

# NOTICE OF ORDINARY MEETING

## 26 SEPTEMBER 2023



The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

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

### SCHEDULE OF MEETINGS

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

### Please Note:

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

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

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

Food and beverages are not permitted in the Council Chamber.

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## **BUSINESS**

1) Opening meeting.

2) Acknowledgement of Country

We acknowledge the Worimi people as the original Custodians and inhabitants of Port Stephens. We acknowledge and pay respects to Worimi elders past and present. May we walk the road to tomorrow with mutual respect and admiration as we care for the beautiful land and waterways together.

3) Prayer

We recognise the rich cultural and religious diversity in Port Stephens and pay respect to the beliefs of all members of our community, regardless of creed or faith.

4) Apologies and applications for a leave of absence by Councillors.

5) Disclosures of interests.

6) Confirmation of minutes Ordinary Meeting of 12 September 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 - 26 SEPTEMBER 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 <sup>1</sup>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	

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

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

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

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

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

Date \_\_\_\_\_

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





## Declaration of Interest form

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

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

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

Tick the relevant response:

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.

# COUNCIL REPORTS

**ITEM NO. 1****FILE NO: 23/201143  
EDRMS NO: 16-2023-14-1****DEVELOPMENT APPLICATION 16-2023-14-1 - RESIDENTIAL FLAT BUILDING -  
70 MAGNUS STREET, NELSON BAY**

REPORT OF: EVERT GROBBELAAR - DEVELOPMENT AND COMPLIANCE  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuses Development Application DA No.16-2023-14-1 for the construction of a 4 storey residential flat building (RFB) comprising 3 apartments, ground floor lobby, basement carpark and strata subdivision, for the reasons contained in **(ATTACHMENT 1)**.
- 2) Refuses the Clause 4.6 variation request to vary the minimum building street frontage control, for the reasons outlined in the Planners Assessment Report **(ATTACHMENT 2)**.

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**BACKGROUND**

The purpose of this report is to present a development application (DA) 16-2023-14-1 for a residential flat building comprising 3 residential apartments with basement car parking and strata subdivision to Council for determination.

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

Subject Land:	70 Magnus Street, Nelson Bay
Total Area:	490.7m <sup>2</sup>
Zoning:	R3 Medium Density Residential
Submissions:	4 - Objection
Key Issues:	The key issues identified throughout the assessment of the DA relate to the proposed variation to the minimum street frontage development standard, non-compliance with building setback requirements, visual horizontal and vertical building proportions, bulk and scale, visual impact and insufficient parking. A detailed assessment of the DA is contained within the Planners Assessment Report <b>(ATTACHMENT 2)</b> .
Reasons for Refusal:	<ul style="list-style-type: none"><li>• The proposed development is inconsistent with Clause 7.23 - Minimum building street frontages for development in Zones R3 Medium Density Residential and Zone E1 Local Centre of the Port Stephens Local Environmental Plan 2013, as the site does not have a minimum frontage of 15m or more.</li></ul>

	<ul style="list-style-type: none"> <li>• Insufficient information has been provided to determine whether the proposal would compromise important views in the Nelson Bay Town Centre and from the foreshore area that would cause adverse impacts to the visual amenity and scenic quality of the coastal use area.</li> <li>• Insufficient information has been provided to determine the proposed development would not result in adverse acoustic impacts during operation of the development.</li> <li>• The proposed development is inconsistent with design excellence and character related objectives and requirements in Chapter D5 – Nelson Bay Centre of the Port Stephens Development Control Plan 2014 (DCP).</li> <li>• The proposed development fails to comply with the access and parking related objectives and controls contained within Chapter B8 – Road Network and Parking of the DCP.</li> <li>• The proposed development would result in adverse impacts on the built environment of the locality.</li> <li>• The proposed development is not suitable for the site given its narrow street frontage and resulting adverse impacts.</li> <li>• The proposed development is not considered to be in the public interest as the development is inconsistent with the adopted policies and legislation that aim to promote the appropriate and orderly development of land.</li> </ul>
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The DA has been reported to Council in accordance with Council's 'Planning Matters to be Report to Council Policy' as the DA includes a request to vary a development standard by greater than 10%. The development standard is Clause 7.23 – 'Minimum building street frontages for development in Zones R3 and B2', and the extent of the variation proposed is 18.7% (2.81m). The minimum building street frontage control requirement is 15m and the site street frontage is 12.19m. A locality plan is provided at **(ATTACHMENT 3)**.

### Proposal

The application seeks consent for the construction of a 4 storey residential flat building (RFB) comprising 3 apartments, ground floor lobby, basement carpark and strata subdivision. Specific, details of the proposal include:

- Demolition of an existing 2 storey dwelling and garage
- Construction of a 17.5 metre high residential flat building containing 3 x 3-bedroom units (located throughout levels 1-4)
- Ground floor area containing pedestrian entrance, foyer, lobby, lift, utility rooms and communal area
- Basement car parking level containing 6 spaces
- Site works, installation of services and landscaping throughout each level.

### Site Description and History

The subject site is known as 70 Magnus Street, Nelson Bay and legally described as Lot 12 DP 15998. The site currently contains a 2 storey dwelling house located in the northern portion of the site and a detached 3 car space garage located in the southern portion of the site. The site has direct frontage to Magnus Street in the south where vehicular access is provided. Laidler Walk Reserve is located directly to the sites north with Nelson Bay and the marina located further beyond.

The site is surrounded by a mixture of residential and tourist development along Magnus Street and further beyond. The Port Stephens Marina Resort is to the south of the site and the D'Albora Marina to the north west. Residential development within the sites vicinity comprises single storey dwellings and apartment buildings.

### Key Issues

The key issues identified throughout the assessment of the proposed development relate to the proposed variation to the minimum street frontage development standard, non-compliance with building setback requirements, visual horizontal and vertical building proportions, bulk and scale, visual impact and insufficient parking. A detailed assessment of the DA is contained within the Planners Assessment Report **(ATTACHMENT 2)**.

### Minimum street frontage

The objective of Clause 7.23 of the Port Stephens Local Environmental Plan 2013 (PSLEP 2013) is to ensure that, visually, buildings have appropriate overall horizontal proportions compared to their vertical proportions. Given the site is zoned R3 medium density residential and is located within the Nelson Bay Precinct Area, this clause applies to the development. The clause requires that a building erected has at least one street frontage of 15m or more.

The subject site fails to meet the minimum building street frontage for development in R3 zoned lands, prescribed under Clause 7.23 of the PSLEP 2013. The minimum building street frontage control is 15m and the site street frontage is 12.19m, representing an 18.7% (2.81m) variation to the development standard.

The minimum street frontage control was adopted in 2020 as part of the Nelson Bay Town Centre Planning Proposal, which sought to increase building heights, floor space ratio controls and establish an urban design framework for the Nelson Bay Town Centre. As part of the Planning Proposal and subsequent LEP amendment in 2020, the LEP introduced a requirement for new development in the Town Centre precinct to have a minimum primary street frontage. The purpose of the street frontage LEP requirement is outlined below:

- To ensure that, visually, buildings have appropriate overall horizontal proportion compared to their vertical proportions

- To provide appropriate dimensions and spacing to ensure adequate privacy between any residential component and the adjoining land use
- To provide appropriate dimensions for the design of car park levels and ensure access is reasonably spaced along roads and lanes
- To encourage consolidation of lots to facilitate development of commercial office, business, residential and mixed use buildings provided for under the PSLEP.

Providing a minimum primary street frontage was intended to align with other development standards to ensure appropriate vertical to horizontal proportions of new buildings in the Town Centre as set out in the Delivery Program.

The proposed development provides a scale and form that contravenes the purpose and objectives of this clause given the carpark area remains beyond the footprint of the building above, there is no deep soil capable of supporting trees or even mid-sized shrubs, the side setbacks fail to comply with the Apartment Design Guide (ADG) requirements and result in adverse visual and amenity impacts. Noting the development fails to comply with Clause 7.23 and other design requirements in the ADG, it is evident the site is not a sufficient size to accommodate a residential flat building of this scale. The purpose of the minimum street frontage control is to encourage lot consolidation to improve design outcomes in terms of character and visual impact. There are no physical site constraints along Magnus Street that would preclude lot amalgamation for the subject site and adjoining property, which would allow for a building form that achieves ADG setback and landscape requirements and also an appropriate overall horizontal proportion compared to the vertical proportions. This in effect would satisfy the objective and numerical standard of Clause 7.23.

#### Urban Design Panel (UDP)

Section 28 of State Environmental Planning Policy State Environmental Planning Policy No. 65 – Quality Design of Residential Apartment Development (SEPP 65) requires the consent authority (Council) to take into consideration advice obtained from a formalised design review panel. The proposed development was reviewed by Council's Urban Design Panel (UDP) on 14 April 2022 prior to lodgement of the application and post lodgement on 9 March 2023.

Council's UDP were unable to support the proposed development due to a significant lack of landscaping, minimal side setbacks and building separation, excessive scale and perceptibility of the basement carpark, sterilisation of development on adjoining properties, visual and acoustic impacts. The UDP formed the view that the proposal is an overdevelopment of the site, that compromises the amenity of neighbours and forms as a concerning precedent for the development of narrow lots in the Nelson Bay locality. A more detailed discussion of UDP comments are contained within the Planners Assessment Report (**ATTACHMENT 2**).

#### Clause 4.6 Variation - Minimum street frontage

A written request to vary this development standard has been submitted by the applicant under Clause 4.6 of the PSLEP 2013. The submitted Clause 4.6 variation

request is not considered to adequately demonstrate that there are sufficient environmental planning grounds to justify varying the minimum building street frontage control as outlined within the Clause 4.6 Assessment Report **(ATTACHMENT 4)**. The key grounds for the Clause 4.6 not being supported relate to potential site sterilisation, inconsistent character and height proportions, visual impact, streetscape impact and amenity impacts to neighbouring properties.

### Setbacks

The side setbacks and building separation proposed as part of the development are substantially below the minimum 6 metre setback required under the ADG and also the 3 metre setback required under the Multi Dwelling Housing DCP. Objective 3F-1 of the ADG notes adequate building separation distances should be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. The average setback of the proposed development is a nominal 1.62 metres and well below the 6 metre requirement. The reduced setbacks as proposed are not supported for the following reasons:

- It is considered that the reduced setbacks will have adverse impacts on both external and internal visual privacy for future residents and neighbouring properties. The reduced setbacks will dominate the existing dwellings and adjoining buildings, resulting in the loss of sky views and result in actual and perceived overlooking
- Noting the reduced setbacks proposed across all habitable levels of the building, increased noise transfer across neighbouring buildings and the streetscape is expected
- The reduced setbacks have resulted in limited deep soil landscaping on the site which contributes to the bulk and scale of the development when viewed from the street, foreshore and rear reserve
- The reduced setbacks result in an excessive scale and building form, creating adverse impacts to the streetscape, and results in a bulky facade in the vertical plane
- The reduced setbacks would sterilise the reasonable development of neighbouring sites.

The setbacks are consequently inconsistent with the objective of 3F-1 of the ADG.

Noting the cumulative impact of the sites narrow street frontage and variations to ADG planning controls, it is considered the proposal will exacerbate adverse impacts on adjoining properties and the streetscape amenity, whilst sterilising the development of neighbouring sites.

### Car Parking

Chapter B8 of the DCP provides on-site parking requirements for development. The proposal provides for 6 car parking spaces, with all spaces allocated to the apartments. In accordance with the on-site parking requirements outlined under B8 of the DCP, a total of 7 car spaces are required to cater for the development. The

development fails to provide a visitor space and is therefore non-compliant with the DCP car parking requirements with a shortfall of 1 car parking space.

In determining the appropriateness of this parking shortfall, the Traffic Impact Assessment (TIA) states that a parking occupancy survey that utilised aerial photographs was undertaken to determine the existing on-street parking demand within the vicinity of the site. The parking survey results indicate that the on-street parking supply typically has a low parking demand and can readily accommodate an increase in parking demand. Notwithstanding these results, the TIA does not give consideration to the Magnus Street bus route where existing conditions do not provide sufficient room for vehicles to park on either side of the road. The development has not appropriately considered impacts on existing transit movements. The development therefore fails to cater for the generated parking demand and will result in increased parking burden on public roads.

On this basis, the proposed variation to DCP car parking requirements is not supported.

### Conclusion

As detailed in the Planners Assessment Report (**ATTACHMENT 2**), the proposed development is not consistent with the aims and objectives of the applicable environmental planning instruments, Apartment Design Guide and Council policies. The proposed development will result in adverse, privacy, visual and amenity impacts to adjoining properties, Nelson Bay foreshore and the streetscape, whilst also sterilising future development of neighbouring sites on Magnus Street.

Based on the review by Council's Urban Design Panel and matters outlined in this report, the proposed development is considered to be inconsistent with the developing and desired character of Nelson Bay. The proposed development will create visual unsightliness from nearby foreshore areas and has not been designed to a scale and built form that is compatible with the narrow lot dimensions. Based on the extent of non-compliances against LEP and ADG planning controls, the proposal is considered to constitute an overdevelopment of a narrow lot and the proposed building not suitable for the site. Moreover, the proposed development is not in the public interest as the development may reduce long-term housing supply prospects in Nelson Bay by sterilising the adjoining site from developing to its full capacity.

Based on a detailed assessment of the proposed development, and with consideration to the inconsistencies identified against the relevant State Environmental Planning Policies, PSLEP 2013, Apartment Design Guide (ADG), PSDCP 2014, the DA is recommended for refusal for the reasons contained in (**ATTACHMENT 1**).



**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	Yes		Should Council determine to approve the DA, s.7.11 development contributions amounting to \$40,000.00 would be applicable.
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The proposed development is inconsistent with the relevant planning instruments including the Environmental Planning and Assessment Act 1979 (EP&A Act), associated State Environmental Planning Policies, Apartment Design Guide (ADG) and PSLEP 2013 as outlined in this report.

<b>Risk</b>	<b>Risk Ranking</b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the DA is approved, a third party may appeal the determination.	Low	Accept the recommendations.	Yes
There is a risk that if the DA is refused, the applicant may appeal the determination.	Medium	Accept the recommendations.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

### Social and Economic Impacts

The proposed development represents a modern residential flat building that will provide additional infill housing opportunities in the Nelson Bay area. The proposal will allow for the use of existing services and facilities in the locality without requiring upgrades that burden the public. The construction of the proposed development will provide employment opportunities in the locality and support the local building and development industries. This will have direct monetary input to the local economy, and the increased number of residents in the locality will provide ongoing economic input through daily living activities. There could however be adverse social outcomes to neighbours given the likely impacts of the development in terms of privacy and visual impact. The proposed may also have adverse social impacts by reducing long-term housing supply prospects in Nelson Bay by sterilising the adjoining site from developing to its full capacity.

### Impacts on the Built Environment

The proposed development will have a detrimental impact on the surrounding built environment. Nelson Bay foreshore exists further to the north of the site with the commercial precinct to the east. Development within this locality must be compatible with the natural coastal setting whilst considering important view corridors to or from the foreshore.

The site forms part of a short row of 12 metre wide lots, beyond which lot widths increase on both sides of the street. Building heights over these lots respond to lot widths, to establish a built form commensurate with lot dimensions. The built form throughout Magnus Street is characterised by lower scaled single dwellings and medium rise apartments over narrow lots (15m or less), and high rise apartments on consolidated lots with wider street frontages. The proposed building height will present 3.08m taller than the adjoining apartment building at 72 Magnus Street, consequently resulting in inconsistent height proportions with the built character of Magnus Street.

Due to the sites small lot width, the proposal does not comply with numerous ADG and DCP controls and is inconsistent with the existing and desired future character of the area. Any development of the site should exhibit visually appropriate horizontal proportions compared to vertical proportions, to ensure the development does not impact on adjoining properties, the streetscape or prominent viewpoints within the locality. The vertical bulk perceived from important viewpoints, including the Victoria Parade public reserve to the rear, is set by a proposed roof height of 18.17m (not including lift and overrun) across a street frontage of 12.19m. As such, a significant difference in vertical and horizontal proportions (approximately 1.5:1) is perceived when viewed from these important viewpoints.

Taking this into consideration, the proposed building envelope and scale of the development is not compatible with the natural setting and will adversely impact important view corridors to or from the foreshore. The proposed development is likely to create visual unsightliness from nearby foreshore areas, streetscape and adversely impact on the built environment and neighbouring properties.

#### Impacts on the Natural Environment

The proposed development would not adversely impact upon the natural environment as it does not contain any significant vegetation, koala habitat or threatened species habitat. The stormwater management system has been appropriately designed to reduce potential impacts on the natural environment.

### **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

Internal consultation was undertaken with Council's Development Engineer, Building Surveyor, Development Contributions Officer, Environmental Health Officer, Spatial Services Officer and Councils Urban Design Panel (UDP). The referral comments from these officers have been considered as part of the Planners Assessment Report (**ATTACHMENT 2**). Council's Development Engineering Team and Urban Design Panel were not supportive of the proposed development for reasons outlined in the Planners Assessment Report (**ATTACHMENT 2**).

#### External

External Consultation was undertaken with Ausgrid due to the sites proximity to overhead power lines. In response, no objection was made. The comments provided by Ausgrid were considered during the detailed assessment and are discussed within the Planners Assessment Report (**ATTACHMENT 2**).

#### Public Submissions

The application was publically exhibited from 9 February 2023 to 22 February 2023, in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. During this time, 4 submissions opposing the development were received. A detailed response to these submissions is provided in the Planners Assessment Report in (**ATTACHMENT 2**).

### **OPTIONS**

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

3) Reject the recommendations.

### **ATTACHMENTS**

- 1) Reasons for Refusal. [↓](#)
- 2) Planners Assessment Report. (Provided under separate cover) [⇒](#)
- 3) Locality Plan. [↓](#)
- 4) Clause 4.6 Assessment Report. [↓](#)

### **COUNCILLORS ROOM**

- 1) Development Plans.
- 2) Unredacted submissions.

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

### **TABLED DOCUMENTS**

Nil.

**SCHEDULE 1 – REASONS FOR REFUSAL**

1. The proposed development is inconsistent with Clause 7.23 - Minimum building street frontages for development in Zones R3 Medium Density Residential and Zone E1 Local Centre of the Port Stephens Local Environmental Plan 2013, as the site does not have a minimum frontage of 15m or more (s4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979* (EP&A Act));
2. Insufficient information has been provided to determine whether the proposal would compromise important views in the Nelson Bay Town Centre and from the foreshore area that would cause adverse impacts to the visual amenity and scenic quality of the coastal use area (Section 2.12 of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021) (s4.15(1)(a)(i) EP&A Act);
3. Insufficient information has been provided to determine the proposed development would not result in adverse acoustic impacts during operation of the development (s4.15(1)(a)(iii) EP&A Act);
4. The proposed development is inconsistent with design excellence and character related objectives and requirements in Chapter D5 – Nelson Bay Centre of the Port Stephens Development Control Plan 2014 (DCP) (s4.15(1)(a)(iii) EP&A Act);
5. The proposed development fails to comply with the access and parking related objectives and controls contained within Chapter B8 – Road Network and Parking of the DCP (s4.15(1)(a)(iii) EP&A Act);
6. The proposed development would result in adverse impacts on the built environment of the locality (s4.15(1)(b) of the EP&A Act);
7. The proposed development is not suitable for the site given its narrow street frontage and resulting adverse impacts (s4.15(1)(c) of the EP&A Act); and
8. The proposed development is not considered to be in the public interest as the development is inconsistent with the adopted policies and legislation that aim to promote the appropriate and orderly development of land (s4.15(1)(e) of the EP&A Act).

**PORT STEPHENS COUNCIL**

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**ITEM 1 - ATTACHMENT 3      LOCALITY PLAN.**



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## Clause 4.6 ASSESSMENT REPORT

### Clause 4.6 – Exceptions to Development Standards

#### CLAUSE OBJECTIONS AND EXCLUSIONS

##### Clause 4.6(1) – Clause Objectives

Clause 4.6 provides a mechanism to vary development standards prescribed within Port Stephens Local Environmental Plan (PSLEP) 2013.

The objectives of the clause are as follows:

- a) *To provide an appropriate degree of flexibility applying certain development standards to particular development.*
- b) *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

##### Clause 4.6(2) – Exclusions to the operation of clause 4.6

Development consent may be granted even though the development would contravene a development standard imposed by the PSLEP, unless the development standard is expressly excluded under Clause 4.6 (8). Clause 7.23 is not excluded from the operation of Clause 4.6, and therefore the proposed variation has been considered below.

#### PROPOSED REQUEST

##### Clause 4.6(3) – Request to vary development standards

The development application includes a written request to vary development standard(s) in the PSLEP 2013.

The relevant development standard(s) and the extent of the proposed variation(s) is:

Development Standard	Proposed Variation	Extent of Variation (%)
Clause 7.23 'Minimum building street frontages for development in Zones R3 and E1' of the PSLEP 2013	2.81m	18.7%

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As the proposed variation is greater than 10%, in accordance with Planning Circular PS 20-002, the concurrence of the Secretary cannot be assumed and the development application must be determined by the elected Council.

Clause 4.6(3)(a) – Compliance is unreasonable or unnecessary

Clause 4.6(3)(a) requires the applicant to justify the contravention of the development standard(s) by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

In *Wehbe v Pittwater Council* (2007) LEC 827 (*Wehbe*), Chief Justice Preston identified five ways in which a request to vary a development standard may be determined to be well founded. These reasons include:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard,
2. The underlying objective or purpose of the development standard is not relevant to the development,
3. The objective or purpose of the development standard would be defeated or thwarted if compliance was required,
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard, and
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable or unnecessary as applied to the land.

The Clause 4.6 request makes reference to reasons 1 and 3 identified in the *Wehbe v Pittwater Council*. The key reasons provided by the applicant have been summarised below:

Wehbe Test 1

- The proposed building design seeks to respond to the topography of the site, which slopes away from Magnus Street significantly, such that the height of building presenting to the Magnus Street frontage is a maximum of 13.17m (including lift over run), with a roof height of 12.320m. As such, when the height of the building (vertical proportion) is compared to the width of the site (horizontal proportion) as viewed from Magnus Street, appropriate built form is achieved (satisfying close to a 1:1 ratio), despite the variation to street frontage width. Compliance with the minimum site frontage width of 15m is therefore unreasonable and unnecessary in the circumstances of this case, as the design



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proposed presents an appropriate visual response to the streetscape character, despite the variation presented. The development also maintains full compliance with other provisions of the Local Environmental Plan.

- The proposed building design is complementary to the preferred architectural standard of the locality. The development does not detract from or impact on the existing area nor the associated view corridors due to the topography of the land and its location adjoining the foreshore area. Views of the site from the rear cannot be achieved, due to the vegetated Crown reserve adjoining the site (zoned RE1 Public Recreation). It is considered that the proposed development is appropriate for the existing and future character of the neighbourhood and will provide a development that is consistent with the objectives of the standard.
- Requesting full compliance with the 15m street frontage would inhibit the highest and best use of the site to be realised (i.e., residential flat building), which in turn would not achieve the objectives of the R3 Zone, which aims to provide for the housing needs of the community.

### Wehbe Test 3

- Whilst the building is around 17.5m in height towards the rear of the site due to the topography of the land, the proportions of the building when viewed from the street frontage are visually appropriate, given the scale set by the height in comparison to the width is around a 1:1 ratio. The stated clause objective to ensure buildings have visually appropriate overall horizontal proportions compared to their vertical proportions, would therefore be thwarted if compliance with the development standard is adhered to, with the consequence that compliance is unreasonable.
- Requesting a reduction in vertical height of the building overall, from a numerical perspective alone would not assist in achieving the objective or purpose of the clause. A reduced building height would not create any notable difference to overshadowing or loss of sky views to the adjoining properties at 68 and 72 Magnus Street.

### Clause 4.6(3)(b) – Sufficient environmental planning grounds

Clause 4.6(3)(b) requires an applicant to justify the contravention of the development standard(s) by demonstrating that there are sufficient environmental planning grounds to justify contravening the development standard.

The provided Clause 4.6 request notes that there is sufficient environmental planning grounds to contravene the development standard as:

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- A compliant street frontage width cannot realistically be achieved through lot amalgamation. The proposed building design seeks to respond to the topography of the site, which slopes away from Magnus Street significantly, such that the height of building presenting to the Magnus Street frontage is a maximum of 13.17m (including lift over run), with a roof height of 12.320m. The vertical bulk perceived from Magnus Street is set by the roof height of 12.320m across a street frontage of 12.19m, with a building width of 8.750m. No significant difference in vertical and horizontal proportions is perceived when viewed from Magnus Street.
- Whilst the side setback controls specified by the Apartment Design Guidelines (ADG) and the Port Stephens Development Control Plan 2014 (PSDCP) cannot be achieved due to the width of the site, the proposed development plans incorporate a minimum 1620mm side setback, articulation of the northern elevation up to 2.710m and angled windows to direct the openings of the bedrooms away from direct site lines to the adjoining residential property. This is consistent with the intent of the larger setback for habitable rooms specified by the ADG, and reduce cross boundary window orientation. Articulation, setbacks, and design controls to reduce privacy or amenity impacts have been incorporated into the proposal to ensure the development is appropriate within the residential setting. A wider street frontage (i.e., a minimum of 15m per Clause 7.23) would not result in any notable improved compliance with the ADG objectives, thus it is argued sufficient planning grounds are provided from this perspective.
- A reduced building height in response to Clause 7.23 regarding horizontal and vertical proportions would not create any notable difference to overshadowing or loss of sky views to the adjoining properties at 68 and 72 Magnus Street.

The applicant contends that the potential environmental planning benefits justify the contravention of the development standard.

### ASSESSMENT

#### **Clause 4.6(4) – Assessment of request to vary development standards**

##### **Clause 4.6(4)(a)(i) - Adequacy of the applicant's request**

Clause 4.6(4)(a)(i) requires the consent authority to be satisfied the Clause 4.6 request has adequately addressed the matters set out in Clause 4.6(3) of the PSLEP 2013 listed above.

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As stated in the preceding section, in *Wehbe* the Land and Environment Court identified five ways in which a request to vary a development standard may be determined to be well founded.

The applicant's Clause 4.6 Variation request asserts that compliance with Clause 7.23 'Minimum building street frontages for development in Zones R3 and E1' is unreasonable or unnecessary having regard to the first and third test set down in *Wehbe*, being that the objectives of the standard are achieved notwithstanding non-compliance with the standard, and the objective or purpose of the development standard would be defeated or thwarted if compliance was required.

Having regard to the first test set down in *Wehbe*, it is noted that the objectives of Clause 7.23 is to ensure that visually, buildings have appropriate overall horizontal proportions compared to their vertical proportions.

In considering the appropriateness of the building's proportions, the visual prominence of the building from prominent viewpoints within the locality must be examined. The applicant's Clause 4.6 Variation report asserts that the topography of the site which slopes away from Magnus Street significantly, will result in no significant difference in vertical and horizontal proportions when viewed from Magnus Street. This assertion is supported by a photomontage of the proposed building within the applicant's supporting Visual Impact Assessment (VIA) as viewed from Magnus Street, and referred to as viewpoint 1 in the VIA (see Figure 1 below). Notwithstanding this assertion, the Clause 4.6 Variation report does not consider the appropriateness of the building's proportions when viewed from the Victoria Parade public reserve to the rear of the site, referred to as viewpoint 2 in the VIA (see Figure 2 below).

The vertical bulk perceived from Victoria Parade public reserve is set by the roof height of 18.17m (not including lift and overrun) across a street frontage of 12.19m, with a building podium width of 11.75m. As such, a significant difference in vertical and horizontal proportions (approximately 1.5:1) is perceived when viewed from Victoria Parade public reserve. Insufficient photomontages of the building were provided from this viewpoint in the VIA, where the building will appear in a five storey form. The photomontage provided in the VIA (see Figure 2 below) is taken from a substantial distance from the site, which underrepresents the visual prominence of the development. The visual impacts of the development are better illustrated in the visual render provided in the architectural plan set, shown in Figure 3 below, which depicts the inconsistency between vertical and horizontal proportions.

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Taking this into consideration, the proposed building would not have appropriate proportions when observed from prominent viewpoints within the locality.

The minimum street frontage control was adopted in 2020 as part of the Nelson Bay Town Centre Planning Proposal which sought to increase building heights, floor space ratio controls and establish an urban design framework for the Nelson Bay Town Centre. As part of the Planning Proposal and subsequent LEP amendment in 2020, the LEP introduced a requirement for new development in the Town Centre precinct to have a minimum primary street frontage. The purpose of the street frontage LEP requirement is outlined below:

- to ensure that, visually, buildings have appropriate overall horizontal proportion compared to their vertical proportions;
- to provide appropriate dimensions and spacing to ensure adequate privacy between any residential component and the adjoining land use;
- to provide appropriate dimensions for the design of car park levels and ensure access is reasonably spaced along roads and lanes;
- to encourage consolidation of lots to facilitate development of commercial office, business, residential and mixed use buildings provided for under the PSLEP.

Providing a minimum primary street frontage was intended to align with other development standards to ensure appropriate vertical to horizontal proportions of new buildings in the Town Centre as set out in the Delivery Program.

The proposed development provides a scale and form that contravenes the purpose and objectives of the clause given the carpark area remains beyond the footprint of the building above, there is no deep soil capable of supporting trees or even mid-sized shrubs, the side setbacks fail to comply with ADG requirements and result in adverse visual and amenity impacts. Noting the development fails to comply with Clause 7.23 and other design requirements in the ADG, it is evident the site is not a sufficient size to accommodate a residential flat building of this scale. The purpose of the minimum street frontage control is to encourage lot consolidation to improve design outcomes in terms of character and visual impact. There are no physical site constraints along Magnus Street that would preclude lot amalgamation for the subject site and adjoining property, which would allow for a building form that achieves ADG setback and landscape requirements and also an appropriate overall horizontal proportion compared to the vertical proportions. This in effect would satisfy the objective and numerical standard of Clause 7.23. Council's Urban Design Panel (UDP) was supportive of site amalgamation, noting the built form and scale is unsuitable for the narrow subject lot and that the proposed design is symptomatic of developing an undersized lot with a frontage of only 12.19 metres. The UDP formed



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the view that the proposal is an overdevelopment of the site, that compromises the amenity of its neighbours and sets a concerning precedent for the development of narrow lots in the Nelson Bay locality.



**Figure 1:** Photomontage of proposed building from viewpoint 1 (Architectural Plans – BDA)



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**Figure 2:** Site as viewed from viewpoint 2 (Visual Impact Assessment – Perception Planning)



**Figure 3:** Architectural Render of development viewed from rear reserve area



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The Land and Environment Court decision in *CSA Architects v Randwick City Council [2004] NSWLEC 179 (CSA Architects)*, serves as a current planning principle for development on small or narrow sites and is relevant to this development proposal. As established in this case, the assessment of a proposal on a site that is below the preferred area or width should be considered both as a development on its own site, as well as in the context of possible developments on neighbouring sites. The case identifies the main criterion for assessing a proposal on its own site is whether it meets other planning controls including:

1. Does the proposal meet density, setback and landscaping controls? The most critical control for small and narrow sites is that for setbacks; and
2. Is its impact on adjoining properties and the streetscape worse because the development is on a small or narrow site?

When applying the above principles to the proposal the following is noted:

1. The proposal includes multiple variations to planning controls as prescribed in the Apartment Design Guide (ADG) and Port Stephens Development Control Plan (DCP). Most importantly, the proposal includes substantial side and rear setback variations (6m required for buildings up to 4 storeys). The proposal includes side and rear setback variations across all elevations (average setback of 1.62 metres, with a widest setback of only 2.175 metres).
2. The landscaping design proposed is neither viable nor sustainable as confirmed by Council's UDP. There is minimal room for deep soil planting and the landscaping provided along the side setbacks is narrow with the selected plants unlikely to survive. Plant growth and maintenance has not been appropriately considered, with shallow planter beds unable to support any form of contributory landscaping.
3. The large variations to ADG and DCP controls will adversely impact on adjoining properties and the streetscape. Noting the cumulative impact of the sites narrow street frontage and variations to planning controls, the proposal will result in adverse impacts on the amenity of adjoining properties through increased acoustic, privacy and overshadowing impacts. Furthermore, the sites narrow width also significantly limits opportunities for meaningful landscaping to assist in managing the scale of the proposed building. The proposal is therefore inconsistent the existing and desired built form of Magnus Street, which seeks to establish a built form commensurate with lot dimensions.

Noting the cumulative impact of the sites narrow street frontage and variations to planning controls, it is considered very likely that the proposal will exacerbate

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adverse impacts on adjoining properties and the streetscape amenity, whilst rendering the development of neighbouring sites difficult.

On this basis, the proposal does not satisfy the objectives of Clause 7.23.

In regard to the second test, it is not considered that compliance with the standard is unreasonable or unnecessary.

With regard to the third test set down in *Wehbe*, it is not accepted that the stated clause objective, to ensure buildings have visually appropriate overall horizontal proportions compared to their vertical proportions, would be thwarted if compliance with the development standard is adhered to.

In considering the adequacy of this assertion, the Clause 4.6 Variation report proclaims that due to the topography of the site which slopes away from Magnus Street significantly, the proposal would result in no significant difference in vertical and horizontal proportions when viewed from Magnus Street. As established under the first test, the Clause 4.6 Variation report does not consider the appropriateness of the building's proportions when viewed from the Victoria Parade public reserve to the rear of the site. The vertical bulk perceived from Victoria Parade public reserve is set by the roof height of 18.17m (not including lift and overrun) across a street frontage of 12.19m, with a building podium width of 11.75m. As such, a significant difference in vertical and horizontal proportions (approximately 1.5:1) is perceived when viewed from Victoria Parade public reserve.

As established by the Land and Environment Court decision in *Moskovich v Waverly Council [2016] NSWLEC 1015 (Moskovich)*, it was demonstrated that compliance with the development standard was unreasonable or unnecessary in the circumstances of the case, and does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (*Wehbe* "test" 1). In this case, an indicative complying building envelope was provided as part of the DA to demonstrate that it resulted in an inferior outcome for the site. Comparisons are drawn from the findings of this case and the Clause 4.6 Variation report; which purports that a reduction in height of the building overall from a numerical perspective alone would not assist in achieving the objective or purpose of the clause, or create any notable difference to overshadowing or loss of sky views to the adjoining properties. Contrary to the proceedings set down in *Moskovich*, the applicants Clause 4.6 Variation Report did not support this written statement with architectural plans demonstrating how the proposal would result in an equal or better planning outcome than a complying development; and consequently how the objective of the standard is achieved.



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Taking the above into consideration, Council cannot be satisfied that the objectives of Clause 7.23 would be thwarted if compliance with the development standard is adhered to.

The fourth and fifth tests set down in *Wehbe* are also not considered relevant to the application, for the reasons set out below:

- With regard to the fourth test, it is considered that the development standard has not been abandoned or destroyed as the objectives of the standard are still relevant notwithstanding non-compliance with the numerical standard.
- With regard to the fifth test, the zoning of the subject site is suitable and the proposed development is permissible in the zone.

Consistent with subsequent case law *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90 (Four2Five Pty Ltd)*, in addition to demonstrating that the first and third methods identified in *Wehbe* is adhered to, it is necessary to find other ways to demonstrate compliance with the standard is "unreasonable and unnecessary". Additional reasons stated in the applicants Clause 4.6 Variation Report include:

- The proposed development provides three residential apartments of generous size, increasing the number of residents in the area. This encourages patronage of local retail, business and community uses which are accessible from this location through the existing public transport, walking and cycling opportunities established within the Nelson Bay Town Centre.
- The development will provide modern and efficient architecturally designed style housing, consistent with the urban planning objectives for this area.
- The approval of this variation will facilitate the proposed development which is in the interest of the local and greater community of Nelson Bay noting that the site currently contains a vacant dwelling of poor repair that has previously been subject to vandalism.

As established in the original decision of *Four2Five Pty Ltd*, Commissioner Pearson refused the request to vary the standard, principally on the basis that: it was not sufficient to point to generic planning benefits such as the provision of additional housing stock, rather something more specific to that particular site and development was required. With consideration to the findings of this case, Council cannot be satisfied that sufficient environmental planning grounds have been founded to demonstrate compliance with the standard is "unreasonable and unnecessary".

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REPORTClause 4.6(4)(a)(ii) - Public interest – consistency with objectives of the standard and objectives of the zone

Clause 4.6(4)(a)(ii) requires the consent authority to be satisfied the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

As outlined above, the proposed variation is not consistent with the objectives of Clause 7.23. The proposal is therefore considered not to be in the interest of the public.

Clause 4.6(4)(b) - Concurrence of the Secretary

In accordance with the assumed concurrence, notified in [Planning Circular PS 08-003](#), the concurrence of the Secretary has been obtained (Clause 4.6(4)(b) of PSLEP).

**CONCLUSION**

The proposed development is not consistent with the objectives and requirements of Clause 4.6 and therefore the variation is not supported, with a summary of reasons provided below:

- The purpose of the minimum street frontage control is to encourage lot consolidation to improve design outcomes in terms of character and visual impact. There are no physical site constraints along Magnus Street that would preclude lot amalgamation for the subject site and adjoining property, which would allow for a building form that achieves ADG setback and landscape requirements and also an appropriate overall horizontal proportion compared to the vertical proportions. This in effect would satisfy the objective and numerical standard of Clause 7.23.
- Given the narrow nature of the site, the proposed building's height proportions are not appropriate or proportionate to the overall horizontal form. In particular, the Clause 4.6 Variation Report fails to consider the appropriateness of the building's proportions when viewed from the Victoria Parade public reserve to the rear of the site, (referred to as viewpoint 2 in the VIA). The vertical bulk perceived from Victoria Parade public reserve is set by the roof height of 18.17m (not including lift and overrun) across a street frontage of only 12.19m, with a building podium width of 11.75m. As such, a significant difference in vertical and horizontal proportions (approximately 1.5:1) is perceived when viewed from the



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Victoria Parade public reserve and Magnus Street, which is inconsistent with the objectives of Clause 7.23.

- The built form throughout Magnus Street is characterised by lower scaled single dwellings and medium rise apartments over narrow lots (15m or less), and high rise apartments on consolidated lots with wider street frontages. The proposed building height will present 3.08m taller than the adjoining apartment building at 72 Magnus Street, consequently resulting in inconsistent height proportions with the built character of Magnus Street.
- The narrow street frontage and non-conformance with the street frontage standard results in numerous non-compliances with ADG and DCP planning controls, and these cumulative impacts would cause unacceptable impacts on adjoining properties, character and streetscape amenity, whilst likely sterilising future development of adjoining properties.

**ITEM NO. 2****FILE NO: 23/210498  
EDRMS NO: 16-2023-29-1****DEVELOPMENT APPLICATION 16-2023-29-1 FOR A DWELLING AT 226 SANDY POINT ROAD, CORLETTE**

REPORT OF: EVERT GROBBELAAR - DEVELOPMENT AND COMPLIANCE  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuses Development Application DA No. 16-2023-29-1 for the reasons contained in Reasons for Refusal (**ATTACHMENT 1**).

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**BACKGROUND**

The purpose of this report is to present Development Application (DA) 16-2023-29-1 for a 1 into 2 lot Torrens title subdivision and dwelling at 226 Sandy Point Road, Salamander Bay to Council for determination.

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

Subject Land:	226 Sandy Point Road, Salamander Bay (Lot 256 DP 730353)
Total Area:	797.8m <sup>2</sup>
Zoning:	R2 Low Density Residential
Submissions:	3 – Objections
Key Issues:	The key issues relating to the proposed development include bushfire risk, use of community land, site suitability, public interest, economic impacts, and, insufficient information
Reasons for Refusal:	<ul style="list-style-type: none"><li>• The site is not suitable for the proposed development given the bushfire risk of the land</li><li>• The development is inconsistent with the objectives of the Planning for Bushfire Protection 2019</li><li>• The development relies on the use of Council owned community land for private development benefit</li><li>• The development is not in the public interest</li><li>• There is insufficient information to assess potential ecological impacts</li><li>• The proposed development was not supported by the NSW Rural Fire Service</li></ul>

- |  |  |
|--|--|
|  | <ul style="list-style-type: none"><li>• The development has the potential to result in financial or resource burdens on Council for private development benefit and is therefore not in the public interest.</li></ul> |
|--|--|

The development application has been reported in accordance with Council's 'Planning Matters to be Reported to Council Policy' as it has been called up by Mayor Palmer and Councillor Dunkley (**ATTACHMENT 2**).

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

### Proposal

The proposed development seeks consent for a staged development involving the removal of existing vegetation on the site, a 1 into 2 lot Torrens title subdivision, the construction of a detached 2 storey dwelling (one existing), and construction of a swimming pool. The proposed staging of the development is as follows:

- Stage 1: 1 into 2 lot Torrens title subdivision creating the following lots:
  - Lot 1: 297.7m<sup>2</sup> containing the existing dwelling on site.
  - Lot 2: 500.1m<sup>2</sup> containing the proposed detached dwelling.
- Stage 2: Construction of the detached dwelling and swimming pool on Lot 2.

The detached dwelling proposed consists of 4 bedrooms, one with an ensuite, one bathroom and water closet, open plan living, kitchen, and dining area, a rumpus room, office, outdoor alfresco and attached double car garage. Access to the proposed dwelling will be via a battle-axe handle from Sandy Point Road while the dwelling retained on Lot 1 will utilise the existing driveway from Sandy Point Road.

### Site Description and History

The subject site (the site) is located within an established residential area, is a rectangular shaped lot, and has direct street frontage to Sandy Point Road. Mambo Wetlands Reserve (community land) is located immediately to the west of the site. The site currently contains an existing residential dwelling and minor landscaped vegetation. The topography of the site is generally flat, with a slight fall from east to west.

### Key Issues

The key issues identified throughout the assessment of the DA relate to bushfire risk, use of community land, site suitability, public interest, economic impacts, and insufficient information.

A detailed assessment of the proposed development and these matters is contained within the Planners Assessment Report (**ATTACHMENT 4**).

### Bushfire Risk

The proposed development requires integrated referral under s100B of the Rural Fires Act 1997 as the development includes the subdivision of bushfire-prone land that could lawfully be used for residential purposes.

The application has not demonstrated that the development can comply with the specifications and requirements of the Planning for Bushfire Protection 2019 (PBP 2019) and subsequently the NSW Rural Fire Service (RFS) has not issued a Bushfire Safety Authority.

The Bush Fire Assessment Report submitted with the application proposes a 14m wide Asset Protection Zone (APZ) on the Council owned community land to the west of the site, being Lot 1 DP 1122502 known as Mambo Wetland, to achieve the applicable bushfire construction standard ratings required under Planning for Bushfire Protection (PBP) 2019. Under Section 3.2 of the PBP 2019, a fundamental premise for APZs is that they are contained within the development site, and not on adjoining land, to guarantee that the owner/occupant will be able to maintain the area in perpetuity. In situations where an APZ is proposed on adjoining land, it is considered a performance based solution and requires a guarantee that the land will be managed in perpetuity. The written consent of the owner of the adjoining land for an easement must be provided with the application to guarantee the in perpetuity maintenance of the APZ. Generally, the owner/occupier of the land who has benefitted from the easement shall be responsible for maintaining the APZ. Section 3.2 of the PBP 2019 outlines certain land which easements should not be considered, including:

- Land used for a public purpose
- Where vegetation management is not likely or cannot be legally granted (e.g. National Park, bushland reserve, critical habitat, 'coastal wetlands' or 'littoral rainforests' mapped in the Coastal Management SEPP).

The Mambo Wetland is Council owned land used for public purposes, supports coastal wetlands and sensitive environmental areas, and therefore should not be utilised to support an APZ easement in accordance with Section 3.2 of the PBP 2019.

Plans of Management (PoM) are required where APZs are proposed off site on lands belonging to Council that may have periodic management but may not meet the ongoing requirements of an APZ. As such, PoM are generally subject to change and cannot be relied upon for perpetuity, without the Council/owner's confirmation in writing and a covenant over that part of the land to ensure that future management will be carried out in perpetuity.

Therefore, when considering requests for establishments of an APZ on Council land, Council as the landholder affected must consider the in-perpetuity obligation to manage the land in the specified standard and the requirement for the establishment of a legally binding easement over the land. This must include consideration of costs associated with establishing and monitoring compliance with any binding agreement

and available resourcing/funding to maintain the land in accordance with the developments bushfire planning requirements in perpetuity.

In regard to the development subject in this assessment, Council currently maintains an APZ to the width of 10m on the land adjoining 226 Sandy Point Road. This APZ is maintained four times per year, in accordance with the Lower Hunter Bushfire Risk Management Plan. This management plan is updated within a 5 year period, and therefore is not guaranteed in perpetuity and should not be relied upon as an in-perpetuity measure for APZ management. Furthermore, the APZ proposed in the Bush Fire Assessment Report extends beyond the current area required to be maintained by Council under the Lower Hunter Bushfire Risk Management Plan. As such, RFS requested the creation of an easement under section 88B of the Conveyancing Act 1919 to provide assurance of the in perpetuity management of the APZ as a legally binding agreement. The easement is not recommended on Lot 1 DP 112502 (Mambo Wetland) as it will be located on land that is not suitable for the creation of an easement, in that it is classified as community land under the Local Government Act 1993, within biodiversity value mapped areas, mapped as core koala habitat, a bushland reserve, and within proximity to coastal wetlands. These matters are discussed in more detail below. Based on these reasons, the establishment of an APZ on the adjoining Mambo Wetland land is not supported. Moreover, an APZ on the Mambo Wetland is inconsistent with the objectives and requirements of the PBP 2019.

RFS as the approval body under Section 100B of the Rural Fires Act 1997, took into consideration the above reasons in their assessment. The proposed development results in an increase in residential density, with the new dwelling sited closer to the bushfire hazard, which requires the establishment of an APZ on Council owned community land to achieve the required bushfire construction standards (BAL-29). The APZ on Council land cannot be guaranteed to be managed in perpetuity and the proposal is therefore inconsistent with the strategic principles and objectives in PBP 2019, specifically sections 1.1, 1.2, 3.2, 3.2.5, 3.2.6, 5.2, and 5.3.1. As such, a Bush Fire Safety Authority has not been provided from the RFS for the proposed development. Pursuant to section 4.47(2) of the Environmental Planning and Assessment Act 1979, Council as the consent authority cannot grant development consent without a Bush Fire Safety Authority from the RFS.

#### Use of Community Land

As mentioned above, for the development to be supported by the RFS, it relies on the creation of an easement over Council owned community land. The use of community land is outlined in Division 2 of the Local Government Act 1993. The land in question is categorised as an area of Cultural Significance and as a Natural Area (Bushland, Watercourse, Foreshore, and Wetland). It is considered that the establishment of an APZ is inconsistent with the core objectives of the aforementioned categories.

Additionally, Section 35 of the Local Government Act 1993 outlines community land must be managed in accordance with the plan of management (PoM) applying to the land, any law permitting the use of the land for a specified purpose, and Division 2 of

the Local Government Act 1993. The land in question currently has a PoM endorsed, known as the 'Mambo Wetland PoM'. Importantly, this PoM does not expressly provide for the establishment of an APZ to support private development along Sandy Point Road (including the subject site). Additionally, Section 45 of the Local Government Act 1993 limits Council's dealings in relation to community land. In particular, this section notes that Council has no power to sell, exchange, or otherwise dispose of community land and that Council may grant a lease or licence or any other estate but only in accordance with the relevant Division of the Local Government Act 1993. Section 46(1)(b) further breaks down the applicable estates Council may grant over community land. It is considered that the establishment of an APZ through an 88B agreement on the Mambo Wetland to serve private development and commercial interests on 226 Sandy Point Road (subject site) as being inconsistent with the requirements of Section 46(1)(b) of the Local Government Act.

In summary, Council could only grant a covenant over community land in this instance if the Mambo Wetlands Plan of Management (2006) expressly authorised the covenant, and the purpose of the covenant is consistent with the core objectives for the Category of the land (Park, Natural Area (Bushland), Natural Area (Watercourse), Natural Area (Foreshore), Natural Area (Wetland) and Area of Cultural Significance) and if the covenant is for specific purposes listed in Local Government Act. As outlined in this report, the requested s88B covenant for an APZ is currently inconsistent with the provisions of the Local Government Act and an attempt to amend the Mambo Wetlands Plan of Management (2006) to allow such a covenant would likely be considered to be inconsistent with the provisions Local Government Act. Amending the Mambo Wetlands Plan of Management would also require public exhibition.

On these grounds, there is no valid mechanism for Council to establish an easement for an APZ on the Mambo Wetland proposed by the applicant in accordance with the Local Government Act 1993. For the easement to be created, this land may need to be reclassified as operational land. This option is not considered to be in the public interest and would place a burden on Council resources and reduce the availability of community land.

### Site Suitability

The subject site is located within an existing residential area and does not contain any substantial vegetation. Nonetheless, the site is not considered suitable for the proposed development due to the bushfire hazard from the west. To achieve the required bushfire construction standards of the PBP 2019 for the proposed development, a 14m APZ (as referenced in the Bushfire Threat Assessment) is required to be established on the adjoining community land owned by Council through an 88B agreement. This land is not considered suitable for the establishment of this easement for APZ purposes and is therefore not supported. Alternatively, in the event that the APZ was located wholly within the lot boundaries, a BAL-FZ construction would be required, which is inconsistent with section 5.2 and 5.3.7 of the PBP 2019 and is not supported by the RFS. Therefore, the site is not considered



suitable for the proposed development as it would create an unacceptable bushfire risk that is inconsistent with PBP 2019 and RFS agency advice.

#### Public Interest

The proposed development is inconsistent with the strategic principles and objectives of PBP 2019 as it relies on the establishment of an APZ on adjoining Council owned community land through an 88B agreement. The creation of an easement for this APZ is not permitted on the land as it is currently categorised as community land and the Mambo Wetlands PoM does not expressly allow for the creation of the APZ to service development along Sandy Point Road. To allow the easement, this land may need to be reclassified as operational land. Furthermore, the maintenance and monitoring of an APZ has the potential to place a financial and resource burden on Council for private development benefit. Finally, as the proposal is inconsistent with the PBP 2019 and would create an unacceptable bushfire risk, the proposed development has the potential to place additional burden on emergency services during a bushfire event. Therefore, for these reasons the proposed development is not considered to be in the public interest.

#### Economic Impacts

The development proposes a new dwelling that during its construction phase would provide temporary employment opportunities in the locality. Nonetheless, for the development to comply with PBP 2019, it would require the establishment of an APZ on Council owned community land beyond that existing under the Lower Hunter Bushfire Management Plan. To establish such an easement, the Mambo Wetland would need to be reclassified from community land to operational land, which would place a resource burden on Council and reduce the availability of community land.

Moreover, the APZ may need to be maintained by Council given there is no feasible assurance any future resident of the dwelling would maintain the APZ in perpetuity to the correct standard and being located on public land, resulting in a potential long term financial and resource burden on Council for private development benefit. As such, the APZ will present an ongoing adverse economic impact for Council and the public.

#### Environmental Impact

The APZ proposed within the Bush Fire Assessment Report extends 14m into Council owned community land. A significant portion of this APZ is located on land mapped as containing biodiversity values. The application fails to detail if any vegetation removal is required to establish the proposed APZ or if any potential ecological impacts will occur, noting that it extends beyond the current 10m APZ currently maintained under the Lower Hunter Bushfire Management Plan. For the establishment of the APZ, undergrowth removal and/or tree removal may be required on biodiversity value mapped areas which would trigger the requirement of a Biodiversity Development Assessment Report (BDAR) to be prepared. The applicant has not submitted BDAR in accordance with section 7.7(2) of the Biodiversity

Conservation Act 2016, and therefore the full extent of impacts are unable to be accurately assessed.

### Conclusion

As detailed in the Planners Assessment Report (**ATTACHMENT 4**) and outlined above, the proposed development is inconsistent with the specifications and requirements of the PBP 2019 and a Bushfire Safety Authority has not been issued by the RFS. The development proposes an APZ on Council owned community land that cannot be guaranteed in perpetuity or legally established on the basis of the current classification of the land under the Local Government Act 1993. As such, the proposal results in a development with an unacceptable bushfire risk and may require the reclassification of community land to operational land. Furthermore, as the APZ is located on Council owned community land, the development seeks to utilise the use of public land for private development benefit, has the potential to place an ongoing financial and resource burden on Council to inspect or maintain the APZ, and may place increased pressure on emergency services during a bushfire event. In this regard, the site is not deemed suitable for the proposed development nor is it in the public interest.

Moreover, insufficient information has been provided regarding ecological impacts from the proposed extended APZ. The area is mapped as biodiversity values and the establishment of the APZ, which extends beyond the current maintained area, may require the removal of additional native vegetation which would trigger the requirement of a BDAR. No assessment has been provided in this regard and therefore the full extent of ecological impacts are unable to be determined.

On this basis, the proposed development is not recommended for approval as outlined in the Planners Assessment Report (**ATTACHMENT 4**) and Reasons for Refusal (**ATTACHMENT 1**).

### **COMMUNITY STRATEGIC PLAN**

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

### **FINANCIAL/RESOURCE IMPLICATIONS**

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

Source of Funds	Yes/No	Funding (\$)	Comment
Developer Contributions (S7.11)	Yes		Should Council determine to approve the DA, s7.11 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 development application is inconsistent with the relevant planning instruments including the EP&A Act 1979 and Rural Fires Act 1997. A detailed assessment against these requirements and provisions is contained within the Planners Assessment Report (**ATTACHMENT 4**). Based on the recommendation by Council staff, the determination of the DA may be challenged by the applicant in the Land and Environment Court.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
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.	High	Accept the recommendation.	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.	Medium	Accept the recommendation.	Yes

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk by accepting an APZ on Council land, future development may seek to burden public land with APZ maintenance which will potentially affect a range of public land uses including community land, parks and reserves, bushland reserves, road reserves and Council managed Crown land.	High	Accept the recommendation.	No

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

### Social and Economic Impacts

The development proposes a contemporary residential development and will marginally result in additional housing to service the needs of the community. Additionally, the construction of the proposed development will provide employment opportunities in the locality during the short-term and support the local building and development industries. This will have a direct and indirect monetary input to the local economy, while the increased number of residents in the locality will provide ongoing economic input through daily living activities.

Notwithstanding, as outlined throughout the report, the proposed development will result in adverse economic and social impacts. The establishment of an APZ easement on Council owned community land is not currently permitted under the Mambo Wetland PoM and this land may need to be reclassified as operational land. This undertaking would place a financial and resource burden on Council for private development interest. There is limited opportunity for economic return through reclassifying the land as operational, noting this land is zoned C2 Environmental Conservation and contains ecological, bushfire, and flooding constraints. Furthermore, this APZ may need to be maintained by Council in perpetuity, resulting in a potential long term financial and resource burden on Council for private development benefit. Overall, the development would not result in adverse social impacts, however, would result in adverse and ongoing economic impacts to Council.

### Impacts on the Built Environment

The proposed development would reinforce the residential nature of the locality and is characteristic of other developments both in the local and wider community. The

development includes relevant construction methods and built form design such as opaque glazing and an on-site stormwater management system to minimise any potential adverse impacts to adjoining properties.

#### Impacts on the Natural Environment

The impacts to the natural environment are unknown due to insufficient information being provided by the applicant. As noted throughout this report, the development site does not contain vegetation of environmental significance and vegetation proposed to be removed comprises of minor landscaped trees. Nonetheless, the development relies on the establishment of an APZ on Council owned land in the Mambo Wetland. A significant portion of this APZ area is biodiversity values mapped for core koala habitat and within proximity to coastal wetlands. As tree removal or the clearing of undergrowth may be required, it is likely that a BDAR will need to be prepared to understand the full extent of impacts on the natural environment. A BDAR has not been provided with the application and therefore these impacts cannot be fully assessed.

### **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, Spatial Services, and Development Contributions teams. The referral comments from these officers have been considered as part of the Planners Assessment Report **(ATTACHMENT 4)**. The internal officers noted that if approved they could support the application subject to recommended conditions of consent.

#### External

Consultation was undertaken with the RFS. The referral comments and advice from the RFS has been considered as part of the assessment and are discussed in detail within the Planners Assessment Report **(ATTACHMENT 4)**.

#### Rural Fire Service

The application was referred to the RFS under Clause 4.46 of the Environmental Planning and Assessment Act 1979. The proposal requires authorisation under Section 100B of the Rural Fires Act in respect of bush fire safety for subdivision of land that could lawfully be used for residential or rural residential purposes. RFS noted the application could not be supported based on the information provided and additional information was requested relating to the creation of an easement under Section 88B of the Conveyancing Act 1919 for the purposes of an APZ being established on the adjoining Council owned land (Mambo Wetland). The easement is

required under the PBP 2019 to guarantee that the area will be managed in perpetuity as a legally binding agreement.

Following consultation with Council's Emergency Management Team, entering a formal easement for this purpose is not recommended for the reasons outlined within the Planners Assessment Report (**ATTACHMENT 4**). Additionally, as the land is classified as community land, establishment of the easement is not lawfully able to be granted under the Local Government Act 1993 under the current classification. As such, the applicant could not provide adequate information to respond to the RFS request for information and the development has not been issued a Bushfire Safety Authority. Accordingly, the application cannot be approved until a Bush Fire Safety Authority is issued under S100B of the Rural Fires Act 1997.

Furthermore, the use of adjoining lands to meet APZ requirements is not supported by PBP 2019, which instead seeks to locate them wholly within the boundaries of the development site. PBP 2019 identifies a fundamental premise of APZs is that they are provided within the property in such a way that the owner/occupant will be able to maintain the area in perpetuity. Accepting this APZ as a position of Council will potentially affect a range of public land uses including operational land, parks and reserves, bushland reserves, road reserves and Council managed Crown land.

#### Notification

The application was exhibited from 8 February 2023 to 22 February 2023 in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. There were 3 objections against the development application received during the exhibition period. The objections are addressed in detail within the Planners Assessment Report (**ATTACHMENT 4**).

#### **OPTIONS**

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

#### **ATTACHMENTS**

- 1) Reasons for Refusal. [↓](#)
- 2) Call to Council form. [↓](#)
- 3) Locality Plan. [↓](#)
- 4) Planners Assessment Report. (Provided under separate cover) [⇒](#)

#### **COUNCILLORS ROOM**

- 1) Development Plans.
- 2) Unredacted submissions.

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

**TABLED DOCUMENTS**

Nil.

**SCHEDULE 1 – REASONS FOR REFUSAL**

1. The proposed development is inconsistent with the requirements and objectives of the Rural Fires Act 1997 (s4.46(1) Environmental Planning and Assessment Act 1979 (EP&A Act));
2. The proposed development is integrated development in accordance with Section 100B of the Rural Fires Act 1997. A Bush Fire Safety Authority has not been provided from the NSW Rural Fire Service due to insufficient information being provided to address Planning for Bushfire Protection 2019 (s4.47 and s4.15(1)(c) EP&A Act);
3. The proposed development would result in adverse economic impacts (s4.15(1)(b) EP&A Act).
4. The application does not include sufficient information to adequately consider impacts on the natural environment in accordance with the Biodiversity Conservation Act 2016 (s4.15(1)(a)(i), s4.15(1)(a)(ii) and s4.15(b) EP&A Act).
5. The proposed development is not suitable for the site given the bushfire risk of the land (s4.15(1)(c) of the EP&A Act); and
6. The proposed development is not considered to be in the public interest as the development is inconsistent with the adopted policies and legislation that aim to promote the appropriate and orderly development of land (s4.15(1)(e) of the EP&A Act).

**PORT STEPHENS COUNCIL**


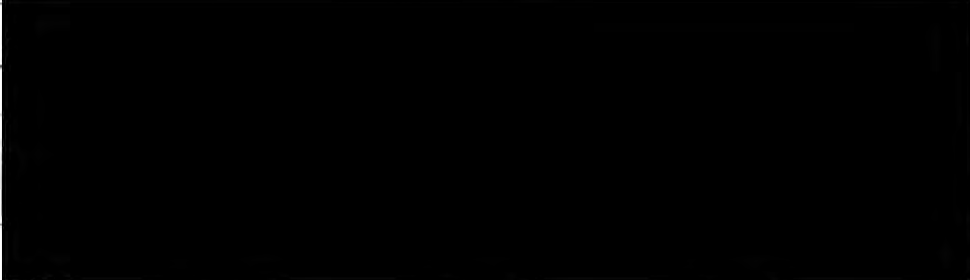
116 Adelaide Street  
Raymond Terrace NSW 2324

PO Box 42  
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Phone: 02 4980 0255  
Email: [council@portstephens.nsw.gov.au](mailto:council@portstephens.nsw.gov.au)

[www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



 <b>PORT STEPHENS COUNCIL</b>		<b>CALL TO COUNCIL FORM DEVELOPMENT APPLICATION</b>
<b>Development application (DA) call to Council request:</b> <u>Alex Dunkley</u>		
I/We (Mayor/Councillor/s) <u>Ryan Palmer + Leah Anderson</u> request that DA number <u>16-2023-29.1</u> for DA description <u>226 Sandy Point Rd, Salamander Bay</u> located at be reported to Council for determination.		
<b>Reason:</b> <u>Further investigation of a policy for the use of an APZ.</u>		
<b>Declaration of Interest:</b> I/We have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this DA on my part or an associated person. I/We (Mayor/Councillor/s) <u>Ryan Palmer + Leah Anderson</u> have a conflict of interest: <u>Alex Dunkley</u> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If <b>yes</b> , please provide the nature of the interest and reasons why further action should be taken to bring this DA to Council:		
<b>Signed:</b> Please sign or type name & attached to an email.		
<b>Signed:</b> Please sign or forward supporting email.		

**ITEM 2 - ATTACHMENT 3      LOCALITY PLAN.**





**ITEM NO. 3**

**FILE NO: 23/178517  
EDRMS NO: PSC2021-04195**

**DEVELOPMENT APPLICATION AWARENESS CAMPAIGN**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Extends the advertising of development applications in the Port Stephens Examiner and Port Stephens News of the Area.
- 2) Endorses a new Development Application Awareness fee of \$145 for all Development Applications.
- 3) Places the new Development Application Awareness fee on public exhibition for 28 days and should no submissions be received, the fee be adopted, without a further report to Council.

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**BACKGROUND**

The purpose of this report is to provide a review of the trial Development Application Awareness Campaign (the Campaign) endorsed by Council at its meeting on 13 December 2022, Minute No. 330 (**ATTACHMENT 1**).

The Campaign trial commenced on 9 January 2023 and continued until 30 June 2023. The Campaign included:

- An email subscription service communicating all Development Applications (DA) lodged and associated awareness campaign
- DA print advertising in the Port Stephens News of the Area (NOTA) and Port Stephens Examiner (PSE) advertising all DAs lodged on a weekly basis
- A video education campaign designed to provide a greater understanding of the DA process and the functionality of the NSW Planning Portal.

**EMAIL SUBSCRIPTION SERVICE AND AWARENESS CAMPAIGN**

As the email subscription service was a new initiative, a campaign was developed to drive awareness of the service and encourage the community to subscribe. A total of 804 subscribers to the service was achieved at the end of the trial period. The campaign details are summarised in Table 1 below.

**TABLE 1**

<b>Channel</b>	<b>Timing</b>	<b>Reach</b>
Your Port digital newsletter	Monthly from February 2023 to June 2023	3,802 people
Your Port printed newsletter	January notice	21,000 households
Paid social media advertising	9 January 2023 to 25 June 2023	36,956 reach
Organic social media	January 2023	8,862 reach
Public Relations / Media	16 January 2023 – PSE 21 February 2023 - NOTA	17,771 print run 10,000 print run
Paid newspaper advertising	January to June 2023 Weekly advertising in the PSE April to June 2023 Weekly advertising in the NOTA	17,771 print run 10,000 print run

This service will continue to be promoted via a range of channels.

#### **DA PRINT ADVERTISING**

A key element of the trial program was introducing the weekly advertising of DAs in the PSE and NOTA. The cost of advertising for the trial period of six months was \$71,000. It should be noted that advertising in NOTA commenced from April 2023 to June 2023 which is not a full 6 month trial period.

#### **EDUCATION CAMPAIGN**

A video campaign is currently under development. While this campaign won't impact the recommendations of this report, it will provide an additional opportunity to inform the community of the email subscription service.

#### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Communication and engagement	Provide information in a range of accessible formats

#### **FINANCIAL/RESOURCE IMPLICATIONS**

Funding for the trial campaign period was sourced via annual budget. A summary of these costs is provided in Table 2 below.

**TABLE 2**

<b>Channel</b>	<b>Timing</b>	<b>Distribution</b>	<b>Funding Source</b>	<b>Cost</b>
Email subscription service	Ongoing.	828 subscribers as at 30 June 2023.	External grant.	\$414
PSE Print Advertising	Weekly half-page advertisement from January to June 2023.	17,771	2022/23 budget.	\$56,555
NOTA Print Advertising	Weekly half-page advertisement from April - June 2023	10,000	2022/23 budget.	\$12,075
Education Campaign	October 2023.	Campaign currently under development.	External grant.	\$36,696

Following an analysis of the trial period, options for continuing the service, associated costs and funding sources were considered. These options are summarised in Table 3 below.

**TABLE 3**

<b>Option</b>	<b>Service provided</b>	<b>Funding Source</b>	<b>Cost PA</b>
1	Email subscription service only.	Grant funding.	\$828
2	Email subscription service and weekly print advertising in NOTA only.	2023/24 budget.	\$48,000
3	Email subscription service and weekly print advertising in both the Port Stephens Examiner and News of the Area.	New DA Awareness fee of \$145 for all DA lodged with Council.	\$170,000

The following provides the financial implications to implement Option 3.

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

**ORDINARY COUNCIL - 26 SEPTEMBER 2023**

Source of Funds	Yes/No	Funding (\$)	Comment
Developer Contributions (S7.11)	No		
External Grants	Yes	\$828 per year	Funding for the email subscription service was sourced via the Faster Local Assessment Grant Program.
Other	Yes	\$170,000	Increase the maximum Advertising Fee to \$1386 for Development Applications requiring notification under the Community Participation Plan and implement a new DA Awareness fee of \$145 for all Development Applications lodged.

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no legal or policy impediments to adopting the recommendations. Risks are identified in the table below.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that the community will have a negative perception of the high cost of continuing to advertise weekly in print media.	Medium	Accept the recommendation.	Yes
There is a risk of negative community perception regarding the need for print advertising with DA information now available via the email subscription service.	Medium	Accept the recommendation.	Yes
There is a risk that there will be an increased financial impact to those lodging a DA.	Medium	Accept the recommendation.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Adopting the recommendations in this report will increase opportunities for Port Stephens residents and businesses to contribute to broader decision making.

Economic implications have been outlined in the Financial Implementations table above.

## **CONSULTATION**

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

### Internal

Development and Compliance Team  
Communications and Engagement Team  
Legal Services Team  
Executive Leadership Team  
Councillors

### External

Nil.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Minutes Ordinary Council - 13 December 2022. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022****ITEM NO. 9****FILE NO: 22/304444  
EDRMS NO: PSC2021-04195****DEVELOPMENT APPLICATION AWARENESS CAMPAIGN****REPORT OF: JANELLE GARDNER - COMMUNICATIONS SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the Development Application (DA) awareness campaign communication plan (**ATTACHMENT 1**) and commence the trial period.
- 2) Approves to create a criteria for advertising development applications lodged with Council weekly in the Port Stephens Examiner and locate the operational budget allocation to support this.

**ORDINARY COUNCIL MEETING - 13 DECEMBER 2022  
MOTION**

<b>330</b>	<b>Councillor Giacomo Arnott Councillor Peter Francis</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorse the Development Application (DA) awareness campaign communication Plan and commence the trial period.</li><li>2) Approve the weekly advertising of all DAs lodged with Council in the Port Stephens Examiner.</li><li>3) Fund the additional costs for the trial period through increased revenues across the Development Services Group.</li><li>4) Communicate with the Port Stephens News of the Area, to secure quotes for an extension of advertisement of DA's into News of the Area, to be reported back to Council's next meeting for decision on whether to extend DA advertisement into News of the Area.</li></ol>
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Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells

Those against the Motion: Mayor Ryan Palmer.

The motion was carried.



**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022****BACKGROUND**

The purpose of this report is to provide information on Newspaper Notices. This report follows a Notice of Motion raised by Council at its 22 February 2022 meeting **(ATTACHMENT 1)**

Port Stephens Council is home to 74,506 people with a median age of 45 years. As part of Council's commitment to engaging and informing the local community, Council publishes Public Notices in print and/or online depending on the type of notice and the legislative requirements surrounding the communication of this notice.

In April 2020, changes to legislation in NSW no longer required Council to publish all Public Notices in print. This change was to help Councils across NSW reduce costs and redirect funds to areas of greater need. At this time, Council reduced its print advertising saving approximately \$63,000 in the first year.

The Port Stephens Examiner is part of the Australian Community Media Group and published every Thursday. The paper has an average readership of 31,320. The other local print publication, the Port Stephens News of the Area has a circulation of 10,000.

The Port Stephens Examiner continues to increase its online presence and as at 11 November 2022, has a digital readership of 25,319 per month. News of the area has approximately 8,000 followers on Facebook.

Although Port Stephens has a higher population of older residents, we also know that 79.6% of the Port Stephens population have internet access available from their dwelling (Remplan 2022). Based on this data and an analysis of the costs

surrounding print distribution and readership the following operational changes were implemented in April 2020:

- Reduce the size of print advertising
- Remove the weekly advertising of Development Applications
- Email or mail distribution of Public Notices to community members who can only access information in specific formats
- Distribute hard copies of all public notices to all Council libraries for public display each week

Since this time, Council has continued to advertise a range of public notices and general information to the community.

Council has received ongoing community feedback regarding the cancellation of newspaper advertising for DAs. It has been identified that there is a perception within the community that removing the newspaper advertising was an attempt to hide/withhold information. This feedback has been sourced directly from the community via the recent Place and Vision Workshops during the Community

**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**

Strategic Plan review and during the public exhibition of the Communication and Engagement Strategy. Councillors have also advised staff that there is regular feedback regarding the cancellation of the advertising of DAs in the local newspaper.

As part of the newly developed Communications and Engagement Strategy 2022, Council will continue to test and trial methods to increase opportunities for residents and business to contribute to broader decision making.

A new DA Awareness Campaign has been developed which aims to increase the community's understanding of the development application process, DAs lodged with Council and how the community can register to be informed of and access information on DAs from both Council and the State Government.

It must be noted that this campaign does not form part of the formal notification period for a Development Application as outlined in the Council's Community Participation Plan. It's a complementary program aimed at increasing transparency and opportunity for the community to contribute to broader decision making.

The DA Awareness Campaign will deliver a number of actions including:

- A DA Email subscription service where every week, a list of all DAs lodged in the previous week will be email directly to subscribers
- A communication campaign to inform the community of the new Email subscription service and existing services including weekly mailed DA newsletter
- Weekly communication advising of development applications lodged by Council the previous week in the following mediums:
  - Print advertising in the Port Stephens Examiner
  - Social media posts (organic and paid) linking to the website and DA tracker
  - Direct email through E-subscription
- Communication aimed at educating the community about the DA process, how to make a DA submission and the functionality of the NSW Planning Portal

A detailed Communication Plan has been developed and included as **(ATTACHMENT 1)**.

It is proposed to trial this campaign from the 9 January 2023 to 30 June 2023 with an evaluation report provided to Council for consideration before committing to the ongoing implementation of the campaign.

The trial will evaluate community benefit and value for money with success measures to include:

- Minimal negative community feedback on awareness campaign
- High reach across communications methods
- 1,500 subscribers to DA E-subscription service during trial period (2% of the population)

**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022****COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Communication and Engagement	Provide information in a range of accessible formats.

**FINANCIAL/RESOURCE IMPLICATIONS**

Council has been successful in securing funding through the NSW Government Local Assessment Grant Program which is designed to reduce the median assessment timeframe for housing DAs and subdivision DAs. Part of this funding includes the development of the new E-subscription service.

More recently, Council has reviewed opportunities to increase advertising in local print publications, with costs for print advertising remaining high. Based on current advertising rates to reinstate a weekly print advertising in the Port Stephens Examiner for the trial period for all development applications lodged with Council is \$40,028. This cost covers the weekly half page advertisement during the trial period.

Possible savings could be made with print advertising if a criteria was developed enabling development applications lodged over a certain threshold only to be advertised. For example this criteria may include development applications for works over \$500,000 only. This would reduce the number of development applications to be listed in the advertisement and allow a smaller, quarter page advertisement resulting in a saving of approximately \$14,125.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	\$15,500	Funding for a ¼ page weekly newspaper advertisement would be sourced from existing operational budgets. Please note other projects will need to be reduced to accommodate this spend.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	Yes	\$10,000	
Other	No		

## MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

Should Council resolve to increase funding to incorporate a weekly ½ page newspaper advertisement for \$29,625, an alternative funding source will need to be identified.

## LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments to adopting the recommendations. Risks are identified in the table below.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that Community and staff perception on reversing previous decision to remove newspaper advertisement notification of development applications.	Medium	Clear messaging relating to recently adopted Communications and Engagement Strategy Clear messaging in campaign about community feedback received. - Clear messaging in campaign about the new approach complementing the formal notification process, not replacing it.	Yes
There is a risk that Community and staff perception of increased budget for awareness campaign in current financial environment.	Medium	Clear messaging in campaign about community feedback received. Clear messaging in campaign about the trial being externally funded.	No
There is a risk that new E-subscription service isn't accessible for community members not comfortable with or without technology or internet.	Low	Inclusion of the weekly advertisement in campaign methods informing community of development application lodged the previous week.	No
There is a risk that the Community is not satisfied that weekly newspaper advertisement doesn't form part of the notification process.	Low	Clear messaging in campaign about the new approach complementing the formal notification process, not replacing it.	Yes

**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**

There is a risk that the Community education campaign is complex and technical.	Low	Simple messaging with use of video and images where possible.	Yes
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**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Adopting the recommendations in this report will increase opportunities for Port Stephens residents and business to contribute to broader decision making.

Economic implications have been outlined in the Financial Implications table above.

**CONSULTATION**

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

Please note indirect consultation also occurred via the recent Communications and Engagement Strategy engagement program.

Internal

Development and Compliance Team  
Communications and Engagement Team

External

Port Stephens Examiner  
News of the Area

**OPTIONS**

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

**ATTACHMENTS**

- 1) DA Awareness Campaign Communication Plan Final.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 4**

**FILE NO: 23/203647  
EDRMS NO: PSC2019-05143**

**SMART PARKING - NELSON BAY PRECINCT EXPANSION TO FLY POINT AND LAMAN STREET**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Acknowledges the Smart Parking Community Engagement Report for Nelson Bay and the 'closing the loop' community engagement with affected residents (**ATTACHMENT 1**).
- 2) Endorses the installation of parking meters for Fly Point and Laman Street, Nelson Bay.
- 3) Endorses the amended Nelson Bay Smart Parking Infrastructure Plan.

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**BACKGROUND**

The purpose of this report is to present a package of information that responds to the Council resolution of 26 July 2022 (**ATTACHMENT 2**) relating to the Nelson Bay Smart Parking extension to Laman Street and Fly Point locations as shown on the extent mapping (**ATTACHMENT 3 & 4**). Information relating to other proposed Smart Parking will be presented to Council in future reports.

Smart Parking is designed to improve the turn-over of parking spaces to create more equitable access to parking in the Nelson Bay town centre and also provide a revenue stream to fund local infrastructure projects.

This report has been arranged into the following Smart Parking milestones to provide evidence that clear steps have been undertaken in the implementation of the Smart Parking program.

- Council Resolution to Investigate
- Technical Investigations
- Financial Assessment
- Infrastructure Plan
- Community Engagement
- Local Traffic Committee
- Community Engagement (Closing the Loop)
- Council Adoption
- Execution

### Council Resolution to Investigate

The Council resolution to investigate Smart Parking was made on 8 December 2020 for Fly Point (**ATTACHMENT 6**) and 26 July 2022 for Laman Street (**ATTACHMENT 2**).

### Technical Investigations

The technical investigations sought to identify what traffic, parking or road safety issues may be present and the potential solutions. Site inspections, measurements and assessments were undertaken in addition to a traffic management study. The Nelson Bay Traffic and Parking Update Report considered traffic management of the town centre and foreshore areas, which included Laman Street specifically and Fly Point by extension of the foreshore area. The report identified that during peak periods that parking space utilisation is approaching capacity, and further that additional supply is needed in combination with expansion of paid parking as a demand management tool.

### Financial Modelling

Financial modelling was undertaken to assess whether the activation of Smart Parking was financially sustainable and to forecast projected funds available for contribution to the draft Infrastructure Plan.

The financial assessment for Fly Point and Laman Street confirmed that the capital and operational costs of delivering Smart Parking infrastructure was sustainable and forecast an additional \$115,000 per annum contribution to the Nelson Bay Precinct Smart Parking Reserve based on current adopted Fees and Charges rates (**ATTACHMENT 7**).

### Infrastructure Plan

The draft Infrastructure Plan was compiled from outcomes of the technical investigations, previous Infrastructure Plan from the Nelson Bay Public Domain Plan, Council resolutions and community engagement.

A draft Nelson Bay Smart Parking Infrastructure Plan (**ATTACHMENT 5**) is attached and presented for endorsement.

### Community Engagement

Community engagement on Smart Parking sought community input into the Infrastructure Plan, Smart parking settings and changes to parking regulation.

The results of the engagement are detailed in the Nelson Bay Smart Parking Community Engagement Report – September 2022 (**ATTACHMENT 1**). Key findings included:

- The community favoured 4 hour time limited parking at both Fly Point and Laman Street.
- There was strong support for the Park Free permits to remain in place for locals and valid for the expanded area.
- Confirmed use of Laman Street predominantly for visitors and residents, rather than business.
- There were some concerns about visitors' willingness to pay for Smart Parking resulting in lower town centre visitation.

In response to the engagement:

- The timed parking restrictions will be implemented for 4 hours in Laman Street and Fly Point and applicable every day during operating hours of 8.30am – 5.30pm. Business parking will not be offered in the first instance at Laman Street, with Victoria Parade business parking areas currently reporting as underutilised.
- Council has recommitted to retaining the Park Free permit for locals through the 2023/24 Council Fees and Charges (**ATTACHMENT 7**). The Park Free Permit allows vehicles to park for free within all Council Smart Parking areas, noting that time based restrictions still apply.
- The Place Activation program funded from smart parking will continue with an aim of enhancing potential visitation to Nelson Bay. Place Activation program such as street banners, art walk and outdoor art exhibition space, lunchtime music and kids zone entertainment.

The Nelson Bay Smart Parking Community Engagement Report – September 2022 (**ATTACHMENT 1**) was previously presented to the 27 June 2023 Council meeting (**ATTACHMENT 9**). This engagement builds upon the community consultation approach supporting the Nelson Bay town centre smart parking implementation. This previous engagement was externally facilitated by the UTS:Centre for Local Government and included the establishment of an Independent Citizens Parking Panel. Details of the approach are reported the Parking in Nelson Bay: Engagement Report – October 2018.

#### Local Traffic Committee

All regulatory controls on roads must be approved by the Local Traffic Committee. At the June 2023 meeting, the Local Traffic Committee assessed the introduction of parking restrictions and paid parking to Laman Street and Fly Point. The Local Traffic Committee meeting minutes (**ATTACHMENT 8**) confirm approval.

#### Community Engagement (Closing the Loop)

The aim of this engagement is to close the communication loop with our community. This is to check that the correct messages were heard and explain the outcomes following consultation. Community feedback was sought in August 2023 from residents and businesses impacted by the Laman Street and Fly Point expansion. Feedback gained was minimal and questions received were regarding permit options



for residents within the streets listed. These queries were easily addressed and no other feedback was received.

### Council Adoption

This report is the milestone to in achieving endorsement for implementation of Smart Parking in Laman Street and Fly Point.

### Execution

Following Council resolution the meters can be operational within 6 weeks. Regulatory and environmental approvals have been obtained.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Infrastructure and facilities	Provide asset and engineering services to meet customer demand

## **FINANCIAL/RESOURCE IMPLICATIONS**

Nelson Bay Smart Parking Program income and expenditure is included in the Long Term Financial Plan forecast and Capital Works Program for the current financial year.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	\$25,000	Funding included in the Capital Works Program.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

If Smart Parking does not commence in Laman Street and Fly Point before December this year, adjustments will need to be made to the existing Long Term Financial Plan.

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

The proposed Nelson Bay Smart Parking expansion to Laman Street and Fly Point benefits from the existing Park Free Permits, fees and charges and management frameworks established with the existing Nelson Bay Smart Parking Scheme.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that the estimates of uptake of paid parking are too high leading to revenue forecasts/capital work projections not being met.	Medium	<ul style="list-style-type: none"> <li>Regular monitoring and reporting of financial performance.</li> <li>Update projections within quarterly budget review.</li> <li>Follow competitive procurement processes</li> </ul>	Yes
There is a risk that visitor willingness to pay for parking may lead to lower visitation.	Medium	<ul style="list-style-type: none"> <li>Reinvest proceeds from paid parking into projects that increase satisfaction with area and encourage return visits. Continue Place Activation Program of events, entertainment and beautification aimed at increasing visitation.</li> <li>Promotion of access to 15 minutes free parking throughout the day, plus free parking before 8.30am and after 5.30pm every day.</li> </ul>	Yes
There is risk that long term financial plan income budgets may not be met if the installation of parking infrastructure is delayed.	Medium	<ul style="list-style-type: none"> <li>Adopt the resolution.</li> </ul>	

## SUSTAINABILITY IMPLICATIONS

Consideration has been given to the Social, Economic and Environmental Implications of the proposed Smart Parking installation.

Continuation of the residents, rate payers and workers Park Free Permit scheme has been reconfirmed through Council's adopted Fees and Charges 2023-2024 and achieved as a zero fee item (**ATTACHMENT 7**).

Financial modelling has been completed showing a sustainable return on investment that is forecast to provide an ongoing source of funds which will be contributed to infrastructure projects within the Nelson Bay Smart Parking precinct. These projects cater not only to our local residents but also aim to provide an enjoyable experience for our visitors, encouraging them to return.

The Smart Parking funded Place Activation Program for Nelson Bay is proposed to be continued to with an aim of providing events, entertainment and beautification increasing visitation and experience within Nelson Bay.

The parking meters will increase parking turnover and increase adherence to timed parking restrictions and are solar panel driven to reduce the reliance on electricity.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Assets Section and the Communications Section, and is summarised below

### Internal

- Financial Services Section
- Assets Section
- Compliance Team
- Information Communication and Technology Team
- Digital transformation Team
- Communications and Engagement Teams
- Customer Experience Team
- Mayor and Councillors

### External

The results of the engagement are detailed in the Nelson Bay Smart Parking Engagement Report - September 2022 (**ATTACHMENT 1**) and UTS:Centre for Local Government's Parking in Nelson Bay: Engagement Report – October 2018.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Nelson Bay Community Engagement Report Smart Parking - September 2022. (Provided under separate cover) [↗](#)
- 2) Council Resolution - Smart Parking - Min. No. 194, 26 July 2022. [↓](#)
- 3) Smart Parking Extents - Fly Point. [↓](#)
- 4) Smart Parking Extents - Laman Street. [↓](#)
- 5) Nelson Bay Smart Parking Infrastructure Plan. [↓](#)
- 6) Council Resolution - Smart Parking - Min. No.288, 8 December 2020. [↓](#)
- 7) Smart Parking 2023-24 Fees and Charges. [↓](#)
- 8) Local Traffic Committee Minutes - Laman Street and Fly Point. [↓](#)
- 9) Council Information Paper - Smart Parking - Min. No. 155, 27 June 2023. [↓](#)

**COUNCILLORS ROOM**

- 1) GHD “Nelson Bay Traffic and parking Update Report” (September 2017).
- 2) Tract Consultants “Nelson Bay Public Domain Plan” (June 2019).
- 3) Dotdash “Nelson Bay Public Domain Plan - Wayfinding and Signage Design” (June 2019).
- 4) Transport for NSW “Pay Parking Guidelines” (November 2019).
- 5) Transport for NSW “Permit Parking Guidelines” (November 2021).
- 6) UTS: Centre for Local Government – Parking in Nelson Bay: Engagement Report.

**TABLED DOCUMENTS**

Nil.

**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**

	<b>Councillor Leah Anderson Councillor Glen Dunkley</b>  That Council:  1) Note the continued rollout of SMART Parking at: <ul style="list-style-type: none"><li>• Shoal Bay</li><li>• The expansion of the Nelson Bay area including:<ul style="list-style-type: none"><li>○ Fly Point</li></ul></li></ul>
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**ITEM 4 - ATTACHMENT 2 COUNCIL RESOLUTION - SMART PARKING - MIN.  
NO. 194, 26 JULY 2022.****MINUTES ORDINARY COUNCIL - 26 JULY 2022**

	<ul style="list-style-type: none"><li>○ Little Beach</li><li>○ Laman Street</li></ul> <ul style="list-style-type: none"><li>2) Commence investigation and community consultation at Birubi Headland, Anna Bay, Fingal Bay and One Mile around the installation of SMART Parking.</li><li>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.</li><li>4) Continue to provide free SMART Parking in Port Stephens for residents, rate payers and employees of local businesses. Time based restrictions to apply.</li><li>5) Manage funding by holding revenue generated from SMART Parking in an internally restricted reserve.</li><li>6) Invest the funds raised from SMART Parking back into SMART Parking precincts.</li></ul>
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**ORDINARY COUNCIL MEETING - 26 JULY 2022  
MOTION**

<b>193</b>	<b>Councillor Peter Kafer</b> <b>Councillor Matthew Bailey</b>  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**

<b>194</b>	<b>Councillor Leah Anderson</b> <b>Councillor Peter Kafer</b>  It was resolved that Council: <ul style="list-style-type: none"><li>1) Note the continued rollout of SMART Parking at:<ul style="list-style-type: none"><li>• Shoal Bay</li><li>• The expansion of the Nelson Bay area including:<ul style="list-style-type: none"><li>○ Fly Point</li></ul></li></ul></li></ul>
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**ITEM 4 - ATTACHMENT 2 COUNCIL RESOLUTION - SMART PARKING - MIN. NO. 194, 26 JULY 2022.****MINUTES ORDINARY COUNCIL - 26 JULY 2022**

	<ul style="list-style-type: none"><li>○ Little Beach</li><li>○ Laman Street</li></ul>
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.







This aerial map displays the Nelson Bay Police Station area, with property boundaries and lot numbers outlined in yellow. The map includes labels for 'SEC 1', 'SEC B', 'ApexPark', and 'Nelson Bay Police Station'. A green highlighted area is visible along the coast. The map also shows various streets, including 'TERAMBY', 'LAMAN', 'RD', and 'VICTORIA'. Lot numbers are visible throughout the map, such as 102, 547, 548, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 168

**ITEM 4 - ATTACHMENT 5      NELSON BAY SMART PARKING  
INFRASTRUCTURE PLAN.**

Smart Parking Infrastructure Program - Nelson Bay - Summary Sheet

#	Item	Financial Year	Source of Work
1	Traffic and Parking Upgrades - Installation of Parking Meters - Nelson Bay Foreshore	23/24	Traffic/Parking
2	Streetscape Upgrades - Magnus, Yacaaba & Stockton Streets - Pavement Marking	23/24	PDP
3	Car Park Formalisation – Ngioka Car Park, Little Beach	23/24	Traffic/Parking
4	Traffic and Parking Upgrades - Installation of Wayfinding Signage and Controls - Nelson Bay Town Centre and Foreshore	24/25	Traffic/Parking
5	Car Park Rehabilitation - Main Car Park (Teramby Road), Nelson Bay	25/26	Traffic/Parking
6	Path and Access Upgrade - Fly Point Dive Site Access	26/27	Community Consultation
7	Car Park Reconstruction - Stage 1 - Little Beach Boat Ramp Car Park	26/27	Traffic/Parking
8	Nelson Bay Town Centre Public Domain Upgrades	31/32	PDP

Revision Date

August 2023

**ITEM 4 - ATTACHMENT 6 COUNCIL RESOLUTION - SMART PARKING - MIN.  
NO.288, 8 DECEMBER 2020.****MINUTES ORDINARY COUNCIL - 8 DECEMBER 2020****NOTICE OF MOTION****ITEM NO. 3****FILE NO: 20/371625****EDRMS NO: PSC2017-00019****FLY POINT AND LITTLE BEACH PARKING/SMART PARKING****COUNCILLOR: RYAN PALMER****THAT COUNCIL:**

- 1) Review the trial of the new shared pathway at Fly Point over the summer holidays through on the ground community consultation.
- 2) Investigate additional parking areas at Fly Point.
- 3) Investigate the use of the SMART Parking technology at Fly Point including community consultation.
- 4) Investigate the use of the SMART Parking technology at Little Beach including community consultation.
- 5) Reaffirm that all SMART Parking across Port Stephens remains free for residents, ratepayers and businesses.
- 6) Continue investigations for SMART Parking at Shoal Bay and Birubi including community consultation.

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

<b>288</b>	<b>Mayor Ryan Palmer Councillor John Nell</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Review the trial of the new shared pathway at Fly Point over the summer holidays through on the ground community consultation.</li><li>2) Investigate additional parking areas at Fly Point.</li><li>3) Investigate the use of the SMART Parking technology at Fly Point including community consultation.</li><li>4) Investigate the use of the SMART Parking technology at Little Beach including community consultation.</li><li>5) Reaffirm that all SMART Parking across Port Stephens remains free for residents, ratepayers and businesses.</li><li>6) Continue investigations for SMART Parking at Shoal Bay and Birubi including community consultation.</li><li>7) Develop a Place Plan for Shoal Bay to identify the projects for place activation, public domain improvements, traffic and parking</li></ol>
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**ITEM 4 - ATTACHMENT 6 COUNCIL RESOLUTION - SMART PARKING - MIN. NO.288, 8 DECEMBER 2020.****MINUTES ORDINARY COUNCIL - 8 DECEMBER 2020**

	improvements, marketing and advertising, and landscaping etc that will be funded by the installation of SMART parking.
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The motion was carried.

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

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

The Fly Point shared pathway was grant funded with the aim to increase pedestrian safety access along this length of foreshore. Prior to the introduction of the shared pathway, pedestrians were co-sharing the road and gravel shoulder with moving traffic and parked vehicles in a non-formalised manner. As part of the grant, Council is required to undertake a review of the trial and report back to the funding agency.

Investigations and concept designs to increase the number of formalised car parking spaces at Fly Point have commenced.

The introduction of the Smart Parking technology program to include Fly Point and Little Beach may follow on from the existing Nelson Bay Smart Parking program. As noted in the Notice of Motion, community consultation will be required to ensure any implementation will meet strategic plans for these areas.

The Council endorsed Smart Parking program stipulates parking is free for residents, ratepayers and businesses. This position is also represented in Council's Fees and Charges.

Preliminary investigation for Smart Parking at Shoal Bay and Birubi has commenced. This investigation will include a project plan that details the required steps for any implementation.

**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		

**MINUTES ORDINARY COUNCIL - 8 DECEMBER 2020**

**ATTACHMENTS**

Nil.

There being no further business the meeting closed at 6.49pm.

8/11/23, 11:47 AM

Portstephens - Fees &amp; Charges - Fees &amp; Charges

## Port Stephens Council



## Online Search Facility

smart parking

## 4 Fees &amp; Charges

Year 2022/2023		Year 2023/2024					
Name	Fee (incl. GST)	Fee (excl. GST)	GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
<b>Port Stephens Council   Administration Services   Parking   Smart Parking Meters</b>							
Smart Parking Permit	\$0.00	\$0.00	\$0.00	\$0.00		Road Transport Act 2013	Market pricing
All ratepayers and residents of Port Stephens Local Government Area, and employees of business within the metered parking scheme zone are eligible.							
Smart Parking Permit - Non-LGA Business Permit	\$139.00	\$150.00	\$0.00	\$150.00	Per vehicle		Market pricing
For businesses located outside Port Stephens Council Local Government Area who regularly work in and around metered parking scheme zones							
15 Minutes Park Free	\$0.00	\$0.00	\$0.00	\$0.00		Road Transport Act 2013	Market pricing
Parking sessions 15 minutes or less are free							
Smart Parking Meter Fee	\$4.50	\$4.09	\$0.41	\$4.50	Per Hour	Road Transport Act 2013	Market pricing
No fee for holders of Smart Parking Permit.							

<https://portal.lgsolutions.net.au/Fees/Public/Portstephens>

1/1

**ITEM 4 - ATTACHMENT 8 LOCAL TRAFFIC COMMITTEE MINUTES - LAMAN STREET AND FLY POINT.**

**Item:** 31\_06/23

**Roads, Nelson Bay – Extension of the smart parking scheme**

**Requested by:** Port Stephens Council

**File:**

**Background:**

Council is proposing to extend the smart parking scheme at Nelson Bay, to include Laman Street and Victoria Parade at Fly Point.

**Comment:**

The metered parking restrictions are proposed to be 4P, similar to other waterfront parking areas, with exemptions for permit holders.

**Legislation, Standards, Guidelines and Delegation:**

NSW Road Rules: 204 - Meaning of certain information on or with permissive parking signs, 205 - Parking for longer than indicated, 207 - Parking where fees are payable, 317 - Information on or with traffic control devices, 318 - Limited effect of certain traffic control devices

RMS Pay parking guidelines

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

**Community Engagement**

The recommended works will improve turnover of parking and it is proposed that the community be informed of the Local Traffic Committee recommendation, once endorsed.

**Committee's recommendation:**

Approve the introduction of parking restrictions in Laman Street and Victoria Parade, Nelson Bay, to reflect the introduction of 4 hour metered parking restrictions, as shown on the attached sketch, Annexure A.

**Support for the recommendation:**

1	Unanimous	
2	Majority	✓
3	Split Vote	
4	Minority Support	
5	Unanimous decline	



ITEM 4 - ATTACHMENT 8  
STREET AND FLY POINT.

LOCAL TRAFFIC COMMITTEE MINUTES - LAMAN

Port Stephens Local Traffic Committee  
Tuesday 6 June 2023

Item No.31\_06/23  
Street: Laman Street

Annexure A  
Page 1 of 2



Legend

- = 4 Hour meter registration parking - Permit holders excepted - 7am-7pm Mon - Sun, Public holidays included
- = 4 Hour meter registration parking - Permit holders excepted - 7am-7pm Mon - Sun, Public holidays included - 90° angle parking
- = No Stopping



ITEM 4 - ATTACHMENT 8  
STREET AND FLY POINT.

LOCAL TRAFFIC COMMITTEE MINUTES - LAMAN

Port Stephens Local Traffic Committee	Item No.31_06/23	Annexure A
Tuesday 6 June 2023	Street: Victoria Parade	Page 2 of 2



Legend

- = 4 Hour meter registration parking - Permit holders excepted - 7am-7pm Mon - Sun, Public holidays included
- = 4 Hour meter registration parking - Permit holders excepted - 7am-7pm Mon - Sun, Public holidays included - 90° angle parking - rear to kerb
- = 4 Hour meter registration parking - Permit holders excepted - 7am-7pm Mon - Sun, Public holidays included - 60° angle parking - rear to kerb
- = Accessible parking
- = No Stopping

**ITEM 4 - ATTACHMENT 9 COUNCIL INFORMATION PAPER - SMART PARKING - MIN. NO. 155, 27 JUNE 2023.****MINUTES ORDINARY COUNCIL - 27 JUNE 2023****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.

**ITEM 4 - ATTACHMENT 9 COUNCIL INFORMATION PAPER - SMART PARKING - MIN. NO. 155, 27 JUNE 2023.****MINUTES ORDINARY COUNCIL - 27 JUNE 2023**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.

**ITEM NO. 5**

**FILE NO: 23/209689  
EDRMS NO: PSC2019-05143**

**SMART PARKING - SHOAL BAY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Acknowledges the Smart Parking Community Engagement Report for Shoal Bay (**ATTACHMENT 1**).
- 2) Endorses the installation of Smart Parking Infrastructure for Shoal Bay.
- 3) Continues to provide free Smart Parking in Port Stephens for residents, rate payers and employees of local businesses. Time based restrictions to apply.

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**BACKGROUND**

The purpose of this report is to present a package of information that responds to the Council resolution of 26 July 2022 (**ATTACHMENT 2**) relating to Shoal Bay Smart Parking implementation to the parking areas of Government Road, Shoal Bay Road, Lillian Street, Tomaree Road, Bullecourt Street and Messines Street as shown in the Shoal Bay Smart Parking Extents map. (**ATTACHMENT 3**). Information relating to other proposed Smart Parking will be presented to Council in future reports.

Smart Parking is designed to improve the turn-over of parking spaces to create more equitable access to parking in the Shoal Bay town centre. Smart Parking also provides a revenue stream to support local infrastructure projects. The existing resident and business Park Free Permit Scheme currently used in Nelson Bay will be extended to include Smart Parking in Shoal Bay.

This report has been arranged into the following Smart Parking milestones to provide evidence that clear steps have been undertaken in the implementation of the Smart Parking program.

- Council Resolution to Investigate
- Technical Investigations
- Financial Assessment
- Infrastructure Plan
- Community Engagement
- Local Traffic Committee
- Council Adoption
- Community Engagement (Closing the Loop)
- Execution

Council resolution to investigate

The Council resolution to investigate Smart Parking at Shoal Bay was made on 10 December 2019 (**ATTACHMENT 5**).

Technical Investigations

The technical investigations sought to identify what traffic, parking or road safety issues may be present and their potential solutions. For the subject locations, Council engineering staff undertook site inspections, measurements and assessments in addition to a traffic management studies, being the Shoal Bay Traffic Survey report (September 2021) and Shoal Bay Parking Assessment Report (January 2022). The reports identify that during peak periods parking space utilisation is approaching capacity, and further that, additional supply is needed in combination with expansion of paid parking as a demand management tool.

Financial Modelling

Financial modelling was undertaken to assess whether the activation of Smart Parking was financially sustainable and to forecast projected funds available for contribution to the draft Infrastructure Plans.

The financial assessment for Shoal Bay has confirmed that the capital and operational costs of delivering Smart parking infrastructure was sustainable and forecast \$415,000 per annum contribution to the Shoal Bay Precinct Smart Parking Reserve based on current adopted Fees and Charges rates (**ATTACHMENT 6**).

Smart Parking is designed to drive revenue from visitors to enable additional investment in local infrastructure works. With the up-coming peak period it is financially beneficial to install the meters prior to Christmas 2023. Delays in installation will have a negative impact on the Long Term Financial Plan and result in a delay of the delivery of infrastructure works.

Infrastructure Plan

The draft Infrastructure Plan was compiled from outcomes of the technical investigations, the draft Shoal Bay Place Plan, Council resolutions and community engagement

The Shoal Bay Smart Parking Infrastructure Plan will form part of the draft Shoal Bay Place Plan (Place Plan). Details of the infrastructure to be funded will be aligned to the priorities of the community and the final actions within the draft Place Plan.

As part of the public exhibition of the draft Place Plan, an active community engagement approach will be undertaken to help focus responses and submissions on both the actions within the draft Place Plan and the associated infrastructure plan. The findings of this engagement will be reported Council following the public exhibition period.

### Community Engagement

Community engagement on Smart Parking sought community input into the Infrastructure Plan, Smart parking settings, and changes to parking regulation.

The results of the engagement are detailed in the Shoal Bay Smart Parking Engagement Report May 2022 (**ATTACHMENT 4**) and Shoal Bay Smart Parking Engagement Report April 2023. (**ATTACHMENT 1**). Key findings included:

- The Shoal Bay community is generally supportive for the installation of Smart Parking in Shoal Bay to assist with a range of parking and movement issues.
- There was strong 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.
- The Government Road car park at the corner of Shoal Bay Road was the most preferred location for business parking permits.
- The Government Road car park at the corner of Shoal Bay Road was the highest priority infrastructure project.
- There was some concern that a one-way arrangement would have a negative impact on local streets.
- There were some concerns that Smart Parking had potential reduced visitation and the impact on local businesses.
- There were some concerns about Smart Parking pushing vehicles into the residential streets which are outside the Smart Parking extent.
- There was a desire to continue Tomaree Road and other local road improvements as per the Capital Works Program.

### Local Traffic Committee

All regulatory controls on roads must be approved by the Local Traffic Committee. At the September 2023 meeting, the Local Traffic Committee assessed and endorsed the proposal. Local Traffic Committee meeting minutes (**ATTACHMENT 7**).

### Council Adoption

This report is the milestone to in achieving endorsement for implementation of Smart Parking in Shoal Bay.

### Community Engagement

Further engagement activities will be integrated into the public exhibition period for the draft Place Plan. This will include a guided submission process and community drop in sessions. Meetings with key stakeholders to be undertaken to check in on the actions within the draft Place Plan and the associated infrastructure plan.

**Execution**

Following Council resolution, the meters can be installed and operational within 6 weeks. Regulatory and environmental approvals have been obtained.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Infrastructure and facilities	Provide asset and engineering services to meet customer demand

**FINANCIAL/RESOURCE IMPLICATIONS**

Shoal Bay Smart Parking Program income and expenditure is included in the Long Term Financial Plan forecast and Capital Works Program for the current financial year. Smart Parking is designed to drive revenue from visitors to enable additional investment in local infrastructure works. With the up-coming peak period it is financially beneficial to install the meters prior to Christmas 2023. Delays in installation will have a negative impact on the Long Term Financial Plan and result in a delay of the delivery of infrastructure works.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	\$250,000	Funding included in the Capital Works Program.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

If Smart Parking does not commence in Shoal Bay before December this year, adjustments will need to be made to the existing Long Term Financial Plan.

**LEGAL, POLICY AND RISK IMPLICATIONS**

The proposed Shoal Bay Smart Parking system benefits from the existing Park Free Permits, fees and charges and management frameworks established with the existing Shoal Bay Smart Parking Scheme.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that the estimates of uptake of paid parking are too high leading to revenue forecasts/capital work projections not being met.	Medium	<ul style="list-style-type: none"> <li>Regular monitoring and reporting of financial performance.</li> <li>Update projections within quarterly budget review.</li> <li>Follow competitive procurement processes.</li> </ul>	Yes
There is a risk that visitor willingness to pay for parking may lead to lower visitation.	Medium	<ul style="list-style-type: none"> <li>Reinvest proceeds from paid parking into projects that increase satisfaction with area and encourage return visits.</li> <li>Continue Place Activation Program of events, entertainment and beautification aimed at increasing visitation.</li> <li>Promotion of access to 15 minutes free parking throughout the day, plus free parking before 8.30am and after 5.30pm every day.</li> </ul>	Yes
There is risk that long term financial plan income budgets may not be met if the installation of parking infrastructure is delayed	Medium	<ul style="list-style-type: none"> <li>Adopt the resolution.</li> </ul>	Yes

## SUSTAINABILITY IMPLICATIONS

Consideration has been given to the Social, Economic and Environmental Implications of the proposed Smart Parking Installation.

Continuation of the residents, rate payers and workers Park Free Permit scheme has been reconfirmed through Council's adopted Fees and Charges 2023-24 and achieved as a zero fee item. **(ATTACHMENT 5)**.

Financial modelling has been completed showing a sustainable return on investment that is forecast to provide an ongoing source of funds which will be contributed to infrastructure projects within the Shoal Bay Smart Parking precinct. These projects



cater not only to our local residents but also aim to provide an enjoyable experience for our visitors, encouraging them to return.

The Smart Parking funded Place Activation Program for Shoal Bay is proposed to be established with an aim of providing events, entertainment and beautification, increasing visitation and experience within Shoal Bay.

The parking meters will increase parking turnover and increase adherence to timed parking restrictions and are solar panel driven to reduce the reliance on electricity.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Assets Section and the Communications Section and is summarised below with their mitigation measures discussed earlier in this report.

### Internal

- Financial Services Section
- Assets Section
- Compliance Tea.
- Information Communication and Technology Team
- Digital transformation Team
- Communications and Engagement Teams
- Customer Experience Team
- Mayor and Councillors

### External

The results of the community engagement program are detailed in the Shoal Bay Smart Parking Engagement Report May 2022 (**ATTACHMENT 4**) and Shoal Bay Smart Parking Engagement Report April 2023 (**ATTACHMENT 1**).

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Shoal Bay Community Engagement Report Smart Parking April 2023. [↓](#)
- 2) Council Resolution - Smart Parking - Min. No. 194, 26 July 2022. [↓](#)
- 3) Shoal Bay Smart Parking Scheme Extents. [↓](#)
- 4) Shoal Bay Community Engagement Report Smart Parking - May 2022. [↓](#)
- 5) Council Resolution - Smart Parking - Min. No. 261, 10 December 2019. [↓](#)
- 6) 2023/24 Smart Parking Fees and Charges. [↓](#)
- 7) Local Traffic Committee Minutes - Shoal Bay Smart Parking. [↓](#)

**COUNCILLORS ROOM**

- 1) Northern Transport Planning and Engineering Pty Ltd “Traffic Survey Report” (September 2021).
- 2) Northern Transport Planning and Engineering Pty Ltd “Shoal Bay Parking Assessment Report” (January 2022).
- 3) Transport for NSW “Pay Parking Guidelines” (November 2019).
- 4) Transport for NSW “Permit Parking Guidelines” (November 2021).

**TABLED DOCUMENTS**

Nil.

# Shoal Bay Smart Parking Communications and Engagement Report

April 2023



## ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.



### Shoal Bay Smart Parking Engagement snapshot June 2023

This engagement builds on previous engagement undertaken from May 2022 which was tabled at Council's meeting on 26 July 2022. At this meeting there were a number of specific recommendations made prior to the introduction of Smart Parking at Shoal Bay. The engagement undertaken in March and April 2023 was designed to help address the recommendations from this meeting. Information was also gathered from this survey and inputted to help refine the draft Shoal Bay Place Plan actions.

#### What we've been up to



**Flyers + letters  
+ direct emails**

500 + 60 + 67



**Webpages**

582 visits



**Surveys**

97 completed



**Door step  
discussions**

18 businesses



**Drop-in  
session**

117 attendees

#### Key stats:

**76%**

Majority of people were aware Council was planning to introduce Smart Parking at Shoal Bay

**66%**

Most people already held a Smart Parking permit

**57%**

Car park, corner Shoal Bay Road and Government Road was the preferred location for business parking

**54%**

Upgrading the car park, corner Shoal Bay Road and Government Road was the top prioritised project

**11%**

Building viewing platforms on Shoal Bay Road was the least prioritised project



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### Top 8 priority projects

- 1 Carpark upgrade at corner Shoal Bay Road and Government Road
- 2 Public amenities replacement at Shoal Bay East (near Boat Ramp)
- 3 Pathway/Shared path - missing link from Shoal Bay to Harwood Avenue (Nelson Bay) via Beach Road
- 4 Carpark upgrade at Bernie Thompson Park, Government Road
- 5 Traffic and parking upgrades - review of timed parking areas
- 6 Improvements to beach access points (multiple locations)
- 7 Carpark management - Mount Tomaree base car park - sand flow prevention project
- 8 One way traffic CBD - additional parking spots create - note further consultation will be undertaken when funding is available

### Top things we've been hearing

#### Common themes in survey comments

- Project suggestions, wider area considerations
- General opposition to paid parking / smart parking
- Impacts of smart parking and associated projects on neighbouring roads/residents
- More information required such as detail around timing of parking

### Project milestones



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## Context

This report builds on an earlier engagement report from May 2022 about the investigation of the extension of smart parking to Shoal Bay.

This report was tabled at Council's meeting on 26 July 2022 and there were a number of specific recommendations made prior to the introduction of Smart Parking to Shoal Bay. This report is available publically on council's website

These recommendations specifically included the following summarised points:

- Council provides names of the businesses in the Shoal Bay shopping precinct that they spoke to direct and what the feedback from those businesses before Smart Parking is introduced on the shopping strip
- The Shoal Bay Infrastructure Program be put forward for community consultation and East Ward councillors review prior to it being adopted
- Further and more extensive community consultation be completed on the potential one-way traffic arrangement in Shoal Bay

The engagement that was planned during March and April 2023 was designed to help address the recommendations above and also clarify some of the practical considerations associated with the roll-out of Smart Parking to Shoal Bay. The objectives of the engagement included:

- Increase community awareness about Smart Parking in general
- Inform the community about the planned extent of Smart Parking at Shoal Bay which includes nearby residential streets
- Identify business parking permit areas
- Inform the community about how the revenue from Smart Parking will be used and ascertain priorities
- Identify project priorities and report on findings

The information gathered from this engagement was also designed to feed into the development of the draft Shoal Bay Place Plan especially relating to the infrastructure plan and what the community would like to see completed as a priority.

Whilst, the issue of the proposed one-way option in Shoal Bay was listed as a priority project as part of this engagement, it should be stressed that this is not the 'further and more extensive community consultation' called for in the above Council recommendations. Council staff fully intend on returning to provide further opportunity for comment when funding for this and other future projects is committed.

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## Summary

This engagement was primarily a targeted approach to the affected community rather than a broad approach as we really wanted feedback specifically from businesses and local residents who are particularly affected about the roll-out of Smart Parking to Shoal Bay.

The activities we undertook are summarised as follows:

- 500 copies of a community update were delivered to businesses and residents in the streets who would be impacted by the proposed extent of the Smart Parking extension. These streets included Shoal Bay Road, Messines Street, Government Road, small section of Tomaree Road, Bullecourt Street and Lillian Street. A map of the proposed Smart Parking extent is shown in Appendix B.
- A covering letter, with a copy of the proposed Smart Parking extent together with the community update were also sent to the owners of properties in the proposed extent area .
- Direct emails were sent to previous place plan workshop participants and previous Shoal Bay survey participants
- Door step discussions with business owners and operators was undertaken on the 20 March 2023.
- Council hosted a drop-in session on-site at Shoal Bay foreshore from 10-11:30am, 28 March 2023 to to allow local residents and concerned community members to have their say and ask questions. The drop-in session was attended by council officers from the Assets and Engagement teams.
- A survey was open for comment from 20 March 2023 to 16 April 2023. This period was extended to ensure adequate time to respond over the busy Easter period for business owners and operators.
- The survey was also shared by Councillor Anderson via Facebook on 24 March 2023.



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## Communication and engagement methods

COMMUNICATIONS METHODS		
ACTIVITY	DESCRIPTION	REACH
<b>Community update</b>	Community updates delivered by hand to businesses and residents 20 March 2023	500 factsheets
<b>Website page</b>	Dedicated page on projects and works listing – 582 visits between 20 March to 16 April 2023	582 visits
<b>Addressed letters</b>	Addressed letters to residential owners	40 letters
<b>Direct emails</b>	Direct emails sent to previous place plan participants	67 emails
ENGAGEMENT METHODS		
ACTIVITY	DESCRIPTION	REACH
<b>Door step discussions</b>	Various businesses along primary shopping strip	18
<b>Drop-in session</b>	Shoal Bay Foreshore 10 am – 11:30 am, 28 March 2023	25-30 people visited
<b>Survey</b>	Opportunity to provide feedback on the smart parking roll-out and provide comment on project priorities	97 surveys completed
<b>Submissions</b>	Individual submissions supplied to Council	4

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## Key findings

The survey results provided the most consistent answer to the questions which Council were specifically asking around the roll-out of Smart Parking to Shoal Bay.

Survey responses are found in Appendix D.

Key survey findings include

- Q1: Majority of people were aware that Council were planning to put Smart Parking in Shoal Bay (76%)
- Q2: Most people also already held a Smart Parking permit (66%)
- Q3: The existing gravel car park at the corner of Shoal Bay Road and Government Road was the most preferred location for business parking permits (57%) and Tomaree Road was the least preferred option for business parking permits (15%)
- Q4: The most preferred project for Council to do as a priority was upgrade the carpark at the corner of Shoal Bay Road and Government Road (54%) and the least preferred project for Council to do was the completion of viewing platforms on Shoal Bay Road (11%)
- For Q5 and Q6 the key themes from the open comment sections of the survey have been tagged and include:
  - Alternative or additional project suggestions, wider area considerations and general comments
  - General opposition to paid parking / smart parking
  - Impacts of smart parking and associated projects on neighbouring roads/residents
  - More information required
    - Further explanation of the open comments section can be found under the heading Comment Analysis.

At the business doorstep discussions and the drop in there were a variety of issues raised. These included requests for exemptions from restrictions from local business operators and residents. There was also a lot of discussion around smart parking in general including timing options and future one way options.

We also received 5 submissions, see Appendix E, which covered a variety of concerns including:

- Improving parking and amenity to support tourism to the area, Tomaree Headland Heritage Group, dated 25 March 2023 (unredacted) (members also completed survey)
- Impacts of smart parking on neighbouring roads and residents, hard copy submission handed to Council staff on 28 March 2023, (redacted) (also completed survey)

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- Detrimental impact of smart parking on local business by driving tourists away, 11 April 2023, (redacted)
- Enquiry around the hours of Shoal Bay time limits, 11 April 2023
- Fragmented approach to planning at Shoal Bay, TRRA, 16 April 2023, (unredacted), (members also completed survey)

**Survey Q4 'Tell how important the following projects are to you' findings:**

It is worth considering the responses around the assigning of priority to the projects in more detail as it provides some insights into the kind of projects respondents would like to be seen completed first. The graph from the 'Tell us how important the following projects are to you' is shown over the page:

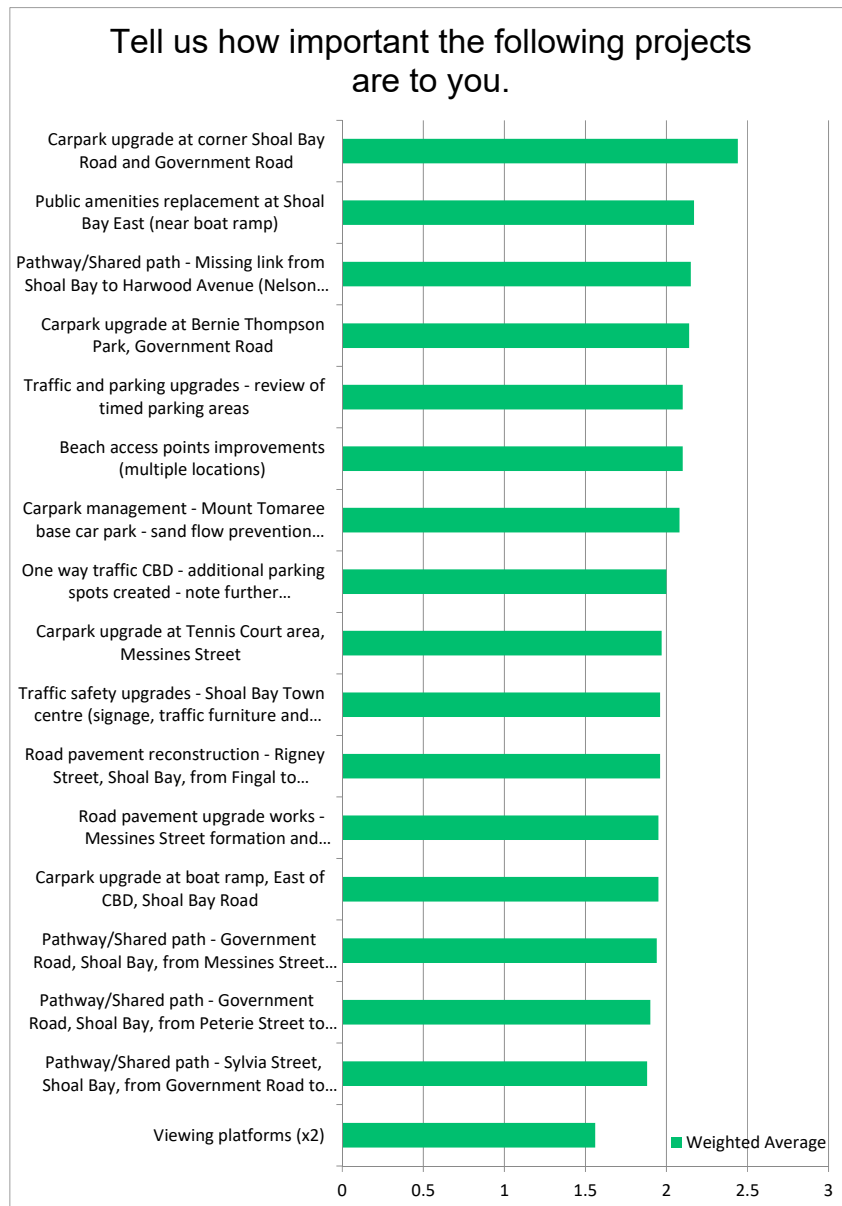
It is interesting to note that the priorities assigned to projects outside of the Shoal Bay town centre area were considered generally to be a less of a priority including shared paths in the residential areas and viewing platforms. This seems to be in contrast to the findings represented in the liveability index and the place planning workshops.

This survey bias is a result of the targeted nature of the engagement which was focused on businesses and potentially impacted residents from the introduction of Smart Parking at the Shoal Bay town centre. This means that the focus of the respondents was on the roll-out of smart parking and it is unsurprising the survey answers are focused on access and parking in the town centre area. It would be expected that if we ran this same survey to a wider audience the prioritization findings would be different.

Also, there was lack of support for projects that were considered a 'nice to have' but not considered a necessity and were corresponding ranked low. This is captured in one of the survey responses succinctly as follows:

*Pathway and car parking improvements should be highest priority. These are matters of safety which need to be addressed before any viewing platforms or underground power lines which are cosmetic in nature. You need to provide good accessible surfaces for people to be able to move about safely without having the risk of falling in potholes of gravel carparks or being hit by cars because people are forced to walk on the road as no footpath is available.*

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## ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

### Comment analysis

It is worth considering the comment sections of the survey and submission responses in more detail.

As mentioned above there are a number of common themes in the survey and submissions received. These have been explained further with some common comments highlighted.

#### Project suggestions, wider area considerations and general comments

This theme includes project suggestions, wider considerations for the whole area and suggestions for traffic management and support for projects. Comments include:

- Consideration for people with accessibility issues or high needs.
- Wider considerations for the whole area of Shoal Bay and Tomaree
- Suggestions around future projects or other ideas or solutions to traffic management

Example comments:

*As part of the 25 upgrade to parking, can you please ensure there are adequate handicapped & or short term parking places? There is a constant stream of elderly persons parking outside the chemist [just to pick up a script etc] and visiting the medical practice on Government Rd.*

*Protection management of Shoal Bay Beach, protect sand from washing away will eventually affect Shoal Bay Road. Keep Land around Tomaree for public use, charge for parking to provide for upkeep.*

*Also introduce timed parking at Little Beach Nelson Bay as this is also part of the Shoal Bay area and unrestricted parking now enables visitors to take up a full day in the one spot limiting access for residents and other visitors.*

Summary of theme comments:

Source	# of comments
Survey Q5	23
Survey Q6'	8
Submissions	1
Total comments	32

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### General opposition to paid parking / smart parking

This theme included just general opposition to paid parking /smart parking in general. Reasons include:

- Only seen used as a revenue raising exercise for Council rather than a traffic management tool
- Concern around impact on local businesses and tourism
- Concern around impact on local character
- Seen as an invasion of privacy and distrust in anything 'smart'

Example comments:

*Paid parking is just to get extra money.*

*I think is terrible that visitors to shoal bay will have to pay to park and enjoy the area. That will be less money they can spend at local businesses.*

*The mention of short timed parking places is ridiculous. It is a recreation, and Village area. This proposal is totally wrong for a Coastal Village.*

*Jam your smart parking and smart cities where the sun don't shine.*

Summary of theme comments:

Source	# of comments
Survey Q5	8
Survey Q6	20
Submissions	2
Total	30

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### Impacts of smart parking and associated projects on neighbouring roads/residents

This theme covers a number of overlapping concerns however are primarily related to impacts on neighbouring streets and primarily. Comments include:

- Concerns about smart parking pushing vehicles into the residential streets which are outside the smart parking extent
- Against any one-way option in the Town Centre area
- Clear need to continue Tomaree Road and other local road improvements

Example comments:

*Footpath on Tomaree Road, kerb and gutter Rigney Street. Upgrade Tomaree Road as paid parking will push traffic up Tomaree Road and local streets.*

*An absolute no to making the main street one way. It will put all of the traffic through the residential areas including buses, trucks and Harley Davidsons! Too noisy for the residents.*

*Finish Tomaree Road as it stopped half way from end . There are no footpaths down bay end in middle and there's potholes. Finish projects before starting new ones please.*

Summary of theme comments:

Source	# of comments
Survey Q5	19
Survey Q6	6
Submissions	1
Total	26

**NOTE:** The remaining areas of Tomaree Road to be improved were not mentioned in the future priority projects listing as they are already on the Strategic Asset Management Plan.

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### More information required

This theme includes general queries or requests for clarifications around the introduction of Smart Parking at Shoal Bay. Including:

- More information around the time limits proposed/and or suggestions of timing limits.
- More information and consultation requested especially around some of the proposed projects especially the car park upgrades and one way options,
- More information about the expected revenue from Smart Parking.
- Request for exemptions for businesses to be exempt from parking restrictions and SmartParking

Example comment:

*There doesn't appear to be enough detail in this survey about proposed changes and parking times for a better response.*

*All of these projects are important and need to be discussed with the public in the wider context of the Shoal Bay Place Plan before any smart parking is implemented. It would not make sense to install smart parking sensors and meters before changes to traffic flow and associated angle parking were introduced.*

*So it has taken almost a year to seek community feedback? Is there a defined business case like most businesses would be required to do when making capital investments Whilst council is seeking more funds from ratepayers through a SRV application, these type of investments should be put on hold until the financial situation is stabilised.*

*We operate a business Shoal Bay SUP for 10 years, council approved commercial operator and would have to close down if we can't get an exemption for our kayak/sup trailer from the paid parking/metered requirements.*

Summary of theme comments:

Source	# of comments
Survey Q5	6
Survey Q6	17
Submissions	4
Total responses	26

For full survey responses and themed comments go to Appendix D.



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## **Appendices**

**Appendix A:** Community update

**Appendix B:** Proposed smart parking extent and projects map

**Appendix C:** Business door step discussions

**Appendix D:** Full survey responses

**Appendix E:** Community submissions

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## Appendix A – Community update



### Shoal Bay Smart Parking



#### Background

Through ongoing engagement, we've heard that there's an issue with parking and movement in Shoal Bay, especially during the busy holiday periods. Finding a solution is a top priority of residents, visitors and business.

The issue was highlighted during our Shoal Bay Place Plan workshops in late 2021. We then held a Parking and Movement workshop in March and April 2022, gathering more detailed feedback from a survey.

By extending Smart Parking to Shoal Bay, it'll be easier for the community to find parking places, congestion will be reduced and there'll be an increase in parking turnover. We'll also be able to reinvest any revenue back into priority projects for Shoal Bay.

On 26 July 2022, we presented the finding of our engagement at Shoal Bay to the Council. The roll out of Smart Parking to Shoal Bay was approved, provided we come back to you – the community – to discuss the details and talk through what this means for you.



#### Why Smart Parking?

Smart Parking was first introduced to Port Stephens at Nelson Bay town centre. We're now ready to extend this to Shoal Bay, including the 'residents park free scheme'. Head to Council's website to register for your park free permit.

We expect that by introducing Smart Parking, there'll be approximately 550 paid car parking spots in Shoal Bay. It'll be self-funded, meaning the initial revenue raised will pay for the installation of parking sensors, meters and line marking.

Once installation is paid for, all revenue will be re-invested into future priority projects in Shoal Bay.

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### Where will Smart Parking be located?

The following locations are included in the roll out of Smart Parking in Shoal Bay. There'll be variable time limits, depending on the location.

- Shoal Bay Road
- Small section of Tomaree Road
- Messines Street
- Bullecourt Street
- Government Road
- Lillian Street

You can view a map of the smart parking extent on the dedicated projects and works page.



### I work in Shoal Bay, where can I park?

Like we've done in Nelson Bay, we'll work with the community to identify dedicated business permit parking areas. If you hold a business permit, you'll be able to park longer than the sign posted limit. These areas are usually located a short way from key business locations, making sure customers get priority.

We want to work with you to decide where the business parking should be located. To have your say, complete the survey and select your preferred areas.



### What will the revenue be used for?

The revenue raised from the installation of Smart Parking will help fund future projects. These projects include events and activation, improving our pathway network and park areas and upgrades to car parks and local roads – including the introduction of a one way option in the Shoal Bay town centre. You can have your say on what future projects you think should be funded first – complete the survey and select your priorities.

There is also an ongoing budget out of Smart Parking revenue allocated to events and place activation projects.

Please note when funding for these future projects is available we will back with further consultation opportunities for these projects.



### Have your say

We want to hear from you. To have your say:

- Scan the QR code to complete the survey before 11 April 2023.
- Attend the drop in session to learn more and ask questions.  
Visit Shoal Bay Foreshore, opposite the Chemist, on Tuesday, 28 March, anytime between 10 and 11:30am.

We'll use your feedback to determine where the Smart Parking business permit parking areas will be and what the future project priorities are. We'll also use your feedback in the development of the Shoal Bay Place Plan.



Have your say

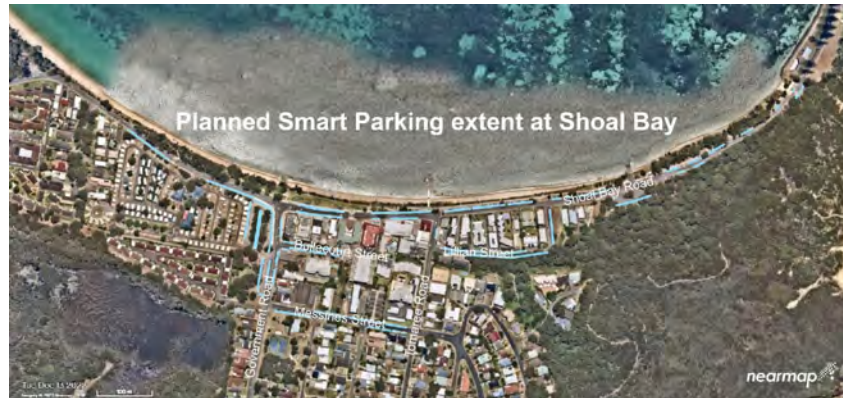
### Keep up to date

- portstephens/projects
- 02 4988 0255
- council@portstephens.nsw.gov.au



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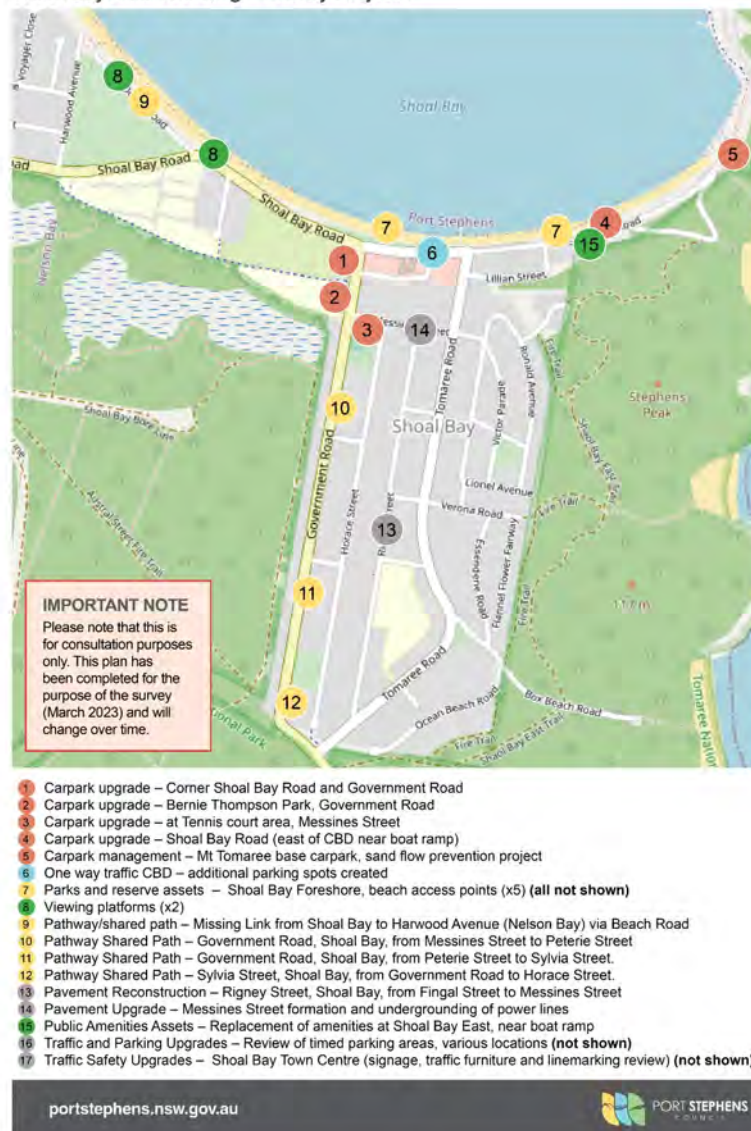
Appendix B – Proposed Smart Parking extent  
and projects map





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Shoal Bay Smart Parking – Priority Projects



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## **Appendix C – Door step discussions**

### **Record of doorstep discussion with local business on Monday, 20 March 2023**

1. Providence Medical at 5 Government Road, Shoal Bay (business card provided)
2. Shoal Bay Diner at 1-3 Government Road, Shoal Bay
3. Shoal Bay Bike Hire at 3/63 Shoal Bay Road
4. Jetty Gelato at 11/63 Shoal Bay Road
5. Heavenly thai massage, 63 Shoal Bay Road
6. Shoal Bay Pharmacy, 59 Shoal Bay Road
7. Aura Gift Shop, 59 Shoal Bay Road
8. Game Fishing Club, 57 Shoal Bay Road
9. Covet Couture, Shop 1 Bay Village, 47-51 Shoal Bay Road
10. Shoal Bay Newsagency, Shop 32-33 Bay Village, 47-51 Shoal Bay Road, (spoke to Lisa)
11. Kaos Surf Shop, 47-51 Shoal Bay Road
12. IGA, Shop 26-27 Bay Village, 47-51 Shoal Bay Road – requested staff to place flyer on community noticeboard
13. Kings Kebab store, Shop 24 Bay Village, 47-51 Shoal Bay Road
14. The Café, Shop 23 Bay Village, 47-51 Shoal Bay Road
15. The Body Spot, Shop 21 Bay Village, 47-51 Shoal Bay Road
16. Ramada Hotel, 35-45 Shoal Bay Road (spoke to Ricky Lee General Manager)
17. Celebrations at Bottle Shop, 35-45 Shoal Bay Road (spoke to Beau, Rhys, Jackie)
18. Aussie Bobs Fish and Chips, 2A Tomaree Road, Shoal Bay (spoke to Jason)

### **Businesses missed – newsletters left under doors etc**

1. Port Stephens Bait and Tackle, 12/63 Shoal Bay Road – was closed
2. Mod Thai, 3/57 Shoal Bay Road, Shoal Bay – was closed
3. La Dolce vita, 1/57 Shoal Bay Road, Shoal Bay – was closed
4. Gianni's restaurant, 55 Shoal Bay Road, Shoal Bay – was closed
5. Coastal Fringe Hair Home Nature, Shop 30 Bay Village, 47-51 Shoal Bay Road – was closed
6. Port Stephens Paddlesports, Shop 25 Bay Village, 47-51 Shoal Bay Road – shop was closed

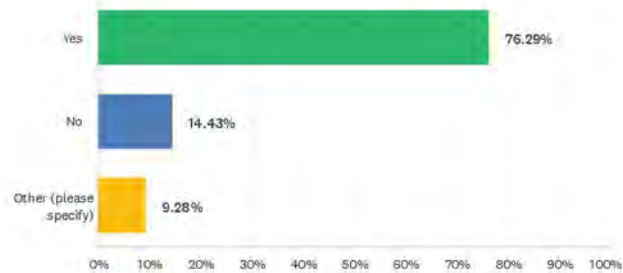
## ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

### Appendix D – Full survey responses

#### Survey name: Shoal Bay Smart Parking roll-out

Q1 Do you know that Council is planning to put Smart Parking in at Shoal Bay?

Answered: 97 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	76.29%	74
No	14.43%	14
Other (please specify)	9.28%	9
TOTAL		97

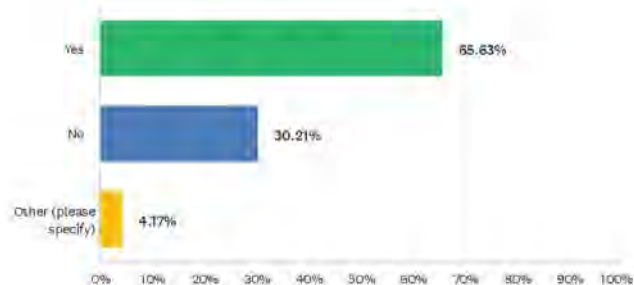
Other (please specify) responses (9) :

- 1 Notified by committee member sneaky way to advise only through survey
- 2 When
- 3 I do now.
- 4 I didn't know until this popped up on Facebook.
- 5 Just found out on a FB group
- 6 I do now only because of social media
- 7 Only just now
- 8 Great idea
- 9 Well I do now that I got this email but prior to that No i do not know.

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Q2 Do you have a Smart Parking permit? Please note, existing Smart Parking permits are valid for all Smart Parking in Port Stephens.

Answered: 96    Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	65.63%	63
No	30.21%	29
Other (please specify)	4.17%	4
TOTAL		96

Other (please specify) responses (4) :

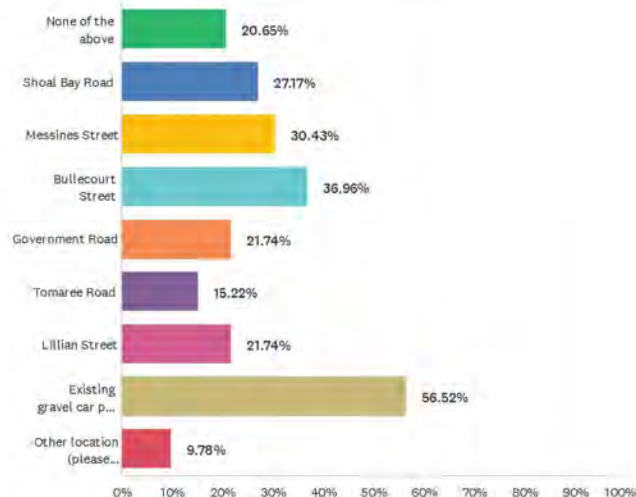
- 1 Could not get one kept kicking us out [REDACTED]
- 2 Very useful
- 3 Need to update but found it too difficult to do last time I tried
- 4 Yes



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Q3 I think the business parking allocations should be at (tick all that apply):

Answered: 92   Skipped: 8



ANSWER CHOICES	RESPONSES	
None of the above	20.65%	19
Shoal Bay Road	27.17%	25
Messines Street	30.43%	28
Bullecourt Street	36.96%	34
Government Road	21.74%	20
Tomaree Road	15.22%	14
Lillian Street	21.74%	20
Existing gravel car park corner Shoal Bay Road and Government Road (Coral Tree car park)	56.52%	52
Other location (please specify)	9.78%	9
Total Respondents: 92		

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Q3 continued

Other (please specify) responses (9) :

- 1 Dedicated business parking locations (other than loading zones) should be on streets away from the prime foreshore streets which should be reserved for visitors and locals, with short stay limits close to the centre.
- 2 Behind Shoal Bay Tennis Courts
- 3 Gravel car park should be proper structured and deck parking be introduced eg say two levels and consider relocating the children's playground
- 4 As long as people have enough time to enjoy a meal. Definitely not one hour - this will destroy hospitality venues
- 5 Every where [REDACTED]
- 6 In the gravel car park alongside the caravan park boundary
- 7 Hotel should build a parking station for all their restaurant patrons
- 8 Beach road the gravel road between Shoal Bay Western end and the Anzac . Then tar this road with money from parking meters and tar the parking lots for angle parking as is at Nelson Bay foreshore area
- 9 Ok

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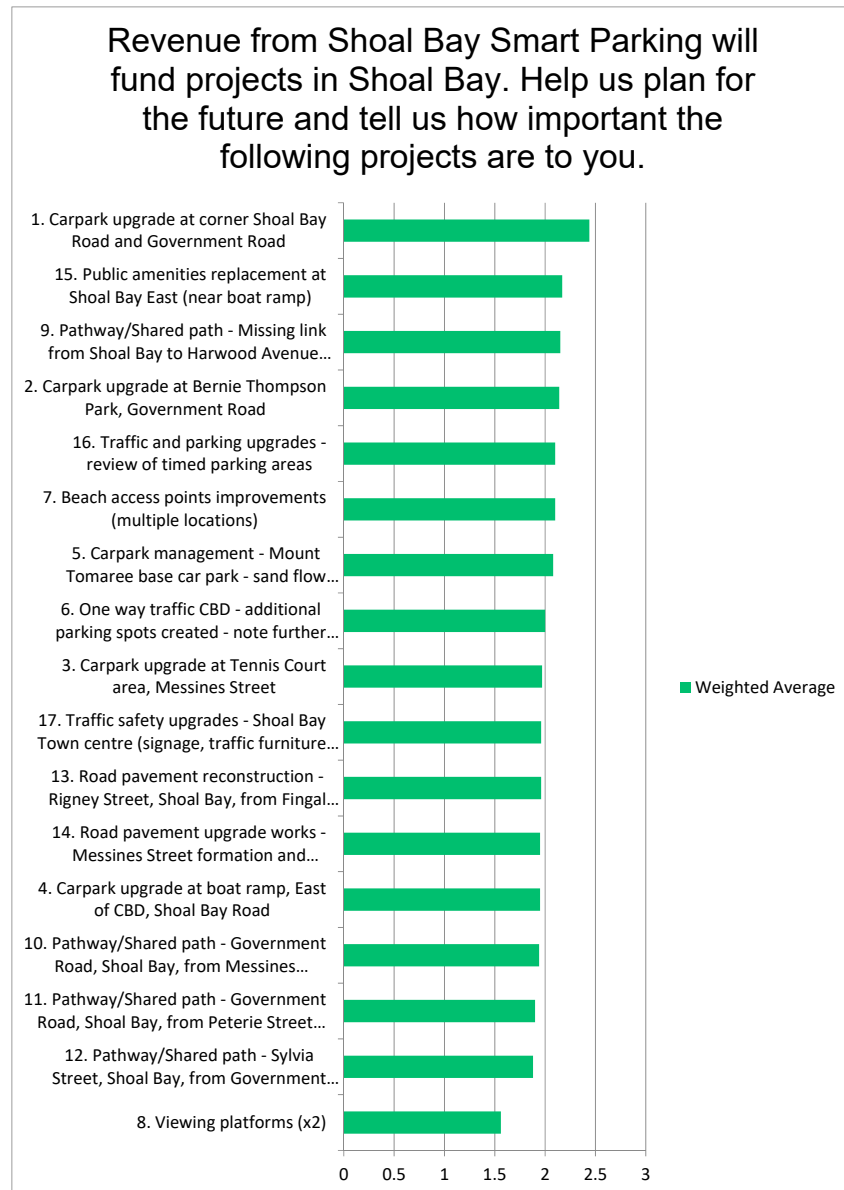
Q4 Revenue from Shoal Bay Smart Parking will fund projects in Shoal Bay. Help us plan for the future and tell us how important the following projects are to you. If you need more information to complete this questions please go to our website to see a map of these projects.

Answered: 96; Skipped 1

	LOW PRIORITY	MEDIUM PRIORITY	HIGHEST PRIORITY	DON'T KNOW/NEED MORE INFORMATION	TOTAL	WEIGHTED AVERAGE
1. Carpark upgrade at corner Shoal Bay Road and Government Road	12.50% 12	28.13% 27	54.17% 52	5.21% 5	96	2.44
2. Carpark upgrade at Bernie Thompson Park, Government Road	23.91% 22	29.35% 27	36.96% 34	9.78% 9	92	2.14
3. Carpark upgrade at Tennis Court area, Messines Street	27.66% 26	39.36% 37	24.47% 23	8.51% 8	94	1.97
4. Carpark upgrade at boat ramp, East of CBD, Shoal Bay Road	34.74% 33	26.32% 25	30.53% 29	8.42% 8	95	1.95
5. Carpark management - Mount Tomaree base car park - sand flow prevention project	26.32% 25	28.42% 27	33.68% 32	11.58% 11	95	2.08
6. One way traffic CBD - additional parking spots created - note further consultation will be undertaken when funding is available	32.29% 31	18.75% 18	32.29% 31	16.67% 16	96	2.00
7. Beach access points improvements (multiple locations)	27.96% 26	29.03% 27	37.63% 35	5.38% 5	93	2.10
8. Viewing platforms (x2)	51.61% 48	31.18% 29	10.75% 10	6.45% 6	93	1.56
9. Pathway/Shared path - Missing link from Shoal Bay to Harwood Avenue (Nelson Bay) via Beach Road	25.00% 23	30.43% 28	39.13% 36	5.43% 5	92	2.15
10. Pathway/Shared path - Government Road, Shoal Bay, from Messines Street to Peterie Street	26.09% 24	42.39% 39	20.65% 19	10.87% 10	92	1.94
11. Pathway/Shared path - Government Road, Shoal Bay, from Peterie Street to Sylvia Street	29.67% 27	37.36% 34	20.88% 19	12.09% 11	91	1.90
12. Pathway/Shared path - Sylvia Street, Shoal Bay, from Government Road to Horace Street	29.67% 27	39.56% 36	18.68% 17	12.09% 11	91	1.88
13. Road pavement reconstruction - Rigney Street, Shoal Bay, from Fingal to Messines Street	26.88% 25	35.56% 34	23.66% 22	12.90% 12	93	1.96
14. Road pavement upgrade works - Messines Street formation and underground of power lines	27.47% 25	32.97% 30	23.08% 21	16.48% 15	91	1.95
15. Public amenities replacement at Shoal Bay East (near boat ramp)	24.73% 23	30.11% 28	40.66% 38	4.30% 4	93	2.17
16. Traffic and parking upgrades - review of timed parking areas	29.03% 27	24.73% 23	38.71% 36	7.53% 7	93	2.10
17. Traffic safety upgrades - Shoal Bay Town centre (signage, traffic furniture and linemarking review)	36.17% 34	20.21% 19	32.96% 31	10.64% 10	94	1.96

# ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

Q4 data graphed on weighted average (largest to smallest):



# ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

Q5 Please provide any additional comments.

Answered: 53 Skipped: 44

#	RESPONSES	DATE
1	<b>More information</b> All of these projects are important and need to be discussed with the public in the wider context of the Shoal Bay Place Plan before any smart parking is implemented. It would not make sense to install smart parking sensors and meters before changes to traffic flow and associated angle parking were introduced.	4/15/2023 5:09 PM
2	<b>Impact on local roads</b> My property is [REDACTED] and I totally object to this street being made a one-way street. Already it is used as an access road to the eastern housing at Shoal Bay making it very busy now. It was noted at the community meeting most attendees were against the one-way option. From a safety point of view, one-way traffic will increase traffic volume. Many children cross over for the Messines St footpath and go up Horace St. It is dangerous already. Council's proposal is increasing the risk factor - creating a greater Council liability.	4/14/2023 1:05 PM
3	<b>More information</b> There doesn't appear to be enough detail in this survey about proposed changes and parking times for a better response.	4/11/2023 12:02 PM
4	<b>Impact on local roads</b> Parking in Government road should remain unrestricted as currently.	4/10/2023 5:01 PM
5	<b>Project suggestions</b> The Pathway from Messines Street to Sylvia is not important as signage to walk along Horace Street would be a safe option. Car parking at Boat ramp should be only used for those utilising the boat ramp with trailers and time limits should reflect that boating can be an all day event. Fees can reflect the longer parking times. Beach Road should be upgraded and used for parking.	4/10/2023 10:32 AM
6	<b>Project suggestions</b> It may be worth considering 2-level or 3-levels of parking on the corner of Government Rd and Shoal Bay Rd. or at Bernie Thompson Park. Demand for parking is only going to get worse.	4/6/2023 9:15 PM
7	<b>Project suggestions</b> Kerb and guttering corner Messines and Government Road	4/6/2023 7:58 PM
8	<b>Opposed to smart parking in general</b> Disagree with smart parking. A one off payment when you apply for parking permit would be preferable	3/30/2023 9:14 PM
9	<b>Impact on local roads</b> Council have already consulted with the Shoal Bay Community in regard to traffic flow. The resounding response was NOT to make Shoal Bay Road one way, which means the heavy traffic will NOT come down Messines Street. The parking is only needed during the school holidays. Many alternatives were discussed at the public meeting. You have traffic control with the lights on Government/Shoal Bay Road. We DO NOT NEED traffic lights at Messines Street and we don't want Messines Street to be one way to carry the extra traffic such as delivery semi trailers, buses, boats, caravans, jet skis etc etc Will Council compensate land owners when your plan reduces our property values? I doubt it!! How many times to we have to voice our opinion.... it seems like it falls on deaf ears. Council are the landlords of the Shoal Bay Tennis Club. What upgrades are planned for the parking for Tennis Players? We need at least 6 spots allocated for the Club Council need to listen to the Shoal Bay Residents.	3/30/2023 11:43 AM
10	<b>Project suggestions</b> Female and male change room at shoal Bay	3/28/2023 12:22 PM
11	<b>More information</b> If paid parking hadn't been brought to my attention by some one else a survey would never have been the place I'd have looked to be advised to this effect therefore I need more details before I can fill in a lot of the questions	3/28/2023 11:05 AM
12	<b>Impact on local roads</b> Footpath should continue up Tomaree Road past Messines Street. Would need to be on the right hand side due to steep and undulating on left hand side. Should only be Parking on the RHS of Tomaree Road past Messines St. Tomaree Road cannot cope with cars parked either side - becomes one way. Road too narrow Buses, bikes, scooters, cars, children walking to school, men in wheel chairs from Care Home, holiday makers all walking on the road. Very poorly lit at night. Holiday rentals with built in garages for extra	3/27/2023 11:23 PM



# ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

	accommodation have guests parking in the streets, adjacent to the fire hydrant, on the verges, on bus stops. No footpath!! It will be a nightmare!	
13	<b>Impact on local roads</b> <b>Project suggestions</b> Installation of additional showers near the beach is required and ongoing maintenance of the foreshore area. The trees have died and gardens have not been maintained. Providing restricted parking in Shoal Bay will result in people parking out of these locations such as Government Road Horace Street, Pozleres Park which will then affect residences.	3/27/2023 7:10 PM
14	<b>Project suggestions</b> With the completion of the Tomaree Headland walk to Birubi parking demand in and around Tomaree Headland will far exceed availability. In the short term during peak holiday periods paid parking should be available at Tomaree Lodge between 8:00 and 5:30 p.m.	3/27/2023 5:30 PM
15	<b>Project suggestions</b> The area known locally as 'The Rabbit Patch' be opened up for additional parking at the base of The Tomaree Headland Walking track.	3/27/2023 9:52 AM
16	<b>Opposed to smart parking in general</b> Its a shame this wasn't proposed before the Council elections, how sneaky and underhanded.	3/27/2023 8:32 AM
17	<b>Project suggestions</b> Maybe if there was more regular public transport then staff at businesses wouldn't have to drive	3/26/2023 8:38 PM
18	<b>Opposed to smart parking in general</b> Smart parking is not necessary. It is just council wanting more money for themselves.	3/26/2023 5:12 PM
19	<b>Opposed to smart parking in general</b> Paid parking is just to get extra money	3/26/2023 5:10 PM
20	<b>Impact on local roads</b> Finish resurfacing tomaree road	3/25/2023 9:44 PM
21	<b>Project suggestions</b> Strong consideration should be given to urgently upgrading the gravel carpark cnr Government Rd and Shoal Bay Rd and providing an additional level as well as extending the carpark to where the playground is and relocating the playground. All loading zones should have usage times introduced ( same as Nelson Bay ) to support the parking for restaurants at night .No parking for 24 hours 7 days a week is inappropriate in the Loading zones. Also at Mount Tomaree base the parking and turning area needs to be urgently extended and Council owns land where this can be achieved . This is definitely a safety issue as vehicles turn realising that it is a no- through road, and there are many pedestrians using the road area.The additional area would also provide parking opportunity for larger vehicles who bring groups and need a turning circle .In fact there should be notification to motorists about no through road further down Shoal Bay road. Timed parking should also be extended along shoal bay east as the residents in the unit blocks on the southern side of the road and opposite use it for extended stays . Also the trailer parking area needs review .Toilets at Boat ramp need replacing ( and enlarged ) as they are a poor reflection on how we provide services for our visitors and this is a very high visitation area .	3/25/2023 3:41 PM
22	<b>Opposed to smart parking in general</b> I don't think there is a need for paid parking or if it does come in and needs to be at a cheaper rate because a lot of families use this area	3/25/2023 10:19 AM
23	<b>Impact on local roads</b> Shoal bay is not a commercial place as is Nelson Bay. Several streets have no kerb and gutter, and the parking on their streets are mostly used for the residence and family, eg All day parking is essential.	3/25/2023 9:22 AM
24	<b>Impact on local roads</b> <b>Opposed to smart parking in general</b> Have completed the Survey. I don't support the proposed Pay Parking at Shoal Bay. People should be able to enjoy beautiful Shoal Bay beach and foreshore free of charge and stay however long they want without worrying about having to "top up" the parking metres. Paid parking will also deter many visitors from spending money at the local businesses and cafes/restaurants. Many will also park along all the back streets and across residents' nature strips and driveways to avoid paying for Parking - will be a nightmare in holiday season.	3/25/2023 7:48 AM
25	<b>Impact on local roads</b> Smart parking must be extended further south along all Shoal Bay Roads. Paid parking confined to Shoal Bay Rd and Messines St will only lead to free parking being pushed onto the surrounding outer narrow roads. These roads are already overwhelmed. Illegal parking on the verge, across driveways, in bus stops, too close and often above fire hydrants. Holiday lets with insufficient parking for guests, many of which have built there "garage in" to accommodate more guests hence more cars parked on the roads. No footpaths compounded by unsafe verges so pedestrian have no choice but to use the road putting their	3/25/2023 12:03 AM

## ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

lives at risk also having to deal with the hooners. I believe these current planned smart parking areas are short sighted and not full thought through, with no consideration given to residents who have to deal with the traffic overflow and antisocial behaviour. What input was there from Port Stephens Councils Duty of Care. I don't recall having received any notification or being consultant about the proposed paid parking.

26	<b>Impact on local roads</b>	Footpath on Tomaree Road, kerb and gutter Rigney Street. Upgrade Tomaree Road as paid parking will push traffic up Tomaree Road and local streets.	3/24/2023 10:50 PM
27	<b>Impact on local roads</b>	Protect Shoal Bay's laid back holiday feel and natural bushland. Too many trees have been poisoned in the area opposite houses. No more high rise apartments. Also, the state of Tomaree road is a disgrace and needs to be fixed properly.	3/24/2023 10:16 PM
28	<b>Project suggestions</b>	We really need disabled parking. Watched a [redacted] use the Loading Zone with [redacted] disabled person the other day. This Loading Zone should be disabled...there is a loading dock behind the shops which should be used...as well as Bullecourt St for other commercial premises. [redacted] name was [redacted] I asked [redacted] for [redacted] number as [redacted] knows the problem first hand. I think the dirt carpark on the corner and perhaps making the front road one way would be highest priorities	3/24/2023 6:55 PM
29	<b>More information</b>	So it has taken almost a year to seek community feedback? Is there a defined business case like most businesses would be required to do when making capital investments whilst council is seeking more funds from ratepayers through a SRV application, these type of investments should be put on hold until the financial situation is stabilised.	3/24/2023 6:26 PM
30	<b>Impact on local roads</b>	Keeping the roads themselves in good condition is more a priority.	3/24/2023 5:24 PM
31	<b>Project suggestions</b>	Congratulations PORT STEPHENS Shire Council. The new jetty at SHOAL BAY has been a resounding success. It would be good to plan for a replacement to the jetty on the road past Tomaree To the gun emplacement. I understand that the cost may be prohibitive but it would add immeasurably to the value of the visiting SHOAL BAY.	3/24/2023 5:20 PM
32	L		3/24/2023 1:36 PM
33	<b>Project suggestions</b>	Disabled parking outside Shoal Bay Pharmacy. (high priority)	3/24/2023 12:39 PM
34	<b>Project suggestions</b>	Parking near shops need to be limited Near boat ramps doesn't due to boat and beach uses. Carpark's need urgent upgrades	3/24/2023 11:43 AM
35	<b>Project suggestions</b>	Stop making parking spots and start fixing roads put in another skate park in Salamander bay or soldiers point do something better for our kids that is free	3/24/2023 11:41 AM
36	<b>Project suggestions</b>	Pathway and car parking improvements should be highest priority. These are matters of safety which need to be addressed before any viewing platforms or underground power lines which are cosmetic in nature. You need to provide good accessible surfaces for people to be able to move about safely without having the risk of falling in potholes of gravel carparks or being hit by cars because people are forced to walk on the road as no footpath is available.	3/24/2023 11:30 AM
37	<b>Opposed to smart parking in general</b>	[redacted] make out all these wonderful things will happen, haha look at Nelson Bay, wow you gave us a toilet in the carpark, which should have been there anyway	3/24/2023 11:11 AM
38	<b>Impact on local roads</b>	Tomaree stage 2 is still outstanding and you had the funds but never completed this is high flow area and high priority over everything	3/24/2023 11:00 AM
39	<b>Impact on local roads</b>	<b>Opposed to smart parking in general</b> This is detrimental to the Shoal Bay Area. You cannot have paid parking along the beach front and boat ramp areas. This will restrict people accessing the area. So ur intention is to restrict people that park their boat trailers in the boat parking while their trying to fish or spend the day on the water. Seriously. Clearly this is a board room decision made by money motivated executives looking to raise revenue and improve their resumes. You people are amazing. All you will achieve is push people to park further away and clog up the residential streets where paid parking wouldn't be in place.	3/24/2023 10:45 AM
40	<b>More information</b>	I would like to see that there is flexibility around the parking times and costs. Definitely good for during peak times and weekends. However mon-friday during low/off-peak times could allow for longer times and cheaper parking. We visit during off-peak times and go fishing out at Tomaree. We will not be able to do this if we are restricted to a one hour	3/24/2023 9:56 AM

# ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

parking limit. That is the main reason we visit the Bay and are looking to move up to Port Stephens in 18 months. We will do the same then. So if we cannot park, then we will not visit there to undertake our activity. Similarly people who go out on boats (or with friends with boats) will probably not be able to visit as they won't be able to park for extended periods to be out on the water. Boating and fishing are not activities that one does for one hour - even two - as the access/launch/clean up etc takes time. This could severely impact the way people use Shoal Bay and even the amount who access the Bay for water based activities. In fact even people with kids who wish to park and go to the beach will not be keen to do this with a one hour time limit. As such I would strongly recommend that Council consider the parking time limits and flexibility with peak and low holiday periods.

41	<b>Project suggestions</b>	A one-way system combined with 45deg angle parking along the waterfront should be a high priority.	3/23/2023 4:47 PM
42	<b>Project suggestions</b>	Needs to happen ASAP to assist with traffic & management issues.	3/23/2023 1:45 PM
43	<b>Impact on local roads</b>	An absolute no to making the main street one way. It will put all of the traffic through the residential areas including buses, trucks and Harley Davidsons! Too noisy for the residents.	3/23/2023 1:22 PM
44	<b>More information</b>	can you please advise how many cars can now park in the area you have stated for smart parking? my issue is when you reconstruct parking areas " Coral Tree" and Tennis Court" there is usually a loss of a lot of car parks. yes I understand that 1 way on SB Rd will allow for extra parking. my estimate is the area stated can park more than 550 cars now.	3/23/2023 11:41 AM
45	<b>Project suggestions</b>	Protection management of Shoal Bay Beach, protect sand from washing away will eventually affect Shoal Bay Road. Keep Land around Tomaree for public use, charge for parking to provide for upkeep.	3/23/2023 8:28 AM
46	<b>Project suggestions</b>	We support paid parking and a one way street through shoal bay.	3/22/2023 11:22 PM
47	<b>Impact on local roads</b>	I can not understand why council fixed half of Tomaree rd and left the ends with massive potholes. Shouldn't we fix this first ?	3/22/2023 7:29 PM
48	<b>Project suggestions</b>	Carpark upgrade at corner Shoal Bay Road and Government Road. Why not remove the ?or some of the trees and make it a multi level carpark and improve the entry exit points	3/22/2023 6:06 PM
49	<b>Project suggestions</b>	Alos introduce Time parking at Little Beach Nelson Bay as this is also part of the Shoal Bay area and unrestricted parking now enables visitors to take up a full day in the one spot limiting access fro residents and other visitors.	3/22/2023 4:49 PM
50	<b>Impact on local roads</b>	Finish Tomaree Road as it stopped half way from end . There are no footpaths down bay end in middle and there's potholes . Finish projects before starting new ones please .	3/22/2023 2:58 PM
51	<b>Impact on local roads</b>	Tomaree st road reconstruction :)	3/21/2023 5:56 PM
52	<b>Impact on local roads</b> <b>Project suggestions</b>	Kerb and gutters needed Messines St and Tomaree Rd as cars that park on both sides, does not allow 2 way traffic.	3/21/2023 5:01 PM
53	<b>Project suggestions</b>	The carpark next to caravan park is a must to be fixed, after rain you need a four wheel drive to navigate around it, plus if upgraded and marked it will create more spaces. As a business we have seen Shoal Bay grow in popularity but the facilities have not, we need to have a better plan so we can cater for the influx on a weekly basis	3/21/2023 3:51 PM



# ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

## Q6 Would you like to provide any other feedback on Smart Parking in Shoal Bay?

Answered: 51 Skipped: 46

#	RESPONSES	DATE
1	<b>Project suggestions</b> The design of the improvements to the car park at the corner of Shoal Bay Road and Government Road will be of great public interest, and no works should commence until the issue of tree removal, retention and replacement has been resolved through public debate.	4/15/2023 5:09 PM
2	<b>Opposed to smart parking</b> Smart Parking is not needed at Shoal Bay. We all understand holiday traffic and just run with it. Money spent on roads with the cost of installation of parking equipment would be far better spent.	4/14/2023 1:05 PM
3	<b>More information</b> I agree in principle to smart parking but without details of limits for areas such as outside the caravan park or at Zenith or outside holiday rentals on Shoal Bay Road it is not possible to give a better survey response	4/11/2023 12:02 PM
4	<b>Opposed to smart parking</b> I oppose changes to existing parking limits in Government road as this will damage my holiday rental business.	4/10/2023 5:01 PM
5	<b>Project suggestions</b> One way system should be introduced throughout the business district and angle parking introduced to create more parking	4/10/2023 10:32 AM
6	No	4/5/2023 5:28 PM
7	<b>Opposed to smart parking</b> As above	3/30/2023 9:14 PM
8	<b>Impact of smart parking on local roads</b> I'm not against Smart Parking, but I am against you making the main street of our little village one way, and bringing the trucks, buses, boats, jet skis, caravans etc etc down Messines Street. Restrict the number of cars allowed for every caravan park booking, ensure all future DA's in our village have underground parking, fix the drains to reduce the flooding, speak to NP&WS to see if you can secure some of their land to introduce more parking towards the boat ramp, tailor your thinking towards the locals and not just the visitors. Please feel free to ring me on [REDACTED]	3/30/2023 11:43 AM
9	<b>Opposed to smart parking</b> I'm not of the opinion that smart parking will actually improve the lack of parking in Shoal Bay I believe it will impact the problem negatively good revenue raising venture though	3/28/2023 11:05 AM
10	<b>Impact of smart parking on local roads</b> Visitors wanting a day at the beach will want free parking and will want to park in Tomaree Road, Rigney and Horace Streets. These streets won't cope.	3/27/2023 11:23 PM
11	<b>Project suggestions</b> Please room for the mobile library to park as it gets blocked during busy periods and cannot get into the carpark. Consider additional disability spaces is there a plan to stop/ barricade parking access in the Pozieres car park as this park will become filled with cars trying to get free parking.	3/27/2023 7:10 PM
12	<b>Opposed to smart parking</b> The extent of the Smart Parking is absolutely ridiculous. Council implement parking restrictions on site ie 1 car space in developments and the Caravan Park, then implement paid parking. What a tort.	3/27/2023 8:32 AM
13	<b>Opposed to smart parking</b> It would deter people from coming in to shoal bay which is currently preferable given no payment for parking.	3/26/2023 5:12 PM
14	<b>Opposed to smart parking</b> No smart parking in Shoal Bay	3/26/2023 5:10 PM
15	<b>Opposed to smart parking</b> I think is terrible that visitors to shoal bay will have to pay to park and enjoy the area. That will be less money they can spend at local businesses	3/25/2023 9:44 PM
16	<b>More information</b> <b>Opposed to smart parking</b> Will damage business income in area as	3/25/2023 5:39 PM

# ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

	people will be put off by going there. Time limits proposed insufficient.	
17	<b>More information</b> Yes. So far there is no evidence that the revenue from paid parking in Nelson Bay is being used to upgrade that town so it is important for the Council to ensure credibility when making these commitments and demonstrate when and where the funding is being allocated	3/25/2023 3:41 PM
18	<b>More information</b> I think council needs to realise that getting food these days can take half an hour to an hour then by the time you go and eat it and have a swim you going to the at least 2 to 4 hours parking	3/25/2023 10:19 AM
19	<b>More information</b> <b>Opposed to smart parking</b> The mention of short timed parking places is ridiculous. It is a recreation, and Village area. This proposal is totally wrong for a Coastal Village.	3/25/2023 9:22 AM
20	<b>Opposed to smart parking</b> Jam your smart parking abd smart cities where the sun don't shine	3/25/2023 7:48 AM
21	<b>More information</b> Yes; I believe it is illegal for buses to embark and disembark passengers other than in the designated bus zones. Already this is happening and I've never seen any policing. Also road markings must be painted to prevent parking near fire hydrants. This is this a no brainer, and should be escalated to High Priority. Shoal Bay is surrounded by National Park. One-way in ...One or no way out. I am a volunteer with [REDACTED] and brought this matter to the attention of our local [REDACTED] who suggested I contact Council.	3/25/2023 12:03 AM
22	<b>Impact of smart parking on local roads</b> Paid parking is good except traffic will be pushed up Tomaree Road, no footpaths, road in very poor condition. Cars parking in bus stops and on verges.	3/24/2023 10:50 PM
23	<b>Project suggestions</b> Similar parking to slow the front section and make it more tourist friendly would be great like the CBD of Nelson. At the moment we have trucks parking in main street to even take a swim...these can be parked away to stop the congestion	3/24/2023 6:55 PM
24	<b>More information</b> Where is the business case detailing costs and expected revenue? And analysis on the impact felt by smart parking precincts already implemented	3/24/2023 6:26 PM
25	<b>More information</b> It shouldn't be going ahead if business owners and their employees, including those who have businesses on the beach, should be able to park close to their place of business all day, without the need for applying for smart parking.	3/24/2023 5:44 PM
26	<b>Opposed to smart parking</b> I am against anything SMART (Surveillance, Monitoring, Analysis, Reporting, Technology). We do not need or want 15 or 20 minute SMART cities which will restrict our freedoms! Many of us have already voiced our concerns to people like Kate Washington, in relation to this.	3/24/2023 5:24 PM
27	<b>Opposed to smart parking</b> I don't believe anything council has to say. It is obvious you lot are screwing us for all the money you can get, just to waste it on [REDACTED]	3/24/2023 5:22 PM
28	No thank you	3/24/2023 5:20 PM
29	<b>More information</b> Smart parking should not have a limit for local people they should have unlimited parking time there are alot of residents around this area that utilize the parking and need it for long periods of time	3/24/2023 4:12 PM
30	<b>More information</b> How does this work for visitors who don't have and are unaware of Smart Parking?	3/24/2023 2:16 PM
31	<b>More information</b> I'm not really in favour of smart parking. If used, would work best close around the shops and eating areas.	3/24/2023 2:14 PM
32	<b>Opposed to smart parking</b> Ave parking as is!	3/24/2023 1:36 PM
33	<b>More information</b> I would like to know time limits at proposed areas	3/24/2023 1:33 PM
34	<b>More information</b> Smart parking in block near shops Great idea but no where else	3/24/2023 11:43 AM
35	<b>Opposed to smart parking</b> Use the money to open another pool use the pool in shoal bay at Tomaree mountain stop wasting time and money on more paid parking it is going to do damage to our tourist life is already expensive enough and now you have to pay for parking	3/24/2023 11:41 AM
36	<b>Impact of smart parking on local roads</b> I would like to know what studies have been carried out to determine what impact Smart Parking will have on nearby residential streets. Will people	3/24/2023 11:30 AM

# ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

be pushed to park further up Government, Horace, Rigney and Tomaree roads? How will that impact residents ability to park in their own street near their homes? What steps are being taken to safeguard rate payers rights and safety? You also need to consider the time limits that you are going to impose on these areas with Smart Parking. Shoal Bay Road between Government and Tomaree Rd and Government road time limits should stay as they are however there should be areas with 30 minutes free parking so that it doesn't impact local businesses. Bullecourt street - 2 hours, again with 30 minutes free to support local businesses. Messines street - 2 hour parking. Shoal Bay road from Tomaree Road towards headland and Lillian street should be 2 hour with scope for resident permits for those who live on those streets to park indefinitely. Parking for boat ramp users should be free and unlimited with more active enforcement of non trailered vehicles parking in the designated trailer parking car park. Shoal Bay Road from Government road towards Nelson bay should be 2 hour parking. All carparks (cnr shoal bay rd & government road, Bernie thompson park & tennis courts) should be at least 4 hour parking to allow families to enjoy the area. Paid parking and time limits should only apply from 8.30am to 5.30pm. Smart Parking fees should only apply during peak season say from 1st October until 30 April with parking being free for the rest of the year. Most importantly - the cost of parking should not be prohibitive so that the area/beach is accessible to all. I would suggest that any more than \$1.20 - \$1.50 per hour to be excessive.

37	No	3/24/2023 11:00 AM
38	<b>Impact of smart parking on local businesses</b> <b>Opposed to smart parking</b> This is nothing more than a money grab and an attempt to raise revenue. All you will achieve is force people to park further away and cause absolute traffic chaos in surrounding streets. Seriously, build a car park or two instead.	3/24/2023 10:45 AM
39	<b>Opposed to smart parking</b> Do not support Paid Parking anywhere in Shoal Bay. People should not have to pay to spend time at and enjoy our beautiful beaches and Tomaree Headland precinct.	3/24/2023 10:33 AM
40	<b>More information</b> As above	3/24/2023 9:56 AM
41	<b>Opposed to smart parking</b> I don't support Smart parking just live it long you just scaring the tourist way	3/23/2023 7:30 PM
42	<b>Project suggestions</b> As part of the upgrade to parking, can you please ensure there are adequate handicapped & or short term parking places? There is a constant stream of elderly persons parking outside the chemist (just to pick up a script etc) and visiting the medical practice on Government Rd.	3/23/2023 4:47 PM
43	<b>More information</b> Important for allocated staff parking for those that don't live in the area.	3/23/2023 1:22 PM
44	<b>More information</b> We operate a business Shoal Bay [REDACTED] council approved commercial operator and would have to close down if we can't get an exemption for our kayak/sup trailer from the paid parking/metered requirements.	3/22/2023 11:22 PM
45	<b>Impact of smart parking on local roads</b> Fix Tomaree rd as a priority.	3/22/2023 7:29 PM
46	<b>More information</b> Reduce time period to 1/2 hour parking at all times along Shoal Bay road from Traffic lights to Boat Ramp area	3/22/2023 6:06 PM
47	<b>Project suggestions</b> Greatr idea install as soon as possible and at the same time install smart parking at Little Beach Nelson Bay Which is actually alos part of Shoal Bay	3/22/2023 4:49 PM
48	<b>Opposed to smart parking</b> I think it's really sad council has decided to put paid parking in shoal bay - it's a place where families come to spend the whole day relaxing picnicking at the bay not having to think about moving their car or paying to park .	3/22/2023 2:58 PM
49	<b>Project suggestions</b> Is needed, but, ideally, one way traffic only ,with reverse parking at the areas between Tomaree Rd and Government Rd. Bus routes would have to change.	3/21/2023 5:01 PM
50	<b>Opposed to smart parking</b> I highly doubt smart parking is the answer to accomplishing/ funding many of these projects above. You need a better solution!	3/21/2023 4:00 PM
51	<b>Project suggestions</b> I support this if the funds are used for upgrades in Shoal Bay	3/21/2023 3:51 PM

**ITEM 5 - ATTACHMENT 1      SHOAL BAY COMMUNITY ENGAGEMENT  
REPORT SMART PARKING APRIL 2023.**

Q7 If you would like to receive more information on Smart Parking in Shoal Bay, please provide your email address.

Answered: 34    Skipped: 65

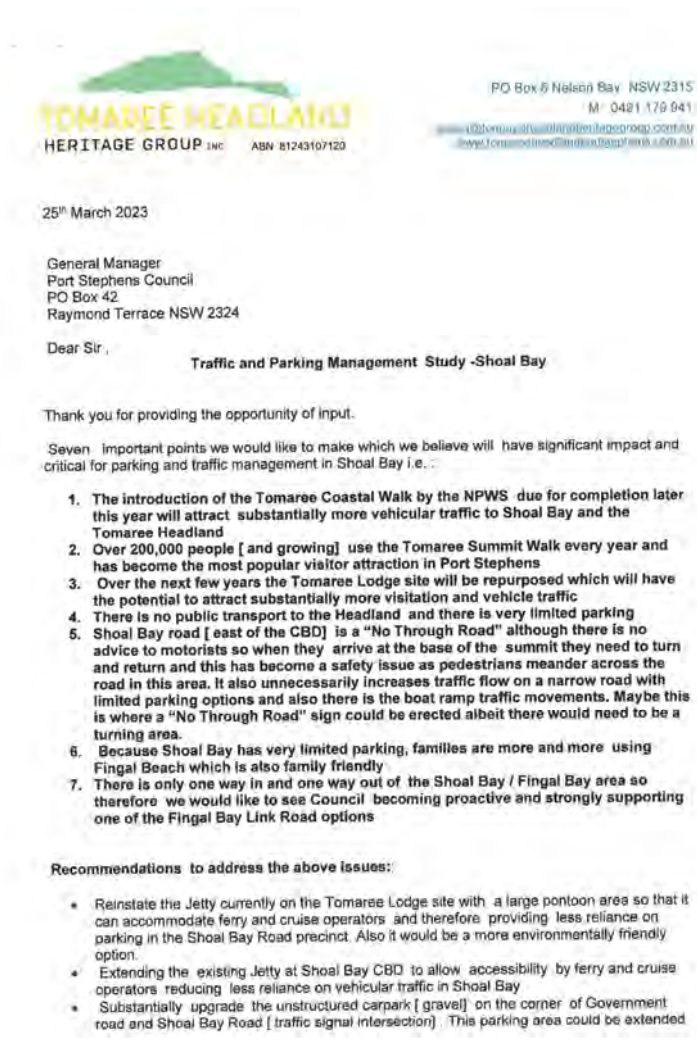
Email addresses not shown for privacy reasons



## ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

### Appendix E – Community submissions

- Submission from Tomaree Headland Heritage Group, dated 25 March 2023 (unredacted)



# ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

to include the current children's playground [ which is underutilised] which could be relocated- possibly to the foreshore . We think that that the entire unstructured parking area could be upgraded to have a second level and this would have a substantial positive impact on parking availability and this could also become a paid parking area . Also this area could be used as the public "bus stop" area for Shoal Bay taking the buses out of Shoal Bay Road at the shopping centre which will reduce congestion and increase parking opportunities . Currently they are taking up prime parking areas and add to the congestion..

- Introduction of timed parking along Shoal Bay Road East particularly between the CBD and the Boat Ramp because many residents from the unit blocks on the southern side of the road use it for all day and night parking.
- Introduction of timed parking in all Loading Zones [ similar to Nelson Bay CBD] ] which would assist the night time economy and weekend parking – particularly restaurants i.e. Loading Zones would only be available at certain times on weekends and not in the evenings. The Loading Zones are currently 24/7.
- Purchase of the vacant land connecting Bullecourt St and Messines St [ approximately [REDACTED] so that a road can be constructed and kerbside parking introduced. This will also enhance traffic congestion in Bullecourt St and increase parking.
- Conduct a complete review of the trailer boat parking areas near the Boat Ramp and the adjoining vacant land [ grassed area next to a unit block] to assess whether increased general parking and improved traffic management can be achieved
- Car park at the base of the Tomaree Summit Walk. This area becomes very congested during weekends and holiday periods and is now a safety issue as pedestrians also use this carpark area . Council owns land adjacent to the carpark on the eastern side between the carpark and Zenith beach which could be used as a turning circle and additional parking. Also at present small coaches and buses who bring groups to the headland find it very difficult to turn with safety .
- Consider introducing a shuttle bus service or train/trolley service along the foreshore from the Traffic lights to the Headland. This could also become a visitor attraction.

We would appreciate you examining these matters.

Your sincerely ,



Peter Clough  
President

ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT  
REPORT SMART PARKING APRIL 2023.



PO Box 6 Nelson Bay NSW 2315  
M: 0491 179 941  
admin@tomareeheadlandheritagegroup.com.au  
www.tomareeheadlandportstephens.com.au

## REPORT 'HELP DESK'

### Tomaree Headland Entry Point - Enriching the Visitor Experience -

26<sup>th</sup> December 2022 until 2<sup>nd</sup> January 2023 (9.00am until 12.00 noon daily)

The purpose of this report is to provide feedback primarily to:

- National Parks and Wild life Service who have responsibility for the Summit Walk and provision of services
- Port Stephens Council
- Destination Port Stephens
- Department of Communities and Justice (and their Consultants Umwelt) who have responsibility for the Tomaree Lodge

It would be fair to say our attendance was extremely welcomed by the visiting public and in fact we received much the same response in September 2022 when we provided a similar service. We felt that it enriched the visitor experience.

The Tomaree Headland Heritage Group Inc. decided to establish a 'HELP DESK' at the entry point to the Tomaree Headland Summit Walk between 26<sup>th</sup> December 2022 and 2<sup>nd</sup> January 2023, traditionally the busiest period of the year and the numbers were high as expected.

The primary reasons for setting up the 'HELP DESK' were:

- Because there is no current information and very limited directional signage at the entry point we:
  - Provided the visiting public with information about the Headland
  - Provided directions to people particularly those that were visiting for the first time as there is no clear sense of arrival
- Seeking feedback on their experience as well as understanding visitor perceptions and expectations
- Encouraging people to have their say on the future of the Tomaree Lodge as the Dept of Communities and Justice had a sign at the entry encouraging people to make a submission

Visitor numbers over the 8 days of our operation were extremely high - our estimate during that period was up to 1000 visitors per day primarily families with children. There was good reason to understand why the Tomaree Headland is the most popular visitor attraction in Port Stephens. It should also be noted that the NPWS recorded numbers of 200,000 during the 2018 year which most likely has grown significantly.

We also decided to conduct a short survey on the visitor experience which was completed on site and the outcomes will be tabled separately. Although this was not the primary reason for undertaking this project it is worth noting that we had approximately 130 responses.

## ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

### KEY OUTCOMES:

- The Headland continues to provide a 'wow' factor for visitors

#### Other outcomes:

- Very limited signage at the entry point to both the Headland and The Tomaree Lodge (the small existing signage is obscured by vehicles). Many people instinctively but wrongly enter the lodge area instead of the poorly signed path to the summit. In fact directional signage to the Headland is totally inadequate and accordingly is not meeting visitor expectations
- There is no sense of arrival. Friendly Welcome signage would enrich the visitor experience
- There is no directional signage to Zenith Beach other than a small sign at the northern entry path which is usually obscured by parked vehicles
- There is no directional signage to the Upper parking area and the southern entry to Zenith Beach
- There are no Toilets – this is by far the highest level of need once people have completed their excursion
- As there is no Headland Information at the entry point - there is a very strong need for a 'visitor information facility' particularly relating to the Headland and Lodge grounds - we believe we need to be 'Visitor Friendly' as many people have requested assistance and shown interest in the Headland, its history and also the future of the Tomaree Lodge

### OTHER IMPORTANT FEEDBACK from VISITORS and our OBSERVATIONS:

- Urgent need for vehicle turning facilities at the entry point to prevent existing traffic snarls which could be achieved by extending the parking footprint at the entry. It is not only a safety issue it is inadequate and drivers are not aware that there is a 'No Through Road' when they enter from Shoal Bay. Therefore, signage near Shoal Bay CBD should be provided to alert drivers that it is not a **Through Road and there is limited parking**. The situation is only going to become worse when the Tomaree Coastal Walk is complete and this will reinforce the need to seriously look at Public Transport options
- Amenities at the Boat Ramp (which is the closest facility) are Sub Standard, inadequate and a health hazard and this is feedback from visitors
- Need for a water station on the mountain but we understand there will be installation constraints
- Garbage disposal units at key points on the Summit Walk
- 'No Dog' signs at the entry point to the Headland walk are obscured by parked vehicles. We noted the popularity of on-lead dog walking in the Tomaree Lodge grounds
- Need for QR codes on the footpath at the entry point advising details of the walks and information about the headland
- Some of the Headland walkways are slippery and in some places obstructed by bags of re-surfacing material – safety and OHS issue
- The public access guidance signage located in the entry area of the Tomaree Lodge is a little ambiguous and therefore needs to be reviewed
- No 'Box Beach' directional signage on Tomaree Road
- There was a high level of interest in the future of the Tomaree lodge
- Families were the dominate visitor demographic during this holiday period

### PRIORITY RECOMMENDATIONS:

We believe there is a need to address the following as a priority particularly given the popularity of this



## ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

### visitor destination and feedback from the visiting public:

1. Urgently address the lack of toilets - The Security Officer from the Tomaree Lodge advised that people have been defecating behind Tomaree Lodge structures. Also substantial upgrade of the existing Boat Ramp amenities facility (400 metres away) is necessary as its poor state was heavily criticised by the visiting public as sub-standard, inadequate and a health hazard
2. Urgently address the provision of a Visitor Information Facility and sense of arrival at the entry point. Welcome signage can be very powerful and will enrich the visitor experience particularly as this is the most visited attraction in Port Stephens
3. Urgently address the directional signage issues and maybe footpath QR codes near the Headland Lodge entry point would be a good starting point and a valuable 'extra' particularly for the 'tech savvy'
4. Urgently replace the large Tomaree Lodge sign at the entry with a friendly Welcome sign with key information about the Tomaree Headland and include directional signage
5. Urgently address the parking and traffic management issues particularly safety at the entry point to the Headland
6. ASAP pull together a meeting of key stakeholders to adopt a 'united approach' to addressing the issues particularly having regard to the Headland being the most popular visitor attraction in Port Stephens. We believe that by adopting a 'Visitor Friendly' approach enhances their experience and in turn generates favourable reviews about Port Stephens

The Tomaree Headland is such a popular and therefore important attraction for our LGA and our economy. Port Stephens is a key visitor destination on the North Coast of NSW and is well promoted by Destination Port Stephens so it is therefore very important that we meet visitor expectations to remain competitive by having the necessary services, signage, wayfinding etc.

Also we found that listening to the visiting public is important as there is a lot of wisdom and experience out there and maybe more of this type of research should be undertaken by key stakeholders such as the NPWS.

We also feel that it is appropriate to mention that we represent **10 very diverse Community Organisations** who in turn represent many thousands of Port Stephens residents.

**All of our Member Organisations who participated in this project support the contents of this report.**

Peter Clough

President – Tomaree Headland Heritage Group Inc.  
2<sup>nd</sup> January 2023

**ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT  
REPORT SMART PARKING APRIL 2023.****MINUTES ORDINARY COUNCIL - 14 JULY 2020****NOTICE OF MOTION**

ITEM NO. 2

FILE NO: 20/177270  
EDRMS NO: PSC2017-00019**TOMAREE HEADLAND****COUNCILLOR:** GLEN DUNKLEY**THAT COUNCIL:**

- 1) Recognises the significant opportunities that Tomaree Headland, Shoal Bay offers and therefore requests the development of a plan of management for the overall headland site to be developed by the owners.
- 2) In the meantime, investigate the following:
  - a. Additional parking which is already significantly constricted.
  - b. The 'cricket pitch' on the Tomaree Lodge site as a potential paid car park to maximise the number of parks available and improve safety.
  - c. Public transport options closer to the headland site.
- 3) Investigate the need for amenities at the entry point to the headland walk on Council land.
- 4) Investigate the establishment of a water station at the entry point to the headland walk.
- 5) Investigate introduction of appropriate signage on Council land including a walking map of the headland and directional signage in Shoal Bay 'CBD'.

**ORDINARY COUNCIL MEETING - 14 JULY 2020  
MOTION**

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**Councillor Glen Dunkley  
Councillor Chris Doohan**

It was resolved that Council:

- 1) Recognises the significant opportunities that Tomaree Headland, Shoal Bay offers and therefore requests the development of a plan of management for the overall headland site to be developed by the owners.
- 2) In the meantime, investigate the following:
  - a. Additional parking which is already significantly constricted.
  - b. The 'cricket pitch' on the Tomaree Lodge site as a potential paid car park to maximise the number of parks available and improve safety.
  - c. Public transport options closer to the headland site.

**PORT STEPHENS COUNCIL****218**

**ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT  
REPORT SMART PARKING APRIL 2023.****MINUTES ORDINARY COUNCIL - 14 JULY 2020**

- |  |  |
|--|--|
|  | 3) Investigate the need for amenities at the entry point to the headland walk on Council land.   |
|  | 4) Investigate the establishment of a water station at the entry point to the headland walk.   |
|  | 5) Investigate introduction of appropriate signage on Council land including a walking map of the headland and directional signage in Shoal Bay 'CBD'. |

The motion was carried.

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

The Tomaree Headland, Shoal Bay is under the care and control of multiple NSW State Government Departments in addition to Port Stephens Council. The Tomaree Lodge site is under management by the Department of Family and Community Services. The adjoining Mount Tomaree site is managed by National Parks and Wildlife Services. Port Stephens Council manages a number of reserves and also holds responsibility as the roads authority on the approach to the headland.

Cross agency cooperation has been achieved over time for the priorities of each agency. Council has recently provided comment to the National Parks and Wildlife Service on the Tomaree Coastal Walk draft documentation.

Should the Department of Family and Community Services seek to undertake forward planning work for the Tomaree Lodge site, Council would be open to providing comment and highlighting collaboration opportunities moving forward. Given the symbiotic nature of the land Council could advocate for the development of a multiagency Headland Management Plan to inform the future direction and use of this locality as a whole.

Port Stephens Council is a member of the Tomaree Coastal Walk Reference Group and has had input into the NPWS development of an information interpretation strategy for the walk. This includes a "tenure blind" approach to signage relating to the Tomaree Coastal Walk.

Port Stephens Council currently provides public amenities at the eastern end of Shoal Bay, adjacent to the boat ramp. This facility is located 320m from the Tomaree Lodge property boundary. It would be appropriate to consider any additional public amenities and/or water station as part of the multiagency Headland Management Plan.

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**PORT STEPHENS COUNCIL****219**

# ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

## MINUTES ORDINARY COUNCIL - 14 JULY 2020

With regard to parking, Council staff have commenced preliminary work in response to the Mayoral Minute from 11 December 2019 that required, among other actions, to investigate the installation of Smart Parking for the Shoal Bay CBD and Foreshore area.

The preparation of a Traffic and Parking Strategy is currently underway for the locality to understand the challenges faced, community perception/experience, opportunities for active/public transport, analyse options and recommend a path forward. This study will closely look at the parking supply and demand, and is a prerequisite before any Smart Parking Scheme including paid parking may be implemented.

The Traffic and Parking Study is likely to include the development of a Wayfinding Signage strategy for the Shoal Bay CBD and Headland. Across the overall headland site, each agency and Council have multiple information and wayfinding signage installations with little consistency. Additions to the existing wayfinding signage network is possible in isolation, however in delivering a superior user experience, these signage installation may benefit from cross agency collaboration through inclusion in the multiagency Headland Management Plan.

### FINANCIAL/RESOURCE IMPLICATIONS

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

### ATTACHMENTS

Nil.

There being no further business the meeting closed at 8.30pm.

PORT STEPHENS COUNCIL

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**ITEM 5 - ATTACHMENT 1      SHOAL BAY COMMUNITY ENGAGEMENT  
REPORT SMART PARKING APRIL 2023.**

2. Impacts of smart parking on neighbouring roads and residents, hard copy submission handed to Council staff on 28 March 2023, (redacted)

Port Stephens Council

**Smart Parking Shoal Bay**

I would like to know what forward planning has gone into the obvious human trait in finding free parking. The resulting roll-on effects of the neighbouring streets?

Council is aware of the deplorable condition of Rigney, Horace Streets and Tomaree Road. All safety issues, including dangerous sloping, undulating Council verges with no footpaths, kerb and guttering and very poor lighting, pot holed roads, Shoal Bay Public School, a Care Home with wheelchair bound confined residents. Pedestrians with no alternative but to walk on the road. Antisocial behaviour, speeding and hoon behaviour is commonplace.

Illegal parking in Tomaree Road, parking in the bus zone, on the Council verge, across fire hydrant lids.

Bear in mind that accommodation on Shoal Bay Road before the boat ramp, don't have enough parking on site to accommodate their guests. Hence, they will look to find free parking in the neighbouring streets.

Paid parking along Shoal Bay Road and Messines Street will only compound the already overwhelmed streets.

Many of the houses on the beach end of Tomaree Road are holiday let with their off-street parking being built in to accommodate more guests, hence, left with no alternative but to street park.

Lack of or no policing is of concern. Weekends and also during the peak Christmas period Council is closed. What a waste of time, calls go to message bank.

Parking, both sides of Tomaree Road, beach end, because of the narrow road makes it one way traffic and often backs traffic up either end of Messines Street and Edward Street awaiting a clear run. With

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cars parked both sides of driveways and opposite, it is very difficult to exit or enter your property. Residents often do not have a choice of the direction they wish to proceed. Trying to navigate with a trailer is impossible. This shouldn't be allowed to happen. In my opinion these back roads need to be upgraded before paid parking is installed.

To overcome these issues I would like to suggest making Tomaree Road parking only on the western side between Messines Street and Edward Street.

As and when, Tomaree Road ever gets fixed and a footpath built, I would imagine it would be built on the western side. The eastern side of the road is steep and undulating. This would free up the one way scenario. The eastern side of this section of Tomaree Road only has a few parking spots but when parked in they cause a huge congestion.

Are signposted 'Resident Parking Only' being installed beach end of Horace, Rigney and Tomaree Road?

My thoughts of Shoal Bay business area. Parking should be 45-degree rear to the kerb beachside parking only allowing the southern side to extend al fresco dining onto a widened footpath. More tree planting to create a boulevard atmosphere and making Shoal Bay a truly International Destination.

I would like to ask: What is happening with the Shoal Bay bypass?

Shoal Bay and Tomaree Headland is surrounded by beautiful National Park, it is one way in and one way out. With the proposed development of Tomaree Headland and the Coastal Walk, advertising to pump more tourists onto the prehistoric road system is madness. Get the infrastructure up to date. Already during holiday periods, I sit in queues often back passed the RSL Club (Diggers) trying to get home.

Kind Regards,





ITEM 5 - ATTACHMENT 1      SHOAL BAY COMMUNITY ENGAGEMENT  
REPORT SMART PARKING APRIL 2023.

3. Detrimental impact of smart parking on local business by driving tourists away, 11 April 2023, (redacted)

From: [REDACTED]  
To: [Port Stephens Council](#)  
Subject: Shoal Bay Smart Parking  
Date: Monday, 10 April 2023 5:39:56 PM

Caution! This message was sent from outside your organization

Att : Mr Adam Stewart  
Civil Assets Manager  
Port Stephens Council

Dear Adam

Thanks for the information regarding proposed smart parking in Shoal Bay.

I operate a popular holiday rental property at [REDACTED]. The introduction of smart parking would damage my business and the holiday amenity that we offer to the area.

My guests rely on unrestricted parking directly in front of the property. In the free parking area opposite [REDACTED] there have been repeated occurrences of vandalism ("egging" and paintwork scratching) to guests' cars and my car, which I have reported to local police. Furthermore the immediate street lighting is very limited. I have contacted Energy Australia and Ausgrid who have refused to provide the usual customary level of street lighting.

Furthermore there is constant parking required for the Shoal Bay Medical Centre (Providence Medical) at 5 Government Road and patients would be seriously inconvenienced if they are not registered as local smart permit holders.

The factors make smart parking in Government Rd between Bullecourt St and Messines St inappropriate and I request that this not be introduced.

Please contact me if you require further information.

Thanking you for your attention to this matter.

With regards

[REDACTED]

[REDACTED]

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REPORT SMART PARKING APRIL 2023.

4. Enquiry around the hours of Shoal Bay time limits, 11 April 2023

From: [REDACTED]  
To: Port Stephens Council  
Cc: [REDACTED]  
Subject: Enquiry - Shoal Bay Meter Parking  
Date: Saturday, 6 April 2023 3:28:46 PM

Caution! This message was sent from outside your organization.

Good afternoon

I am the owner of [REDACTED] I would like to enquire about the proposed metering of [REDACTED] St and time limits.

I am currently entitled to [REDACTED] under the existing parking arrangements for Nelson Bay. I understand the arrangements for the Nelson Bay CBD and agree that this is appropriate for the business district to ensure that there is turnover of limited parking spaces.

However I would like to highlight that the proposed Shoal Bay time limits will materially impact me and the other owners that have 2 vehicles. My understanding of the proposed rules is that we will need to move our vehicles after the maximum time limit even though we have the resident permits. This will be a significant inconvenience, especially during holiday periods, as it will force us to move vehicles.

It is standard council practice to provide exemptions to time limits for residents and owners when restricted parking is introduced. I fully support the introduction of time restricted parking for the Shoal Bay waterfront and request that permanent residents and owners are excepted for [REDACTED] St and other surrounding residential streets.

Thank you for your consideration.

Regards

[REDACTED]



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5. Fragmented approach to planning at Shoal Bay, TRRA, 16 April 2023, (unredacted)

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16 April 2023

Port Stephens Council  
council@portstephens.nsw.gov.au

Reference PSC2022-02535

## Submission: Shoal Bay Smart Parking

### About TRRA

The Tomaree Ratepayers and Residents Association Inc (TRRA) represents the community on a range of issues which affects the Tomaree Peninsula in Port Stephens LGA, including planning and development, economic development, cultural infrastructure and resources, the built and natural environment, tourism and other grass roots issues.

### Submission

TRRA welcomes the recent consultation on the smart parking proposal for Shoal Bay.

We are broadly happy with the proposal, but have concerns about its relationship with the wider context of a Place Plan for the whole of Shoal Bay.

We also have specific concerns about the design of formalised and paved metered parking proposed to be introduced in the current informal car park at the corner of Shoal Bay Road and Government Road.

### Wider planning context

Planning for Shoal Bay remains fragmented, with several overlapping and related initiatives under way or recently completed:

- The Shoal Bay Holiday Park Plan of Management, which almost incidentally includes the informal car park despite it lying entirely outside the Holiday Park on a separate Crown reserve and Lot. We have commented separately on the Draft Plan of Management, focussing exclusively on the inclusion of the car park, about which we have some design concerns (see further comments below).
- The Shoal Bay Place Plan – extensive community consultation in 2021-22, but no progress report since April 2022. This exercise could potentially lead to changes in LEP and/or DCP



A: PO Box 290, Nelson Bay 2315 T: 0807 230 542

E: [planning@trra.com.au](mailto:planning@trra.com.au)

## ITEM 5 - ATTACHMENT 1 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING APRIL 2023.

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controls, which in turn would have implications for traffic and parking demand. The Council website anticipates revision of the Shoal Bay Place Plan in May 2023.

- Both the Place Plan and Smart Parking consultations have mentioned the prospect of a one-way traffic scheme, and the March 2023 Smart Parking Community Update mentions a one-way option as one of a number of projects that could be funded from revenue from smart parking, and promises further consultation. However, we would have expected the expense of installing smart parking to justify implementation only at the same time as angle parking, which in turn would be contingent on a one way traffic system. We note that line marking and a one-way system are included in the 17 'priority projects' on which comment is sought in the smart parking consultation, but angle parking is not expressly mentioned – it has major implications and has been somewhat controversial in Nelson Bay.
- Recent landscaping of the foreshore north of the commercial centre, and replacement of the amenities block and shelters.
- Discussions on the future of the Tomaree Lodge site, including, in the short term, a long overdue and welcome re-opening of the amenities block just inside the Lodge gates.
- The NPWS Coastal Path project and other works on Tomaree Headland, raising important issues about access, parking and services at the eastern end of Shoal Bay Road.

We submit that the implications of all these initiatives should be considered, and publicly debated, preferably within the umbrella of the overall Place Plan, and a related infrastructure works program. Progress with the Place Plan appears to be imminent.

While it may be helpful to obtain initial views on the 'priority projects' through the online survey, further consultation needs to include an estimate of the likely revenue from the smart parking, and of the approximate costs of the different projects. Respondents preferences may well change in the context of how many and which projects could be funded from the likely revenue.

**Smart parking should not be introduced as a separate isolated initiative, and no final decisions about smart parking in Shoal Bay should be made until the Place Planning has progressed to the next stage of public consultation.**

### The car park at the corner of Government Rd/Shoal Bay Road

The area to the east of the Holiday Park currently used as a public car park is part of a separate Crown Reserve (77932), the other main part of which is Bernie Thompson park containing a children's playground. While the purpose of that Reserve is public recreation, its zoning in the LEP is private recreation, and the assigned purpose/category of the car park area is 'General Community Use'.

While none of the three 'Strategic Directions' of the PoM, nor the 'SWOT' analysis make reference to the public parking, its inclusion as Precinct 1A appears to be solely because a Plan of Management is needed for this Crown Reserve before the future formalisation of the site as a car park, with metered parking, can be progressed. We note from Information Paper 6 for the 11 April 2023 Council meeting that 'completion' of the car park is listed for 30 June 2023 – this seems premature given the wider and related issues and timetables.

Since metered smart parking is to be introduced in Shoal Bay, we can see that it makes sense to include this site.



A: PO Box 290, Nelson Bay 2315 T: 0807 230342

E: [planning@trra.com.au](mailto:planning@trra.com.au)

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We understand that Council intends to remove the Coral Trees from the site before it is paved and metered spaces marked out – because they are classified as a weed. However, we submit that the mature eucalypts on the site should be retained as they provide much needed shade and give the site much of its character. We have not heard of any evidence that these trees pose an unacceptable risk – the area under them having been used for parking for many years.

We do not believe that it is in the public interest to remove all of the trees on the site immediately simply for ease of construction – leaving a bare ‘urban’ car park. Even if new shade trees are planted it will be many years before they provide effective shade and soften the appearance of this significant corner site.

We seek assurance that everything possible will be done to protect as many of the trees on the site as possible, at least until any replacement shade trees have grown to an effective size.

We have no objection to this submission being made public, in full and unredacted.

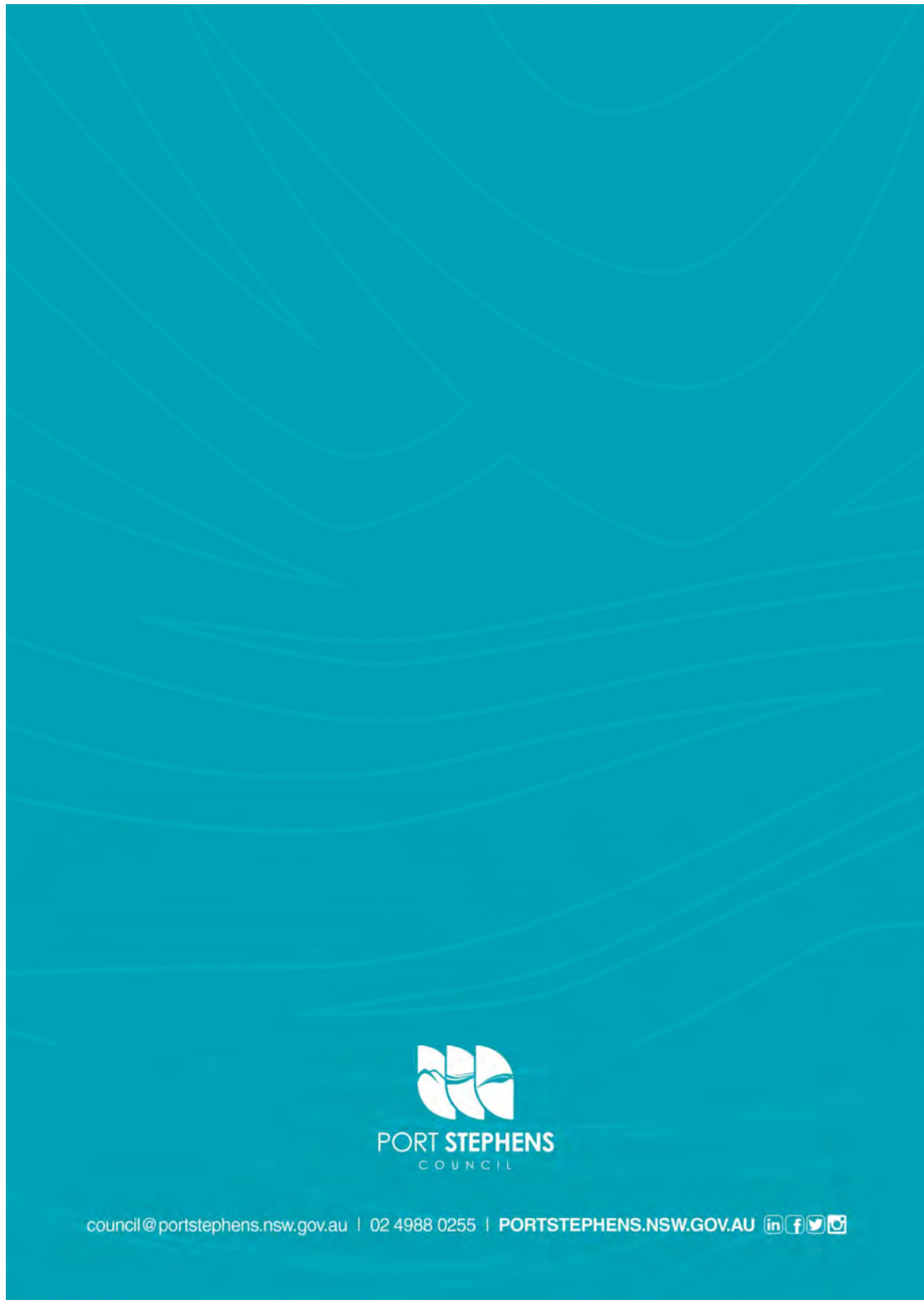
Nigel Waters  
Convenor, TRRA Planning Committee  
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ITEM 5 - ATTACHMENT 1      SHOAL BAY COMMUNITY ENGAGEMENT  
REPORT SMART PARKING APRIL 2023.



**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**

	<b>Councillor Leah Anderson Councillor Glen Dunkley</b>  That Council:  1) Note the continued rollout of SMART Parking at: <ul style="list-style-type: none"><li>• Shoal Bay</li><li>• The expansion of the Nelson Bay area including:<ul style="list-style-type: none"><li>○ Fly Point</li></ul></li></ul>
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**ITEM 5 - ATTACHMENT 2 COUNCIL RESOLUTION - SMART PARKING - MIN. NO. 194, 26 JULY 2022.****MINUTES ORDINARY COUNCIL - 26 JULY 2022**

	<ul style="list-style-type: none"><li>○ Little Beach</li><li>○ Laman Street</li></ul> <ul style="list-style-type: none"><li>2) Commence investigation and community consultation at Birubi Headland, Anna Bay, Fingal Bay and One Mile around the installation of SMART Parking.</li><li>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.</li><li>4) Continue to provide free SMART Parking in Port Stephens for residents, rate payers and employees of local businesses. Time based restrictions to apply.</li><li>5) Manage funding by holding revenue generated from SMART Parking in an internally restricted reserve.</li><li>6) Invest the funds raised from SMART Parking back into SMART Parking precincts.</li></ul>
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**ORDINARY COUNCIL MEETING - 26 JULY 2022  
MOTION**

<b>193</b>	<b>Councillor Peter Kafer</b> <b>Councillor Matthew Bailey</b>  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**

<b>194</b>	<b>Councillor Leah Anderson</b> <b>Councillor Peter Kafer</b>  It was resolved that Council: <ul style="list-style-type: none"><li>1) Note the continued rollout of SMART Parking at:<ul style="list-style-type: none"><li>• Shoal Bay</li><li>• The expansion of the Nelson Bay area including:<ul style="list-style-type: none"><li>○ Fly Point</li></ul></li></ul></li></ul>
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**ITEM 5 - ATTACHMENT 2 COUNCIL RESOLUTION - SMART PARKING - MIN. NO. 194, 26 JULY 2022.****MINUTES ORDINARY COUNCIL - 26 JULY 2022**

	<ul style="list-style-type: none"><li>○ Little Beach</li><li>○ Laman Street</li></ul>
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.



Shoal Bay Smart Parking Extents





**ITEM 5 - ATTACHMENT 4      SHOAL BAY COMMUNITY 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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## ITEM 5 - ATTACHMENT 4 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING - MAY 2022.

### 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
<b>Project webpage</b>	EHQ project to host engagement tools and project document	148 visits
<b>Newsletter</b>	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
<b>Direct emails</b>	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+
<b>Social media</b>	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
<b>Key stakeholder meeting</b>	A meeting with representatives from Port Stephens Business Chamber (meeting included reference to other projects)	2
<b>Workshop - Online and Face to Face</b>	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
<b>Online Survey</b> 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 overstay 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 overstay;
- 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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### 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 respondees (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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## ITEM 5 - ATTACHMENT 4 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING - MAY 2022.

### Parking and movement community experiences

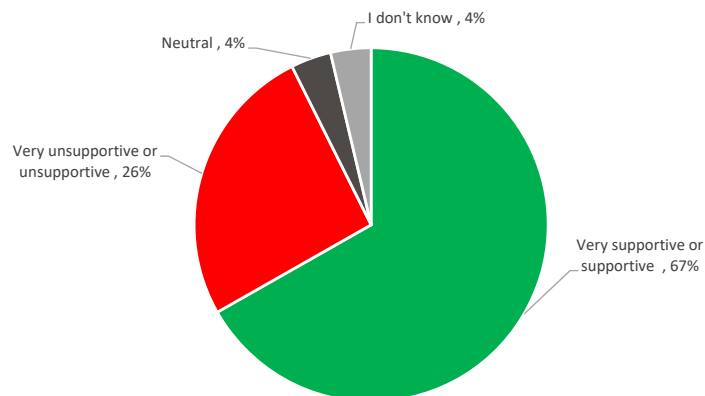
The statements below were taken from findings from the recent Shoal Bay traffic study and tested against local responses with respondents asked whether they agree with the following statements. The following table shows strong community agreement with the findings of the recent Shoal Bay traffic study.

Statement	Level of agreement with Traffic Study findings		
	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.

Support for Smart Parking in Shoal Bay



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## ITEM 5 - ATTACHMENT 4 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING - MAY 2022.

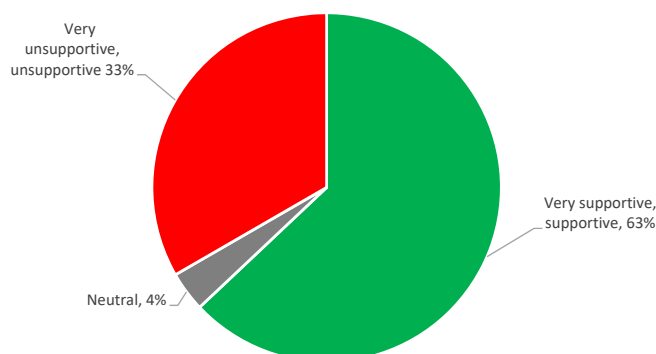
The three (3) comments made to further explain their level of support for Smart Parking in Shoal Bay were:

- *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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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 carefull so as not to be gatively 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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# ITEM 5 - ATTACHMENT 4 SHOAL BAY COMMUNITY ENGAGEMENT REPORT SMART PARKING - MAY 2022.

## Appendix A

### Place Plan workshop summary from September 2021



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

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**ITEM 5 - ATTACHMENT 5 COUNCIL RESOLUTION - SMART PARKING - MIN.  
NO. 261, 10 DECEMBER 2019.****MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019****NOTICE OF MOTION****ITEM NO. 3****FILE NO: 19/378259  
EDRMS NO: PSC2017-00019****SMART PARKING****MAYOR: RYAN PALMER****THAT COUNCIL:**

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

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

<b>261</b>	<b>Mayor Ryan Palmer Councillor Glen Dunkley</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Investigate the installation of SMART Parking at Birubi Headland and Shoal Bay CBD Precinct/Foreshore.</li><li>2) Continue community consultation in Nelson Bay around the installation of SMART Parking.</li><li>3) All SMART Parking in Port Stephens be free for residents, rate payers and employees of local businesses. Time based restrictions to apply.</li><li>4) Invest the funds raised from SMART Parking back into the precinct where the funds are collected.</li><li>5) Invest the funds into the following projects (but not limited to) – public domain, improved/increased car parking, place activation, marketing and advertising, landscaping etc.</li></ol>
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**ITEM 5 - ATTACHMENT 5 COUNCIL RESOLUTION - SMART PARKING - MIN. NO. 261, 10 DECEMBER 2019.****MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

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

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

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

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

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

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

**9. Rationalise parking limits and times, with:**

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

**ITEM 5 - ATTACHMENT 5 COUNCIL RESOLUTION - SMART PARKING - MIN.  
NO. 261, 10 DECEMBER 2019.**

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

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

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

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

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

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

**ATTACHMENTS**

Nil.

8/11/23, 11:47 AM

Portstephens - Fees &amp; Charges - Fees &amp; Charges

## Port Stephens Council



## Online Search Facility

smart parking

## 4 Fees &amp; Charges

Year 2022/2023		Year 2023/2024					
Name	Fee (incl. GST)	Fee (excl. GST)	GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
<b>Port Stephens Council   Administration Services   Parking   Smart Parking Meters</b>							
Smart Parking Permit	\$0.00	\$0.00	\$0.00	\$0.00		Road Transport Act 2013	Market pricing
All ratepayers and residents of Port Stephens Local Government Area, and employees of business within the metered parking scheme zone are eligible.							
Smart Parking Permit - Non-LGA Business Permit	\$139.00	\$150.00	\$0.00	\$150.00	Per vehicle		Market pricing
For businesses located outside Port Stephens Council Local Government Area who regularly work in and around metered parking scheme zones							
15 Minutes Park Free	\$0.00	\$0.00	\$0.00	\$0.00		Road Transport Act 2013	Market pricing
Parking sessions 15 minutes or less are free							
Smart Parking Meter Fee	\$4.50	\$4.09	\$0.41	\$4.50	Per Hour	Road Transport Act 2013	Market pricing
No fee for holders of Smart Parking Permit.							

<https://portal.lgsolutions.net.au/Fees/Public/Portstephens>

1/1



**ITEM 5 - ATTACHMENT 7      LOCAL TRAFFIC COMMITTEE MINUTES - SHOAL BAY SMART PARKING.**

**Item:** 49\_09/23

**Roads, Shoal Bay – Introduction of a SMART parking scheme at Shoal Bay**

**Requested by:** Port Stephens Council

**File:**

**Background:**

As part of the investigations and continued roll out of paid parking across Port Stephens Council, endorsement is sought for the introduction of SMART parking at Shoal Bay.

SMART Parking is designed to improve the turn-over of parking spaces to create more equitable access to parking in Shoal Bay. SMART Parking also provides a revenue stream to support local infrastructure projects. The existing resident and business Park Free Permit Scheme currently used in Nelson Bay will be extended to include Paid Parking in Shoal Bay. Similarly, parking guidance and payment apps will be extended to the Shoal Bay area.

Technical investigations were undertaken to identify what traffic, parking or road safety issues may be present and their potential solutions. For the subject locations, Council engineering staff undertook site inspections, measurements and assessments in addition to traffic management studies, being the Shoal Bay Traffic Survey report (September 2021) and Shoal Bay Parking Assessment Report (January 2022). These reports identify that during peak periods parking space utilisation is approaching capacity, and further that additional supply is needed in combination with expansion of SMART parking as a demand management tool.

The investigations also included community engagement regarding the smart parking settings, changes to parking regulation and desired projects for revenue to be spent upon. The results of the engagement from May 2022 and April 2023 confirmed that the Shoal Bay community is generally supportive for the installation of Smart Parking in Shoal Bay to assist with a range of parking and movement issues. Additionally, there was strong 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.

It is proposed that existing 1/4P restrictions will remain unmetered but will benefit from increased surveillance to ensure that vehicles do not overstay in these high-demand parking spaces.

**Comment:**

Shoal Bay paid parking will operate in a similar manner as the existing Nelson Bay scheme, with the same permit scheme exemptions for residents, ratepayers and business owners.

Formal Council endorsement of Shoal Bay Pay Parking is currently listed for the 26 September ordinary meeting of Council.

## ITEM 5 - ATTACHMENT 7 LOCAL TRAFFIC COMMITTEE MINUTES - SHOAL BAY SMART PARKING.

The proposed parking restrictions, as indicated on the attached plans are:

**Dark Blue** – 9P Meter Registration, Permit Holders Excepted, 8:30am - 5:30pm,

Monday - Sunday, Public Holidays Included

**Light Blue** – 4P Meter Registration, Permit Holders Excepted, 8:30am - 5:30pm,

Monday - Sunday, Public Holidays Included

**Yellow** – 2P Meter Registration, Permit Holders Excepted, 8:30am - 5:30pm,

Monday - Sunday, Public Holidays Included

**Pink** – 1P Meter Registration, Permit Holders Excepted, 8:30am - 5:30pm, Monday -

Sunday, Public Holidays Included

**Orange** – 1/4P 8:30am - 5:30pm, Monday - Sunday, Public Holidays Included

**Green** – 90° Angle Parking, Front to Kerb, Vehicles Under 6m only (unrestricted)

**Red** – No Stopping

### **Legislation, Standards, Guidelines and Delegation:**

NSW Road Rules: 204 - Meaning of certain information on or with permissive parking signs, 205 - Parking for longer than indicated, 207 - Parking where fees are payable, 317 - Information on or with traffic control devices, 318 - Limited effect of certain traffic control devices

Transport for NSW "Pay Parking Guidelines" (November 2019).

Transport for NSW "Permit Parking Guidelines". (November 2021)

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

### **Committee's recommendation:**

Approve the introduction of SMART parking at Shoal Bay, as shown on the attached plans.

### **Community Engagement**

The recommended works will improve turnover of parking and movement in Shoal Bay and it is proposed that the community be informed of the Local Traffic Committee recommendation, once endorsed.

#### Engagement level

Action: The consultation will be linked to the up-coming Council report on the same topic on the 26<sup>th</sup> Sept.

### **Support for the recommendation:**

1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

ITEM 5 - ATTACHMENT 7 LOCAL TRAFFIC COMMITTEE MINUTES - SHOAL BAY SMART PARKING.

Port Stephens Local Traffic Committee  
Tuesday 5 September 2023

Item No. 49\_09/23  
Street: Roads, Shoal Bay

Annexure A  
Page 1 of 2



ITEM 5 - ATTACHMENT 7      LOCAL TRAFFIC COMMITTEE MINUTES - SHOAL BAY SMART PARKING.

Port Stephens Local Traffic Committee <i>Tuesday 5 September 2023</i>	Item No. 49_09/23 Street: Roads, Shoal Bay	Annexure A Page 2 of 2
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**ITEM NO. 6**

**FILE NO: 23/116859  
EDRMS NO: PSC2019-04770-011**

**REVIEW OF DOG OFF LEAD AREAS - BOAT HARBOUR BEACH**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes the Community Engagement Report at **(ATTACHMENT 2)**.
- 2) Amends Boat Harbour Beach dog exercise area signage to provide clearer instructions for compliance.
- 3) Increases Ranger surveillance of Boat Harbour Beach during peak summer period to educate and enforce dog exercise time restrictions.
- 4) Continues to improve park infrastructure at Boat Harbour in accordance with Council's works program.

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**BACKGROUND**

The purpose of this report is to present Council with the outcomes of the Boat Harbour Beach off lead area 12 month review in accordance with its 24 May 2022 Council meeting resolution **(ATTACHMENT 1)**.

A Notice of Motion was raised at the 14 July 2020 Council meeting prompting a review of dog off lead areas in Anna Bay/Birubi Point, Fisherman's Bay and Boat Harbour. Council staff undertook an analysis in response to the Notice of Motion to determine if the current provision of dog off lead areas within the study area would meet the needs of the community. The review led to a 6 month trial permitting dogs off lead on Boat Harbour Beach on the same terms as Birubi Beach.

The findings from the trial were presented back to Council on 24 May 2022 and Council endorsed the following rules with a review to follow after 12 months:

- Permit dogs on and off lead at all times during off peak season (May – September).
- Permit dogs on lead between 5pm and 9am during peak season (October – April).
- Dogs are prohibited at all other times.

In preparation for this 12 month review, Council staff completed stakeholder consultation and examined Council's customer enquiries register to determine the success of the Boat Harbour Beach dog exercise area.

The key findings from this review were:

## ORDINARY COUNCIL - 26 SEPTEMBER 2023

- Current signage is confusing for users and ineffective for compliance purposes.
- Non-compliant dog off lead activity was a concern for many within the community.
- Infrastructure improvements are needed to support dogs at the beach.

Council endorsement is being sought in response to these findings to undertake service and infrastructure improvements including amending signage, increasing Ranger presence and upgrading reserve infrastructure.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2023-2033

### FINANCIAL/RESOURCE IMPLICATIONS

The recommendations will have a financial implication on Council as a result of the installation of replacement signage. These costs will be accommodated within the existing operational budgets.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing Budget	Yes		Cost associated with upgrading the signage, increasing ranger patrols and infrastructure improvements.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

The NSW Companion Animal Act (Act) is the overall guide and statutory basis which must be abided by when providing dog off lead exercise areas. This Act sets down a guide for the provision of exercise areas, where Companion Animals are permitted and also prohibits Companion Animals from certain areas e.g. children's play areas or public food preparation/consumption areas.

The risk associated with endorsing the recommendations are detailed in the table below:



<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the community will continue to experience non-compliant dog use at Boat Harbour Beach.	Low	Adopt the recommendations	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The recommendations of this report recognise and support the clear social, economic and environmental benefits for providing dog off lead areas that have access to water.

The time restrictions and enforcement of rules will maintain Boat Harbour beach as a valuable recreational space that can be enjoyed by all.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Assets Section. The objective of the consultation was to determine the success of the dog exercise area over the 12 month period and identify where improvements could be made.

### Internal

Environmental Health and Compliance – Rangers identified that current site signage could be confusing and should be improved.

### External

An online survey was conducted on Council's "Have Your Say" platform. The open comment style survey was open from 7 July to 2 August 2023.

In order to target Boat Harbour Beach users, the survey was emailed to previous Boat Harbour and Birubi Beach dog exercise area survey respondents (458 email addresses) and advertised at Boat Harbour Beach with temporary signage.

173 responses were received during the survey period. The majority of respondents were supportive of the dog exercise area however many identified areas of concern and improvement. The primary issue for respondents was unclear or inadequate signage followed by requests for supporting infrastructure such as more dog waste bags, dog water bowls or bench seating. While there were requests for increased off lead access, 28% of respondents were unsupportive of the dog exercise area. This did, however, drop to 23% with suggested refinements. Increased Ranger surveillance was requested by both those who were supportive and unsupportive.

A comprehensive report of survey results are included in **(ATTACHMENT 2)**.

A review of Council's customer enquiries register was conducted over the 12 month period of 24 May 2022- 24 May 2023. A total of 12 enquiries were received and requested assistance with the following:

- 5 cited issues with unclear dog exercise signage.
- 11 requests for Ranger action over non-compliant dog activity during prohibited periods.

A list of customer enquiries are included in **(ATTACHMENT 3)**.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Review of Dog Off Lead Areas - Boat Harbour Beach - 24 May 2022, Min No. 133. [↓](#)
- 2) Community Engagement Survey - August 2023. [↓](#)
- 3) Customer Request Management Enquiries - Boat Harbour Beach - 24 May 2022 - 24 May 2023. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.



**ITEM 6 - ATTACHMENT 1      REVIEW OF DOG OFF LEAD AREAS - BOAT HARBOUR BEACH - 24 MAY 2022, MIN NO. 133.****MINUTES ORDINARY COUNCIL - 24 MAY 2022****ITEM NO. 4****FILE NO: 22/108725  
EDRMS NO: PSC2019-04770-005****REVIEW OF DOG OFF LEAD AREAS - BOAT HARBOUR BEACH****REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER  
GROUP: FACILITIES & SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the Engagement Report shown at **(ATTACHMENT 1)**.
- 2) Endorse the proposals shown at **(ATTACHMENT 2)**.

**ORDINARY COUNCIL MEETING - 24 MAY 2022  
MOTION**

<b>133</b>	<b>Councillor Chris Doohan Councillor Glen Dunkley</b>  It was resolved that Council: <ol style="list-style-type: none"><li>1) Receive and note the Engagement Report shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Endorse the proposals shown at <b>(ATTACHMENT 2)</b>.</li><li>3) Carry out a formal review after 12 months and report back to Council.</li><li>4) Conduct a public education program with increased Ranger surveillance.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Cr Anderson.

The motion was carried.

**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the proposed changes to the prohibited dog area at Boat Harbour Beach. This report is in response to the recommendations endorsed at the Council meeting on 22 June 2021 and shown at **(ATTACHMENT 3)**.

Commencing on Wednesday 4 August 2021, a trial was conducted permitting dogs off lead on Boat Harbour Beach. A three month extension to the trial was endorsed at

**ITEM 6 - ATTACHMENT 1 REVIEW OF DOG OFF LEAD AREAS - BOAT HARBOUR BEACH - 24 MAY 2022, MIN NO. 133.****MINUTES ORDINARY COUNCIL - 24 MAY 2022**

the Council meeting on 26 October 2021 and shown at **(ATTACHMENT 4)**. The trial and survey both concluded 4 February 2022.

The trial period has provided useful insight into the suitability and impact of dogs on Boat Harbour Beach. Boat Harbour Beach is small in size, a popular beach used by families and a designated informal boat launching facility. An existing off lead dog exercise area is provided adjacent to the beach on Boat Harbour South Headland (Iluka Reserve).

Recognising the characteristics of Boat Harbour Beach and the outcome of consultation, it is recommended for this site to be made a dog exercise area with the following restrictions:

- Permit dogs on and off lead at all times during off peak season (May – September).
- Permit dogs on lead between 5pm and 9am during peak season (October – April).  
Dogs are prohibited outside of these hours.

An amended map illustrating the provisions are shown in **(ATTACHMENT 2)**.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2022</b>
Infrastructure and Facilities	Plan civil and community infrastructure to support the community.

**FINANCIAL/RESOURCE IMPLICATIONS**

The recommendations will have a financial implication on Council as a result of the installation of new signage and dog faeces dispensers at Boat Harbour Beach. These costs will be accommodated within the existing operational budgets.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Cost associated with upgrading of signage and the supply of new dog bag dispensers.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**ITEM 6 - ATTACHMENT 1 REVIEW OF DOG OFF LEAD AREAS - BOAT HARBOUR BEACH - 24 MAY 2022, MIN NO. 133.****MINUTES ORDINARY COUNCIL - 24 MAY 2022****LEGAL, POLICY AND RISK IMPLICATIONS**

The NSW Companion Animal Act (Act) is the overall guide and statutory basis which must be abided by when providing dog off lead exercise areas. This Act sets down a guide for the provision of exercise areas, where Companion Animals are permitted and also prohibits Companion Animals from certain areas e.g. children's play areas or public food preparation/consumption areas.

The risks associated with endorsing the recommendations are detailed in the table below:

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that increased usage of Boat Harbour beach as a dog off lead exercise area may have adverse impacts on other users' experience and the environment.	Low	Time restrictions during peak usage periods will reduce the adverse impact of dogs on users and the environment.	Yes
There is a risk that providing inadequate designated dog off lead areas could result in increased non-compliant use of dogs in public reserves.	Low	Adopt the recommendations and amend the signage to be clear and concise.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are clear social, economic and environmental benefits for providing off lead areas that have access to water.

Dog off lead areas provide a public recreational space for pets and their owners to safely interact with other animals and members of the community. They provide people with the opportunity for social contact and improving social cohesion within a community. It is the intention that allowing provision to an off lead beach will reduce the likelihood of dog owners letting their dogs off lead in regulated areas which impedes on the recreational enjoyment of residents and park users. The time restrictions and on lead access during peak usage periods will maintain Boat Harbour beach as a valuable recreational space that can be enjoyed by all.

**ITEM 6 - ATTACHMENT 1      REVIEW OF DOG OFF LEAD AREAS - BOAT HARBOUR BEACH - 24 MAY 2022, MIN NO. 133.****MINUTES ORDINARY COUNCIL - 24 MAY 2022****CONSULTATION**

Consultation with key stakeholders has been undertaken by the Assets Section. To date this consultation has included:

Internal

- Environmental Health and Compliance – Rangers reviewed the recommendations for the proposed changes and agreed upon the suitability and appropriateness of controls for Boat Harbour Beach.
- Community Services – Waste reviewed the budget allocation and agreed upon the expenditure required for the new dog bag dispensers.
- Councillor Briefing was conducted on 19 April 2022.

External

An online survey was opened on Council's Have Your Say platform and a community education event conducted at Robinson Reserve, Anna Bay. The consultation period was open from 4 August 2021 through to Friday 4 February 2022.

542 survey responses were received during the trial period. 345 (64%) respondents' were residents of Boat Harbour, 132 (24%) within Tomaree Peninsula, 42 (8%) in other areas in Port Stephens and 28 (4%) outside the LGA. Overall feedback was evenly split, with a decrease in support during the peak period (October – February).

Additionally, 372 survey comments were received during the consultation period. The most common concerns raised by the community related to safety, hygiene, limited space and user experience.

Council also received 8 complaints outside of the survey relating to concerns around safety and loss of amenity.

A comprehensive report of survey results are included in **(ATTACHMENT 1)**.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Engagement Report - March 2022.
- 2) Boat Harbour Dog Exercise Area Mapping.
- 3) Council Report - Review of Dog Off Lead Areas - Anna Bay/Birubi Point Fisherman's Bay and Boat Harbour - 22 June 2021.
- 4) Council Report - Review of Dog Off Lead Areas - Boat Harbour - 26 October 2021.

**ITEM 6 - ATTACHMENT 1      REVIEW OF DOG OFF LEAD AREAS - BOAT  
HARBOUR BEACH - 24 MAY 2022, MIN NO. 133.**

**MINUTES ORDINARY COUNCIL - 24 MAY 2022**

**COUNCILLORS ROOM**

- 1) Unredacted survey responses.

**TABLED DOCUMENTS**

Nil.

# Dog exercise area Boat Harbour Beach Formal Review 2023

Communications and Engagement Report

August 2023



## Context

The purpose of this Communications and Engagement Report is to help respond to the Council resolution on 24 May 2022 relating to the provision of a formal 12 month review of the Boat Harbour Beach dog exercise area.

The current restrictions at Boat Harbour Beach are:

- Permit dogs on and off lead at all times during the off-peak season (May to September)
- Permit dogs on lead between 5pm and 9am during peak season (October to April). Dogs are prohibited outside of these hours.

## Summary of methods

The project has had a history of discussion over the past few years and is a localised discussion point for Boat Harbour beach users. Therefore, a targeted approach to communications and engagement was selected. This included:

- Direct emails to previous survey participants and interested people (458 email addresses)
- Temporary site signs at the beach entrance points to help target users of the area to complete the survey via a QR code

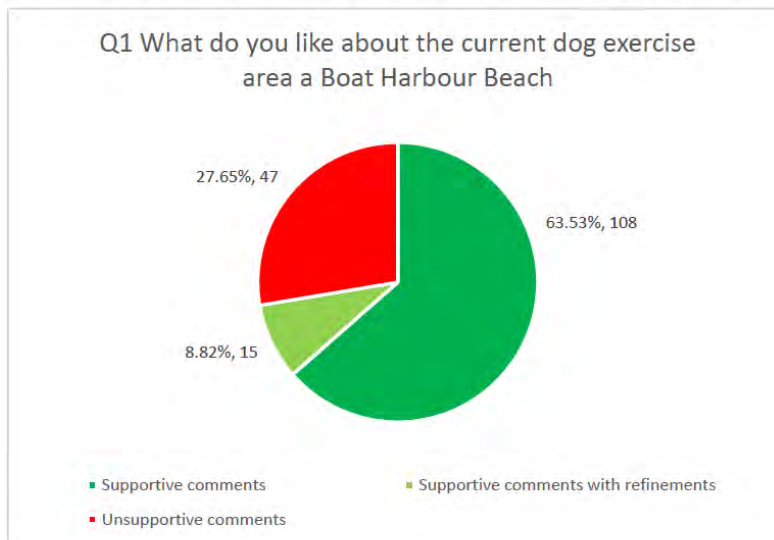
The survey, which was an open comment style survey, was open from 7 July to 2 August 2023.



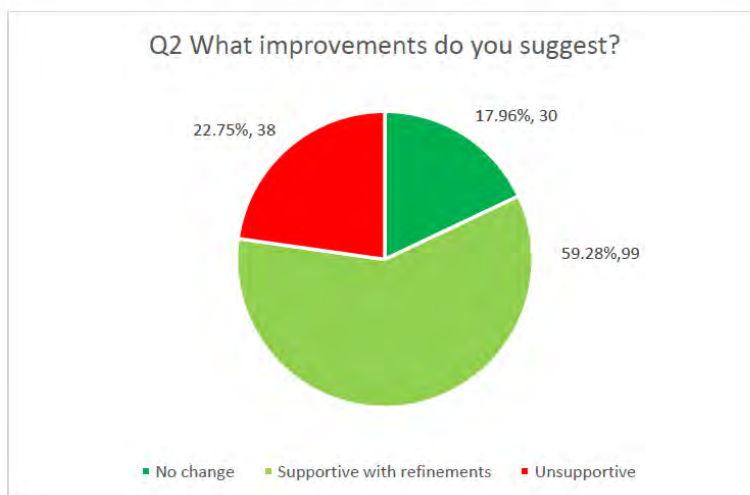
## Key findings

We received 173 responses to the survey. For a full list of the comments and the associated themed tags see Appendix A.

### Q1 What do you like about the current dog exercise area at Boat Harbour Beach?

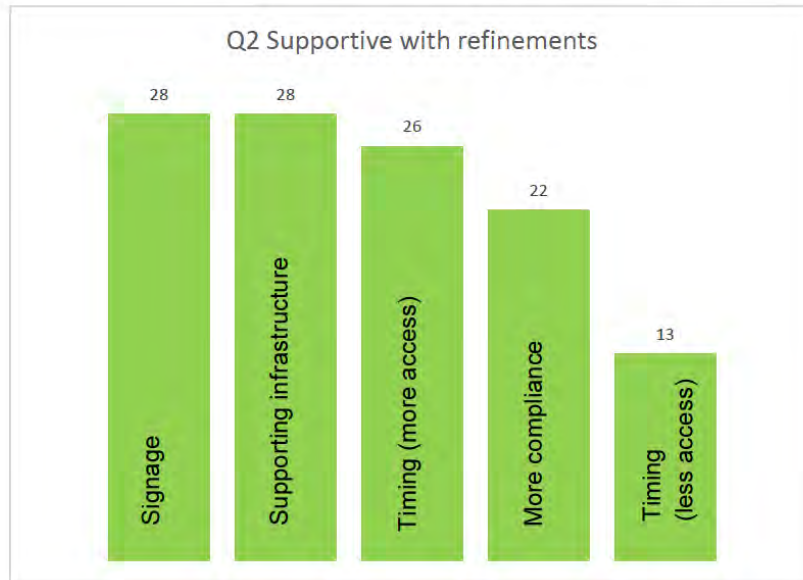


### Q2 What improvements do you suggest?



**Q2 What improvements to you suggest? continued**

Breakdown of the 'Supportive with refinements' comments group as follows:



The majority of the suggestions for the improvement centred around improved signage and supporting infrastructure and changes to timing to provide more access.

**Q3 Please enter your email address to keep up to date with this project**

Answered 158; Skipped 15

Email addresses not shown for privacy reasons

## APPENDIX A – Dog exercise review

## Boat Harbour Beach dog exercise area 12-month review

## Q1 What do you like about the current dog exercise area at Boat Harbour Beach?

Answered: 170 Skipped: 3

#	RESPONSES	DATE
1	<b>Supportive</b> I believe it is suitable for all, I am there most days, and it is great to see people out and about enjoying the area.	8/2/2023 10:25 AM
2	<b>Supportive</b> Love that it is a local, safe and easy to access area where our dog can socialise and swim. Love the idea of timed off-lead access, as there is a balance between seasons and visitor numbers, as well as early morning and late evening access for our dog. She is very timid, and these hours are amazing for her to play without crowds.	8/2/2023 9:38 AM
3	<b>Supportive</b> Lovely beach. Water and cooking facilities available. Well maintained grassed area for dogs to run around. Nice walk to look for whales	8/1/2023 12:45 PM
4	<b>Supportive</b> As dog owners, it is great to be able to walk across the beach with our dog to access the dog reserve area on the headland. It is great let her off the lead in the time zones permitted. It is nice to allow dogs to have a run and swim at the beach.	7/31/2023 6:41 AM
5	<b>Supportive</b> That dogs are allowed on the beach	7/30/2023 5:25 PM
6	<b>Supportive</b> Easy access and the dogs love it	7/30/2023 3:38 PM
7	<b>Supportive</b> The beach exercise area is fabulous at all hours of the day for the dogs and all their owners as a community and the fact that they can swim and socialise together. Therefore for fully utilising the tides	7/29/2023 3:22 PM
8	<b>Supportive</b> One of the very few areas in the LGA that a large active dog can run freely. Most of the other designated areas are way too small e.g. Fingal and Soldiers Point dog exercise areas.	7/29/2023 11:50 AM
9	<b>Supportive</b> Convenience for dog owners, brings the community together	7/29/2023 7:53 AM
10	<b>Supportive</b> My dog can run off lead. At present there are dog poo bags and bins nearby.	7/28/2023 11:15 AM
11	<b>Supportive</b> I can take my dog there for exercise and fun on the beach	7/28/2023 7:46 AM
12	<b>Supportive</b> Wonderful	7/27/2023 2:17 PM
13	<b>Supportive with reservation</b> The dog area restrictions appear realistic and workable but they are not working eg Dog ON LEASH .there were 7 dogs OFF LEASH with 3 owners. People not taking notice of restrictions! Dogs race around spraying sand on sun bakers .	7/27/2023 8:37 AM
14	<b>Supportive</b> Easy access to beach with dogs.	7/27/2023 6:30 AM
15	<b>Unsupportive</b> To be honest, I do not like the dogs on the beach; 1. People do not pick up the droppings, or worse bury it in the sand so you cannot miss the land mines. 2. When the dogs are off lead, some of them go bounding up to people / small children which can be confronting when you have no idea of the temperament of the dog.	7/24/2023 10:52 AM
16	<b>Supportive</b> The freedom to walk my dogs across the beach from the North headland to the South headland area.	7/24/2023 8:06 AM
17	<b>Supportive</b> It's amazing. It's gives another beautiful location to walk our dogs	7/22/2023 10:36 PM
18	<b>Supportive</b> Happy with it	7/22/2023 1:13 PM
19	<b>Supportive</b> It's a great improvement my dogs say thanks	7/21/2023 12:11 PM
20	<b>Supportive</b> The leash free option all the time on the point	7/20/2023 6:33 PM
21	<b>Unsupportive</b> I don't like it at all	7/19/2023 9:30 AM

## ITEM 6 - ATTACHMENT 2

## COMMUNITY ENGAGEMENT SURVEY - AUGUST 2023.

## Boat Harbour Beach dog exercise area 12-month review

22	Supportive	Great for humans and dogs to access nature	7/18/2023 11:19 AM
23	Unsupportive	I don't think Boat Harbour beach should be a dog exercise area at any time.	7/18/2023 7:05 AM
24	Supportive	the fact dogs are allowed at the beach	7/17/2023 1:16 PM
25	Supportive with refinement	This is great for those who comply to the regulations. However, there are countless who don't. Which makes it difficult for others.	7/17/2023 9:50 AM
26	Supportive	Off lead area, so important and getting onto beach.	7/17/2023 6:41 AM
27	Supportive	It's wonderful, I have an older dog who loves the gentle walk & a bit of a swim. The summer restrictions are excellent too, it's too small a beach in peak season to have dogs & lots of people	7/15/2023 2:25 PM
28	Supportive with refinement	Longer off lead hours needed in summer	7/15/2023 1:26 PM
29	Supportive	I love being able to take my dog down at all times to boat harbour. It is specifically why we come here. The dogs love it and so do we.	7/15/2023 10:22 AM
30	Supportive	It's large, has beach access, dogs can swim, awesome view and has a bush track that you can walk with too wish more places were like this one	7/14/2023 2:25 PM
31	Unsupportive	Nothing.	7/13/2023 11:30 PM
32	Supportive	Clear rules have been put in place.	7/13/2023 10:31 PM
33	Unsupportive	Nothing. Some dogs are left to run about unleashed even in areas excluded for them.	7/13/2023 4:34 PM
34	Supportive	Excellent area	7/13/2023 3:44 PM
35	Supportive	Great area	7/13/2023 3:43 PM
36	Unsupportive	no dogs on beach anytime - headland and park area sufficient - from a dog owner	7/13/2023 3:27 PM
37	Supportive	Having options for dog walking reduces overcrowding and negative interactions for dogs. As a trained behaviourist, this is so important for our community and dog owners. It's also good that some of the headland is available to dogs, I'd love to see more of this!	7/12/2023 1:58 PM
38	Supportive	A great space for the dogs to have a run and socialise	7/12/2023 10:16 AM
39	Supportive	Great area with the bush tracks and beach.	7/12/2023 9:35 AM
40	Supportive	Everything. Love the amount of space, the dog water bowl, the entire headland for them to roam and sniff and play. Love that it's all natural - no tunnels and fenced off areas like other dog parks. All of it.	7/12/2023 9:32 AM
41	Supportive	There's somewhere local you can take your dog near water to have a run around. Most people in boat harbour have dogs and use the beach.	7/12/2023 6:57 AM
42	Supportive	Having my dog off lead	7/11/2023 6:26 PM
43	Unsupportive	Nothing really - The beach is too small, young children and toddlers use that beach to gain important water skills and dogs should not be allowed on there. I have been approached by a dog offlead previously. I am a dog owner (large dog) but only transit the beach on lead. There is also a distinct lack of enforcement by rangers. As someone who spent almost 15 years in law enforcement I know the difficulties in enforcing laws. If you can't police it don't allow it.	7/11/2023 5:17 PM
44	Unsupportive	I don't like it and I'm a dog owner the beach is too small and very family friendly	7/11/2023 2:09 PM
45	Supportive	Dogs love it and teaches them to socialise with other dogs	7/11/2023 1:47 PM
46	Supportive	Love it for the dogs and all other beach users.	7/11/2023 7:40 AM
47	Unsupportive	Nothing. Dogs should not be allowed OFF leash on the small beach at all times outside peak times. The beach is still well used outside these times and there is an unrestricted area adjacent.	7/10/2023 9:43 PM



## Boat Harbour Beach dog exercise area 12-month review

48	Supportive	Able to exercise on beach and enjoy area with your dog	7/10/2023 6:25 PM
49	Supportive	It's nice to have an area for you dogs to have a swim and a run on the sand	7/10/2023 4:50 PM
50	Supportive with refinement	The off-leash area is great. However the varied beach area this summer was extremely unsettling, for many families, elderly and children.	7/10/2023 3:25 PM
51	Supportive	The joy of walking along the beach and meeting other local dog owners.	7/10/2023 2:04 PM
52	Supportive with refinement	I am grateful for winter to allow my dog to run on the beach as there are very few swimmers. I won't do it in summer onlead because there are too many children around. Still lots of dog mess everywhere tho both in summer and winter.	7/10/2023 1:37 PM
53	Supportive	So much space and variety with the beach and headland to be able to exercise our dogs off lead. It's a fantastic area for both people and dogs to enjoy together. Friendships are made by both 😊	7/10/2023 10:01 AM
54	Supportive	Dogs seem to love the wide open spaces.	7/10/2023 8:55 AM
55	Unsupportive	People have easy access to park, open their car doors and let the dogs run free. Prefer dogs on Kingsley but then they chase the wildlife at least Boat Harbour doesn't have much of that anymore. Between cars and boat trailers parked all day on the beach, spear fishers in the shallows and dog crap on the beach. I spend more time walking on One Mile now and only use Boat Harbour for the tables and chairs while having lunch or spend time walking around the rocks.	7/10/2023 8:49 AM
56	Supportive with refinement	I am a dog owner and as much I like my dog having the opportunity to be on the beach, I think should be always with lead on at all times	7/9/2023 10:04 PM
57	Unsupportive	I don't like it as many locals (they arrive on foot, see them walking down the street) bring their dogs down and gather with their dogs running off lead. This occurs during the block out period. I think it is unfair to dog owners who do the right thing.	7/9/2023 9:32 PM
58	Supportive with refinement	I don't exercise my dogs on the beach but I like being able to walk across the beach to get to the headland area, it's a long way around and not as safe to walk with kids and dogs down Graham st where there is no footpath and the hill of Blanch street to get to the headland if not allowed to access the shortcut across the beach with dogs on a lead.	7/9/2023 9:11 PM
59	Unsupportive	I am a dog owner and I believe the off lead dog area on the headland is sufficient enough for our dogs and the beach should go back to being a dog free beach.	7/9/2023 8:44 PM
60	Supportive	Fabulous, great sheltered area	7/9/2023 8:24 PM
61	Supportive	That it gives an area for exercise	7/9/2023 6:22 PM
62	Supportive	going well, no issues, some people- tourists forget their bags	7/9/2023 6:09 PM
63	Supportive	It is a safe area for dog to be exercised, Plus he meets up with other dogs.	7/9/2023 5:48 PM
64	Supportive	Both my dog and myself, like that he has the freedom to be offleash to exercise and socialise in a safe healthy environment.	7/9/2023 5:11 PM
65	Supportive	not too far from home the off lead area is great	7/9/2023 4:48 PM
66	Unsupportive	Terrible as people don't pick up the dog poo. The people come to the beach any time of the day and I don't think it is fair to have dogs running around while at the beach.	7/9/2023 4:38 PM
67	Supportive	Great to have beach access for local dogs	7/9/2023 2:57 PM
68	Unsupportive	It is pointless! Nobody wants to take their dog swimming in winter and every dog owner wants their dog to be allowed to swim in the water off lead. How can a dog swim out to retrieve a ball etc if they are on a lead?	7/9/2023 2:34 PM
69	Unsupportive	Should beNo dogs on the beach at any time	7/9/2023 2:18 PM
70	Unsupportive	I don't! People are not doing what was agreed, there are Dogs both on and off leads, outside the designated times and dates. Always dog crap on the once beautiful beach. Little black bags left everywhere as well.	7/9/2023 2:04 PM
71	Supportive	Our dog loves it. It's her favourite place to be.	7/9/2023 12:33 PM

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## COMMUNITY ENGAGEMENT SURVEY - AUGUST

## Boat Harbour Beach dog exercise area 12-month review

72	Supportive	The location.	7/9/2023 12:18 PM
73	Unsupportive	I don't like the dogs on such a small beach.	7/9/2023 12:10 PM
74	Unsupportive	Nothing was far more enjoyable as a family beach	7/9/2023 11:56 AM
75	Unsupportive	Nothing	7/9/2023 11:54 AM
76	Supportive	There are options for off leash so my dog has freedom. Poop bag dispensers are a great idea too.	7/9/2023 11:26 AM
77	Supportive	Can take my dog for a run in a beautiful environment	7/9/2023 11:18 AM
78	Unsupportive	Nothing	7/9/2023 11:06 AM
79	Supportive	Love it!!	7/9/2023 11:04 AM
80	Supportive	The ability to use it.	7/9/2023 11:01 AM
81	Supportive	Leash free area excellent for dogs and their families to exercise and socialise.	7/9/2023 10:36 AM
82	Supportive with refinement	There needs to be work done on the southern point the big grass area is unappealing. The grass is often dead and full of prickles. The water bubbler and dog water bowl is broken.	7/9/2023 9:00 AM
83	Supportive	great locality and is kept very clean with dog owners picking up dog waste on all occasions . Summer/ Winter access times are very fair	7/9/2023 8:25 AM
84	Supportive	Close to Home	7/9/2023 7:54 AM
85	Supportive	Off lead access to beach	7/9/2023 6:36 AM
86	Supportive	I like the access for most of the year except the summer months. When my dog was able, we would have a wonderful time on the beach together and it would expand our walk. The dog park to the right is nice and flat which is good for elderly dogs.	7/8/2023 10:41 PM
87	Supportive	I like that it's naturally enclosed by bush, so it stops dogs from easily wandering off	7/8/2023 10:36 PM
88	Supportive with refinement	Dogs are on Leeds for summer months day times on the beach. Thankyou.	7/8/2023 2:26 PM
89	Unsupportive	Nothing. We don't have a dog.	7/8/2023 12:20 PM
90	Supportive	This gives the area more friendly feel welcoming for families and animal lovers	7/8/2023 11:36 AM
91	Unsupportive	Nothing whatsoever. The beach is too small and too many dog owners not respecting the laws. Dogs constantly in the water and faeces just being buried in the sand not picked up. An utter disgrace.	7/8/2023 11:13 AM
92	Supportive	It is a reasonable compromise for the community.	7/8/2023 11:04 AM
93	Supportive	Everything, Great area for dogs to swim and be safe away from traffic , the times work well to avoid peak times when people are using the beach .	7/8/2023 9:41 AM
94	Supportive	The accessibility, the hours & dog bags. It's fabulous to have a local off lead area	7/8/2023 9:02 AM
95	Supportive	Its never busy and a great beauty spot	7/8/2023 9:01 AM
96	Unsupportive	Not a lot.	7/8/2023 7:52 AM
97	Supportive	I have enjoyed being able to take my dogs on the beach	7/8/2023 3:37 AM
98	Supportive	It's lovely to have a walk with the dogs locally. Great views and more space.	7/7/2023 11:38 PM
99	Unsupportive	Don't like it. Don't take our grand children to the beach because of dogs running around harassing beach goers and some owners ignore the dog	7/7/2023 7:25 PM
100	Supportive	I absolutely love going on walks and seeing all the dogs having fun, it makes the beach more enjoyable	7/7/2023 6:49 PM
101	Supportive	It's convenient, signage is clear, parking is easy and it's relatively quiet.	7/7/2023 6:02 PM
102	Unsupportive	I do not like it	7/7/2023 5:20 PM

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## Boat Harbour Beach dog exercise area 12-month review

103	Unsupportive	Dogs should not be allowed on boat harbour beach at all. It's ruined the beach for families. Every time I visit there's someone burying dog poo ready for my kids to dig up building sand castles. Public holidays and school holidays are covered with up to 20 dogs knocking over and charging at my kids and being aggressive towards other dogs. The original instigator of this dangerous decision has since left the town. The whole thing should be revoked. Go to Kingsley beach which is unsafe to swim for kids/families and therefore suitable for dogs.	7/7/2023 5:17 PM
104	Unsupportive	Nothing. As a local who used to frequent that beach we now rarely go as everytime we do there are loose dogs outside the designated times. Makes it a nightmare when you have young children	7/7/2023 5:06 PM
105	Unsupportive	Dogs should not be allowed at anytime on this small beach where there are lots of small children	7/7/2023 4:54 PM
106	Supportive	I like the fact that I can take my dog down to Boat Harbour beach off lead during the winter months. we can enjoy our walks on the beach when it's not busy.	7/7/2023 4:43 PM
107	Supportive	My dog loves running around the beach, the open area allows me to keep an eye on him and other dogs	7/7/2023 4:15 PM
108	Supportive	I like the idea behind having seasonal rules to allow dog owners to use the beach in off peak times.	7/7/2023 3:53 PM
109	Unsupportive	Nothing	7/7/2023 2:37 PM
110	Supportive with refinement	No dogs in peak times	7/7/2023 2:31 PM
111	Supportive	Close parking, easy access	7/7/2023 2:01 PM
112	Unsupportive	Nothing as it is continuously soiled by dogs and irresponsible owners make it a dangerous area.	7/7/2023 1:50 PM
113	Supportive	It provides easy access for people with dogs to cross from one side of Boat Harbour to the headland, using the beach. The beach is empty usually through winter so creates no issues for anyone using the beach.	7/7/2023 1:47 PM
114	Unsupportive	Absolutely nothing . I have been against this proposal from the start. The beach is too small. Dogs should not be on the beach at all in Boat Harbour.	7/7/2023 1:43 PM
115	Supportive	Finally we have somewhere to exercise our dogs locally	7/7/2023 1:37 PM
116	Supportive	I think the new rules are sensible for dog owners and residents generally.	7/7/2023 1:28 PM
117	Supportive	The distinction between peak and off peak times makes sense. It enables owners to walk their dogs at all times (even on the lead)	7/7/2023 1:25 PM
118	Supportive	I like access for dogs. This change has worked well for the majority and the different rules for summer and winter work well	7/7/2023 1:22 PM
119	Supportive	Freedom for dogs to wander among rocks	7/7/2023 12:56 PM
120	Supportive	Our dogs love it, so good for them to interact with other dogs and have a good run.	7/7/2023 12:50 PM
121	Unsupportive	I don't like dogs on the beach. Why do they need this as they can exercise freely on the sound headland?	7/7/2023 12:15 PM
122	Supportive	Better with the current rules than previously	7/7/2023 12:11 PM
123	Supportive	Everything! Use it every single day and LOVE it	7/7/2023 12:01 PM
124	Unsupportive	Not a lot. I preferred it when it was completely off limits to dogs however it seems to be working reasonably well. I avoid the beach when dogs are permitted.	7/7/2023 11:59 AM
125	Supportive with refinement	I like that some dog owners follow the rules. Sadly however these are in the minority. Most dog owners just do what they like. Very few have their dogs under effective control. One person regularly takes 8 dogs offlead all at the same time.	7/7/2023 11:54 AM
126	Supportive	It allows residents to exercise their dogs in an enjoyable environment.	7/7/2023 11:46 AM



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## COMMUNITY ENGAGEMENT SURVEY - AUGUST

## Boat Harbour Beach dog exercise area 12-month review

127	<b>Unsupportive</b>	I don't agree with every beach in our area becoming a dog beach. I like nothing of the idea. Birubi beach has been wrecked. Courangers don't police the rules. Owners don't clean up after there dogs. It's a disgrace. People now come from out of town to run dogs on our beaches. Council have destroyed the relaxing beaches.	7/7/2023 11:38 AM
128	<b>Unsupportive</b>	It has been great for those dog owners that do the right thing and adhere to the signs however sadly a lot of people don't think the rules apply to them and often let their dogs run free off lead whatever time of day. We have witnessed dogs off lead jumping on small children, jumping up on adults and dogs fighting each other. As local residence we don't not feel safe with dogs on the beach off their leads.	7/7/2023 11:38 AM
129	<b>Supportive</b>	Area is great and controls are very sensible and practical	7/7/2023 11:37 AM
130	<b>Unsupportive</b>	Nothing. This is also an extremely skewed question geared to get positive answers from dog owners. It would be more appropriate to ask ' how have you found the current dog exercise area ' or ' how have the current rules about dogs on and off leash on Boat Harbour beach impacted you'	7/7/2023 11:28 AM
131	<b>Unsupportive</b>	We don't it's become a dumping grounds for dog crap that people don't clean up	7/7/2023 11:28 AM
132	<b>Supportive</b>	All is good - Great for the dogs and people to interact freely . By the way I'm not a dog owner so no self interest here	7/7/2023 11:28 AM
133	<b>Supportive</b>	Ability to traverse the beach early morning and late evening.	7/7/2023 11:08 AM
134	<b>Unsupportive</b>	Nothing	7/7/2023 11:01 AM
135	<b>Supportive</b>	That it is unleashed all day so it fits into any lifestyle	7/7/2023 10:49 AM
136	<b>Supportive</b>	Dogs allowed formally	7/7/2023 10:47 AM
137	<b>Supportive</b>	Off lead! Bags available	7/7/2023 10:41 AM
138	<b>Unsupportive</b>	The off leash area on the headland is great. Rules need to be revised such that dogs are not allowed off leash at any time on Boat Harbour Beach. The rules are too confusing to interpret and it results in dogs being mostly off lead all the time at the beach.	7/7/2023 10:34 AM
139	<b>Supportive</b>	Everything - as a mother of a small baby, it allows me to walk my dog safely and get out and about to improve my mental health. In my experience, everyone is respectful and follows the rules.	7/7/2023 10:21 AM
140	<b>Supportive with refinement</b>	I have been enjoying the beach over winter but avoid usually during summer as too busy.	7/7/2023 10:20 AM
141	<b>Supportive with refinement</b>	Area is good , but dogs should absolutely not be left off the leash going through the beach. It is not a dog beach. a child will get seriously hurt if this continues to happen	7/7/2023 10:17 AM
142	<b>Supportive</b>	It's great to have a few beaches around the bay to take dogs to. The beach is a dog's 'happy place'!	7/7/2023 10:16 AM
143	<b>Supportive</b>	I can run my dog off leash on the beach at specified times.	7/7/2023 10:13 AM
144	<b>Supportive</b>	I love that it is now off leash in the off peak periods	7/7/2023 10:10 AM
145	<b>Supportive with refinement</b>	Most dog walkers comply with the rules, but as usual some choose to not control their dog, leave dog waste on the beach and walking tracks, ignore the signs and allow their dogs to disturb the amenity of others.	7/7/2023 10:02 AM
146	<b>Supportive</b>	Mostly fantastic expect like always some dogs need to be trained better to interact with other dogs but it is a minority. On a whole my dog absolutely loves being off leash	7/7/2023 9:49 AM
147	<b>Supportive</b>	residents have had peace between the quiet dog lovers and noisy the dog haters.	7/7/2023 9:49 AM
148	<b>Unsupportive</b>	Not much. Some people follow the regulations with their dogs but many fail to do so. Many dogs off lead are not under effective control in off lead areas. Faeces regularly spotted in dog off areas. Also observed dogs with owners off lead in the National park on a weekly basis.	7/7/2023 9:37 AM
149	<b>Supportive</b>	Everything. It's so nice to see it happening. Some people started off a bit loose	7/7/2023 9:36 AM



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## COMMUNITY ENGAGEMENT SURVEY - AUGUST 2023.

## Boat Harbour Beach dog exercise area 12-month review

but all doing the right thing now

150	Unsupportive	I am not a fan of allowing dogs on Boat Harbour Beach	7/7/2023 9:32 AM
151	Supportive with refinement	I like the rules that are currently in place, except for dogs being allowed on lead/ on the beach during peak season. People continually let their dogs run free on the beach when young children are swimming. I've seen dogs knock children over, steal children's toys from the water's edge & also urinate on other people's belongings.	7/7/2023 9:32 AM
152	Supportive	I can let the dog swim off the lead on the beach.	7/7/2023 9:32 AM
153	Unsupportive	I do have dogs but don't like the fact that it is a dog 'exercise' beach.	7/7/2023 9:30 AM
154	Unsupportive	Nothing. Too many people do the wrong thing. Too many people can't control their dogs. We have been bailed up with small children, and owners who don't have control.	7/7/2023 9:26 AM
155	Supportive	Overall I think it is a balanced approach. It is great in winter to let your dogs off leash when it's quieter and I understand it's fair that they be on leash in summer.	7/7/2023 9:23 AM
156	Supportive	Nice quiet local area to let the dogs run. Plenty of parking. Great to walk through beach to dog area on headland. During daytime often I am the only person walking the dog, and there is not even any swimmers or other people.	7/7/2023 9:16 AM
157	Supportive	It gives dog owners fair access to an oubllette resource - after all we 40 to 50% of the community, and this proportion is growing. It encourages everyone to be out and walking and facilitates engagement with others in the community	7/7/2023 9:16 AM
158	Supportive	I like that I have an option to take my dog for a swim at the approved times. The off-lead south headland walking track and park is a great amenity for local dog owners.	7/7/2023 9:15 AM
159	Unsupportive	Nothing	7/7/2023 9:12 AM
160	Supportive	Good area with good boundaries for dogs to understand the limits of their area	7/7/2023 9:07 AM
161	Unsupportive	I don't like it. Since the BH beach has been a dog exercise area, people have been taking their dogs there out of the hours allowed. This is everyday in spring/summer. Most of the time they know they shouldn't but they do anyway as it's not patrolled regularly and see everyone else is doing it. It used to be a family friendly beach and now isn't with dogs running around and people not picking up their poo. Very disappointing that this small beach is now not enjoyable to be on.	7/7/2023 9:04 AM
162	Supportive	A beautiful area to enjoy with my dog. Good size to exercise my border collie	7/7/2023 9:04 AM
163	Supportive	It's a great area for dogs to run, have water play, and socialise with other dogs. There is also easy visibility of your dog at all times. We have really enjoyed using the area.	7/7/2023 9:04 AM
164	Unsupportive	Sadly it's has been taken advantage off with uncontrolled dogs and the amount of dog faeces left around plus the disposal bags blowing into the ocean it's not great for the environment.	7/7/2023 9:03 AM
165	Supportive	On lead option to walk on the beach with our small dog.	7/7/2023 9:02 AM
166	Supportive	That my dog can actually go on the beach.	7/7/2023 9:00 AM
167	Unsupportive	Nothing. Dogs do not belong on or near a beach at any time day or night.	7/7/2023 9:00 AM
168	Supportive	Responsible dog owners and their dogs can enjoy walking along the beach and playing on the beach.	7/7/2023 8:57 AM
169	Supportive	Love the off lead aspect. Easy to keep an eye on other dogs and owners etc. Headland is harder as often too late to prevent interaction due to shrubbery.	7/7/2023 8:48 AM
170	Supportive	Being able to use the beach is great. All the dog owners seem respectful	7/7/2023 7:45 AM

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## COMMUNITY ENGAGEMENT SURVEY - AUGUST

Boat Harbour Beach dog exercise area 12-month review

## Q2 What improvements do you suggest?

Answered: 167 Skipped: 6

#	RESPONSES	DATE
1	<b>No change</b> Keep times and conditions as is. They are fair for all beach users.	8/2/2023 10:25 AM
2	<b>No change</b> Perfectly suits our needs, easy access to dog bags and bins. Love the early morning and late evening access over the summer, and totally believe a good balance has been achieved for everyone involved. Local dog owners respect the access, clean up after themselves, and anxious fur babies are kept on lead. I personally have not seen any evidence of negative behaviours by either owners or non-owners. Well done, and thank you!	8/2/2023 9:38 AM
3	<b>Supportive with refinements</b> <b>Timing (less access)</b> It should be an on lead beach. Now everyone thinks they can let their dogs off leash anywhere in boat harbour.	8/1/2023 6:37 PM
4	<b>Supporting infrastructure etc</b> <b>Supportive with refinements</b> Only improvement I can think would be a shower to rinse sand from dog/feet when leaving beach area.	8/1/2023 12:45 PM
5	<b>More compliance</b> <b>Signage</b> <b>Supporting infrastructure etc</b> <b>Supportive with refinements</b> <b>Timing (less access)</b> Honestly, we think too many dog owners let their dogs go too wild running around, jumping on people, including kids and kicking sand all over towels etc. We would be happy if dogs were still only allowed on the beach ON-LEAD. Sadly, I know some owners don't have any regard for rules so it may need to be monitored and "policed". With clear signage, everyone would know what is appropriate and acceptable. I think certain hours in the mornings and evening works well.	7/31/2023 6:41 AM
6	<b>Supportive with refinements</b> <b>Timing (more access)</b> Dogs allowed on beach at all times	7/30/2023 5:25 PM
7	<b>Supportive with refinements</b> <b>Timing (more access)</b> I would love more access over the summer months	7/30/2023 3:38 PM
8	<b>Supporting infrastructure etc</b> <b>Supportive with refinements</b> Perhaps to fence off some of the really bushy areas in the dog park area as apparently there are a lot of dangerous snakes around	7/29/2023 3:22 PM
9	<b>Supporting infrastructure etc</b> <b>Supportive with refinements</b> Placement of bins for dog waste is not ideal. Same for the bag dispensers. The track has been resurfaced in parts with a road base that is very sharp and doesn't appear likely to weather down. Try walking on it in bare feet and you will see.	7/29/2023 11:50 AM
10	<b>Supportive with refinements</b> <b>Timing (more access)</b> Access on-lead 9-5 during summer, offload all other times	7/29/2023 7:53 AM
11	<b>Signage</b> <b>Supportive with refinements</b> A sign for visitors indicating the arrival area is an off-lead dog exercise space as well as a general recreational space. It would also be helpful if the sign showed people who are unfamiliar with dog behaviour, how to respond if a dog approaches them and perhaps why. I say this because I have family who are scared of dogs because of media stories but who also don't read dog behaviour. In 12 years of using the area, I have never seen an aggressive dog here.	7/28/2023 11:15 AM
12	<b>More compliance</b> <b>Supporting infrastructure etc</b> <b>Supportive with refinements</b> Maybe ban any dog that does not behave	7/28/2023 7:46 AM
13	<b>Supportive with refinements</b> <b>Timing (more access)</b> Extend off lead dates	7/27/2023 2:17 PM
14	<b>More compliance</b> <b>Signage</b> <b>Supportive with refinements</b> Very difficult but area is not policed. Need more ranger presence. More communication to dog owners maybe more obvious signage? Most owners pick up dog poo	7/27/2023 8:37 AM
15	<b>Signage</b> <b>Supporting infrastructure etc</b> <b>Supportive with refinements</b> Permanent water bowl at the car park for dogs. Confusing sign at the boat launch area saying no dogs allowed. Where is the cut off for the dogs on the beach?	7/27/2023 6:30 AM

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## Boat Harbour Beach dog exercise area 12-month review

16	<b>Unsupportive</b>	There are plenty of places for dogs to play freely. Boat Harbour Beach is a small child / baby friendly beach, I think it should be kept as a family friendly area, where children are not confronted with dogs running, jumping and digging up sand in close proximity to them.	7/24/2023 10:52 AM
17	<b>Supportive with refinements</b>	<b>Timing (less access)</b> I would prefer year round 'before 9 am and after 5pm' beach access for dogs. That way families and those that don't like dogs know that they have dog free access to the beach during the day. The current change of rules throughout the year confuses people.	7/24/2023 8:06 AM
18	<b>Signage</b>	<b>Supportive with refinements</b> More signage	7/22/2023 10:36 PM
19	<b>Supporting infrastructure etc</b>	<b>Supportive with refinements</b> Maybe disabled access would be good if possible	7/22/2023 1:13 PM
20	<b>Supporting infrastructure etc</b>	<b>Supportive with refinements</b> A pole to tie up dog to, near BBQ area with water bowl !	7/21/2023 12:11 PM
21	<b>Supportive with refinements</b>	<b>Timing (more access)</b> Allow dogs on leash on the beach in the summer	7/20/2023 6:33 PM
22	<b>More compliance</b>	<b>Supportive with refinements</b> Enforce owners pick up poo, Enforce lead times on beach, Enforce dogs under control not bowling over my young children	7/19/2023 11:45 AM
23	<b>Unsupportive</b>	Ban dogs from the area. It's not appropriate to have dogs that are capable of attacking children. Only small breeds should be allowed.	7/19/2023 9:30 AM
24	<b>No change</b>	None. It's perfect.	7/18/2023 11:19 AM
25	<b>Unsupportive</b>	Dog exercise in adjacent park only	7/18/2023 7:05 AM
26	<b>More compliance</b>	<b>Supportive with refinements</b> More active patrolling by council rangers. With fines for infringers. This is the only way to deter people who will not comply with council. The amount of excrement that is left not picked up is beyond the joke. I had visitors stay at my place for a few weeks and they commented on the amount on dog excrement that was around.	7/17/2023 9:50 AM
27	<b>Supporting infrastructure etc</b>	<b>Supportive with refinements</b> Weed control, so long as money spent doesn't restrict off lead	7/17/2023 6:41 AM
28	<b>More compliance</b>	<b>Supportive with refinements</b> Rangers to stop those that refuse to abide by the rules! I have witnessed both an older woman, & a toddler knocked over by large dogs running uncontrolled on the beach during peak times when they should not be on the beach. The owners of these dogs jeopardise the continuing use by those who DO follow the rules.	7/15/2023 2:25 PM
29	<b>Supportive with refinements</b>	<b>Timing (more access)</b> Daytime hours permitted in summer for dogs	7/15/2023 1:26 PM
30	<b>Supportive with refinements</b>	<b>Timing (more access)</b> Keeping it dog friendly all year round	7/15/2023 10:22 AM
31	<b>No change</b>	None really	7/14/2023 2:25 PM
32	<b>Unsupportive</b>	Remove it. No one follows the restrictions, it's dogs off lead all day long.	7/13/2023 11:30 PM
33	<b>Signage</b>	<b>Supportive with refinements</b> <b>Timing (less access)</b> Shift to Summer time dog access to the beach hours to later. There are still families on the beach when the dogs are let loose. Replace the fallen signs.	7/13/2023 10:31 PM
34	<b>Unsupportive</b>	Don't allow dogs onto the beach area. I have fairly regularly seen dogs droppings left on the sand within the waterline! I have also witnessed a little girl 'bailed up' by a dog on the beach which shocked her and her parents.	7/13/2023 4:34 PM
35	<b>No change</b>	Make it permanent	7/13/2023 3:44 PM
36	<b>Supportive with refinements</b>	<b>Timing (more access)</b> More dog beaches	7/13/2023 3:43 PM
37	<b>Signage</b>	<b>Supportive with refinements</b> larger signage	7/13/2023 3:27 PM
38	<b>Signage</b>	<b>Supportive with refinements</b> Across Port Stephens there are sensible cheap options to improve facilities and the experiences for both tourists and community members. Clear consistent signs are missing in many cases & the restrictions can be confusing. I'd love	7/12/2023 1:58 PM



## ITEM 6 - ATTACHMENT 2

## COMMUNITY ENGAGEMENT SURVEY - AUGUST 2023.

## Boat Harbour Beach dog exercise area 12-month review

for our signs to include a note about off-leash rules (e.g. offleash does not mean free to roam and out of control. If your dog is not trained to come back on command, they must not be offleash).

39	No change	Continue to keep this area as a dog exercise space	7/12/2023 10:16 AM	
40	No change	None	7/12/2023 9:35 AM	
41	No change	No.	7/12/2023 9:32 AM	
42	Supporting infrastructure etc	Supportive with refinements	More regular dog poo bags restocking. Sometimes they run out very quickly.	7/12/2023 6:57 AM
43	Supportive with refinements	Timing (more access)	Changes in times for peak season. October to April (peak season): - on lead and off lead between 4pm and 10am	7/11/2023 6:26 PM
44	Unsupportive		No dogs on boat harbour beach unless on leash and transiting the beach.	7/11/2023 5:17 PM
45	Unsupportive		Remove the dogs off the beach	7/11/2023 2:09 PM
46	Supporting infrastructure etc	Supportive with refinements	Bench seats	7/11/2023 1:47 PM
47	No change	None, status quo		7/11/2023 7:40 AM
48	Unsupportive		There's no justification for having off leash on the beach when there is a huge off leash at all times area directly adjacent on the south headland. Let's see some consideration for humans, not just dogs.	7/10/2023 9:43 PM
49	Signage	Supportive with refinements	Better signage	7/10/2023 6:25 PM
50	Supporting infrastructure etc	Supportive with refinements	Need more dog bag stations	7/10/2023 4:50 PM
51	Unsupportive		People ignore the rules for the varied beach area, especially during the summer months. This past summer I saw countless incidents of many dogs on the beach during the day, off lead, running around, knocking children over and even nipping at the kids playing. I also have countless videos of dogs barking, fighting, off lead on the beach during the day, every day through out the summer holidays. Unfortunately some dog owners do not follow the rules, therefore, unfortunately having off-leash dogs on the beach during peak periods will result in something awful that could have been avoided. Boat Harbour is a beautiful beach for families and children, dogs should be banned from the beach at any time.	7/10/2023 3:25 PM
52	Supportive with refinements	Timing (more access)	Off leash in summer months before 07:00 and after 07:00	7/10/2023 2:04 PM
53	Unsupportive		NO DOGS AT ALL ON BEACH IN SUMMER. My grandchildren were very scared when dogs on the beach were fighting each other and the dogs were close to them and other children. And still there is far too much dog poo on the beach in summer! People do not control their dogs on the beach at all in summer and there are far too many near serious accidents with children! My grandchildren have been knocked over with dogs running all over the beach at all times of the day. There is no council supervision and I have personally had to ask many people to take their dogs off the beach as they are too aggressive around children and other dogs. If council can't control it, it should not be allowed at all in summer when the beach is busy. Locals are just as bad as tourists in regards to allowing their dogs to roam free on the beach. There will be an incident with children in the near future if it is not stopped! And there is going to be incidents between parents and dog owners if it is not stopped! Children and families should be the priority. Not dogs. There are other dog exercise areas for people to go to but boat harbour beach should be exclusive for families in the summer. The beach has always been dog free and should remain so.	7/10/2023 1:37 PM
54	Supporting infrastructure etc	Supportive with refinements	Same rules as Birubi for Boat Harbour Beach with off lead before 9 and after 5 during peak season. To ensure doggie bags are available. I am happy to take this on.	7/10/2023 10:01 AM
55	Signage	Supportive with refinements	Make the signage clearer and enforce the regulations. BTW, the sign at the southern approach to the beach was vandalised and then removed months ago - only the post remains. For many dog-walkers, there seems to be no particular time restrictions as to when to walk their dogs on the beach whether on the leash or off, summer or winter, daytime or dawn/dusk. I regularly walk in the beach with a dog-averse person who frequently freezes in fear when an unleashed dog approaches. The owner's common refrain along the lines of: "wouldn't hurt you", "lick you to death first". I spend time on	7/10/2023 8:55 AM

## Boat Harbour Beach dog exercise area 12-month review

the beach with small children who are similarly fear-struck when an excitable mutt approaches - which has also occurred in the playground. If Council is serious about making this a "variable-time" off leash exercise area for dogs, please make it clearer when it is safe for the rest of the users to enjoy the beach and the parklands.

56	Supportive infrastructure etc. Supportive with refinements	Reminders to pick up doggy do and plenty of free paper/plastic bags for removal of faeces. Cars and trailers should not be able to park on beach unless putting in and out of water	7/10/2023 8:49 AM
57	Supportive with refinements. Timing (more access)	Keep the beach open for walk through with dogs on lead please	7/9/2023 10:04 PM
58	Unsupportive	I don't see any solution other than retracting the beach access. Many dog owners drive a distance to use the dog exercise park at Boat Harbour. I see no reason why local residence cannot get in their car and drive around. It is a very small beach and not suited to dogs. (I have a large breed dog)	7/9/2023 9:32 PM
59	Supportive with refinements. Timing (less access)	Keep access to the beach but only on lead. No off lead for dogs on the beach. Some people do not have good recall or control of their dogs, and it can be frightening for young children and people scared of dogs to have them off lead in that small area.	7/9/2023 9:11 PM
60	Unsupportive	Making the beach no dogs allowed.	7/9/2023 8:44 PM
61	No change	None needed	7/9/2023 6:22 PM
62	No change	none working well for all	7/9/2023 6:09 PM
63	No change	I think it is pretty ok	7/9/2023 5:48 PM
64	Signage. Supportive with refinements	Keep all signage legible and clear of obstructions, so that all that utilise the area are fully informed of their responsibilities.	7/9/2023 5:11 PM
65	Unsupportive	Dogs not allowed on the beach at anytime. Dog owners have the head land for walking their dogs .	7/9/2023 4:38 PM
66	No change	Greater publicity so more local people know of it	7/9/2023 2:57 PM
67	Supportive with refinements. Timing (more access)	Make the southern corner of the beach dog-friendly all year round at any time 24/7. It is the bit nearest the leash-free park and most swimmers don't go to that bit. Let's be fair to EVERYONE!	7/9/2023 2:34 PM
68	Unsupportive	No dogs on the beach at any time	7/9/2023 2:18 PM
69	Unsupportive	Make the headland aka the grassed area for dogs and recert the beach back to a beach that is safe for kids and families.. mark my words there is going to be an incident with dogs fighting and a child gets harmed.. we see issues like this all the time.. I remain concerned. Send a ranger down to the beach to witness the issues and police the policy that was put in... beaches are not for dogs..	7/9/2023 2:04 PM
70	Supportive with refinements. Timing (more access)	Remove the summer hourly restrictions.	7/9/2023 12:33 PM
71	Signage. Supportive with refinements	Clearer signage	7/9/2023 12:18 PM
72	Unsupportive	Remove all dogs from the beach	7/9/2023 12:10 PM
73	Supportive with refinements. Timing (less access)	Dogs on leash only during winter . Currently dogs are just running around annoying people not all people enjoy dogs and have seen so many dogs jump up and scare young children. Only a matter of time until someone gets attacked	7/9/2023 11:56 AM
74	Unsupportive	Bring it back to a family beach that we can enjoy without dogs jumping all over people and scaring children	7/9/2023 11:54 AM
75	Signage. Supportive with refinements	More signage so people from out of town know the rules.	7/9/2023 11:26 AM
76	Supporting infrastructure etc. Supportive with refinements	Fenced & separate sections for big & little dogs	7/9/2023 11:06 AM
77	No change	None I can think of	7/9/2023 11:04 AM



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## COMMUNITY ENGAGEMENT SURVEY - AUGUST 2023.

## Boat Harbour Beach dog exercise area 12-month review

78	Signage	Supportive with refinements	Signs as promised with greater clarity. The community was advised that seasonal signage was being installed particularly to help tourists know the beach isn't 24/7 of leash	7/9/2023 11:01 AM	
79	Supportive with refinements	Timing (more access)	Any extension of dog exercise areas is welcome.	7/9/2023 10:36 AM	
80	Supportive with refinements	Timing (less access)	It should be a on lead only all year round. This would allow us to walk across the beach. The beach is a perfect safe kids beach and too small to have dogs off lead zooming around. It's not safe . We have a dog and small children. Off lead can be the grassed area and the point !	7/9/2023 9:00 AM	
81	No change	none		7/9/2023 8:25 AM	
82	Supporting infrastructure etc.	Supportive with refinements	Dog poo bags often empty south end, more regular top up. Keep settings	7/9/2023 6:36 AM	
83	Supporting infrastructure etc.	Supportive with refinements	One day I would like it if the dog park area became a dog friendly cafe. Leichhardt has a dog cafe within a park and its a hit.	7/8/2023 10:41 PM	
84	Supporting infrastructure etc.	Supportive with refinements	More bins and bag stations	7/8/2023 10:36 PM	
85	Supportive with refinements	Timing (less access)	Dogs should not be allowed at all on the during summer months because visitors do not read the signs and allow dogs off leash. Dogs have approached young children. The owners pretend that the dog is not theirs. Please enforce the regulation before someone is injured.	7/8/2023 2:26 PM	
86	More compliance	Supportive with refinements	Unfortunately, by allowing dogs on the beach part of the time, people tend to have dogs there all the time. It is very common to see dogs off lead on the beach during the middle of the day in mid-summer. We have seen instances of small children being terrified by these off-lead dogs. There appears to be no compliance attempt by council rangers. We are there very often, and they rarely appear, and then don't do anything about the dogs.	7/8/2023 12:20 PM	
87	No change		Keep it as it is, there is enough space for everyone. Also puts Boat harbour amongst world's civilized places like Europe and the US.	7/8/2023 11:36 AM	
88	Unsupportive		No dogs at anytime on the beach. Better signage and more ranger enforcement	7/8/2023 11:13 AM	
89	More compliance	Signage	Supportive with refinements	1. The signage (too small and no one sees) and public information (particularly at change of season) needs to be improved. 2. There needs to be some sort of enforcement activity as there are people regularly in breach of the rules. 3. National parks should be off limits - have seen off leash dogs on the new adjacent coastal track but no signage yet to deter.	7/8/2023 11:04 AM
90	No change		Nothing it's great	7/8/2023 9:41 AM	
91	Signage	Supporting infrastructure etc.	Supportive with refinements	It would be useful to have a bin at the toilet block for waste on the headland side; it would be appreciated if the track up to the headland was smoother so elderly people could walk it more easily; it would be helpful to put a sign up advising this is an off lead dog area as many tourists are unaware of this and can be aggressive/abusive towards the dogs -and sometimes the owners; it would be appreciated if the rusted out bench seat on the way up to the headland was removed & replaced	7/8/2023 9:02 AM
92	No change		Happy as it is	7/8/2023 9:01 AM	
93	Signage	Supportive with refinements	Better signage. The signs need to be clearer and in a more obvious position. Also some policing in busy periods.	7/8/2023 7:52 AM	
94	Unsupportive		Unfortunately the rules are not policed, and nobody is following the rules. I live within view of the beach and dogs are constantly off leash when they should be on and there is constantly dog poo on the beach where people haven't picked up. It is such a small beach so unfortunately even though I have dogs I would prefer it to go back to no dogs on beach	7/8/2023 3:37 AM	
95	Unsupportive		Remove the DOGS. People don't follow the rules or they ignore the limited signage	7/7/2023 7:25 PM	
96	Supporting infrastructure etc.	Supportive with refinements	Timing (more access)	Dog water bowl, be dog friendly all year round	7/7/2023 6:49 PM

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## Boat Harbour Beach dog exercise area 12-month review

97	No change	None that I can think of.	7/7/2023 6:02 PM		
98	Unsupportive	Boat Harbour has always been a beautiful family beach with calm shallow waters for kids to paddle. Unfortunately, it is now always covered in dog poo and often aggressive animal. The adjacent Kingsley Beach is stunning. However, it is not suitable for young children due to the powerful surf. Why not have Kingsley for dogs, and keep the beautiful family friendly Boat Harbour poo free??	7/7/2023 5:20 PM		
99	Unsupportive	Move it to Kingsley beach	7/7/2023 5:17 PM		
100	Unsupportive	Stop using this beach as a dog beach	7/7/2023 5:06 PM		
101	Unsupportive	No dogs at anytime on this beach	7/7/2023 4:54 PM		
102	No change	None I love it how it is	7/7/2023 4:43 PM		
103	No change	I can't think of anything to make it better it's a dog haven	7/7/2023 4:15 PM		
104	More compliance	Signage	Supportive with refinements	The rules need to be more closely enforced. Every day during the summer period i see dogs on the beach off leash when they are not permitted. Dog owners, both local and travelling seem to not take the seasonal rules seriously and see it as an opportunity to take their dog to Boat hrbour beach whenever they please. One thing that could be done to help this is improved signage. The sign is small and is mixed in with many other signs on the beach about fishing etc. there needs to be larger and more clear signage to ensure that people understand the changing nature of when dogs are and are not permitted on the beach. In my opinion, in the lst 12 months since the rules have been in place, dog owners have taken advantage of the rules and feel as though their dog has the right to be on the beach at all times.	7/7/2023 3:53 PM
105	Unsupportive	No dogs at anytime	7/7/2023 2:37 PM		
106	Unsupportive	No dogs at all, increase patrol and make the fines harsher. People don't listen or follow the rules and I have had dogs on and off lead attack our dog, also come upto and attack myself and also knock my 2yr old over. People have no control over their dogs. I fear one day my child will be attacked and injured. It's simple, make Barubi the dog beach, it's big enough, leave calm boat harbour for families.	7/7/2023 2:31 PM		
107	Supporting infrastructure etc	Supportive with refinements	Policing of the area re off lead, waste pick up	7/7/2023 2:01 PM	
108	Unsupportive	Restrict dogs on and off leads from the beach at all times because the area is continuously fouled by dogs and is no longer safe to take my grandchildren to the beach.	7/7/2023 1:50 PM		
109	Supporting infrastructure etc	Supportive with refinements	Timing (more access)	Doggie bags at the boat ramp access point to Boat Harbour beach (there are some on the headland, but it would be useful and more hygienic if they were also located on the park/toilet end of the beach). I would like to see hours increased in the summer months so that people with dogs could walk on the beach between 4pm and 10am, even on a leash. This would be really beneficial to people who can't walk their dogs prior to 9am and after 5pm, which I think are the current times in summer.	7/7/2023 1:47 PM
110	Unsupportive	Don't let dogs on the beach at all. Owners let them run at people and they leave the poo, sometimes in little bags.	7/7/2023 1:43 PM		
111	Supporting infrastructure etc	Supportive with refinements	More doggy bag stations	7/7/2023 1:37 PM	
112	More compliance	Supportive with refinements	Continue to allow on-lead dog access between 5pm and 9am in summer Also please send more rangers to police the rules. Some people ignore the off lead rules	7/7/2023 1:28 PM	
113	More compliance	Supportive with refinements	We need more rangers patrolling to stop people abusing the rules	7/7/2023 1:25 PM	
114	More compliance	Signage	Supportive with refinements	More effort to ensure dog owners clean up after their dogs and have them under control at all times. Signage and the occasional compliance patrol recommended	7/7/2023 1:22 PM
115	No change	Happy with current restrictions	7/7/2023 12:56 PM		
116	Supportive with refinements	Timing (more access)	would be even better if you could take	7/7/2023 12:50 PM	



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## Boat Harbour Beach dog exercise area 12-month review

them off lead after 5pm to 9am in peak season like at Birubi

117	Unsupportive	No dogs on the beach This survey is totally biased in favour of dogs on the beach	7/7/2023 12:15 PM
118	Supportive with refinements	Timing (more access) Extend the beach access to 24 hrs/day at least during April to Sept.	7/7/2023 12:11 PM
119	No change	Zero	7/7/2023 12:01 PM
120	Signage	Supportive with refinements Much clearer signage particularly when dogs are not allowed between 9 and 5 in Summer. People are still confused.	7/7/2023 11:59 AM
121	More compliance	Signage Supportive with refinements Educate the dog owners by installing clearer signals, rangers regularly in the area advising owners on what they can and can't do, fining repeat offenders and those that don't pick up their dogs mess.	7/7/2023 11:54 AM
122	No change	None.	7/7/2023 11:46 AM
123	Unsupportive	Surely only one beach in our area is enough for a dog beach. Why every beach. Totally don't agree with dog beaches especially Boat Harbour.	7/7/2023 11:38 AM
124	Signage	Supportive with refinements Timing (less access) Larger clearer signage at the north end of boat harbour beach. Dogs on lead on the beach at ALL times with notice of fines if not adhered to.	7/7/2023 11:38 AM
125	No change	Good for another year as it is	7/7/2023 11:37 AM
126	Unsupportive	No dogs on the beach. As it stands, the varied times dogs are allowed on and off leash is not at all clear, and what happens in practice is that once a dog owner sees another dog on the beach they assume it is ok to have their dog also on the beach. Boat Harbour beach is a haven for families with small children and it is NOT safe to have off-leash dogs in the beach.	7/7/2023 11:28 AM
127	Unsupportive	Stop it !	7/7/2023 11:28 AM
128	No change	None	7/7/2023 11:28 AM
129	More compliance	Supportive with refinements People are using the beach to exercise large dogs when the beach is still populated (particularly in summer months). These large dogs are off-lead and the beach isn't large enough for this kind of activity...	7/7/2023 11:08 AM
130	More compliance	Supportive with refinements People pick up dog poo	7/7/2023 11:01 AM
131	More compliance	Supportive with refinements Timing (less access) Dog access in summer should be later than 5pm. Kids are still on the beach at that time. Also, some people still insist on ignoring the rules for the time or on leash regulations. The rules need to be policed before it gets worse.	7/7/2023 11:00 AM
132	No change	Nothing	7/7/2023 10:49 AM
133	Supportive with refinements	Timing (more access) More options during peak season	7/7/2023 10:47 AM
134	Supportive with refinements	Timing (more access) During peak season would be great to still have off lead time early morning and late evening	7/7/2023 10:41 AM
135	Supportive with refinements	Timing (less access) Change the rules so that dogs have to be on lead on the beach at any time.	7/7/2023 10:34 AM
136	No change	The summer and winter months seem to be a good compromise for all involved.	7/7/2023 10:21 AM
137	Supportive with refinements	Timing (more access) Spring/Summer - Off leash after 5pm and before 9am. On leash during the day. Autumn/Winter - off leash all day	7/7/2023 10:20 AM
138	Supportive with refinements	Timing (less access) Prohibit dogs off the leash through the beach	7/7/2023 10:17 AM
139	No change	I'm happy with the way things are.	7/7/2023 10:16 AM
140	Signage	Supportive with refinements Timing (more access) To be able to have my dog off leash at stipulated times during the holiday season as well. Dogs need to cool off, off leash in the very hot weather. It is difficult to let them do this on leash unless I go swimming too. As	7/7/2023 10:13 AM



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## COMMUNITY ENGAGEMENT SURVEY - AUGUST 2023.

## Boat Harbour Beach dog exercise area 12-month review

		a 70 something, this is problematic. Additional SIGNS, to inform the non-dog owning patrons of the beach, that, at certain times, this is an off leash beach.					
141	Signage	Supportive with refinements	Just more advertisements re the different periods of off and on leash on social media	7/7/2023 10:10 AM			
142	More compliance	Signage	Supportive with refinements	Timing (less access)	More clearly defined signs, random inspector checks, more people only friendly areas. I have young children that can no longer enjoy access to the beach.	7/7/2023 10:02 AM	
143	More compliance	Supportive with refinements			Dogs with behavioural issues not allowed	7/7/2023 9:49 AM	
144	No change				If something is working do not change it.	7/7/2023 9:49 AM	
145	More compliance	Supportive with refinements			More compliance with the regulations via education and increased presence of Council officers. People don't understand their responsibilities when their dog is off lead. Review the regulations and make changes that are safer and fairer for all.	7/7/2023 9:37 AM	
146	More compliance	Supportive with refinements			Rangers attend in summer a bit more to check on compliance. Educate more than book people.	7/7/2023 9:36 AM	
147	Unsupportive				Cease the trial and ban dogs on the beach. This is the most child friendly ocean beach in the area and is a favourite with young families. Dogs running around uncontrolled and young children do not mix. Even if a dog is friendly little kids are scared of them.	7/7/2023 9:32 AM	
148	More compliance	Signage	Supportive with refinements		No dogs allowed on the beach at all after 9am during peak season. Bigger more visible signage, and more patrols coming to enforce the rules during peak season.	7/7/2023 9:32 AM	
149	Supportive with refinements		Timing (more access)		I'd prefer if the winter rules applied year round.	7/7/2023 9:32 AM	
150	Unsupportive				Boat Harbour Beach was a lovely beach for families and children. not to mention older people. Having to contend with dogs not under control, excrement and owners who have no concern for others is isolating a large section of the community. The whole headland is dog friendly, Birubi is dog friendly.	7/7/2023 9:30 AM	
151	Supportive with refinements		Timing (less access)		Remove the leash free exception. If the dogs have to be on the lead it at least gives small children a chance to avoid the dog. We actively choose other areas now which is disappointing. It would also be appreciated if the rules were enforced by a continual and ongoing presence of rangers. There is a strong sense of entitlement that people don't think the rules apply to them and their dog as they like their dog but not everyone does. I am a dog person - have one myself. I don't allow my dog off the lead as I know and appreciate that not everybody else likes dogs. It also allows me to protect my dog as well as I can pick her up to protect her when other dogs come up.	7/7/2023 9:26 AM	
152	More compliance	Supportive with refinements		Timing (more access)	Two things, to be able to walk the dogs on leash across the beach during the day in summer. Secondly, some enforcement against the inconsiderate dog owners who insist on letting their dogs roam off leash all the time, especially in summer when they have zero recall. It is a breach of the rules and it makes it very difficult for those of us with dogs on leash when one of these uncontrolled dogs runs at our dogs. The Council seems entirely resistant to enforcement other than parking - WHY?	7/7/2023 9:23 AM	
153	Signage	Supporting infrastructure etc.	Supportive with refinements		Timing (more access)	Remove signs that say no dogs. Poo bags are nearly always empty. Maybe consider extending the season. If you go to the beach in March and April during the day it is empty so could be better utilised with dog area.	7/7/2023 9:16 AM
154	Supporting infrastructure etc.	Supportive with refinements				More reliable replenishment of dog waste bags - particularly in peak tourist times	7/7/2023 9:16 AM
155	Supportive with refinements		Timing (more access)			Can we expand the times that we can use the beach please?	7/7/2023 9:15 AM
156	Unsupportive					Remove the dog exercise area. It is a small beach and there are too many dog owners who let dogs off leash during the day from Oct to April (when dogs are prohibited) when	7/7/2023 9:12 AM

## Boat Harbour Beach dog exercise area 12-month review

families are trying to enjoy the beach and crowds have become bigger over the last 3 -4 years at Boat Harbour beach.

157	Supporting infrastructure etc	Supportive with refinements	Dog pooper bags need replacing, replenishing more regular, often the dispenser is empty	7/7/2023 9:07 AM
158	Unsupportive		Change back to no dog Zone at all times at Boat Harbour beach. Birubi beach is so close and better for dogs to run around. No need for such a little beach (BH) to be made a dog beach. Very busy in summer and on top of that dogs now. Poor decision by Council.	7/7/2023 9:04 AM
159	Supportive with refinements	Timing (more access)	Extra hours in the summer	7/7/2023 9:04 AM
160	Supportive with refinements	Timing (more access)	Would love for it to be all year round. Potentially with time restrictions so as to cater for residents and visitors who might not enjoy sharing the beach with dogs.	7/7/2023 9:04 AM
161	Unsupportive		Unfortunately if dog owners can't respect the rules they can't not be there.	7/7/2023 9:03 AM
162	Supportive with refinements	Timing (less access)	Change rule to ON LEAD ONLY ALL YEAR. During summer months people flout this rule with off lead dogs. Extend on lead to ALL YEAR. The beach is too small for large off lead dogs to be running amongst families and people with small on lead dogs. The amount of dog poop around the beach has increased dramatically in the past 12 months.	7/7/2023 9:02 AM
163	Supporting infrastructure etc	Supportive with refinements	Water bowls for dogs	7/7/2023 9:00 AM
164	Unsupportive		Ban dogs from being allowed into the area and ensure it is enforced.	7/7/2023 9:00 AM
165	Signage	Supportive with refinements	Clear signs explicitly stating that dogs need to be supervised closely and under the control of the owner.	7/7/2023 8:57 AM
166	Supportive with refinements	Timing (more access)	Make it year round but not 24hour. 5pm to 9am off lead. Otherwise on lead rest of the time.	7/7/2023 8:48 AM
167	Supporting infrastructure etc	Supportive with refinements	Keep an eye on dog bag replenishment. It's been empty for a couple of weeks (filled again yesterday) and there is a lot of dog poo just left in the space. Also - if you are going to take a look at anything perhaps the amount of campers in the park could be next? (This doesn't include people who live in their vehicle who need the facilities).	7/7/2023 7:45 AM

Q3 Please enter your email address to keep up to date with this project

Answered 158; Skipped 15

Email addresses not shown for privacy reasons



PORT STEPHENS  
COUNCIL

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**ITEM 6 - ATTACHMENT 3 CUSTOMER REQUEST MANAGEMENT  
ENQUIRIES - BOAT HARBOUR BEACH - 24 MAY 2022 - 24 MAY 2023.****Review of Dog Off Lead Areas – Boat Harbour Beach**

Customer Request Management (CRM) Enquiries Boat Harbour Beach 24 May 2022- 24 May 2023

<b>No.</b>	<b>Author and date of CRM</b>	<b>Comment</b>
1	Resident 04/10/2022	Dogs on beach when they are not allowed. When is Ranger going to patrol?
2	Resident 01/12/2022	Dogs off leash on weekends all throughout day.
3	Resident 26/12/2022	Please patrol Boat Harbour beach - visitors and locals have dogs off-leash during the day while kids are playing on the beach.
4	Resident 01/01/2023	Require better signage and ranger monitoring of dog rules at Boat Harbour Beach, esp during peak periods. I observed multiple instances of dog fights and off-lead dog collisions with people including young children. This could be driven by a lack of knowledge.
5	Resident 03/01/2023	Dogs on the beach in contravention of the recent rule changes. Signs ineffective. Rangers absent.
6	Resident 04/01/2023	When are we going to see a dog Ranger on the beach. Kids and dogs don't mix.
7	Resident 06/01/2023	Signage required for when dogs are allowed on boat Harbour beach (both ends) with times, on leash/off leash periods as many people do not know when you can and cannot take dogs there.
8	Resident 12/01/2023	Roaming dogs off lead at the park and beach after 5pm and before 9am.
9	Resident 16/01/2023	Concern over non-enforcement of rules around dogs on Boat Harbour Beach. Supportive of new rules however believe signs are not clear and need clarifying and Rangers need to enforce the rules regularly.
10	Resident 05/02/2023	4 dogs on beach at any given time including those off-leash.
11	Resident 06/03/2023	Request more regular Ranger patrols on beach.
12	Resident 18/04/2023	Dog off leash signage is very confusing. Should be on leash beach only. Two children rushed at by 6 dogs. Never see Rangers. Concern over erosion at ramp.

**ITEM NO. 7****FILE NO: 23/214481  
EDRMS NO: PSC2023-01431****VOLUNTEER POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes no submissions were received.
  - 2) Adopts the new Volunteer Policy as shown at **(ATTACHMENT 1)**.
- 

**BACKGROUND**

The purpose of this report is seek Council's endorsement of the new Volunteer Policy following public exhibition.

The Volunteer Policy was placed on public exhibition from 26 July 2023 to 22 August 2023. During the public exhibition no submissions were received from the community, however, feedback was provided by Councillors. This is summarised in **(ATTACHMENT 2)**. The feedback was considered with no changes made to the Volunteer Policy.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Community Wellbeing	Provide a program of recreational, leisure and community services

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications from adopting the Volunteer Policy.

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

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no legal or policy impediments to adopting the Volunteer Policy.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that volunteers are not supported effectively if a policy is not in place.	Low	Adopt the recommendations	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no sustainability implications as a result of implementing the Volunteer Policy.

**CONSULTATION**

The Volunteer Policy was placed on public exhibition from 26 July 2023 to 22 August 2023.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Volunteer Policy. [↓](#)
- 2) Councillor Feedback. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2023-01431

**TITLE:** VOLUNTEER POLICY

**OWNER:** COMMUNITY SERVICES SECTION MANAGER

### 1. PURPOSE:

- 1.1 The purpose of this policy is to acknowledge the importance of volunteering to the delivery of Port Stephens Council (Council) services and programs, and to establish a consistent approach to the engagement, recognition and management of volunteers within Council.

### 2. CONTEXT/BACKGROUND:

- 2.1 Council recognises that it is important for people to have the opportunity to provide a meaningful contribution to their community by sharing and developing their expertise and interests in a voluntary capacity.
- 2.2 Council values the contribution of volunteers using our Volunteer Recognition Scheme as a way to demonstrate gratitude and applaud the tireless work of volunteers.
- 2.3 Volunteers work with Council employees to deliver and enhance a broad range of services and programs offered by Council. The activities undertaken are of benefit to Council and the local community and compliment, but do not replace, the services and programs provided by employees. Volunteers also assist Council by fostering community and other relationships and encouraging community cohesion.

### 3. SCOPE:

- 3.1 Volunteers with Council include:
- a) Members of 355c Committees.
  - b) Members of Parks and Landcare Groups.
  - c) Executive Members of Sports Councils.
  - d) All individuals approved to volunteer on council owned or managed land.
- 3.2 The following people and positions are not considered volunteers for the purpose of this policy:
- a) Councillors who carry out activities as part of their local government duties.
  - b) Students, including those undertaking work experience activities.
  - c) Members of Incorporated Associations or Companies limited by guarantee.

#### Policy

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## ITEM 7 - ATTACHMENT 1 VOLUNTEER POLICY.

## Policy



- d) Participants fulfilling Centrelink benefit / mutual obligations.
- e) Community members involved in community engagement activities.
- 3.4 The Work Health and Safety (WHS) Act considers a volunteer to be a worker. As such, Council has a duty to ensure the health, safety and welfare of our volunteers in our workplaces. Similarly, volunteers have a duty of care for their own, and others health and safety.
- 3.5 Council is committed to ensuring that all children and young people are safe while in contact with any Council volunteers. All Council registered volunteers must undertake child protection related training or modules relevant to their volunteer role.
- 3.6 Council volunteers over the age of 18 years who have direct contact with children in their volunteer role are required to have a Working with Children Check clearance in compliance with the Child Protection (Working with Children) Act 2012 and Council's Child Protection Policy (2021).

## 4. DEFINITIONS:

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

Council Registered Volunteer	A volunteer registered on Council's Volunteer Database (through application and approval) completing activities on behalf of Council without remuneration.
Responsible Volunteer Officer	Council employee responsible for monitoring and supervising volunteers for a specific volunteer program.
Volunteering	Time willingly given for the common good and without financial gain.

## 5. STATEMENT:

- 5.1 Council is committed to creating opportunities for volunteers that are productive, meaningful and deliver mutual benefit and positive outcomes to Council, community and the volunteer. Council will ensure that all volunteers are engaged, trained and supported to appropriately fulfil their approved volunteering duties. Council is committed to increasing volunteering opportunities that will lead to learning and skills development.

## 6. RESPONSIBILITIES:

- 6.1 **Executive Team** is responsible for ensuring that the Volunteer Policy is effectively implemented.

## Policy

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## Policy



- 6.2 **Section Managers** are responsible, and will be held accountable for, ensuring within their respective areas that:
- The Volunteer Policy is effectively implemented in their area of control.
  - Responsible volunteer officers have the capabilities necessary, and are held accountable for, their specific responsibilities.
  - All expenditure on projects has the appropriate approval.
- 6.3 **Responsible Volunteer Officers** will be held accountable for implementing and adhering to the Volunteer Policy.
- 6.4 **Volunteers** are responsible, and will be held accountable, for following instructions of appointed Responsible Volunteer Officer.

### 7. RELATED DOCUMENTS:

- Child Protection (Working with Children) Act 2012.
- Health Records and Information Privacy Act 2002.
- Local Government Act 1993.
- Port Stephens Council Code of Conduct.
- Port Stephens Council Child Protection Policy.
- Privacy and Personal Information Protection Act 1998.
- Port Stephens Council Volunteer Induction Handbook.
- Port Stephens Council Volunteer Recognition Policy.
- National Strategy for Volunteering 2023-2033
- Safe Work Australia – A Guide to Work Health and Safety for Volunteer Organisations.
- The National Standards for Involvement.
- Volunteers Statement of Principles, NSW Volunteering.
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2017.

### CONTROLLED DOCUMENT INFORMATION:

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<b>EDRMS container No.</b>	PSC2023-01431	<b>EDRMS record No.</b>	TBC
<b>Audience</b>	Councillors, Council staff, Volunteers		
<b>Process owner</b>	Community Services Section Manager		
<b>Author</b>	Community Services Section Manager		

#### Policy

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## Policy



<b>Review timeframe</b>	3 years	<b>Next review date</b>	TBC
<b>Adoption date</b>	This is the original Council adoption date		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	TBC	Community Services Section Manager	New policy.	TBC

## Policy

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## COUNCILLOR FEEDBACK.

## Volunteer Policy

[illegible]

**ITEM NO. 8****FILE NO: 23/214805  
EDRMS NO: PSC2009-02488****FRAUD AND CORRUPTION CONTROL POLICY**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes no submissions were received.
- 2) Revokes the Fraud and Corruption Control policy dated 9 April 2020, Min No. 055 at **(ATTACHMENT 1)**, should no submissions be received.
- 3) Adopts the Fraud and Corruption Control policy shown at **(ATTACHMENT 2)**.

---

**BACKGROUND**

The purpose of this report is seek Council's endorsement of the Fraud and Corruption Control policy following public exhibition.

The Fraud and Corruption Control policy was placed on public exhibition from 19 July 2023 to 16 August 2023, and no submissions were received.

A minor amendment has been made to the policy and is highlighted at Appendix 2 in blue at **(ATTACHMENT 2)**.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Governance	Deliver governance services and internal audit program

**FINANCIAL/RESOURCE IMPLICATIONS**

All costs associated with the policy are within the existing budget.

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

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

## LEGAL, POLICY AND RISK IMPLICATIONS

All information received by Council in relation to suspected fraudulent or corrupt conduct will be collected, classified and handled appropriately having regard to privacy, confidentiality, legal professional privilege and the requirements of natural justice.

The policy has been developed in accordance with Australian Standard AS8001:2021 Fraud and Corruption Control and the NSW Audit Office Better Practice Guide.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that fraudulent activity could occur within Council which is a risk of any business. The key to managing the exposure to fraudulent activity is to ensure appropriate controls are in place.	Low	Adopt the recommendations.	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Fraud and Corruption Control Policy provides the community with assurance of the integrity in the Local Government system and of Port Stephens Council. Related policies provide confidence to those who identify potential fraud or corruption to come forward.

Fraud and corruption cost the organisation because they detract from its financial performance and its ability to provide and enhance facilities and services to its community. This policy addresses this risk.

By putting in place mechanisms to detect corruption, it allows for a 'level playing field' for promoters of economic development opportunities and the enhanced reputation of Council will underpin other strategies for economic growth in the LGA.

By preventing fraud and corruption, this policy allows for those other controls and conditions that are in place to protect the environment from being subverted.

## **CONSULTATION**

The Fraud and Corruption Control policy was placed on public exhibition from 19 July 2023 to 16 August 2023.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Existing Fraud and Corruption Control policy. [↓](#)
- 2) Proposed Fraud and Corruption Control policy. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.



**ITEM 8 - ATTACHMENT 1      EXISTING FRAUD AND CORRUPTION CONTROL POLICY.****Policy**

**FILE NO:** PSC2009-02488  
**TITLE:** FRAUD AND CORRUPTION CONTROL  
**POLICY OWNER:** GOVERNANCE SECTION MANAGER

**1. PURPOSE:**

- 1.1 The purpose of the Fraud and Corruption control policy (the policy) is to establish a framework for fraud and corruption control and prevention.
- 1.2 Port Stephens Council (Council) recognises that it has a responsibility to develop, encourage and implement sound financial, legal and ethical decision-making and organisational practices.
- 1.3 Council is committed to protecting its revenue, expenditure and property from any attempt, either by members of the public, contractors, elected Councillors or its own employees, to gain by deceit, financial or other benefits. This policy is designed to protect public funds and other assets, protect the integrity, security and reputation of Council and its employees and assist in maintaining high levels of service to the community.
- 1.4 This policy represents Council's commitment to effective fraud and corruption risk management and prevention. The desired outcome of this commitment is to minimise the potential for fraud and corruption against Council.
- 1.5 This policy draws together Council's fraud and corruption prevention and detection initiatives into one document. It forms part of Council's risk management framework and has three major components:
- a) Prevention – initiatives to deter and minimise the opportunities of fraud and corruption;
  - b) Detection – initiatives to detect fraud and corruption as soon as possible if it occurs; and
  - c) Response – initiatives to deal with detected or suspected fraud and corruption.
- 1.6 The desired outcome of this policy is the elimination of fraud and corruption against Council involving employees and other persons external to Council. While the elimination of all instances of fraud and corruption may not realistically be achievable, it remains Council's ultimate fraud and corruption prevention objective.

**2. CONTEXT/BACKGROUND:**

- 2.1 The policy was developed in 2011 as part of Council's review of fraud and corruption control. The policy framework provides Council's position with respect to the overall management of fraud and corruption.
- 2.2 This Fraud and corruption control policy represents the commitment of the Council to effective fraud and corruption risk management. It also requires the commitment, co-operation and involvement of all Councillors, staff, contractors and the public in preventing, detecting and responding to all instances of fraud and corruption.

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## ITEM 8 - ATTACHMENT 1 EXISTING FRAUD AND CORRUPTION CONTROL POLICY.

### Policy



### 3. SCOPE:

#### 3.1 Attitude to fraud and corruption

- a) The Council has a zero tolerance to fraud and corruption.
- b) Council is committed to minimising the incidence of fraud and corruption through the development, implementation and regular review of fraud and corruption prevention, detection and response strategies.

#### 3.2 Council's approach to fraud and corruption control

- a) Council will ensure that Council officials are aware of the fraud and corruption reporting procedures and are actively encouraged to report suspected fraud and corruption through the appropriate channels.
- b) Council has adopted a clear framework and approach to fraud and corruption detection and prevention, This approach is based on the Australian standard for fraud and corruption control AS 8001:2008. In particular, the following fraud and corruption control strategies are pursued by Council:

Prevention Strategies	Detection Strategies
<ul style="list-style-type: none"> <li>▪ Integrity framework – Code of conduct</li> </ul>	<ul style="list-style-type: none"> <li>▪ Council and external agency reviews</li> </ul>
<ul style="list-style-type: none"> <li>▪ Fraud and corruption control management directive (including allocation of fraud and corruption prevention responsibilities)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Management reports and internal audit reviews</li> </ul>
<ul style="list-style-type: none"> <li>▪ Fraud and corruption awareness training</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff induction and fraud and corruption awareness training sessions</li> </ul>
<ul style="list-style-type: none"> <li>▪ Fraud and corruption risk assessments</li> </ul>	<ul style="list-style-type: none"> <li>▪ Clear reporting channels and internal audit reviews</li> </ul>
<ul style="list-style-type: none"> <li>▪ Robust internal controls</li> </ul>	<ul style="list-style-type: none"> <li>▪ Public Interest disclosures and internal reporting</li> </ul>
<ul style="list-style-type: none"> <li>▪ Pre-employment screening</li> </ul>	<ul style="list-style-type: none"> <li>▪ Police checks and references</li> </ul>

- c) All information received by Council in relation to suspected fraudulent or corrupt conduct will be collected, classified and handled appropriately having regard to privacy, confidentiality, legal professional privilege and the requirements of natural justice.
- d) If fraud or corruption against Council is detected, the General Manager will make all decisions on the appropriate communications protocol by nominating one person to be the authorised spokesperson. Any communications relating to a fraud or corrupt incident by a person other than the General Manager or authorised spokesperson will be considered a

**ITEM 8 - ATTACHMENT 1      EXISTING FRAUD AND CORRUPTION CONTROL POLICY.**

## Policy



breach of this policy. Any breach of any policy is dealt with under the provisions of the Enterprise Agreement and/or the terms of contract; and/or the Code of conduct.

### **3.3 Reporting**

- 3.3.1 Under the Code of Conduct there is an obligation for each Council official to report any improper conduct, which includes suspected fraudulent or corrupt behaviour. An individual may report the matter either internally or externally as outlined below.
- 3.3.2 Council officials should report any suspicions to only those people who absolutely need to know. This protects people from allegations that may not be proven and prevents the possible destruction of evidence.

#### Internally

- 3.3.3 Councillors, Council officials and delegates of Council must report as soon as possible any suspected fraudulent or corrupt behaviour to:
- a) Governance Section Manager;
  - b) General Manager; or
  - c) Mayor.
- 3.3.4 Supervisors and managers or the internal auditors have an obligation to immediately pass on the reports of suspected fraudulent or corrupt behaviour or breaches of the policy to the General Manager.
- 3.3.5 The only exception to this is where the General Manager is suspected of conduct relating to fraud or corruption, in which case the matter should be reported to the:
- a) Mayor;
  - b) Governance Section Manager; or
  - c) The relevant external agency. (See 3.2 below)
- 3.3.6 Council's Public Interest Disclosure Internal Reporting Policy provides protection to council officials who report fraudulent or corrupt behaviour.

#### External Agencies

- 3.3.7 Matters relating to suspected fraudulent or corrupt activities can also be reported to the following external agencies:
- a) Independent Commission Against Corruption (ICAC) – telephone 1800 463 909 (in the case of allegations of fraud or corruption);
  - b) Office of Local Government – telephone 4428 4100 (in the case of allegations relating to pecuniary interests);
  - c) NSW Police – telephone 4983 7599 (in the case of allegations relating to fraud); and
  - d) NSW Electoral Commission – telephone 1300 135 736 (in the case of allegations relating to election fraud).

**ITEM 8 - ATTACHMENT 1      EXISTING FRAUD AND CORRUPTION CONTROL POLICY.**

## Policy



### **3.4 Responsibilities**

3.4.1 Council will ensure that:

- a) Relevant exposure of significant risks to the Council are identified. The evaluation of risk is a critical determinant in Council's approach to fraud and corruption prevention and detection;
- b) Relevant legal obligations are monitored to ensure that operating procedures and conditions meet these obligations;
- c) The Code of Conduct and associated policies and procedures are developed and publicised;
- d) Appropriate fraud and corruption prevention and detection controls are incorporated when developing and maintaining computer and/or other systems;
- e) Employees are properly trained and understand relevant Council policies and the legislative requirements of protection for informants under the Public Interest Disclosures Act 1994;
- f) An environment exists in which fraud and corruption related activity is discouraged; and
- g) Effective investigations of allegations are undertaken, and notified to the NSW Police, the ICAC, the NSW Electoral Commission and/or the Office of Local Government, for investigation and/or prosecution as required.

3.4.2 There are a number of specific responsibilities associated with the prevention of fraud and corruption related activity. These specific responsibilities are to be included in the Fraud and Corruption Control management directive.

### **3.5 Record keeping, confidentiality and privacy**

3.5.1 Council will maintain effective record keeping systems to demonstrate due process has been followed for all actions and decisions arising out of the implementation of this policy. All investigative documentation will comply with relevant legislative provisions, will remain strictly confidential and will be retained in accordance with the State Records Act 1998 and Council's Access to Information policy.

## **4. DEFINITIONS:**

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

Council officials	Means Port Stephens Council employees, consultants and contractors
Corruption	For the purpose of this management directive, corruption and corrupt conduct will have the same meanings as defined in the Independent Commission Against Corruption (ICAC) Act 1988, which is set out in Appendix B.

## ITEM 8 - ATTACHMENT 1 EXISTING FRAUD AND CORRUPTION CONTROL POLICY.

## Policy



In summary, corrupt conduct means any conduct, which could affect the honest or impartial exercise of official functions, may be a breach of trust, or may involve the misuse of any Council information by any Council official.

Council

Means Port Stephens Council

Fraud

Fraud is defined in Australian Standard AS 8001: 2008 as:

*"Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position."*

For the purpose of this management directive, fraud is not restricted to tangible benefits only and includes intangibles such as information, which may not be in documentary form.

ICAC

Independent Commission Against Corruption.

## 5. POLICY STATEMENT:

5.1 Council is committed to:

- a) Adopting measures to minimise risk;
- b) Serving, representing and promoting community needs, interests and aspirations;
- c) Protecting community assets and resources; and
- d) Exercising its powers and engage in initiatives that add value to and capitalise on the community's assets and resources.

5.2 To achieve its fraud and corruption prevention objectives Council will:

- a) Identify fraud and corruption risks and regularly review and update this policy;
- b) Provide fraud and corruption awareness training to those staff who are identified as being in positions that require fraud and corruption awareness training;
- c) Ensure all Councillors, staff, contractors and the public are aware of this policy;

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**ITEM 8 - ATTACHMENT 1      EXISTING FRAUD AND CORRUPTION CONTROL POLICY.**

**Policy**



- d) Encourage and promote professional and ethical business practice;
- e) Identify any weaknesses in Council's control processes through regular review of Council's operations;
- f) Clearly communicate how suspected instances of fraud and corruption can be reported;
- g) Investigate alleged or suspected instances of fraud or corruption using professionals with experience in investigation techniques;
- h) Take appropriate action to deal with instances of actual, suspected or alleged fraud or corruption, including by recommending prosecution of persons and/or organisations for fraud or corruption offences where and when appropriate; and
- i) Use all practicable avenues to recover money or property lost through fraudulent or corrupt activity.

**6. POLICY RESPONSIBILITIES:**

- 6.1 The General Manager, Group Managers and Governance Section Manager is responsible for implementing, complying with the policy.
- 6.2 The Governance Section Manager is responsible for monitoring, evaluating, reviewing and providing advice on the policy.
- 6.3 Council officials are required to comply with the policy.

**7. RELATED DOCUMENTS:**

- 7.1 Local Government Act 1993 and Local Government (General) Regulations 2005;
- 7.2 Environmental Planning and Assessment Act 1979
- 7.3 Independent Commission Against Corruption Act 1988
- 7.4 Public Interest Disclosures Act 1994
- 7.5 Crimes Act 1990
- 7.6 State Records Act 1998
- 7.7 Australian Standard AS8001:2008
- 7.8 Port Stephens Council Code of conduct;
- 7.9 Public Interest disclosures internal reporting policy;
- 7.10 Grievance and dispute resolution process; and
- 7.11 Access to information policy.

## ITEM 8 - ATTACHMENT 1 EXISTING FRAUD AND CORRUPTION CONTROL POLICY.

Policy

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<b>RM8 container No</b>	PSC2009-02488	<b>RM8 record No</b>	20/149832
<b>Audience</b>	Council officials		
<b>Process owner</b>	Governance Section Manager		
<b>Author</b>	Governance Section Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	31 July 2021
<b>Adoption date</b>	12 April 2011		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	12 April 2011	Corporate Services Group Manager	Original version adopted by Council.	111
2.0	26 November 2013	Executive Officer	Review completed and adopted by Council.	346
3.0	14 April 2015	Governance Manager	Review completed and adopted by Council.	088
4.0	11 July 2017	Governance Manager	Transferred the policy into the new template. Reviewed the policy. Updated contact telephone numbers.	175



## ITEM 8 - ATTACHMENT 1 EXISTING FRAUD AND CORRUPTION CONTROL POLICY.

Policy



4.1	9 April 2020	Governance Section Manager	<p>Reviewed the policy, included numbering to each paragraph and updated the version control.</p> <p>Updated title of policy owner.</p> <p>1.1 – inserted purpose of policy.</p> <p>1.3 – delete “Port Stephens”.</p> <p>1.4 - delete “Fraud and corruption control”.</p> <p>1.5, 3.3.3, 3.3.5, 3.3.7, 3.4.1, 5.1, 5.2 - update itemising of paragraphs.</p> <p>3.1, 3.2, 3.3, 3.4, 3.5, 6 – updated item numbering.</p> <p>7.8 – inserted “Port Stephens Council”.</p>	055
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**ITEM 8 - ATTACHMENT 2      PROPOSED FRAUD AND CORRUPTION  
CONTROL POLICY.**

## Policy



**FILE NO:** PSC2009-02488  
**TITLE:** FRAUD AND CORRUPTION CONTROL  
**OWNER:** GOVERNANCE SECTION MANAGER

### 1. PURPOSE:

- 1.1 Port Stephens Council (Council) is committed to the prevention of fraud and corruption.
- 1.2 The purpose of Fraud and Corruption Control policy (the policy) is to outline the:
  - a) Framework for controlling fraud and corruption risks, and
  - b) Expectations and channels for reporting suspected fraud or corruption related to Council.

### 2. CONTEXT / BACKGROUND:

- 2.1 This policy reflects the core elements and principles of:
  - a) Australian Standard AS 8001:2021 Fraud and Corruption Control, and
  - b) NSW Audit Office Better Practice Guide: Fraud Control Improvement Kit.
- 2.2 Control of fraud and corruption risks helps protect the financial, regulatory and reputational wellbeing of Council and its key stakeholders, including Councillors, workers and the community.
- 2.3 As a sub-set of risk, fraud and corruption risk management operates within Council's risk management framework.

### 3. SCOPE:

- 3.1 This policy applies to all elected officials, Council officers, employees, volunteers and contractors.
- 3.2 Mayor and Councillors are also obliged to maintain standards as mandated by the Local Government Act 1993 (the Act).
- 3.3 Council will maintain a framework to control fraud and corruption against Council, or committed by or in the name of Council. This framework will be documented to direct and guide management practices and processes.

## Policy

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## Policy



### 4. DEFINITIONS:

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

Council	Means Port Stephens Council
Council officials	Means Port Stephens Council employees, consultants and contractors.
Corruption	<p>(Per Australian Standard AS 8001:2021)</p> <p>Dishonest activity in which a person associated with Council acts contrary to the interests of Council and abuses their position of trust in order to achieve personal advantage or advantage for another person or organisation.</p> <p>This can also involve corrupt conduct by the organisation, or a person purporting to act on behalf of and in the interests of the organisation, in order to secure some form of improper advantage for the organisation either directly or indirectly.</p> <p>Whilst the conduct must be dishonest for it to meet the definition of corruption, the conduct does not necessarily represent a breach of the law.</p>
Corrupt Conduct	<p>(Per Independent Commission Against Corruption Act 1988)</p> <p>Deliberate or intentional wrongdoing, not negligence or a mistake. It has to involve or affect a NSW public official or public sector organisation.</p> <p>See <b>Appendix 1</b> for more detail.</p>
Fraud	<p>(Per Australian Standard AS 8001:2021)</p> <p>Dishonest activity causing actual or potential gain or loss to any person or organisation including theft of moneys or other property by persons internal and/or external to the organisation and/or where deception is used at the time, immediately before or immediately following the activity.</p> <p>Property in this context also includes intellectual property and other intangible such as information.</p> <p>Fraud also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or</p>

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the improper use of information or position for personal financial benefit.

While conduct must be dishonest for it to meet the definition of "fraud" the conduct need not necessarily represent a breach of the criminal law.

Fraud can involve fraudulent conduct by internal and/or external parties targeting the organisation or fraudulent or corrupt conduct by the organisation itself targeting external parties.

ICAC

Independent Commission Against Corruption.

### 5. STATEMENT:

- 5.1 The Council has **zero tolerance** for fraud or corruption against Council, or committed by or in the name of Council.
- 5.2 This expectation is aligned to Council's core values and is demonstrated in policies and codes that establish standards and expectations for ethical behaviour for elected representatives, workers, contractors and other third parties.
- 5.3 This commitment is delivered through the implementation of a Fraud and Corruption Control (FCC) Framework, comprised of four pillars:
  - a) Leadership and Commitment
  - b) Prevention
  - c) Detection
  - d) Response.

#### 5.4 Leadership and Commitment

- 5.4.1 The Council is committed to promoting a culture of trust, integrity and honesty in the services it provides to the Port Stephens community, and in the administration of those services. It is important that Council delivers its Community Strategic Plan without fraud or corruption reducing the ability or resources to achieve this goal.
- 5.4.2 The General Manager and senior management are committed to this culture and providing the leadership and resourcing for the implementation of an effective FCC Framework.

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## ITEM 8 - ATTACHMENT 2 PROPOSED FRAUD AND CORRUPTION CONTROL POLICY.

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#### 5.5 Prevention

5.5.1 Council will endeavour to prevent fraud and corruption through the implementation of effective prevention systems, including:

- a) Proactive and integrated risk assessments
- b) Ethical workforce programs, including pre-employment screening
- c) Physical security and asset management systems
- d) Information Security Management System (ISMS)
- e) Education and awareness programs (internal and external)
- f) Third party management systems (including conflict management).

#### 5.6 Detection

5.6.1 Council will implement and maintain effective systems designed to detect fraud or corruption, including:

- a) Post-transactional monitoring and review (including payroll, access control, procurement and financial transactions)
- b) Analysis of management accounting reports
- c) Identification of early warning indicators
- d) Data analytics
- e) Fraud and corruption reporting channels
- f) Whistleblower management (Public Interest Disclosures (PID) Act)
- g) Complaint management
- h) Internal and external audit functions.

5.6.2 Council will maintain an environment enabling timely notification of suspected fraud and corruption, including:

- a) Promoting and fostering a culture that supports staff reporting fraud and management acting on those reports,
- b) Policies, systems and procedures that support reporting,
- c) Processes to support upward reporting, and
- d) Mechanisms to enable external reporting.

5.6.3 **Appendix 2** details the expectations for **reporting suspected fraud and corruption**, and the reporting channels available (internally and externally).

#### 5.7 Response

5.7.1 Council will respond to a notification of a suspected fraud or corruption event in a professional manner.

5.7.2 The investigation process must be clearly documented.

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5.7.3 Council will maintain effective record keeping systems to demonstrate due process has been followed for all actions and decisions arising out of the implementation of this policy. All investigative documentation will comply with relevant legislative provisions, will remain strictly confidential and will be retained in accordance with the State Records Act 1998 and Council's Access to Information policy.

5.7.4 The General Manager (or their delegate) shall:

- a) Approve the person(s) and/or third parties to be advised of the notification and/or investigation, and the nature of such disclosures.
- b) Determine the resources to be engaged for the purpose of conducting the investigation.
- c) Approve all external notifications, including to those to agencies that may have an interest in further investigation and/or prosecution.

5.7.5 Investigations must be conducted by appropriate, qualified and experienced staff or third party.

5.7.6 Any unauthorised communications or disclosures will be considered a breach of this policy, to be dealt with under the provisions of the Enterprise Agreement and/or the terms of contract; and/or the Code of Conduct.

### Disciplinary systems:

5.7.7 Mayor and Councillors:

- a) Council's Code of Conduct notes the Local Government Act 1993 has specific provisions that prohibit the Mayor and Councillors from certain conduct. This conduct relates to:
  - Misuse of Position
  - Improper Direction and Improper Influence
  - Confidential Information
  - Conflict of Interest
  - Electoral Conduct.
- b) Any allegation of a breach of the requirements of the Code of Conduct shall be handled in accordance with the process set out in the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

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### 5.7.8 Workers, Volunteers, Contractors:

- a) Where any matter is investigated and an incident of fraud or corrupt conduct is affirmed, employment ramifications (including termination) will be considered on a case by case basis in accordance with provisions of the Enterprise Agreement and/or the terms of contract; and/or the Code of Conduct.

## 6. RESPONSIBILITIES:

### 6.1 The elected representatives are responsible for:

- Maintaining compliance with the Conflict of Interest obligations pursuant to the Code of Conduct
- Facilitating accountability at all levels within the Council for fraud and corruption control
- Maintain awareness of this policy and its applicability to the Mayor and Councillors.

### 6.2 The General Manager is responsible for:

- Setting the tone at the top, by demonstrating commitment to and compliance with, this policy
- Promoting an ethical working culture
- Understanding the fraud and corruption risks facing Council and ensuring appropriate resources to control those risks
- Complying with mandatory reporting requirements on instances of fraud and corruption.

### 6.3 The Audit, Risk and Improvement Committee is responsible for:

- Overseeing the risk management framework, including risks and controls as they relate to fraud and corruption control.

### 6.4 Group Managers are responsible for:

- Setting the tone at Group level, by demonstrating commitment to and compliance with this policy
- Promoting an ethical working culture
- Understanding the fraud and corruption risks facing the Group's area of responsibility and applying appropriate preventative and detective controls
- Implementing this policy.

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**ITEM 8 - ATTACHMENT 2      PROPOSED FRAUD AND CORRUPTION  
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6.5 The Governance Section Manager is responsible for:

- Training and awareness of fraud and corruption control policies and practices
- Risk and control programs and assessments that target fraud and corruption
- Facilitating review of the Fraud and Corruption Control management directive in accordance with review schedule, or following significant structural change
- Leading investigations into alleged fraud or corrupt conduct within Council, engaging only with authorised persons and authorities, and reporting findings to the General Manager (or Mayor, if the allegation involves General Manager).

6.6 All employees, contractors and volunteers are responsible for:

- Understanding and following this policy
- Acting lawfully, ethically and honestly and in accordance with Council's Code of Conduct
- Acting within their delegated authority
- Complying with all Council policies, management directives, procedures and processes
- Promptly reporting instances of suspected fraud and corruption
- Providing assistance in investigations.

### **7. RELATED DOCUMENTS:**

- 7.1 Local Government Act 1993 and Local Government (General) Regulations 2021
- 7.2 Environmental Planning and Assessment Act 1979
- 7.3 Independent Commission Against Corruption Act 1988
- 7.4 Public Interest Disclosures Act 1994
- 7.5 Public Interest Disclosures Act 2022
- 7.6 Crimes Act 1990
- 7.7 State Records Act 1998
- 7.8 Australian Standard AS8001:2021
- 7.9 Port Stephens Council Code of Conduct
- 7.10 Internal Reporting policy
- 7.11 Grievance and dispute resolution process
- 7.12 Access to Information policy.

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## ITEM 8 - ATTACHMENT 2 PROPOSED FRAUD AND CORRUPTION CONTROL POLICY.

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#### Appendix 1 – Definition of Corrupt Conduct from Independent Commission against Corruption Act 1988

Corrupt conduct is defined in the Independent Commission against Corruption Act 1988 (ICAC Act 1988) as:

##### 7 Corrupt conduct

1. For the purposes of this Act, corrupt conduct is any conduct which falls within the description of corrupt conduct in either or both of subsections (1) and (2) of section 8, but which is not excluded by section 9;
2. Conduct comprising a conspiracy or attempt to commit or engage in conduct that would be corrupt conduct under section 8 (1) or (2) shall itself be regarded as corrupt conduct under section 8 (1) or (2); and
3. Conduct comprising such a conspiracy or attempt is not excluded by section 9 if, had the conspiracy or attempt been brought to fruition in further conduct, the further conduct could constitute or involve an offence or grounds referred to in that section.

##### 8 GENERAL NATURE OF CORRUPT CONDUCT

1. Corrupt conduct is:
  - a) any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority; or
  - b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions; or
  - c) any conduct of a public official or former public official that constitutes or involves a breach of public trust; or
  - d) any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.
2. Corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve any of the following matters:
  - a) official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition);

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- b) bribery;
  - c) blackmail;
  - d) obtaining or offering secret commissions;
  - e) fraud;
  - f) theft;
  - g) perverting the course of justice;
  - h) embezzlement;
  - i) election bribery;
  - j) election funding offences;
  - k) election fraud;
  - l) treating;
  - m) tax evasion;
  - n) revenue evasion;
  - o) currency violations;
  - p) illegal drug dealings;
  - q) illegal gambling;
  - r) obtaining financial benefit by vice engaged in by others;
  - s) bankruptcy and company violations;
  - t) harbouring criminals;
  - u) forgery;
  - v) treason or other offences against the Sovereign;
  - w) homicide or violence;
  - x) matters of the same or a similar nature to any listing above; and
  - y) any conspiracy or attempt in relation to any of the above.
3. Conduct may amount to corrupt conduct under this section even though it occurred before the commencement of this subsection, and it does not matter that some or all of the effects or other ingredients necessary to establish such corrupt conduct occurred before that commencement and that any person or persons involved are no longer public officials.
4. Conduct committed by or in relation to a person who was not or is not a public official may amount to corrupt conduct under this section with respect to the exercise of his or her official functions after becoming a public official.
5. Conduct may amount to corrupt conduct under this section even though it occurred outside the State or outside Australia, and matters listed in subsection (2) refer to:
- a) Matters arising in the state or matters arising under the law of the State; or
  - b) Matters arising outside the State or outside Australia or matters arising under the law of the Commonwealth or under any other law.

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## ITEM 8 - ATTACHMENT 2 PROPOSED FRAUD AND CORRUPTION CONTROL POLICY.

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6. The specific mention of a kind of conduct in a provision of this section shall not be regarded as limiting the scope of any other provision of this section.

#### 9. LIMITATION ON NATURE OF CORRUPT CONDUCT

1. Despite section 8, conduct does not amount to corrupt conduct unless it could constitute or involve:
  - a) A criminal offence; or
  - b) A disciplinary offence; or
  - c) Reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official; or
  - d) In the case of conduct of a Minister of the Crown or a member of a House of Parliament – a substantial breach of an applicable code of conduct.
2. It does not matter that proceedings or action for such an offence can no longer be brought or continued, or that action for such dismissal, dispensing or other termination can no longer be taken;
3. For the purpose of this section:  
**applicable code of conduct** means, in relation to:
  - a. a Minister of the Crown – a ministerial code of conduct prescribed or adopted for the purposes of this section by the regulations; or
  - b. a member of the Legislative Council or of the Legislative Assembly (including a Minister of the crown) – a code of conduct adopted for the purposes of this section by resolution of the House concerned.

**Criminal offence** means a criminal offence under the law of the State or under any other law relevant to the conduct in question.

**Disciplinary offence** includes any misconduct, irregularity, neglect of duty, breach of discipline or other matter that constitutes or may constitute grounds for disciplinary action under any law.

4. Subject to subsection (5), conduct of a Minister of the Crown or a member of a House of Parliament which falls within the description of corrupt conduct in section 8 is not excluded by this section if it is conduct that would cause a reasonable person to believe that it would bring the integrity of the office concerned or of Parliament into serious disrepute.
5. Without otherwise limiting the matters that it can under section 74A (1) include in a report under section 74, the Commission is not authorised to include a finding or opinion that a specified person has, by engaging in conduct of a kind referred to in subsection (4), engaged in corrupt conduct, unless the Commission is

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satisfied that the conduct constitutes a breach of a law (apart from this Act) and the Commission identifies that law in the report.

A reference to a disciplinary offence in this section and sections 74A and 74B includes reference to a substantial breach of an applicable requirement of a code of conduct required to be complied with under section 440(5) of the Local Government Act 1993, but does not include a reference to any other breach of such a requirement.

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## ITEM 8 - ATTACHMENT 2 PROPOSED FRAUD AND CORRUPTION CONTROL POLICY.

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#### Appendix 2 – Reporting Suspected Fraud or Corruption

Council's Code of Conduct requires Council officials to report any improper conduct, which includes suspected fraudulent or corrupt behaviour. Any individual (internal or external to Council) can report suspected fraud or corruption involving Council. The report must:

- a) Have reasonable grounds for suspicion and not be vexatious in nature,
- b) Be disclosed only to the appropriate internal and/or external authority,
- c) Be disclosed as soon as practically possible.

#### Internally

Mayor, Councillors, Council officials, delegates of Council and auditors must report as soon as possible any suspected fraudulent or corrupt behaviour to:

- a) General Manager,
- b) Governance Section Manager; or
- c) Mayor.

Where the General Manager is suspected of conduct relating to fraud or corruption, the matter should be reported to the:

- a) Mayor;
- b) Governance Section Manager; or
- c) Relevant external agency (see below).

Council's Internal Reporting Policy provides protection to Council officials who report suspected fraudulent or corrupt behaviour, where certain conditions are met.

#### External Agencies

Matters relating to suspected fraudulent or corrupt activities ~~can~~ **should** also be reported to the following external agencies:

- a) Independent Commission Against Corruption (ICAC) – telephone 1800 463 909 (for allegations of fraud or corruption);
- b) Office of Local Government – telephone 02 4428 4100 (for allegations relating to pecuniary interests);
- c) NSW Police – telephone 02 4983 7599 (for allegations relating to fraud); &
- d) NSW Electoral Commission – telephone 1300 135 736 (for allegations relating to election fraud).

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# ITEM 8 - ATTACHMENT 2 PROPOSED FRAUD AND CORRUPTION CONTROL POLICY.

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<b>EDRMS container No.</b>	PSC2009-02488	<b>EDRMS record No.</b>	TBC
<b>Audience</b>	Council officials		
<b>Process owner</b>	Governance Section Manager		
<b>Author</b>	Governance Section Manager		
<b>Review timeframe</b>	3 years	<b>Next review date</b>	TBC
<b>Adoption date</b>	This is the original Council adoption date		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	11 July 2023	Governance Section Manager	New policy. Previous policy replaced with the introduction of the new Australia Standard AS8001:2021 Fraud and Corruption Control.	TBC

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**ITEM NO. 9**

**FILE NO: 23/222616  
EDRMS NO: PSC2022-04021**

## **WARD BOUNDARY REVIEW**

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

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### **RECOMMENDATION IS THAT COUNCIL:**

- 1) Receives and note the submissions received in relation to the Ward Boundary review summarised at **(ATTACHMENT 1)**.
- 2) Adopts the new Ward Boundaries as shown at **(ATTACHMENT 2)** in bold, transferring Boat Harbour from Central Ward to East Ward and transferring a small part of Medowie from West Ward to Central Ward.
- 3) Notifies the NSW Electoral Commission, the Australian Bureau of Statistics and the Office of Local Government of the new Ward Boundaries.
- 4) Publicly notify the community of the Ward Boundary changes.

---

## **BACKGROUND**

The purpose of this report is to provide feedback to Council following public exhibition of the Ward Boundary proposal.

Council considered a report at its meeting on 11 July 2023, shown at **(ATTACHMENT 3)**, in relation to ensuring Ward Boundaries across the local government area are kept under review in accordance with the Local Government Act 1993 and, appropriate action is taken, when necessary, to realign the Ward Boundaries.

At the meeting of 11 July 2023, Council resolved to:

- 1) Endorse the Ward Boundaries changes in accordance with Option 1 shown at **(ATTACHMENT 1)**.
- 2) Commence public exhibition for a period of 28 days and allow 42 days for submissions to be received following approval from the NSW Electoral Commission.

Option 1 involved the transfer of Boat Harbour (820 electors) from Central Ward to East Ward, transfer part of Medowie from West Ward to Central Ward (43 electors).

It should be noted a minor adjustment was made to the projection figures for Option 1, which resulted in the variance being increased to 9.02% (from 8.87%) shown at **(ATTACHMENT 4)**. The adjustment was required due to an error in the spreadsheet.

Following approval of the NSW Electoral Commission (NSWEC), Council commenced public exhibition.

As a result of the public exhibition 2 submissions were received and a summary is shown at **(ATTACHMENT 1)**.

The new Ward Boundaries will come into effect at the September 2024 local government election.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Governance	Deliver governance services and internal audit program

## **FINANCIAL/RESOURCE IMPLICATIONS**

All financial and resource implications have been allocated through existing budget.

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

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

Section 211 of the Local Government Act 1993 requires Council to keep its Wards under review and to take action should the variance be greater than 10% between the highest and lowest Ward elector numbers.

Consultation of the proposed changes forms part of Council's legal responsibilities under the Local Government Act 1993.

Council is required to inform the NSW Electoral Commission of any changes to the Ward Boundaries by 5 October 2023.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council will be in breach of the Local Government Act 1993 should a review not occur.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The review of the Ward Boundaries will correct the current imbalance that exists between Wards and provide an improved community representation from the elected Council.

**CONSULTATION**

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

Internal

- 1) Council considered the Ward Boundary review proposal at its meeting on 11 July 2023.

External

- 1) Consultation was undertaken with the NSW Electoral Commission, the Office of Local Government and the Australian Bureau of Statistics following Council's endorsement of the proposal, prior to the public exhibition period.
- 2) Public exhibition commenced from 21 July to 1 September 2023, with the close of submissions on 1 September 2023. Public exhibition was conducted through Council notices in the local newspaper, across Council's library network, the Administration Building, the website and social media forums.
- 3) A community engagement session was held at the Birubi Point Hall, Anna Bay on 3 August 2023 from 3:30 to 5:30pm. There were no attendees at this session.
- 4) A direct mail out to the 584 affected property owners. This included a Fact Sheet on how the changes would affect the ratepayers and an invitation to attend the community engagement session.
- 5) Factsheet was produced and available in hardcopy and on-line to inform the broader community.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Submissions summary. [↓](#)
- 2) Proposed Ward Boundary changes - Option 1. [↓](#)
- 3) Council meeting minute from 11 July 2023. [↓](#)
- 4) Updated Ward elector number projections - Option 1. [↓](#)

**COUNCILLORS ROOM**

- 1) Un-redacted submission.

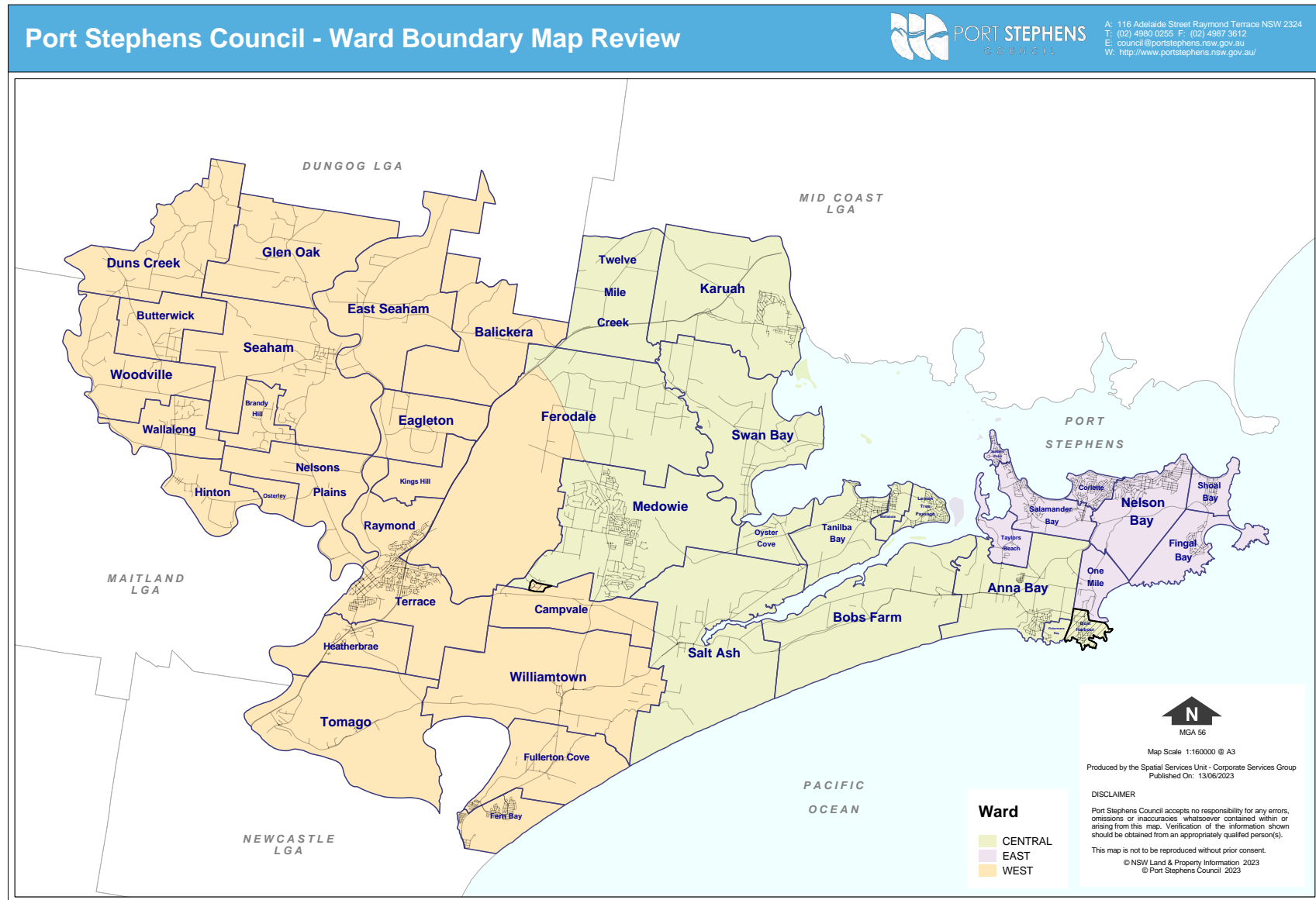
**TABLED DOCUMENTS**

Nil.

## ITEM 9 - ATTACHMENT 1 SUBMISSIONS SUMMARY.

## SUBMISSIONS – WARD BOUNDARY REVIEW

No.	Author of submission	Comment	Council response
1	Residents	<ul style="list-style-type: none"> <li>Residents confirmed their approval and support of the transfer of their property from Central Ward to East Ward.</li> </ul>	Noted.
2	Resident	<ul style="list-style-type: none"> <li>The resident does not support the proposed boundary changes.</li> <li>It was noted that no population figures were provided in the Fact Sheet for the Anna Bay area up to Port Stephens Drive, as an example.</li> <li>The resident believes the Anna Bay suburb relates more to East Ward than Central Ward.</li> <li>That the small area relating to Medowie in Central Ward should be retained, and transfer Anna Bay village and Birubi Surf Club are into East Ward.</li> <li>The resident has no issue with East Ward becoming the highest populated area.</li> </ul>	<p>Council considered alternate options to the public exhibited option, including part or the whole of Anna Bay being transferred to East Ward. Unfortunately, due to the required methodology used to calculate any changes, the suggested changes from the resident would not achieve a result consistent with legislative requirements and may not receive approval from the NSW Electoral Commission.</p> <p>It is anticipated that at the next ward boundary review, the elector numbers may be sufficient to allow for a transfer of the suburb of Anna Bay to East Ward.</p> <p>Council is required to ensure the variance between wards is no greater than 10%.</p>



**MINUTES ORDINARY COUNCIL - 11 JULY 2023****ITEM NO. 3****FILE NO: 23/135180  
EDRMS NO: PSC2022-04021****WARD BOUNDARY REVIEW**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the Ward boundaries changes in accordance with Option 2 shown at **(ATTACHMENT 3)**.
  - 2) Commence public exhibition for a period of 28 days and allow 42 days for submissions to be received following approval from the NSW Electoral Commission.
- 

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

<b>166</b>	<b>Councillor Giacomo Arnott Councillor Peter Kafer</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorse the Ward boundaries changes in accordance with Option 1 shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Commence public exhibition for a period of 28 days and allow 42 days for submissions to be received following approval from the NSW Electoral Commission.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to consider options available as a result of the Ward boundary review within the Port Stephens local government area. This review is required in preparation for the 2024 local government election.



**MINUTES ORDINARY COUNCIL - 11 JULY 2023**

The last review was conducted in 2019 and came into effect at the next ordinary local government election, which was held in 2021.

Section 211 of the Local Government Act 1993 (the Act) requires Council to keep its ward boundaries under review and ensure the variance between the ward with the highest number of electors and the lowest number of electors is not in excess of 10%. The elector numbers are reviewed on a monthly basis from data accessed from the NSW Electoral Commission.

The data shows that there have been some movement with elector numbers before and after each Federal, State and local government election since 2019.

In 2019, Council endorsed the current Ward boundaries which resulted in a variance of 7.52%. Whilst this was under the 10% required by the Local Government Act, it is desirable to achieve the lower percentage position to ensure the number of electors in each Ward are comparable, and to allow for population growth without the need of frequent Ward boundary reviews.

Based on the data to June 2023, the current variance is over 18%. Council is therefore required to review ward boundaries to ensure the new boundaries are in place for the 2024 local government election.

<b>Ward</b>	<b>Elector numbers</b>
Central	21,371
East	18,070
West	19,814
<b>Total</b>	<b>59,255</b>

Through the assessment of options available, 3 have been identified for Council's consideration. In identifying the options available, Council is required to meet the legislative requirements and may consider other factors. Consideration is given the following as part of the review:

- 1) Must ensure compliance with section 211 of the Act, meeting the 10% variance rule – therefore review of the elector numbers in terms of representation.
- 2) Must ensure compliance with section 210 and 210A of the Act, which requires consideration of boundaries of appropriate subdivisions and census districts.
- 3) Consider appropriate representation across each ward.
- 4) Maintaining central hubs within each ward, ie Raymond Terrace, Medowie and Nelson Bay.

The 3 options identified to meet the criteria above are:

Option 1

Transfer Boat Harbour (820 electors) from Central Ward to East Ward, transfer part Medowie from Central Ward to West Ward (43 electors).

## MINUTES ORDINARY COUNCIL - 11 JULY 2023

The elector number projections (**ATTACHMENT 1**) and mapped proposal for Option 1 are shown at (**ATTACHMENT 2**).

Option 2

Transfer Boat Harbour (820 electors) from Central Ward to East Ward, transfer north Nelson Bay Road in Anna Bay (572 electors) from Central Ward to East Ward and transfer part Medowie from Central Ward to West Ward (43 electors).

The elector number projections (**ATTACHMENT 3**) and mapped proposal for Option 2 are shown at (**ATTACHMENT 4**).

Option 3

Transfer Boat Harbour (820 electors) from Central Ward to East Ward, transfer north Nelson Bay Road in Anna Bay (572 electors) from Central Ward to East Ward, Part Anna Bay (north east bounds with One Mile) (370 electors) from Central Ward to East Ward and transfer part Medowie from Central Ward to West Ward (43 electors).

The elector number projections (**ATTACHMENT 5**).and mapped proposal for Option 3 are shown at (**ATTACHMENT 6**).

The proposal has taken into account growth, including known planning proposals.

Other options were also explored, as such reversing previous reviews and it was found that there would be no overall benefit.

**COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver governance services and internal audit program

**FINANCIAL/RESOURCE IMPLICATIONS**

The financial and resource implications will be advertising (including social media), direct mail outs to those affected and community consultation sessions where the community will be invited to comment on the ward boundary proposal. These costs will be met within the existing budget.

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

## MINUTES ORDINARY COUNCIL - 11 JULY 2023

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

Section 211 of the Act requires Council to keep its ward boundaries under review and to take action should the variance be greater than 10% between the highest and lowest ward elector numbers.

The Act requires Council to take action and correct the variance should it continue to exist after the first year of a new Council term.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will be in breach of the Local Government Act 1993 if the ward boundary review is not conducted.	Low	Adopt the recommendation.	Yes
There is a risk that there would be an imbalance between wards at the next local government election.	Low	Adopt the recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The review of the ward boundaries will correct the current imbalance that exists between wards and provide an improved representation by the elected Council to the community.

**CONSULTATION**

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

Internal

Consultation has been undertaken with the General Manager and planning staff as part of the review.

**MINUTES ORDINARY COUNCIL - 11 JULY 2023**

A two way conversation was held with the Mayor and Councillors on 20 June 2023.

External

Council will place the proposal on public exhibition for a period of 28 days and allow 42 days for submissions to be lodged.

Consultation sessions will be held in the community to engage with the local communities and provide further information and answer questions on the proposal.

Council will consult with the NSW Electoral Commission, Office of the Local Government and the Australian Statistician as part of the process.

The proposed timeframe for the ward boundary review is:

Date	Purpose
20 June 2023	Two way conversation.
11 July 2023	Report to Council to endorse preferred option.
19 July 2023	Commence public exhibition with submissions closing 30 August 2023. Subject to consultation with NSW Electoral Commission.
19 September 2023	Two way conversation post exhibition.
26 September 2023	Report to Council to consider submissions, if any, and adoption of final option.
5 October 2023	Deadline to advise the NSW Electoral Commission of changes.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Option 1 - ward boundary review.
- 2) Option 1 - elector number projection.
- 3) Option 2 - ward boundary review.
- 4) Option 2 - elector number projection.
- 5) Option 3 - ward boundary review.
- 6) Option 3 - elector number projection.

**MINUTES ORDINARY COUNCIL - 11 JULY 2023**

**COUNCILLORS ROOM**

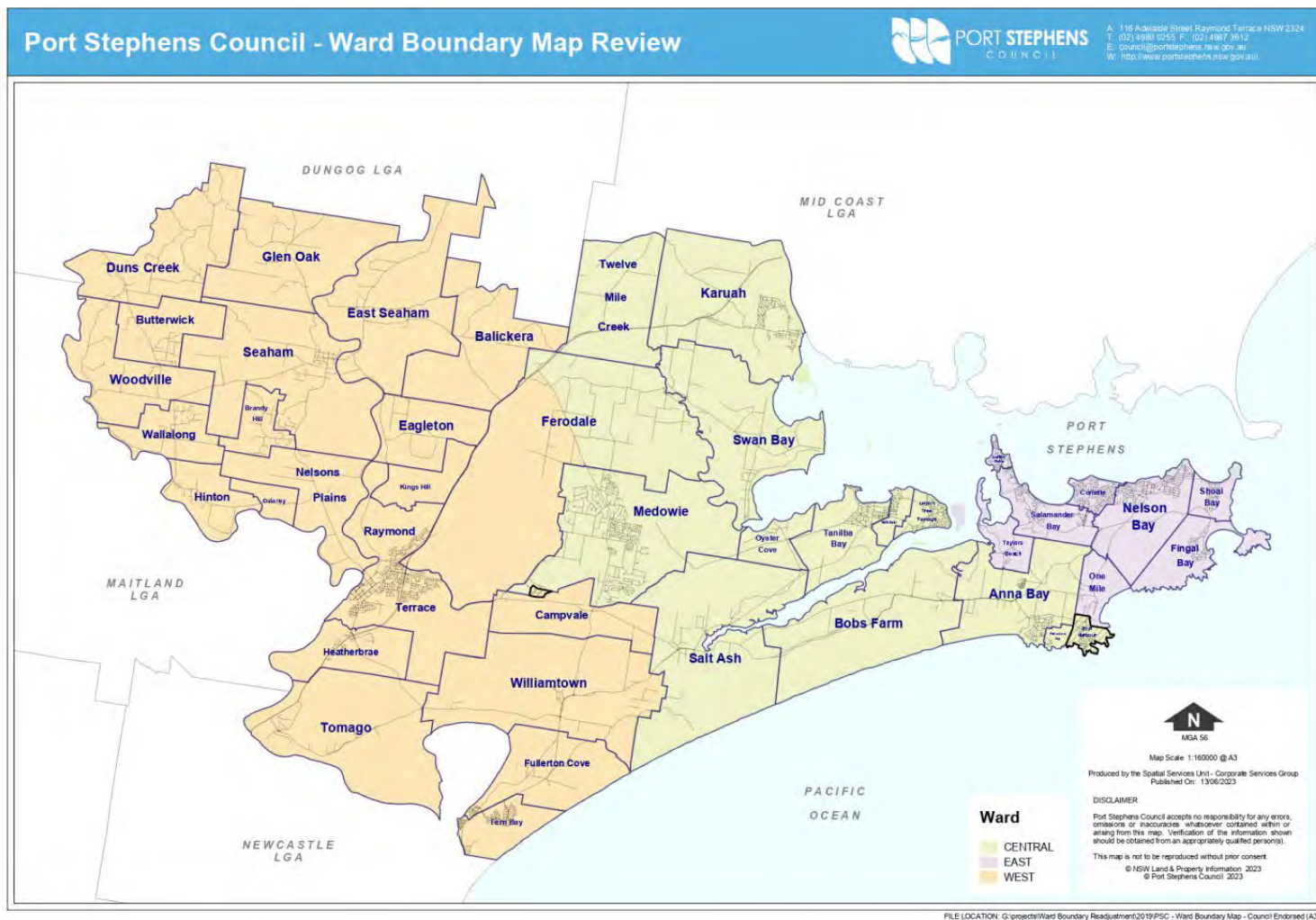
Nil.

**TABLED DOCUMENTS**

Nil.

MINUTES ORDINARY COUNCIL - 11 JULY 2023

ITEM 3 - ATTACHMENT 1 OPTION 1 - WARD BOUNDARY REVIEW.



**MINUTES ORDINARY COUNCIL - 11 JULY 2023**

**ITEM 3 - ATTACHMENT 2 OPTION 1 - ELECTOR NUMBER PROJECTION.**

**Ward elector numbers projections - Option 1**

at 20.6.23

	Central Ward	East Ward	West Ward	Total	Variance	%
Current	21371	18070	19814	59255	3301	18.27
Boat Harbour	-820	820	0	0		
Part Medowie	43	0	-43	0		
	20594	18890	19771	59255	1704	9.02

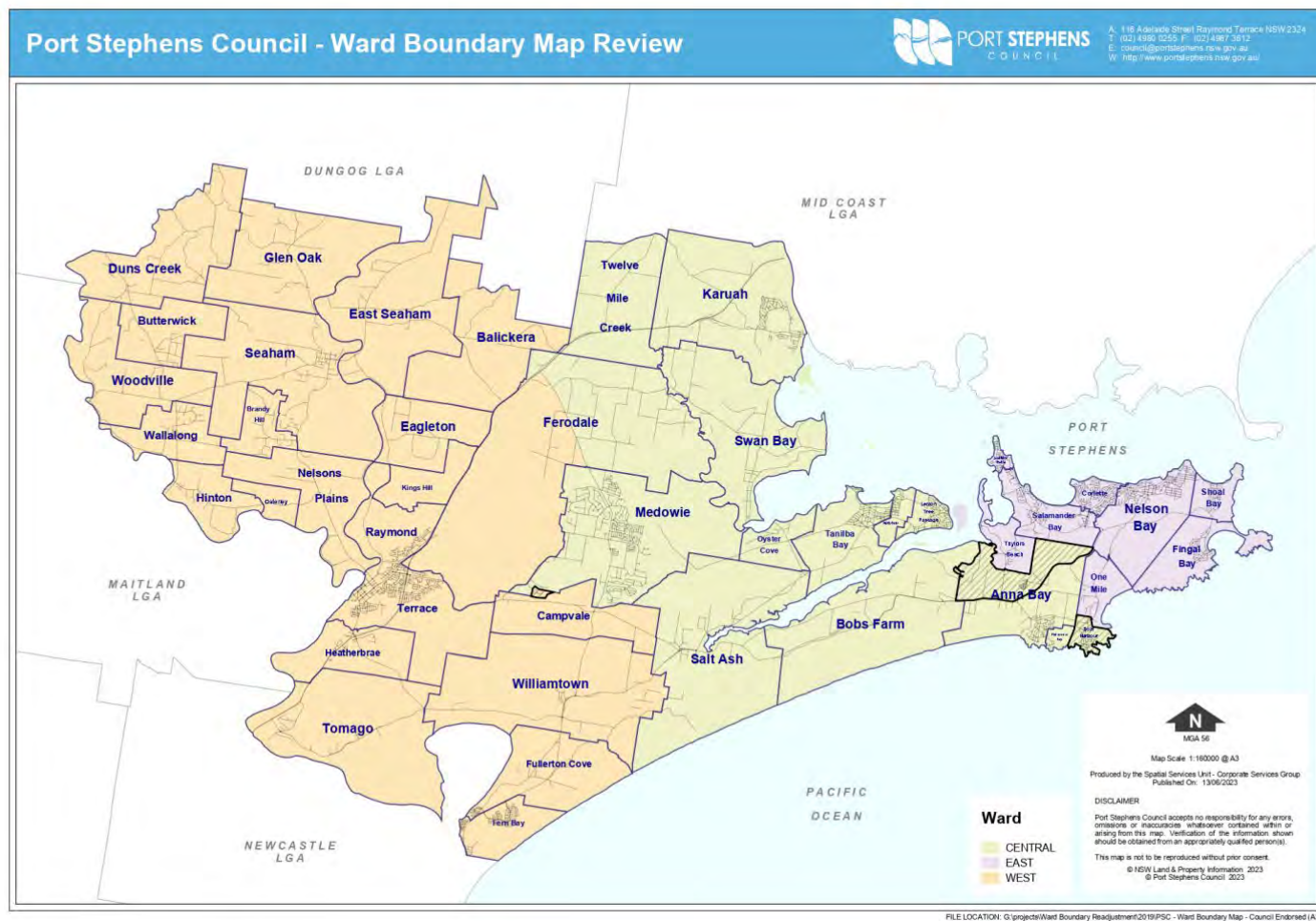
Projections						
2023	20594	18917	19771	59282	1677	8.87
2024	21194	19117	20171	60482	2077	10.86
2025	21694	19317	20571	61582	2377	12.31
2026	22294	19517	20971	62782	2777	14.23
2027	22894	19717	21371	63982	3177	16.11
2028	23494	19917	21771	65182	3577	17.96
2029	24094	20117	22171	66382	3977	19.77
2030	24694	20317	22571	67582	4377	21.54

Denotes  
Ward with  
highest  
number of  
electors



MINUTES ORDINARY COUNCIL - 11 JULY 2023

ITEM 3 - ATTACHMENT 3 OPTION 2 - WARD BOUNDARY REVIEW.



**MINUTES ORDINARY COUNCIL - 11 JULY 2023**

**ITEM 3 - ATTACHMENT 4 OPTION 2 - ELECTOR NUMBER PROJECTION.**

**Ward elector numbers projections - Option 2**

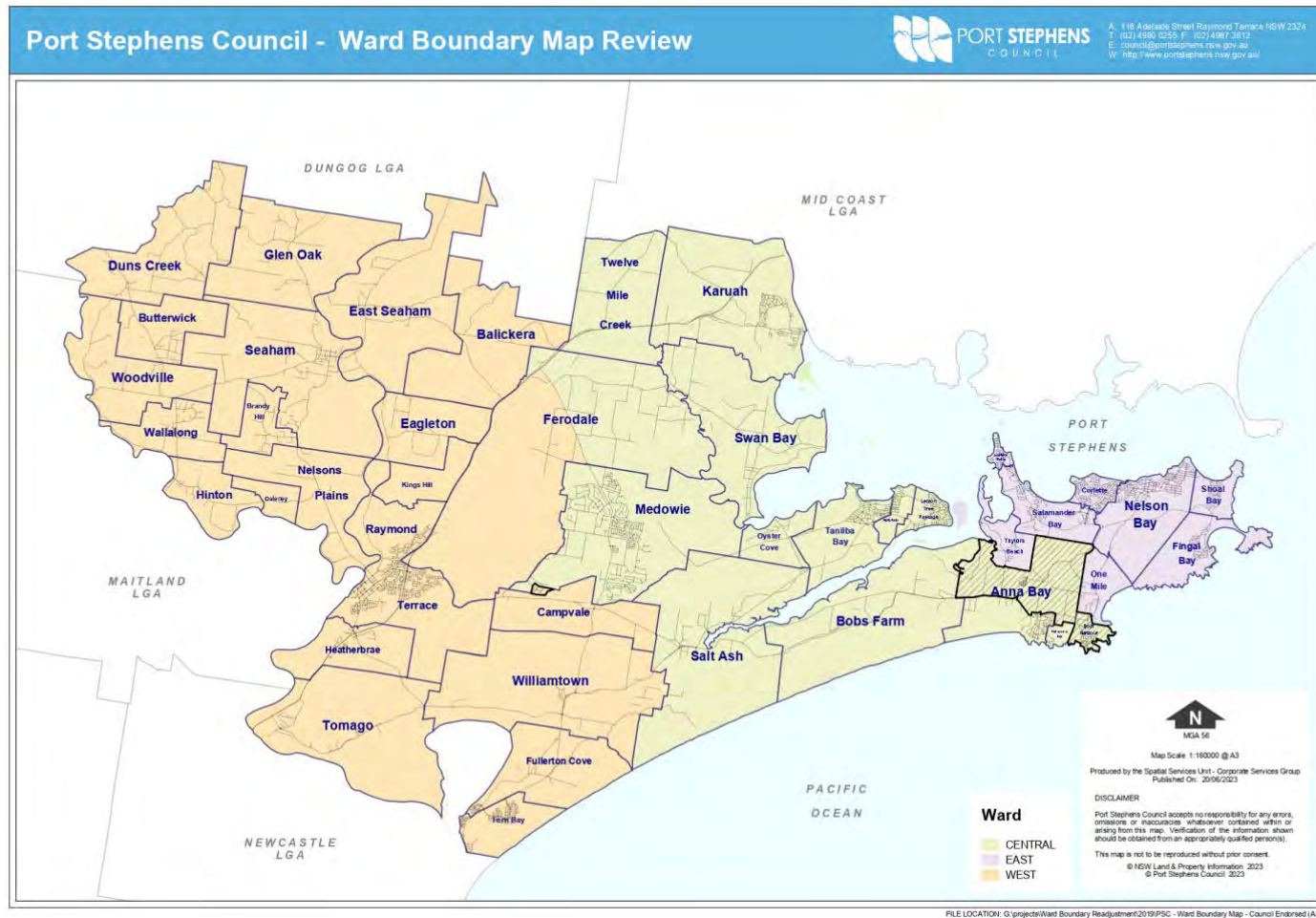
at 20.6.23

	Central Ward	East Ward	West Ward	Total	Variance	%
Current	21371	18070	19814	59255	3301	18.27
Boat Harbour	-820	820	0	0		
North Nelson						
Bay Road (Anna Bay)	-572	572	0	0		
Part Medowie	43	0	-43	0		
	20022	19462	19771	59255	560	2.88
Projections						
2023	20022	19462	19771	59255	560	2.88
2024	20622	19662	20171	60455	960	4.88
2025	21222	19862	20571	61655	1360	6.85
2026	21822	20062	20971	62855	1760	8.77
2027	22422	20262	21371	64055	2160	10.66
2028	23022	20462	21771	65255	2560	12.51
2029	23622	20662	22171	66455	2960	14.33
2030	24222	20862	22571	67655	3360	16.11

Denotes Ward  
with highest  
number of  
electors

MINUTES ORDINARY COUNCIL - 11 JULY 2023

ITEM 3 - ATTACHMENT 5 OPTION 3 - WARD BOUNDARY REVIEW.



## MINUTES ORDINARY COUNCIL - 11 JULY 2023

## ITEM 3 - ATTACHMENT 6

## OPTION 3 - ELECTOR NUMBER PROJECTION.

## Ward elector numbers projections - Option 3

at 20.6.23

	Central Ward	East Ward	West Ward	Total	Variance	%
Current	21371	18070	19814	59255	3301	18.27
Boat Harbour	-820	820	0	0		
North Nelson						
Bay Road						
(Anna Bay)	-572	572	0	0		
Part Anna						
Bay (North)	-370	370	0	0		
Part Medowie	43	0	-43	0		
	19652	19832	19771	59255	180	0.92

## Projections

2023	19652	19832	19771	59255	180	0.92
2024	20252	20032	20171	60455	220	1.10
2025	20652	20232	20571	61455	420	2.08
2026	21252	20432	20971	62655	820	4.01
2027	21852	20632	21371	63855	1220	5.91
2028	22452	20832	21771	65055	1620	7.78
2029	23052	21032	22171	66255	2020	9.60
2030	23652	21232	22571	67455	2420	11.40
2031	24252	21432	22971	68655	2820	13.16

Denotes  
Ward with  
highest  
number of  
electors

# ITEM 9 - ATTACHMENT 4      UPDATED WARD ELECTOR NUMBER PROJECTIONS - OPTION 1.

## Ward elector numbers projections - Option 1

at 20.6.23

	Central Ward	East Ward	West Ward	Total	Variance	%
Current	21371	18070	19814	59255	3301	18.27
Boat Harbour	-820	820	0	0		
Part Medowie	43	0	-43	0		
	20594	18890	19771	59255	1704	9.02
Projections						
2023	20594	18890	19771	59255	1704	9.02
2024	21194	19090	20171	60455	2104	11.02
2025	21694	19290	20571	61555	2404	12.46
2026	22294	19490	20971	62755	2804	14.39
2027	22894	19690	21371	63955	3204	16.27
2028	23494	19890	21771	65155	3604	18.12
2029	24094	20090	22171	66355	4004	19.93
2030	24694	20290	22571	67555	4404	21.71

Denotes  
Ward with  
highest  
number of  
electors

**ITEM NO. 10****FILE NO: 23/239192  
EDRMS NO: PSC2017-02841****ROYAL AUSTRALIAN HISTORICAL SOCIETY CONFERENCE 21-22 OCTOBER  
2023 IN WAGGA WAGGA****REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the attendance of Cr Jason Wells at the 2023 Royal Australian Historical Society (RAHS) Conference to be held in Wagga Wagga from 21 to 22 October 2023.

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**BACKGROUND**

The purpose of this report is to inform Council of the 2023 RAHS Conference being held in Wagga Wagga from 21 to 22 October 2023.

The conference is open to all Elected Members.

The conference program is included as **(ATTACHMENT 1)**.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Governance	Deliver governance services and internal audit program

**FINANCIAL/RESOURCE IMPLICATIONS**

The costs associated with registration, travel and accommodation will be covered from within the existing budget, subject to any individual Elected Member not exceeding the conference budget limits in the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy.

The registration fee for the conference is \$220 per delegate for the 2 day conference.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		As per the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy requires Council to approve all conference attendances outside of the Hunter Region. Councillors' conference costs are limited to \$3000 per year under the policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There may be a risk that Council does not comply with the Continuing Professional Development opportunities for Councillors.	Low	Adopt the recommendation.	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Ensuring the local government area is well represented in all matters at the conference will benefit the Port Stephens community. Information received will be distributed to the appropriate members of the community and relevant Council staff.

### CONSULTATION

Nil.



**OPTIONS**

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

**ATTACHMENTS**

- 1) 2023 RAHS Conference Program. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

Last Updated: 28 August 2023



## **RAHS CONFERENCE**

### *The Way Ahead*

*Local and community histories  
for our future*

Wagga RSL, 21–22 October 2023



Fitzmaurice Street, c.1890 [Wagga Wagga and District Historical Society]

The City of Wagga Wagga is the perfect location to explore the 2023 Conference Theme – *The Way Ahead: Local and Community Histories for our Future*. Today the people who call Wagga Wagga home – Wiradyuri people, other First Nations people from across Australia, and non-indigenous people from Australia and around the world – reflect its rich and diverse history. The commitment to remembering and honouring this history both now and for future generations can be seen with the launch of the redeveloped Museum of the Riverina Botanic Gardens site. The museum is dedicated to telling stories about the people and events that helped shape the City of Wagga Wagga and the Riverina Region. This commitment to local and community histories includes an outreach program that supports thirty-eight Riverina museum collections.

We are sure you will enjoy the RAHS Conference program and exploring this region's museums and historical sites. The RAHS Conference website includes ideas to make the most of your visit to Wagga Wagga and the Riverina Region. We would like to thank the Wagga Wagga and District Historical Society for sharing resources from their collections on the conference website:

<https://www.rahs.org.au/2023-rahs-conference/>

**Friday 20 October 2023**

**Pre-conference Drinks 5.30 pm – 7 pm**

Hosted by Wagga Wagga and District Historical Society (WWDHS)

Join conference delegates, members of the WWDHS and guests at the pre-conference drinks at the Museum of the Riverina Historic Council Chambers site, corner of Baylis Street and Morrow Street, Wagga Wagga. Constructed in 1881 by renowned local builder Charles Hardy (Hardy & Co.), the venue for the pre-conference drinks provides an opportunity to enjoy the architectural heritage of the City of Wagga Wagga.

**DAY 1 OF 2: SATURDAY 21 OCTOBER 2023**

<b>Session A Welcome and Keynote address</b>	
Chair: Lynne Allen, RAHS Councillor, RAHS Affiliated Societies Committee	
8.30 am	Registration
9.15 am	Welcome to Country
9.30 am	Welcome to the RAHS Conference, RAHS President's Address
9.45 am	The Lesley Muir Address: Adjunct Associate Professor Bruce Pennay OAM <i>Looking for ways ahead: A local response from Albury-Wodonga</i>

10.30 am – 11.00 am: Morning tea and book sales

<b>Session B Local and community histories: Stories from the Riverina</b>	
Chair: Graham Shirley, RAHS Councillor, RAHS Affiliated Societies Committee	
Sharing local and community histories deepens our connection to a place. Our speakers in Session B will allow us to learn about the Riverina Region and how the community shares its histories.	
11.00 am	Michelle Maddison: <i>Tom Castro: The man that never was</i>
11.30 am	Stephen Gapps: <i>The Wiradyuri Wars 1824–1842. Connecting local resistance along the colonial frontier</i>
12.00 pm	Bill Spiers: <i>Marie (Molly) Narelle (1870–1941): 'The Australian Queen of Irish Song'</i>

12.30 pm – 1.30 pm: Lunch and book sales

<b>Session C Local and community histories: Digitising the Past</b>	
Chair: Lorraine Neate, RAHS Affiliated Societies Committee, Illawarra Museum and Historical Society	
Digitisation projects are a way of preserving our histories and engaging with our communities. All projects have benefits and challenges, which our speakers in Session C will share with you to inspire and support your local and community history projects.	
1.30 pm	Greg Ryan: <i>Expanding Your Digital Footprint on Trove</i>
2.00 pm	Dr Ann Hardy: <i>Living Histories Digitisation Lab: Community Engagement and Digitisation Projects</i>
2.30 pm	Wayne Doubleday: <i>Digitisation – Is it really the panacea we've been searching for?</i>

3.00 pm – 3.30 pm: Afternoon tea and book sales

<b>Tours and Dinner</b>	
3.30 pm	Conference Tour: Museum of the Riverina, Botanic Gardens Site
6.30 pm	Conference Dinner at Wagga Wagga RSL

## DAY 2 OF 2: SUNDAY 22 OCTOBER 2023

**Session D The business of local and community history**

Chair: Suzanne Holohan, RAHS General Manager

9.15 am	Join members of the RAHS Affiliated Societies Committee to discuss issues that impact the future sustainability of our history groups and societies.
10.15 am	Honouring our history volunteers – Certificates of Achievement

10.30 am – 11.00 am: Morning tea and book sales

**Session E Local and community histories: Voices from the Past**

Chair: Angela Phippen, RAHS Affiliated Societies Committee, local studies librarian

Oral histories capture voices from the past and illuminate personal experiences. Our speakers in Session E speakers will highlight the unique perspectives that oral histories give us and how they can be shared with our communities.

11.00 am	Fran O'Flynn: <i>Collecting Contemporary Oral Histories, sharing new stories</i>
11.30 am	Alison Wishart: <i>Using oral history to enhance local and family history research</i>
12.00 pm	Graham Shirley: <i>Oral histories – Use and Reuse</i>

12.30 pm – 1.30 pm: Lunch and book sales

**Session F Local and community histories: The Future**

Chair: Peter Hobbins, Head of the Knowledge team at the Australian National Maritime Museum

The final session of the conference will focus directly on the future. Dr Peter Hobbins will lead a panel discussion with speakers from history institutions and organisations.

1.30 pm	Dr Penelope (Penny) Stannard: <i>Museums of History NSW</i>
2.00 pm	Matt Henderson: <i>Tocumwal Aviation Museum</i>
2.30 pm	Sam Leah: <i>Museum of the Riverina</i>

3.00 pm – 3.15 pm: Conference Wrap-Up and Close



**RAHS CONFERENCE**  
*The Way Ahead*  
 Local and community histories  
 for our future  
 Wagga RSL, 21–22 October 2023



**ITEM NO. 11**

**FILE NO: 23/223317  
EDRMS NO: PSC2021-04206**

**REQUEST FOR FINANCIAL ASSISTANCE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:-
  - a) Port Stephens Third Age Learning – Mayoral funds - \$2000 donation towards a new administration computer.
  - b) Port Stephens Sister Cities Committee – Mayoral funds - \$1050 donation towards up to 3 Port Stephens participants to attend the Wakashio Marathon.
  - c) Nelson Bay Hockey Club – Cr Leah Anderson – Rapid response - \$500 donation towards a disabled access ramp at Salamander Sporting Complex.
  - d) Landcare Fisherman's Bay – Cr Leah Anderson – Rapid response - \$300 donation towards landscaping supplies for planter box restoration.

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**BACKGROUND**

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

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

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

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

The requests for financial assistance are shown below:

## **MAYORAL FUNDS**

Port Stephens Third Age Learning	A wholly volunteer not for profit organisation providing programs, social activities and classes for retired residents.	\$2000	Donation towards new administration computer.
Port Stephens Sister Cities Committee	The Sister Cities Committee strengthens partnerships between Australian and international communities.	\$1050	Donation towards up to 3 Port Stephens participants to attend the 44 <sup>th</sup> Wakashio Marathon.

## **WARD FUNDS**

Nelson Bay Hockey Club (NBHC)	NBHC is a family-friendly group which welcomes all members of the community, of all ages and abilities.	\$500	Donation towards a disabled access ramp at Salamander Sporting Complex.
Landcare Fisherman's Bay	Landcare is a grassroots movement dedicated to managing environmental issues in the local community.	\$300	Donation towards landscaping supplies for planter box restoration.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
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 (S7.11)	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 recommendations.
- 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. 12**

**FILE NO: 23/230633**  
**EDRMS NO: PSC2022-02308**

**INFORMATION PAPERS**

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

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**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 26 September 2023.

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<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	August 2023 Cash and Investments	261
2	Carbon Neutrality 2025	265
3	Delegations Report	276
4	Council Resolutions	278

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# INFORMATION PAPERS

**ITEM NO. 1****FILE NO: 22/325571  
EDRMS NO: PSC2017-00180****AUGUST 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 August 2023.

The invested funds are set aside for:

<b>Restricted Cash</b>	
<b>Reserve</b>	<b>As at August 2023 \$'000</b>
<b>External</b>	
Deposits, retentions and bonds	1,421
Grants and Contributions	9,186
Developer contributions (inc Haulage)	22,146
Domestic Waste Management	10,531
Crown Reserve	7,809
<b>Internal</b>	
Asset Rehab/Reseals	2,571
Drainage	764
Commercial Property	18,995
Election Reserve	392
Employee Leave Entitlements (ELE)	1,000
Federal Assistance Grant in Advance	5,847
Fleet	2,045
Resilience fund	3,000
Grants Co-contribution	102
Emergency & Natural Disaster	5,119
Other Waste	27
Council Parking	455
IT	2,459
Sustainable energy and water reserve	46
Unexpended loan funds	-
Repealed	2,455

**ORDINARY COUNCIL - 26 SEPTEMBER 2023**

Transport levy	173
Admin Building	574
Ward Funds	32
Community Halls	53
Community Loans	200
<b>Total</b>	<b>97,402</b>

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

Cash and Investment Report	94,952
Variance Cash Reserves to Bank Account	(2,450)
Variance Due to:	
Outstanding State Roads payments	47
Loans not funded through a reserve	62
Outstanding GST refund	342
<b>Total Variance</b>	<b>451</b>
<b>Cash Shortfall</b>	<b>(1,999)</b>
(due to timing of income and expenditure)	

**ATTACHMENTS**

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

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS - AUGUST 2023.

## Cash and Investments Held as at 31 August 2023

ISSUER	Broker	Rating*	Type	Investment Date	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
AMP Bank	Laminar	BBB	TD	1-Sep-22	4.25%	368	4-Sep-23	700,000	729,668
Australian Unity Bank	Curve	BBB	TD	1-Jun-22	3.40%	468	12-Sep-23	1,000,000	1,008,477
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.39%	467	27-Sep-23	1,000,000	1,007,299
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.41%	481	11-Oct-23	1,000,000	1,007,370
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.42%	495	25-Oct-23	1,000,000	1,007,387
Arab Bank	IAM	NR	TD	27-Jul-23	5.30%	90	25-Oct-23	699,755	703,311
National Australia Bank	Curve	AA	TD	27-Jul-23	5.05%	91	26-Oct-23	5,000,000	5,024,212
National Australia Bank	Curve	AA	TD	27-Jul-23	5.05%	91	26-Oct-23	5,000,000	5,024,212
AMP Bank	Curve	BBB	TD	28-Jul-23	5.15%	90	26-Oct-23	2,500,000	2,511,993
Arab Bank	IAM	NR	TD	28-Jul-23	5.32%	90	26-Oct-23	2,500,000	2,512,389
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	1,007,437
Summerland Credit Union	IAM	NR	TD	30-Nov-22	4.72%	362	27-Nov-23	1,000,000	1,035,432
ING Bank	ING	A	TD	24-Jun-22	4.22%	531	7-Dec-23	1,000,000	1,007,978
QBANK	Ord Minnett	BBB	TD	2-Dec-22	4.70%	374	11-Dec-23	975,000	1,009,149
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.48%	552	21-Dec-23	1,000,000	1,007,487
ING Bank	ING	A	TD	24-Jun-22	4.33%	559	4-Jan-24	1,000,000	1,007,830
ING Bank	ING	A	TD	29-Jun-22	4.35%	566	16-Jan-24	1,000,000	1,007,508
Westpac	Westpac	AA	TD	8-Aug-22	4.00%	532	22-Jan-24	1,000,000	1,004,164
Westpac	Westpac	AA	TD	8-Aug-22	4.00%	539	29-Jan-24	1,000,000	1,003,397
Westpac	Westpac	AA	TD	28-Jan-22	1.53%	732	30-Jan-24	1,000,000	1,001,425
Westpac	Westpac	AA	TD	28-Jan-22	1.53%	746	13-Feb-24	1,000,000	1,001,425
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	1,026,454
Westpac	Westpac	AA	TD	14-Oct-22	4.53%	542	8-Apr-24	1,000,000	1,005,957
Judo Bank	IAM	BBB	TD	22-Apr-22	3.35%	732	23-Apr-24	825,000	834,919
Summerland Credit Union	Curve	NR	TD	23-Nov-22	4.60%	523	29-Apr-24	1,000,000	1,035,414
Judo Bank	IAM	BBB	TD	22-Apr-22	3.35%	746	7-May-24	825,000	834,919
Macquarie Bank	Curve	A	TD	1-Sep-22	4.41%	627	20-May-24	1,000,000	1,043,979
Commonwealth Bank of Australia	CBA	AA	TD	7-Feb-23	4.65%	475	27-May-24	1,000,000	1,007,771
ING Bank	ING	A	TD	31-May-23	5.05%	377	10-Jun-24	1,000,000	1,012,729
Macquarie Bank	Curve	A	TD	1-Sep-22	4.41%	649	11-Jun-24	1,000,000	1,043,979
ING Bank	ING	A	TD	31-May-23	5.05%	383	17-Jun-24	1,000,000	1,012,729
ING Bank	ING	A	TD	6-Jun-23	5.10%	384	24-Jun-24	1,000,000	1,012,016
Mutual Bank	Mutual	BBB	TD	28-Jun-23	5.80%	362	24-Jun-24	1,000,000	1,010,170
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
ING Bank	ING	A	TD	5-Jul-23	5.67%	376	15-Jul-24	1,000,000	1,008,855
Australian Military Bank	Curve	BBB	TD	25-Aug-22	4.40%	704	29-Jul-24	1,000,000	1,044,723
Police Credit Union	IAM	NR	TD	14-Feb-23	5.02%	538	5-Aug-24	1,000,000	1,027,232
Westpac	Westpac	AA	TD	21-Feb-23	5.01%	538	12-Aug-24	1,000,000	1,001,373
Defence Bank	Curve	BBB	TD	5-May-23	4.95%	479	26-Aug-24	1,000,000	1,016,003
Commonwealth Bank of Australia	CBA	AA	TD	3-Aug-23	5.46%	396	2-Sep-24	1,000,000	1,004,188
Bank Vic	IAM	BBB	TD	15-Mar-23	5.02%	544	9-Sep-24	1,000,000	1,023,243
Police Credit Union	IAM	NR	TD	5-May-23	5.02%	500	16-Sep-24	1,000,000	1,016,229
Police Credit Union	IAM	NR	TD	5-May-23	5.02%	507	23-Sep-24	1,000,000	1,016,229
Commonwealth Bank of Australia	CBA	AA	TD	3-Aug-23	5.42%	424	30-Sep-24	1,000,000	1,004,158
ING Bank	ING	A	TD	23-Dec-22	4.68%	655	8-Oct-24	1,000,000	1,032,183

## ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS - AUGUST 2023.

## Cash and Investments Held as at 31 August 2023

ISSUER	Broker	Rating*	Type	Investment Date	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
ING Bank	ING	A	TD	23-Dec-22	4.70%	661	14-Oct-24	1,000,000	1,032,321
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	1,035,799
Summerland Credit Union	Curve	NR	TD	23-Nov-22	4.65%	726	18-Nov-24	1,000,000	1,035,799
ING Bank	IAM	A	TD	2-Dec-22	4.50%	724	25-Nov-24	1,000,000	1,033,534
ING Bank	IAM	A	TD	2-Dec-22	4.50%	738	9-Dec-24	1,000,000	1,033,534
Commonwealth Bank of Australia	CBA	AA	TD	20-Dec-22	4.71%	731	20-Dec-24	1,000,000	1,007,872
Police Credit Union	IAM	NR	TD	5-May-23	5.02%	612	6-Jan-25	1,000,000	1,016,229
ING Bank	ING	A	TD	6-Jun-23	4.98%	587	13-Jan-25	1,000,000	1,011,734
Westpac	Westpac	AA	TD	6-Jun-23	4.98%	594	20-Jan-25	1,000,000	1,011,734
Judo Bank	IAM	BBB	TD	28-Jun-23	5.75%	579	27-Jan-25	1,000,000	1,010,082
Westpac	Westpac	AA	TD	6-Jun-23	4.98%	602	28-Jan-25	1,000,000	1,011,734
Commonwealth Bank of Australia	CBA	AA	TD	8-Feb-23	4.74%	733	10-Feb-25	1,000,000	1,007,922
Arab Bank	IAM	NR	TD	28-Jun-23	5.83%	593	10-Feb-25	1,000,000	1,010,222
Arab Bank	IAM	NR	TD	28-Jun-23	5.83%	607	24-Feb-25	1,000,000	1,010,222
Summerland Credit Union	Curve	NR	TD	15-Mar-23	5.05%	726	10-Mar-25	1,000,000	1,023,382
AMP Bank	IAM	BBB	TD	20-Apr-23	5.00%	732	21-Apr-25	1,000,000	1,018,219
AMP Bank	IAM	BBB	TD	9-May-23	5.00%	727	5-May-25	1,000,000	1,015,616
MOVE Bank	Curve	NR	TD	26-May-23	5.15%	731	26-May-25	1,000,000	1,013,686
Judo Bank	IAM	BBB	TD	5-Jul-23	5.70%	733	7-Jul-25	1,000,000	1,008,901
AMP Bank	IAM	BBB	TD	3-Aug-23	5.25%	725	28-Jul-25	1,000,000	1,004,027
Australian Military Bank	IAM	BBB	TD	9-Aug-23	5.27%	726	4-Aug-25	1,000,000	1,003,176
ING Bank	ING	A	TD	8-Aug-23	5.30%	734	11-Aug-25	1,000,000	1,003,340
Total Term Deposits (\$)								82,024,755	83,081,792
Macquarie Bank	Laminar	A	At Call		4.45%			0	0
Total Investments (\$)								82,024,755	83,081,792
Cash at Bank (\$)								11,870,525	11,870,525
Total Cash and Investments (\$)								93,895,280	94,952,317
Cash at Bank Interest Rate		4.15%							
3 month BBSW		4.15%							
Weighted Average Investment Rate of Return on TD's		4.68%							
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: 23/175652  
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 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.

<b>Deliverable</b>	<b>Status</b>
<b>Engage Carbon Specialist</b> – 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 develop the draft Carbon Neutral Action Plan.	Complete
<b>Review and update emissions data</b> – Data on Council's emissions sources has been collated. Work is now being undertaken to determine Council's organisational and operational emissions boundaries to inform our draft Carbon Footprint. This work will support the development of the Carbon Neutral Action Plan.	In Progress
<b>Audit emission sources and establish potential emission reduction strategies</b> – Audits of Council assets with high energy consumption have been undertaken in August to 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 have been established.	In Progress
<b>Modelling and evaluation of emissions reduction strategies and pathways</b> – Emissions reduction strategies, scenarios, costs and potential savings will be modelled and evaluated to determine the most viable pathway to reduce Council's emissions.	Upcoming

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

## **COLLABORATING FOR CLIMATE ACTION**

Council currently engages in a number of programs and partnerships to address climate action in our region and beyond, including the Cities Power Partnership, Sustainability Advantage Membership and the Hunter Joint Organisation Net Zero Acceleration (JONZA) program.

Through the JONZA program, Hunter JO has engaged a Net Zero Coordinator to accelerate net zero outcomes in our region. Council has been engaged with this program from the start and recently participated in the 'Net Zero Pulse' aimed at identifying progress, priorities and opportunities for collaboration. Further JONZA initiatives over the next 12 months include the development of a Regional Net Zero Strategy and a Regional Electric Vehicle Strategy.

## **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**

<b>014</b>	<b>Councillor Leah Anderson Councillor Glen Dunkley</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Note the status update for the Carbon Neutrality project.</li><li>2) Endorse the allocation of funding for the preparation of the Port Stephens Carbon Neutral Action Plan.</li><li>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.</li></ol>
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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 CO<sub>2</sub>-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:

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

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
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.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
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	<a href="#">Risk Ranking</a>	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**

<b>275</b>	<b>Mayor Ryan Palmer Councillor Giacomo Arnott</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Commit to the goal of achieving carbon neutrality for Council operations by 2025.</li><li>2) Determine a suitable funding source to support Council in achieving this goal</li><li>3) Provide a report to Council on a roadmap to achieving carbon neutrality.</li></ol>
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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**

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

**ATTACHMENTS**

Nil.

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

**ITEM NO. 3**

**FILE NO: 23/223336  
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.

**MAYOR AND GENERAL MANAGER DELEGATION REPORT**

<b>Date exercised</b>	<b>Delegations exercised</b>	<b>Purpose</b>	<b>Role exercising delegation</b>	<b>Reported to Council</b>
29/08/2023	Clause 178 of the Local Government (General) Regulation 2021	Acceptance of tender T066-2023 for the construction of a proposed sports amenities building at Yulong Oval, Medowie.	General Manager	26 September 2023
29/08/2023	Clause 178 of the Local Government (General) Regulation 2021	Acceptance of tender T077-2023 for External Preventative Maintenance Program - Administration Building.	General Manager	26 September 2023
05/09/2023	Clause 178 of the Local Government (General) Regulation 2021	Acceptance of RFQ091-2023 - TfNSW State Roads - Reseals.	Acting General Manager	26 September 2023
12/09/2023	Clause 178 of the Local Government (General) Regulation 2021	Acceptance of RFQ104-2023 - TfNSW State Roads - Asphalt Resurfacing and Heavy Patching.	General Manager	26 September 2023

**ITEM NO. 4**

**FILE NO: 23/223294  
EDRMS NO: PSC2017-00106**

## **COUNCIL RESOLUTIONS**

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

## **BACKGROUND**

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

## **ATTACHMENTS**

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

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.





<b>Action Sheets Report</b>	<b>Division:</b>	Corporate Services	<b>Date From:</b>	27/08/2013
	<b>Committee:</b>		<b>Date To:</b>	12/09/2023
	<b>Officer:</b>		<b>Printed:</b>	Thursday, 14 September 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/08/2023	Pattison, Zoe	Raymond Terrace Gateway Site Masterplan	31/12/2023		
1						23/214729
193						
<b>14 Sep 2023</b>						
Recommendation endorsed. Council staff will undertake a Masterplan for part of the Gateway site in Raymond Terrace and provide a report back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	31/12/2023	12/10/2022	
2						22/273002
<b>14 Sep 2023</b>						
Report deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	31/12/2023	12/10/2022	
1						22/273002
<b>14 Sep 2023</b>						
Public Exhibition deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Pattison, Zoe	Newline Road, Raymond Terrace	31/12/2023		
2						20/288489
199						
<b>14 Sep 2023</b>						
Contracts 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
	27/08/2013	Pattison, Zoe	Campvale Drain	30/06/2024		
243						
<b>14 Sep 2023</b>						
Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.						

ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP  
RESOLUTIONS.

<b>Action Sheets Report</b>	<b>Division:</b>	Development Services	<b>Date From:</b>	14/09/2021
	<b>Committee:</b>		<b>Date To:</b>	12/09/2023
	<b>Officer:</b>		<b>Printed: Wednesday, 13 September 2023</b>	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/09/2023	Lamont, Brock	Draft Local Infrastructure Contributions Plan 2020 – Amendment No. 3	29/12/2023	13/09/2023	
2		Pearl, Steven				23/238925
<b>13 Sep 2023</b> Council resolved to place the draft Port Stephens Local Infrastructure Contributions Plan - Amendment No. 3 on public exhibition. The exhibition period commenced Thursday 14 September 2023, for a 28 day period.						

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		Pearl, Steven				23/147603
137						
<b>13 Sep 2023</b> Council continues investigations and benchmarking to identify available options. A business paper is forecast to be presented to Council at the 28 November 2023 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Pearl, Steven	Development Application Information	31/10/2023	12/04/2023	
3		Pearl, Steven				23/92450
103						
<b>13 Sep 2023</b> DA Tracker has been updated by the addition of the owner's name. In regard to DA documents being made available on 'DA Tracker', a report is being prepared and will be presented to an upcoming Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Lamont, Brock	Housing Affordability	30/03/2024	12/04/2023	
6		Pearl, Steven				23/92450
105						
<b>13 Sep 2023</b> Council's Local Housing Strategy (LHS) review will integrate all outstanding housing-related actions (including the Affordable Housing Action Plan). The draft LHS is expected to be presented to Council for consideration in March 2024. Councillor workshops have been scheduled in September 2023, as the next step of the review.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Lamont, Brock	NSW Electric Vehicle Strategy	13/10/2023	12/04/2023	
3		Pearl, Steven				23/92450
093						
<b>13 Sep 2023</b> Draft DCP amendment in progress, a business paper is forecasted to be presented to Council for consideration at the 10 October 2023 meeting. Expression of Interest for EV charging providers is currently being drafted, subject to site feasibility study findings.						

ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP  
RESOLUTIONS.



<b>Action Sheets Report</b>	<b>Division:</b>	Development Services	<b>Date From:</b>	14/09/2021
	<b>Committee:</b>		<b>Date To:</b>	12/09/2023
	<b>Officer:</b>		<b>Printed: Wednesday, 13 September 2023</b>	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Lamont, Brock	22 Homestead Street, Salamander Bay	27/10/2023	12/04/2023	
5 088		Pearl, Steven				23/92450
<b>13 Sep 2023</b> Council investigated options for the rezoning of 22 Homestead Street, Salamander Bay, and the development of a Vegetation Management Plan, to provide the best opportunity to enable a successful long-term rehabilitation of the site. A report is being prepared by Strategic Property and is forecasted to be presented to Council for consideration at the 24 October 2023 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/03/2023	Lamont, Brock	Draft Development Control Plan - Housekeeping	13/10/2023	15/03/2023	
3 048		Pearl, Steven				23/69308
<b>13 Sep 2023</b> Council has collated feedback from landholders impacted by the review of Chapter D12 - Richardson Road. The business paper is under review and is forecasted to be presented to Council for consideration at the 10 October 2023 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/09/2021	Lamont, Brock	Port Stephens Waterway Strategy	29/12/2023	15/09/2021	
1 240		Pearl, Steven				21/252518
<b>13 Sep 2023</b> Council was unsuccessful in the Regional NSW - Business Case and Strategy Development Fund grant. Other funding sources are currently being investigated. Funding is being sought for consultants to prepare the Port Stephens Waterways Strategy.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/03/2023	Lamont, Brock	Matter Arising - LEP Amendment to review building height controls	15/12/2023		
		Pearl, Steven				
<b>13 Sep 2023</b> 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.						



<b>Action Sheets Report</b>	<b>Division:</b>	Facilities & Services	<b>Date From:</b>	10/08/2021
	<b>Committee:</b>		<b>Date To:</b>	12/09/2023
	<b>Officer:</b>		<b>Printed: Wednesday, 13 September 2023</b>	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/09/2023	Maretich, John	Policy Review - Foreshore Vessel Storage Policy	30/11/2023	13/09/2023	
5		Kable, Gregory				23/238925
<b>13 Sep 2023</b>						
The Policy has been placed on public exhibition for 28 days and a further report will be provided to Council following public exhibition if required.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Maretich, John	Naming Recreation Precinct at Medowie after Geoff Dingle	31/12/2023	12/04/2023	
2 085		Kable, Gregory				23/92450
<b>13 Sep 2023</b>						
Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to name the recreation precinct after Geoff Dingle.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Raymond Terrace Seven Day Makeover	25/12/2023		
17 228		Kable, Gregory				21/218740
<b>13 Sep 2023</b>						
A report will be presented to Council to allocate funds and commit to the project.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 23/05/2023	Maretich, John	Matter Arising: Medowie Lounge Library - Request the General Manager to prepare a report on potential funding options for a lounge library at Medowie.	31/10/2023		
		Kable, Gregory				
<b>13 Sep 2023</b>						
Staff will investigate and prepare a report for the 10 October 2023 Council meeting.						



<b>Action Sheets Report</b>	<b>Division:</b>	General Manager's Office	<b>Date From:</b>	11/04/2023
	<b>Committee:</b>		<b>Date To:</b>	12/09/2023
	<b>Officer:</b>		<b>Printed:</b> Wednesday, 13 September 2023	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/09/2023	Wickham, Tony	Policy – Data Breach	16/10/2023	13/09/2023	
6		Crosdale, Tim				23/238925
<b>13 Sep 2023</b> Currently on public exhibition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Walker, Ashley	Financial Assistance	31/12/2023	12/04/2023	
3 083		Crosdale, Tim				23/92450
<b>13 Sep 2023</b> Paperwork still not received.						

# QUESTIONS ON NOTICE

**ITEM NO. 1****FILE NO: 23/240246  
EDRMS NO: PSC2021-04203****QUESTIONS ON NOTICE / QUESTIONS WITH NOTICE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receives and notes the information provided in response to Questions on Notice / Questions with Notice.

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**BACKGROUND**

The purpose of this report is to provide responses to questions taken on or with notice in accordance with the Code of Meeting Practice.

Item:	4 – Policy Review – Child Protection Policy
Councillor:	Cr Peter Francis
Date Received:	12 September 2023
Question with Notice:	The policy does not make mention of staff and Councillors with regard to Working With Children Checks (WWCC).
Response:	<p>The revised Child Protection Policy applies to all Council staff, Mayor and Councillors, contractors and subcontractors, work experience participants, volunteers, students on placement, Family Day Care educators and the adults that live in their homes, facility hirers and leases.</p> <p>A Working With Children Check (WWCC) is a requirement for <b>Persons with Management and Control</b> who work or volunteer in child related work in NSW. The check provides either clearance to work with children for 5 years, or a bar against working with children.</p> <p>The WWCC child related work (including voluntary work) is:</p> <ul style="list-style-type: none"><li>• Providing services for children and young people under 18.</li></ul>

- Where the work normally involves being face to face with children.
- Where contact with children is more than incidental to the work.

The following roles also require a WWCC:

- An adult who resides or stays regularly (several nights a week) on the property of an authorised carer (foster carer or other authorised carer of children in statutory or supported out-of-home-care).
- A home based education and care service provider.
- A family daycare service provider (where care is provided at home).
- Potential adoptive parents.
- Heads of organisations captured by the Child Safe Scheme.

#### **WWCC required**

You work with children. This includes music teachers, extracurricular coaches, instructors, dance teachers, tutors, nannies, faith leaders and children's entertainers.

You work with or help children with disability and you are not supervised by other adults.  
Note: If you work with children with disability, you may also need an NDIS Worker Check.

#### **No WWCC required**

You are not the head of a child safe organisation or member of a governing body of a designated agency and you work in an organisation that delivers services for children but you do not have more than incidental contact with the children.

You are a student, over 18, on a clinical placement in a hospital or other health service.



	<p>Your work would not usually require you to hold a check, but it involves accessing confidential records or information about children.</p> <p>Note that your employer can only require you to hold a check if it has the approval of the Children's Guardian to do so.</p>	<p>Your work occasionally includes helping out with children as an incidental part of your role, but your work with children is very short term - a visitor to a school as a guest speaker.</p>
	<p>You provide transport for children (including to their work in the entertainment industry).</p>	<p>You are under 18.</p>
	<p>You volunteer to work with children who are not close relatives.</p>	<p>You are a co-worker or supervisor of a worker who is under 18.</p>
	<p>You are working or volunteering at an overnight camp for children.</p>	<p>You work as a referee, umpire or linesperson or other sporting official where the work does not involve contact with children for extended periods without other adults being present.</p>
	<p>You provide babysitting through an agency.</p>	<p>You are a private practice health practitioner who treats children with another adult present.</p>

	You are joining a formal mentoring program.	You babysit by private arrangement, or do informal domestic work at a home where there are children.
	You chaperone or supervise children working in the entertainment industry.	You are visiting from interstate and working with children for fewer than 30 days.
	You are the head of a child safe organisation.	A tradesperson who may incidentally come into contact with children but is not working with the children.
	You are a member of a governing body of a designated agency, adoption service provider or an entity providing specialised substitute residential care.	
	You provide cleaning services to a school.	
	You provide counselling, mentoring or distance education using any form of communication such as online or phone.	

## ATTACHMENTS

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.