

MINUTES – 28 NOVEMBER 2023



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 28 November 2023, commencing at 5:56pm.

PRESENT:

Mayor Ryan Palmer
Cr Leah Anderson
Cr Giacomo Arnott
Cr Matthew Bailey
Cr Peter Kafer
Cr Steve Tucker
Cr Jason Wells
General Manager
Director Community Futures
Director Corporate Strategy and Support
Director Facilities and Infrastructure
Governance Section Manager

The meeting opened and was paused for 5 minutes in accordance with clause 5.28(d) of the Code of Meeting Practice, due to a technical issue with the webcast.

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

273	Councillor Steve Tucker Councillor Jason Wells It was resolved that the apology from Cr Glen Dunkley be received and noted and leave of absence be granted for Cr Peter Francis. Note: Cr Chris Doohan was previously granted leave of absence for 28 November 2023.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

	<p>Cr Jason Wells declared a pecuniary conflict of interest in Item 5. The nature of the interest is Cr Wells is an employee of the NSW Department of Education which is a recipient of funding.</p> <p>Cr Leah Anderson declared a less than significant non-pecuniary conflict of interest in Item 7. The nature of the interest is when preparing for this Council meeting, as per usual Cr Anderson closely examines every detail of the quarterly budget. Cr Anderson noticed a familiar business name on page 94 (List of Contractors) and Cr Anderson identified she was related to the owners of Aqua Logic Laundry Systems.</p> <p>Aqua Logic Laundry Systems is owned and operated by two cousins of Cr Anderson, based in Seven Hills, NSW. Whilst they are not close family and Cr Anderson has no connection to this business otherwise, the less than significant non-pecuniary conflict should be noted.</p>
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274	Councillor Jason Wells Councillor Steve Tucker It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 14 November 2023 be confirmed.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

INDEX

SUBJECT**PAGE NO****MOTIONS TO CLOSE 4**

1. MOTION TO CLOSE.....7

COUNCIL REPORTS..... 9

1. DRAFT AMENDMENT TO PORT STEPHENS DEVELOPMENT
CONTROL PLAN 2014 – CHAPTER B5 FLOODING10
2. DRAFT LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN -
AMENDMENT 333
3. ADMINISTRATIVE AMENDMENT TO THE PORT STEPHENS
LOCAL ENVIRONMENTAL PLAN 201347
4. RAMSAR LISTING FOR MAMBO WANDA WETLANDS.....57
5. ENVIRONMENTAL PROJECTS FUND 2023 TO 202467
6. COMMUNITY SUPPORT FUND (ROUND 1) 2023 TO 2024.....74
7. QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 202381
8. 2023 TO 2024 FEES AND CHARGES - DEVELOPMENT
APPLICATION AWARENESS CAMPAIGN.....95
9. 2022 TO 2023 ANNUAL REPORT104
10. POLICY REVIEW - INFORMATION & DIRECTION SIGNS IN ROAD
RESERVES POLICY114
11. POLICY REVIEW - FORESHORE VESSEL STORAGE POLICY.....157
12. REQUESTS FOR FINANCIAL ASSISTANCE.....168
13. INFORMATION PAPERS173

INFORMATION PAPERS 174

1. CASH INVESTMENT PORTFOLIO - OCTOBER 2023.....175
2. CODE OF CONDUCT ANNUAL REPORTING185
3. DELEGATIONS REPORT.....187
4. COUNCIL RESOLUTIONS189

CONFIDENTIAL 196

1. SALE OF CLOSED ROADS IN RAYMOND TERRACE.....197

DECLARATION OF INTEREST

ORDINARY COUNCIL - 28 NOVEMBER 2023



Declaration of Interest form

Agenda item No. 5

Report title Environmental Projects Fund 2023 to 2024

Mayor/Councillor Jason Wells declared a

Tick the relevant response:

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

in this item. The nature of the interest is Cr Wells is an employee of NSW Dept of Education which is a recipient of funding.

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 6.41 pm.

Mayor/Councillor returned to the Council meeting at 6.42 pm.

ORDINARY COUNCIL - 28 NOVEMBER 2023



Declaration of Interest form

Agenda item No. 7

Report title QUARTERLY BUDGET REVIEW TO 30/9/23

Mayor/Councillor LEAH ANDERSON declared a

Tick the relevant response:

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

in this item. The nature of the interest is WHEN PREPARING FOR THIS COUNCIL MEETING, AS PER USUAL I WAS CLOSELY EXAMINING EVERY DETAIL OF THE QUARTERLY BUDGET. I NOTICED A FAMILIAR BUSINESS NAME ON PAGE 94 (LIST OF CONTRACTORS) AND IDENTIFIED I WAS RELATED TO THE OWNERS OF AQUA LOGIC LAUNDRY SYSTEMS.

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.)

AQUA-LOGIC LAUNDRY SYSTEMS IS OWNED & OPERATED BY 2 COUSINS OF MINE, BASED IN SEVEN HILLS, NSW. WHILST THEY ARE NOT CLOSE FAMILY & I HAVE NO CONNECTION TO THIS BUSINESS OTHERWISE, THE LESS THAN SIGNIFICANT, NON PECUNIARY
OFFICE USE ONLY: (Committee of the Whole may not be applicable at all meetings.) CONFLICT SHOULD BE NOTED.

Mayor/Councillor left the Council meeting in Committee of the Whole at _____ pm.

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

Mayor/Councillor left the Council meeting at _____ pm.

Mayor/Councillor returned to the Council meeting at _____ pm.

MOTIONS TO CLOSE

ITEM NO. 1

**FILE NO: 23/283463
EDRMS NO: PSC2022-02800**

MOTION TO CLOSE

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

RECOMMENDATION:

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

**ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023
MOTION**

275	<p>Councillor Jason Wells Councillor Peter Kafer</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely Sale of Closed Roads in Raymond Terrace.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 23/266681
EDRMS NO: PSC2023-04100**

**DRAFT AMENDMENT TO PORT STEPHENS DEVELOPMENT CONTROL PLAN
2014 – CHAPTER B5 FLOODING**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Places the draft Port Stephens Development Control Plan 2014 Chapter B5 Flooding (**ATTACHMENT 1**) as amended on public exhibition in the week commencing 15 January 2024 for a period of 28 days, if no submissions are received, adopt as recommended without a further report to council.

**ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023
MOTION**

276	<p>Councillor Giacomo Arnott Councillor Jason Wells</p> <p>It was resolved that Council place the draft Port Stephens Development Control Plan 2014 Chapter B5 Flooding (ATTACHMENT 1) as amended on public exhibition by the end of November 2023, until 12 February 2024, with advertisement in the media of the public exhibition period to occur from 15 January 2024 and social media advertisement to occur throughout the whole period, with the Plan to return to Council following the exhibition period to consider adoption.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council endorsement to place the draft amendments to the Port Stephens Development Control 2014 (DCP) Chapter B5 Flooding (**ATTACHMENT 1**) on public exhibition for a period of 28 days. The exhibition period will be delayed to account for the Christmas shutdown period.

The proposed changes to Chapter B5 Flooding are in response to the outcomes of the NSW Flood Inquiry and a recent Land and Environment Court (LEC) decision (Ward v Port Stephens Council [2023] NSW LEC 1493) (Ward vs PSC). The NSW Flood Inquiry recommends actions for Councils and the State Government to discourage certain development in high risk flood areas. The Ward vs PSC LEC decision overturned Council's refusal of a dwelling in a high hazard floodway and by virtue of the decision, identified a number of errors and inconsistencies in the drafting of Chapter B5 Flooding in the DCP.

Based on the outcomes of the Ward vs PSC LEC decision, it was concluded that the existing DCP performance based controls for dwellings proposed in floodways are too ambiguous, subjective, open to interpretation, and set an unacceptably low bar for approval.

This report recommends the DCP be amended to:

- Prohibit the approval of residential development in low and high hazard floodways
- Rectify drafting errors and inconsistencies in the DCP
- Make minor changes to the objectives of the chapter to align with the outcomes of the NSW Flood Inquiry
- Update definitions to reflect new terminology (**ATTACHMENT 2**).

The proposed change would bring the DCP in line with the approach taken in the DCPs of other local Councils, including Lake Macquarie City Council, Maitland City Council, Cessnock City Council and the City of Newcastle.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Program to develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

There are no significant financial or resource implications for Council as a consequence of the proposed recommendations.

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

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

LEGAL, POLICY AND RISK IMPLICATIONSEnvironmental Planning and Assessment Act 1979 (EP&A Act)

Division 3.6 of the EP&A Act relates to development control plans. Should Council resolve to proceed with the amendments, all necessary matters in preparing the plan will be carried out in accordance with the EP&A Act.

Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)

Division 2 of Part 2 of the EP&A Regulation specifies the requirements for public participation. The recommendation is in accordance with the provisions of the EP&A Regulation.

Port Stephens Development Control Plan 2014 (DCP)

This report recommends the exhibition of proposed amendments to DCP Chapter B5 Flooding to introduce objectives and development controls for future development to prohibit the approval of residential development in floodways.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council could be encouraging development that is inconsistent with the Flood Risk Management Manual and the limited legal indemnity relating to decisions made by Council in relation to	Low	Accept the recommendation.	Yes

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

flooding under Section 733 of the Local Government Act 1993 may not be available.			
There is a risk that approving development in floodways could present an unacceptable and unnecessary risk to life for the occupants.	Low	Accept the recommendation.	Yes
There is a risk that prohibiting the approval of residential development in floodways could give less discretion for rare instances where a dwelling may be suitable in a floodway, such as where a dwelling is proposed to be raised on a fill pad above the Probable Maximum Flood level and flood free evacuation is available.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed amendments to DCP Chapter B5 Flooding are considered to have positive social, environmental and economic implications by ensuring that new development does not present:

- new flood risk to communities, which if replicated could cause long-term unsustainable strain on emergency services personnel by increasing the number of dwellings in floodways that cannot be safely evacuated.
- landowners being subject to financial implications caused by unaffordable insurance premiums and are considered uninsurable.
- landowners being subject to financial implications of temporary accommodation when displaced, additional food costs preparing for isolation, and lost wages during isolation.
- landowners and or occupiers being subject to undue stress, including emotional stress, caused by evacuation warnings, actual evacuation attempts and when isolated by floodwaters.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section to identify and consider any issues prior to exhibition.

Internal

Internal consultation has been undertaken with the Development Planning and Development Engineering Teams on the proposed objectives and development controls for flooding.

External

If supported, the proposed amendments to DCP Chapter B5 Flooding will be placed on public exhibition for a period of 28 days together with an Explanation of Amendments (**ATTACHMENT 3**).

The amendments will be made available on Council's website in accordance with the EP&A Regulation and the Port Stephens Community Participation Plan.

Submissions on the proposed draft amendments to the DCP will be invited during the public exhibition period and, if submissions are received, they will be considered in a future report back to Council including any recommended post-exhibition changes. A submission summary table will be included with the post-exhibition report to Council.

OPTIONS

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

ATTACHMENTS

- 1) Draft Port Stephens Development Control Plan 2014 Chapter B5 Flooding.
- 2) Glossary - Port Stephens Development Control Plan 2014 Chapter B5 Flooding.
- 3) Explanation of Amendments.

COUNCILLORS' ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER B5 FLOODING.

B5

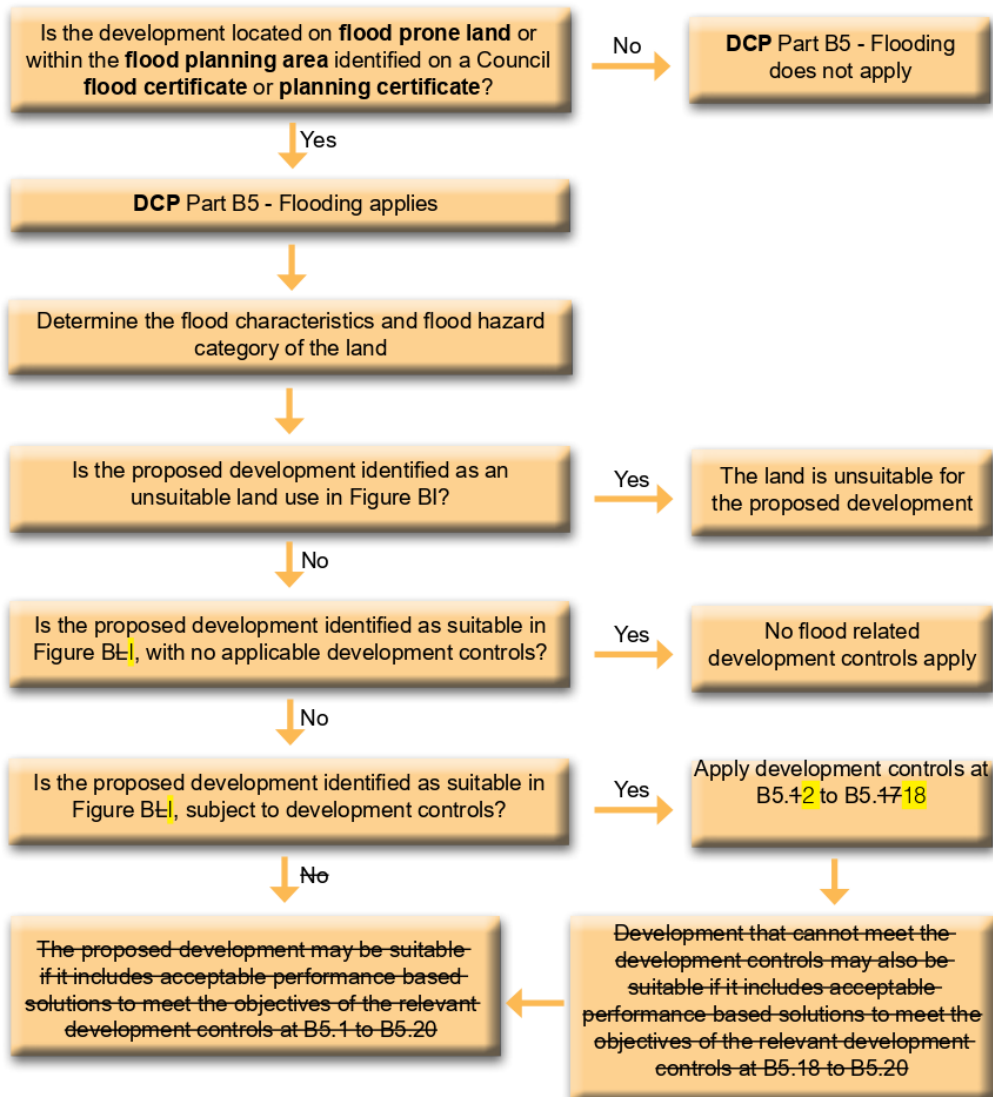
B5 Flooding

Application

This Part applies to all development on **flood prone land**

Refer to the flow chart at Figure BF to determine the assessment pathway for new development

Figure BF: Determine the assessment pathway



ITEM 1 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER B5 FLOODING.

B5

How flood impacts are assessed

A **flood certificate** identifies the flood category and flooding characteristics of the land to inform the assessment of proposed development.

The **flood certificate** will describe the highest flood category applicable to the land (a combination of the **flood hazard** and the **hydraulic category**), as well as various flood levels (such as the **flood planning level** and the **probable maximum flood level**). Figure BG shows the possible flood categories and Figure BH shows how flood categories and flood levels reflect the landscape and the relationship between water depth and water velocity in a flood.

Land in the hydraulic categories **flood fringe**, **flood storage** and **floodway** will generally make up the visible **floodplain**, whilst **overland flow paths** feed into the **floodplain**. Consequently, the characteristics of **overland flow paths** are considered separately from other flood categories and are not detailed in Figure BH below.

A **flood certificate** may also identify land as '**minimal risk flood prone land**' where only minimal impacts are anticipated. The requirements that apply to these categories are detailed in this Part.

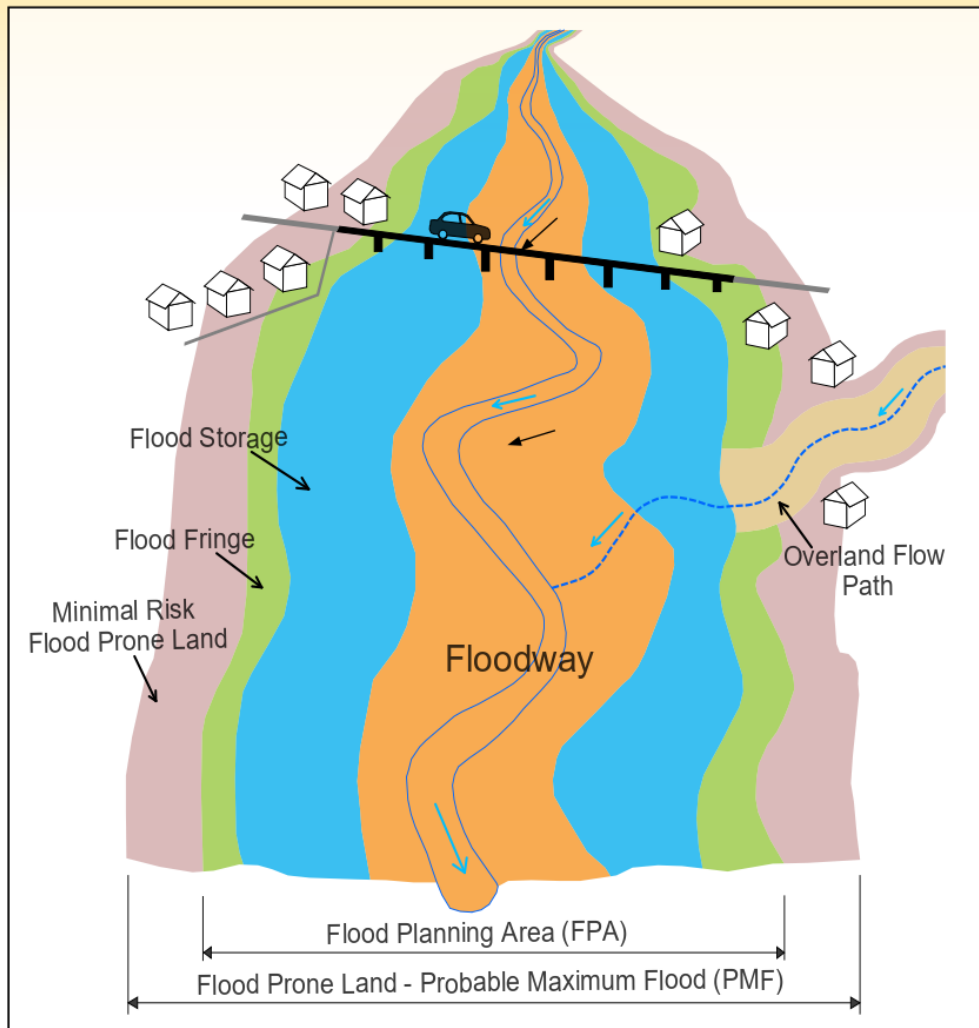
Figure BG: Flood categories

Hydraulic category	Flood hazard	
	Low hazard	High hazard
Flood Prone	Minimal Risk Flood Prone Land	
Flood Fringe	Low Hazard Flood Fringe	High Hazard Flood Fringe
Flood Storage	Low Hazard Flood Storage	High Hazard Flood Storage
Overland Flow Path	Low Hazard Overland Flow Path	High Hazard Overland Flow Path
Floodway	Low Hazard Floodway	High Hazard Floodway

ITEM 1 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER B5 FLOODING.

B5

Figure BH: Flood hazard categories: landscape



Determining development suitability

Figure BI below sets out whether or not different types of new development are considered suitable on land designated a particular flood hazard category (as identified on a **flood certificate**).

Most new development proposed on **flood prone land** will need to address the development controls in this Part to mitigate risks and be considered suitable (Refer to Figure BI below).

Where risks are assessed as low, such as where land is identified as '**minimal risk flood prone land**' on a **flood certificate**, the requirements for new development will be minimal and most new development on that land is considered suitable (Refer to Figure BI below).

ITEM 1 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER B5 FLOODING.

B5

In some instances the risks of new development are substantially higher and the ability to develop the land is less certain. In these instances, an applicant may prepare performance-based solutions to meet the objectives of the relevant development controls and demonstrate that the risks have been mitigated. If the solution cannot demonstrate acceptable mitigation of risk, the new development may be an unsuitable use of the land (Refer to Figure B1 below). In some instances the risks of new development are substantially higher and the land will be unsuitable for development. In these instances, the development will not be supported by Council.

Figure B1: Suitable land uses by flood hazard category (as identified on a flood certificate)

Development suitability										
	Flood Hazard Categories (as identified on a flood certificate)	Minimal Risk Flood Prone Land	Low Hazard Flood Fringe	High Hazard Flood Fringe	Low Hazard Flood Storage	High Hazard Flood Storage	Low Hazard Overland Flow Path	High Hazard Overland Flow Path	Low Hazard Floodway	High hazard Floodway
Development vulnerable to emergency response and critical infrastructure Sensitive and hazardous development		S	U	U	U	U	U	U	U	U
Residential accommodation (other than a dwelling house)		NA	S	S	S	S	S	S	U	U
Residential subdivision		NA	S	S	S	S	S	S	U	U
Dwelling house		NA	S	S	S	S	S	S	PB U	PB U
Farm buildings		NA	S	S	S	S	S	S	S	S
Fill		NA	S	S	S	S	S	S	S	S
Non-residential subdivision		NA	S	S	S	S	S	S	PB U	PB U
All other development		NA	S	S	S	S	S	S	PB U	PB U
Key										
U	Unsuitable land use on flood prone land									
NA	Suitable, no applicable development controls									
S	Suitable, subject to development controls									
PB	A performance based solution may be provided to demonstrate that the proposed land use is suitable									

B5.A Development on all flood prone land

Objectives

- To ensure development satisfies the provisions of the **LEP**.
- To provide detailed controls for the assessment of development proposed on **flood prone land** in accordance with the *Environmental Planning and Assessment Act 1979*.
- To ensure flood risk is considered as early as possible in the planning and development process, based on the best available flood information.

ITEM 1 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER B5 FLOODING.

B5

- To reduce the impact of flooding and flood liability on individual owners and occupiers of **flood prone land**.
- To recognise **flood prone land** as a valuable social, economic and environmental resource that should not be sterilised by inappropriate development. To treat floodplains as an asset, specialising in uses that are productive and minimise risk to life during major weather events.
- To ensure that the use and development of **flood prone land** includes risk consequences that are manageable.
- To implement the principles of the **NSW Government 'Floodplain Development Manual' 'Flood Risk Management Manual'** (as updated from time to time), **Construction of Buildings in Flood Hazard Areas (Australian Building Codes Board)** and Council's **Floodplain Risk Management Policy** and **flood hazard maps** as identified within Figure BF.

Development controls

Site selection

B5.1 Development is in accordance with Figure BI.

Note: Development deemed unsuitable in accordance with Figure BI is not supported.

B5.1.2 If multiple flood hazard categories are specified for a site on a **flood certificate**, the proposed development must be located on the land with the lowest flood risk.

Finished floor level (FFL)

B5.2.3 Development must meet the minimum **FFL** as specified in Figure BJ.

Note: The National Construction Code may provide minimum **FFLs** for some categories of development which prevail to the extent of any inconsistency with these controls.

The finished surface of open space car parking, carports and driveways should be designed having regard to vehicle stability, including consideration of depths and velocity during inundation by flood waters.

Figure BJ: Finished floor level

Development type	Required FFL
Development vulnerable to emergency-response, and critical infrastructure Sensitive and hazardous development	Probable maximum flood (PMF) level
Residential accommodation (including dwelling houses)	<ul style="list-style-type: none"> Habitable rooms – flood planning level Non-habitable rooms – adaptable minimum floor level Flood refuge – probable maximum flood Level (see B5.44.15 to determine if a flood refuge is required)
Subdivision	Flood planning level
Farm buildings	Onsite waste water level
Commercial premises	<ul style="list-style-type: none"> Habitable rooms - flood planning level Non-habitable rooms - onsite waste water level
Industrial premises	<ul style="list-style-type: none"> Habitable rooms - flood planning level Non-habitable rooms - onsite waste water level
Garages, open car parking spaces and carports	Current day 1% AEP flood level
Driveways and access	Current day 1% AEP flood level, or the flood immunity of the connecting public road

Development Control Plan

Port Stephens Council

5

ITEM 1 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER B5 FLOODING.

B5

Development controls

Flood compatible design

- B5.3⁴ Development for a building (and/or an associated driveway or access) must be of a **flood compatible design** and construction and shall meet the relevant requirements in the *Construction of Buildings in Flood Hazard Areas* (Australian Building Codes Board). Council may also require **structural certification** for development proposed on land which becomes a floodway in the **PMF**.

Development controls

Fencing

- B5.4⁵ Fencing on **flood prone land** should be stable in events up to the current day **1% AEP flood event** and not obstruct the flow of floodwater.

Electrical features

- B5.5⁶ All incoming main power service equipment, including all metering equipment, and all electrical fixtures, such as power points, light fittings, switches, heating, ventilation and other service facilities must be located above the **FPL**, or where possible above the **PMF**.
- Where the above cannot be achieved, the following features shall be used:
- Electrical cabling is not to be installed within walls, or chased into walls; and
 - Any circuit containing switches, power points or any other electrical fitting that are located below the **FPL**, shall connect to the power supply through an individual Residual Current Device (**RCD**), located in the meter box.

Potentially hazardous and/or polluting material

- B5.6⁷ The storage of hazardous or potentially hazardous materials, potentially polluting material or material that could be washed from site and cause harm downstream must be stored above the **FPL** with appropriate bunding.
- B5.7⁸ Items that may wash away during flood events (e.g. rainwater tanks, hot water tanks, gas cylinders, shipping containers) must be elevated above the **1% AEP flood event** level in the year 2100 (without **freeboard**) or anchored to resist buoyancy and impact forces.

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

Objectives

In addition to the objectives listed in B5.A, the following objectives apply to development on all **flood prone land** other than **minimal risk flood prone land**:

- To ensure that appropriate controls are applied to development on land where more than a minimal risk is present.

Development controls

Flood impact and risk assessment

- B5.8⁹ A **flood impact and risk assessment** is required for:
- Any **fill** on land identified as **floodway**.

ITEM 1 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER B5 FLOODING.

B5

Development controls

- Any **fill** located in a **flood storage area**, unless:
 - The net volume of **fill** does not exceed the lesser of 20% or 2000m³ of the **flood volume** of the lot in the **1% AEP flood event** in the year 2100 (this includes consideration of previous **fill** volumes); and
 - It is demonstrated that the **fill** does not adversely affect local drainage patterns of all events up to the **1% AEP flood event** in the year 2100.
 - Note: Fill in **flood storage areas** greater than the abovementioned volume can be offset by **flood storage**. Offsetting can be achieved through consolidation of lots and/or assigning an 'easement to flood land' on the compensatory lot/s. Compensatory lots must be located within the zone of influence of the proposed **fill** (as demonstrated by the **flood impact and risk assessment**) or adjacent to the proposed **fill** and be of the same hazard category of the subject site.
- Any **fill** for the purposes of a **livestock flood refuge mound**, unless the **livestock flood refuge mound** is located in an identified **flood fringe area**:
 - The volume/size and location of the **livestock flood refuge mound** meets the criteria in Figure BK; and
 - The size of the mound must have regard to the agricultural capacity of the land. The design and size of the mound shall be determined by reference to the *NSW Department of Primary Industries –Agriculture. 2009, 'Primefacts: Livestock flood refuge mounds'*; and
- Where the proposed development could change flood behaviour, affect existing flood risk, or expose people to flood risks that require management or;
- If Council determines a **flood impact and risk assessment** is necessary for any other reason.

Figure BK: Livestock flood refuge mound

Size of mound	Distance from nearest property
20m x 20m (at current day 1% AEP flood level and 0.5m below the current day 1% AEP flood level)	> 180m
20m x 20m (1.0m below the current day 1% AEP flood level)	> 40m
20m x 20m (1.5m below the current day 1% AEP flood level)	> 25m
40m x 40m (at current day 1% AEP flood level, 0.5m below the current day 1% AEP flood level and 1.0m below the current day 1% AEP flood level)	> 830m
40m x 40m (1.5m below current day 1% AEP flood level)	> 170m

Note: Interpolation between the values listed above should be based on the length of the mound perpendicular to the direction of flow, followed by the depth below the current day **1% AEP flood event** level.

Development controls

Ongoing flood adaptation

- B5.9
10 For residential accommodation, subdivision, commercial premises, industrial premises, garages, open car parking spaces and carports, a reduced **planning horizon** of 50 years from the date of determination will be accepted where the design facilitates ongoing flood adaptation (ie the future raising of the building).

ITEM 1 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER B5 FLOODING.

B5

Development controls

Minor alterations and additions to existing residential accommodation

- B5.10-11** Where proposed alterations and additions to existing **residential accommodation** is less than 40% of the **gross floor area** of the existing **residential accommodation**, and does not involve a net increase in the number of bedrooms, Council will consider a **FFL** lower than the **flood planning level (FPL)**, but not lower than the existing floor level. Any additional flood risk must include mitigation measures to reduce the overall flood risk of the development.

Driveways and access

- B5.11-12** Access from the building envelope **development** to the public road is to have a minimum **finished access level** of:
- The **flood immunity** of the connecting public road; or
 - The current day **1% AEP flood event** level for the site.

- B5.12-13** Earthworks for driveways and access must satisfy the objectives of B3.C of the **DCP** and **LEP**.

Note: Impacts on local drainage and localised flooding should be considered and addressed. Driveways should be designed and constructed in accordance with Councils standard design drawings.

Subdivision

- B5.13-14** Subdivision that creates the ability to erect additional dwellings is to indicate building envelopes above the **FPL** and comply with the requirements of B5.11-12, B5.12-13 and B5.14-15 of this Part.

Emergency onsite flood refuge

- B5.14-15** If evacuation egress from residential accommodation, a commercial premises, an industrial premises, fill or development vulnerable to emergency response and critical infrastructure to flood free areas cannot be achieved via a route that is flood free in the current day **1% AEP flood event** or is a **low hazard flood area**, an onsite **flood refuge** must be provided meeting the following criteria the development to the public road does not satisfy B5.12, a flood refuge may be accepted as an alternative in the following circumstances:

- Is located above the **PMF** level;
- Flood modelling is provided to demonstrate the refuge will be isolated for a period of no more than 6 hours in a range of events, including flash flooding, and up to the 1% AEP flood event in the year 2100;
- The development is not located in, or surrounded by, a floodway
- Is intrinsically accessible to all people on the site, plainly evident and self-directing;
- Is accessible in sufficient time for all occupants with fail safe access and no reliance on elevators;
- Has unobstructed external access for emergency boats during flooding;
- Caters for the number of persons that could reasonably be expected on-site at any one time (approx. 2m² per person);
- Provides adequate shelter from the storm and has natural lighting and ventilation; and
- Contains sufficient clean water, food, a first aid kit, portable radio with spare batteries and a torch with spare batteries.

Note: If a **flood refuge** is required proposed, the DA must be accompanied by **structural certification** for all floods up to the **PMF flood event**.

ITEM 1 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER B5 FLOODING.

B5

Development controls

Development on land identified as **overland flow path**

- B5.15
16 A **site based overland flow report** must be submitted for development located within a designated **overland flow path**. The purpose of this report is to demonstrate that the development:
- Will not result in material increase in flood level or flood hazard upstream, downstream or surrounding properties; and
 - Will provide acceptable management of flood risk with appropriate development levels to ensure the safety of people.

B5.C Development on land identified as floodway

Objectives

In addition to the objectives listed in B5.A and B5.B, the following objectives apply to development on land defined as **floodway**:

- To ensure development on land identified as **floodway** is restricted to low risk development.
- To ensure the capacity of the **floodway** to convey and contain floodwaters is not diminished.

Development controls

Appropriate development

- B5.16
17 Development other than farm buildings and/or **fill** is not supported on land identified as either low hazard floodway or high hazard floodway.

Fencing

- B5.17
18 Fencing in a **floodway** should not include non-permeable materials or fencing types that could restrict or redirect flood waters.

B5.D Application of performance based solutions

Objectives

Performance based solutions that meet the objectives listed below apply to:

- Proposed development identified as suitable on flood prone land in Figure B1 that cannot meet the relevant development controls in this Part; or
- Proposed development that is identified as possibly suitable on flood prone land in Figure B1, subject to performance based solutions.

ITEM 1 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER B5 FLOODING.

B5

Performance-based solutions

Risk to life

B5-18 The proposed land use is consistent with Figure B1, which shows suitable land uses by flood hazard category (as identified on a **flood certificate**) and the proposed development incorporates adequate measures to manage risk to human life from flooding, including:-

- Evacuation access from an area affected by flooding to an **area free of risk from flooding**, taking into account any potential access restrictions;
- Warning times and procedures to make people aware of the need to evacuate;
- Consideration of the current and potential future occupants; and
- Consistency with the most recent Council adopted flood study or **floodplain risk management study** that has been undertaken for the site.

Risk to property

B5-19 The proposed development will not increase the potential individual or cumulative flood impacts on other development or properties that are likely to occur in the same **floodplain**. In determining any potential increase in flood impacts, Council will consider:

- Future (in the year 2100) flood levels and/or velocities including, but not limited to the **5% AEP flood event**, **1% AEP flood event** and **probable maximum flood (PMF)** events;
- Loss of **flood storage** in the immediate **floodplain**; and
- Consistency with the most recent, Council adopted flood study or **floodplain risk management study** that has been undertaken for the site.

Flood hazard compatibility

B5-20 The proposed development must be compatible with the flood hazard category of the land (as identified on a **flood certificate**) or include mitigation measures or offsets to reduce the **flood risk**. In determining compatibility, Council will consider:

- Whether there is other land on the site with lower flood risks where the development could be located;
- Depth of flood inundation on the site and the adjacent land;
- Flow velocity on the site as well as upstream and downstream from the site;
- Suitability of design so that the development does not become isolated by high hazard floodwaters; and
- Consistency with the most recent, Council adopted flood study or **floodplain risk management study** that has been undertaken for the site.

ITEM 1 - ATTACHMENT 2 GLOSSARY - PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER B5 FLOODING.

E1

E1 Glossary

flood impact and risk assessment is a comprehensive technical investigation of flood behaviour that defines the variation over time of flood levels, extent and velocity for flood events of various severities up to and including the **PMF** event. It covers the entire floodplain catchment, with particular emphasis on the area under consideration. The flood impact and risk assessment will:

- i. Be certified by a chartered Professional Engineer who is recognised under the Engineers Australia's National Engineering Register (**NER**), who has experience in hydraulics and floodplain management;
- ii. Be a comprehensive document that includes numerical flood modelling of the proposed development area;
- iii. Ensure that the extent of the study adequately assesses all flooding characteristics and impacts of the development in the area;
- iv. Be consistent with any existing **flood impact and risk assessment** or floodplain risk management plan undertaken for Council for the subject site. Where there is deviation from the Council adopted studies, the flood study must detail and justify the deviations;
- v. Be consistent with the **NSW Floodplain Development Manual 2005 Flood Risk Management Manual** and the current version of Australian Rainfall and Runoff and determine the existing flooding characteristics and assess the impacts of the proposal, including assessment of design flood events including 10% **AEP**, 5% **AEP**, 1% **AEP** and **PMF** for existing conditions, 2050 and 2100; and
- vi. Assess cumulative flood storage impacts, flood levels, velocity (including direction), hazard and hydraulic categories.

Floodplain Risk Management Policy refers to Council's adopted policy outlining the management of risk associated with flooding on lands across the Local Government Area in accordance with State Government's Flood-Prone Land Policy and **NSW Floodplain Development Manual 2005**.

Floodplain Risk Management Study is a study of the risks across the floodplain and evaluates management options for both existing and proposed development. A floodplain risk management study needs to be developed in accordance with the principles and guidelines contained in the **NSW Floodplain Management Manual Flood Risk Management Manual**.

habitable room as defined by the **NSW Floodplain Development Manual 2005** and the current Building Code of Australia means a room used for normal domestic activities, and -

- a. includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
- b. excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Note: the **NSW Floodplain Development Manual 2005** provides the following definition for industrial and commercial situations: an area used for offices or to store valuable possessions susceptible to flood damages in the event of a flood.

ITEM 1 - ATTACHMENT 2 GLOSSARY - PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER B5 FLOODING.

E1

NSW Floodplain Development Manual 2005 Flood Risk Management Manual refers to the State Government manual relating to the development of flood liable land for the purposes of section 733 of the *Local Government Act 1993*

sensitive and hazardous development includes the following land uses -

- a. boarding houses;
- b. caravan parks;
- c. correctional centres;
- d. early education and care facilities;
- e. eco-tourist facilities;
- f. educational establishments;
- g. emergency services facilities;
- h. group homes;
- i. hazardous industries;
- j. hazardous storage establishments;
- k. hospitals;
- l. hostels;
- m. information and education facilities;
- n. respite day care centres;
- o. seniors housing;
- p. sewerage systems;
- q. tourist and visitor accommodation; and
- r. water supply systems

Explanation of Amendments

Draft Amendments to Port Stephens Development Control Plan 2014 – Chapter B5 Flooding

NO.	EXPLANATION OF AMENDMENTS
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1 Figure BF: Determine the assessment pathway

1. Amend the table to delete "The proposed development may be suitable if it includes acceptable performance based solutions to meet the objectives of the relevant development controls at B5.1 to B5.20"
2. Amend the table to delete "Development that cannot meet the development controls may also be suitable if it includes acceptable performance based solutions to meet the objectives of the relevant development controls at B5.18 to B5.20"

Explanation: Performance based solutions are no longer considered acceptable criteria to assess if the proposed development may be suitable.

2 Determining development suitability

1. Delete "In some instances the risks of new development are substantially higher and the ability to develop the land is less certain. In these instances, an applicant may prepare performance based solutions to meet the objectives of the relevant development controls and demonstrate that the risks have been mitigated. If the solution cannot demonstrate acceptable mitigation of risk, the new development may be an unsuitable use of the land (Refer to Figure BI below)."
2. Add "In some instances the risks of new development are substantially higher and the land will be unsuitable for development. In these instances, the development will not be supported by Council."

Explanation: Performance based solutions are being removed and this section is therefore no longer applicable.

3 Figure BI: Suitable land uses by flood hazard category (as identified on a flood certificate)

1. Amend development item to delete "Development vulnerable to emergency response, and critical infrastructure";

ITEM 1 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

-
2. Replace with "Sensitive and hazardous development".

Explanation: Provides clarity over type of development.

3. Amend the table to remove "PB" (a performance based solution may be provided to demonstrate that the proposed land use is suitable); and
4. Replace "PB" with "U" (unsuitable land use on flood prone land).

Explanation: Performance based solutions may no longer be provided to demonstrate that the proposed land use is suitable. Based on the outcomes of the Land and Environment Court (LEC) decision (Ward v Port Stephens Council [2023] NSW LEC 1493), it was concluded that the existing performance based controls for dwellings proposed in floodways are too ambiguous, subjective and open to interpretation, and they have overall set an unacceptably low bar for approval.

4 **B5.A Development on all flood prone land**

1. Amend objective:
Delete "To recognise flood prone land as a valuable social, economic and environmental resource that should not be sterilised by inappropriate development"; and
Replace with "To treat floodplains as an asset, specialising in uses that are productive and minimise risk to life during major weather events."

Explanation: To provide better clarity around floodplain importance.

2. Replace 'Floodplain Development Manual' with "Flood Risk Management Manual".

Explanation: The Flood Risk Management Manual is the current policy and manual for the management of flood liable land.

3. Add control B5.1
"Development is in accordance with Figure BI.
Note: Development deemed unsuitable in accordance with Figure BI is not supported."

Explanation: Development must be suitable with the categories in the table.

4. Renumber existing controls from B5.1 to B5.18 to allow for the new the new control described above.

Explanation: the numbering requires amending as a result of the new B5.1 control.

ITEM 1 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

5 **Figure BJ: Finished floor level**

1. Amend Development type item to delete "Development vulnerable to emergency response, and critical infrastructure";
2. Replace with "Sensitive and hazardous development".

Explanation: Provides clarity over type of development.

3. Amend spelling.
4. Update numbering of influenced controls.

6 **Minor alterations and additions to existing residential accommodation**

1. Amend renumbered control B5.12 (currently B5.11).
Replace "building envelope" with "development" to read "Access from the development to the public road is to have a minimum finished access level of..."

Explanation: Provide clarity to the finished access level requirements by referencing the development and not the building envelope.

7 **Emergency onsite flood refuge**

Amend control B5.15 (existing B5.14)

1. Delete "If evacuation egress from residential accommodation, a commercial premises, an industrial premises, fill or development vulnerable to emergency response and critical infrastructure to flood free areas cannot be achieved via a route that is flood free in the current day 1% AEP flood event or is a low hazard flood area, an onsite flood refuge must be provided meeting the following criteria:";
2. Replace with "If evacuation egress from the development to the public road does not satisfy B5.12, a flood refuge may be accepted as an alternative in the following circumstances:"

Explanation: Provides clarity for when a refuge may be an acceptable option based on the egress satisfying B5.12.

3. Add bullet point

ITEM 1 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

"Flood modelling is provided to demonstrate the refuge will be isolated for a period of no more than 6 hours in a range of events up to the 1% AEP flood event in the year 2100"

Explanation: The 6-hour maximum timeframe for flood refuge isolation is proposed in the NSW Department of Planning and Environment draft Shelter-in-place Guideline.

4. Add bullet point
"The development is not located in, or surrounded by, a floodway"

Explanation: Clarifies when a flood refuge may be acceptable as an option.

5. Add food to the list of essential items to be provided in a flood refuge.

Explanation: Updates the list of essential items needed on a flood refuge.

6. Amend Note to delete "required" and replace with "proposed" to read:
"Note: If a flood refuge is proposed, the DA must be accompanied by structural certification for all floods up to the PMF flood event."

Explanation: Specifies DA requirements if a flood refuge is proposed.

B5.D Application of performance based solutions

8

1. Delete control, objectives and performance based solutions relating to risk of life, risk of property and flood hazard compatibility.

Explanation: Performance based solutions are no longer considered acceptable criteria to assess if the proposed development may be suitable.

ITEM 1 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

Draft Amendments to Port Stephens Development Control Plan
2014 – Chapter E1 Glossary

NO.	EXPLANATION OF AMENDMENTS
1	<p>Definition ‘flood impact and risk assessment’</p> <p>1. Amend wording in ‘v’ from ‘NSW Floodplain Development Manual 2005’ to ‘Flood Risk Management Manual’.</p> <p>Explanation: Update in accordance with current policies.</p>
2	<p>Definition ‘Floodplain Risk Management Policy’</p> <p>1. Delete the following wording from definition ‘in accordance with State Government’s Flood Prone Land Policy and NSW Floodplain Development Manual 2005’.</p> <p>Explanation: Update in accordance with current policies.</p>
3	<p>Definition ‘Floodplain Risk Management Study’</p> <p>1. Delete the following wording from definition ‘NSW Floodplain Development Manual 2005’ and replace with ‘Flood Risk Management Manual’.</p> <p>Explanation: Update in accordance with current policies.</p>
4	<p>Definition ‘habitable room’</p> <p>1. Delete the following wording from definition ‘NSW Floodplain Development Manual 2005’.</p> <p>Explanation: Update in accordance with current policies.</p>
5	<p>Definition ‘NSW Floodplain Development Manual 2005’</p> <p>1. Delete the following wording from definition ‘Floodplain Development Manual 2005’ and replace with ‘Flood Risk Management Manual’.</p> <p>Explanation: Update in accordance with current policies.</p>

ITEM 1 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

6 Add definition 'sensitive and hazardous development'

1. Add a new definition –

sensitive and hazardous development includes the following land uses -

- (a) boarding houses,
- (b) caravan parks,
- (c) correctional centres,
- (d) early education and care facilities,
- (e) eco-tourist facilities,
- (f) educational establishments,
- (g) emergency services facilities,
- (h) group homes,
- (i) hazardous industries,
- (j) hazardous storage establishments,
- (k) hospitals,
- (l) hostels,
- (m) information and education facilities,
- (n) respite day care centres,
- (o) seniors housing,
- (p) sewerage systems,
- (q) tourist and visitor accommodation,
- (r) water supply systems.

Explanation: new definition explains what land uses are considered sensitive and hazardous development in relation to flood controls.

ITEM NO. 2

FILE NO: 23/251708
EDRMS NO: PSC2023-03567

DRAFT LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN - AMENDMENT 3

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes that there were no submissions received during the exhibition period
 - 2) Approves the Port Stephens Local Infrastructure Contributions Plan – Amendment 3 as amended (**ATTACHMENT 1**).
 - 3) Provides public notice that the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 3 has been approved, in accordance with the Environmental Planning and Assessment Regulations 2021 (NSW).
-

ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023
MOTION

277	<p>Councillor Giacomo Arnott Councillor Leah Anderson</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Notes that there were no submissions received during the exhibition period2) Approves the Port Stephens Local Infrastructure Contributions Plan – Amendment 3 as amended (ATTACHMENT 1), with all references to "Raymond Terrace Rural" changed to "Raymond Terrace & Hinterland", all references to "Raymond Terrace and the West" changed to "Raymond Terrace and the Hinterland", and the removal of RW1 in the Raymond Terrace and the Hinterland roadworks section, with Council to review the need for roadworks extending north of the existing roundabout, considering a lack of land ownership, the resultant fragmentation of land being used for farming purposes, and a reluctance from those in West Richardson Rd to have residential development in their area. The \$200,000 cost of this item will be reapportioned without the report needing to return to Council.3) Provides public notice that the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 3 has been approved, in accordance with the Environmental Planning and Assessment Regulations 2021 (NSW).
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MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

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

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023 MATTER ARISING

278	Councillor Steve Tucker Councillor Leah Anderson It was resolved that the following items be added to the Works Plan Plus and placed on exhibition: 1) Shared Pathways a) Shared pathway Strathmore Road, Mallabula to Skate Park b) Shared pathway Avenue of the Allies, Tanilba Bay – Diggers Drive to Peace Parade 2) Sports and Recreation Facilities a) Mallabula Sports Complex, Mallabula – Croquet Court b) Mallabula Sports Complex, Mallabula – Additional Tennis Court c) Tanilba Bay Golf Club – Provision of Cart Shed 3) Koala Fence extension for the remainder of Port Stephens Drive. 4) Implement a Street Tree Strategy and Tree Map.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to advise Council of the outcomes of the consultation undertaken on the draft Port Stephens Local Infrastructure Contribution Plan (LIC) – Amendment No. 3 (the Amendment) and to seek Council endorsement to make the Amendment (**ATTACHMENT 1**).

Council collects local infrastructure contributions to support growth from new developments by funding community infrastructure such as local roads, pathways, parks and sporting facilities. Local infrastructure contributions are levied in accordance with Part 7 of the Environmental Planning and Assessment Act 1979

(EP&A Act) and the endorsed LIC plan. The funds collected must be allocated to the projects identified within the LIC plan.

The LIC plan is amended on an annual basis to make administrative changes and to update projects identified to support growth and development.

At its meeting on 12 September 2023, Minute No. 200 (**ATTACHMENT 2**), Council endorsed the draft Amendment for public exhibition. The draft was publicly exhibited for 28 days from Thursday 14 September 2023 to Thursday 12 October 2023 in accordance with the Environmental Planning and Assessment Regulations 2021 (NSW) (EP&A Regulation).

The exhibited draft amendment included the removal of infrastructure items, the amendment of the amounts required to deliver infrastructure items and the introduction of additional infrastructure items.

The policy and administrative amendments to the LIC plan relate to:

- Revoking the discount for caravan parks and moveable dwellings, unless the development is for short term tourist and visitor accommodation or an applicant can demonstrate the development will contribute to the supply of affordable housing
- Changes to the expenditure of haulage funds
- Clarifications regarding works to be undertaken in addition to haulage
- Clarifications regarding mixed use development
- Clarifications regarding conditioning for works and contributions
- Replacement of any reference to the recently repealed Housing State Environmental Planning Policy (SEPP)
- Replacement of occupancy rates
- Clarification of pooling of funds.

The removal of infrastructure items from the LIC plan relates to:

- items that have been funded by the LIC plan and completed
- items that have been funded by sources other than infrastructure contributions (i.e. grant funding)
- items that are not considered feasible within the life of the plan due to population growth and contributions income within the catchment.

The amendment of the amounts dedicated to infrastructure items from the LIC plan relates to:

- increasing market values for the delivery of infrastructure and acquisition of land
- increased scope of the infrastructure projects to be delivered.

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

The introduction of new infrastructure items into the LIC plan relates to:

- the addition of infrastructure projects that have been identified as being required to support growth and development.

The exhibited draft included the proposed contribution rates for each catchment shown in the table below.

Contributions catchments	Current contribution rate	Proposed contribution rate	Difference
Raymond Terrace and the West	\$20,000	\$20,000	\$0
Central Growth Corridor	\$20,000	\$20,000	\$0
Tomaree	\$20,000	\$20,000	\$0
Fern Bay	\$20,000	\$20,000	\$0
Kings Hill Urban Release Area (URA)	\$26,713	\$28,958	\$2,245

No submissions were received during the exhibition period.

The following minor changes are proposed to the LIC Plan following exhibition:

- Replacement of the word 'clause' with the word 'section' in relation to the EP&A Regulation 2021.

This amendment is to reflect the changed naming convention within the EP&A Regulation 2021 and is administrative only.

- Replacement of OSF11 within the Works Schedule of the Plan with OSF76.

OSF11 was for 'Aliceton Reserve – landscaping, playground and recreation facilities'. The funds for OSF11 have now been allocated to the works as described in the Plan, and therefore the item is exhausted. There has been noted need for additional works at Aliceton Reserve. As such OSF76 is for 'Aliceton Reserve upgrades, (\$250,000 and 100% apportioned) has been added to the LIC Plan with a staging threshold of 2026. This will allow for future works in Aliceton Reserve to be funded by the LIC Plan.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Program to develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

The Amendment aims to secure contributions from development towards local infrastructure. Should the Amendment be adopted, it would enable funding and construction of essential public infrastructure to satisfy the demands of the future population.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes		The preparation of the Amendment has been funded by local infrastructure contributions.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not be able to provide the necessary infrastructure to support new development if the Amendment is not adopted.	Medium	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

Part 7 of the EP&A Act authorises Council to collect local infrastructure contributions from new development. Conditions imposed on new development would be in accordance with an approved local infrastructure contributions plan.

The Amendment has been prepared in accordance with Division 7.1 of the EP&A Act. It will enable contributions to be collected under sections 7.11 and 7.12.

Environmental Planning and Assessment Regulations 2021 (EP&A Regulation)

Part 9 of the EP&A Regulation relates to development contributions. The Amendment will amend the current contributions plan, pursuant to section 215(1).

Section 212 sets out the particulars a local infrastructure contributions plan must contain. The Amendment is consistent with this clause.

Section 213 sets out the exhibition requirements for amendments and draft contributions plans. The public exhibition of the Amendment was carried out in accordance with the EP&A Regulation, as detailed below.

It is recommended that Council approve the Amendment as amended **(ATTACHMENT 1)**. It is also recommended that a notice of the approval of the Amendment be published in accordance with section 215(3) of the EP&A Regulation.

Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 (the Direction)

The Direction sets maximum contribution rates for new development and development in URAs, unless a contributions plan is reviewed by the Independent Pricing and Regulations Tribunal. In Port Stephens, the maximum rate per residential lot is \$20,000, and in the Kings Hill URA the maximum rate per residential lot is \$30,000. As the proposed rates do not exceed these figures, the Amendment satisfies the Direction.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Amendment ensures an adequate standard of services and facilities can be provided in the Local Government Area without imposing a financial burden on the existing community. This has been balanced against the need to ensure unreasonable costs are not imposed upon new residential development, thereby reducing financial viability. Therefore, it is expected that the Amendment will have an overall positive economic impact.

CONSULTATION

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

Internal

The Amendment has been prepared in consultation with the Development Contributions Analysis Team, Financial Services, Assets and Development Assessment and Compliance Sections.

The projects in the Amendment have been aligned with Council's Strategic Asset Management Plan and Capital Works Program, together with other strategic asset management documents including plans of management and adopted land use strategies.

On 18 July 2023, a Councillor two way conversation was held to discuss the proposed amendment.

External

The draft Amendment was publicly exhibited for 28 days from Thursday 14 September 2023 to Thursday 12 October 2023 in accordance with the EP&A Regulation 2021. There were no submissions received.

OPTIONS

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

ATTACHMENTS

- 1) Port Stephens Local Infrastructure Contributions Plan. (Provided under separate cover)
- 2) Minute No. 200, 12 September 2023.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023**ITEM NO. 2****FILE NO: 23/137003
EDRMS NO: VF20/119****DRAFT LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020 –
AMENDMENT NO. 3**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the draft Port Stephens Local Infrastructure Contributions Plan - Amendment No. 3 (**ATTACHMENT 1**) for exhibition.
- 2) Exhibits the draft Port Stephens Local Infrastructure Contributions Plan - Amendment No. 3 (the Amendment) for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021.
- 3) If no submissions are received, approve the Amendment as exhibited, without a further report to Council.

**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023
MOTION**

200	<p>Councillor Giacomo Arnott Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorses the draft Port Stephens Local Infrastructure Contributions Plan -Amendment No. 3 (ATTACHMENT 1) for exhibition.2) Exhibits the draft Port Stephens Local Infrastructure Contributions Plan - Amendment No. 3 (the Amendment) for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021.3) A further report be provided to Council at the conclusion of the public exhibition period.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis and Jason Wells.

Those against the Motion: Cr Steve Tucker.

The motion was carried.

MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023
MATTER ARISING**

201	Councillor Giacomo Arnott Councillor Peter Francis It was resolved that Council: 1) Notes that the \$20,000 cap on Council infrastructure contributions has not increased in a long time and is at a cap that makes it difficult to adequately fund and resource the community infrastructure required to build our local communities. 2) Writes to LGNSW with a motion for the LGNSW Conference 2023, requesting LGNSW to advocate to the NSW Government to conduct a review of the \$20,000 cap with a view towards allowing Councils to increase its infrastructure contributions above the cap if its infrastructure contributions plan can justify the increase, in light of increasing costs and increasing community demands on Council infrastructure.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek endorsement to publicly exhibit the draft Port Stephens Local Infrastructure Contributions Plan (LIC plan) – Amendment No. 3 (the Amendment) (**ATTACHMENT 1**).

Council collects local infrastructure contributions from new developments to assist in the funding of new and upgraded community infrastructure such as local roads, pathways, parks and sporting facilities to support growth and development. Local infrastructure contributions are levied in accordance with Part 7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the endorsed LIC plan. The funds collected must be allocated to the projects identified within the LIC plan.

The LIC plan undergoes a minor review on an annual basis to make administrative changes and to update projects identified to support growth and development. The amendment includes the removal of infrastructure items, the amendment of the amounts required to deliver infrastructure items and the introduction of additional infrastructure items.

MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023

The policy and administrative amendments to the LIC plan relate to:

- Revoking the discount for caravan parks and moveable dwellings, unless the development is for short term tourist and visitor accommodation or an applicant can demonstrate the development will contribute to the supply of affordable housing
- Changes to the expenditure of haulage funds
- Clarifications regarding works to be undertaken in addition to haulage
- Clarifications regarding mixed use development
- Clarifications regarding conditioning for contributions
- Replacement of any reference to the recently repealed Housing State Environmental Planning Policy (SEPP)
- Replacement of occupancy rates
- Clarification of pooling of funds.

The removal of infrastructure items from the LIC plan includes:

- Items that have been funded by the LIC plan and completed
- Items that have been funded by sources other than infrastructure contributions (i.e. grant funding).

The amendment of the amounts dedicated to infrastructure items from the LIC plan relate to:

- Increasing market values for the delivery of infrastructure
- Increased scope of the infrastructure projects to be delivered.

The introduction of new infrastructure items into the LIC plan includes:

- The addition of infrastructure projects from the Strategic Assessment Management Plan (SAMP) that have been identified as being required to support growth and development.

The Amendment results in changes to the Kings Hill catchment as shown in the table below. Due to the \$20,000 per lot/dwelling cap on contributions applied to the remaining catchments these rates will not change.

Contributions catchments	Current contribution rate	Proposed contribution rate	Difference
Raymond Terrace and the West	\$20,000	\$20,000	\$0
Central Growth Corridor	\$20,000	\$20,000	\$0
Tomaree	\$20,000	\$20,000	\$0

MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023

Contributions catchments	Current contribution rate	Proposed contribution rate	Difference
Fern Bay	\$20,000	\$20,000	\$0
Kings Hill Urban Release Area (URA)	\$26,110	\$28,623	\$2,515

Proposed changes to the LIC plan are outlined in more detail in the Amendment.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Program to develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

The Amendment aims to secure contributions from development towards local infrastructure. Should the Amendment be adopted, it would enable funding and construction of essential public infrastructure to satisfy the demands of the future population.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the Amendment includes infrastructure not considered essential to support new development.	Low	Accept the recommendation. The LIC plan is informed by independent studies and Council's adopted SAMP.	Yes

MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023

		The plan identifies the infrastructure needs of projected population increases. Endorse the Amendment for public exhibition.	
There is a risk that local infrastructure contributions will impact development feasibility.	Low	Accept the recommendation. Contributions rates have been calculated in accordance with the Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012, which sets a maximum cap of \$20,000 for residential contribution rates. Rates have been calculated to fund the infrastructure prioritised as necessary to provide the facilities and services of the projected population. Rates have also been benchmarked to ensure development charges are reasonable.	Yes
There is a risk that the Amendment includes infrastructure items that have been incorrectly costed and Council will need to fund a shortfall in the future.	Low	Accept the recommendation. The LIC plan is informed by independent studies and Council's adopted SAMP. The plan identifies the infrastructure costs based on current market conditions. The annual review of the LIC plan allows for cost escalation. Endorse the Amendment for public exhibition.	Yes

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

Part 7 of the EP&A Act authorises council to collect local infrastructure contributions from new development. Conditions imposed on new development would be in accordance with an approved local infrastructure contributions plan.

MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023Environmental Planning and Assessment Regulations 2021 (EP&A Regulation)

Part 9 of the EP&A Regulation relates to development contributions. The Amendment will amend the current contribution plan, pursuant to clause 215 (1).

Clause 212 sets out the particulars a local infrastructure contributions plan must contain. The Amendment is consistent with this clause.

Clause 213 sets out the exhibition requirements for amendments and draft contributions plans. The public exhibition of the Amendment will be carried out in accordance with the EP&A Regulation.

Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 (the Direction).

The Direction sets maximum contribution rates for new development and development in URAs, unless a contributions plan is reviewed by the Independent Pricing and Regulations Tribunal. In Port Stephens, the maximum rate per residential lot is \$20,000, and in the Kings Hill URA the maximum rate per residential lot is \$30,000. As the proposed rates are in line with these figures, the Amendment satisfies the Direction.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Amendment ensures an adequate standard of services and facilities can be provided across the Port Stephens Local Government Area (LGA) and that the existing community will not be funding the infrastructure needs that result from new development. This has been balanced against the need to ensure unreasonable costs are not imposed upon new residential development, thereby reducing financial viability.

CONSULTATION

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

Internal

The Amendment has been prepared in consultation with the Development Contributions Analysis Team, Financial Services Section, Assets Section and Development Assessment and Compliance Section.

The projects in the Amendment have been aligned with Council's SAMP, Capital Works Program, Place Plans, Plans of Management and adopted land use strategies.

MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023External

The Amendment will be publicly exhibited in accordance with the EP&A Regulations for a period of 28 days, including being made available on Council's website. Submissions made during the exhibition period will be considered in a report to Council with details of any post-exhibition changes.

OPTIONS

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

ATTACHMENTS

- 1) Draft Local Infrastructure Contributions Plan. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 23/272493
EDRMS NO: 58-2023-2-1**

**ADMINISTRATIVE AMENDMENT TO THE PORT STEPHENS LOCAL
ENVIRONMENTAL PLAN 2013**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the administrative planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013.
 - 2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.
-

**ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023
MOTION**

279	<p>Councillor Giacomo Arnott Mayor Ryan Palmer</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt the administrative planning proposal (ATTACHMENT 1) to amend the Port Stephens Local Environmental Plan 2013, with the deferral of points 1, 2, 3 and 5 from the report for consideration by the Mayor and Councillors at a workshop to determine the future strategic direction of Council on these proposals.2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement to submit the administrative planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 (LEP) to the NSW Department of Planning and Environment (DPE) for a Gateway determination.

The objectives of the planning proposal are to make administrative amendments to the LEP to address minor matters that have recently been identified for improvement. The planning proposal seeks to make the following amendments:

1. Amend Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings to:
 - Increase the minimum lot size for residential flat buildings from 450sqm to 900sqm
 - Correct an error by omitting 'despite clause 4.1' in subclause (2)
 - Expand the clause objectives.
2. Amend Clause 4.1E Boundary adjustments of land in certain rural, residential and conservation zones to limit its application to 2 lots.
3. Amend Clause 4.3 Height of buildings to expand the objectives to include considerations for:
 - Natural topography
 - Solar access
 - Privacy
 - Visual amenity
 - Disruption of views.
4. Adopt optional Clause 5.22 Special Flood Considerations.
5. Amend Clause 7.23 to no longer apply a minimum street frontage of 15m to dwellings and dual occupancies in the Nelson Bay town centre.
6. Amend Schedule 5 Environmental Heritage to correct the property address and mapping for item I79 Raymond Terrace Court House.
7. Rezone land at Medowie State Conservation Area and Cumbey National Park to C1 National Parks and Nature Reserves.
8. Amend the Minimum Lot Size map to align with the Land Zoning Map at Kinross, Estate Heatherbrae (Lot 1401 DP 1272419).

A community guide summarising the proposed amendments is provided in the Explanation of Amendments (**ATTACHMENT 2**).

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

Detailed justification for the proposed amendments is provided in the administrative planning proposal (**ATTACHMENT 1**).

Should Council resolve to endorse the planning proposal, it will be forwarded to the DPE requesting a Gateway determination. Council will be requesting to be made the Plan Making Authority for the proposal.

Following the issuing of the Gateway determination, the planning proposal would be publicly exhibited in accordance with any gateway conditions from DPE, prior to being reported to Council for determination.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Program to develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial/resource implications for Council as a consequence of the recommendations of this report.

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

The planning proposal is being processed in accordance with Part 3 of the EP&A Act. Should Council resolve to endorse the planning proposal, it will be forwarded to DPE for a Gateway determination, including a request for Council to be made the Plan Making Authority.

Hunter Regional Plan 2041 (HRP)

The planning proposal is consistent with the aims of the HRP, including protecting the biodiversity network, improving resilience to flood events and protecting productive rural landscapes. The planning proposal will give effect to the following objectives of the HRP:

- Objective 6 – Conserve heritage landscapes, environmentally sensitive areas, waterways and drinking water catchments
- Objective 7 – Reach net zero and increase resilience and sustainable infrastructure
- Objective 9 – Sustain and balance productive rural landscapes.

Port Stephens Local Strategic Planning Statement (LSPS)

The LSPS identifies the 20-year vision for land use in Port Stephens and sets out social, economic and environmental planning priorities for the future.

The planning proposal will give effect to the following planning priorities of the LSPS:

- Planning Priority 2 – Make business growth easier
- Planning priority 7 – Conserve biodiversity values and corridors
- Planning Priority 8 – Improve resilience to hazards and climate change
- Planning Priority 9 – Protect and preserve productive agricultural land.

Port Stephens Local Housing Strategy (Live Port Stephens)

The planning proposal will give effect to the following priorities and actions of Live Port Stephens:

- Priority 3.1 – Facilitate new housing within urban areas
- Priority 3.2 – Encourage a range of housing types and sizes
- Action 15 – Consider opportunities to encourage the amalgamation of sites.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the LEP will contain administrative errors and redundant provisions if the amendment is not made.	Medium	Accept the recommendation.	Yes

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that proposals for inappropriate development will be lodged, should the amendment not be made.	Medium	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed amendments, whilst relatively minor in nature, are expected to deliver a range of positive social, economic and environmental outcomes, including:

- Streamlined development assessment due to the correction of errors and anomalies
- Improved consideration of flood affected land
- Increased opportunity for new dwellings and dual occupancies in Nelson Bay due to the amendment of Clause 7.23
- Improved urban design outcomes, particularly around residential flat buildings
- Greater protection of conservation lands
- Increased opportunities for industrial subdivision and new development in Heatherbrae
- Greater protection of rural landscapes.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section to inform the planning proposal.

Internal

Consultation was undertaken with Development Planning and Development Engineering teams to develop and review the proposed amendments.

All of the proposed items are supported by the relevant internal stakeholders.

External

Preliminary consultation has been undertaken with the Department of Planning and Environment (DPE) with no issues raised regarding the proposed amendments. All recommendations have been incorporated into the planning proposal. Due to the nature of the planning proposal, DPE advised the undertaking of preliminary consultation with authorities and government agencies would not be required.

It is anticipated that consultation or referral of the planning proposal to authorities and government agencies may be required after Gateway determination. A Gateway condition may be imposed where an authority or agency has an interest in the proposal.

The draft administrative planning proposal would be publicly exhibited in accordance with the Gateway determination.

OPTIONS

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

ATTACHMENTS

- 1) Administrative Planning Proposal. (Provided under separate cover)
- 2) Explanation of Amendments.

COUNCILLORS' ROOM

Nil.

TABLED DOCUMENTS

Nil.

Explanation of Amendments

Draft Port Stephens Local Environmental Plan (LEP) 2013 – Administrative Amendment

NO.	EXPLANATION OF AMENDMENTS
1	<p>Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings</p> <ol style="list-style-type: none"> 1. Amend clause to increase the minimum lot size for residential flat buildings from 450sqm to 900sqm and expand applicable zones 2. Correct an error by omitting 'despite clause 4.1' in subclause (2); and 3. Expand clause objectives to improve planning outcomes <p>Explanation:</p> <p>It is proposed to increase the minimum lot size for residential flat buildings (hereafter referred to as apartments) to achieve better urban design outcomes that are able to comply with the Port Stephens Development Control Plan (DCP). Small lot apartments can create issues around privacy, solar access, overshadowing, parking and access, landscaping, aesthetic value and in higher density areas, encourages tall, narrow and impractical buildings with limited setbacks.</p> <p>A minimum lot size of 900sqm would encourage smaller lots to combine to improve the quality and appearance of apartments and reduce the impacts of the development on neighbouring sites. The Urban Design Review Panel recommended the proposed minimum lot size of 900sqm. The application of this minimum lot size will also be expanded to all zones where apartments are permitted.</p> <p>Clause 4.1B (2) contains an error that requires removal. A review of other councils found that recently adopted LEPs have avoided this issue in the drafting of their equivalent clause including Central Coast LEP 2022 and Hilltops LEP 2022.</p> <p>It is also proposed to expand the clause objectives in Clause 4.1B (1) to ensure that development is appropriately sized to achieve better urban design outcomes and minimise adverse impacts on the amenity of neighbouring properties. Broadening the objectives to consider the appropriate scale of the zone and potential impacts relating to private open space, amenity, parking and access, and landscaping will assist in the assessment of development applications.</p>
2	<p>Clause 4.1E Boundary adjustments of land in certain rural, residential and conservation zones</p> <ol style="list-style-type: none"> 1. Amend clause to limit its application to 2 lots; and 2. Insert an additional consideration for assessment

ITEM 3 - ATTACHMENT 2 EXPLANATION OF AMENDMENTS.

Explanation:

Clause 4.1E currently permits the subdivision of land (via a boundary adjustment) in rural and conservation zones where lots do not meet the minimum lot size and no additional lots will be created. A recent proposal attempted to use the clause to alter the subdivision pattern in a rural area to create several residential sized lots adjacent to existing rural properties. This is not the intention of the clause so it is proposed to limit the application of the clause to 2 adjoining lots to prevent unplanned rural subdivision.

An additional consideration relating to compatibility with existing land uses and preferred development (such as agriculture) is also proposed to be added to the clause to strengthen the assessment of future boundary adjustments.

3 Clause 4.3 Height of buildings

1. Amend Clause 4.3 Height of buildings to expand objectives to include considerations for:

- Natural topography
- Solar access for neighbouring properties and public areas;
- Privacy;
- Visual amenity; and
- Disruption of views

Explanation:

Clause 4.3 Height of buildings sets the maximum height of buildings across Port Stephens. The clause includes two objectives for consideration relating to character, context and hierarchy. The limited nature of these objectives makes variations to building heights difficult to assess and justify. Expanding the objectives in Clause 4.3 would provide council officers with more criteria to assess applications against and enable better planning outcomes.

The proposed change will make both the approval of suitable development and the refusal of inappropriate development easier for Council staff and Councillors.

4 Clause 5.22 Special flood considerations

1. Adopt optional Clause 5.22 Special flood considerations

Explanation:

Council wishes to insert the optional Clause 5.22 Special Flood Considerations into the LEP to ensure flood risks for sensitive and hazardous development is appropriately considered. The optional clause was prepared by the Department of Planning and Environment for local government areas with flood prone land.

Adopting the optional clause will allow council to ensure future development in flood prone areas is compatible with the level of risk, avoid accumulative impacts, protect

ITEM 3 - ATTACHMENT 2 EXPLANATION OF AMENDMENTS.

the capacity of emergency responses and avoid adverse effects of hazardous development during flood events.

5 Clause 7.23 Minimum building street frontages for development in Zones R3 and E1

1. Amend clause to only apply to larger types of development instead of “any building”

Explanation:

Clause 7.23 currently requires a minimum street frontage of 15 metres (m) for “any building” proposed in the precinct areas map in Nelson Bay. This requires development such as dwellings and dual occupancies in this area to have a property width of 15m where the property meets the road reserve. With many properties in Nelson Bay being only 12m wide, this creates an unfair burden on residents wishing to build a home.

The clause is intended to encourage narrow adjacent lots to join for larger types of development such as hotels and apartments as they require larger footprints to achieve good urban design outcomes. Council is proposing to restrict the application of Clause 7.23 to only apply to developments that require a larger footprint, and no longer apply to dwellings or dual occupancies.

6 Schedule 5 Environmental Heritage

1. Amend Schedule 5 Environmental Heritage to correct the address for item 179 Courthouse, Raymond Terrace
2. Update the Heritage map to reflect the correct property boundary of item 179



Explanation:

Item 179 of Schedule 5 Environmental Heritage is currently incorrect as it refers to a historical address. In 2020, the Raymond Terrace Courthouse and Police Station were subject to a 2 into 2 subdivision that moved the property boundary and

ITEM 3 - ATTACHMENT 2 EXPLANATION OF AMENDMENTS.

changed the residential address. The proposed amendment will correct the address and update the Heritage map.

7 National Parks and Nature Reserves

1. Amend the Land Zoning Map to rezone the following sites to C1 National Parks and Nature Reserves

Address	Current Zone	Reservation status
Lot 2 DP 1224780 139 Boundary Road, Medowie	C2 Environmental Conservation	Medowie State Conservation Area
Lot 1 DP 1192418 17 Notts Lane, Glen Oak	RU2 Rural Landscape	Columbey National Park
Lot 119 DP 752445 716A Duns Creek Road, Duns Creek	C3 Environmental Management	Columbey National Park
Lot 1 DP 1168926 716B Duns Creek Road, Duns Creek	C3 Environmental Management	Columbey National Park
Lot 2 DP 1168926 716C Duns Creek, Duns Creek	C3 Environmental Management	Columbey National Park

Explanation:

The above listed sites have recently been reserved under the *National Parks and Wildlife Act 1974*. Council wishes to rezone these sites to C1 National Parks and Nature Reserves to reflect their statuses as Conservation Areas and National Parks.

8 Minimum lot size at Masonite Road, Heatherbrae

1. Correct the Lot Size Map for Part of Lot 1401 DP 1272419 (343 Masonite Road, Heatherbrae) to remove the identification of part of the site as 20 hectares



Explanation:

The Lot Size Map at 343 Masonite Road, Heatherbrae incorrectly applies a minimum lot size of 20 hectares over land zoned SP2 Classified Road and E4 General Industrial. Land zoned E4 General Industrial typically has no minimum lot size. It is proposed to correct the Lot Size Map in this area to allow for the logical subdivision of this industrial land.

ITEM NO. 4**FILE NO: 23/215131
EDRMS NO: 79-2023-3-1****RAMSAR LISTING FOR MAMBO WANDA WETLANDS**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Continues to support, promote and recognise the important ecological value of the Mambo Wanda Wetlands.
 - 2) Includes an action within the Port Stephens Coastal Management Program to update the Mambo Wetlands Plan of Management.
-

**ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023
MOTION**

280	<p>Councillor Leah Anderson Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Continues to support, promote and recognise the important ecological value of the Mambo Wanda Wetlands.2) Includes an action within the Port Stephens Coastal Management Program to update the Mambo Wetlands Plan of Management.3) Writes to the State and Federal Environment Ministers requesting their view of the Mambo Wanda Wetlands for Ramsar listing, noting the resourcing and ongoing maintenance limitations of Port Stephens Council to achieve this outcome and requesting their consideration of transferring ownership or providing financial support in perpetuity to support a successful RAMSAR listing.4) Further discussions be undertaken with the Mayor and Councillors at a Two-way conversation with the objective of a clear pathway and outcomes.
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Cr Leah Anderson moved an amendment to include that Council “writes to the State and Federal Environment Ministers requesting consideration of the Mambo Wanda Wetlands for Ramsar listing, noting the resourcing and ongoing maintenance limitations of Port Stephens Council to achieve this outcome.” The amendment was accepted by the seconder.

Cr Giacomo Arnott moved an amendment to include additional wording to point 3 - "Requesting their consideration of transferring ownership or providing financial support in perpetuity to support a successful RAMSAR listing." The amendment was accepted by the seconder.

Mayor Ryan Palmer moved an amendment to add point 4, which was accepted by the mover and seconder.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide an overview of the requirements and implications of nominating the Mambo Wanda Wetlands as a Wetland of International Significance, under the Ramsar Convention. Matters relating to ongoing use and management of both the wetlands and adjacent properties is also addressed.

At its meeting of 13 June 2023, Minute No. 007 (**ATTACHMENT 1**), Council resolved to request the General Manager to prepare a report for consideration of relevant matters relating to the potential for Ramsar listing of the Mambo Wetlands Reserve and the Wanda Wetlands Reserve.

The Ramsar Convention is one of the oldest global environmental agreements and provides guidance on the management and use of the wetlands listed as internationally significant. There are 2,400 Ramsar sites worldwide, covering over 2.5million square kilometres globally, including 67 sites in Australia.

Nomination Requirements

To be listed, Ramsar sites must meet at least 1 of 9 criteria, demonstrating that the wetland type is either representative, unique or rare. A site may also demonstrate that the wetland has a high value in conserving biodiversity through providing habitat for threatened species or ecological communities, waterbirds, fish and/or other non-avian wetland dependant animal species. The expectation under the convention is that Ramsar Sites are listed in perpetuity.

A potential nomination for the Mambo Wanda Wetlands could be considered for listing under the Ramsar Convention under the following 4 criteria:

- Criterion 2: The wetland supports vulnerable, endangered, or critically endangered species or threatened ecological communities.

- Criterion 3: The wetland supports populations of plant and/or animal species important for maintaining the biological diversity of a particular biogeographic region.
- Criterion 4: The wetland supports plant and/or animal species at a critical stage in their life cycles, or provides refuge during adverse conditions.
- Criterion 8: The wetland is an important source of food for fish, spawning ground, nursery and/or migration path on which fish stocks, either within the wetland or elsewhere, depend.

Clear evidence showing how the site meets the above criteria is required for listing. Nominations must be supported by the following documentation:

- a cover letter requesting inclusion of the site on the Ramsar List, expressing support for the listing and commitment to the ongoing management of the site.
- a Ramsar Information Sheet - which is a detailed description of the wetland and is to be updated every 6 years.
- a boundary description and map(s).
- an ecological character description.
- a management plan or system.
- a summary of consultative outcomes for the nomination.

The nomination process can be lengthy and may require considerable resources, including, contracted specialists to undertake ecological surveys, community consultation and to prepare the required documentation, as noted above.

While site nominations can be initiated by individuals, organisations, and a number of other entities, in practice majority of Ramsar site nominations are proposed and developed by the State or Territory governments. All proposed nominations on State or private land, require support from the relevant State government. The final decision to add a site to the Ramsar list rests with the Federal Government Environment Minister.

Obligations and Responsibilities

As Council owns the land occupied by the Mambo Wanda Wetlands, it would be the responsibility of Council to fund and implement the management of the site. This would be unusual for Ramsar sites, which in NSW are predominately made up of National Parks or Crown Lands. Examples include the Hunter Estuary Ramsar site, which is part of the Hunter Wetlands National Park, and the Myall Lakes Ramsar site, which is part of the Myall Lakes National Park.

The landowner of a Ramsar site is required to manage the site to maintain its ecological character, and have procedures and monitoring in place to detect any threatening processes that may be impacting the site. The landowner is also responsible for taking action to manage and remediate the site if there has been a change in ecological character.

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) requires Ramsar listed sites to have at least one management plan. The plan is to describe the ecological character of the wetland and the actions required to maintain and promote its conservation. The plan is to be based on an integrated catchment management approach, provide for continued monitoring and reporting, be created in consultation with the public and be reviewed at least every 7 years. The monitoring program is to be aimed at detecting change in the ecological character of the site. Should any changes occur the responsible landowner is required to report the changes to the Australian Government and the Ramsar Convention.

Implications Post Listing

Under the EPBC Act, the landowner is required to seek approval prior to undertake an action within or outside a declared Ramsar wetland if the action has, will have or is likely to have a significant impact on the ecological character of the Ramsar wetland. The action could be a project, a development, an undertaking, an activity or series of activities, or an alteration to any of these items. Examples of projects that could require approval include road and drainage maintenance, weed control, bushfire protection work or any other work that is not specifically listed in the management plan. Commonwealth approval would be required through the preparation of a Commonwealth referral. Similarly, any action proposed by another stakeholder adjacent to the site will need to consider whether the proposed action has, will have or likely to have a significant impact on the ecological character of the Ramsar wetland, and potentially require the preparation of a Commonwealth referral. This may impact on development application documentation, development approval timeframes and associated costs.

Water Quality Considerations

The national framework and guidance for describing the ecological character of Australian Ramsar Wetlands (DEWHA, 2008) identifies household sewage, urban waste water, and stormwater, as a priority threat. This could potentially have implications for the approval of the Ramsar listing as Council's drainage network currently discharges stormwater into the Mambo wetlands.

When preparing the management plan for the Ramsar site, a risk assessment must be included to address existing and future risks and how they may change the ecological character of the wetlands. The Wetland Risk Assessment Framework identifies five categories of causes of adverse change to the ecological character of a wetland, which includes:

- 1) Changes to water regime
- 2) Water pollution
- 3) Physical modification
- 4) Exploitation of biological products
- 5) Introduction of exotic species.

Given Council has numerous stormwater outlets discharging into the Mambo Wanda Wetlands in a variety of locations there is a potential that this could be considered as a change to the water regime of the wetland. In addition, given the site is within an urbanised area, surrounded by residential and commercial properties, and including a sewage pumping station within the hydrologic catchment, the site may be considered unsuitable due to the potential for contaminated stormwater runoff and effluent surcharging creating potential water quality impacts.

Existing Status of Wetlands

The Mambo Wanda Wetlands are protected through its C2 - Environmental Conservation Zoning under the Port Stephens Local Environmental Plan 2013. The Mambo Wetlands is identified as 'Coastal Wetland' under the State Environmental Planning Policy (Resilience and Hazards) 2021. Both the Mambo and Wanda Wetlands have identified Endangered Ecological Communities and are identified on the NSW Biodiversity Values Map. These affectations offer a higher level of protection from surrounding development.

There is an existing Mambo Wetlands Plan of Management (POM), prepared in 2006, which provides a framework for the long term protection and management of the site. Due to the time that has passed since the documents development, the POM is due for a review. A review of the plan is estimated to cost approximately \$75,000 (subject to market testing). A funding source has not been identified to allow for the update of the POM. It is recommended that an action be included in the Port Stephens Coastal Management Program to update the POM. This has the potential to attract State government grant funding and reduce the associated costs to Council.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Environmental sustainability	Develop and deliver a program for Council leading the way to a sustainable and climate positive future.

FINANCIAL/RESOURCE IMPLICATIONS

The cost to prepare the nomination, including ecological surveys, is estimated to be a minimum of \$150,000. A funding source has not been identified to support a potential Ramsar nomination or the associated ongoing maintenance requirements.

Based on the size and current condition of the Mambo Wanda Wetlands, maintaining the ecological character of the wetlands to the standards required under the Ramsar Convention is estimated to cost upwards of \$190,000 in the first year and \$150,000 annually after that. It is noted that Ramsar listing may improve access to grant funding however this cannot be relied upon as a recurrent funding source.

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		Currently \$7,000 is budgeted annually for the natural area maintenance of the Mambo and Wanda Wetlands.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that council would not be able to maintain the ecological character of the wetland due to lack of funding.	High	Accept the recommendation. Continue to identify funding opportunities.	No
There is a risk that development adjoining the wetland will be subject to additional approvals resulting in delays and additional costs.	Medium	Accept the recommendation.	No
There is a risk that Council activities not detailed within the wetland management plan would be subject to EPBC approvals resulting in delays and additional costs.	High	Accept the recommendation.	No

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Ramsar Listing of the Mambo Wanda Wetlands could lead to a greater level of protection and recognition as an internationally significant wetland. The cost of preparing and nomination and the required ongoing maintenance is not currently

funded and would require a funding source to be identified and allocated. The Ramsar listing may attract additional grant funding however this is not guaranteed. The Mambo and Wanda Wetlands are protected through its C2 - Environmental Conservation Zoning and associated 'Coastal Wetland' status under State Environmental Planning Policy (Resilience and Hazards) 2021.

CONSULTATION

Consultation with key stakeholders has been undertaken by Council's Environmental Strategy team with the following teams to establish the requirements and any potential risks to internal teams that manage or carry out works within the wetlands.

- 1) Public Domain and Services.
- 2) Assets.
- 3) Community Services.

OPTIONS

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

ATTACHMENTS

- 1) Minute No. 007, 13 June 2023.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 13 JUNE 2023**NOTICE OF MOTION****ITEM NO. 1****FILE NO: 23/112941****EDRMS NO: PSC2021-04195****RAMSAR LISTING FOR MAMBO WANDA WETLANDS****COUNCILLOR: LEAH ANDERSON****THAT COUNCIL:**

- 1) Notes the Mambo Wetlands Reserve and the Wanda Wetlands Reserve form part of an important wildlife corridor and habitat which significantly contributes to the performance of the local ecosystem.
- 2) Requests that the General Manager prepare a report for consideration of relevant matters relating to the potential for Ramsar listing of the Mambo Wetlands Reserve and the Wanda Wetlands Reserve.

**ORDINARY COUNCIL MEETING - 13 JUNE 2023
MOTION**

007	Councillor Leah Anderson Councillor Jason Wells It was resolved that Council: <ol style="list-style-type: none">1) Notes the Mambo Wetlands Reserve and the Wanda Wetlands Reserve form part of an important wildlife corridor and habitat which significantly contributes to the performance of the local ecosystem.2) Requests that the General Manager prepare a report for consideration of relevant matters relating to the potential for Ramsar listing of the Mambo Wetlands Reserve and the Wanda Wetlands Reserve.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Amott, Glen Dunkley, Peter Francis and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

MINUTES ORDINARY COUNCIL - 13 JUNE 2023**BACKGROUND REPORT OF: BROCK LAMONT – STRATEGY AND ENVIRONMENT SECTION MANAGER****BACKGROUND**

The Mambo Wetlands Reserve and the Wanda Wetlands Reserve form part of an important wildlife corridor and habitat, stretching north of Salamander Way and west towards Soldiers Point. Collectively the sites cover an area of approximately 188 hectares and contains saltwater and freshwater wetlands.

A Ramsar site is a wetland site designated to be of international importance under the Ramsar Convention. The Ramsar Convention's broad aims are to halt the worldwide loss of wetlands and to conserve those that remain.

The development of a Ramsar site nomination is a collaborative process between the landowner and the state and federal government. Consultation with the key stakeholders (including the traditional owners) is an important component in both the preparation of a Ramsar nomination and the negotiation of ongoing management arrangements for the site.

To add a wetland to the Ramsar list there needs to be clear evidence that the site is internationally important by providing adequate justification that the site meets at least 1 of the Ramsar criteria for identifying Wetlands of International Importance.

A Ramsar site nomination is considered by the Australian Government on its merits. The final decision to add a site to the Ramsar list rests with the Australian Government Environment Minister.

The benefits of a Ramsar listing of the site would include, amongst other things:

- Potential for the attraction of additional funding for rehabilitation and maintenance works.
- International recognition.
- Increased community awareness, education and support.

There are also a number of unknown risks / constraints to a successful Ramsar listing, amongst other things:

- Potential for increased management and maintenance costs
- Potential implications of the application of the Federal Environment Protection and Biodiversity Conservation Act for activities within the catchment
- Potential interaction with other conservation listing processes such as Aboriginal Place declarations and associated management processes.

Should this motion be supported, a report would be prepared detailing:

- The steps required by Council to support a site nomination.

MINUTES ORDINARY COUNCIL - 13 JUNE 2023

- The cost and resourcing required to develop and support a site nomination.
- The cost and resourcing required for ongoing maintenance and monitoring of the site.
- Any potential constraints, including legislative, to be considered prior to supporting the Ramsar listing.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

Councillor Jason Wells left the meeting at 6:41pm.

ITEM NO. 5

FILE NO: 23/261731
EDRMS NO: PSC2023-03991

ENVIRONMENTAL PROJECTS FUND 2023 TO 2024

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the allocation of \$20,000 for the project applications under the Environmental Projects Fund 2023 to 2024 – annual grant round in accordance with the amounts and purposes below:
 - a) \$1,865 to Tilligerry Koala Forest to remove pine trees.
 - b) \$1,000 to Shoal Bay West Landcare to replace boundary poles and treat weeds in Anzac Park.
 - c) \$3,335 to Shoal Bay Public School to purchase a greenhouse and grow interest in native seed propagation.
 - d) \$5,000 to Hunter Region Botanic Gardens to showcase the beauty and diversity of the local region botanical species through garden development.
 - e) \$5,000 to Kent Guardians Landcare to support group community activities in the Greenplay Point area.
 - f) \$3,800 to Nelson Bay West Landcare to improve biodiversity and sustainability along the Bridle Path.

ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023 MOTION

281	<p>Councillor Peter Kafer Councillor Steve Tucker</p> <p>It was resolved that Council endorses the allocation of \$20,000 for the project applications under the Environmental Projects Fund 2023 to 2024 – annual grant round in accordance with the amounts and purposes below:</p> <ol style="list-style-type: none">a) \$1,865 to Tilligerry Koala Forest to remove pine trees.b) \$1,000 to Shoal Bay West Landcare to replace boundary poles and treat weeds in Anzac Park.c) \$3,335 to Shoal Bay Public School to purchase a greenhouse and grow interest in native seed propagation.
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MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

	<p>d) \$5,000 to Hunter Region Botanic Gardens to showcase the beauty and diversity of the local region botanical species through garden development.</p> <p>e) \$5,000 to Kent Guardians Landcare to support group community activities in the Greenplay Point area.</p> <p>f) \$3,800 to Nelson Bay West Landcare to improve biodiversity and sustainability along the Bridle Path.</p>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek endorsement for the allocation of funding from the Environmental Projects Fund 2023 to 2024.

The Environmental Projects Fund provides opportunity for community and schools to deliver environmentally focused projects that benefit the local environment. The focus of these projects or activities should be to improve biodiversity and sustainability, protect local ecosystems, and encourage student participation and education in the community.

Applications for the 2023 to 2024 round of funding opened on 1 September 2023 and closed on 30 September 2023. Applications were invited for funding up to the value of \$5,000 per project, with a \$20,000 funding allocation. A total of 8 applicants applied for the Environmental Projects Fund. 6 applications were successful, with 1 project being partly funded.

The assessment process was carried out in accordance with the program guidelines.

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

A total of \$20,000 is recommended for funding. A summary of successful applications is provided in **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$20,000	
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications related to the adoption of the recommendation.

Council provides financial assistance in accordance with Section 356(1) of the Local Government Act 1993. Council manages the Environmental Projects Fund in accordance with the Grants and Donations policy.

Recipients of funding under the Environmental Projects Fund shall accept full responsibility for the liability of any programs or projects funded. All recipients must provide evidence of appropriate insurance, as required.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of adverse public perception regarding projects that are funded.	Low	Adopt the recommendation. Ensure proper processes are followed in accordance with the Environmental Projects Fund guidelines and conditions of funding.	Yes
There is a risk that some grant recipients may fail to comply with required terms of funding, reporting and acquittal processes.	Low	Adopt the recommendation. Through ongoing communication ensure proper processes are followed in accordance with the Environmental Projects Fund guidelines and conditions of funding.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Environmental Projects Fund supports ongoing investment in local environmental groups, Council Volunteer Groups and Schools within the Port Stephens LGA.

Council's Environmental Projects Fund allows for the production and delivery of environmental projects and activities that are accessible and beneficial for the Port Stephens Community, leading to positive social, economic and environmental outcomes.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Futures Directorate. Schools, environmental groups and Council Volunteer Groups were all directly contacted about the upcoming grant round, followed by promotion on PSC Social Media to raise awareness among the community.

Copies of funding guidelines and information on how to apply through Smarty Grants were made available via the Council website.

Council Officers provide support to grant applicants. Ongoing support to successful applications will be provided by the Natural Systems unit. This support works to build relationships, ensures project outcomes and funding requirements are met and encourages a broader community and environmental reach.

Internal

Collaboration with Council Officers responsible for administering other community grant programs was undertaken. The assessment panel was comprised of representatives from Strategy and Environment, Communications and Customer Experience, and Assets Sections.

External

The grant was advertised on Council's website, volunteer activities and social media throughout August 2023 and September 2023.

Email updates were sent to all council-registered environmental volunteer groups in September 2023.

Community drop-in sessions were available at local libraries during the application phase.

OPTIONS

- 1) Accept the recommendation.

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

ATTACHMENTS

- 1) Applications Summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 APPLICATIONS SUMMARY.**Environmental Projects Fund 2023-2024****Application Summary**

Organisation	Project Title	Amount	Short Project Description
Tilligerry Landcare Group	Tilligerry Koala Forest Pine Tree Removal	\$1,865	Over 20 years Tilligerry Landcare has removed an estimated 12 000 pine trees from around Mallabula Sport Complex. Initially a number of pines were left to keep the black cockatoos visiting but increasingly the regrowth and plantings of Banksias, Allocasuarinas etc has been successful enough to warrant removal of remaining trees. .
Shoal Bay West Landcare	Anzac Park Embellishment	\$1,000	The carpark boundary poles in Anzac Park have been vandalized and shifted. They require machinery to replace them and shift dumped mulch to the walking tracks. There is a considerable quantity of noxious weeds that surround the carpark that require spraying.
Shoal Bay Public School	Be Wild About Wildflowers	\$3,335	SBPS to build a walk-in greenhouse, gardening equipment and supplies to enable students to propagate and revegetate local endemic plants around the school, particularly wildflowers. Once collected and grown, the native seedlings would be planted throughout the school in existing garden beds. Surplus stock would be sold to the school and wider community. This project with the support of teachers, would be managed by two of our volunteer student groups; The Garden Club and The Eco Warriors Group. Both groups are passionate about sustainability and protecting the environment.
Hunter Region Botanic Gardens	Hunter Region Plants – Beauty and Diversity	\$5,000	Project will involve a major upgrade to the important Plants of the Hunter Region Gardens at HRBG. The Hunter Region is home to over 4000 plant species – the Hunter Region Garden will showcase biodiversity in

ITEM 5 - ATTACHMENT 1 APPLICATIONS SUMMARY.

Organisation	Project Title	Amount	Short Project Description
			a sustainable garden setting providing learning opportunities for the local community.
Kent Guardians Landcare Community Group	Kent Guardians Landcare Community Projects	\$5,000	The funding application is to provide the group with funds to implement the various projects (identified in PSC Landcare Action Plan) that have been planned over the next 12 months. This project will include; koala tree succession planting, replacing exotic reserve gardens with natives, involving school children in planting programme, identification and signage of native flora for public education, and engaging a specialist in native plant and weed ID to train members.
Nelson Bay West Landcare	Connecting with Nature on the Bridle Path	\$3,800	This project will strengthen the treasured natural beauty and capacity of the Bridle Path as a sustainable environment linking the town centre of Nelson Bay to Dutchmans Beach. Two degraded sites on the Path will be rehabilitated to improve habitat value and biodiversity. Improving the Bridle Path's environmental sustainability will also enhance community well-being of residents and visitors in experiencing nature along a highly desired and well-used path with unique coastal qualities.
	Total	\$20,000	

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

Councillor Jason Wells returned to the meeting at 6:42pm.

ITEM NO. 6

FILE NO: 23/281834
EDRMS NO: PSC2023-04091

COMMUNITY SUPPORT FUND (ROUND 1) 2023 TO 2024

REPORT OF: JANELLE GARDNER - COMMUNICATIONS AND CUSTOMER
EXPERIENCE SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the allocation of Community Support Funding to the amount of:
 - a) \$3,992 to Karingal Preschool to purchase computers and software to support whole group learning.
 - b) \$6,000 to Raymond Terrace Community Church for Community Christmas Hampers.
 - c) \$1,000 to Christian Outreach Centre – Global Care for outdoor shade cover for their free hot meal program.
 - d) \$6,000 to Caring for our Port Stephens Youth (COPSY) for correct technology for counselling, to enhance youth mental wellbeing.
 - e) \$1,500 to Hunter Volunteer Centre INC to hold two volunteer workshops.
 - f) \$2,000 to Port Stephens Art Centre for interior painting of the centre.
 - g) \$6,000 to Port Stephens Family and Neighbourhood Services (PSFANS) for their website upgrade.
 - h) \$3,000 to Sports 4 All Ltd for a community program that increases women's and girl's participation in sports.
 - i) \$3,000 to Port Stephens FM Radio INC for radio station upgrade.
 - j) \$2,500 to Karuah Progress Association to develop a website to connect with the community.

ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023 MOTION

282	<p>Councillor Giacomo Arnott Councillor Jason Wells</p> <p>It was resolved that Council endorses the allocation of Community Support Funding to the amount of:</p> <ol style="list-style-type: none">a) \$3,992 to Karingal Preschool to purchase computers and software to support whole group learning.b) \$6,000 to Raymond Terrace Community Church for Community Christmas Hampers.c) \$1,000 to Christian Outreach Centre – Global Care for outdoor shade cover for their free hot meal program.
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MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

	<ul style="list-style-type: none">d) \$6,000 to Caring for our Port Stephens Youth (COPSY) for correct technology for counselling, to enhance youth mental wellbeing.e) \$1,500 to Hunter Volunteer Centre INC to hold two volunteer workshops.f) \$2,000 to Port Stephens Art Centre for interior painting of the centre.g) \$6,000 to Port Stephens Family and Neighbourhood Services (PSFANS) for their website upgrade.h) \$3,000 to Sports 4 All Ltd for a community program that increases women's and girl's participation in sports.i) \$3,000 to Port Stephens FM Radio INC for radio station upgrade.j) Congratulates Karuah Progress Association in securing \$9,500 in grant funding from the Foundation for Rural and Regional Renewal for the development of a Karuah website and revokes the allocation of \$2,500 from Council for the same purpose.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek endorsement for the allocation of funding from the round 1 Community Support Fund 2023 to 2024.

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

The total amount of annual funding available is \$70,000. Round 1 of the program opened on 28 August 2023 to 30 September 2023. A total of 16 applicants applied for the Community Support Fund. 10 applications were successful.

The assessment process was carried out in accordance with the program guidelines. The assessment panel included 3 Councillors (1 from each ward), the Mayor and 2 Council Officers.

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

A total of \$34,992 is recommended for funding. A summary of successful applications is provided in **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$34,992	
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

The Mayor and Councillors (1 Councillor from each ward) participated as part of the assessment panel.

Internal

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

External

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

OPTIONS

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

ATTACHMENTS

- 1) Application Summary.

COUNCILLORS' ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 APPLICATION SUMMARY.**Community Support Fund (Round 1) 2023 - 2024****Application Summary**

Organisation	Project Title	Amount	Short Project Description
Karingal Preschool	Updating Technology	\$3,992	The project funding will enable the purchase of computers and software for Karingal Preschool. This is for whole group learning. Currently, students do not have access to this.
Raymond Terrace Community Church	Community Christmas Hampers	\$6,000	This project will allow a collaborative community volunteer based program with provision to purchase food items for community members in need and requiring support during the Christmas period.
Christian Outreach Centre – Global Care	Outdoor Shade Cover	\$1,000	The project funding will enable the purchase of outdoor shade cover, for their clients that access their weekly free food program for the community.
Caring for our Port Stephens Youth (COPSY)	Enhancing Jupiter's communication	\$6,000	This grant will fund the correct technology for counselling staff and significantly enhance youth mental wellbeing counselling.
Hunter Volunteer Centre Inc	Port Stephens Volunteer Expo	\$1,500	This project will hold two Volunteer Expos in Port Stephens. One in Raymond Terrace and one in Salamander Bay, to promote volunteering and its benefits. This will support local not-for-profits to showcase their organisation, and make contact with prospective volunteers.
Port Stephens Community Arts Centre	Repainting Interior	\$2,000	This project will assist the Port Stephens Arts Centre to paint their main interior areas.
Port Stephens Family and Neighbourhood	Website Upgrade	\$6,000	The project will allow PSFANS to upgrade their website. The upgrades will help improve its efficiency.

ITEM 6 - ATTACHMENT 1 APPLICATION SUMMARY.

Organisation	Project Title	Amount	Short Project Description
Services (PSFANS)			The website will be used by those seeking support from the community.
Sports 4 All Ltd	Behind the Goals (BTG)	\$3,000	This project will support Behind the Goals which will creases the community participation of women and girls through sport. The project will allow BTG to educate local sporting clubs on the ways in which they can increase, and maintain, the participation of women and girls. Diverse groups will be represented through Aboriginal and LGBTIQA+ facilitators.
Port Stephens FM Radio Inc	Onwards and Upwards	\$3,000	This project will enable the upgrade of Port Stephens FM Radio Station computers. The new computers will contain the specially designed computer software that is necessary to provide better services.
Karuah Progress Association	Karuah Community Website	\$2,500	This project supports the development of a new website that enables all local businesses and community bodies to connect and communicate with residents, the community, visitors, and the public at large. It will be a central hub to promote economic development, tourism, and community cohesion for Karuah.
	Total	\$34,992	

ITEM NO. 7

FILE NO: 23/239448
EDRMS NO: PSC2017-00180

QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 2023

REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION
MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the amended budget (**ATTACHMENT 1**) presented as the Quarterly Budget Review to 30 September 2023.
-

ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023
MOTION

283	Councillor Leah Anderson Councillor Matthew Bailey It was resolved that Council approve the amended budget (ATTACHMENT 1) presented as the Quarterly Budget Review to 30 September 2023.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide an update to Council on the 2023 – 2024 budget. The Quarterly Budget Review to 30 September 2023 (**ATTACHMENT 1**) sets out the details of any variations between Council's current budget and the proposed budget.

Operating Budget

The Quarterly Budget Review to 30 September 2023 has shown an increase in revenue by \$2.733 million, which is largely due to the recognition of unspent grants being carried forward from prior years in addition to new grants.

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

Operating expenditure increased by \$1.483 million which is largely due to the unspent grants being carried forward from prior years.

Further information of the changes to the budget are outlined in the Operating Statement Variations as shown in **(ATTACHMENT 1)**.

Capital Budget

The capital budget increased by \$6.1 million largely due to the renewal of transport and building assets. These changes are predominately funded from external reserves.

Further information of the changes to the budget are outlined in the Capital Statement Variations as shown in **(ATTACHMENT 1)**.

Performance Indicators

All performance indicators are above the benchmark with the exception of cash restrictions. There is inadequate cash to cover internal and external reserves due to insufficient unrestricted revenue. Council is proactive in resolving this issue through a number of actions.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Financial Management	Manage implementation of the Long Term Financial Plan 2023 to 2033.

FINANCIAL/RESOURCE IMPLICATIONS

Council's anticipated underlying result increased by \$179,000 to \$948,000. The movement from the original underlying result will be shown each quarter.

	Surplus (\$) 000	Deficit (\$) 000
Budget 2023 - 2024	769	
September 2023 review	948	
December 2023 review		
March 2024 review		

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

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

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

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that income and expenditure deviate from the budget which could impact on Councils ability to deliver its Operational Plan in a financially sustainable manner.	High	Periodic review and forecasting of the actual performance against the budget is undertaken regularly to ensure that approved expenditure levels and projected revenue streams remain sustainable.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's budget is fundamental for operational sustainability and the provision of facilities and services to the community.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Financial Services Section to discuss the overall financial result for the quarter.

Internal

- Executive Team.

External

Nil.

OPTIONS

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

ATTACHMENTS

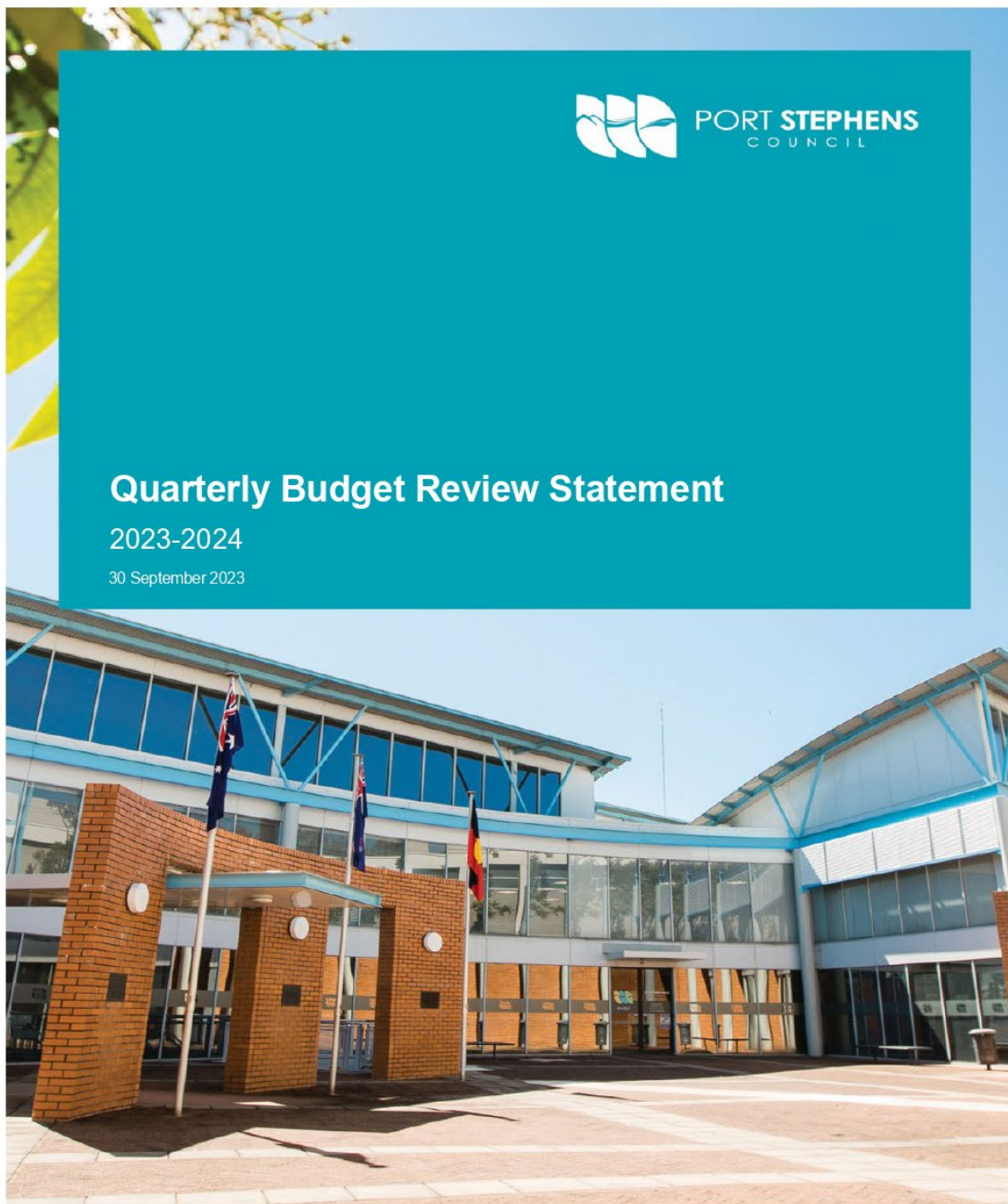
- 1) Quarterly Budget Review to 30 September 2023.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



**ITEM 7 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW TO 30
SEPTEMBER 2023.**

**Report by Responsible Accounting Officer for the Quarter ending
30 September 2023**

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulations 2021.

It is my opinion that the Quarterly Budget Review Statement for Port Stephens Council for the quarter ended 30 September 2023 indicates that Council's projected financial position at 30 June 2024 will be satisfactory at year-end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:



Glen Peterkin
Acting Financial Services Manager
Port Stephens Council

Date: 10/10/2023

ITEM 7 - ATTACHMENT 1
SEPTEMBER 2023.

QUARTERLY BUDGET REVIEW TO 30

Operating Statement

Result for the financial quarter ending 30 September 2023

	Original Budget 2023-2024 \$'000	Revotes and Rollovers \$'000	September Review \$'000	December Review \$'000	March Review \$'000	Revised Budget \$'000	Actuals YTD \$'000
Income from Continuing Operations							
Rates and annual charges	75,284	-	-	-	-	75,284	18,544
User charges and fees	60,216	-	(312)	-	-	59,904	13,274
Interest & Investment Revenue	2,263	-	800	-	-	3,063	1,092
Other Income	4,171	-	(721)	-	-	3,449	671
Grants & contributions for operating purposes	13,458	9	1,846	-	-	15,313	2,190
Capital Grants and Contributions	30,294	8,913	544	-	-	39,750	13,312
Other revenues	3,471	-	577	-	-	4,049	914
Fair value gains	872	-	-	-	-	872	-
Net gains from the disposal of assets	250	-	-	-	-	250	(2)
Total income from continuing operations	190,279	8,922	2,733	-	-	201,934	49,996
Expenses from continuing operations							
Employee benefits and on-costs	58,713	-	(135)	-	-	58,578	14,674
Borrowing Costs	3,574	-	-	-	-	3,574	930
Materials & services	60,866	-	1,458	-	-	62,324	13,521
Other Expenses	10,953	8	430	-	-	11,392	1,499
Depreciation and amortisation	20,529	-	(270)	-	-	20,259	4,861
Total expense from continuing operations	154,635	8	1,483	-	-	156,126	35,485
Operating Surplus/(Deficit) after capital grants	35,644	8,914	1,250	-	-	45,807	14,510
Operating Surplus/(Deficit) before capital grants	5,351	1	706	-	-	6,057	1,198
Less: Net Gain on sale	(250)	-	-	-	-	(250)	(2)
Less: Fair value increases	(872)	-	-	-	-	(872)	-
Less: Royalties	(1,873)	-	(527)	-	-	(2,400)	(455)
Less: Local Election Allocation	(250)	-	-	-	-	(250)	(63)
Less: Newcastle Airport	(1,336)	-	-	-	-	(1,336)	(334)
Add: NAP Dividend	-	-	-	-	-	-	-
Underlying Operating Surplus/(Deficit)*	769	1	179	-	-	948	345

*Underlying result refers to performance measures that do not include abnormal, non-recurring events or transactions that are restricted for a capital purpose, providing a better representation of underlying financial performance without the impact of any unusual or extraordinary items.

ITEM 7 - ATTACHMENT 1
SEPTEMBER 2023.

QUARTERLY BUDGET REVIEW TO 30

Operating Statement Variations

Result for the financial quarter ending 30 September 2023

Income from Continuing Operations		Recommended Change \$'000	Explanation
Rates and annual charges		-	
User charges and fees		(312)	The delay in implementing smart parking has reduced the forecasted income from parking fees.
Interest & Investment Revenue		800	Consecutive cash rate increases, cash holdings from investment property sales and portfolio management has increased investment income.
Other Income		(721)	The reduction in rental income is due to the sale of property which is being offset with the increase in interest income.
Grants & contributions for operating purposes		1,846	Unspent operating grants from the previous financial year have been rolled over as well the inclusion of recently announced LRCI round 4.
Capital Grants and Contributions		544	Council has been successful in getting additional grant funds for Yulong Oval Amenities and bus shelter infrastructure
Other revenues		577	Increase in forecasted income from sand mining royalties
Fair value gains		-	
Net gains from the disposal of assets		-	
Total recommended income change		2,733	
Expenses from continuing operations			
Employee benefits and on-costs		(135)	Councils workers compensation premium has decreased due to reduced claims which has been offset by a cost of living allowance negotiated under the revised enterprise agreement.
Borrowing Costs		-	
Materials & services		1,458	This relates to the expenditure side of the unspent operating grants rolled from the prior year.
Other Expenses		430	Increased Emergency Services Levy
Depreciation and amortisation		(270)	Building depreciation has been revised as a result of a revaluation last financial year.
Total recommended expense change		1,483	

ITEM 7 - ATTACHMENT 1
SEPTEMBER 2023.

QUARTERLY BUDGET REVIEW TO 30

Capital Statement

Result for the financial quarter ending 30 September 2023

	Original Budget 2023-2024 \$'000	Revotes and Rollovers \$'000	September Review \$'000	December Review \$'000	March Review \$'000	Revised Budget \$'000	Actuals YTD \$'000
Capital Funding (2)							
Grants and Contributions - Operating	2,226	9	450	-	-	2,686	1,876
Grants and Contributions - Capital	19,294	8,924	544	-	-	28,761	6,849
External Reserves	5,113	6,963	3,779	-	-	15,854	40,259
Internal Reserves	9,277	24,202	1,342	-	-	34,821	46,099
General fund contribution to capital	-	-	-	-	-	-	-
Funding available for capital expenditure	35,910	40,097	6,114	-	-	82,122	95,083
Capital Expenditure (2)							
New Assets							
Aquatic Structures	-	-	-	-	-	-	-
Buildings	-	584	-	-	-	584	141
Commercial Assets	775	137	(45)	-	-	867	4
Corporate Assets	250	734	80	-	-	1,064	1,138
Drainage	-	18	310	-	-	328	2
Open Space	-	-	-	-	-	-	-
Transport Infrastructure	8,003	5,652	805	-	-	14,460	1,410
Waste Assets	285	780	-	-	-	1,065	384
Asset Renewals (Replacement) and Upgrades (1)							
Aquatic Structures	200	114	(16)	-	-	298	2
Buildings	2,855	2,531	1,540	-	-	6,927	960
Commercial Assets	3,885	15,491	-	-	-	19,376	-
Corporate Assets	2,400	2,280	(19)	-	-	4,661	661
Drainage	1,420	347	60	-	-	1,827	27
Open Space	1,291	1,396	493	-	-	3,181	487
Transport Infrastructure	8,828	10,034	2,905	-	-	21,767	3,938
Waste Assets	-	-	-	-	-	-	-
Total Capital Expenditure	30,193	40,097	6,114	-	-	76,405	9,153
Transfer to reserves (3)	5,718	-	-	-	-	5,718	85,930

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets)

(2) Excludes Newcastle Airport and related entities

(3) Transfer to reserves are funds set aside for future use

ITEM 7 - ATTACHMENT 1
SEPTEMBER 2023.

QUARTERLY BUDGET REVIEW TO 30

Capital Statement Variations

Result for the financial quarter ending 30 September 2023

Capital Expenditure New Assets	Recommended Change \$'000	Explanation
Aquatic Structures	-	-
Buildings	-	-
Commercial Assets	(45)	The budget has been reduced to align to revised estimates at the Holiday Parks
Corporate Assets	80	Emergency Operations Centre IT Fit out
Drainage	310	Boyd Boulevard, Medowie
Open Space	-	-
Transport Infrastructure	805	New Bus Shelters, and Lemon Tree Passage footpath
Waste Assets	-	-

Asset Renewals (Replacement) and Upgrades

Aquatic Structures	(16)	The budget has been reduced to align to revised estimates for flood recovery projects
Buildings	1,540	Yulong Oval and Raymond Terrace Depot
Commercial Assets	-	-
Corporate Assets	(19)	Alignment of budgets to estimates for flood recovery projects
Drainage	60	Corrie Parade and Irene Crescent Drainage works
Open Space	493	Fingal Bay Foreshore Upgrades and Salamander Sports Complex releveling
Transport Infrastructure	2,905	Intersection design at Medowie, Beach Road Rehab, Avenue of the Allies, and Lemon Tree Passage Town Centre Upgrades
Waste Assets	-	-

ITEM 7 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 2023.

Cash Reserve Balances

This statement sets out the budgeted reserve balances and funding source changes.

Reserve	Opening Balance \$'000	Transfers In \$'000	Original Budget \$'000	Revotes and Rollovers \$'000	September Review \$'000	December Review \$'000	March Review \$'000	Closing Balance \$'000	Actuals YTD \$'000
External Restriction (1)									
Bonds and Relentions	1,429	-	-	-	-	-	-	1,429	950
Domestic Waste	5,905	508	(365)	(806)	(98)	-	-	5,144	10,194
Crown Reserves	5,931	3,159	(3,898)	(1,827)	(495)	-	-	2,871	7,932
Developer Contributions	22,091	5,936	(850)	(2,477)	(3,315)	-	-	21,385	21,183
Unexpended Grants Reserve	10,698	16,753	(15,803)	(10,774)	(874)	-	-	(0)	9,859
Internal Restriction (2)									
Administration Building Reserve	550	231	(250)	-	(270)	-	-	261	572
Asset Rehabilitation Reserve	2,002	4,100	(3,600)	(1,465)	(283)	-	-	754	2,793
Commercial Properties Reserve	19,957	1,663	(1,000)	(17,821)	(204)	-	-	2,595	19,186
Community Loans	200	-	-	-	-	-	-	200	200
Community Halls	69	(50)	-	-	-	-	-	19	59
Drainage Reserve	491	1,629	(1,400)	(67)	(100)	-	-	553	873
Electricity Reserve	358	63	-	-	-	-	-	421	408
Employee Leave Entitlements (ELE)	1,000	-	-	-	-	-	-	1,000	1,000
Federal Assistance Grant Reserve	3,369	(3,369)	-	-	-	-	-	-	5,188
Fleet Reserve	2,304	2,091	(2,000)	(834)	(962)	-	-	598	2,024
IT Reserve	1,500	2,118	(400)	(2,118)	-	-	-	1,100	2,526
Other Waste Services Reserve	156	(134)	-	-	-	-	-	21	53
Parking Meters Reserve	398	1,620	(202)	-	(312)	-	-	1,504	511
Repealed Funds Reserve	2,455	-	-	(1,381)	(52)	-	-	1,021	2,455
Roads / Environmental Reserve	587	425	(425)	(516)	35	-	-	105	63
Sustainable Energy & Water Reserve	42	-	-	-	-	-	-	42	47
Unexpended Loan Funds Reserve	-	-	-	-	-	-	-	-	-
Ward Funds Reserve	29	60	(60)	(29)	-	-	-	-	37
Emergency & Natural Disaster	5,119	1,881	-	-	-	-	-	7,000	4,291
Grant Co-Contribution Reserve	586	2,414	-	-	-	-	-	3,000	815
Resilience Fund	3,000	-	-	-	-	-	-	3,000	3,000
Total External and Internal Restrictions	90,225	41,096	(30,253)	(40,114)	(6,931)	-	-	54,023	96,219

(1) Funds that must be spent for a specific purpose

(2) Funds that Council has designated for a specific purpose

(3) Excludes Newcastle Airport and related entities and 355c Committees Bank Accounts

**ITEM 7 - ATTACHMENT 1
SEPTEMBER 2023.**

QUARTERLY BUDGET REVIEW TO 30

Performance Indicators ⁽¹⁾

Result for the financial quarter ending 30 September 2023

	\$'000	Indicator	Benchmark	
1. Operating performance ratio				
Total continuing operating revenue excluding capital grants and contributions less operating expenses	994	2.71%	>0.00%	✓
Total continuing operating revenue excluding capital grants and contributions	36,684			
This ratio measures Council's achievement of containing operating expenditure within operating revenue.				
2. Debt service cover ratio				
Operating result before capital excluding interest and depreciation/impairment/amortisation	6,989	8.09	>2.00x	✓
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	864			
This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.				
3. Unrestricted Working Capital ratio				
Total Current Assets less external restrictions	64,945	2.05	>1.5x	✓
Total Current Liabilities less external restrictions	31,646			
This ratio measures Council's ability to meet its short term obligations as they fall due.				
4. Cash expense ratio				
Current year's cash and cash equivalents plus all term deposits	91,823	9.00	>3.00 mths	✓
Operating expenses less depreciation + YTD	10,208			
This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.				
5. Rates and annual charges outstanding percentage				
Rates and annual charges outstanding YTD	2,750	3.7%	<10.00%	✓
Rates and annual charges collectable	74,177			
To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.				
6. Restricted Cash				
External Restrictions	50,118			
Internal Restrictions	46,099			
Unrestricted / (Shortfall)	(4,394)			
	91,823			

⁽¹⁾ Excludes Newcastle Airport and related entities

ITEM 7 - ATTACHMENT 1
SEPTEMBER 2023.

QUARTERLY BUDGET REVIEW TO 30

Contracts and Other Expenses

Result for the financial quarter ending 30 September 2023

Councillors are currently made aware of tenders of \$250,000 or more in accordance with legislation. However, Councillors should be made aware of other material contracts entered into by Council and details of other expenses that are of particular interest.

Part A: Contracts

Contracts (other than employment contracts and contracts entered into from Council's preferred suppliers list) that:

- Were entered into during the quarter ending 30 September 2023 and;
- Have a value equal to or more than \$50,000.

Contractor	Contract Details and Purpose	Contract Value (inc GST)	Start Date	End Date	Budget (Y/N)
Southern Cross Protection Limited	PSC Security Services	91,720.25	3/07/2023	30/09/2023	Y
Syscon	RFQ059-2023 ASP Services - Gan Gan Rd	97,779.00	4/07/2023	31/12/2023	Y
Local Government NSW	Membership	66,839.27	27/07/2023	1/07/2023	Y
The Trustee For Eliza Family Trust	E23020 - Aug 2023 - Koala Sanctuary - Concrete	50,144.60	28/07/2023	31/12/2023	Y
Enviroculture Maintenance Services Pty Limited	RFQ078-2023 PSC Cemeteries Mowing Maintenance	191,675.00	8/08/2023	30/06/2024	Y
D & P Fencing Contractors	RFQ087-2023 Guardrail Supply & Install East Seaham	111,010.90	11/08/2023	30/09/2023	Y
Cleveland Property Services	RFQ069-2023 Birubi & Tomaree Amenities Cleaning	84,060.90	16/08/2023	30/06/2024	Y
Imaginative Cleaning Solutions	Commercial Cleaning - Terrace Shopping Village	60,500.00	17/08/2023	30/06/2024	Y
Hunter Joint Organisation	Annual Subscription	59,811.58	18/08/2023	1/07/2023	Y
Arq Group Enterprises Pty Ltd	Managed Hosting Infrastructure Services - Yearly	51,955.20	22/08/2023	9/07/2023	Y
Civil Survey Solutions Pty Ltd	Autodesk Civil Design Software Renewal	59,240.50	23/08/2023	10/10/2024	Y
Atmosphere Air Conditioning & Refrigeration Pty Ltd	RFQ085-2023 Birubi Surf - Air Conditioning Replace	68,277.00	29/08/2023	31/12/2023	Y
Pacific Facilities Management Systems	RFQ094-2023 Boat Ramp & Wharf Cleaning	70,495.54	31/08/2023	30/11/2023	Y
Bluewater Stainless	William St Raymond Terrace - Roundabouts Fence	177,155.00	25/09/2023	31/12/2023	Y
Polite Enterprises Corporation Pty Ltd	RFQ089-2023 Bus Shelter Supply	164,934.00	19/09/2023	15/12/2023	Y
Guardrail Infrastructure Pty Ltd	RFQ097-2023 LTP Rd Tanilba Bay Guardrail Wire Rope	109,246.50	7/09/2023	1/11/2023	Y
Hunter Fauna & Flora Controls Pty Ltd	Bushland Assessment Program 2023-24	96,800.00	4/09/2023	31/12/2023	Y
Data#3 Limited	Quote S000189237 - Sophos License Subscription	86,763.05	25/09/2023	4/10/2024	Y
Software One Australia Pty Limited	Adobe Annual Subscription	75,924.00	25/09/2023	20/09/2024	Y
M Bentley & MG Hutchins	QU-0970 - Fingal Bay HP - 8 X Suites	69,364.00	22/09/2023	31/12/2023	Y
Aqualogic Laundry Systems	RFQ103-2023 Quote QUO-03540-K5M1B2 - Fingal Bay	63,608.60	18/09/2023	31/12/2023	Y

ITEM 7 - ATTACHMENT 1
SEPTEMBER 2023.

QUARTERLY BUDGET REVIEW TO 30

Part B: Consultancy and Legal Expenses

Report shows expenditure as at 30 September 2023 for:

- Consultancies
- Legal fees

For the purposes of this report, a consultancy is defined as a person or organisation engaged under contract on a temporary basis to provide recommendation or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Expense	September Review	
	YTD \$ \$'000	Budget (Y/N)
Consultants		
Holiday Parks	-	Y
Property Development	-	Y
Engineering	5	Y
Development Planning	-	Y
IT	3	Y
Environment	15	Y
Other	16	Y
Construction	3	Y
Total Consultancies	42	
Legal Fees		
Advice	10	Y
Litigation	26	Y
Total Legal Fees	36	
	YTD \$ \$'000	
Expense - Litigation		
Local Government Law	8	
Environmental Law	2	
Planning & Development Law	16	
Total Litigation Expense	26	

ITEM NO. 8

FILE NO: 23/280593
EDRMS NO: PSC2021-04195

**2023 TO 2024 FEES AND CHARGES - DEVELOPMENT APPLICATION
AWARENESS CAMPAIGN**

REPORT OF: ZOE PATTISON - DIRECTOR CORPORATE STRATEGY AND
SUPPORT
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and note the submission received and response in relation to the draft Development Application Awareness Fee to be included in the 2023-2024 Fees and Charges **(ATTACHMENT 1)**.
- 2) Adopts a new Development Application Awareness Fee of \$145 for all Development Applications as outlined in **(ATTACHMENT 2)**.

**ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023
MOTION**

284	Councillor Giacomo Arnott Councillor Leah Anderson It was resolved that Council: <ol style="list-style-type: none">1) Receives and note the submission received and response in relation to the draft Development Application Awareness Fee to be included in the 2023-2024 Fees and Charges (ATTACHMENT 1).2) Adopts a new Development Application Awareness Fee of \$145 for all Development Applications as outlined in (ATTACHMENT 2).
------------	--

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide Council with information on the submission received during the public exhibition period for the Development Application (DA)

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

Awareness Fee prior to adopting this fee for inclusion in the 2023-2024 Fees and Charges.

A report to consider the draft fee was considered by Council on 26 September 2023, with the fee subsequently placed on public exhibition from 27 September 2023 to 25 October 2023.

During the public exhibition period, 1 submission was received from the same business with a summary outlined in **(ATTACHMENT 1)**. Further detail on the public submission and exhibition process is outlined under the consultation section of this paper.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The financial implications are outlined in the table below.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes	\$170,000	Email subscription service and weekly print advertising in both the Port Stephens Examiner and News of the Area. To recover these costs a new DA Awareness Fee of \$145 for all DA's lodged with Council.

LEGAL, POLICY AND RISK IMPLICATIONS

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

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a financial risk that Council will not recover its costs for advertising of DA's in print media should Council not charge a Development Application Awareness Fee.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The use of print media advertising will increase transparency for Port Stephens residents and businesses in development application awareness.

The cost of advertising is a financial liability for Council and it is deemed necessary to recover these costs via a Development Application Awareness Fee for all DA's lodged with Council.

CONSULTATION

Public Exhibition occurred from 27 September 2023 until 5pm on 25 October 2023. Exhibition of the documents and opportunities to make a submission were promoted on Council's website. Hard copies of the documents were also made available at the Administration Building and Council's Libraries, with submissions able to be made via mail or email.

Council received 1 submission from the same business which is summarised in **(ATTACHMENT 1)**.

An additional 1 submission was received outside of the public exhibition period and is not included in the summary at **(ATTACHMENT 1)**.

We value the time and effort taken by community members in reviewing the documents and providing submissions. Each submission receives a formal acknowledgement outlining that a further report would be considered by Council on any submissions received.

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

OPTIONS

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

- 3) Reject the recommendations.

ATTACHMENTS

- 1) Summary of Submission.
- 2) Additional Fees and Charges 2023 to 2024.

COUNCILLORS' ROOM

- 1) Copy of un-redacted submission.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 SUMMARY OF SUBMISSION.

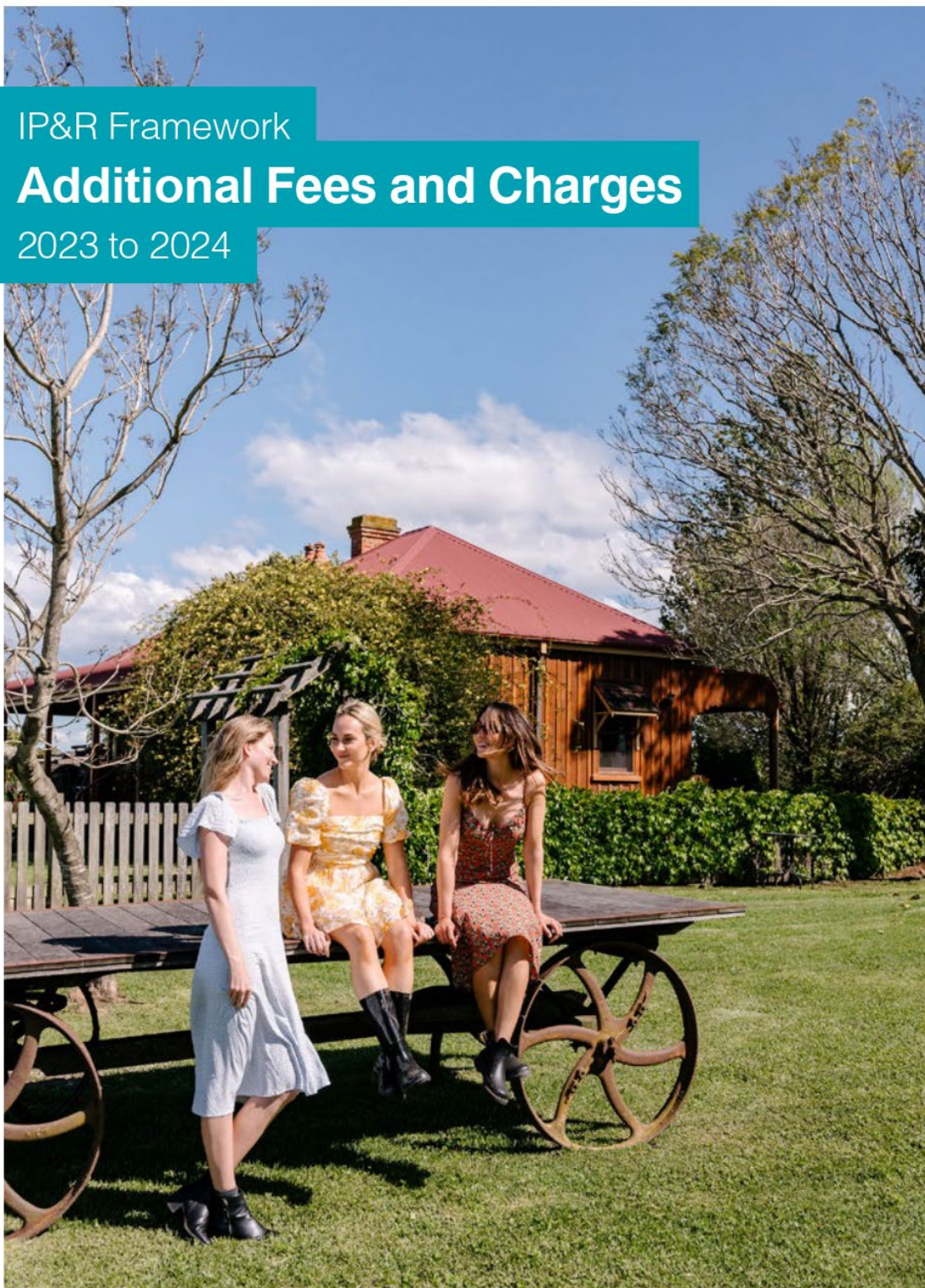
ATTACHMENT 1 – SUMMARY OF SUBMISSION

No.	Author	Content	Council Response
1	Business owner	<p>1 submission was received within the exhibition period by the same business (3 individuals) with summarised comments included below:</p> <ul style="list-style-type: none"> - Concerns about the proposed changes to the Development Application Awareness fee and the planned increase in the advertising fee. - The decision seems particularly imprudent in this digital age, contradicting the prevalent trends in information dissemination. - It's an unnecessary financial burden for developers and stakeholders involved in the DA process, considering the already substantial costs associated with the development process. - The risks associated with continuing to rely on traditional print media, underscores the need for a more forward-thinking and cost-effective approach. Risks include negative community perception and the potential financial burden on applicant. - Urges Council to reconsider the proposed changes and explore more modern, financially responsible, efficient and cost effective means of communicating with the community. 	<p>Advertising DAs in local newspapers is designed to increase transparency and ensure a broader cross section of the community has access to information regarding developments in Port Stephens.</p> <p>The costs associated with the service will be reviewed on an annual basis.</p>

IP&R Framework

Additional Fees and Charges

2023 to 2024



PORT STEPHENS
COUNCIL

ITEM 8 - ATTACHMENT 2 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Table Of Contents

Port Stephens Council.....	3
Development & Building Services	3
Applications (including DAs, CCs, CDCs and s.68)	3
Development Applications	3
Application Fees.....	3

ITEM 8 - ATTACHMENT 2 ADDITIONAL FEES AND CHARGES 2023 TO 2024.

Name	Description	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (excl. GST)	Year 23/24 GST	Year 23/24 Fee (incl. GST)	Unit	Legislation	Pricing Policy
Port Stephens Council								
Development & Building Services								
Applications (including DAs, CCs, CDCs and s.68)								
Development Applications								
Application Fees								
Development Application Awareness Fee	Covers the cost of digital and print advertising for all DA's	\$0.00	\$145.00	\$0.00	\$145.00			Market pricing



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ITEM NO. 9

**FILE NO: 23/282296
EDRMS NO: PSC2023-02266**

2022 TO 2023 ANNUAL REPORT

REPORT OF: ZOE PATTISON - DIRECTOR CORPORATE STRATEGY AND SUPPORT
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Annual Report for the Financial Year 2022 to 2023
(ATTACHMENTS 1 & 2).
-

**ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023
MOTION**

285	<p>Councillor Giacomo Arnott Councillor Leah Anderson</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the Annual Report for the Financial Year 2022 to 2023 (ATTACHMENTS 1 & 2).2) Publishes the Community Satisfaction Survey separately to the Annual Report as its own document in the minutes of this meeting, with the Survey still being reported on in this annual report and all annual reports going forward, and for it to be reported separately in future, and for the 2024 Community Satisfaction Survey to commence in March or April 2024 to re-align the Survey with its regular timing.
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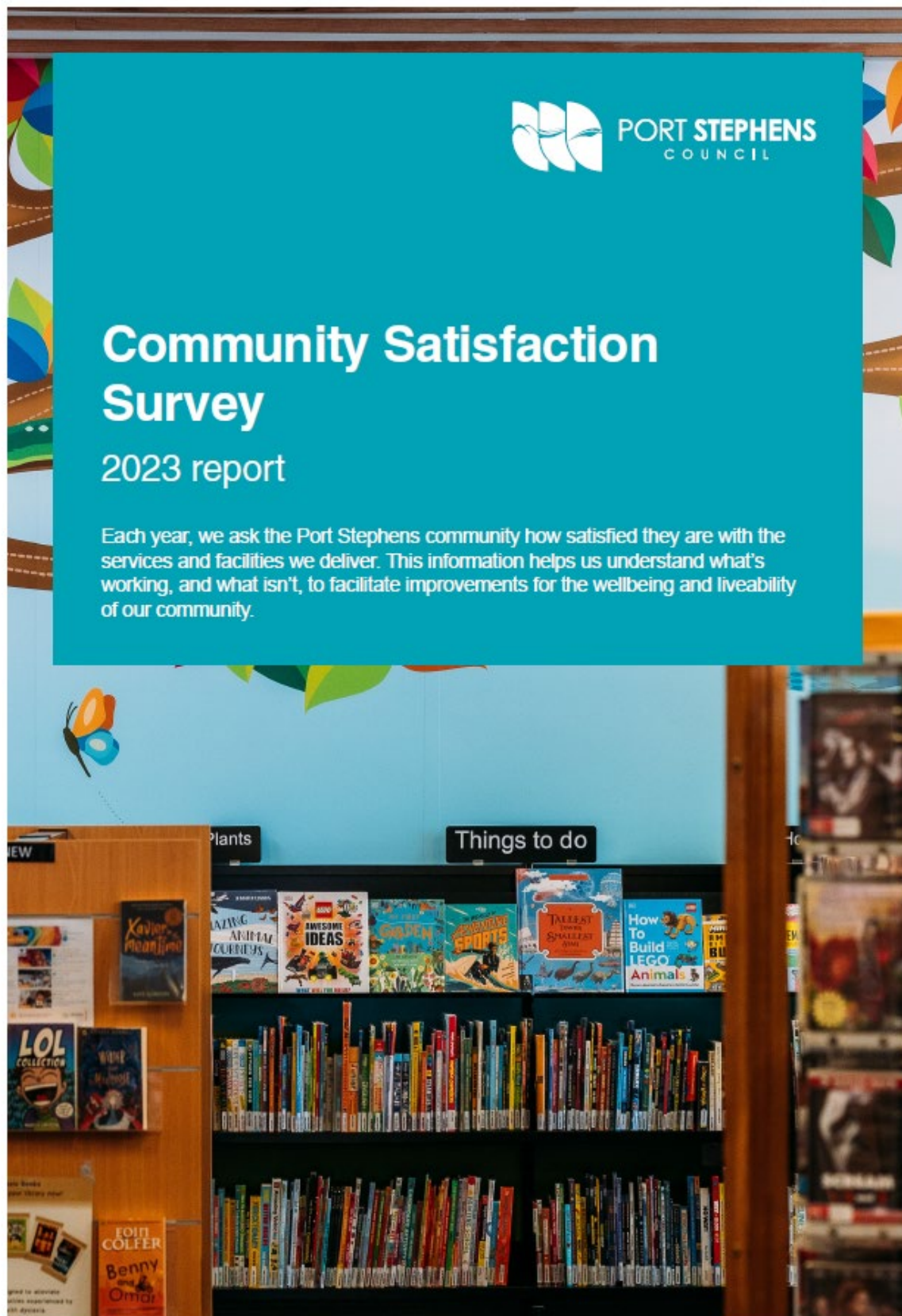
Councillor Giacomo Arnott left the meeting at 7:01pm.
Councillor Giacomo Arnott returned to the meeting at 7:04pm.

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

Those against the Motion: Nil.

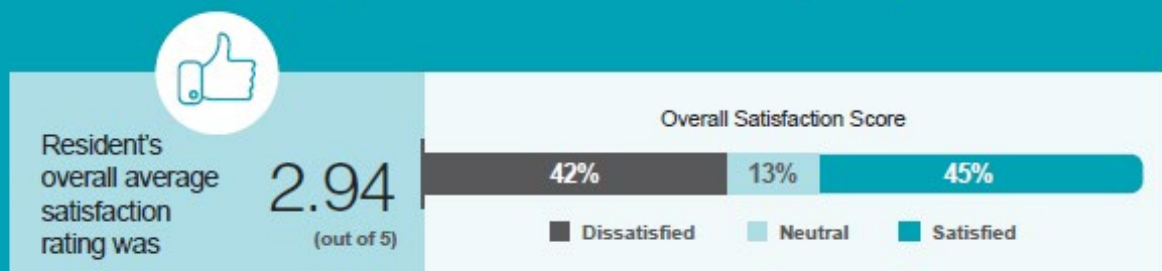
The motion was carried.

COMMUNITY SATISFACTION SURVEY





A simplified approach was taken with this year's survey, asking our residents their thoughts about our core services by using a score out of 5.



Our highest rated services and facilities



Strong foundation for community satisfaction going forward

Over September and October 2023, we invited residents to complete the survey and have their say. We used social media, newspaper advertisements, flyers and our website to reach as many people as we could.

During this period, 880 community members completed the survey, rating their overall satisfaction with the performance of Council's services as a mean score of 2.94 out of 5. This translates to 45% satisfied, 42% dissatisfied and 13% neutral.

The highest score was Waste and Recycling with a mean score of 3.96 out of 5, which translates to 81% of respondents satisfied, 9% dissatisfied and 10% neutral.

With the Garden Organics waste service being rolled out this year, we can understand why residents have shown a high satisfaction with these services.

We knew that roads was still the biggest area to work on with a mean score of 2.15 out of 5, equating to 21% satisfied, 72% dissatisfied and 7% neutral.

We've continued to listen to the community on this matter and successfully secured a commitment of \$10M for local road repairs that we're planning to deliver over the next 2 financial years.

The results of the 2023 survey are important in setting internal benchmarks and foundations for measuring future community satisfaction and Council performance.

Below are the average mean scores that our community rated Council's: core services, user services and Councillors.

We've provided a detailed summary of the satisfaction ratings for each of these services on the next page.



3.12
(out of 5)

The average aggregate satisfaction score for Council's core services.



3.98
(out of 5)

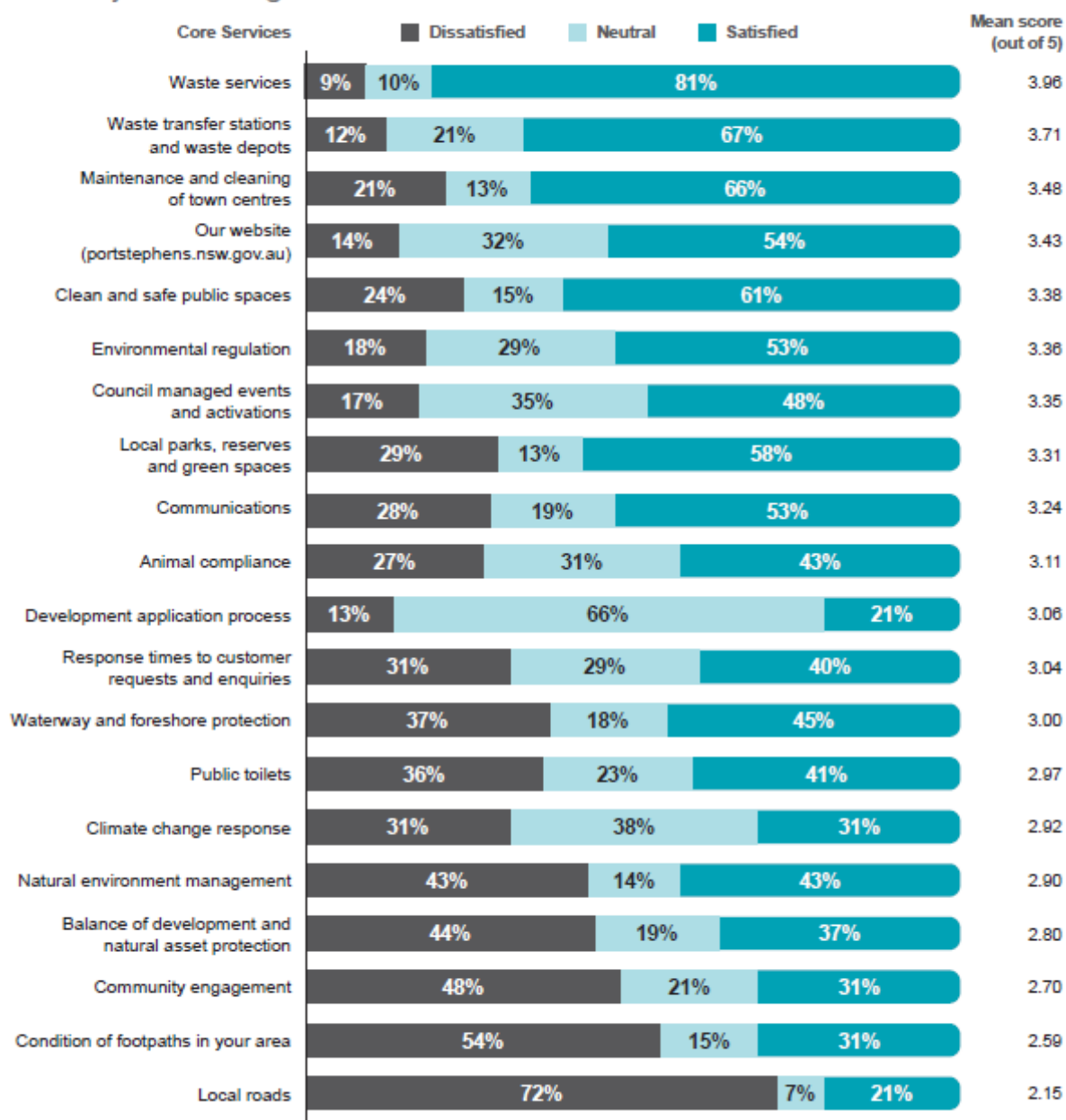
The average aggregate satisfaction score for Council's user services.



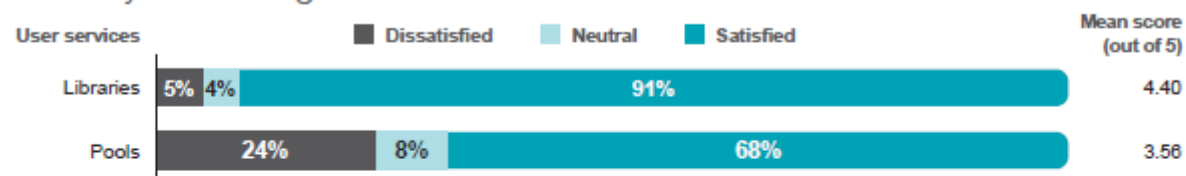
2.74
(out of 5)

Resident's overall ratings for Councillors, on average.

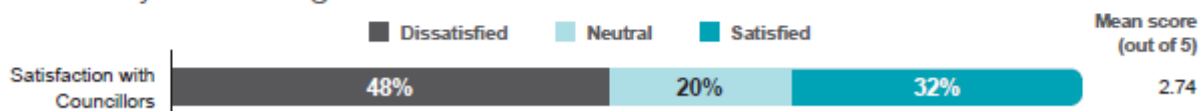
Summary of all ratings for Council's core services



Summary of all ratings for Council's user services



Summary of all ratings for Councillors





What we're doing to improve

Over the next year, we'll continue to work closely with our community, focusing on issues we know are a priority.

Roads and infrastructure



We've secured \$10M from the NSW Government for local road repairs, to be delivered over the next 2 financial years.



We've received an additional \$1.8M in funding from NSW Government Regional Emergency Road Repair Fund to undertake urgent local road repairs.



We'll review our pathways plan, with consultation to commence next year.



We'll use additional funds from the Special Rate Variation towards repairing our roads and protecting the natural environment from the 2024 to 2025 financial year.

Community consultation



The Senior Leadership Team and Councillors are listening and talking with our community at our quarterly Community Catch-ups across the LGA.



We've established 4 new advisory groups to provide community representation for consultation, advice and advocacy across 4 key areas:

- heritage
- homelessness
- environment
- communications and engagement.

Climate change, coastal management and environmental sustainability



We've developed a Koala Plan of Management Interim 2023 Action Plan with actions well underway.



We're continuing to develop the Coastal Management Program with Stage 3 completed this year, identifying options for the management of our coastal areas.



We're continuing our efforts to reduce our carbon footprint by developing a Carbon Neutral Action Plan. This will guide us in achieving our goal of being carbon neutral by 2025. The Carbon Neutral Action Plan is expected to be finalised in 2024.



PORT STEPHENS
COUNCIL

council@portstephens.nsw.gov.au | 02 4988 0255 | portstephens.nsw.gov.au    

BACKGROUND

The purpose of this report is to present to Council and the community the Annual Report 2022 to 2023. The Annual Report is in 2 volumes:

- Volume 1 is the report of activities and operations of Council for the financial year to 30 June 2023, reporting on statutory requirements and Council's achievements in implementing its Delivery Program (**ATTACHMENT 1**).
- Volume 2 is the audited financial statements of Council to 30 June 2023 (**ATTACHMENT 2**).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver the Integrated Planning and Excellence program.

FINANCIAL/RESOURCE IMPLICATIONS

Volume 1 of the Annual Report contains a summary of Council's financial performance, capital expenditure and governance across the whole of Council's operations. As at 30 June 2023, Council achieved its organisational target of an underlying financial result better than budget.

Volume 2 of the Annual Report contains Council's financial position and audited accounts.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The Annual Report has been prepared in accordance with Section 428 of the Local Government Act 1993.

The Annual Financial Statements were adopted by Council at the Council meeting of 24 October 2023.

Section 428(5) of the Local Government Act 1993 states:

"A copy of Council's Annual Report must be posted on Council's website and provided to the Minister and such other persons and bodies as the regulations may require. A copy of Council's Annual Report may be provided to the Minister by notifying the Minister of the appropriate URL link to access the report on Council's website."

Subject to endorsement of the Annual Report by Council, officers will place the Annual Report 2022 to 2023 on Council's website, in Council Libraries and advise the Office of Local Government.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that failure to provide the Annual Report within the legislated timeframe could lead to reputational loss and a breach of the Local Government Act 1993.	Low	Adopt the recommendation prior to 30 November 2023.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council is committed to transparent reporting and accountability to our community.

The Annual Report 2022 to 2023 provides information on Council's performance across a range of social, economic and environmental indicators.

This report also outlines Council's achievements and challenges for 2022 to 2023, including sourcing additional external grant funding to provide services and infrastructure.

The theme for this year's report is 'Strong Foundations'. The report is designed to tell the story of the achievements made over the past year, the focus on ensuring the fundamentals of the organisation were strong, and our ability to now focus on future improvements and innovations.

CONSULTATION

Compilation of the Annual Report 2022 to 2023 has occurred in consultation with the following stakeholders:

Internal

- Executive Team.
- Section Managers.
- Council Officers.

Information was gathered from across Council to compile the Annual Report 2022 to 2023.

External

If endorsed by Council, the Annual Report 2022 to 2023 will be placed on Council's website, with the appropriate web link advised to the Office of Local Government and hard copies distributed to Council's Libraries and the State Library of New South Wales.

OPTIONS

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

ATTACHMENTS

- 1) Annual Report 2022 to 2023 - Volume 1. (Provided under separate cover)
- 2) Annual Report 2022 to 2023 - Volume 2. (Provided under separate cover)

COUNCILLORS' ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 10

**FILE NO: 23/253540
EDRMS NO: PSC2005-2795**

**POLICY REVIEW - INFORMATION & DIRECTION SIGNS IN ROAD RESERVES
POLICY**

REPORT OF: JOHN MARETICH - ASSETS SECTION MANAGER
DIRECTORATE: FACILITIES AND INFRASTRUCTURE

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Information and Direction Signs in Road Reserve Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Information and Direction Signs in Road Reserve Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Information and Direction Signs in Road Reserve Policy dated 23 February 2021, Minute No. 030 should no submissions be received.

**ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023
MOTION**

286	<p>Councillor Leah Anderson Councillor Peter Kafer</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Information and Direction Signs in Road Reserve Policy shown at (ATTACHMENT 1).2) Place the revised Information and Direction Signs in Road Reserve Policy, as amended on public exhibition for a period of 56 days and should no submissions be received, the policy be adopted, without a further report to Council.3) Revoke the Information and Direction Signs in Road Reserve Policy dated 23 February 2021, Minute No. 030 should no submissions be received.
------------	--

Councillor Peter Kafer left the meeting at 7:19pm.
Councillor Peter Kafer returned to the meeting at 7:23pm.

Cr Giacomo Arnott moved an amendment to increase the period of public exhibition to 56 days in point 2 of the motion. The amendment was accepted by the mover and seconder.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Information and Direction Signs in Road Reserve Policy (the policy) (**ATTACHMENT 1**) and place on public exhibition.

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

The intent of the policy is to manage the type and number of information, advertising and directional signs that may be displayed within Council's road reserves.

This policy refers to signage within the road reserve only and does not relate to signage on private property or in Council recreation reserves, which is dealt with in separate policies and NSW legislation. The types of signs covered by this policy are advertising locality and facility, directional, advertising structures, regulatory/warning and advisory and parks and reserves.

The regulation of signage is a function of Council and contributes to the orderly display of signs across the Local Government Area. Control of signs within the road reserve is necessary to reduce visual clutter that could otherwise detract from the natural environment of Port Stephens and potentially reduce the effectiveness of essential traffic and road safety signs.

The Information and Direction Signage in Roads Reserve Code (**ATTACHMENT 2**) supports the policy by providing the technical and physical type and location of appropriate signage.

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

This policy review will not require any additional budget or resources for the management of information and directional signs if the existing levels of service

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

continue. The minimal income gained from introducing and installing new signs is placed into the local road recurrent road maintenance budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal implications in reviewing this policy.

It should be noted that there is sometimes conflict between the desired state of 'having minimal signs' the policy promotes and the actual enforcement when an illegal sign appears. The enforcement of illegal signage is guided by Council's Compliance Policy which seeks to ensure fair and balanced outcomes.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that signage will not meet requirements in terms of type and placement resulting in visual clutter and reduced effectiveness of required signs on the road reserve.	Low	Adopt the policy.	Yes
There is a risk that without a consistent hierarchy of signs this will lead to the community not having a sense of place or visitors not taking the most direct route to the desired location.	Low	Adopt the policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications.

The continued regulation of the placement of information, advertising and directional signs within Council's road reserves will assist in reducing visual clutter while allowing business operators to display essential guidance for potential customers. Reasonable limitation on the size and number of advertising signs that can be displayed will ensure that the visual amenity of the Port Stephens environment is maintained.

Council seeks to assist in the creation of a vibrant business community by implementation of a fair and equitable signs policy. Driver safety, awareness and focus will all be improved through proper management of sign clutter.

CONSULTATION

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

Internal

Review has been undertaken with Development Assessment and Compliance.

External

In accordance with local government legislation the draft Information and Direction Signs in Road Reserve Policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Information & Direction Signs in Road Reserves Policy.
- 2) Information and Direction Sign in Road Reserve Code.

COUNCILLORS' ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 10 - ATTACHMENT 1 INFORMATION & DIRECTION SIGNS IN ROAD RESERVES POLICY.

Policy



FILE NO: PSC2005-2795

TITLE: INFORMATION & DIRECTION SIGNS IN ROAD RESERVES POLICY

OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 To provide a safe, effective and efficient network of signs to guide motorists to tourist services, community facilities and natural features within Port Stephens.
- 1.2 To meet Council's statutory requirements under the Local Government Act, the Roads Act and other relevant legislation in relation to the use of Council's road reserve.
- 1.3 To control the type, size and position of advertising that may be displayed within Council's road reserves.
- 1.4 To provide a level of detail that is not covered in other forms of legislation and instruments such as State Environmental Planning Policy Infrastructure (SEPP) Infrastructure and State Environmental Planning Policy Infrastructure (SEPP) 64 – Advertising and Signage.

2. CONTEXT/BACKGROUND:

- 2.1 The types of signs covered by this policy are locality and facility, directional, advertising structures, regulatory/warning/advisory and open space parks and reserves.
- 2.2 The regulation of signs is a function of Council. This policy contributes to the orderly display of signs in Council's road reserves. Control of signs is necessary to reduce visual clutter that could otherwise detract from the natural environment of Port Stephens and potentially reduce the effectiveness of essential traffic and road safety signs.
- 2.3 The Information and Direction Signs in Road Reserves Policy refers to signs within the road reserve only and does not relate to advertising on private property or in Council Recreation Reserves.

3. SCOPE:

- 3.1 Council is responsible for controlling or monitoring activities being undertaken in its road reserves.
- 3.2 Council will adopt clear and consistent procedures when dealing with applications for signs within the road reserve.
- 3.3 Signs situated on private property are controlled by the Port Stephens Council Development Control Plan.
- 3.4 Council will assess all applications for signs within the road reserve in accordance with the Information and Direction Signs in Road Reserve Code.

Policy

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Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



ITEM 10 - ATTACHMENT 1 INFORMATION & DIRECTION SIGNS IN ROAD RESERVES POLICY.

Policy



4. DEFINITIONS:

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

Road Reserves	An area of land set aside for potential road construction on which building is not allowed
SEPP	State Environmental Planning Policy

5. STATEMENT:

- 5.1 The policy is to provide a consistent approach to the approval of a safe, effective and efficient network of signs to guide motorists to Tourist Services, Community Facilities and natural features within Port Stephens. Motorists should be guided to the Suburb, then the Street and then Facility.
- 5.2 Reasonable limitation on the size and number of signs displayed within Council's road reserve will ensure that the visual amenity of the Port Stephens environment is maintained.
- 5.3 Information and directional signage must conform to relevant legislations and the requirements of the Information and Direction Signs in Road Reserve Code.
- 5.4 Advertising signs on buildings or awnings is controlled by the Port Stephens Council Development Control Plan.
- 5.5 All signage associated with any election must comply with local government, NSW State and Australian Commonwealth laws.

6. RESPONSIBILITIES:

- 6.1 The continued regulation of the placement of **signage** advertising within Council's road reserves will assist in reducing visual clutter while allowing business operators to display essential information for potential customers.
- 6.2 Council seeks to assist in the creation of a vibrant business community by implementation of a fair and equitable advertising signs policy.
- 6.3 Council will charge any applicable fee for installation and management of signs as noted in Council's adopted Fees & Charges.
- 6.4 Installation and maintenance costs are to be met by the applicant.
- 6.5 Enforcement of illegal signage within the road reserve will be carried out in accordance with Council's Compliance Policy.

Policy

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ITEM 10 - ATTACHMENT 1 INFORMATION & DIRECTION SIGNS IN ROAD RESERVES POLICY.

Policy



7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993.
- 7.2 Roads Act 1993.
- 7.3 State Environmental Planning Policy Infrastructure.
- 7.4 State Environmental Planning Policy 64 – Advertising and Signage.
- 7.5 Bus Shelter Policy.
- 7.6 Outdoor Trading Policy.
- 7.7 Information & Direction Signs in Road Reserve Code.
- 7.8 Port Stephens Council Development Control Plan.
- 7.9 Port Stephens Council Compliance Policy.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2005-2795	EDRMS record No.	TBA
Audience	Community, Assets Section, Civil Assets, Staff and General Manager		
Process owner	Assets Section Manager		
Author	Civil Assets Planning Manager		
Review timeframe	3 years	Next review date	TBA
Adoption date	04/11/1995		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	04/11/1995	Civil Assets Manager	Adopted	147
2	25/11/2014	Civil Assets Manager	Amended	318

Policy

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ITEM 10 - ATTACHMENT 1 INFORMATION & DIRECTION SIGNS IN ROAD RESERVES POLICY.

Policy



Version	Date	Author	Details	Minute No.
3	9 Oct 2018	Civil Assets Planning Manager	Reviewed and updated in to the new Policy Template. New Title and EDRMS File. 1.1, 1.2, 1.4, 2.1, 2.2, 3.3, 5.1, 5.2, 5.4, 5.5, 6.4 & 6.6 – New points added. 1.4, 2.3, 2.4, 3.2, 3.4, 5.1, 5.3, 6.3 – Reworded to improve purpose. 4 – Removal of definition. 7.3, 7.4, 7.7 & 7.9 – Added Related Documents.	123
4	23 Feb 2021	Civil Assets Manager	Reviewed and updated in to the new Policy Template. Removed - 2.1 This policy was previously named the Advertising Signs in Road Reserve Policy. The title of this policy has been changed to better reflect the content of the associated code.	030
5	TBA	Civil Assets Manager	Change Author title 2.1 Remove parks and reserves and add open space 6.1 remove advertising and add signage. 6.2 Remove advertising to improve content.	

Policy

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PORT STEPHENS

C O U N C I L

Information & Direction Signs in Road Reserve Code

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.

Table of Contents

Purpose	3
General Principles	3
Method – Hierarchy Of Signs.....	4
Cost	5
1.0 Signs Hierarchy	7
1.1 Gateway Signs.....	7
1.2 Locality Signs	7
1.3 Suburb Signs	8
1.4 Street Name Signs.....	8
1.5 Facility Signs (White And Blue).....	9
1.5.1 Schools – Pre School, Primary School, High School, Tertiary Education And Special Education	9
1.5.2 Boat Ramps And Public Wharves.....	9
1.5.3 Public Amenities	10
1.5.4 Medical Services.....	10
1.5.5 Emergency Services.....	11
1.5.6 Rest Areas	12
1.5.7 Airports	12
1.5.8 Visitor Information Centres.....	13
1.5.9 Marinas.....	13
1.5.10 Industrial Estates	13
1.5.11 Child Care / Long Day Care Centres.....	14
1.5.12 Accommodation.....	14
1.5.13 Community Facilities.....	18
2.0 Directional Signs.....	23
2.1 Advance Direction Signs.....	23
2.2 Intersection Direction Signs	23
2.3 Tourist Direction Signs (White And Brown).....	23
2.3.1 Interpretive Sign	24
3.0 Advertising Structures.....	26
3.1 Bus Shelters	26
3.2 Sandwich Boards.....	26
3.3 Banners	26
3.4 Vehicles	26
3.5 Awning/Hoarding	26
3.6 Identilites	26
4.0 Regulatory/Warning/Advisory	28
4.1 Regulatory	28
4.2 Warning	28
4.3 Advisory Signs.....	28
5.0 Open Space.....	30
5.1 Directional.....	30
5.2 Advertising.....	30
5.3 Informational.....	30
References And Further Information	31
Appendix A	32

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**Overview**

This code aligns with the Information and Direction Signs in Road Reserves Policy. This code addresses the issue of signposting within the road reserve, Council owned property and private property. Its purpose is to assist in assessments regarding signage, but is not to be used exclusively.

This code acknowledges that other forms of legislation and instruments such as SEPP Infrastructure and SEPP64 may take precedence over this policy. This code provides a level of detail that is not covered in these SEPPS.

Purpose

To provide a safe, effective and efficient network of signs to guide motorists to Tourist Services, Community Facilities and natural features within Port Stephens. Motorists should be guided to the **Suburb**, then the **Street** and finally the **Facility**.

It is the intention of this code to cover roads and reserves under Council's care and control, it does not include state roads. Signs on state roads will be determined by Transport for New South Wales (TfNSW).

General Principles

The following general principles need to be observed in the implementation of this Code:

- (a) Tourist and Services signing is primarily about traffic management through the efficient and safe direction of traffic to facilities. Except for gateway signage, signs are not to be used for advertising or promotion.
- (b) Sign of facilities is only one part of an effective visitor or traveller information system. The signposting system is supplementary to maps, other printed material and advice through various other media.
- (c) Signs need to be user friendly and meaningful to the traveller. Consistent application amongst road authorities of the sign design and content requirements of this code is essential to ensure that signs are recognised as authoritative providers of information. This code does not therefore generally permit design variations.
- (d) Use of fewer signs and more attention to their placement will result in less visual clutter and a more favorable travelling environment.
- (e) This code should be read in conjunction with other Port Stephen Council documents, not limited to Council's Technical Specification series that may define, for example, sign type details that are different than those contained within this code. Wherever inconsistencies are discovered between Council published documents and this code, clarity should be sought directly from Council in writing.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.

Method – Hierarchy of signs

Gateway, Locality, Suburb, Street then Facility

- Establish road network hierarchy to determine signposting locations

The following roads are classified as major roads in their localities:

Adelaide Street	Irrawang Street	Port Stephens Street
Bagnall Beach Road	Italia Road	Raymond Terrace Road (state road)
Benjamin Lee Drive	Lemon Tree Passage Road	Richardson Road (state road)
Blanch Street	Lisadell Road	Salamander Way
Brandy Hill Drive	Marine Drive	Sandy Point Road
Bucketts Way	Masonite Road	Seaham Road (state road)
Butterwick Road	Medowie Road	Shoal Bay Road
Cabbage Tree Road (state road)	Mount Hall Road	Soldiers Point Road
Church Street	Nelson Bay Road (state road)	Stockton Street
Clarence Town Road	Nelsons Plains Road	Swan Bay Road
East Seaham Road	Newline Road	Tomago Road (state road)
Ferodale Road	Old Punt Road	Victoria Parade
Gan Gan Road	Oyster Cove Road	Warren Street
Government Road	Pacific Highway (state road)	William Street
Grahamstown Road	Paterson Road	William Bailey Street
High Street	Paterson Street	Woodville Road
Hinton Road	Port Stephens Drive	

Signs on roads listed above will be assessed by Port Stephens Council with the exception of those marked 'state roads', these need the approval of TfNSW.

Signs off 'state roads'

All facilities located off a 'state road' will not be dealt with under the guidelines of this code but will be subject to an application and approval from TfNSW.

Signs on local roads off 'state roads'

Facilities that are located off the local road that joins the 'state road', shall be included on a reassurance sign located near the junction of the 'state road'. These facilities must conform to the Approval Criteria of this code for that facility and be signposted on the local road that joins the 'state road'. A maximum of eight (8) facilities will be signposted on the reassurance sign.

Signs on major roads through Suburbs

These facilities must conform to the Approval Criteria of this code for that facility. A maximum of three (3) facilities will be signposted at an intersection. All other roads within Port Stephens Council will be considered as minor roads and be assessed by Council. Facilities located on the listed major roads will not be signposted from that road unless otherwise specified in the relevant sections. Signs should guide motorists to the *Suburb*, then the *Street* and finally the *Facility*.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**Cost**

Regardless of the nature of a signage application (for example if it is to be installed as part of development, benefits a private entity or otherwise), costs will be met by the applicant or benefitting party for all aspects of the sign's lifecycle including but not limited to its design, purchase, installation, maintenance and replacement. Signs should be designed to meet a minimum service life of ten (10) years. Where a sign has been in place for longer than 10 years and/or where it has deteriorated to a level unacceptable to Council, whether naturally or otherwise, the sign must be replaced at the benefitting party cost.

Where the sign relates to a facility, until such time that the facility exists and/or the facility ceases operations, the signage shall be managed under the above arrangement. On termination of a facility's operations all signage relating to the facility shall be removed at the facility managers cost.

Where no direct benefitting party is identifiable or where the assessing officer makes a determination that costs will be met by Council, Council may met the lifecycle costs of the sign in full or partially with the remainder to be meet by the applicant as determined by the assessing officer.

**ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD
RESERVE CODE.**

1.0 SIGNS HIERACHY

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**1.0 SIGNS HIERARCHY****1.1 GATEWAY SIGNS****Definition**

Gateway signs are a form of tourist information signs which may be provided on the approach to tourist regions. They include a promotional content such as a welcome to arriving tourists, a regional theme, tourist attractions related to that theme and the availability of tourist information. They are designed to be read from a vehicle moving at the prevailing traffic speed.

Approval Criteria

Consultation on the site, sign legend and content is a matter for Council, the relevant regional tourism organisation, TfNSW and Tourism New South Wales. The Tourist Attraction Signposting Assessment Committee (TASAC) is the appropriate forum for these detailed considerations.

Sign Type

The sign shall be a sign as approved by the relevant body such as Council or TASAC.

Location for sign

Port Stephens Gateway signs should be located on the major roads entering or leading to the Port Stephens area. These signs would generally be located on major roads under the control of TfNSW and may be reviewed TASAC.

The following locations should be considered:

- Pacific Highway and New England Highway at Hexham
- Pacific Highway at Karuah
- Nelson Bay Road at Fern Bay
- Raymond Terrace Road at Nelsons Plains
- Paterson Street at Hinton
- Clarencetown Road at Woodville
- Paterson Road at Duns Creek
- Clarencetown Road at Glen Oak
- Bucketts Way at Limeburners Creek
- East Seaham Road, East Seaham

1.2 LOCALITY SIGNS**Definition**

A Locality sign depicts the geographic name given to a locality within Port Stephens. The sign can also include a distinguishing feature or logo for the locality.

Eg Tilligerry Peninsula

The sign is used to advise motorists they are entering a defined locality.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**Approval Criteria**

Consultation on the site and sign legend and content is a matter for Council, the relevant regional tourism organisation, TfNSW and/or nominated locality committee representatives. The Tourist Attraction Signposting Assessment Committee (TASAC) can be the appropriate forum for these detailed considerations.

Sign Type

The sign shall include the locality name with a common emblem for that locality as agreed upon by the above committee. The legend and background colours should be conducive to legibility in style as well as size.

Location for sign

The locality should be signposted at the boundary of the locality on all roads entering the locality.

1.3 SUBURB SIGNS**Definition**

A Suburb sign is a sign stating the name of the town or village you are about to enter. The sign can also incorporate a distinguishing feature or logo for that suburb.

Approval Criteria

Consultation on the site, sign legend and content is a matter for Council, the relevant regional tourism organisation, TfNSW and/or nominated locality committee representatives. The Tourist Attraction Signposting Assessment Committee (TASAC) can be the appropriate forum for these detailed considerations.

Sign Type

The sign shall include the suburb name with a common emblem for that town as agreed upon by the above committee. The legend and background colours should be conducive to legibility in style as well as size. The sign may also include service symbol signs that meet TfNSW's criteria for service signs.

Location for sign

The town should be signposted on the approaches on the major roads entering the locality.

1.4 STREET NAME SIGNS**Definition**

Street name signs are used to indicate to all road users, the names of roads and streets under day and night time conditions. These signs should also indicate the locality they are within to assist with identification particularly on long roads that cross locality boundaries. Property numbers can also be shown on the sign

Sign Type

The sign shall be 150mm high street blade style with 100mm D series medium spacing black legend on a class 1 white reflective background. The sign shall be no shorter than 500mm and no longer than 1200mm.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.

In locations where the road reserve is wide, (eg dual carriageway, rural roads) or on high speed roads or when a street or road name is long, the sign size may be increased to a 200mm high street blade style sign with 150mm D series medium spacing black legend or 80mm D series medium spacing black legend in two lines.

Location for sign

These signs are for general use at all intersections. The sign should be positioned clear of pedestrian movements and point in the direction of the street or road. At intersections of major urban arterial roads, it may be necessary to provide additional street name information on advance to the intersection. In urban roundabouts, the sign may be located in the central island to replace the sight chevron.

Rural Road Addressing

Several roads within Council's boundary have rural road addressing schemes in place. This scheme allows for better signposting of property addresses in rural areas to assist emergency services primarily. The scheme consists of the provision of a progressive numbering system based on distance from an origin point. When a side street intersects the numbered street, numbers for each direction along the numbered street should be displayed to assist motorists locating property addresses.

1.5 FACILITY SIGNS (WHITE AND BLUE)**Definition**

Service signs direct motorists to essential facilities and services available to the general public within that locality only.

The Australian Standard AS1742.6 currently contains the set of approved symbols to be used for service signs.

1.5.1 SCHOOLS – PRE SCHOOL, PRIMARY SCHOOL, HIGH SCHOOL, TERTIARY EDUCATION AND SPECIAL EDUCATION**Approval Criteria**

The school must satisfy the criteria for a Pre School, Primary School, High School, Tertiary Education or Special Education facility. The school should be open and accessible to the public for the purposes of education.

Sign Type

The sign shall consist of 100mm D series medium spacing class 1 white reflective legend on a class 1 blue reflective background stating the school name. There is no standard symbol for schools.

Location for sign

The school should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.2 BOAT RAMPS AND PUBLIC WHARVES**Definition**

A formalised location under the care and control of Port Stephens Council for the launching/retrieval and loading/unloading of marine craft.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**Approval Criteria**

The boat ramp or wharf should be open and accessible to the public in all conditions. If the boat ramp is not accessible in all conditions, supplementary information should be included on the sign.

Sign Type

The boat ramp sign shall consist of a class 1 white reflective symbol (AS 1742.6 Appendix B Table B1 S21) on a class 1 blue reflective background. The size of the sign will be dependent on the speed limit on the approach road. The public wharf sign shall consist of 100mm D series medium spacing class 1 white reflective wording 'PUBLIC WHARF' on a class 1 blue reflective background.

Location for sign

The boat ramp or public wharf should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.3 PUBLIC AMENITIES**Approval Criteria**

The amenities should be open to the general public, as a minimum, during normal business hours (9.00am to 5.00pm).

Sign Type

The sign shall be 200mm high street blade style with class 1 white reflective symbol (AS 1742.6 Appendix B Table B1 S16 or S16a) and class 1 reflective white 150mm C series narrow space wording 'AMENITIES' on a class 1 blue reflective background. (appendix A)

Location for sign

The amenities should be signposted at the closest street to the amenities and at the position of the facility.

1.5.4 MEDICAL SERVICES**1.5.4.1 HOSPITALS****Approval Criteria**

Hospitals shall only be signposted when a 24 hour casualty service or a connection to such a service is available.

Sign Type

The sign shall consist of a class 1 white reflective symbol (AS 1742.6 Appendix B Table B1 S1) on a class 1 blue reflective background. The name of the hospital may be included on the sign if a number of hospitals are in that locality or to avoid ambiguity. The legend will be class 1 white reflective legend. The size of the symbol and legend will be dependent on the speed limit on the roadway. (appendix A)

No business or commercial name will be permitted.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**Location for sign**

The feature should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.4.2 MEDICAL CENTRES**Approval Criteria**

Medical Centres shall only be signposted when a 24 hour casualty service or a connection to such a service is available.

Sign Type

The sign shall consist of 100mm D series medium spacing class 1 white reflective wording 'MEDICAL CENTRE' and symbol (AS 1742.6 Appendix B Table B1 S1) on a class 1 blue reflective background.

No business or commercial name will be permitted.

Location for sign

The feature should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.4.3 VETERINARY CLINICS**Approval Criteria**

Veterinary Clinics shall only be signposted when a 24 hour emergency service or 24 hour access to such a service is available.

Sign Type

The sign shall be 200mm high street blade style with class 1 reflective white 80mm D series medium space wording 'VETERINARY CLINIC' on a class 1 blue reflective background. (appendix A)

No business or commercial name will be permitted.

Location for sign

The feature should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.5 EMERGENCY SERVICES**Definition**

State Emergency Services
Rural Fire Service
New South Wales Fire Service
New South Wales Police Service
Ambulance

Approval Criteria

Emergency services are to be signposted when 24 hour service or a connection to such a service is available.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**Sign Type**

The sign shall be 150mm high street blade style with 100mm D series medium spacing white reflective legend on a class 1 blue reflective background. The sign shall be no shorter than 500mm and no longer than 1200mm.

The wording should be included on the sign to identify the type of emergency service available (State Emergency Service, Police, Fire Service, Rural Fire Service etc)

In locations where the road reserve is wide, (eg dual carriageway, rural roads), high speed roads or when a service name is long, the sign size may be increased to a 200mm high street blade style sign with 150mm D series medium spacing white reflective legend or 80mm D series medium spacing white reflective legend in two lines (appendix A)

Location for sign

The sign should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.6 REST AREAS**Definition**

A Rest Area is a roadside stopping place which, as a minimum, shall provide at least one picnic table in shade in an area where vehicles can safely stop clear of the travelled road.

Approval Criteria

A Rest Area can be signposted if it meets the definition as above. Rest Area signs on major state roads will need the approval of TfNSW. Rest Area signs on local roads will need the approval of Port Stephens Council.

Sign Type

The sign shall consist of a class 1 white reflective symbol (AS 1742.6 Appendix B Table B1 S12) on a class 1 blue reflective background. The size of the sign will be dependent on the speed limit on the roadway.

Location for sign

The feature should be signposted on the approaches to the facility and at the position of the facility.

1.5.7 AIRPORTS**Approval Criteria**

An airport that provides regular commercial air services shall be signposted on all major roads to a maximum distance of 50km from the airport along all major travel routes.

Sign Type

The sign shall consist of a class 1 white reflective symbol (AS 1742.6 Appendix B Table B1 S11) on a class 1 blue reflective background. The name of the airport may also be included on the sign to avoid ambiguity. The legend will be class 1 white reflective legend. The size of the symbol and legend will be dependent on the speed limit on the roadway.

E.g. Newcastle Airport is actually located in the suburb of Williamstown.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**Location for sign**

The airport signs should be used to indicate the route and entry point to the airport. The importance of a major airport requires that it be included as a normal destination on advance and intersection direction signs on state roads as determined by TfNSW. When airport indicators are to be placed alongside major roads, they should be placed in a prominent location, with arrow symbols indicating direction of travel.

1.5.8 VISITOR INFORMATION CENTRES**Approval Criteria**

Signs shall only be displayed at facilities such that they are a manned Visitor Information Centre or unmanned information bay or information boards that are accredited in accordance with the Australian Tourism Accreditation Standard administered by Tourism New South Wales.

Sign Type

The signs shall be in accordance with AS 1742.6 Section 2 Tourist Information Facilities.

Location for sign

The sign locations shall be in accordance with AS 1742.6 Section 2 Tourist Information Facilities.

1.5.9 MARINAS**Approval Criteria**

Signs should be present at Marina's on the proviso that they are principally the place for the birthing of vessels for private or commercial use and may also include service and maintenance facilities including a dry dock. Individual activities within the marina area will not be signposted separately such as boat repairs, dry docks, restaurants, boat hire, fishing tackle supplies and charter tours. The marina is considered to be the principle destination.

Sign Type

The sign shall be 200mm high street blade style with class 1 reflective white 150mm D series medium space wording 'MARINA' on a class 1 blue reflective background. (appendix A)

No business or commercial name will be permitted.

Location for sign

The feature should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.10 INDUSTRIAL ESTATES

Industrial estates or areas of heavy industry pose a unique problem to signpost. Many industrial areas such as Tomago have more than one area. Estate names would help to identify different estates within the one locality. To reduce confusion, the estate could be named after the main access road into the estate. Further discussion within Council would need to be undertaken to determine if naming of industrial estates is appropriate.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**Definition**

An estate or area deemed industrial by Council where the principle activity is industrial/heavy industry.

Approval Criteria

The estate has more than 3 businesses established.

Sign Type

The sign shall be 200mm high street blade style with class 1 reflective white 80mm D series medium space wording 'INDUSTRIAL ESTATE' on a class 1 blue reflective background. No business or commercial name will be permitted, apart from an estate name if applicable. (appendix A)

In locations where the road reserve is wide, (eg dual carriageway, rural roads) or on high speed roads, the sign size may be increased to a 300mm high panel sign with 120mm Mod E series white reflective legend. (appendix A)

Location for sign

The sign locations shall be in accordance with AS 1742.6 Section 2 Tourist Information Facilities.

1.5.11 CHILD CARE / LONG DAY CARE CENTRES**Definition**

A child care centre is a building or place used for child care as defined within the *Child Welfare Act*.

Approval Criteria

The centre must provide pre-school care, long day care, before/after school care or a combination of the above.

Sign Type

The sign shall be a 200mm high street blade style sign with 80mm D series medium spacing class 1 white reflective legend 'CHILD CARE CENTRE' in two lines on a class 1 blue reflective background (appendix A).

No business or commercial name will be permitted.

Location for sign

The Child Care Centre should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.12 ACCOMMODATION**1.5.12.1 ACCOMMODATION FOR THE AGED OR DISABLED****Definition**

Accommodation for the aged or disabled refers to residential accommodation which is used for or is intended to be used permanently as accommodation for aged persons or disabled persons. Accommodation of this kind may consist of hostels, a grouping of self-contained dwellings, a nursing home facility, respite care or a combination of the above.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**Approval Criteria**

The facility needs to be established and approval given to operate by Port Stephens Council. This type of accommodation should include facilities for the use or benefit of aged or disabled persons.

Sign Type

The sign shall be 150mm high street blade style with 100mm D series medium spacing white reflective legend on a class 1 blue reflective background. The sign shall be no shorter than 500mm and no longer than 1200mm. The wording should be included on the sign to identify the type of accommodation service available (Retirement Village, Nursing Home, Aged Care, Hospice etc)

In locations where the road reserve is wide, (eg dual carriageway, rural roads) or on high speed roads or when a facility name is long, the sign size may be increased to a 200mm high street blade style sign with 150mm D series medium spacing white reflective legend or 80mm D series medium spacing white reflective legend in two lines.

No business or commercial name will be permitted.

Location for sign

The accommodation facility should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.12.2 MOTELS**Definition**

A motel is a building or buildings used substantially for overnight accommodation of travellers and their vehicles.

Approval Criteria

The motel shall have a minimum of 20 beds and an on-site booking office.

Sign Type

The sign shall be 150mm high street blade style with 100mm D series medium spacing white reflective legend on a class 1 blue reflective background including a class 1 white reflective symbol (AS 1742.6 Appendix B Table B1 S6). The sign shall be no shorter than 500mm and no longer than 1200mm. The wording should be included on the sign to identify the type of accommodation service available (e.g. Motel)

In locations where the road reserve is wide, (e.g. dual carriageway, rural roads) or on high speed roads or when a facility name is long, the sign size may be increased to a 200mm high street blade style sign with 150mm D series medium spacing white reflective legend or 80mm D series medium spacing white reflective legend in two lines.

No business or commercial name will be permitted.

Location for sign

The motel should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**1.5.12.3 HOTELS****Definition**

A hotel is any building or buildings used for the purposes as specified in an hotelier's licence. Overnight accommodation of travellers and their vehicles may also be a facility the hotel provides.

Approval Criteria

The hotel shall have a minimum of 20 beds and an on-site booking office.

Sign Type

The sign shall be 150mm high street blade style with 100mm D series medium spacing white reflective legend on a class 1 blue reflective background including a class 1 white reflective symbol (AS 1742.6 Appendix B Table B1 S6). The sign shall be no shorter than 500mm and no longer than 1200mm. The wording should be included on the sign to identify the type of accommodation service available (eg Hotel)

In locations where the road reserve is wide, (eg dual carriageway, rural roads) or on high speed roads or when a facility name is long, the sign size may be increased to a 200mm high street blade style sign with 150mm D series medium spacing white reflective legend or 80mm D series medium spacing white reflective legend in two lines.

No business or commercial name will be permitted.

Location for sign

The hotel should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.12.4 CARAVAN PARKS**Approval Criteria**

The caravan park shall have a minimum of 20 sites for caravans/motor homes or a combination of sites for tents and overnight accommodation should be available to the public.

Sign Type

The sign shall be 150mm high street blade style with 100mm D series medium spacing white reflective legend on a class 1 blue reflective background including a class 1 white reflective symbol (AS 1742.6 Appendix B Table B1 S9 or AS1742.6 Appendix B Table B1 S8). The sign shall be no shorter than 500mm and no longer than 1200mm. The wording should be included on the sign to identify the type of accommodation service available (e.g. Caravan Park)

In locations where the road reserve is wide, (eg dual carriageway, rural roads) or on high speed roads or when a facility name is long, the sign size may be increased to a 200mm high street blade style sign with 150mm D series medium spacing white reflective legend or 80mm D series medium spacing white reflective legend in two lines on a class 1 blue reflective background.

No business or commercial name will be permitted.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**Location for sign**

The caravan park should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles. Advance signposting on the approaches to the caravan park are permitted if the road fronting the caravan park is a high speed road.

1.5.12.5 HOLIDAY ACCOMMODATION

Establishments that offer accommodation other than caravans, mobile homes, tent sites, motels, hotels, bed and breakfast type accommodation. Such establishments would include backpackers, cabins, bungalows, hostels etc.

Approval Criteria

The establishment shall have a minimum of 20 beds and an on-site booking office.

Sign Type

The sign shall be 150mm high street blade style with 100mm D series medium spacing white reflective legend on a class 1 blue reflective background including a class 1 white reflective symbol (AS 1742.6 Appendix B Table B1 S6). The sign shall be no shorter than 500mm and no longer than 1200mm. The wording should be included on the sign to identify the type of accommodation service available (eg Cabins, Backpackers, Resort)

In locations where the road reserve is wide, (eg dual carriageway, rural roads) or on high speed roads or when a facility name is long, the sign size may be increased to a 200mm high street blade style sign with 150mm D series medium spacing white reflective legend or 80mm D series medium spacing white reflective legend in two lines.

No business or commercial name will be permitted.

Location for sign

The establishment should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.12.6 BED AND BREAKFASTS**Approval Criteria**

The bed and breakfast (B&B) establishment must be licensed and approval given to operate by Port Stephens Council.

Sign Type

The sign shall be 200mm high street blade style with 80mm D series medium spacing class 1 white legend on a class 1 blue reflective background including a class 1 white reflective symbol (AS 1742.6 Appendix B Table B1 S6). The wording should be included on the sign to identify the type of accommodation service available (e.g. Bed & Breakfast)

No business or commercial name will be permitted.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**Location for sign**

The B&B establishment should be signposted only in the street that it is located in to avoid ambiguity. If signposting is provided on other streets leading to B&B, motorists expect to find a B&B on that street.

1.5.13 COMMUNITY FACILITIES**1.5.13.1 COMMUNITY GROUPS****Definition**

Community groups that are 'not for profit' groups are activity based not retail based. Combination of the above examples is the Scouts and Guides.

Approval Criteria

Groups that have their own facilities that are a recognised 'not for profit' organisation and conduct activities the general public can participate in, meet the approval criteria.

Groups that use community facilities that are a recognised 'not for profit' organisation and conduct activities the general public can participate in, do not meet approval criteria. The community facility will be signposted as per SECTION 2 Community Buildings.

Sign Type

The sign shall be 200mm high street blade style with class 1 reflective white 150mm D series medium space wording on a class 1 blue reflective background. (appendix A)

Location for sign

The facility should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.13.2 COMMUNITY BUILDINGS**Definition**

A community building is any building or buildings used for the purposes of the general community.

Approval Criteria

The building is open and accessible to the general public or on site contact details are available.

Sign Type

The sign shall be 150mm high street blade style with 100mm D series medium spacing white reflective legend on a class 1 blue reflective background. The sign shall be no shorter than 500mm and no longer than 1200mm. The wording should be included on the sign to identify the type of building available (Community Hall, Council Administration Offices, Library, etc)

In locations where the road reserve is wide, (eg dual carriageway, rural roads) or on high speed roads or when a facility name is long, the sign size may be increased to a 200mm high street blade style sign with 150mm D series medium spacing white reflective legend or 80mm D series medium spacing white reflective legend in two lines.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**Location for sign**

The building should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.13.3 SHOPPING CENTRES**Approval Criteria**

A shopping centre shall have a gross leasable floor area of greater than 1000 m². The shopping centre must also be of community significance and NOT located on a major road.

Sign Type

The sign shall be 200mm high street blade style with class 1 white 150mm B series narrow space wording 'SHOPPING CENTRE' on a class 1 blue reflective background. (appendix A)

No business or commercial name will be permitted.

Location for sign

The shopping centre should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.13.4 REGISTERED CLUBS**Definition**

An establishment used by persons associated with, or a body incorporated for social, literary, political, sporting, and athletic or other lawful purposes whether of the same or of a different kind and whether or not the whole or part of such a building is the premises of a club registered under the Registered Clubs Act.1976

Approval Criteria

The Registered Club will not be signposted if it is located within an existing community building such as a hall or school facility. These community facilities will be signposted under section 1.5.13 Community Facilities. All other Registered Clubs located within dedicated buildings will be permitted signposting.

Sign Type

The sign shall be 150mm high street blade style with 100mm D series medium spacing class 1 white reflective legend on a class 1 blue reflective background. The sign shall be no shorter than 500mm and no longer than 1200mm. The wording should be included on the sign to identify the type of club.

No business or commercial name will be permitted.

In locations where the road reserve is wide, (eg dual carriageway, rural roads) or on high speed roads or where a name is long, the sign size may be increased to a 200mm high street blade style sign with 150mm D series medium spacing black legend or 80mm D series medium spacing black legend in two lines.

Location for sign

The establishment should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**1.5.13.5 PLACES OF WORSHIP****Definition**

A place of worship is any building or buildings used for the purposes of religious worship.

Approval Criteria

The place of worship will not be signposted if it is located within an existing community building such as a hall or community building. These community facilities will be signposted under section 1.5.13 Community Facilities. All other places of worship located within dedicated buildings will be permitted signs.

Sign Type

The sign shall be 150mm high street blade style with 100mm D series medium spacing class 1 white reflective legend on a class 1 blue reflective background. The sign shall be no shorter than 500mm and no longer than 1200mm. The wording should be included on the sign to identify the type of place of worship.

In locations where the road reserve is wide, (eg dual carriageway, rural roads) or on high speed roads or where a name is long, the sign size may be increased to a 200mm high street blade style sign with 150mm D series medium spacing black legend or 80mm D series medium spacing black legend in two lines.

No business or commercial name will be permitted.

Location for sign

The establishment should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.13.6 CEMETERIES AND CREMATORIUMS**Approval Criteria**

The establishment be licensed and approval given to operate as a cemetery/crematorium under the guidelines specified by Port Stephens Council.

Sign Type

The sign shall be 150mm high street blade style with 100mm D series medium spacing class 1 white legend on a class 1 blue reflective background.

No business or commercial name will be permitted.

Location for sign

The cemetery/crematorium should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

1.5.13.7 SERVICE CLUBS**Definition**

Rotary Club, Lions Club, Probus Club, Country Women's Association, etc

Approval Criteria

The club is an approved club under the guidelines specified by Port Stephens Council.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.

Sign Type

The sign shall include a logo or other information regarding meeting times, contact telephone number or venue. The sign material shall be aluminium and will measure no greater than 0.6m x 0.6m or have an area no greater than 0.36m². The sign must not include any colours or design elements that are similar to road signs. For example, a sign depicting a 'STOP' sign, or similar.

Location for sign

The service clubs signs will be mounted to a common structure on the major road at the entrance to the locality the club is located in.

**ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD
RESERVE CODE.**

2.0 DIRECTIONAL SIGNS

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**2.0 DIRECTIONAL SIGNS****2.1 ADVANCE DIRECTION SIGNS****Definition**

Advance direction signs provide motorists with advance notice of directions to focal points (towns and cities) facilitating traffic movements in the safest and most direct manner.

Approval Criteria

These types of signs are generally approved of and provided by TfNSW.

Sign Type

The sign shall be class 1 white reflective legend on class 1 green reflective background.

Location for sign

The signs are located on the approaches to intersections or decision points.

2.2 INTERSECTION DIRECTION SIGNS**Definition**

Intersection direction signs provide motorists with directions to focal points (towns and cities) facilitating traffic movements in the safest and most direct manner.

Approval Criteria

These types of signs are generally approved of and provided by TfNSW.

Sign Type

The sign shall be class 1 white reflective legend on a class 1 green reflective background.

Location for sign

The signs are located on the approaches to intersections or decision points.

2.3 TOURIST DIRECTION SIGNS (WHITE AND BROWN)**Definition**

Tourist Direction signs (brown and white) are signs that guide motorists to features and tourist attractions of significant interest as determined by the Tourist Attraction Signposting Assessment Committee (TASAC).

Some of the typical features signposted are:-

- Major tourist attractions
- Tourist drives
- Tourist establishments
- Tourist features (scenic, geographic etc)
- Historical features
- Cultural
- Theme Parks
- Winery
- Museum
- Galleries
- Craft centres

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.

- Zoo Parks

Approval Criteria

Consultation on the site and sign legend and content is a matter for the relevant regional tourism organisation, TfNSW and Tourism New South Wales. The Tourist Attraction Signposting Assessment Committee (TASAC) is the appropriate forum for these detailed considerations.

Sign Type

The sign shall be a sign as approved by the TASAC.

Location for sign

The facility or feature should be signposted as per the requirements of TfNSW manual, Tourist Signposting.

2.3.1 INTERPRETIVE SIGN**Definition**

Signs which provide information about a feature, including the history or cultural significance.

Approval Criteria

These types of signs are approved of and provided by Port Stephens Council.

Sign Type

The sign shall be white legend on a brown background.

Location for sign

The signs are located at the feature.

eg The Marriage Trees located in King Street, Raymond Terrace

**ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD
RESERVE CODE.**

3.0 ADVERTISING STRUCTURES

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**3.0 ADVERTISING STRUCTURES**

All advertising signs and structures within the road reserve (with the exception of Sandwich Board signs and Bus Shelter Advertising) require the submission of a Development Application which will require Council approval before signs will be permitted within the road reserve. Council does not generally approve advertising within the road reserve. Advertising may cause driver distraction and increase the risk of a crash.

3.1 BUS SHELTERS

Advertising signs are not permitted within the road reserve but are permitted on bus shelters. Where advertising is to be installed on a Council owned bus shelter, a bus shelter advertising application form will need to be lodged with Council and this application approved by Council. This application form can be found on the Port Stephens Council website.

3.2 SANDWICH BOARDS

Advertising is permitted on sandwich boards within the road reserve for the purpose of advertising adjacent to the business use. An application form can be found on the Port Stephens Council website.

3.3 BANNERS

Banners within the road reserve used for advertising businesses will not be permitted. However, banners that advertise events within that locality will be considered and approval assessed by Port Stephens Council. Applications should be made in writing to Council requesting Banner advertising for events.

3.4 VEHICLES

Advertising may be permitted on some vehicles within the road reserve in accordance with SEPP64.

3.5 AWNING/HOARDING

Advertising is permitted on awnings and hoardings within the road reserve through an application to Council.

3.6 IDENTILITES

Street furniture incorporating illuminated street name signs and an advertising panel on a single post are permitted within the road reserve however require a development application to be lodged with Council for approval.

**ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD
RESERVE CODE.**

4.0 REGULATORY/WARNING/ADVISORY

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**4.0 REGULATORY/WARNING/ADVISORY****4.1 REGULATORY****Sign Type**

Regulatory signs are enforceable by Police. A full listing of regulatory signs can be found on the Roads and Maritime website: <http://www.rms.nsw.gov.au>

Eg No Stopping, Stop sign, Give Way sign, Speed limit sign, etc.

Approval

All regulatory signs with the exception of speed limit signs are to be approved of by the Local Traffic Committee which comprises of technical representatives from N.S.W. Police, Council and TfNSW. TfNSW is the only authority for approving speed limits.

Installation

All regulatory signs with the exception of speed limit signs are to be installed by a Road Authority under the definition given within the Roads Act. Speed limits signs are the responsibility of TfNSW.

4.2 WARNING**Sign Type**

Warning signs give advance notice to motorists about specific hazards or road conditions ahead as per Australian Standard AS 1742.2.

Eg Curve warning signs, Crest warning signs, etc.

Approval

All warning signs are to comply with the warrants or criteria set out in Australian Standard AS 1742.2.

Installation

All warning signs are installed by Council.

4.3 ADVISORY SIGNS**Sign Type**

Advisory signs give advance notice to motorists about specific road conditions and geographic features ahead as per Australian Standard AS 1742.2.

Eg Road Subject to Flooding, Hunter River, Bridge height limits, etc.

Approval

All advisory signs are to comply with the warrants or criteria set out in Australian Standard AS 1742.

Installation

All advisory signs are installed by Council.

**ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD
RESERVE CODE.**

5.0 OPEN SPACE

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**5.0 OPEN SPACE****5.1 DIRECTIONAL**

- Open Space – with community facilities
- Recreation Facilities – tennis courts, football ovals
- Leisure Facilities

Sign Type

The sign shall be 150mm high street blade style with 100mm D series medium spacing white reflective legend on a class 1 blue reflective background. The sign shall be no shorter than 500mm and no longer than 1200mm.

The wording should be included on the sign to identify the type of facility available (tennis court, swimming pool, sporting complex or the name of the reserve, oval, field)

In locations where the road reserve is wide, (eg dual carriageway, rural roads) or on high speed roads or when a service name is long, the sign size may be increased to a 200mm high street blade style sign with 150mm D series medium spacing white reflective legend or 80mm D series medium spacing white reflective legend in two lines.

Location for sign

The feature should be signposted from the closest major road through the locality and signposted via the shortest most accessible route for all vehicles.

5.2 ADVERTISING

Advertising signs are not permitted within the road reserve but are permitted within Open Space. Applications should be made in writing to Council to allow for a determination to be made. A development application may be required to be lodged dependent on the nature of the signage. Typically, advertising is not supported in any Council Open Spaces and any application will be reviewed on a case by case basis without reference to any previous positive or negative determinations.

5.3 INFORMATIONAL

Informational signs are not permitted within the road reserve but are permitted within Open Space. Applications should be made in writing to Council to allow for a determination to be made. Applications for informational signage will be reviewed on a case by case basis without reference to any previous positive or negative determinations.

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.**REFERENCES AND FURTHER INFORMATION**

- Port Stephens Council is the local Council which governs the Local Government Area of Port Stephens. They are also the Road Authority for this area in combination with TfNSW. Port Stephens Council is responsible for managing approvals for number of different signage types in this area. For further information see:

<http://www.portstephens.nsw.gov.au/>

- TfNSW is a NSW Government agency delivering safe and efficient journeys throughout NSW, managing the operations and programs of some roads and waterways. TfNSW is responsible in providing concurrence to Council requests and acting as a Road's Authority and approval body under the Road Act. For further information see:

<http://www.rms.nsw.gov.au>

- Standards Australia is the nation's peak non-government, not-for-profit Standards organisation that produce the standard that most industries attempt to comply to, including those relating to signage. For further information see:

<http://www.standards.org.au>

- The Federal Register of Legislation lists out all the legislation residents, business owners, Councils or otherwise is required to follow in regards to signage installations and approvals. For further information see:

<https://www.legislation.gov.au>

- TASAC, The Tourist Attraction Signposting Assessment Committee is responsible for the assessment of applications for tourist signposting for the majority of tourist signposting needs in NSW. For further information see:

<https://www.destinationnsw.com.au/tourism/business-development-resources/tourist-attraction-signposting/about-tasac>

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.

APPENDIX A



ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.
CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No	PSC2005-2795	EDRMS record No	
Audience	Community, Assets Section, Civil Assets, Staff and General Manager		
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1	26 April 2005	Traffic Engineer & Project Engineer, Traffic & Road Safety	Policy Adopted By Council	101
2	25 Nov 2014	Civil Assets Engineer	Policy Amended and adopted by Council	318
3	9 Oct 2018	Civil Assets Engineer	Reviewed and revised content. Name Of Code Changed. EDRMS Container Changed. Roads and Traffic Authority replaced by Roads and Maritime Service throughout the code. Overview, 1.1, 1.5.7, 1.5.8, 1.5.9, 3.0 – 3.6, 4.1, 5.2, 5.3 - Reworded to improve purpose. General Purpose (5), Cost, 1.1, References – Addition of Information. Cost 1.1-1.5.13 – Removed	123
4	23 Feb 2020	Civil Assets Manager	Reviewed and revised content. Formatted to current style guide. Changed Roads and Maritime Service (RMS) to Transport for New South Wales (TfNSW) throughout the code. Page 4 – Method - Hierarchy of signs - Added Masonite Road, Port Stephens Street, William Street and removed Watefront	030

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.

Version	Date	Author	Details	Minute No.
			<p>Road.</p> <p>Page 8 – 1.1 – Added East Seaham Road, Seaham.</p> <p>Appendix B Table B1 – Added to AS 1742.6 throughout the code.</p> <p>Page 18 – 1.5.12.1 – Removed including a class 1 white reflective symbol (AS 1742.6 s6 bed).</p> <p>Page 23 – 1.5.13.4 – Removed 1976 from Registered Clubs Act.</p> <p>Page 28 – 2.3 – Removed Traffic Engineering Manual Part 12.</p>	
5		Civil Assets Manager	<p>Reviewed and revised content. Formatted to current style guide.</p> <p>Table of contents 5.0 remove Parks And Reserves and add Open Space.</p> <p>Page 15-17 - 1.5.12.1, 1.5.12.3, 1.5.12.4, 1.5.12.5, 1.5.12.6, 1.5.13.5, 1.5.13.6 – Added, No business or commercial name will be permitted.</p> <p>Page 17 - 1.5.12.6 – B&B added and wording Bed and breakfast removed.</p> <p>Page 17 - 1.5.12.6 – Added, including a class 1 white reflective symbol (AS1742.6 Append B Table B1 S6). The wording should be included on the sign to identify the type of accommodation service available (e.g Bed & Breakfast).</p> <p>Page 26 - 3.0 – Added, Council does not generally approve advertising within the road reserve. Advertising may cause driver distraction and increase the risk of a crash.</p> <p>Page 26 - 3.4 - reworded to improve content.</p> <p>Page 28 - 4.1 – Removed, with the exception of local traffic and shared zone & who are the only authority for approving such</p>	

ITEM 10 - ATTACHMENT 2 INFORMATION AND DIRECTION SIGN IN ROAD RESERVE CODE.

Version	Date	Author	Details	Minute No.
			signage. 5.0, 5.1, 5.2, 5.3 – Removed, Parks and Reserves. Added, Open Space.	

ITEM NO. 11

**FILE NO: 23/275391
EDRMS NO: PSC2015-02099**

POLICY REVIEW - FORESHORE VESSEL STORAGE POLICY

REPORT OF: JOHN MARETICH - ASSETS SECTION MANAGER
DIRECTORATE: FACILITIES AND INFRASTRUCTURE

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note submission **(ATTACHMENT 1)**.
 - 2) Revoke the Foreshore Vessel Storage Policy dated 27 April 2021 (Minute No. 098).
 - 3) Adopt the revised Foreshore Vessel Storage Policy shown at **(ATTACHMENT 2)**.
-

**ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023
MOTION**

287	<p>Mayor Ryan Palmer Councillor Matthew Bailey</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note submission (ATTACHMENT 1).2) Revoke the Foreshore Vessel Storage Policy dated 27 April 2021 (Minute No. 098).3) Adopt the revised Foreshore Vessel Storage Policy shown at (ATTACHMENT 2).
------------	---

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement for the revised Foreshore Storage Vessel Policy (the policy) following public exhibition **(ATTACHMENT 2)**.

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

The policy was placed on public exhibition from 13 September 2023 to 10 October 2023. During the public exhibition 1 submission was received which has been summarised in **(ATTACHMENT 1)**. The submission was in support of the policy with a request for additional rack/s near a location with existing storage rack. The response to submission is attached **(ATTACHMENT 1)**.

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

There are nil financial/resource implications.

The annual registration fee is documented and reviewed annually through the Port Stephens Council Fees and Charges process.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The recommendation will not result in any financial or resource implications.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The removal of unregistered vessels can occur under the Public Spaces (Unattended Property) Act 2021.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the dinghy storage racks at Foster Park, Roy Wood Reserve and Dutchman's	Medium	Terms and Conditions of registration state that space on the vessel storage racks is not guaranteed. If full,	Yes

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

Beach Reserve will reach capacity.		vessels will need to be stored securely adjacent to the area.	
There is a risk that unauthorised vessels may be left at foreshore reserves.	Low	Port Stephens Council Rangers to continue foreshore inspections.	Yes
There is a risk that the head height overhang from kayaks and canoes stored on dinghy racks will cause injury to the public.	Medium	Restrict the permitted length of kayaks/canoes to 3 metres in the policy. This is consistent with dinghy restrictions.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Recreational boating and watercraft provide recreational enjoyment of Port Stephens waterways. The interaction/balance between the general public recreation use of public land and vessel storage needs to be managed. This policy provides for the management of vessels to gain a better interaction/balance.

CONSULTATION

The policy was placed on public exhibition from 13 September 2023 to 10 October 2023.

OPTIONS

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

ATTACHMENTS

- 1) Submission - Foreshore Vessel Storage Policy.
- 2) Foreshore Vessel Storage Policy.

COUNCILLORS' ROOM

- 1) Copy of full submission.

TABLED DOCUMENTS

Nil.

ITEM 11 - ATTACHMENT 1 SUBMISSION - FORESHORE VESSEL STORAGE POLICY.**POLICY REVIEW – FORESHORE VESSEL STORAGE POLICY**

No.	Author of submission	Comment	Council response
1	Resident	<p>Raised concern that the current Dinghy Storage Racks at Roy Wood Reserve, Corlette, are in dire need of repair and a proposed additional solution required.</p> <p>States the storage racks where dinghies, kayaks and canoes are required to be kept at Roy Wood Reserve are extremely rusty and broken in many places. This poses a safety risk to people and property (the vessels) as ratepayers try to load vessels onto rusted and broken racks in a heavily congested area.</p> <p>Submission provided suggestion that the area at 215 Foreshore Drive would be perfect placement for another set of dinghy racks.</p>	<p>Submission was reviewed and in line with Community Assets identified priorities for dinghy storage infrastructure.</p> <p>Dinghy Storage facilities at Roy Wood Reserve and Cromarty Bay identified as short term priorities with a current Boating Now (Round 4) grant application pending. If grant unsuccessful, income generated through this policy will be used to address the storage needs at these locations.</p> <p>Providing additional storage facilities at 215 Foreshore Drive will assist congestion at Roy Wood Reserve but requires further consultation with adjacent property owners.</p>

Policy



FILE NO: PSC2015-02099

TITLE: FORESHORE VESSEL STORAGE POLICY

OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 To provide a framework to enable a balance between the storage of vessels and other recreational activities as well as providing a compliance mechanism to manage this balance.

2. CONTEXT/BACKGROUND:

- 2.1 This policy was prompted due to the number of dinghies and other vessels being stored on foreshore reserves. Vessels provide resident and visitor access to the waterways of Port Stephens, however, it was noted that a number of reserves throughout the Port Stephens Council area were cluttered with abandoned and unauthorised dinghies, kayaks, canoes and catamarans. This was limiting the ability of the residents of Port Stephens and visitors to enjoy our beautiful beaches and waterways. Greater order and management of vessels is required to preserve the equitable access of foreshore reserves.

3. SCOPE:

- 3.1 Dinghy storage on foreshore reserves is only permissible with the approval of Council, under a user pay system where income will be allocated to the maintenance, improvement, enforcement and initial signage of foreshore dinghy storage facilities.
- 3.2 Kayak and canoe storage on foreshore reserves is only permissible with the approval of Council, under a user pay system at designated reserves listed in this policy.
- 3.3 A permit system will enable Council to identify vessels stored on foreshore reserves without approval, unauthorised vessels and those abandoned on foreshore reserves and subsequently will enable their removal.

4. DEFINITIONS:

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

Dinghy	A single or multi-hulled vessel up to a maximum length of 3.0 metres.
Kayak and canoe	A single hull vessel up to a maximum length of 5.0 meters. Kayaks and canoes are only permitted on foreshores listed in Policy Statement 5.10.

Policy

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Policy



Unauthorised vessel	Is a vessel not included in the 'dinghy' definition or the 'Kayak and Canoe' definition, this would include but not limited to any single or multi-hulled vessel over 3.0 metres in length, a medium/large trailable vessel, trailer sailer, catamaran, sailboard, jetski, surfboard, work punt, pontoon, sailboat (fitted with mast), rowing skull, inflatable boat.
Derelict vessel	Is a dinghy or other vessel left on public land, which appears to be unseaworthy by the evidence of damage to affect vessel flotation and users safety.
Abandoned vessel	An abandoned vessel is a dinghy or other vessel left on public land, which appears to be un-owned; left with no intention to use, in state of disrepair; unable to be used for its intended purpose; has no registration or has expired registration.

5. STATEMENT:

- 5.1 Port Stephens Council is committed to providing recreational facilities and services in keeping with Council's vision and key corporate objectives.
- 5.2 This policy will allow Council to fund the maintenance and construction of storage facilities through the collection of fees. The registration will be 12 months, with renewal occurring during July for the financial year. A 6 month registration will be available from January to June of the same financial year.
- 5.3 Dinghy, kayak and canoe storage will be managed to ensure there is minimal environmental impacts.
- 5.4 Inspections will be undertaken as required to determine the percentage of registered vessels.
- 5.5 Those vessels not registered or with an expired registration will be deemed abandoned and removed from the foreshore.
- 5.6 Registered dinghies will be permitted to be stored on any Council managed foreshore reserve. Where a designated storage area is provided, registered vessels must be stored within the designated area. All vessels stored outside of these designated storage areas are to be removed and impounded by Council authorised officers. These vessels will be held at Council's impound and may be disposed of in accordance with the **Public Spaces (Unattended Property) Act 2021** Impounding Act 1993.
- 5.7 Dinghies, kayaks and canoes without a permit sticker and stored on a dinghy storage rack will be removed under the **Public Spaces (Unattended Property) Act 2021** Impounding Act 1993.
- 5.8 Owners of unregistered vessels that have been removed from the foreshore will have 3 months to retrieve their vessel. If the vessel has not been claimed after 3 months, it may be sold by tender.
- 5.9 Council managed foreshore reserves with designated storage areas include:
 - Shoal Bay Foreshore Reserve, Shoal Bay

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Policy



- Marrungbangbaa Reserve, Shoal Bay
- Dutchman's Beach, Nelson Bay
- Corlette Point Park, Corlette
- Roy Wood Reserve, Corlette
- Georges Reserve, Salamander Bay
- Wanda Beach Reserve, Salamander Bay
- Kangaroo Point Reserve, Soldiers Point
- Everitt Park, Soldiers Point
- Sunset Beach, Soldiers Point
- Taylors Beach Foreshore, Taylors Beach
- John Parade Foreshore, Lemon Tree Passage
- Koala Reserve, Lemon Tree Passage
- Lilli Pilli Park, Lemon Tree Passage
- Nyrang Reserve, Lemon Tree Passage
- Foster Park, Tanilba Bay
- Peace Park, Tanilba Bay
- Swan Park, Tanilba Bay.

- 5.10 Kayaks and canoes are permitted to be registered and stored within the designated storage areas of the following reserves:

- Dutchman's Beach, Nelson Bay
- Tanilba Park, Tanilba Bay (no storage area provided)
- Foster Park, Tanilba Bay
- Peace Park, Tanilba Bay.

The registration and storage of kayaks and canoes on all other foreshore reserves is unauthorised.

- 5.11 Council will review the registration fee annually.

6. RESPONSIBILITIES:

- 6.1 The Assets Section Manager has overall responsibility for implementation of this policy.

7. RELATED DOCUMENTS:

- 7.1 State Environmental Planning Policy (Coastal Management) 2018.
7.2 Crown Land Domestic Waterfront Licences – Guidelines 2018.
7.3 Local Government Act 1993.
7.4 Impounding Act 1993 **Public Spaces (Unattended Property) Act 2021.**

Policy

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CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2015-02099	EDRMS record No.	TBC
Audience	Community, Assets Section, Community and Recreation, Staff and General Manager		
Process owner	Assets Section Manager		
Author	Community and Recreation Assets Coordinator		
Review timeframe	3 years	Next review date	TBC
Adoption date	14/4/2015		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	14/04/2015	Community and Recreation Coordinator	Adopted by Council.	086
2	23/07/2019	Community and Recreation Coordinator	Reviewed and Updated in Council new Policy Template. Policy Owner – Updated. 2.1, 2.2, 2.3, 5.1 Reworded to improve content. 5.1 Removed due to definitions are identified in 4.1. 5.3 Additional wording. 7.1, 7.2, 7.3 Removed old policy and added new policy. Adopted by Council.	166
3	27/04/2021	Community and Recreation Coordinator	Reviewed and Updated in Council new Policy Template. Amendments following Notice of Motion tabled 10 Nov 2020 Ordinary Council meeting to amend	098

Policy

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Policy



Version	Date	Author	Details	Minute No.
			<p>policy to permit kayaks/canoes at selected reserves.</p> <p>Title of policy amended to Foreshore Vessel Storage in line with Notice of Motion.</p> <p>1.1, 3.3 & 5.5 Word 'dinghy' interchanged with 'vessel'.</p> <p>2.1, 2.3, 6.2, 6.3 & 6.5 Deleted.</p> <p>2.2 Reworded to improve content.</p> <p>3.1 Reworded "foreshore reserves is only permissible with the approval of Council".</p> <p>3.2 Added "Kayak and Canoe storage on foreshore reserves is only permissible with the approval of Council, under a user pay system at designated reserves list".</p> <p>3.3 Added "vessels stored on foreshore reserves without approval, unauthorised vessels and those abandoned on foreshore reserves.</p> <p>4.1 Added "Kayak and Canoe" definition. Added "Kayaks and Canoes that do not meet the above definition to "Unauthorised vessel" definition.</p> <p>Added to Abandoned vessel definition "left with no intention to use, in state of disrepair; unable to be used for its intended purpose; has no registration or has expired registration."</p> <p>5.2 Added "This policy will allow Council to fund the maintenance and construction of storage facilities through the collection of fees.</p> <p>5.3 Added "Dinghy, kayak and canoe storage will be managed to</p>	

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Policy



Version	Date	Author	Details	Minute No.
			<p>ensure there is minimal environmental impacts.</p> <p>5.4 Reworded to improve content.</p> <p>5.5 Added "or with an expired registration".</p> <p>5.6 Added "Registered dinghies will be permitted to be stored on any Council managed foreshore reserve. Where a designated storage area is provided, registered vessels must be stored within the designated area. All vessels stored outside of these designated storage areas are to be removed and impounded by Council authorised officers." from 5.9.</p> <p>5.7 Added "kayaks and canoes".</p> <p>5.9 Sentences removed and added to 5.6. Added additional locations.</p> <ul style="list-style-type: none"> • Marrungbangbaa Reserve, Shoal Bay. • Lilli Pilli Park, Lemon Tree Passage. • Nyrang Reserve, Lemon Tree Passage. • Peace Park, Tanilba Bay. • Swan Park, Tanilba Bay. <p>5.10 Added "Kayaks and canoes are permitted to be registered and stored within the designated storage areas of the following reserves:</p> <ul style="list-style-type: none"> • Dutchman's Beach, Nelson Bay. • Tanilba Park, Tanilba Bay (no storage area provided). • Foster Park, Tanilba Bay. • Peace Park, Tanilba Bay. <p>The registration and storage of kayaks and canoes on all other foreshore reserves is unauthorised."</p>	

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Policy



Version	Date	Author	Details	Minute No.
			<p>6 Added "The Assets Section Manager has overall responsibility for implementation.</p> <p>Council resolved to amend the definition of a kayak and canoe to increase the length of a vessel from 3.0 metres to 5.0 metres.</p>	
4	TBA	Community Asset Coordinator	<p>Change Author Title.</p> <p>5.6, 5.7 & 7.4 Remove Impounding Act 1993 and add Public Spaces (Unattended Property) Act 2021.</p>	TBA

Policy

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ITEM NO. 12**FILE NO: 23/281193
EDRMS NO: PSC2021-04206****REQUESTS FOR FINANCIAL ASSISTANCE**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:-
 - a) First National Real Estate Port Stephens – \$2500 from Mayoral funds and \$2500 from East Ward funds - donation towards sponsorship of 'The Chopper Ball 2024' supporting the Westpac Rescue Helicopter Service.
 - b) Salamander Bay Recycling – Mayoral funds - \$1230 donation towards DA fees associated with purpose built shed for Artisans Collective.
 - c) Tilligerry Tennis Club (Foreshore Tennis) – Cr Steve Tucker – Rapid Response - \$170 donation towards end of season tennis tournament.

**ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023
MOTION**

288	<p>Councillor Leah Anderson Councillor Jason Wells</p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:-</p> <ol style="list-style-type: none">a) First National Real Estate Port Stephens – \$2500 from Mayoral funds and \$2500 from East Ward funds - donation towards sponsorship of 'The Chopper Ball 2024' supporting the Westpac Rescue Helicopter Service.b) Salamander Bay Recycling – Mayoral funds - \$1230 donation towards DA fees associated with purpose built shed for Artisans Collective.c) Tilligerry Tennis Club (Foreshore Tennis) – Cr Steve Tucker – Rapid Response - \$170 donation towards end of season tennis tournament.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

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

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

- 1) Mayoral Funds
- 2) Rapid Response
- 3) Community 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

First National Real Estate Port Stephens (supporting the Westpac Rescue Helicopter Service)	The Westpac Rescue Helicopter Service flies helicopters from 3 bases, providing emergency aeromedical services to people across Northern NSW.	\$2500	Donation towards 'The Chopper Ball 2024' supporting the Westpac Rescue Helicopter Service.
Salamander Bay Recycling	Salamander Bay Recycling (SBR) is an independent, not-for-profit recycling centre creating positive environmental outcomes and	\$1230	Donation towards DA fees associated with purpose built shed for an Artisans Collective.

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

	providing community support through local employment and grants.		
--	--	--	--

WARD FUNDS

First National Real Estate Port Stephens (supporting the Westpac Rescue Helicopter Service)	The Westpac Rescue Helicopter Service flies helicopters from 3 bases, providing emergency aeromedical services to people across Northern NSW.	\$2500	Donation towards 'The Chopper Ball 2024' supporting the Westpac Rescue Helicopter Service.
Tilligerry Tennis Club (Foreshore Tennis)	Tilligerry Tennis Club is a social tennis club, with many members and non-members getting together for social tennis at set times each week, as well as casual court hire to the community.	\$170	Donation towards end of season tennis tournament.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

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

LEGAL, POLICY AND RISK 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	Risk Ranking	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.

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023

ITEM NO. 13

FILE NO: 23/292184
EDRMS NO: PSC2022-02308

INFORMATION PAPERS

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

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 28 November 2023.

No:	Report Title	Page:
1	Cash Investment Portfolio - October 2023	175
2	Code of Conduct Annual Reporting	185
3	Delegations Report	187
4	Council Resolutions	189

ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023 MOTION

289	Councillor Steve Tucker Councillor Jason Wells
	It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 28 November 2023.
<hr/>	
No: Report Title	
1 Cash Investment Portfolio - October 2023	
2 Code of Conduct Annual Reporting	
3 Delegations Report	
4 Council Resolutions	

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

Those against the Motion: Nil.

The motion was carried.

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 22/325572
EDRMS NO: PSC2017-00180**

CASH INVESTMENT PORTFOLIO - OCTOBER 2023

REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION
MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

BACKGROUND

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

ATTACHMENTS

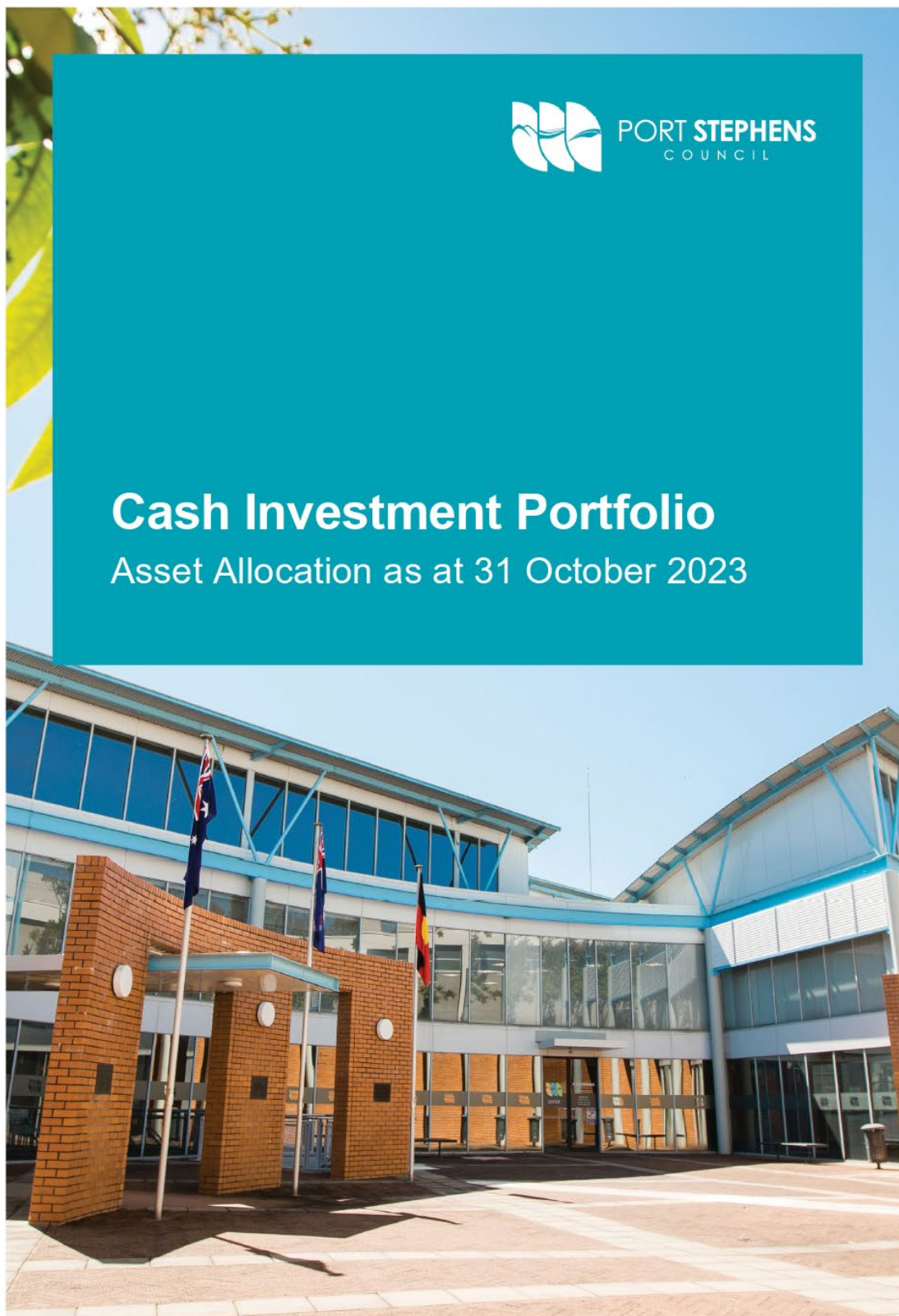
1) Cash Investment Portfolio - October 2023.

COUNCILLORS ROOM

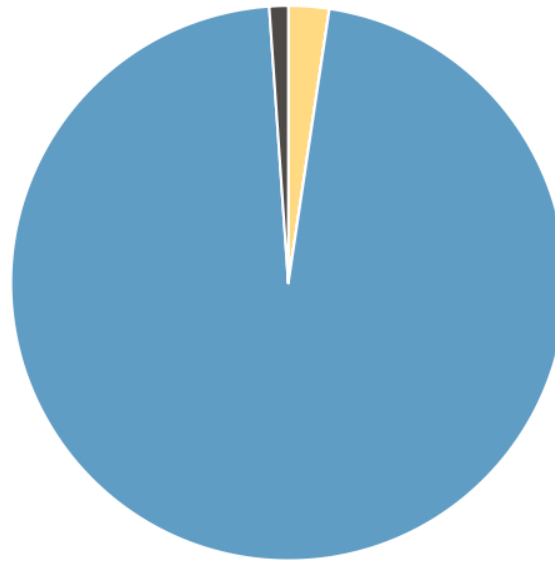
Nil.

TABLED DOCUMENTS

Nil.



Cash Investment Portfolio Holdings



■ At Call ■ Cash ■ At Notice ■ TD ■ Managed Fund

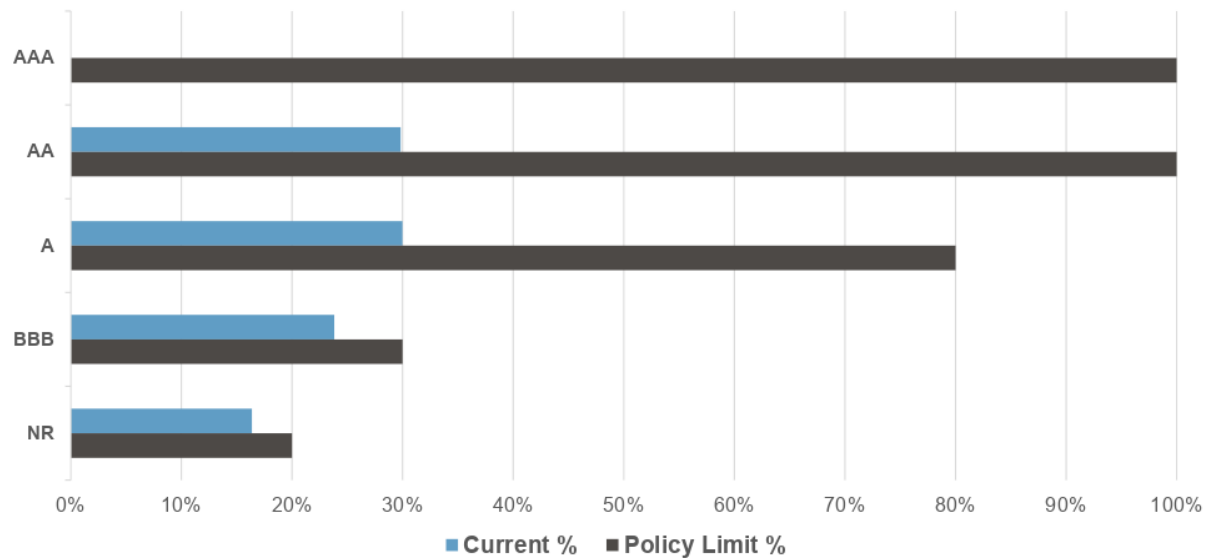
Product Type	Market Value (\$)	Compliance
At Call	-	
Cash	2,084,282	✓
At Notice	-	
TD	84,869,364	✓
Managed Fund	964,591	✓
	87,918,237	

✓ = compliant

* = non-compliant

Rating Exposure

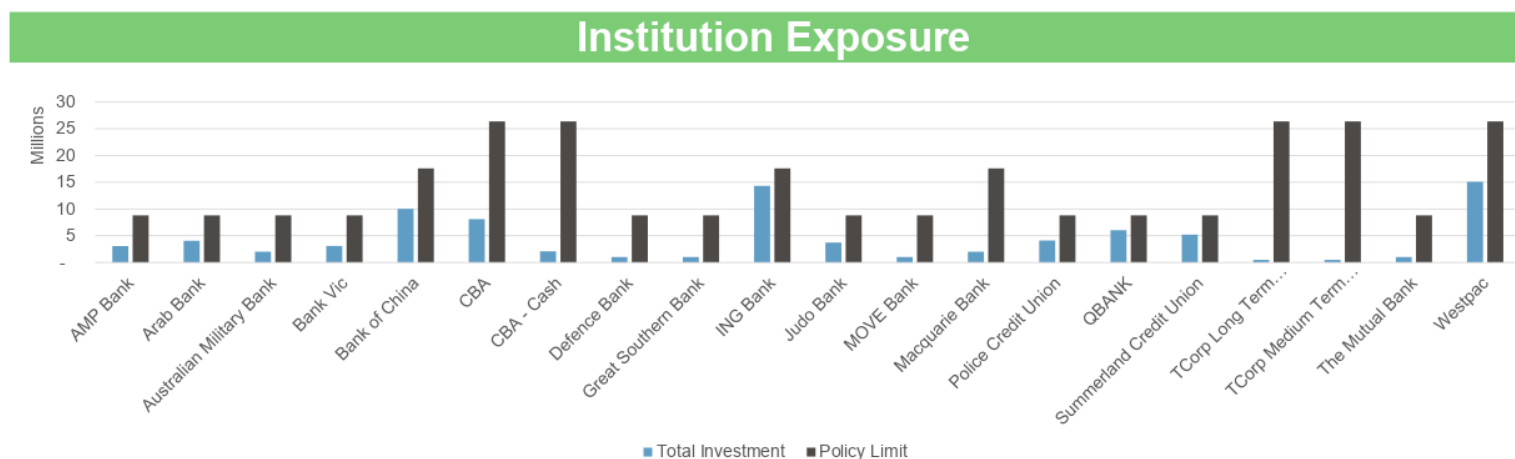
Total Credit Exposure



Credit Rating Group	Market Value (\$)	Current %	Policy Limit %	Compliance
AAA	-	0%	100%	✓
AA	26,212,791	30%	100%	✓
A	26,364,360	30%	80%	✓
BBB	20,947,036	24%	30%	✓
NR	14,394,050	16%	20%	✓
	87,918,237	100%		

✓ = compliant

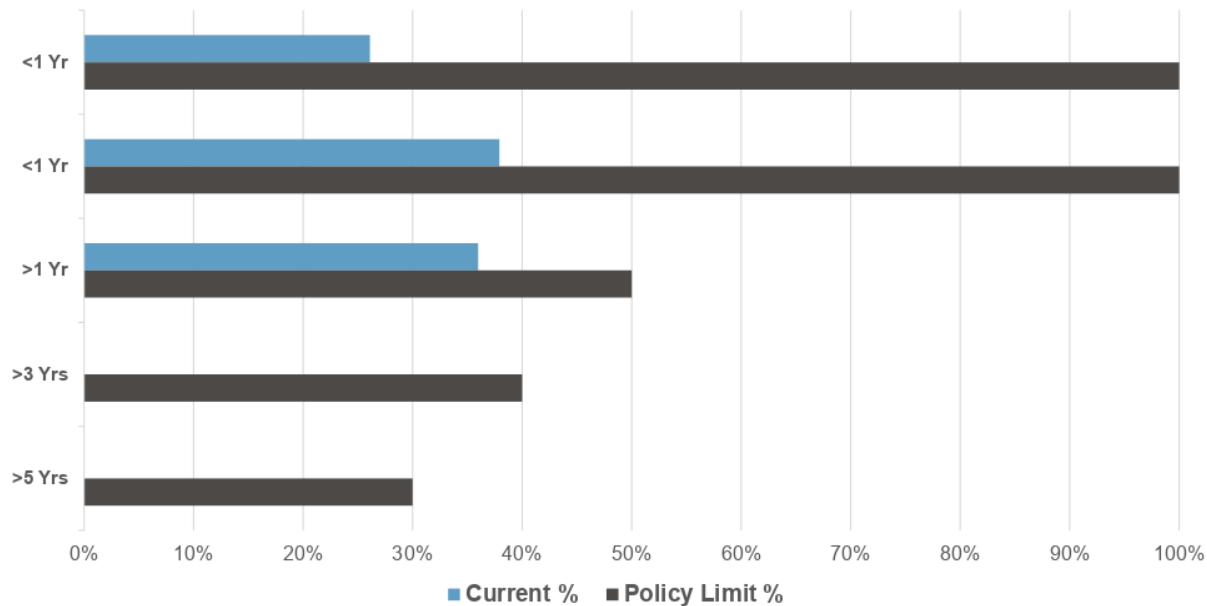
✗ = non-compliant

ITEM 1 - ATTACHMENT 1 CASH INVESTMENT PORTFOLIO - OCTOBER 2023.


Institution	Rating	Total Investment	Exposure	Policy Limit	Remaining to Limit	Compliance
AMP Bank	BBB	3,063,349	3%	10%	5,728,474	✓
Arab Bank	NR	4,056,896	5%	10%	4,734,928	✓
Australian Military Bank	BBB	2,020,061	2%	10%	6,771,763	✓
Bank Vic	BBB	3,074,241	3%	10%	5,717,583	✓
Bank of China	A	10,028,878	11%	20%	7,554,770	✓
CBA	AA	8,088,321	9%	30%	18,287,151	✓
CBA - Cash	AA	2,084,282	2%	30%	24,291,189	✓
Defence Bank	BBB	1,024,275	1%	10%	7,767,548	✓
Great Southern Bank	BBB	1,008,630	1%	10%	7,783,194	✓
ING Bank	A	14,321,225	16%	20%	3,262,422	✓
Judo Bank	BBB	3,717,195	4%	10%	5,074,628	✓
MOVE Bank	NR	1,022,293	1%	10%	7,769,531	✓
Macquarie Bank	A	2,014,257	2%	20%	15,569,390	✓
Police Credit Union	NR	4,109,477	5%	10%	4,682,346	✓
QBANK	BBB	6,019,421	7%	10%	2,772,403	✓
Summerland Credit Union	NR	5,205,384	6%	10%	3,586,440	✓
TCorp Long Term Growth Fund	AA	476,905	1%	30%	25,898,566	✓
TCorp Medium Term Growth Fund	AA	487,686	1%	30%	25,887,785	✓
The Mutual Bank	BBB	1,019,863	1%	10%	7,771,961	✓
Westpac	AA	15,075,598	17%	30%	11,299,873	✓
Total		87,918,237				

✓ = compliant
 ✗ = non-compliant

Term to Maturity Limits

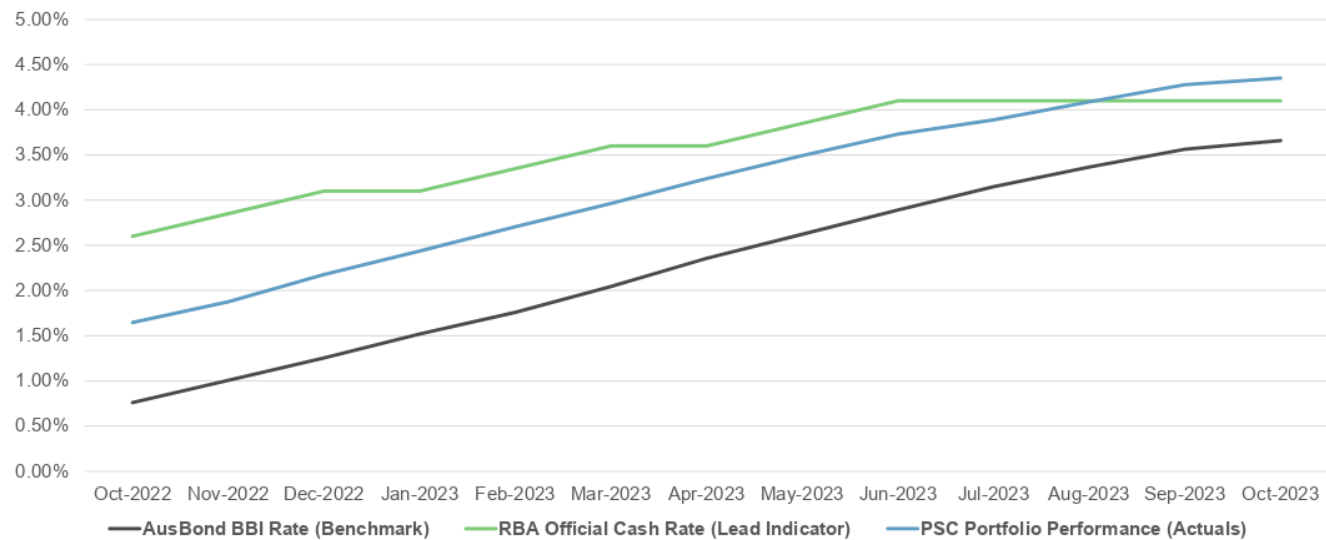


Detailed Maturity Profile	Market Value (\$)	Current %	Policy Limit %	Compliance
Less than or equal 90 Days	22,145,161	26%	100%	✓
Between 90 Days and 365 Days	32,186,954	38%	100%	✓
Between 366 Days and 3 Years	30,537,249	36%	50%	✓
Between 3 Years and 5 Years	-	0%	40%	✓
Greater than 5 Years	-	0%	30%	✓
	84,869,364	100%		

✓ = compliant
 ✗ = non-compliant

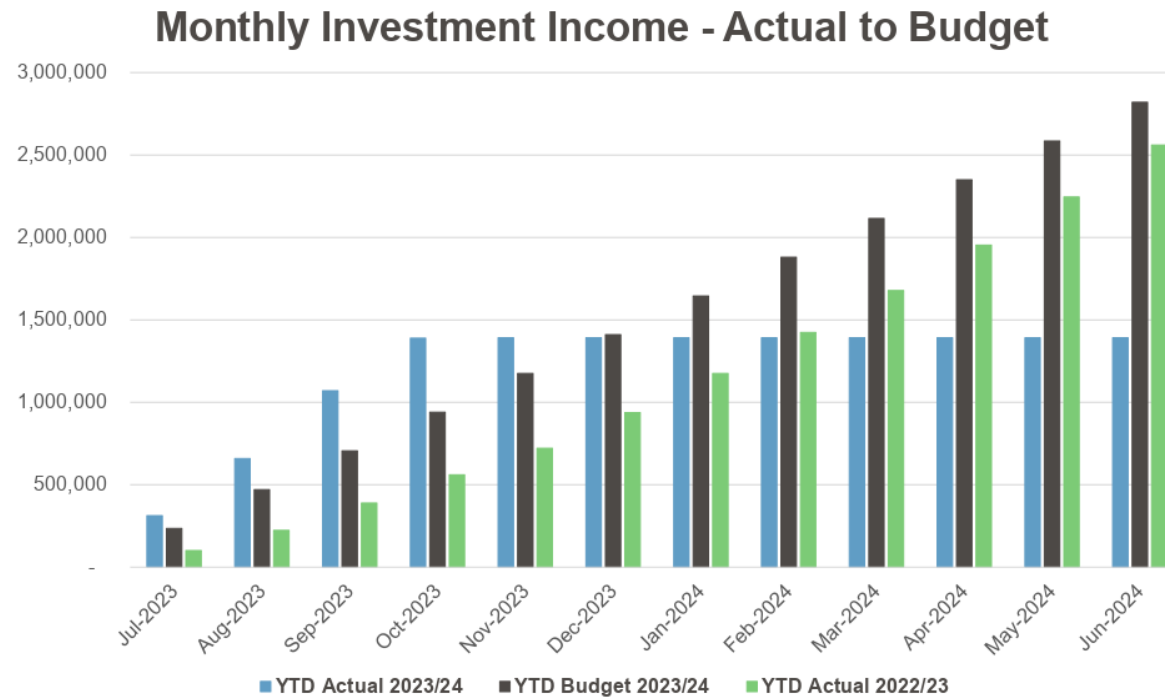
Portfolio Performance

One Year Rolling Performance



Performance	1 month actual	3 months actual	6 months actual	FYTD actual	1 year % p.a. (Rolling)
Bloomberg AusBond BBI (Benchmark)	0.33%	1.04%	2.02%	1.42%	3.66%
PSC Investment Portfolio	0.37%	1.26%	2.40%	1.65%	4.35%
Outperformance/(underperformance)	0.03%	0.22%	0.38%	0.23%	0.69%

Income Earned vs Budget



ITEM 1 - ATTACHMENT 1 CASH INVESTMENT PORTFOLIO - OCTOBER 2023.

Investment Register

Institution	Market Value	Days Held	Interest Rate	Date Invested	Maturity Date	Rating
CBA - Cash	2,084,282	1		31/10/2023	1/11/2023	AA
Westpac	1,003,082	629	1.48%	16/02/2022	7/11/2023	AA
CBA	1,014,874	524	4.45%	17/06/2022	23/11/2023	AA
Summerland Credit Union	1,043,321	362	4.72%	30/11/2022	27/11/2023	NR
ING Bank	1,015,030	531	4.22%	24/06/2022	7/12/2023	A
QBANK	1,016,807	374	4.70%	2/12/2022	11/12/2023	BBB
CBA	1,014,974	552	4.48%	17/06/2022	21/12/2023	AA
ING Bank	1,015,066	559	4.33%	24/06/2022	4/01/2024	A
Bank of China	7,003,628	73	4.73%	27/10/2023	8/01/2024	A
QBANK	5,002,614	75	4.77%	27/10/2023	10/01/2024	BBB
ING Bank	1,014,778	566	4.35%	29/06/2022	16/01/2024	A
Westpac	1,000,877	532	4.00%	8/08/2022	22/01/2024	AA
Westpac	1,000,110	539	4.00%	8/08/2022	29/01/2024	AA
Westpac	1,000,042	732	1.53%	28/01/2022	30/01/2024	AA
Westpac	1,000,042	746	1.53%	28/01/2022	13/02/2024	AA
Westpac	1,003,581	741	1.72%	16/02/2022	27/02/2024	AA
Westpac	1,007,068	557	4.30%	1/09/2022	11/03/2024	AA
Bank Vic	1,034,175	409	4.62%	3/02/2023	18/03/2024	BBB
Westpac	1,001,862	542	4.53%	14/10/2022	8/04/2024	A
Judo Bank	839,538	732	3.35%	22/04/2022	23/04/2024	BBB
Summerland Credit Union	1,043,101	523	4.60%	23/11/2022	29/04/2024	NR
Judo Bank	839,538	746	3.35%	22/04/2022	7/05/2024	BBB
Macquarie Bank	1,006,887	627	4.41%	1/09/2022	20/05/2024	A
CBA	1,003,822	475	4.65%	7/02/2023	27/05/2024	AA
ING Bank	1,021,168	377	5.05%	31/05/2023	11/06/2024	A
Macquarie Bank	1,007,370	649	4.41%	1/09/2022	11/06/2024	A
ING Bank	1,021,168	383	5.05%	31/05/2023	17/06/2024	A
The Mutual Bank	1,019,863	362	5.80%	28/06/2023	24/06/2024	BBB
ING Bank	1,020,540	384	5.10%	6/06/2023	24/06/2024	A
Westpac	1,008,223	685	4.35%	23/08/2022	8/07/2024	AA
ING Bank	1,018,330	376	5.67%	5/07/2023	15/07/2024	A
Westpac	1,008,223	692	4.35%	23/08/2022	15/07/2024	AA
Australian Military Bank	1,008,077	704	4.40%	25/08/2022	29/07/2024	BBB
Police Credit Union	1,035,621	538	5.02%	14/02/2023	5/08/2024	NR
Westpac	1,009,745	538	5.01%	21/02/2023	12/08/2024	AA
Defence Bank	1,024,275	479	4.95%	5/05/2023	26/08/2024	BBB
CBA	1,013,313	396	5.46%	3/08/2023	2/09/2024	AA
Bank Vic	1,031,633	544	5.02%	15/03/2023	9/09/2024	BBB
Police Credit Union	1,024,619	500	5.02%	5/05/2023	16/09/2024	NR
Police Credit Union	1,024,619	507	5.02%	5/05/2023	23/09/2024	NR
CBA	1,013,216	424	5.42%	3/08/2023	30/09/2024	AA
ING Bank	1,040,004	655	4.68%	23/12/2022	8/10/2024	A
Great Southern Bank	1,008,630	409	5.25%	1/09/2023	14/10/2024	BBB
ING Bank	1,040,175	661	4.70%	23/12/2022	14/10/2024	A
CBA	1,008,482	416	5.16%	1/09/2023	21/10/2024	AA
Westpac	1,011,948	732	4.90%	3/11/2022	4/11/2024	AA
Summerland Credit Union	1,043,570	719	4.65%	23/11/2022	11/11/2024	NR
Summerland Credit Union	1,043,570	726	4.65%	23/11/2022	18/11/2024	NR
ING Bank	1,041,055	724	4.50%	2/12/2022	25/11/2024	A
ING Bank	1,041,055	738	4.50%	2/12/2022	9/12/2024	A
CBA	1,015,743	731	4.71%	20/12/2022	20/12/2024	AA
TCorp Long Term Growth Fund	476,905	483		5/09/2023	31/12/2024	AA
TCorp Medium Term Growth Fund	487,686	483		5/09/2023	31/12/2024	AA
Police Credit Union	1,024,619	612	5.02%	5/05/2023	6/01/2025	NR
ING Bank	1,020,056	587	4.98%	6/06/2023	13/01/2025	A
Westpac	1,007,504	594	4.98%	6/06/2023	20/01/2025	AA
Judo Bank	1,019,692	579	5.75%	28/06/2023	27/01/2025	BBB
Westpac	1,007,504	602	4.98%	6/06/2023	28/01/2025	AA
Arab Bank	1,019,966	593	5.83%	28/06/2023	10/02/2025	NR
CBA	1,003,896	733	4.74%	8/02/2023	10/02/2025	AA
Bank Vic	1,008,433	535	5.13%	1/09/2023	17/02/2025	BBB
Arab Bank	1,008,482	542	5.16%	1/09/2023	24/02/2025	NR
Arab Bank	1,019,966	607	5.83%	28/06/2023	24/02/2025	NR
Bank of China	1,008,416	556	5.12%	1/09/2023	10/03/2025	A
Summerland Credit Union	1,031,822	726	5.05%	15/03/2023	10/03/2025	NR
Arab Bank	1,008,482	563	5.16%	1/09/2023	17/03/2025	NR
Westpac	1,005,786	550	5.28%	21/09/2023	24/03/2025	AA
ING Bank	1,000,601	515	5.48%	27/10/2023	25/03/2025	A
AMP Bank	1,026,575	732	5.00%	20/04/2023	21/04/2025	BBB
AMP Bank	1,023,973	727	5.00%	9/05/2023	5/05/2025	BBB
MOVE Bank	1,022,293	731	5.15%	26/05/2023	26/05/2025	NR
Judo Bank	1,018,427	733	5.70%	5/07/2023	7/07/2025	BBB
AMP Bank	1,012,801	725	5.25%	3/08/2023	28/07/2025	BBB
Australian Military Bank	1,011,984	726	5.27%	9/08/2023	4/08/2025	BBB
ING Bank	1,012,197	734	5.30%	8/08/2023	11/08/2025	A
Bank of China	1,008,416	717	5.12%	1/09/2023	18/08/2025	A
Bank of China	1,008,416	724	5.12%	1/09/2023	25/08/2025	A
Total	87,918,237					

ITEM 1 - ATTACHMENT 1 CASH INVESTMENT PORTFOLIO - OCTOBER 2023.

Restricted Cash

Reserve	As at October 2023 \$'000
External	
Deposits, retentions and bonds	948
Grants and Contributions	9,707
Developer contributions (inc Haulage)	21,519
Domestic Waste Management	8,118
Crown Reserve	8,232
Internal	
Asset Rehab/Reseals	3,035
Drainage	932
Commercial Property	18,838
Election Reserve	425
Employee Leave Entitlements (ELE)	1,000
Federal Assistance Grant in Advance	-
Fleet	2,524
Resilience fund	3,000
Grants Co-contribution	1,055
Emergency & Natural Disaster	4,291
Other Waste	53
Council Parking	553
IT	2,486
Sustainable energy and water reserve	49
Repealed	2,444
Transport levy	16
Admin Building	593
Ward Funds	42
Community Halls	64
Community Loans	200
Total	90,124
Cash and Investment Report	87,918
Variance Cash Reserves to Bank Account	- 2,206
Variance Due to:	
Outstanding State Roads payments	-
Loans not funded through a reserve	123
Outstanding GST refund	301
Total Variance	424
Cash Shortfall	- 1,782
(due to timing of income and expenditure)	

ITEM NO. 2**FILE NO: 23/267627
EDRMS NO: A2004-0984****CODE OF CONDUCT ANNUAL REPORTING****REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE****BACKGROUND**

The purpose of this report is to provide the Code of Conduct complaint statistics for the reporting period 1 September 2022 to 31 August 2023, in accordance with Part 11 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures).

All complaints received concerning the Mayor, Councillors and the General Manager are required to be reported to Council annually in accordance with Part 11 of the Code of Conduct Procedures.

The statistics required by Part 11 are shown below:

Code of Conduct statistics from 1 September 2022 to 31 August 2023	
a) The total number of Code of Conduct complaints made about Councillors and the General Manager under the Code of Conduct in the year to September (the reporting period).	12
b) The number of Code of Conduct complaints referred to a conduct reviewer during the reporting period.	0
c) The number of Code of Conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints.	0
d) The number of Code of Conduct complaints investigated by a conduct reviewer during the reporting period.	0
e) Without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period: <ul style="list-style-type: none">• No matters were completed during this period.	0
f) The number of matters reviewed by the Office during the reporting period and without identifying particular matters, the outcome of the reviews.	0
g) The total cost of dealing with Code of Conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs.	\$33,153

ATTACHMENTS

Nil.

COUNCILLORS' ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 23/281804
EDRMS NO: PSC2009-00965**

DELEGATIONS REPORT

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

BACKGROUND

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

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

ATTACHMENTS

1) Delegations Report.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 DELEGATIONS REPORT.**MAYOR AND GENERAL MANAGER DELEGATION REPORT**

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
27/10/2023	Clause 178 of the Local Government (General) Regulation 2021	Acceptance of tender RFQ110-2023 - TfNSW State Roads - Extra Asphalt Resurfacing.	General Manager	28/11/2023
13/11/2023	Code of Meeting Practice	Approval of Public Access applications - DA for 509 Gan Gan Road, One Mile Beach x 3, DA for a Caravan Park at 4473 Nelson Bay Road, Anna Bay x 3 and Hinterland Place Plan.	Mayor	28/11/2023

ITEM NO. 4

**FILE NO: 23/281799
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
DIRECTORATE: 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) Community Futures resolutions.
- 2) Corporate Strategy and Support resolutions.
- 3) Facilities and Infrastructure resolutions.
- 4) General Manager's Office resolutions.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



Division: Community Futures	Date From: 11/04/2023
Committee:	Date To: 14/11/2023
Officer:	Printed: Thursday, 16 November 2023
Action Sheets Report	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/11/2023	Lamont, Brock	Revised Exceptions to Development Standards Policy	22/12/2023	15/11/2023	
4		Peart, Steven				23/300006
16 Nov 2023						
Council resolved to place the revised Exceptions to Development Standards policy on public exhibition for a 28 day period. The public exhibition period commenced 20 November 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/10/2023	Lamont, Brock	Port Stephens Offshore Wind Power Zone	23/02/2024	25/10/2023	
1		Peart, Steven				23/278354
16 Nov 2023						
The General Manager has written to the requested delegates as outlined within the motion. Council is working to complete all outstanding actions as endorsed.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/10/2023	Lamont, Brock	Draft Port Stephens Development Control Plan 2014 - Chapter D12 Richardson Road	16/02/2024	25/10/2023	
3		Peart, Steven				23/278354
16 Nov 2023						
Council resolved to place the draft Port Stephens Development Control Plan 2014 - Chapter D12 Richardson Road on public exhibition. The exhibition period commenced Thursday 2 November 2023, for a 28 day period. A return report is forecasted to be presented to Council in February 2024.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/10/2023	Lamont, Brock	Draft Port Stephens Development Control Plan - Road Network and Parking (electric vehicles)	29/02/2024	11/10/2023	
2		Peart, Steven				23/262411
15 Nov 2023						
The public exhibition period closed 13 November 2023, 1 submission was received. A return report is forecasted to be presented to Council in February 2024.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/10/2023	Lamont, Brock	Planning Proposal for 39, 39A and 41 Brocklesby Road, Medowie (Precinct F)	22/12/2023	11/10/2023	
1		Peart, Steven				23/262411
15 Nov 2023						
Council resolved to adopt the planning proposal to amend the Port Stephens Local Environmental Plan 2013 for land at 39A, 39 and 41 Brocklesby Road, Medowie (Lots 1 and 2 DP 1291794 and Lot 2 DP 508780). The planning proposal was forwarded to NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan. The draft DCP will be exhibited once a Gateway determination is received.						

ITEM 4 - ATTACHMENT 1 COMMUNITY FUTURES RESOLUTIONS.



Action Sheets Report	Division:	Community Futures	Date From:	11/04/2023
	Committee:		Date To:	14/11/2023
	Officer:		Printed: Thursday, 16 November 2023	

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	
6 105		Pearl, Steven				23/92450
13 Nov 2023 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. Targeted consultation and community awareness commenced with a stakeholder 'Housing Forum' hosted on 10 November 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Pearl, Steven	Development Application Information	12/12/2023	12/04/2023	
3 103		Pearl, Steven				23/92450
07 Nov 2023 'DA Tracker' has been updated with the addition of the owner's name. Staff have investigated options to allow DA documents to be made available on 'DA Tracker', a report is being prepared for the Council meeting of 12 December 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 10/10/2023	Lamont, Brock	Urgency Motion: Wind Farm Industry	23/02/2024		
		Pearl, Steven				
16 Nov 2023 The General Manager has written to the requested delegates as outlined within the motion, and is negotiating a Councillor briefing. Council is working to complete all outstanding actions as endorsed.						

ITEM 4 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.


Division:	Corporate Strategy and Support	Date From:	27/08/2013
Committee:		Date To:	14/11/2023
Officer:			
Action Sheets Report		Printed:	Wednesday, 15 November 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/11/2023	Latham, Kim	Review of the Terms of Reference for the Port Stephens Beachside Holiday Parks - Holiday Van Consultative Committee	31/03/2024	15/11/2023	
6		Pattison, Zoe				23/300006
15 Nov 2023						
Matter considered at the Council meeting on 14 November 2023 with a request to undertake further consultation with the wider Holiday Van Owners. Consultation is currently underway and a report will be provided back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/08/2023	Pattison, Zoe	Raymond Terrace Gateway Site Masterplan	31/03/2024		
1		Pattison, Zoe				23/214729
193						
15 Nov 2023						
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 11/04/2023	Pattison, Zoe	22 Homestead Street, Salamander Bay	31/03/2024	12/04/2023	
5		Pattison, Zoe				23/92450
088						
15 Nov 2023						
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 and will be presented to Council for consideration in due course.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	30/06/2024	12/10/2022	
2		Pattison, Zoe				22/273002
15 Nov 2023						
Report deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	30/06/2024	12/10/2022	
1		Pattison, Zoe				22/273002
15 Nov 2023						
Public Exhibition deferred to allow for further clarification on the distribution of funds.						

ITEM 4 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.



Action Sheets Report	Division:	Corporate Strategy and Support	Date From:	27/08/2013
	Committee:		Date To:	14/11/2023
	Officer:		Printed: Wednesday, 15 November 2023	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Pattison, Zoe	Newline Road, Raymond Terrace	30/06/2024		
2		Pattison, Zoe				20/288489
199						
15 Nov 2023						
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
	Ordinary Council 27/08/2013	Pattison, Zoe	Campvale Drain	30/06/2024		
243		Pattison, Zoe				
15 Nov 2023						
Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.						

ITEM 4 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Division:	Facilities and Infrastructure	Date From:	10/08/2021
Committee:		Date To:	14/11/2023
Officer:		Printed:	Wednesday, 15 November 2023
Action Sheets Report			

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	
2085		Kable, Gregory				23/92450
15 Nov 2023						
Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to name the recreation precinct after Geoff Dingle.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Raymond Terrace Seven Day Makeover	25/12/2023		
17228		Kable, Gregory				21/218740
15 Nov 2023						
A report will be presented to Council to allocate funds and commit to the project.						



Action Sheets Report	Division:	General Manager's Office	Date From:	11/04/2023
	Committee:		Date To:	14/11/2023
	Officer:		Printed: Wednesday, 15 November 2023	

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		Crosdale, Timothy				23/92450
083						
14 Nov 2023						
Awaiting necessary paperwork to process payments.						

CONFIDENTIAL ITEMS

In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

ORDINARY COUNCIL MEETING – 28 NOVEMBER 2023 MOTION

290	Councillor Peter Kafer Councillor Jason Wells It was resolved that Council move into confidential session.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 1**FILE NO: 23/257974
EDRMS NO: PSC2022-02800****SALE OF CLOSED ROADS IN RAYMOND TERRACE**

REPORT OF: ZOE PATTISON - DIRECTOR CORPORATE STRATEGY AND SUPPORT
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

**ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023
MOTION**

291	<p>Councillor Giacomo Arnott Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Agrees to finalise closing roads 1 and 2 outlined below in the confidential report, with the intent of road 1 to be for a dual occupancy, or medium density housing such as manor housing, with the sale after road closure to be done on an EOI basis with this goal in mind.2) Engages in an EOI for road 3 with community housing providers and local development companies to determine interest in high density housing on this lot, with the outcome of the EOI to return to Council for consideration of whether to continue with the road closure.3) Agrees to sell the closed roads 1 and 2 as detailed in the confidential report upon completion of the administrative process to close the roads.4) Authorises the Mayor and General Manager to sign all documents required to complete the sales on behalf of Council as its authorised representatives.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING – 28 NOVEMBER 2023
MOTION

292	Councillor Peter Kafer Councillor Giacomo Arnott It was resolved that Council move out of confidential session.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

There being no further business the meeting closed at 7:43pm.