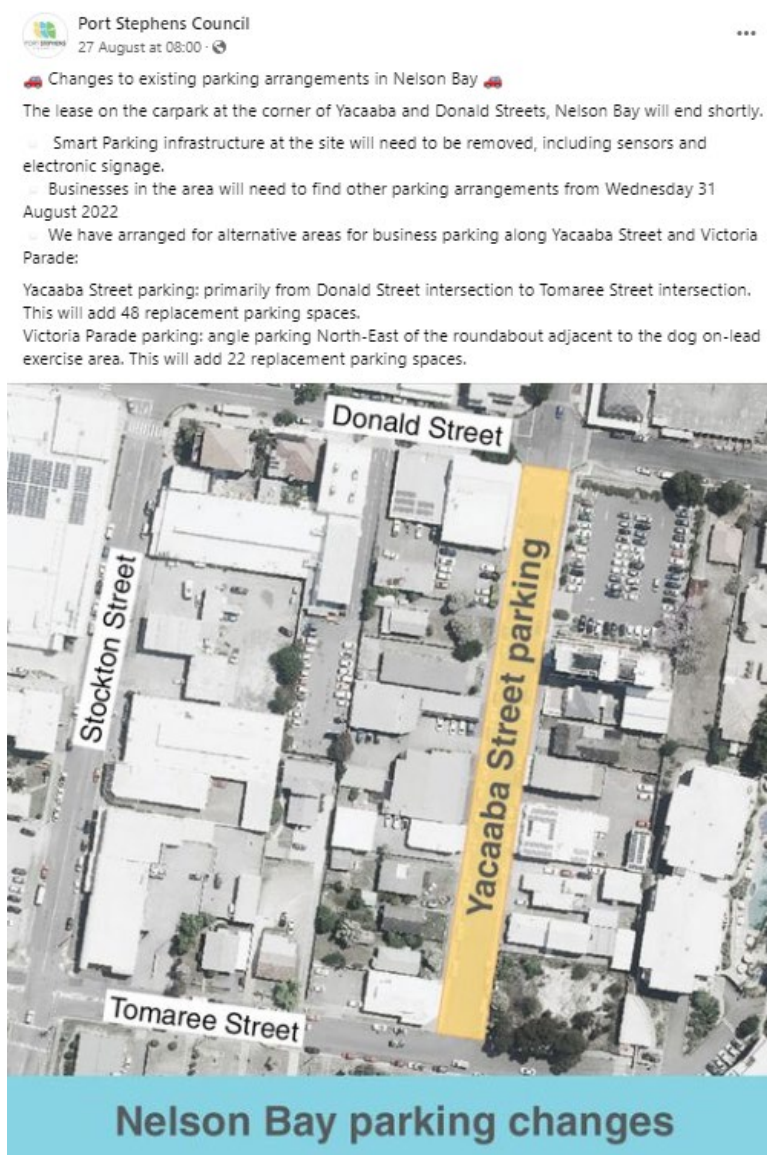
#	RESPONSES	DATE
1	The area underneath is a haven for drug users, unsavoury behaviour and depositing rubbish	9/9/2022 8:11 PM
2	Maintain it and put it back	9/9/2022 5:10 PM
3	We want our bridge back	9/9/2022 10:22 AM
4	Removal of the footbridge has been psychologically liberating. Opening up the area and cleaning the front of the Thai restaurant can only improve the negative area that has been neglected. A 'seedy' area with dated accommodation garage entry, Thai Massage and Nelson Bay Hotel Bottle Shop. Tourist office also needs revamping. More glass taking in all the marine vista. Wheelchair access ramp from the ground level pedestrian crossing, linking to a ramp or lift to the tourist office. If a footbridge at all, maybe consider an 'arty' steel structure...but as a last resort. Don't waste anymore time and money...make a stand and get on with the improvement.	9/9/2022 7:56 AM
5	Its removal would provide a fantastic opportunity to further enhance the aesthetics of the whole area around Apex Park.	9/8/2022 6:03 PM
6	Good idea.	9/8/2022 2:39 PM
7	Get on with it	9/8/2022 1:32 PM
8	Why get rid of it..	9/8/2022 9:29 AM
9	This has greatly impacted families in the community and business. I'd hate to see what this crossing will look like come Christmas and new yr time. The impact on people and the traffic flow doesn't bear thinking of. I really hope for everyone that the footbridge is returned.	9/4/2022 1:20 PM
10	If you want tourists to access shops and food outlets from the Marina it needs to return. The Arcade is so sad and like a ghost town. Having no banking in the Arcade is terrible! Need to at least have an ATM. Having only one ATM means impossible to withdraw money without going to Salamander which is a 45min round trip from Fingal Bay when Woolies is closed.	9/4/2022 12:17 PM
11	Council has the opportunity to do something there that can be used by all....	9/3/2022 11:08 AM
12	Stupidly	9/3/2022 10:09 AM
13	PUT IT BACK	9/3/2022 10:09 AM
14	This is used a lot by children and tourists	9/3/2022 9:34 AM
15	It has been removed due to the fact that it is not in the Public Domain Plan. THIS IS A SHONKY ACTION.	9/2/2022 7:07 PM
16	I have often forgotten that the footbridge was there! When using the footbridge it has made crossing Government Road much easier, but has made navigating my way around the southern side (the shops) more difficult! If the footbridge were to be permanently removed, it could present the opportunity to create greater separation between vehicular and pedestrian traffic, but would require adequate planning for that to occur - including a safer pedestrian crossing and improved access for mobility scooters and wheelchairs between the shops and marina areas.	9/2/2022 3:39 PM
17	We need the bridge	9/2/2022 10:51 AM
18	An eyesore at the moment	9/2/2022 10:47 AM
19	The Victoria Parade footbridge MUST be reinstalled.	9/1/2022 7:40 PM
20	It needs to be there.	9/1/2022 7:05 PM
21	Poor communication from council about status since removal or alternatives	9/1/2022 6:22 PM
22	Businesses in the mall will suffer from the loss in foot traffic	9/1/2022 1:26 PM

ITEM 2 - ATTACHMENT 3 NELSON BAY SMART PARKING EXPANSION ENGAGEMENT REPORT.

23	Bring it back; seems the Council can spend money on less important things and not what counts to residents;important things than wa local residents want	9/1/2022 1:08 PM
24	It's a very bad idea to remove it .	9/1/2022 11:29 AM
25	Replace it asap as it's needed	9/1/2022 11:21 AM
26	It has impacted the whole business community of Nelsonbay	9/1/2022 10:59 AM
27	There are natural ongoing improvements that could be made including to the Tourist Info Centre and amenities block. What can be done to help the second floor businesses in the opposite mini-mall who won't have through traffic from the footbridge - for both sides of the street, a possible topic for a design competition?	9/1/2022 8:26 AM
28	The removal of the bridge is another setback for the town.It must be replaced.	9/1/2022 8:04 AM
29	Promises by council that it will be returned underlies councils is not trustworthy	8/31/2022 8:48 PM
30	Don't make it another political football for the Labor Party to carry on about - just get it fixed or replaced	8/31/2022 7:43 PM
31	It should be put back as promised before it's removal.	8/31/2022 6:05 PM
32	Please put it back	8/31/2022 6:01 PM
33	I want it back	8/31/2022 2:41 PM
34	The lights have gone in since the footbridge was installed, so the footbridge is no longer required.	8/31/2022 1:53 PM
35	Do not replace	8/31/2022 1:41 PM
36	Go for it!	8/31/2022 12:06 PM
37	Keep it there. It helps with people moving in & around Nelson Bay	8/31/2022 11:59 AM
38	It was user friendly, children enjoyed the walk and do does tourism	8/31/2022 7:54 AM
39	It's very difficult for the business to survive	8/31/2022 7:50 AM
40	Make it safe. Bring it back. Not having it is lunacy.	8/30/2022 8:01 PM
41	i think it will look ugly	8/30/2022 5:48 PM
42	obviously removal of bridge must have large affect on arcade business.	8/30/2022 11:07 AM
43	Shouldn't happen	8/29/2022 1:49 PM
44	Do not remove	8/29/2022 12:24 PM
45	yes it should be returned as it makes flow of tourists thru both sides of the bay	8/29/2022 11:37 AM
46	I'm feeling deceived by Council right now. Right now the line is that it was always part of the plan as per the Public Domain plan to remove the foot bridge. However, it was made very clear by Council at the time of the foot bridge removal that it was only being taken down for repairs and that the town's 'beloved bridge' was simply undergoing remedial works and would be replaced. PSC specifically stated this on their Facebook page on 26 April this year. It is absolutely infuriating to feel lied to.	8/28/2022 11:09 AM
47	The removal of the footbridge will have a negative impact on businesses and also provide a less pedestrian friendly environment	8/27/2022 11:12 AM
48	For the the elderly mums with kids and strollers access to the toilets sorry for all business that side	8/26/2022 3:31 PM
49	Bring it back	8/26/2022 2:23 PM
50	Children throw things at cars from this bridge	8/26/2022 2:04 PM

APPENDIX C

Facebook post and performance



ITEM 2 - ATTACHMENT 3 ENGAGEMENT REPORT.

NELSON BAY SMART PARKING EXPANSION

Performance for your post	Performance for your post
10175 People reached	10,175 People Reached
83 Likes, comments and shares	83 Reactions, comments & shares ⓘ
928 Post clicks	
128 Photo views 0 Link clicks 800 Other Clicks	26 Like 18 On post 8 On shares
	1 Haha 1 On post 0 On shares
	5 Wow 3 On post 2 On shares
	1 Sad 0 On post 1 On shares
	3 Angry 3 On post 0 On shares
	31 Comments 21 On Post 10 On Shares
	16 Shares 16 On Post 0 On Shares
	928 Post Clicks
	128 Photo views 0 Link clicks 800 Other Clicks ⓘ
Distribution summary +1.5x higher than your other posts within 21+ days of being published. ↑1.5x more Post impressions ↑1.2x more Post clicks ↓1.8x less Reactions View More Details	
NEGATIVE FEEDBACK 0 Hide all posts 0 Hide post 0 Report as spam 0 Unlike Page	
83 Likes, comments and shares	
BRANDED CONTENT DISTRIBUTION 10175 Total reach 10175 Organic reach 0 Paid reach 11190 Total impressions 11190 Organic impressions 0 Paid impressions View Breakdown	



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COUNCIL

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ITEM NO. 3**FILE NO: 23/117765
EDRMS NO: 79-2022-3-1****CARBON NEUTRALITY 2025**

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

BACKGROUND

The purpose of this report is to provide a quarterly update on the development and implementation of a Carbon Neutral Action Plan for Council operations in accordance with the Council resolution from 11 April 2023, Minute No. 014 (**ATTACHMENT 1**).

On 12 October 2021, Minute No. 275 (**ATTACHMENT 2**) Council committed to the goal of achieving carbon neutrality for Council operations by 2025.

INFORMATION

The below table provides an update on the deliverables required to prepare and implement a Carbon Neutral Action Plan for Council operations.

Deliverable	Status
Engage Carbon Specialist - 100% Renewables Pty Ltd have been selected through the Request for Quotation (RFQ) process to provide an audit of Council's asset portfolio, undertake a review of Council's carbon footprint and to develop the draft Carbon Neutral Action Plan.	Complete
Review and update emissions data - Data on Council's emissions sources such as electricity, fuel and waste production is being collated and analysed to provide an updated carbon footprint. This will inform the development of the Carbon Neutral Action Plan.	In Progress
Audit emission sources and establish potential emission reduction strategies - Audits of Council assets with high energy consumption will establish the available actions to reduce emissions at those sites. Emissions reduction strategies for fleet, waste and other emission sources identified in the carbon footprint will also be established.	Upcoming
Modelling and evaluation of emissions reduction strategies and pathways – Emissions reduction strategies, scenarios, costs and potential savings will be modelled and evaluated to determine most viable pathway to reduce Council's emissions.	Upcoming

Deliverable	Status
Preparation and adoption of Carbon Neutral Action Plan - A Carbon Neutral Action Plan outlining the actions and costs required to achieve Carbon Neutral status by 2025 will be prepared.	Upcoming
Implementation and monitoring of the Carbon Neutral Action Plan - Implementation of the actions outlined in the Carbon Neutral Action Plan will begin with ongoing monitoring of the progress of each action to follow.	Upcoming

ATTACHMENTS

- 1) Minute No. 014, 11 April 2023. [↓](#)
- 2) Minute No. 275, 12 October 2021. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 11 APRIL 2023**ITEM NO. 2****FILE NO: 22/109005
EDRMS NO: 79-2022-3-1****CARBON NEUTRALITY PROJECT UPDATE**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the status update for the Carbon Neutrality project.
 - 2) Endorse the allocation of funding for the preparation of the Port Stephens Carbon Neutral Action Plan.
-

**ORDINARY COUNCIL MEETING - 11 APRIL 2023
MOTION**

014	Councillor Leah Anderson Councillor Glen Dunkley It was resolved that Council: <ol style="list-style-type: none">1) Note the status update for the Carbon Neutrality project.2) Endorse the allocation of funding for the preparation of the Port Stephens Carbon Neutral Action Plan.3) Quarterly updates be provided in the Council Information Papers on the Carbon Neutrality Action Plan and how Council is tracking to meet the target in 2025.
------------	--

Councillor Peter Kafer returned to the meeting at 7:52pm.
Councillor Matthew Bailey returned to the meeting at 7:52pm.

Cr Anderson requested the following amendment, which was consented to be included in the motion.

"That quarterly updates be provided in the Council Information Papers on the Carbon Neutrality Action Plan and how Council is tracking to meet the target in 2025."

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

Those against the Motion: Nil.

MINUTES ORDINARY COUNCIL - 11 APRIL 2023

The motion was carried.

BACKGROUND

The purpose of this report is to provide a progress update and identify next steps in the development of a Carbon Neutral Action Plan for Port Stephens Council.

At its meeting of 12 October 2021, Minute No. 275 (**ATTACHMENT 1**), Council resolved to:

- 1) Commit to the goal of achieving carbon neutrality for Council operations by 2025.
- 2) Determine a suitable funding source to support Council in achieving this goal.
- 3) Provide a report to Council on a roadmap to achieving carbon neutrality.

Council has implemented a number of initiatives to reduce operational greenhouse gas (GHG) emissions. A summary of activities and initiatives is as follows:

- Participating in a Power Purchasing Agreement to secure 100% renewable energy from the electricity grid
- Installing a solar photovoltaic system on Council's Administration Building, reducing annual energy consumption by 25%
- Installing solar photovoltaic systems on many of Council's libraries, community centres and Rural Fire Service buildings
- Installing solar pool pre-heating at Lakeside Leisure Centre, Tomaree Aquatic Centre and Tilligerry Aquatic Centre
- Installing solar photovoltaic system and water tank at Salamander Waste Transfer Station
- Use of recycled glass 'greencrete' in capital works projects
- Installing Building Management Systems and Programmable Logic Controllers at our Administration Building, Lakeside Leisure Centre and many sports and community buildings to deliver energy efficiencies and lower operating costs
- Installing variable-speed drives (VSD) at Lakeside Leisure Centre, Kangaroo Street and Stockton Street flood pumps to reduce energy consumption
- Installing energy-saving LED field lighting at sports facilities
- Installing energy-saving LED lighting at Council's Administration Building, Tomaree Library and Community Centre, Council works depots, surf clubs, community centres and halls
- Reduction in overall waste to landfill through reuse of recycled materials and materials diversion. During the data collection period, Council saved 8,865 kg of CO₂-e of GHG emissions by utilising recycled materials over virgin materials
- Cross organisational consultation, data collection and gap analysis in partnership with NSW Sustainability Advantage to establish carbon baseline figures and establish key focus areas.

Whilst the initiatives that Council has put in place have greatly reduced the organisations GHG emissions, a number of areas remain as the focus for further

MINUTES ORDINARY COUNCIL - 11 APRIL 2023

emissions reductions in order to achieve Carbon Neutral status by the target date of 2025.

The focus areas for continued and future GHG emission reductions include electricity consumption (51%), Councils operational waste to landfill (27%), commuting (13.2%), and fleet vehicles and machinery emissions (8.8%).

In order to progress the project further, Council requires specialist knowledge and expertise that is not resourced within the organisation. Sustainability specialist providers in this industry have been contacted to provide estimated costs for the services required by Council to continue to progress the project.

Should the recommendation be accepted, a sustainability specialist would be engaged through Council's procurement process to undertake the summarised scope of work below:

Deliverables	
Comprehensive Carbon Audits (10 to 15 sites)	<p>Audit of Council's highest emissions producers such as:</p> <ul style="list-style-type: none">• Aquatic centres• Waste facilities• Administration buildings• Holiday parks• Libraries• Depots
Comprehensive Cost Benefit Analysis	<p>Consideration and recommendation of emissions reduction options including:</p> <ul style="list-style-type: none">• Operational process efficiencies, data collection, monitoring and reporting improvements.• Projected emissions reductions and scenario modelling.• Estimated costs to implement actions.• Estimated costs to maintain operations.• Payback period from operational savings.
Carbon Neutral Action Plan	<p>Preparation of document and agreed action plan for Council endorsement.</p>

Council sought an estimated quote for the provision of the above services, with the assistance from carbon neutral experts. The provision of the above services is estimated at \$47,000 (inc. GST). Cost is subject to Council's procurement process to ensure best value of services, and therefore the final cost may change. To continue to progress this project, the allocation of funding for this purpose is requested.

MINUTES ORDINARY COUNCIL - 11 APRIL 2023**COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2022-2026
Environmental Sustainability	Develop and deliver a program for Council leading the way to a climate positive future and mitigating environmental risks.

FINANCIAL/RESOURCE IMPLICATIONS

There is an immediate financial implication for the Carbon Neutrality project to resource the requisite skills and expertise.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	Yes	Est. \$47,000	Sustainability Reserve. Adoption of the recommendation will resource the next phase of the Carbon Neutrality project.
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There is not a legal requirement for Council to achieve carbon neutrality. Local Government plays an important role in reducing Australia's GHG emissions in their role as community leaders and creating environmentally sustainable regions. This assists in working towards the NSW State Government's target of achieving net zero emissions by 2050.

MINUTES ORDINARY COUNCIL - 11 APRIL 2023

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a reputational risk that Council would not achieve its commitment to Carbon Neutrality of Council's operational emissions by 2025 should resources not be allocated.	Medium	Accept the recommendation.	Yes
There is a financial risk that Council would need to fund the emissions gap to achieve its commitment to Carbon Neutrality of Council's operational emissions by 2025 should resources not be allocated.	Medium	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's commitment to achieving carbon neutrality for Council operations by 2025 is an ambitious target that requires sufficient resourcing to be reached. Responding to climate change protects the natural and built environment for the benefit of the community and generations to come. Resourcing this project would reduce potential damage to Council assets, reduce disruption to the delivery of Council's services, reduce future costs associated with GHG emissions and set the example for the Port Stephens community.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section for technical refinement and awareness of the intent of the plan.

Internal

- Community Services Section
- Assets Section
- Finance Section
- Organisational Support Section

MINUTES ORDINARY COUNCIL - 11 APRIL 2023

External

- NSW Government – Sustainability Advantage

OPTIONS

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

ATTACHMENTS

- 1) Minute No. 275, 12 October 2021.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 12 OCTOBER 2021**NOTICE OF MOTION****ITEM NO. 2****FILE NO: 21/268337****EDRMS NO: PSC2017-00019****CARBON NEUTRALITY****COUNCILLOR: RYAN PALMER**

THAT COUNCIL:

- 1) Commit to the goal of achieving carbon neutrality for Council operations by 2025.
 - 2) Determine a suitable funding source to support Council in achieving this goal
 - 3) Provide a report to Council on a roadmap to achieving carbon neutrality.
-

**ORDINARY COUNCIL MEETING - 12 OCTOBER 2021
MOTION**

275	Mayor Ryan Palmer Councillor Giacomo Arnott It was resolved that Council: <ol style="list-style-type: none">1) Commit to the goal of achieving carbon neutrality for Council operations by 2025.2) Determine a suitable funding source to support Council in achieving this goal3) Provide a report to Council on a roadmap to achieving carbon neutrality.
------------	--

The motion was carried.

**BACKGROUND REPORT OF: JANELLE GARDNER – STRATEGY &
ENVIRONMENT SECTION MANAGER****BACKGROUND**

Climate change is a significant global challenge that directly impacts the Port Stephens community. Impacts such as increased sea level rise, intensity and frequency of storms, bushfire and rainfall patterns are challenging the way we manage our environment.

MINUTES ORDINARY COUNCIL - 12 OCTOBER 2021

Over the past few years, Council has implemented a number of initiatives to reduce our carbon footprint. These include:

- Installation of solar photovoltaic systems at Council's Administration Building, Salamander Waste Transfer Station, libraries, community centres and Rural Fire Service buildings.
- Installation of solar pool pre-heating at Lakeside Leisure Centre, Tomaree Aquatic Centre and Tilligerry Aquatic Centre.
- Use of recycled glass 'greencrete' in the upgrade of Tanilba Bay roundabout.
- Installation of Building Management System and Programmable Logic Controller at our Administration Building, Lakeside Leisure Centre and many sports and community buildings to deliver energy efficiencies and lower operating costs.
- Installation of water-saving irrigation and stormwater harvesting at Medowie Park and Kindlebark Oval.
- Installation of variable-speed drives at Lakeside Leisure Centre plus Kangaroo Street and Stockton Street flood pumps to save energy consumption.
- Installation of energy-saving LED field lighting at Ferodale Netball Courts, Tomaree Netball Courts and Tomaree Sports Complex, Administration Building, Tomaree Library and Community Centre, Council works depots, Birubi Surf Club and a number of community centres and halls.

The New South Wales State Government has adopted emission reduction and renewable energy policies that aim to achieve zero carbon emissions by 2050. Port Stephens Council will support these actions by committing to ensuring Council operations are carbon neutral by 2025.

To achieve this, Council will ensure any emissions released into the atmosphere from the organisation's activity will be balanced by the equivalent amount of emissions being removed. Council will work closely with the community, business and all levels of government to influence behaviour change, reduce energy demand and protect and enhance the natural environment. Council will:

- Undertake a review of current emissions to determine the baseline
- Commit to monitoring emissions on an annual basis
- Work with our community to develop a Sustainability Strategy
- Implement actions via the Integrated Planning and Reporting framework that deliver carbon neutrality
- Advocate to the NSW Environment Minister, the Hon Matt Kean and Premier, the Hon Dominic Perrottet, to request assistance in achieving carbon neutrality.

FINANCIAL/RESOURCE IMPLICATIONS

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

MINUTES ORDINARY COUNCIL - 12 OCTOBER 2021

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

ATTACHMENTS

Nil.

There being no further business the meeting closed at 8.05pm.

ITEM NO. 4

**FILE NO: 23/140234
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 resolutions. [↓](#)
- 2) Development Services resolutions. [↓](#)
- 3) Facilities & Services resolutions. [↓](#)
- 4) General Manager's Office resolutions. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



Action Sheets Report	Division:	Corporate Services	Date From:	27/08/2013
	Committee:		Date To:	13/06/2023
	Officer:		Printed:	Wednesday, 14 June 2023

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		Crosdale, Timothy				22/300562
14 Jun 2023 Council submitted an application to the Independent Pricing and Regulatory Tribunal for a Special Rate Variation in January 2023. The matter will be reported to Council on 27 June 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	30/09/2023	12/10/2022	
2		Crosdale, Timothy				22/273002
14 Jun 2023 Report 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: Property Investment and Development Policy	30/09/2023	12/10/2022	
1		Crosdale, Timothy				22/273002
14 Jun 2023 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 11/05/2021	Pattison, Zoe	Car parking in Shoal Bay	30/06/2023	12/05/2021	
1		Crosdale, Timothy				21/123694
14 Jun 2023 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 scheduled to be reported to Council on 27 June 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Pattison, Zoe	Newline Road, Raymond Terrace	30/09/2023		
2		Crosdale, Timothy				20/288489
199						



Action Sheets Report	Division:	Corporate Services	Date From:	27/08/2013
	Committee:		Date To:	13/06/2023
	Officer:		Printed:	Wednesday, 14 June 2023

14 Jun 2023

Contacts and survey plan are being prepared. Completion of the acquisition is subject to registration of the plan.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	User Defined	Pattison, Zoe Crosdale, Timothy	Campvale Drain	30/12/2023		

14 Jun 2023

Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.



Action Sheets Report	Division:	Development Services	Date From:	14/09/2021
	Committee:		Date To:	13/06/2023
	Officer:		Printed:	Wednesday, 14 June 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/06/2023	Lamont, Brock	RAMSAR Listing for Mambo Wanda Wetlands	1/12/2023	14/06/2023	
1		Pear, Steven				23/147603
137						
14 Jun 2023						
Council has commenced investigations and benchmarking to identify available options. A business paper is forecasted to be presented to Council at the 28 November 2023 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/06/2023	Pear, Steven	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	27/06/2023		
1		Pear, Steven				23/147603
14 Jun 2023						
The Development Application was deferred from 13 June 2023 and will now go to the Council meeting of 27 June 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/06/2023	Pear, Steven	Development Application 16-2023-78-1 for Installation of Baggage Handling System at Airport - 55 Slades Road, Williamtown at Newcastle Airport	27/06/2023		
2		Pear, Steven				23/147603
14 Jun 2023						
The Development Application was deferred from 13 June 2023 and will now go to the Council meeting of 27 June 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/06/2023	Gardner, Janelle	Policy - Draft Media Liaison Policy	27/06/2023	14/06/2023	
4		Pear, Steven				23/147603
139						
14 Jun 2023						
Council endorsed to adopt the original policy.						



Action Sheets Report	Division:	Development Services	Date From:	14/09/2021
	Committee:		Date To:	13/06/2023
	Officer:		Printed:	Wednesday, 14 June 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/06/2023	Lamont, Brock	Proposed re-establishment of Alcohol Free Zones in Anna Bay, Lakeside (Raymond Terrace), Nelson Bay and Raymond Terrace town centre	28/07/2023	14/06/2023	
3		Pear, Steven				23/147603
138						
14 Jun 2023						
Council is preparing to commence public exhibition on 21 June 2023, for a 28 day period. If no submissions are received, the proposed re-establishment of Alcohol-Free Zones will be adopted.						

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		Pear, Steven				23/92450
105						
08 Jun 2023						
The development of the draft Affordable Housing Action Plan has been placed on hold, whilst Council awaits an outcome of the Special Rate Variation, expected in early June 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Pear, Steven	Development Application Information	31/07/2023	12/04/2023	
3		Pear, Steven				23/92450
103						
17 Apr 2023						
Council Officers 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 11/04/2023	Lamont, Brock	22 Homestead Street, Salamander Bay	11/07/2023	12/04/2023	
5		Pear, Steven				23/92450
088						
08 Jun 2023						
A Business paper has been prepared to be presented to Council for consideration at the 11 July 2023 meeting.						

ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES RESOLUTIONS.



Action Sheets Report	Division:	Development Services	Date From:	14/09/2021
	Committee:		Date To:	13/06/2023
	Officer:		Printed:	Wednesday, 14 June 2023

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		Peart, Steven				23/92450
093						
09 Jun 2023 Draft DCP amendment in progress, Business Paper is scheduled to be reported to Council on 8 August 2023 meeting. Investigations continue into available grant funding opportunities. Potential sites have been identified for EV chargers, a site feasibility study is being undertaken. Expression of Interest for EV charging providers is currently being drafted, subject to site feasibility study findings.						

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		Peart, Steven				23/81000
070						
10 May 2023 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.						

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		Peart, Steven				23/69308
048						
08 Jun 2023 Council has written to impacted landholders regarding a further review of Chapter D12 - Richardson Road, responses are being collated. 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 14/09/2023	Lamont, Brock	Port Stephens Waterway Strategy	29/12/2023	15/09/2021	
1		Peart, Steven				21/252518
240						
10 May 2023 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.						

ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES RESOLUTIONS.



Action Sheets Report	Division:	Development Services	Date From:	14/09/2021
	Committee:		Date To:	13/06/2023
	Officer:		Printed:	Wednesday, 14 June 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	User Defined	Lamont, Brock Peart, Steven	Matter Arising - LEP Amendment to review building height controls	15/12/2023		
08 Jun 2023 Council is investigating height controls and objectives as a part of the administrative amendment of the LEP. 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.						



Division:	Facilities & Services	Date From:	09/02/2021
Committee:		Date To:	13/06/2023
Officer:		Printed:	Wednesday, 14 June 2023
Action Sheets Report			

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		Kable, Gregory				23/115742
113						
14 Jun 2023						
Staff will investigate and prepare a report as per Council resolution to be presented at the Council Meeting held on 22 August 2023.						

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		Kable, Gregory				23/92450
085						
14 Jun 2023						
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	30/09/2023	29/03/2023	
4		Kable, Gregory				23/81000
073						
14 Jun 2023						
After consultation with the club the sign design has been confirmed and sign ordered. Awaiting delivery of the sign for installation.						

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	31/10/2023	27/05/2022	
4		Kable, Gregory				22/136825
14 Jun 2023						
Report was endorsed by Council at its meeting held 24 May 2022, Minute No. 133. A review is currently underway and will be reported by back to Council once targeted community engagement has been completed.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Gutsche, Tammy	Change to Lease Arrangements for Fingal Bay Surf Life Saving Club and Commercial Tenancies	31/08/2023	13/10/2021	
8		Kable, Gregory				21/274186
270						
14 Jun 2023						
Lease for Saltwater Restaurant has been executed. Response received from solicitors for Longboat Café and Fingal Surf Club. Council staff finalising outstanding items.						

ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES RESOLUTIONS.



Action Sheets Report	Division:	Facilities & Services	Date From:	09/02/2021
	Committee:		Date To:	13/06/2023
	Officer:		Printed:	Wednesday, 14 June 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Raymond Terrace Seven Day Makeover	26/09/2023		
17 228		Kable, Gregory				21/218740
14 Jun 2023 This will be discussed with the Councillors in the lead up to William Street, Stage 2 which 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
	User Defined	Gutsche, Tammy Kable, Gregory	Urgency Motion - Council halls, venues and facilities	30/09/2023		
14 Jun 2023 Staff will investigate the current processes for booking a Council managed building and how to incorporate these changes.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	User Defined	Maretich, John Kable, Gregory	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		
25 May 2023 Staff will investigate and prepare a report for the 26 September 2023 Council meeting.						



Action Sheets Report	Division:	General Manager's Office	Date From:	11/04/2023
	Committee:		Date To:	13/06/2023
	Officer:		Printed:	Wednesday, 14 June 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Crosdale, Timothy	Request for Financial Assistance	27/06/2023	14/06/2023	
6						23/147603
140						
14 Jun 2023						
Awaiting necessary paperwork to process payments.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
User Defined		Crosdale, Timothy	Urgency Motion - 23 May 2023 - Community Meeting - Anti-Social Behaviour	31/07/2023		
14 Jun 2023						
Letters have been prepared and issued. Meeting to be arranged.						

ITEM NO. 5

FILE NO: 23/142008
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 5 - ATTACHMENT 1 DELEGATIONS REPORT.**MAYOR AND GENERAL MANAGER DELEGATION REPORT**

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
2 June 2023	Code of Meeting Practice	Approval of Public Access - Mambo Wanda Wetlands Ramsar Working Group	Mayor	27 June 2023
8 June 2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of a tender - T035-2023 for Sturgeon Street Road Construction	General Manager	27 June 2023

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 23/147696

EDRMS NO: PSC2021-04195

MAYORAL ATTENDANCE

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes the importance of having an elected member of the Council represent the Mayor when the Mayor is unable to attend something that the Mayor is invited to.
- 2) Agrees that whenever the Mayor is invited to a function, event, gathering, media opportunity, or any other type of invitation issued to the Mayor, and that if the Mayor is unable to attend, the Deputy Mayor will be asked to attend on the Mayor's behalf.
- 3) Where both the Mayor and the Deputy Mayor are unable to attend, if the invitation is within Port Stephens, all Ward Councillors will be notified of the invitation and asked to attend on the Mayor's behalf, with the first one to respond being given the opportunity to attend.
- 4) Where no Ward Councillor is able to attend an event in their Ward, the invitation will be sent to all Councillors.
- 5) Where both the Mayor and Deputy Mayor are unable to attend, if the invitation is outside Port Stephens, all Councillors will be notified of the invitation and asked to attend on the Mayor's behalf, with the first one to respond being given the opportunity to attend.
- 6) Where no Councillor is able to attend an event and all of the previous steps have been exhausted, the General Manager (or their delegate) will be asked to attend.

BACKGROUND REPORT OF: TIMOTHY CROSDALE – GENERAL MANAGER

BACKGROUND

The Mayor receives invitations for attendance at a range of events including community events, media events and announcements and/or meetings/functions in the capacity as Mayor.

When the request specifically requests the Mayor's presence and the Mayor is unable to attend, it is at the Mayor's discretion whether an alternate delegate attends in their place. This can include the Deputy Mayor, Councillors or the General Manager (or delegate).

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 23/148265

EDRMS NO: PSC2017-00019

THE VOICE TO PARLIAMENT

MAYOR: RYAN PALMER
COUNCILLORS: LEAH ANDERSON
GIACOMO ARNOTT
MATTHEW BAILEY
GLEN DUNKLEY
PETER FRANCIS
JASON WELLS

THAT COUNCIL:

- 1) Notes that the Prime Minister has stated that there will be a referendum in 2023 to determine whether to change the constitution to establish an Aboriginal and Torres Strait Islander voice.
- 2) Supports the proposed change to the constitution.
- 3) Puts information on its website and social media, gathered from or shared from the Federal Government.
- 4) Agrees to support the Worimi Local Aboriginal Land Council in its efforts to educate the community about the referendum, by providing the Worimi Local Aboriginal Land Council access to Council community halls at no cost, for any sessions they plan between now and the referendum, with the hall costs only for these meetings being met from the Aboriginal Projects Fund.

**BACKGROUND REPORT OF: JANELLE GARDNER – COMMUNICATIONS
SECTION MANAGER**

BACKGROUND

In May 2017, 250 First Nations representatives called for an Aboriginal and Torres Strait Islander Voice through the Uluru Statement from the Heart.

Subject to passing legislation, later this year, Australians over the age of 18 will be required to participate in a referendum to recognise Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia through an Aboriginal and Torres Strait Islander Voice protected within our Constitution.

ORDINARY COUNCIL - 27 JUNE 2023

It is proposed that the Aboriginal and Torres Strait Islander Voice would be an independent and permanent advisory body. It would give advice to the Australian Parliament and Government on matters that affect the lives of Aboriginal and Torres Strait Islander peoples on issues such as education, health, housing and justice. The Voice is proposed to further the self-determination of Aboriginal and Torres Strait Islander peoples by giving them a direct say in the laws and matters that affect their communities.

FINANCIAL/RESOURCE IMPLICATIONS

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

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.