

# **MINUTES – 23 APRIL 2024**



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 23 April 2024, commencing at 5:48pm.

## **PRESENT:**

Mayor Ryan Palmer  
Cr Leah Anderson  
Cr Giacomo Arnott  
Cr Matthew Bailey  
Cr Chris Doohan  
Cr Peter Francis  
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

**ORDINARY COUNCIL MEETING - 23 APRIL 2024**  
**MOTION**

<b>069</b>	<b>Councillor Chris Doohan</b> <b>Councillor Matthew Bailey</b>  It was resolved that the apology from Cr Glen Dunkley be received and noted.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

	Mayor Ryan Palmer declared a pecuniary conflict of interest in Item 1. The nature of the interest is Mayor Palmer is a Director of a company that owns land in Shoal Bay.  Cr Peter Kafer declared a pecuniary conflict of interest in confidential Item 1. The nature of the interest is Cr Kafer's brothers in-law are senior partners of Sparke Helmore Lawyers.
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<b>070</b>	<b>Councillor Peter Kafer</b> <b>Councillor Peter Francis</b>  It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 9 April 2024 be confirmed.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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## DECLARATION OF INTEREST

ORDINARY COUNCIL - 23 APRIL 2024



### Declaration of Interest form

Agenda item No. 1

Report title Shoal Bay Place Plan.

Mayor/Councillor Ryan Palmer. declared a

Tick the relevant response:

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

in this item. The nature of the interest is in a Director  
of a company that owns land  
in Shoal Bay.

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 5.50 pm.

Mayor/Councillor returned to the Council meeting at 6.03 pm.



ORDINARY COUNCIL - 23 APRIL 2024



# Declaration of Interest form

Agenda item No. 1 - Confidential Meeting  
 Report title Proposed Sale of Land - Heatherbrae  
 Mayor/Councillor KAFER. 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

Senior partner of Sparkle Helmore Lawyers. in this item. The nature of the interest is my Brother in Law is

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

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

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

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

Mayor/Councillor left the Council meeting at 6.51 pm.

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

# MOTIONS TO CLOSE

**ITEM NO. 1**

**FILE NO: 24/71403  
EDRMS NO: PSC2023-04009**

**MOTION TO CLOSE**

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

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (d)i of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Proposed Sale of Land - Heatherbrae**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
  - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

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**ORDINARY COUNCIL MEETING - 23 APRIL 2024  
MOTION**

<b>071</b>	<p><b>Councillor Jason Wells</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) That pursuant to section 10A(2) (d)i 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 <b>Proposed Sale of Land - Heatherbrae</b>.</li><li>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"><li>• commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</li></ul></li><li>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</li></ol>
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## **MINUTES ORDINARY COUNCIL - 23 APRIL 2024**

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

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 2**

**FILE NO: 24/82528  
EDRMS NO: PSC2005-5349**

**MOTION TO CLOSE**

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

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (d)i 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 2 on the Ordinary agenda namely **Lease of Part of Council Owned Land at 36 Ferodale Road, Medowie for Telecommunications**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
  - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

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**ORDINARY COUNCIL MEETING - 23 APRIL 2024  
MOTION**

<b>072</b>	<p><b>Councillor Jason Wells</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) That pursuant to section 10A(2) (d)i 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 2 on the Ordinary agenda namely <b>Lease of Part of Council Owned Land at 36 Ferodale Road, Medowie for Telecommunications</b>.</li><li>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"><li>• commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</li></ul></li><li>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 3**

**FILE NO: 24/81608  
EDRMS NO: PSC2023-03855**

**MOTION TO CLOSE**

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

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (b) 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 3 on the Ordinary agenda namely **Sale of Land for Unpaid Rates**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
  - discussion in relation to the personal hardship of a resident or ratepayer.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

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**ORDINARY COUNCIL MEETING - 23 APRIL 2024  
MOTION**

<b>073</b>	<p><b>Councillor Jason Wells</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) That pursuant to section 10A(2) (b) 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 3 on the Ordinary agenda namely <b>Sale of Land for Unpaid Rates</b>.</li><li>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"><li>• discussion in relation to the personal hardship of a resident or ratepayer.</li></ul></li><li>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</li></ol>
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<b>MINUTES ORDINARY COUNCIL - 23 APRIL 2024</b>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.



# COUNCIL REPORTS

Mayor Ryan Palmer vacated the chair and left the meeting at 5:50pm.

The Deputy Mayor, Cr Leah Anderson chaired the meeting in the absence of the Mayor.

**ITEM NO. 1**

**FILE NO: 24/61040**  
**EDRMS NO: PSC2021-00320**

**SHOAL BAY PLACE PLAN**

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

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**RECOMMENDATION IS THAT COUNCIL:**

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

**ORDINARY COUNCIL MEETING - 23 APRIL 2024**  
**MOTION**

<b>074</b>	<b>Councillor Chris Doohan</b> <b>Councillor Matthew Bailey</b>  It was resolved that Council:  1) Receive and note the submissions made during the exhibition of the draft Shoal Bay Place Plan and the response to the public submissions <b>(ATTACHMENT 1)</b> . 2) Adopt the Shoal Bay Place Plan, as amended <b>(ATTACHMENT 2)</b> .
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Councillor Peter Kafer left the meeting at 5:52pm.

Councillor Peter Kafer returned to the meeting at 5:56pm.

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

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

Those against the Motion: Nil.

The motion was carried.

## **BACKGROUND**

The purpose of this report is to advise Council on the outcome of the exhibition of the draft Shoal Bay Place Plan (the Place Plan) and note the response to submissions (**ATTACHMENT 1**). The report recommends that Council adopt the Place Plan, as amended (**ATTACHMENT 2**).

At its meeting on 12 December 2023, Minute No. 305 (**ATTACHMENT 3**), Council resolved to exhibit the draft Shoal Bay Place Plan from 29 January 2024 to 25 February 2024. During this period, 44 written submissions and 165 survey responses were received.

Further details about the community consultation are outlined in the consultation section below.

In response to submissions, changes have been made to the Place Plan in relation to proposed building heights and removal of a proposed access road. Further amendments to the Place Plan are also outlined below and detail is provided in the submissions table (**ATTACHMENT 1**). Explanation of Post Exhibition Amendments are included in (**ATTACHMENT 4**).

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Thriving and safe place to live	Develop a strategic program for Place Plans

## **FINANCIAL/RESOURCE IMPLICATIONS**

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

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Preparation of the Place Plan and associated community engagement activities have been undertaken using existing budgets.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		

## MINUTES ORDINARY COUNCIL - 23 APRIL 2024

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

### LEGAL, POLICY AND RISK IMPLICATIONS

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

If the Place Plan is endorsed, it may result in actions requiring amendments to the LEP. Planning proposals would be assessed against the Place Plan, and any other relevant Council and State plans and policies.

#### Port Stephens Development Control Plan 2014 (DCP)

The Place Plan includes an action to develop a site specific DCP for Shoal Bay should investigations identify that there can be infrastructure capacity to cater for additional development.

The proposed DCP would guide development in Shoal Bay to ensure that it contributes to, and strengthens the unique character of Shoal Bay. It could include provisions for landscaping, design and articulation, car parking, storm water and floor space ratios.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that the draft Shoal Bay Place Plan does not meet community expectations.	Medium	Accept the recommendation.  Changes have been made to the Place Plan to address concerns raised in the submissions received during the exhibition period.	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

#### Social

Place Plans aim to enhance the liveability in Port Stephens and improve community wellbeing. They respond to the community's values and aspirations and enable a collaborative approach between residents, businesses and Council to deliver great place outcomes.

The Shoal Bay Place Plan contains actions to inspire community involvement in creating a better place through conservation, beautification, connectivity and activation.

### Economic

Shoal Bay is ideally positioned to leverage the growing visitor economy. Recent investments in the foreshore area and the Tomaree Coastal Walk will not only attract new visitors but are expected to offer opportunities for existing and future businesses.

Additional investment in infrastructure and services is expected to improve liveability and wellbeing of the broader community. Upgrades to business areas, local events, and improved shopfronts to improve economic outcomes can be led by businesses and be supported by Council and the community.

### Environmental

Shoal Bay residents place a high value on the natural environment and the Place Plan aims to protect and celebrate this important asset. The Place Plan recognises this and identifies a number of opportunities for projects, including clean up days, beachfront stabilisation, environmental volunteering and education campaigns.

## **CONSULTATION**

### Internal

The Shoal Bay Place Plan has been prepared in consultation with the relevant sections of the Community Futures, Facilities and Infrastructure, and Corporate Strategy and Support Directorates.

### External

Council has worked extensively with the Shoal Bay community to prepare a Place Plan that reflects the community's values and aspirations.

The engagement activities included:

- Liveability Index survey completed in 2020
- Community workshops, commenced in 2022:
  - Workshop 1 – Exploring findings of the survey and setting priorities
  - Workshop 2 – Generating ideas and making action plans
  - Workshop 3 – Focus on character, future land use, height, and design controls
  - Workshop 4 – Discuss parking & movement.
- An online survey to check-in on draft actions with the workshop participants in 2023.
- Exhibition of the draft Shoal Bay Place Plan in 2024 and associated community consultation sessions (see below).

The Shoal Bay Place Plan Engagement Report (**ATTACHMENT 5**) provides detailed information about the outcomes of the various engagement activities.

The Place Plan was formally exhibited from 29 January 2024 to 25 February 2024, however it was made publicly available from 13 December 2023. During this period, Council officers attended 2 community drop-in sessions held on the Shoal Bay Foreshore on Tuesday 13 February 2024 and Saturday 17 February 2024. Council officers engaged with approximately 110 community members during these sessions. Council officers also provided a briefing to the Shoal Bay Community Association on 15 February 2024. The Association opened this meeting to the public and approximately 90 people attended. Following the exhibition period, a briefing was also given to residents of Harbourside Haven and Bernie Thompson Retirement Villages. Approximately 40 residents attended.

During the exhibition period, an online survey was made available for community members, with 165 survey responses received. The survey responses gave an indication of community support for each action in the Place Plan, and included 553 unique comments and suggestions. Survey responses are available in the Engagement Report (**ATTACHMENT 4**).

A further 44 written submissions were received.

The majority of the feedback expressed support for most actions in the Place Plan, however the proposal to facilitate infill development by raising building heights, and the proposed location of an alternative access road for Shoal Bay received opposition. The Place Plan has been amended to address this feedback.

A summary of these issues is provided below:

#### Facilitate infill housing

A significant number of submissions oppose the proposal to investigate options to facilitate infill housing by increasing building heights in Shoal Bay, as shown in the exhibited Place Plan. Approximately 55% of survey responses expressed opposition to the proposal, 25% support infill development, while 20% of respondents were neutral.

Respondents are concerned that:

- Increasing building heights would impact on the village character of Shoal Bay;
- Existing infrastructure and services, particularly drainage, sewer, access, traffic and parking, and medical facilities, are not sufficient to cater for additional development and upgrades must be undertaken before any changes to planning controls are implemented;
- Any new development would be holiday accommodation, therefore not providing additional housing supply or helping with affordability;
- Additional population will impact on the valued lifestyle in Shoal Bay;

- New development would have negative impacts on the natural environment, including Hunter Water aquifers; and
- That mid-rise development will overshadow adjoining single storey dwellings and impact on view corridors.

Several responses acknowledged that some areas do need higher densities to guard against development from encroaching on adjoining bushland, but many suggested building heights should be a maximum of 4 – 5 storeys.

Response:

The Place Plan has been updated to address the concerns raised about infill development as follows:

- The Place Plan has been amended to clarify that infrastructure capacity (e.g. roads and drainage) will be determined prior to commencing any processes to change planning controls.
- The action for new housing has been updated to clarify that any further work to change planning controls (and any proposed changes to building heights) will be dependent on determining sufficient infrastructure capacity and the action has been renamed 'Investigate opportunities for new housing'.
- Proposed building heights have been removed from the Transformational Projects Map, with these areas now shown as 'Investigation Areas'.

#### Better access to Shoal Bay

The majority of respondents agree that an additional access road is required due to issues with congestion during peak periods, the need for better emergency access and egress, and the threat of coastal erosion on Shoal Bay Road. However, there are some concerns about the location proposed in the exhibited Place Plan, i.e. located through the National Park behind Harbourside Haven Retirement Village. Concerns about the proposed location include:

- Impact on the residents at the retirement villages, relating to noise and air pollution and visual impacts.
- The existence of Potential Archaeological Deposits.
- The location would not fix issues with congestion as it would create a bottleneck of traffic elsewhere.
- Impacts on adjoining and other landholders, particularly as the exhibited map showed part of the road located over private property.
- The difficulty of building a road through the National Park.
- Environmental impacts on wetlands and fauna movement.

Response:

The Place Plan has been updated to address the concerns raised about the alternative access road as follows:

- The Transformational Projects Map has been amended to no longer show a proposed location or route.
- The action has been amended to remove reference to the proposed location, noting that Council will undertake a study that will investigate potential locations, options, funding and the feasibility of an alternative access road, in partnership with relevant State agencies and stakeholders.

The submissions table (**ATTACHMENT 1**) provides detail on all issues raised during the exhibition period and provides a response from Council officers, including whether an amendment was made to the Place Plan.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Submissions Table.
- 2) Shoal Bay Place Plan. (Provided under separate cover)
- 3) Minute No. 305, 12 December 2023.
- 4) Shoal Bay Place Plan - Explanation of Post Exhibition Amendments.
- 5) Shoal Bay Place Plan Engagement Report. (Provided under separate cover)

## **COUNCILLORS' ROOM/DASHBOARD**

- 1) Unredacted Submissions.

Note: Any third party reports referenced in this report can be uploaded to the Councillors' Dashboard upon request.

## **TABLED DOCUMENTS**

Nil.



**ITEM 1 - ATTACHMENT 1 SUBMISSIONS TABLE.**

**Shoal Bay Place Plan Response to Submissions**

<b>Submission No.</b>	<b>Comment</b>	<b>Council response</b>
1. Harbourside Haven	The submission notes that it is encouraging to see that Council is supportive of reviewing the planning controls in the future to potentially enable increased density, which will allow retirees and the ageing population to access modern facilities and increased services.	Support for the Place Plan is noted.
2. Resident	<p>The submission advises that the proposed location of the alternative access road was proposed many years ago and site surveys along the proposed route were conducted. The site surveys identified potential archaeological deposits.</p> <p>It was further advised that several years ago a road through Worimi Land, at old Gan Gan Road, was proposed and Council was willing to rezone the land to cater for the proposal.</p> <p>The submission raises an objection to the proposed alternative access road as shown in the draft Place Plan as the land is owned by Worimi.</p> <p>The submission states that more discussion is needed with the Traditional Owners so that a proactive approach can be taken.</p>	<p>The Place Plan has been amended to remove the proposed alternative access road from the Transformational Projects Map. An action in the Place Plan remains for Council to continue to work with the State government to investigate potential locations, options, funding and the feasibility of an alternative access into Shoal Bay. These investigations will also need to look at the environmental and social impacts that any proposed route may have.</p> <p>It is noted that this is a long-term project and Council will work closely with Transport for NSW, National Parks &amp; Wildlife Service, other key stakeholders such as Worimi Local Aboriginal Land Council and nearby landholders, to progress opportunities to reduce congestion and improve traffic movement and emergency responses in the area.</p> <p>Council understands that an alternative access road into Shoal Bay is a desirable outcome for the community.</p>
3. Resident	<p>a) The submission disagrees that Shoal Bay offers an opportunity to provide increased housing density through infill development.</p> <p>b) It advised that Shoal Bay is a desirable place to live and work and its appeal comes from the village atmosphere that characterises the area. Increasing density would destroy the appeal that brings residents and visitors to the area.</p> <p>c) The submission notes that Shoal Bay is land locked with only one inadequate access road. Improvements to this access is commended but the feasibility is questioned.</p>	<p>a) Shoal Bay is a highly attractive location and demand for new housing in the area is considered high. Environmental constraints prevent new development outside of the existing urban area.</p> <p>b) The Place Plan has been developed to ensure that the high demand and future projected growth of Shoal Bay is appropriately planned for.</p> <p>c) Please see response to submission 2.</p> <p>d) Transport for NSW (TfNSW) have advised that they have completed preliminary investigations for the Fingal Bay Link Road. However,</p>

**ITEM 1 - ATTACHMENT 1 SUBMISSIONS TABLE.**

Submission No.	Comment	Council response
	<p>d) The submission advises that the proposed location of the alternative access road traverses National Park and is part of a wetland and water catchment and notes that even with the proposed road, there would still be traffic congestion on Shoal Bay Road.</p> <p>e) The submission raises concerns that any redevelopment of the Tomaree Lodge would cause issues with access and parking as existing roads could not cope with the additional traffic it would generate.</p> <p>It is suggested that the simplest outcome for the Tomaree Lodge is to demolish the old buildings and return the site to National Park.</p> <p>f) Council resolved in 2008 that a shared pathway from Tomaree to Corlette along the foreshore should be built. It is advised that the goal is a raised pathway above the dune, allowing stabilising vegetation to grow underneath. For this concept to work the foredune requires stabilisation. This could be achieved by re installing exclusion fencing and revegetating the dune.</p>	<p>no further planning or investigations are currently proposed.</p> <p>The preliminary investigations identified a range of environmental constraints and concerns associated with building a new road through Tomaree National Park, including serious and long-lasting impacts on nine threatened species, loss of preferred koala habitat and impact on Aboriginal culture and heritage values. There are also concerns that the project would create a danger to public safety around bushfires the risks associated with vehicle access through heavily wooded bushland during natural disasters.</p> <p>Preliminary economic analysis of the link road options indicated that the project costs outweighed the benefits.</p> <p>Council will continue to liaise with TfNSW on this matter, including further investigations into an alternative access road.</p> <p>e) Council continues to liaise with the State government regarding the future of the Tomaree Lodge and will continue to advocate for it to be a community use, noting that issues such as access and parking need to be considered in any future use.</p> <p>f) The need for a pathway connection along the foreshore to connect Shoal Bay to Nelson Bay is identified as a priority in Council's Pathways Plan.</p> <p>Council was successful in gaining grant funding from the Active Transport Walking &amp; Cycling Grant 2021 for the design only of this pathway. There are many environmental constraints in delivering this project, by completing the detailed design work in advance, Council will be prepared when funding becomes available. A detailed design will mitigate any unexpected issues that arise, as well as ensure that the path, once</p>

**ITEM 1 - ATTACHMENT 1 SUBMISSIONS TABLE.**

Submission No.	Comment	Council response
		built, is safe, reliable and designed to appropriate standards. Once the detailed design is complete, Council will apply for future grant funding opportunities to construct the path.
4. Resident	<p>The submission objects to the proposed location of the alternative access road being located behind the retirement village due to the impact of road fumes, noise and air quality on the residents. It is advised that the road would also impact on the resident's enjoyment of the wildlife and native bushland located in the adjacent Worimi National Park and Hunter Water land.</p> <p>The submission recommends that Council contact Kate Washington for information about the Fingal Bay Link Road, which was approved by the last Liberal government.</p> <p>The submission recommends that consideration be given to extending Austral Street to Government Road at the Fingal Bay end.</p> <p>There is concern that consideration has not been given to the impact of a catastrophic event like bushfire, coastal erosion, earthquakes, cyclones, or road accidents and other everyday events.</p> <p>The submission states that the proposed location for the alternative access road would not allow a safe egress for everyone and will still result in gridlock towards the Tomaree Community Hospital.</p>	Please see responses to submissions to submissions 2 and 3(d).
5. Resident	<p>a) The submission notes that the Place Plan initially focusses on what a great area Shoal Bay is to live and for people to visit and references key characteristics and priorities noted in the Place Plan.</p> <p>b) The submission states that the proposal to target high-rise developments along Tomaree Road and Harbourside Haven village is not justified in any detail in the document and advises that these projects undermine the values, themes and resident feedback and is therefore not responding to the 'community's aspirations, values and priorities'.</p> <p>c) The submission raises concerns about the justification for using the Breakwater Tower as a height reference for other buildings.</p>	<p>a) Agree.</p> <p>b) The Place Plan has been amended to remove reference to specific proposed building heights, as well as reference to the Breakwater Tower, noting that further investigations are needed before the amount and type of infill, and what it may look like, is known.</p> <p>Additionally, please see response to submission 1.</p> <p>c) Justification for any proposed changes to planning controls would be included in a future planning proposal, which would be prepared following additional community consultation and infrastructure investigations.</p>

**ITEM 1 - ATTACHMENT 1 SUBMISSIONS TABLE.**

Submission No.	Comment	Council response
	<p>d) The submission expresses concerns about the visual impact of 8 storey buildings on neighbouring single storey buildings and the potential development controls that might be made to mitigate impacts.</p> <p>e) The submission advises that the infill housing concept was designed for cities where derelict properties and unused land with services and infrastructure already in place could be utilised for medium/high density housing to meet housing shortages. The author does not believe that the infill housing concept was intended for high-rise in a small coastal town next to a National Park where infrastructure and services are already insufficient.</p> <p>f) It is suggested that Council evaluate all areas of Shoal Bay for potential infill housing opportunities, including the caravan park.</p>	<p>d) Infill housing is an appropriate type of development in areas that are close to existing services, particularly where large lot sizes enable the building of additional homes, such as granny flats. Infill housing can prevent urban sprawl, and is a more efficient use of infrastructure and limited space.</p> <p>e) An investigation area has been included in the Place Plan to indicate where Council will focus investigations. This area is considered to have merit for infill development due to its proximity to existing services and recreation areas. The boundary of the area may change as a result of more in depth investigations.</p> <p>f) Noted. Additional community consultation will be undertaken should changes to planning controls be proposed.</p>
6. Resident	<p>a) The submission notes the importance of planning for a significant increase in housing stock in Port Stephens LGA. Equity concerns are raised, advocating for comprehensive planning considerations across all areas within the LGA, including Shoal Bay, which continues to attract development interest.</p> <p>b) Infrastructure challenges in Shoal Bay are highlighted:</p> <ul style="list-style-type: none"> <li>• Sole road access via Shoal Bay Road, threatened by coastal erosion and land slip near Shoal Bay Avenue. Traffic issues must be alleviated and emergency access improved.</li> <li>• Insufficient drainage infrastructure leading to problems with stormwater management and flooding.</li> </ul> <p>It is suggested that addressing these infrastructure issues is important before planning for any housing development that will contribute to population growth. Opposition is expressed towards proposed changes to the Local Environmental Plan (LEP) allowing high-rise developments without first</p>	<p>a) Council is actively looking at a wide range of options to support our community through the present housing affordability challenges, whilst also looking to the future and planning for change. The potential for change in Port Stephens is not limited to Shoal Bay alone, with Council's draft revised Local Housing Strategy identifying a number of areas across Port Stephens where there are opportunities for continued growth to cater for the projected population growth of an additional 20,000 people over the next 20 years. It is anticipated that the draft revised Local Housing Strategy will be on exhibition in March/April 2024.</p> <p>b) The Place Plan has been amended to clarify that infill development is contingent on the outcomes of infrastructure capacity investigations, and plans for infrastructure delivery being in place. These studies will determine whether Shoal Bay has capacity to cater for any additional development.</p>

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Submission No.	Comment	Council response
	<p>addressing the existing infrastructure inadequacies. However, modest infill developments such as granny flats are supported.</p> <p>c) Concerns are raised regarding the impact of the lack of affordable housing on local businesses' recruitment efforts, particularly because Shoal Bay's desirable location inflates house prices. The submission proposes that Council require a percentage of affordable housing in any development as mandated by the Council to address the shortage of affordable housing in Shoal Bay.</p>	<p>An investigation area remains in the Place Plan to indicate the area where Council may review planning controls, depending on the outcome of the infrastructure studies. Proposed height limits have been removed.</p> <p>Additionally, please see response to submission 3(d).</p> <p>c) The draft revised Local Housing Strategy has actions to address housing diversity.</p>
7. Resident	<p>a) The submission expresses concerns that the NSW Government and Port Stephens Council have identified Shoal Bay as a growth area and aims to significantly increase the population in the near future. The submission is opposed to accommodating the increased population primarily through large-scale infill development, which is not appropriate for Shoal Bay.</p> <p>b) Concerns are raised about the negative impact on Shoal Bay's village setting, quality of life for residents, and the natural beauty that attracts visitors.</p> <p>c) The submission advises that existing inadequate infrastructure, particularly the outdated and deteriorating road network, which is at gridlock during peak holiday times, and the limited health services, could not cope with an influx of new residents to Shoal Bay and the Tomaree Peninsula.</p> <p>d) The submission suggests that most people moving to Shoal Bay seek houses or townhouses rather than high-rise developments, and expresses doubts about the suitability or affordability of this housing, particularly for low income workers.</p> <p>e) Concerns are raised about new development becoming holiday accommodation, leading to high vacancy rates and negative impacts on Shoal Bay's atmosphere and appearance.</p>	<p>a) Shoal Bay is not identified as a 'growth area'. Council's population forecasts do indicate that the population will continue to grow. Council forecasts indicate that an additional 20,000 people will live in Port Stephens in the next 20 years. Through the draft revised Local Housing Strategy, Council is looking at a number of ways in which this population can be housed throughout the LGA.</p> <p>b) Please see responses to submissions to submissions 3(a) and 3(b).</p> <p>c) Please see responses to submissions 2, 5(e) and 6(b).</p> <p>d) A diverse range of housing is needed to cater for the growing population. Townhouses and single dwellings remain as permitted uses in the area. There is limited space for new housing outside of the existing urban footprint. Council is investigating options to create additional housing supply.</p> <p>e) Council is unable to prevent people from using private property for holiday accommodation. While Council continues to be proactive in this space, addressing issues that many coastal towns experience due to the predominance of holiday accommodation requires collaboration between all levels of government. The NSW State</p>

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Submission No.	Comment	Council response
	<p>f) Opposition is expressed towards relaxing building restrictions, with fears of widespread inappropriate development and degradation of the village atmosphere. The submission notes that high density development in Nelson Bay has had a negative impact on the area and have not been a popular choice of housing for permanent residents. There is concern that precedent will be set and suburban streets will have large scale, multi-level developments that tower over existing houses. The submitter supports sustainable low density development.</p> <p>g) The submission fully supports the implementation of the Coastal Management Plan to manage coastal erosion and notes that the planning for and construction of an emergency access road is vital. The submission suggests that, although not ideal, the route suggested in the plan appears to be the most practical and appropriate at this time.</p> <p>h) The submission does not support any form of development at the Tomaree Lodge site and suggests that the site be retained as a public reserve, with a small kiosk and picnic tables.</p> <p>i) The extension of smart/pay parking is opposed due to concerns about the environment and the visual impact of removing trees, as well as the principle of charging for access to public spaces.</p>	<p>Government have announced that they are reviewing planning policy and regulatory framework for short-term rental accommodation and investigating options to encourage the supply of long-term rental accommodation.</p> <p>f) The Place Plan has an action committing to the development of a Shoal Bay Development Control Plan (DCP), if investigations determine that there is capacity for additional development in Shoal Bay.</p> <p>The DCP will help manage the impact of new development on the character of Shoal Bay by including requirements that control the look and feel of new development.</p> <p>Council will consult with the community prior to any changes to planning controls.</p> <p>g) Support for the Coastal Management Program is noted. Additionally, please see response to submission 2.</p> <p>h) Please see response to submission 3(e).</p> <p>i) Smart Parking (paid parking) will fund actions in the Place Plan. Funds collected in Shoal Bay will be spent in Shoal Bay. All residents can register for free parking.</p> <p>Crown Lands own the Shoal Bay and Government Road car park. Crown Lands have been consulted about tree removal and have advised that the Coral trees are classified as a weed. There have been several claims for compensation due to limb drop of the Coral trees within the carpark. Crown lands have advised there may be a funding stream to facilitate the removal of the Coral trees within the carpark footprint. The native blackbutt trees which also reside within the carpark would not be removed.</p>

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Submission No.	Comment	Council response
8. Resident	<p>a) The letter expresses gratitude for Council's efforts in facilitating feedback opportunities regarding the Place Plan.</p> <p>b) The submission raises doubts about the effectiveness of increasing building heights in attracting permanent residents, particularly given the dominance of holiday accommodation in the locality. Concern is raised that taller buildings will disrupt the village ambience of Shoal Bay, and will create wind tunnels, block views of the natural environment, create shading issues, alter the peaceful village feel and exacerbate existing parking and traffic problems during peak holiday times.</p> <p>c) The submission supports the idea of an additional road into Shoal Bay and acknowledges that the proposed road on the Place Plan map will be removed. It notes that the route suggested would not have resolved traffic congestions as it still connects to the main road.</p> <p>The submission suggests that a solution to alleviate traffic congestion could be to utilise Hunter Water roads; Austral Street Fire Trail and the Anna Bay Bore Line with the route leading to the entry point near Government Road and Sylvia Street.</p> <p>d) The submission concludes by noting full support of all other proposed initiatives in the Place Plan and advocates for preserving Shoal Bay's unique character.</p>	<p>a) Noted.</p> <p>b) The Place Plan was developed in response to the high demand and future projected growth of Shoal Bay.</p> <p>The initial concepts for infill housing proposed in the exhibited draft Place Plan were based on the outcomes of the community workshops and draw on established planning concepts, such as increasing density in areas with proximity to services and recreation areas.</p> <p>Additionally, please see responses to submissions 3(a), 5(b), 5(c), 5(d), 5(e), 6(c) and 7(f).</p> <p>c) Please see response to submission 2.</p> <p>d) Support for the majority of components in the Place Plan is noted.</p>
9. Resident	<p>a) The submission advises that the Marine Parks Association is proposing to prepare a bid for the inclusion of Port Stephens &amp; Great Lakes Marine Park for the status of World Heritage Listing. This suggests a recognition of the unique ecological and cultural significance of the area on a global scale and therefore requests that the Place Plan awaits the outcome of this application.</p> <p>The submission acknowledges the potential economic benefits of World Heritage Listing but raises concern regarding the possible negative impacts such as over-commercialisation and damage to heritage sites. As such,</p>	<p>a) Noted. The Place Plan does not impact on this listing, but it would be a consideration of any future planning proposal.</p> <p>b) Environmental impacts, including impacts on National Parks and Hunter Water aquifers would be considered with any future planning proposal process.</p> <p>Additionally, please see responses to submissions 3(a), 3(d), 5(b), 5(c), 5(d), 5(e), 6(c) &amp; 7(f).</p> <p>c) The main objective of the Shoal Bay Drainage Study is to develop a package of work to facilitate construction of drainage</p>

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Submission No.	Comment	Council response
	<p>consideration needs to be given to the potential consequences of such a designation.</p> <p>b) There are concerns raised about the environmental impact and the lack of infrastructure to support infill development. The author requests that the Place Plan include a commitment to preserving the local environment and character.</p> <p>The submission notes that the proposed development would not be consistent with the current environment of Shoal Bay.</p> <p>The submission acknowledges the State's Fingal Bay Link Road plan has been stalled and there is a need to construct a bypass road. The submission suggests the State government is prioritising financial gain over delivering for the community.</p> <p>c) The submission notes that geotechnical specialists were engaged by Council after the 2015 super storm and it was recommended not to increase impervious surfaces in Shoal Bay.</p> <p>d) The submission notes that jet skis are causing havoc and suggests that Council advocates for change.</p> <p>e) The submission suggests that the Shoal Bay Promenade should have upgrades including glare shield streetlights to enjoy the beauty of the night sky, wider footpaths for alfresco dining, an alcohol free promenade, and restricted trading hours as the Shoal bay Country Club is the catalyst for anti-social behaviour.</p> <p>f) The submission emphasises the importance of preserving and up keeping ANZAC Park and Tomaree Headland as they have important historical value and natural beauty.</p> <p>g) The submission notes that Council is aware of the significant features, uses and issues of the Tomaree Headland and overpopulation will cause strain on resources such as healthcare, education and law enforcement services. It is noted that increased population will have potential to cause higher</p>	<p>infrastructure that will mitigate local drainage issues and ultimately may unlock housing opportunities within the Shoal Bay catchment.</p> <p>The next phase in the implementation of the Shoal Bay Drainage Study is to build upon the technical analysis and options report to develop detailed designs, specifications and cost estimates to ensure that projects are ready for when funding become available. The detailed design works are expected to be completed by mid-2024</p> <p>d) Council is not the regulatory authority that controls jet skis. Waterways and boating is governed by TfNSW. Where there are conflicts on land between boat users and people, Council will take action, such as in Fingal Bay where the boat ramp is closed in peak periods at the request of Police.</p> <p>e) The Place Plan has been updated to require that impact on the night sky is considered in any public lighting projects.</p> <p>Shoal Bay's town centre already has a 24 hour Alcohol Free Zone, which applies to roads and footpaths. Open space in Shoal Bay are alcohol prohibited areas, with restrictions on the consumption of alcohol between specified hours. The consumption of alcohol is permitted as a part of footpath dining in accordance with a venue's license.</p> <p>The Local Area Command have advised that the availability of police is dependent on their demand at the time a call is placed.</p> <p>It was also advised that the NSW Government have recently announced changes to NSW liquor laws to support the night-time economy, such as music/cultural events. These changes came into effect on the 13 December 2023 and throughout 2024 across the state. From 2024, Liquor &amp; Gaming will be</p>



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Submission No.	Comment	Council response
	unemployment rates and social inequalities which may cause crime.	<p>the lead regulator of entertainment sound-related complaints for all licensed premises and Police will be given a new power to issue improvement notices for non-compliance.</p> <p>f) While future direction for ANZAC Park is missing in the Place Plan, Council is working in the background to determine its future.</p> <p>g) Please see response to submission 8(b).</p>
10. Resident	<p>a) The submission states that improved road access into Shoal Bay and Fingal Bay is the highest priority and is concerned about the cancellation of the Fingal Bay Link Road project. It is suggested that TfNSW build Option 2, as the most appropriate alternative access road.</p> <p>Concerns are raised about traffic congestion and the safety of residents and visitors, particularly during emergencies like bushfires.</p> <p>b) The submission states that beachfront stabilisation is urgently needed.</p> <p>c) It is suggested that consultation with NSW National Parks and Wildlife is required if infill housing plans occur, as Shoal Bay is surrounded by National Parks. It is advised that much of the residential area is a wildlife corridor and Hunter Water has deep wells in this high-quality water aquifer for the village's drinking water behind Government Road.</p> <p>d) Infrastructure challenges, including land slippage, drainage and flooding, are highlighted in the submission. The submission cites a lapsed development application that faced a number of challenges as an example of difficulties faced by developers due to steep slopes and other constraints, rendering development unfeasible.</p> <p>Concerns are raised about proposed 4-8 storey buildings, citing documented flooding, inadequate drainage and sewer infrastructure, narrow roads, and lack of open space. The submission raises concerns about why another</p>	<p>a) Please see responses to submissions 2 and 3(d).</p> <p>b) The Coastal Management Program, exhibited in March 2024, contains actions to protect Shoal Bay's coastline.</p> <p>c) If investigations determine that Shoal Bay has the capacity to cater for additional development, a planning proposal will be initiated. Legislation requires that consultation is undertaken with key state agencies, including NPWS and Hunter Water. NPWS provided comment on the draft Place Plan (submission 13 in this table).</p> <p>Council continues to investigate strategic biodiversity corridors in the LGA to determine where there are opportunities to enhance corridors as part of new development proposals. The Place Plan includes actions for education campaigns, which could include Council programs on how to encourage wildlife friendly backyards.</p> <p>d) Through any future planning proposal process, additional studies may determine that the boundaries of the investigation area need to be amended due to issues such as geotechnical conditions.</p> <p>The area shown in the Place Plan is for investigation only, with the boundaries to be refined through the planning process.</p> <p>The State's Hunter Regional Plan is a guiding document for Council's strategic planning and suggests that</p>

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Submission No.	Comment	Council response
	<p>drainage study is being undertaken in addition to the 2016 Cardno report.</p> <p>The submission notes Shoal Bay does not currently meet the criteria for affordable housing in the State's legislation.</p> <p>e) Suggested improvements for Shoal Bay include banning jet skis, regulating operating hours of the Shoal Bay Country Club, requiring owners to rent their houses out for long term accommodation and advocating for more open space, better playgrounds and footpaths.</p>	<p>density should be increased in areas that are closer to services and recreation areas.</p> <p>The recent State reforms also propose changing planning controls in areas close to transport infrastructure, among other things. Council does not yet know how these reforms may affect Shoal Bay.</p> <p>Additionally, please see responses to submissions 5(b), 5(e), 6(b) and 9(c).</p> <p>e) The Place Plan identifies locations in Shoal Bay where new footpaths are to be constructed in the next 5 years.</p> <p>The Port Stephens Pathways Plan was adopted in 2016 and is a collection of maps that shows existing footpaths and shared paths throughout Port Stephens, and identifies locations for future pathways construction. The Pathways Plan helps Council to prioritise construction and apply for funding for pathway connections and missing links.</p> <p>The Place Plan is also used to support grant funding opportunities.</p> <p>The redevelopment of existing areas can fund pathways and other infrastructure through the collection of developer contributions.</p> <p>In accordance with the Recreation Strategy 2018, based on industry benchmarks there is a surplus supply of open space in the Tomaree Peninsula, including Shoal Bay.</p> <p>Additionally, please see responses to submissions 7(e), 9(d) and 9(e).</p>
11. Resident	<p>a) The submission emphasises Shoal Bay's natural beauty and the importance of maintaining a distinct village atmosphere. The submission notes that Shoal Bay's charm lies in its pristine environment, which is treasured by both residents and visitors alike. Any development plan must prioritise preserving this environment and the</p>	<p>a) Please see responses to submissions 3(a), 3(b) and 6(a) and 9(b).</p> <p>b) See responses to submissions 2, 3(d), 5(e) and 6(b).</p> <p>c) The CMP was exhibited in March, after exhibition of the draft Place Plan, and is now available to the public. Any studies used for the</p>

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Submission No.	Comment	Council response
	<p>sense of community that defines Shoal Bay.</p> <p>b) The submission raises specific concerns about the finite nature of the land, surrounded by Tomaree National Park, Bay, and coastline. It highlights the challenges posed by limited available land for development and stress the need for consideration of environmental constraints and community impacts. Concern is raised about the number of people inhabiting only 1 square kilometre, particularly during holiday times.</p> <p>The submission expresses concern over the road access options, including the alternative proposed access road identified in the draft Place Plan and the Fingal Bay Link Road. The submission calls for a thorough examination of transportation infrastructure needs, having consideration for emergency access options, such as during bushfire or a medical emergency.</p> <p>The submission notes that the proposed plan fails to adequately address the strain that additional development would place on infrastructure, transportation, and the environment. The submission raises concerns about the feasibility of future new developments, given existing drainage issues and other infrastructure limitations.</p> <p>c) The submission notes that the Coastal Management Plan and drainage study are yet to be made available, and any future LEP amendment relies on these studies. As such, the submission states that the Place Plan should be put on hold until these studies are complete.</p> <p>d) The lack of public transport options, and the difficulty of moving around Shoal Bay during peak holiday season is noted. The congestion experienced at these times has a significant negative impact on the liveability of Shoal Bay (and Fingal Bay) residents.</p> <p>It is noted that Shoal Bay is impacted by coastal erosion, which may affect Shoal Bay Road in the future. The submission proposes that no changes to building</p>	<p>basis of a future planning proposal, including the Shoal Bay Drainage Study, will be made publicly available.</p> <p>d) The Place Plan acknowledges that Shoal Bay experiences traffic and parking issues during peak times. Council will continue to investigate options to improve traffic movement in Shoal Bay, and will be investigating a range of short and longer term projects aimed at trialling solutions ahead of major infrastructure investments.</p> <p>Additionally, please see responses to submissions 2 and 3(d).</p> <p>e) Population forecasts indicate that the LGA is increasing by 20,000 people over the next 20 years. This translates to approximately 11,100 houses, based on current household make up in Port Stephens. As noted in the Place Plan, further studies are required to confirm whether Shoal Bay can accommodate any of this forecasted additional housing.</p> <p>The impact of additional population on infrastructure, including recreational land, will be investigated through any future planning proposal process.</p> <p>f) It is anticipated that another liveability survey will be undertaken next year. The data from this survey will help Council understand priorities in Shoal Bay and will be used to inform future reviews of the Place Plan.</p> <p>The Place Plan contains a number of actions that seek to improve liveability in Shoal Bay, such as improved parking and traffic, and creating opportunities for more social connections.</p>

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Submission No.	Comment	Council response
	<p>heights should be made until issues with traffic and access are resolved.</p> <p>e) The submission raises concerns about how many of the 20,000 houses projected for the Tomaree Peninsula are expected in Shoal Bay, as this is not documented. The submission states that this is the projected number of houses, not residents. As such, the number of residents is likely to be quadruple, and will all be within 1 square kilometre of land.</p> <p>Concern is raised that the Foreshore area, which is currently a welcoming and vibrant place for locals and visitors, will be negatively impacted by an increased population as there will be insufficient space for people to exercise, rest, socialise, play and experience the quiet enjoyment of nature; the things most valued in Shoal Bay and throughout the Tomaree Peninsula.</p> <p>f) The submission notes that the lack of infrastructure for the projected population will result in a poorer liveability index score.</p>	
12. Resident	<p>a) The submission is from long-time residents of Shoal Bay and expresses gratitude to the Port Stephens Council for various improvements made to the area over the years.</p> <p>b) While acknowledging Shoal Bay's status as a beautiful holiday destination, the submission highlights several limitations, including the lack of alternative road access, which is needed as Shoal Bay Road becomes blocked during peak holiday periods, and can have severe flooding on lower roads during heavy rain. The submission notes that drainage improvements are needed.</p> <p>c) The submission notes that the surrounding landscape means there is no land left to build on and expresses concern about the prospect of low-cost housing development in Shoal Bay, questioning the rationale behind selecting this recreational area for such housing. It suggests existing traffic issues would be exacerbated without</p>	<p>a) The appreciation for recent upgrades is acknowledged.</p> <p>b) Please see responses to submissions 2, 3(a), 3(b), 3(d) and 6(b).</p> <p>c) Shoal Bay has not been identified as a location for low cost housing. The exhibited Plan notes that without additional supply to cater for the high demand for housing in Shoal Bay, affordability becomes a greater issue. It notes that by providing planning controls that facilitate a more diverse supply of housing, it can have a positive impact on the affordability of housing.</p> <p>Additionally, please see responses to submissions 6(a), 6(b), 6(c) and 7(a).</p>

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Submission No.	Comment	Council response
	<p>providing adequate employment opportunities.</p> <p>The submission proposes that Council should assist local developers in finding suitable locations within the wider Port Stephens area for low-cost housing developments, preferably with access to transportation hubs, shopping complexes, and recreational facilities.</p> <p>The submission requests clarification on the decision-making process behind the selection of Shoal Bay for low-cost housing.</p>	
13. National Parks and Wildlife Services	<p>NSW National Parks and Wildlife Service (NPWS) expresses gratitude to the Council for placing the draft Place Plan on public exhibition and acknowledges the recognition of the natural environment and values of the Tomaree National Park in the Place Plan. NPWS confirms its commitment to working with the Council and stakeholders to improve tourism opportunities and visitor experiences in the area.</p> <p>Regarding the future use and management of Tomaree Lodge, NPWS states its role as a support agency and adjoining land manager, expressing willingness to engage further once a preferred option is identified by the NSW Government.</p> <p>NPWS raises concerns about the proposed alternative road into Shoal Bay, particularly its potential impact on the environment, and seeks consultation with the Council should the concept proceed beyond the draft Plan.</p> <p>The submission also addresses Action 13 of the Place Plan, which involves better access to Shoal Bay, highlighting the need for a full assessment of environmental and cultural impacts on the national park to determine feasibility. It advises that an act of Parliament would be required should the road require a revocation of part of the reserve.</p> <p>NPWS welcomes the Council's initiative to plan for Shoal Bay's future and offers to participate in ongoing discussions and planning relevant to Tomaree National Park.</p>	<p>NPWS position on the future of Tomaree Lodge is noted.</p> <p>Council will liaise with NPWS on future plans for Shoal Bay, particularly road access and any future planning proposal.</p> <p>Additionally, please see response to submission 2.</p>
14. Resident	<p>The submission emphasises the importance of preserving Shoal Bay's village feel and natural environment, which attracts visitors and residents alike.</p>	<p>Support for low density infill is noted. These types of developments are already permissible.</p>

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Submission No.	Comment	Council response
	<p>It opposes high-rise infill development, expressing concern about the impact on traffic congestion and infrastructure.</p> <p>The submission raises concerns about the affordability and suitability of such developments, suggesting they may lead to short-term rentals rather than permanent housing.</p> <p>It advises that low-density infill development like granny flats or small houses on large blocks is supported.</p> <p>Additionally, it advocates for the original Fingal Bay Link Road as a viable solution for a second access road.</p>	<p>Please see responses to submissions 3(a), 3(b), 3(d), 5(b), 5(c), 5(d), 5(e), 6(a), 6(b) and 6(c).</p>
15. Resident	<p>a) The submission notes that residents did not receive any prior communication about the Place Plan, and notes a desire to have been involved in the process from the beginning.</p> <p>b) The submission highlights the existing traffic congestion issues during holiday periods and expresses concern that additional housing would exacerbate this problem. It emphasises the need to plan for improved infrastructure to accommodate increased housing, especially ensuring emergency vehicle access during peak times.</p> <p>The submission notes concern about the current Shoal Bay drainage capacity.</p> <p>The submission raises concerns about whether Shoal Bay is a suitable location for permanent housing solutions, suggesting that more affordable options may be available elsewhere in Port Stephens. The submission raises doubts that the proposed housing would be affordable, advising that it would likely be converted into holiday accommodation rather than serving local residents, like a number of existing units in Shoal Bay.</p> <p>The submission notes the strain on existing services such as supermarkets and restaurants during busy times, leading residents to leave Shoal Bay for basic necessities. The submission suggests that adding more housing without addressing these service limitations would worsen the situation.</p>	<p>a) Extensive communication was undertaken on engagement opportunities for the Place Plan as outlined in the Communications and Engagement Report.</p> <p>While Council would like to include more bulk mail-outs as part of its communication about engagement opportunities, there are resourcing and privacy restrictions that need to be considered.</p> <p>The criticism about a lack of awareness of the Place Plan has been taken on board and Council is committed to examining the most appropriate way to reach the most number of people for future engagement opportunities.</p> <p>Action No.8, Community noticeboard has been included in the Place Plan in response to the community finding it hard to access information about their area.</p> <p>b) Please see responses to submissions 3(a), 3(b), 3(d), 5(b), 5(c), 5(d), 5(e), 6(a), 6(b) and 6(c).</p> <p>c) Please see responses to submissions 10(e) and 11(d).</p>

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Submission No.	Comment	Council response
	<p>The submission mentions reports from residents of Harbourside Haven about difficulties in staffing due to housing affordability issues and notes that affordable housing options are needed to support essential workers in the area, but suggests that this should be away from the inflated prices in Shoal Bay and Fingal Bay.</p> <p>c) The submission observes that existing parking arrangements are already at capacity on weekends and during holidays, and is concerned that removing existing sports facilities, such as the tennis courts, to create more parking would not adequately address the problem, especially with increased housing density.</p> <p>The submission concludes by advocating for improving infrastructure before considering additional housing and notes the need to ensure that any new dwellings are used for permanent residences rather than holiday rentals. The submission is opposed to the proposed additional building heights and infill housing.</p>	
16. Resident	<p>a) The submission acknowledges several positive aspects of the Place Plan, including the suggestion for an extra road into Shoal Bay, the introduction of community noticeboards, public art, community gardens, street entertainment (done outside of peak times), and extending the shared path to Nelson Bay.</p> <p>The submission notes the importance of the current work being undertaken on Tomaree Road.</p> <p>b) The submission raises concerns about the inadequate advertising and engagement regarding the proposed changes. Additionally, the low attendance at engagement workshops further underscores the issue, with only a small fraction of the population participating in discussions about significant changes to Shoal Bay.</p> <p>c) The submission emphasises the importance of Shoal Bay's "village feel" to both permanent residents and visitors. It notes that the proposed construction of 4 and 8-storey apartment</p>	<p>a) The acknowledgement of support for several aspects of the Place Plan is noted.</p> <p>b) Council sought to attract as many people as possible to attend the initial two workshops. These workshops were conducted online and were well-attended with 28 people attending both 2 hour workshops. It should be noted that some of the workshop attendees represented community groups, such as SBCA and TRAA, who advocate on behalf of the wider community.</p> <p>Council recognises that workshops require a significant commitment from attendees in terms of time and therefore do not generally have a high level of attendance.</p> <p>Ideally, workshops should be attended by 10-30 people, as this enables activities to be completed in small groups.</p>

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Submission No.	Comment	Council response
	<p>blocks contradicts this ideal and would obstruct the natural beauty of the area, particularly its hills and greenery. The submission raises concerns that such developments would alter the character of Shoal Bay irreversibly.</p> <p>d) The submission advises that parking congestion, especially during peak season, is a concern. The submission describes the difficulty of navigating Tomaree Road due to parked cars and boat trailers, suggesting that additional traffic from apartment blocks would exacerbate the problem. Solutions such as implementing parking restrictions to ensure smoother traffic flow and alleviate congestion in the area are suggested.</p> <p>e) The submission advises that the prevalence of properties used for short-term rentals contributes to housing scarcity and unaffordability for permanent residents. The submission suggests imposing restrictions on short-term rentals to free up more housing for permanent occupancy, which would add houses without compromising Shoal Bay's village feel. The submission cautions against the construction of high-rise buildings, believing that they would primarily serve as vacation homes for non-residents rather than addressing the community's housing needs while detracting from Shoal Bay's charm for tourists.</p> <p>f) While acknowledging the necessity of an additional access point into Shoal Bay, the submission expresses reservations about the proposed route behind the retirement village. Concerns about potential disruptions to the residents' peaceful environment are raised. The submission advocates for considering alternative routes that minimise negative impacts on existing communities.</p> <p>g) The submission states support for some limited increase in buildings height, to 4 – 6 storeys near existing structures like the Breakwater Tower but opposes further development into residential areas.</p>	<p>For the 3<sup>rd</sup> and 4<sup>th</sup> workshops, Council offered both online and face to face options to help cater for different audiences. As a result of the low number of attendees (18) at Workshop 3, Workshop 4 was readvertised to the wider community in an attempt to increase attendees. As a result, 34 people attended Workshop 4, either in person or online.</p> <p>Additionally, please see response to submission 15(a).</p> <p>c) Please see responses to submissions 3(a) and 3(b).</p> <p>d) Tomaree Road upgrade received funding through NSW Government's Special Purpose Grant Port Stephens Road Package for pavement rehabilitation. The conditions of the grant are targeted exclusively at improving road pavement conditions. Road rehabilitation on Tomaree Road, between Verona Road and Messines Street, was specifically announced by the NSW Roads Minister to receive this funding. This dedicated program is designed to improve road conditions across our area and eligible funding relates only to roadworks. New projects for concrete footpath paving and stormwater drainage upgrades on this stretch of Tomaree Road will be reconsidered in future revisions of the Capital Work Program.</p> <p>e) Please see response to submission 7(e).</p> <p>f) Please see response to submission 2.</p> <p>g) Please see responses to submissions 5(b) and 5(c).</p>



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Submission No.	Comment	Council response
17. Resident	<p>The submission raises concerns about why Shoal Bay was chosen to increase houses in the area over other locations, such as Salamander Bay, and expresses opposition to the proposal for the reasons noted below.</p> <ul style="list-style-type: none"> <li>• The absence a connection road through to Austral Street from Government Road for people to escape a catastrophic bushfire or natural disaster.</li> <li>• There is already accommodation stock available as a large portion of houses are vacant for most of the year, primarily functioning as holiday homes or short term rentals at a premium price.</li> <li>• There is no guarantee of economic benefit to local businesses and instead it will increase challenges such as reduced parking availability for deliveries and customers, decreased visibility for walk-in customers, increased noise pollution and traffic congestion.</li> <li>• The increased traffic generated by additional development could endanger the safety of children and pedestrians who frequently ride bikes and walk in the area.</li> <li>• The current garbage disposal arrangement on the beachfront and around the proposed development area is sub-par.</li> <li>• Apartments will create wind tunnels in an already windy location, block current residents' views of the surrounding bush and water, and cast shade over other properties.</li> <li>• Drainage issues are currently problematic and increased concrete and built areas will damage the environment.</li> <li>• There are minimal services in Shoal Bay that can only just serve the current population, while other areas have many available services to cater for a larger population.</li> <li>• The ecosystem is fragile and any increase in population would further degrade the National Park areas of</li> </ul>	<p>Through the draft revised draft revised Local Housing Strategy, Council is looking at how all parts of the LGA can accommodate additional housing. It is anticipated that the draft revised Local Housing Strategy will be exhibited in April 2024. Identifying investigation areas in a high level strategic document is the first step, while additional studies refine areas. A feasibility assessment has not been undertaken for Shoal Bay. The concept identified in the exhibited Place Plan was based on common planning practice of increasing densities within walking distance to town centres and recreation areas.</p> <p>Council acknowledges that there were issues with garbage collection in Shoal Bay over the recent peak period and we are reviewing the current service levels and investigating options to improve services moving forward.</p> <p>Additionally, please see responses to submissions 2, 3(a), 3(b), 5(b), 5(c), 5(d), 5(e), 6(a), 6(b), 6(c), 7(e), 7(f), 9(b), 10(c) and 11(d).</p>

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Submission No.	Comment	Council response
	<p>Shoal Bay and the adjoining beaches and National Parks</p> <ul style="list-style-type: none"> <li>Increased building heights and creating buildings similar to the Ramada Tower will destroy the village-like aesthetic and tranquillity of Shoal Bay.</li> <li>Internet and mobile phone infrastructure is poor year-round, requiring upgrades by service providers to accommodate the current population.</li> <li>Parking and traffic conditions would become worse with an increased number of residents.</li> <li>There would be a detrimental effect on flora and fauna and any large-scale development would pose great risk to their survival in our immediate area.</li> </ul> <p>The submission raises concerns about probity in the preparation of the Plan.</p> <p>The author requests that information on other potential areas for infill housing within the Port Stephens Local Government Area, as well as the feasibility studies used to justify selecting Shoal Bay for development, be made available.</p>	
18. Resident	<p>a) The author is a Shoal Bay resident and local business owner who is committed to the local community.</p> <p>b) The submission criticises the lack of public awareness and consultation regarding the draft Place Plan. The author suggests that community input has not been adequately sought.</p> <p>The submission cites statistics from the Shoal Bay Place Plan Community and Engagement Report, indicating low levels of participation in workshops and surveys. The submission notes that results from the workshops do not accurately represent the community's views due to lack of consultation and a minority group of people representing the community.</p> <p>The submission outlines the key themes identified in the Shoal Bay Place Plan Community and Engagement Report are protection of open space and reserves,</p>	<p>a) The author's commitment to the local community is noted.</p> <p>b) Please see responses to submissions 15(a) and 16(b).</p> <p>Workshops 1 and 2 were focused on a deep dive into the liveability index results to understand community priorities. The same workshop format was used across other centres including Medowie, the Hinterland area, Anna Bay and Tilligerry.</p> <p>The consideration of infill development arose after workshops 1 and 2 were conducted, which is why a third workshop about land use was held. This workshop was undertaken in response to State government targets/directions to create more housing for people across NSW and direction for 80% of new housing to be infill housing.</p>

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Submission No.	Comment	Council response
	<p>concerns about congestion, access and parking, and the desire for improvements to infrastructure and amenities.</p> <p>c) The Place Plan should prioritise improving existing infrastructure and amenities, such as parking and access roads, safe walking and bike paths, connection of housing and communal amenity, neighbourhood safety and protection of the natural environment.</p> <p>d) The submission suggests that there are areas within Shoal Bay that can benefit from low level infill development. The submission opposes the suggested infill areas stating it would have negatively impact the character of the town.</p> <p>The submission advises that new development would not benefit the local community or businesses and would not be affordable or diverse for people residing permanently in the area.</p> <p>e) The submission notes the current drainage problems and that improvements to Tomaree Road were much needed. It is further advised that electricity supply issues, telecommunications issues and sewerage issues should be resolved before proposing development.</p> <p>The submission raises concerns about the potential strain on local services and infrastructure caused by increased population density. It notes that Shoal Bay lacks adequate healthcare, education, and other essential services to support a larger population.</p> <p>f) The submission welcomes parking and movement studies and improvements, additional access roads to Shoal Bay and Fingal Bay, Smart Parking, local business support, Tomaree Coastal Walk Project, Tomaree Lodge considerations and a pedestrian friendly foreshore.</p> <p>g) The submission proposes exploring incentives for existing property owners to address housing demand as there are many empty dwellings within the village</p>	<p>During the public exhibition period, 56% of people were opposed to the infill concept, while approximately 23% were supportive. The remaining (21%) being either neutral/not sure/need more information.</p> <p>This data indicates that there is some support for the proposal to provide additional housing in Shoal Bay by increasing densities.</p> <p>c) The actions in the Place Plan seek to address a number of other community priorities, such as alternative access, improved pathways, environmental education and volunteering and opportunities for social connections.</p> <p>d) Please see responses to submissions 3(b), 5(e), and 12(c).</p> <p>e) Please see responses to submissions 5(e) and 6(b).</p> <p>f) Support for many components of the Place Plan is noted.</p> <p>g) Please see responses to submissions 6(a) and 7(e).</p>

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Submission No.	Comment	Council response
	<p>and suggests that the proposal for greater density development should apply to an area such as Nelson Bay or Salamander Bay due to the greater amount of services available.</p> <p>The submission notes that new infill development will not benefit the local community and the developments will not be diverse and affordable for those looking to permanently reside in Shoal Bay. Even if they do, there is not adequate local health care, medical facilities or schools to accommodate an increase in population.</p>	
19. Shoal Bay Community Association	<p>a) The Shoal Bay Community Association (SBCA) expressed overall support for the Place Plan as a forward planning document for the future development of Shoal Bay, but notes some reservations. The SBCA notes that it has been actively involved in the consultation process for several years, including attending workshops and discussions with Port Stephens Council officers. A recent briefing with Council officers was attended by about 50 members, indicating community interest.</p> <p>The submission notes the considerable community concerns about infill development, but notes that these maybe attributed to misunderstandings about the process. Noting that further consultation will be undertaken through any future planning proposal process.</p> <p>b) Noting that a new Development Control Plan be developed following mandatory community consultation, to help resolve a number of concerns.</p> <p>c) Specific concerns raised by SBCA members include:</p> <ul style="list-style-type: none"> <li>i) Lack of direction regarding the future of the Tomaree Lodge/Headland site.</li> <li>ii) Support for Smart Parking initiatives as long as funds are spent in Shoal Bay</li> <li>iii) Desire to retain the existing tennis courts as key public sports facilities.</li> </ul>	<p>a) The SBCA's involvement in the development of the Place Plan is acknowledged and appreciated.</p> <p>b) If investigations determine that there is capacity for infill development in Shoal Bay, a DCP will be prepared in consultation with the community.</p> <p>c)</p> <ul style="list-style-type: none"> <li>i) Please see responses to submissions 3(e).</li> <li>ii) Smart Parking provides a revenue stream to support local infrastructure projects and is designed to drive revenue from visitors to enable additional investment in local infrastructure works.</li> <li>iii) Council continues to investigate the future of Poziere's Park. There are no plans to remove the tennis courts in the life of the Place Plan (5 years).</li> <li>iv) Please see response to submission 9(c).</li> <li>v) Kerb and gutter, while visually appealing, is a functional asset designed to collect and control stormwater runoff from both private properties and the roadway.</li> </ul> <p>Generally Council only constructs new kerb and gutter in conjunction with associated capital works while reconstructing a road. When constructing new kerb and</p>

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Submission No.	Comment	Council response
	<p>iv) The need to address drainage infrastructure prior to any infill development.</p> <p>v) All roads need kerb and guttering.</p> <p>vi) Enhancements to pathways leading to the beach and the need for a foreshore master plan.</p> <p>vii) A separate plan for ANZAC Park is needed.</p>	<p>gutter, Council requires a contribution from adjoining property owners that benefit directly from these facilities. Additionally, new developments will be required to include kerb and gutter in front of the property as part of the development works.</p> <p>Construction of kerb and gutter is identified for Rigby Street as part of the planned roads and drainage reconstruction project</p> <p>vi) The proposed pathway from Shoal Bay to Little Beach includes beach access points. Council does not have plans for a new foreshore masterplan as recent upgrades implemented the previous masterplan. Beach access points will be maintained through actions in the CMP.</p> <p>vii) Please see response to submission 9(f).</p>
20. Tomaree Headland Group	<p>a) The submission offers support for the Place Plan while providing a number of suggestions, focusing on issues around the Tomaree Lodge and the Tomaree Coastal Walk, including:</p> <ul style="list-style-type: none"> <li>More importance should be placed on the potential impact of repurposing the Tomaree Lodge and Coastal Walk on the future of Shoal Bay; and</li> <li>The growing popularity of these attractions means that visitation and traffic will increase further over the coming years. The submission recommends strategies to manage traffic and parking, including extending the public bus service, creating a remote car park with shuttle service, and improving signage to inform visitors about parking limitations.</li> </ul> <p>b) The submission highlights issues with accessing Shoal Bay and calls for Council to be more proactive in supporting the Fingal Bay Link Road</p>	<p>a) Please see response to submission 3(e).</p> <p>b) Please see responses to submissions 2 and 3(d).</p> <p>c) The Shoal Bay Wharf is designed to cater for larger vessels. Wave surges cause instability, making it difficult for passengers to embark/disembark from vessels. Extensions to the wharf to cater for wave attenuation would have significant environmental impacts on the seagrass and habitat of the endangered White seahorse. Feedback from community engagement undertaken for the Port Stephens Boating and Fishing Plan did not request changes to the wharf.</p> <p>In 2017, Council undertook a community survey to determine whether to build a new playground at Bernie Thompson Park or replace the playground at Poziere's Park. 54% of people preferred the Bernie</p>

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Submission No.	Comment	Council response
	<p>proposal, particularly the Austral Street option, to alleviate traffic congestion. The submission notes support for the proposed access road behind Harbourside Haven, but not if it were to compromise the Fingal Bay Link road.</p> <p>c) The submission notes the lack of parking and traffic flow issues in Shoal Bay and suggests the following measures to address these issues, such as by upgrading the Shoal Bay Jetty to enable access for ferry and cruise operators, which would to reduce vehicle traffic, relocating the Bernie Thompson playground to the foreshore and using area for parking and formalising the car parking area near ANZAC Park.</p> <p>d) The submission agrees with the formation of a community group like Town Teams, but proposes forming the 'Shoal Bay Civic Pride Group', to align with successful models like Nelson Bay. The group would address local civic issues, including those related to the Place Plan.</p> <p>e) The submission enclosed some attachments and noted that the Tomaree Headland and Lodge site were important considerations for the Place Plan.</p>	<p>Thompson location. At this time it was determined that the foreshore has insufficient space for a playground, and is inconsistent with the community's desire for the foreshore to maintain its natural feel. Additionally, see please see responses to submissions 9(f) and 11(d).</p> <p>d) Town Teams are positive and proactive organisation that works collaboratively to improve a place or area. The Town Team model is open and inclusive to everyone including businesses, residents and community groups. Town Teams are not a formal volunteer group of Council but Council does partner with Town Teams where appropriate.</p> <p>The Town Teams model does not replace existing community groups, rather the model further supports them through the provision of additional resources such as education, information, insurance and grants.</p> <p>Additionally, please see responses to submissions 2, 3(d), 3(e), 3(f), 7(f), 9(f), 10(e) and 11(f).</p> <p>e) Attachments are noted.</p>
21. Resident	<p>a) The submission is written by long-term residents of Shoal Bay and expresses concerns and suggestions in regards to the future development of the area. The submission highlights involvement with the Shoal Bay Community Association and lists several community-driven improvements, such as upgrading the Shoal Bay Boat Ramp, rebuilding the Shoal Bay Wharf, and developing pathways and a native garden along the foreshore.</p> <p>b) The submission notes the absence of the community's vision for the Tomaree Headland and that a number of actions in the Place Plan are already being implemented by the community.</p>	<p>a) The author's involvement in the community is noted.</p> <p>b) Please see response to submission 3(e).</p> <p>c) The population statistics shown on page 7 of the Place Plan are based on ABS 2021 Census data.</p> <p>d) Please see response to submission 19(c)(v).</p> <p>e) Please see responses to submissions 3(a), 3(b), 5(b), 5(c), 5(d), 5(e), 6(a), 6(b), 7(f), 8(b), 9(b) and 10(c).</p> <p>f) Please see responses to submissions 2, 3(d) and 9(c).</p> <p>g) Please see response to submission 9(c).</p>

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Submission No.	Comment	Council response
	<p>c) The submission points out discrepancies between the Place Plan and the actual situation in Shoal Bay. The submission raises concerns about why the Place Plan does not reflect the growing number of young families residing in Shoal Bay and the 350 children that attend the local public school.</p> <p>d) The submission states that not having kerb and guttering on many streets adds to Shoal Bay's the unique village appeal and supports the current upgrade of Tomaree Road.</p> <p>e) The submission agrees that Shoal Bay has a laid-back holiday feel, which is reinforced by current buildings not being occupied outside of peak holiday periods. The submission states that additional apartments will not solve the housing shortage in Shoal Bay. The submission notes that the proposed building height changes would have negative impacts on the existing character of Shoal Bay and would not solve the housing shortage, nor would they be affordable. Concerns are also raised about the impact of such developments on beach erosion, the night sky, and the overall character of the area.</p> <p>f) The submission calls for more action on long-standing issues such as:</p> <ul style="list-style-type: none"> <li>• access to Shoal Bay;</li> <li>• the Fingal Bay Link Road;</li> <li>• the need for improved drainage infrastructure.</li> </ul> <p>g) The submission suggests that previous studies should be reviewed prior to any more money being spent on feasibility studies.</p> <p>h) The submission raises concerns about the 'one size fits all' approach of the proposed town team, advising that the Landcare group are extremely active.</p> <p>i) The submission states that funds generated through Smart Parking should be provided publicly.</p>	<p>h) Please see response to submission 20(d).</p> <p>i) Smart Parking provides a revenue stream to support local infrastructure projects and is designed to drive revenue from visitors to enable additional investment in local infrastructure works specific to the Shoal Bay area. Council undertook technical investigations and extensive community engagement to develop the Shoal Bay Smart Parking Infrastructure Program (shown in the Shoal Bay Place Plan), which details how revenue will be spent and is part of the Place Plan. Shoal Bay infrastructure projects are provided on Council's website, which will be updated to indicate how much is funded by Smart Parking.</p> <p>j) If investigations determine that Shoal Bay has capacity to cater for additional development, a planning proposal will be initiated. Legislation requires that constraints such as bushfires are investigated and consultation is undertaken with key state agencies, including the Rural Fire Service.</p> <p>k) Existing buildings already create light pollution and impact on star gazing in Shoal Bay. According to Visit NSW, Shoal Bay is not known for its star gazing. Additionally, please see response to submission 9(e).</p> <p>l) Council has made a submission to the NSW Government infill housing reforms, noting a preference for placed based planning for certain areas in Port Stephens, including Shoal Bay.</p>

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Submission No.	Comment	Council response
	<p>j) Concern is raised about the lack of discussion in the Place Plan about the vulnerability to bushfires due to proximity of National Parks.</p> <p>k) There is concern that high-rise development will impact on the ability to star gaze due to additional light pollution.</p> <p>l) The submission notes opposition to the NSW Government's push for high density development throughout NSW and encourages Council to join other councils in opposing high-rise developments that don't fit the local context.</p>	
22. Resident	<p>The submission expresses various concerns about the Shoal Bay Place Plan.</p> <p>a) The submission states that the resources spent on the Shoal Bay Place Plan could have been better utilised to complete the Tomaree Road footpath, which lacks accessibility for wheelchairs and prams.</p> <p>b) The submission notes limited notification and inconvenient timing for community consultation meetings, making it difficult for working residents to participate.</p> <p>c) The submission raises concerns about the probity of the Place Plan.</p> <p>d) The submission mentions potential conflicts of interest of some Councillors.</p> <p>e) The submission expresses concerns that the changes in the Place Plan will not address the housing crisis because new units may become holiday accommodation rather than affordable housing for local workers.</p> <p>f) The submissions states that the existing road is unable to handle the tourist traffic in peak times and advises that the only road that would allow the increased population would be the proposed State government Fingal Bay Link Road.</p> <p>g) The submission emphasis the desire to maintain Shoal Bay's quiet, beautiful location.</p>	<p>a) Please see responses to submissions 10(e) and 16(c).</p> <p>b) Please see submissions 15(a) and 16(b). Council notified the exhibition and drop-in sessions in the newspaper, website and social media. An additional Saturday drop-in session was added in response to concerns raised about inability for working people to attend the Tuesday session. Staff were available to answer questions during business hours for the entire exhibition period.</p> <p>c) Please see response to submission 8(b).</p> <p>d) All public officials are bound by Council's Code of Conduct and are required to disclose any conflict of interest where they may have a private interest, such as owning property. If there's a conflict, they cannot participate in any meetings or decision making.</p> <p>e) Please see submissions 6(a) and 7(e).</p> <p>f) Please see submissions 2 and 3(d).</p> <p>g) Please see submissions 3(a) and 3(b).</p>



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Submission No.	Comment	Council response
23. Resident	<p>The submission objects to the proposed changes in the Shoal Bay Place Plan, focusing on several key issues.</p> <p>a) The submission disagrees with increasing the height of buildings in the R3 area, arguing that it should remain at the current height of 9 metres as the proposed type of infill buildings is excessive for the area and would alter its character. There is concern that new development will have negative impacts on recently renovated properties and new builds.</p> <p>Concern for the narrow streets in the R3 area and their inability to handle the increased traffic and the parking problems associated with high-density buildings is noted.</p> <p>The submission notes that Shoal Bay is known for its relaxed atmosphere and seaside village feel, and this would be permanently changed by multi-storey buildings. Noting that the area is already popular, but high density development would impact on its popularity. The submission observes that Shoal Bay is already very vibrant, especially during school holidays, and further development would lead to overcrowding and will make Shoal Bay less desirable.</p> <p>The submission advises that people are struggling to get long term rentals due to the dominance of holiday accommodation.</p> <p>The submission notes the potential negative impacts to the existing character. The submission raises concerns about the demand for high-rise developments, given the number of vacant and one storey properties in Bullecourt and The Messines Street. As such, there is no need to redevelop in the R3 area.</p> <p>b) The submission notes concerns about the proposal to turn Shoal Bay Road and Messines Street into one-way streets and create a pedestrian zone, noting that it could potentially causing</p>	<p>a) Please see response to submission 3(a), 3(b), 5(b), 5(c), 5(d), 6(a), 6(c), 7(e) and 7(f).</p> <p>b) Please see response to submission 11(d).</p> <p>c) Please see response to submission 19(c)(iii).</p> <p>d) Please see responses to submissions 15(a), 16(b) and 18(b).</p>

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Submission No.	Comment	Council response
	<p>inconvenience to residents. The submission recommends adding wide footpaths to Government Road, so visitors can park further away from the beach, while maintaining pedestrian safety.</p> <p>c) The submission raises concerns about the removal of culturally significant trees and koala feed trees for a proposed car park on Poziere's Park, questioning Council's commitment to cultural heritage and environmental preservation. Concern is also raised about the loss of a sport and recreation facility.</p> <p>d) The submission raises concerns about whether the low response rate to the parking survey (1.5% of the population) genuinely represents community views and further advised that there was a lack of community awareness and consultation. The submission suggests postponing the decision on the proposal until after the next Council elections for more comprehensive community input.</p>	
24. Resident	<p>a) The submission addresses concerns about proposed infill housing, focusing on the impact of building 4 to 8 storey apartment buildings.</p> <p>b) The submission notes that there is currently limited access to Shoal Bay and that the construction of high-rise buildings would increase traffic to Shoal Bay. The submission advises that Transport for NSW will no longer be no further planning investigations for the Fingal Bay Link Road. The submission suggests that this road should be revisited, particularly due to the potential coastal erosion of Shoal Bay Road and emergency access during bushfires.</p> <p>c) The submission notes that the area designated for infill housing has existing drainage problems, which would be worsened by increasing the impervious surface area due to the construction of high-rise buildings.</p> <p>d) Concern is expressed that building taller apartments would lead to more cars</p>	<p>a) Please see responses to submissions 3(a) and 3(b).</p> <p>b) Please see responses to submissions 2 and 3(d).</p> <p>c) Please see response to submission 5(e) and 9(c).</p> <p>d) Please see responses to submissions 10(d), 11(d) and 19(c)(iii).</p> <p>e) Please see response to submission 7(f).</p> <p>f) Please see response to submission 6(b).</p> <p>g) Please see responses to submissions 5(b), 6(a), 6(c) and 7(a).</p>

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Submission No.	Comment	Council response
	<p>parking on already congested streets, exacerbating current parking issues. Concerns are raised about the loss of open spaces and parks for outdoor activities, with the potential conversion of an existing tennis court site into parking.</p> <p>e) The submission notes that building high-rise apartments next to single dwellings would result in issues like overshadowing, loss of privacy, and increased noise.</p> <p>f) The submission highlights the lack of medical services in Shoal Bay, with many GPs not accepting new patients. The influx of residents would further strain these services.</p> <p>g) The submission urges Council to reconsider the Place Plan and focus on more suitable housing types like duplexes, villas, or granny flats, which would be more affordable and appropriate for local residents.</p> <p>The submission suggests that infill housing should not be concentrated in a small area but rather distributed throughout Nelson Bay, where there is better access to essential services and open spaces.</p>	
25. Resident	<p>a) The submission notes the recognition of inadequate access to Shoal Bay and Fingal Bay in the Place Plan and emphasises the need for additional access, facilities, and services, including effluent disposal, to be established before any development that increases the area's population.</p> <p>b) Concern is expressed about the state of existing buildings at Tomaree Lodge, which require continuous maintenance and are at risk of falling into disrepair. The submission raises concerns that the local community lacks the funding and resources to maintain these facilities. The submission advocates for external, continuous funding to keep the land and buildings under community control.</p>	<p>a) Please see response to submission 5(b).</p> <p>b) Please see response to submission 3(e).</p>

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Submission No.	Comment	Council response
26. Resident	<p>a) The submission objects to the proposal to allow 8 storey buildings in Shoal Bay, as such development would place pressure on the area's resources, exacerbating existing issues, particularly during peak periods.</p> <p>b) The submission advises that Shoal Bay already faces challenges with limited parking due to narrow roads, and the proposed high-rise buildings would only worsen this situation.</p> <p>c) The submission further notes that the impact on the natural environment cannot be understated and advises that residents already devote time to cleaning up rubbish along Shoal Bay foreshore, and a significant increase in holidaymakers, who may not share the same commitment to environmental stewardship, would exacerbate this problem.</p> <p>d) The submission notes that Shoal Bay is cherished for its beauty and charm as a small seaside town and allowing it to be overshadowed by high-rise buildings would compromise its character and uniqueness.</p> <p>e) Concern about the impact on Shoal Bay Public School is raised, noting that the new development may push more families out of the school zoning area, affecting the school's viability and community.</p> <p>f) The submission urges Council to reconsider this proposal and preserve Shoal Bay's identity as a beautiful, small seaside town and to prioritize the well-being of the local community and the preservation of our natural environment in any future development plans.</p>	<p>a) Please see responses to submissions 3(a), 3(b), 5(b), 5(c), 5(d), 5(e), 6(b), 7(f), 9(c) and 11(d).</p> <p>b) Please see response to submission 11(d).</p> <p>c) Council continues to support community volunteers who dedicate time to maintaining Shoal Bay's environment. Additionally, please see response to submission 9(b).</p> <p>d) Please see responses to submissions 3(a) and 3(b).</p> <p>e) Consultation will be undertaken with the Department of Education if any future planning proposal is initiated.</p> <p>f) Please see response to submission 7(f).</p>
27. Resident	<p>The submission is from local primary school students and includes poster style artwork stating opposition to sky-scrapers.</p> <p>The submission is about the potential impact of 8 storey unit blocks.</p>	Please see responses to submissions 3(a), 3(c), 9(b) and 10(c).
28. Resident	The submission is from a local primary school student and raises concerns about 8 storey towers blocking views.	Please see responses to submissions 3(a) 3(b) and 7(f).

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Submission No.	Comment	Council response
	Illustrations demonstrating concerns have been provided.	
29. Resident	<p>The submission is from a local primary school student. The submission notes concerns about the future of the Shoal Bay village.</p> <p>The submission states that Shoal Bay is already busy during holidays and that there shouldn't be any more people. It is advised that Shoal Bay is a peaceful location, where views are enjoyed. Concern that buildings will block views and will cause problems with navigating through the area are raised.</p> <p>Illustrations demonstrating concerns have been provided.</p>	Please see responses to submissions 3(a), 3(b), 7(f) and 11(d).
30. Resident	<p>a) The submission raises concerns about the proposal to significantly increase residential development in Shoal Bay and notes that the proposal to build 4 to 8 storey buildings in the E1 zone and surrounding areas could significantly increase the number of dwellings in Shoal Bay. The submission notes that 10 – 15% of this housing would be social housing. A table identifying potential population increases is provided.</p> <p>b) The submission notes that the Council will need to undertake significant planning for the increased population, with consideration given to:</p> <ul style="list-style-type: none"> <li>• The environmental impact on water, beaches, National Parks and air quality.</li> <li>• The impact on water supply and Hunter Water aquifers.</li> <li>• The management of flood waters, especially in light of recent storms.</li> <li>• Traffic management, noting the lack of funding for the Fingal Bay Link Road, which is a fundamental infrastructure upgrade needed before any development.</li> <li>• The need for a parking strategy to cater for the increased number of cars.</li> <li>• The submission notes the potential negative impact of increasing the number of social housing residents in the area, particularly if occupied</li> </ul>	<p>a) The future occupation/ownership of any new housing, or the percentage of new housing that may be social or affordable housing in Shoal Bay is not known.</p> <p>Affordable housing is rental housing that meets the needs of people on very low to moderate incomes that have essential service jobs such as teachers, nurses and fire fighters. It is priced so that they can afford other basic living costs such as food, clothing, transport, medical care and education. Community housing providers manage affordable rental housing.</p> <p>Social housing is provided by the State government for people who need housing assistance and includes public housing properties.</p> <p>The State government has released affordable and social housing initiatives. These provisions encourage private developers to boost affordable housing by allowing bonuses for developments that include 10 – 15% affordable housing. These provisions only apply to areas within an 'accessible area'. Shoal Bay does not currently meet this requirement.</p> <p>b) Please see responses to submissions 2, 3(d), 5(b), 5(c), 5(d),</p>

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	<p>by immigrants, as this could led to antisocial behaviour. The submission references failed integration efforts in Europe. It is suggested that integration needs careful planning.</p> <p>The submission recommends that infill development start in Messines Street, while implementing positive ideas such as one way streets and wider footpaths. Development in this area could be monitored, and expanded into other areas if needed.</p> <p>c) The submission concludes by expressing a desire to maintain the peaceful and environmentally rich character of Shoal Bay, noting concern about the potential negative effects of rapid expansion.</p>	<p>5(e), 6(b), 7(f), 9(b), 9(c), 10(c) and 11(d).</p> <p>c) Please see responses to submissions 3(a) and 3(b).</p>
31. Resident	<p>The submission, written by long term resident of Shoal Bay and references involvement in several community volunteer initiatives.</p> <p>The submission notes that increasing building heights may have the following impacts:</p> <ul style="list-style-type: none"> <li>• New housing will not be affordable.</li> <li>• Part of the area identified for infill is a designated land slip area.</li> <li>• There is only one access road to Shoal Bay and it can be dangerous in emergencies like bushfires and storms, which would be exacerbated with an increase in population density.</li> <li>• High-rise development will impact on the water table and local infrastructure, especially in flood-prone areas. Extensive foundations for tall buildings could exacerbate flooding issues and disrupt traffic flow during construction.</li> <li>• The area has seen an increase of young families moving into the area and the local community did not move there to be surrounded by high-rise buildings, which could block sunlight and affect the area's natural appeal.</li> </ul>	<p>The author's community involvement is noted.</p> <p>Please see responses to submissions 2, 3(a), 3(b), 3(d), 5(b), 5(c), 5(d), 5(e), 6(b), 7(f), 9(b), 9(c), 10(c) and 11(f).</p>

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32. Resident	<p>a) The submission notes that it has been made having regard for the Hunter Regional Plan 2041 (HRP).</p> <p>b) The submission acknowledges the positive initiative of the Shoal Bay Place Plan as a plan focusing on how the area would develop over time, noting the opportunity to improve and increase residential accommodation, enhance the foreshore, protect the natural habitat and wildlife, and improve the infrastructure of the Shoal Bay. The submission notes that the Place Plan does not contain analysis or actions.</p> <p>c) There is concern that the focus on high-rise development does not align with State and Federal goals for affordable housing, as such development is likely to be expensive, short-term accommodations rather than long-term, affordable housing solutions.</p> <p>d) The submission notes that Shoal Bay is a 'village', as per HRP definition, and this should guide development. The resident notes that the village character will be negatively impacted by the construction of high-rise buildings.</p> <p>e) The submission is concerned about the building heights proposed in the Place Plan and the justification for the change. The submission is concerned about dwellings being used for short term rental accommodation.</p> <p>The submission advises that if plans for infill development were constrained to the area immediately adjacent to Breakwater and the development in Bullecourt, this would not impact the residential area surrounding the mixed use town centre. It would have a reduced impact on some infrastructure needs. Noting that such developments would still require an additional road being created prior to approval being granted for any development to commence.</p> <p>f) The submission notes that Council cannot ensure that any residence is used for permanent residency and</p>	<p>a) Noted.</p> <p>b) Council's Place Plans aim to be an easy to read document showing the community what's happening in their place over the next 5 years. Including significant detail in a Place Plan detracts from this aim. Identifying land for investigation, such as in an adopted Place Plan, is an important first step in the planning process and provides an opportunity for Council to start conversations with the community about the future of their place. Such detail referenced in the submission is included in later stages of the planning process, such as through a planning proposal, or in other Council strategies and plans, which are available on Council's website.</p> <p>The HRP recommends that 80% of new dwellings are infill development. Detailed consideration of the HRP will be undertaken in the preparation of any future planning proposal, as required by planning legislation. A future planning proposal will contain the detailed studies needed to support changes to planning controls.</p> <p>The boundaries of infill development will be refined through the planning process, having regard for the HRP.</p> <p>c) Please see responses to submissions 6(a) and 6(c).</p> <p>d) Please see responses to submissions 3(a) and 3(b).</p> <p>e) Please see responses to submissions 5(b), 5(c), 5(d), 5(e), 6(b), and 7(f).</p> <p>f) Please see response to submission 7(e).</p> <p>g) The 'Creating better places and spaces' map shows upcoming infrastructure works that are on Council's work plan for the next 5 years. As noted in the Place Plan, the detail of these projects can be found on Council's website. Including this additional detail would</p>

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	<p>references the upcoming State government proposals to address short term rental accommodation.</p> <p>g) The Place Plan acknowledges that there is limited intervention required by Council to maintain the relatively low maintenance cost public open space areas.</p> <p>The submission supports changes to parking and notes that revenue generated by the Smart Parking meters will be channelled back into necessary roadworks in the area. The submission notes a lack of detail about funding for other works such as fixing roads. The recent works to Tomaree Road are acknowledged. However, the submission states that the repairs do not seem adequate as they do not include storm water, and that not providing reasons for this creates distrust.</p> <p>The submission notes that distrust has been created by the lack of plans relating to parking issues and the introduction of the Smart Parking. It is advised that since the introduction of Smart Parking some people are seeking unpaid parking in Shoal Bay, which has increased the traffic in and parking in streets adjacent to metered parking. Yet the Place Plan does not mention any investigation of potential flow-on impacts from the Smart Parking.</p> <p>It notes that the projects outlined in the Place Plan are useful but most appear to only arise out of funding from the Smart Parking and therefore, may never eventuate or not before the additional proposed infill housing arrangements are commenced.</p> <p>h) The submission expresses concerns about balancing environmental outcomes and Place Plan objectives and actions. It proposes that more information may be needed to properly manage and protect the natural environment.</p> <p>i) The submission seeks clarification about the optimum number of visitors at</p>	<p>detract from the aim of the Place Plan to be an easy to read document.</p> <p>The potential impact of Smart Parking increasing the demand for on-street parking in adjacent areas was considered as part of the initial roll out of the system and will continue to be monitored to ensure the safe and equitable use of on-street parking. Based upon previous community engagement, Tomaree Road and Messines Street were two particular areas of concern.</p> <p>When planning for infrastructure, it is important to understand what development may occur in an area in the future. While an investigation area in a strategic document may be refined through more detailed studies, it provides an early indication of future population changes, which can be used to make decisions about infrastructure investment.</p> <p>Funding for a number of works comes out of Council's capital works budget. Additional funding opportunities include grants and developer contributions.</p> <p>Additionally please see response 11(d) and 16(c).</p> <p>h) There are a number of small scale projects included in the Place Plan. The purpose of the Transformational projects map was to identify, in an easy to read manner, the larger scale projects that are likely to have a large impact on Shoal Bay in the next few years.</p> <p>Additionally, please see response to submission 9(b).</p> <p>i) Council does not specify an optimum number of visitors. Council supports Destination Port Stephens, who seek to drive the tourism industry in Port Stephens.</p> <p>Viewing platforms are for people wishing to take a break from walking or cycling and enjoy the view.</p>



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	<p>various times of the year and detail on what activities those visitors might undertake so as to plan for things like the stated "Viewing Platforms".</p> <p>j) The submission notes that the Place Plan references the need for an alternative access road for safety and traffic management but does not include a viable option as this was removed during exhibition. Additionally, the submission notes that the two owners of the properties that would have been impacted by the proposed road were not consulted.</p> <p>k) The submission notes that a 'Park&amp; Ride' project should not commence without the issue of an additional access road being resolved.</p> <p>l) The submission notes that the Place Plan mentions improving lighting to support the night time economy. The submission states that the issue of safety can only be managed by an increased police presence.</p> <p>m) The submission notes a lack of detail about the local wildlife and wild life corridors in Shoal Bay.</p> <p>n) The submission notes that the HRP makes repeated references to infrastructure being in place prior to development. It notes that in the HRP, medium density housing is described as 1 to 4 storeys. The submission notes that the place plan does not align with the 'HRP' definition of 'medium' density.</p> <p>o) The submission notes that the section 'caring for the local environment' is mostly focused on the beach. It recommends that holding 'education' events will only help clean up the beach but not influence the increasing number of visitors or residents. The submission notes that the element of 'care' for the environment in the Place Plan is promoting commercial endeavours of local business and/or developers.</p> <p>p) The submission notes issues with existing infrastructure capacity. It notes that the HRP requires appropriate</p>	<p>j) Solutions are being considered to address traffic issues that are currently experienced in Shoal Bay. Traffic studies will be needed for any future planning proposal or development application to determine capacity of roads and potential treatments.</p> <p>Identifying a proposed project in a Place Plan is the start of the planning process. The alternative access road was included to advise the community that Council is going to start investigating options for another access road, because this is a high priority for the community. Projects like these require significant consultation and planning. Council has acknowledged the mistake in not consulting with affected landholders.</p> <p>Please see response to submission 2.</p> <p>k) Please see response to submission 11(d).</p> <p>l) Please see response to submission 9(e).</p> <p>m) Council is not the land manager for National Parks and has limited authority in this space.</p> <p>The Place Plan contains actions for environmental work to be undertaken on land managed by Council and provides suggestions for private landholders.</p> <p>Council undertakes a proactive approach to revegetating and rehabilitating land we own or manage. We look after this land to improve its environmental value or minimise a biosecurity impact. As biodiversity management is a mandated responsibility of Council and part of a regular work program, additional actions are not required in the Place Plan.</p> <p>n) Medium density is not described in the HRP, rather it emphasises the need to increase density and the benefits of being located close to services.</p>

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	<p>infrastructure before infill housing and that it requires additional studies to determine the optimum number of residents and style of homes. Additionally, it notes that only after setting a vision for future housing will Council consider establishing a Development Control Plan and that the Place Plan states that a legislative amendment is required to change heights of buildings.</p> <p>q) The submission notes that in the HRP, 'local strategic planning should consider opportunities to work with affordable housing providers and identify sites that may be suitable of supported and specialist accommodation'. Noting that there is no evidence in the Place Plan of this occurring and if the aim of the housing review across the region is to increase the supply of affordable housing, it should be expected that there would be evidence of this in the Place Plan.</p> <p>r) The submission notes that it may be worthwhile to consider adjacent and adjoining places in the preparation of the Place Plan to achieve better outcomes. For example, the Place Plan could have considered the under-utilised Fingal Bay retirement home. It could have considered potential other uses for the Harbourside Haven site, such as a park and pay station, medium density accommodation.</p> <p>s) The submission notes that Shoal Bay is surrounded by National Parks and the residential areas provide a wildlife corridor from one side of the suburb to the other. It suggests that NSW Parks and Wildlife should be a part of the consultation process and that there is no evidence of this occurring. The author notes that the wetlands in the Shoal Bay area need to be preserved to protect the critically endangered long-neck turtles and many other endangered wildlife that reside in the Hunter Water Aquifers.</p> <p>t) The submission states that more work is required for the Place Plan to be</p>	<p>Additionally, please see response 6(b) and 10(d).</p> <p>o) The 'Caring for the environment' action makes a number of suggestions for all parts of the community can get involved in improving the environment. While it notes that an existing group looks after the beach and foreshore area, it also gives ideas about how private property owners or businesses can contribute to improving environmental outcomes. Council provides resources and funding to assist. As mentioned above, environmental management on Council owned land is part of Council's work plan and does not need to be specified in a Place Plan.</p> <p>p) Please see response to submission 6(b).</p> <p>q) Please see response 6(a) and 6(c).</p> <p>r) Place Plans have been developed for local centres that are experiencing growth, where liveability scores indicate that intervention is needed or where changes to planning controls are proposed.</p> <p>The site on which Harbourside Haven is developed is Crown Land. The Place Plan of Management states that it is to be used as 'homes for the aged'. Notwithstanding, the village provides a very important service to the community, allowing people to age in place and be cared for at a vulnerable age.</p> <p>Fingal Bay is outside the scope of the Shoal Bay Place Plan. Council will work with the operators of the Fingal Bay retirement village should they express interest in the redevelopment of their assets.</p> <p>s) Consultation with NPWS and Hunter Water is mandated through the planning proposal process. Additionally, please see response to submission 9(b).</p> <p>t) The Place Plan is consistent with a number of directions in the HRP,</p>

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	<p>completed to the detail required in the HRP.</p> <p>u) The submission states that prior to any legislation for new development heights, there needs to be a new access road in place.</p> <p>It notes that infrastructure requirements need to be planned and budgeted for.</p> <p>The submission notes that eight storey developments on the east side of Tomaree Road will negatively impact the local character and building high-rise developments on unstable land will cause additional issues for the area as well as costs for any developers.</p> <p>The submission notes the importance of managing environmental concerns with other agencies and that there may be alternatives for some issues in towns adjacent to Shoal Bay.</p>	<p>such as aiming for 80% of new houses to be infill development. An assessment against the HRP will be included in any future planning proposal. As stated above, the level of detail in the HRP is not consistent with Council's intention for place plans.</p> <p>u) Please see responses to submissions 2, 3(a), 3(b), 3(d), 5(b), 5(c), 5(d), 5(e), 6(b), 9(b) and 10(c).</p>
33. Tomaree Residents and Ratepayers Association (TRAA)	<p>a) The submission notes that Tomaree Residents and Ratepayers Association (TRAA) have been involved in the place planning process for Shoal Bay, as well as overlapping projects such as the implementation of Smart Parking.</p> <p>The submission compliments Council on the thoroughness of the process to date and acknowledges the comprehensive community engagement report as a generally fair reflection of community views. The submission notes a lack of detail about stormwater drainage, building heights, limited road access and traffic and parking problems in the report.</p> <p>Reference is made to TRAA's recent discussion paper on Housing in the Tomaree, which sets out conditions for community acceptance of higher density.</p> <p>b) The submission notes that TRAA are mindful of the current State government proposal for low and mid-rise housing reforms, known as 'Diverse and well-located homes', that could potentially affect Shoal Bay and suggests that, if implemented, a rethink of those aspects of the Place Plan dealing with building</p>	<p>a) TRAA's involvement in the development of the Place Plan is acknowledged and appreciated.</p> <p>b) The timing of implementation of the State reforms is unknown. Council continues to liaise with the State on these planning reforms and the impact on Port Stephens. Council intends to continue with place based approach ahead of the reforms.</p> <p>c) The character principles will be considered if developing any future planning proposal or DCP.</p> <p>Planning controls will be refined through the planning proposal and DCP process. A high level strategic plan does not include this detail as this will be refined through more studies and community consultation.</p> <p>While DCPs are not statutory, they are a useful tool in controlling building design and other elements. Council uses DCPs effectively to control the design of new development.</p> <p>d) Please see responses to submissions 3a), 3(b), 5(b), 5(c), 5(d), 5(e), 6(a), 6(b), 7(a) and 7(f).</p>

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	<p>heights and other planning controls will be required. As such, adoption of the Place Plan should await outcomes of State reform.</p> <p>c) The submission states that many of the 'Character Principles' in the Place Plan may be impacted by increasing building heights. A lack of forward-thinking solutions to parking and traffic would compromise delivery of the first principle.</p> <p>The submission states that while the Place Plan acknowledges the impact new development can have on an area, it does not include planning controls that ensure that Shoal Bay's character is protected and enhanced.</p> <p>It is noted that Council proposes a new Shoal Bay Chapter in the Development Control Plan (DCP) but raises concerns that DCPs provide guidance only and these controls are not binding. The submission recommends that new binding controls relating to tree clearing and landscaping (as well as other design considerations such as setbacks) are required.</p> <p>d) The submission raises concerns about the justification for using the Breakwater Tower as a height reference for other buildings.</p> <p>It is concerned that tapering building heights will reduce the visual impact of the Breakwater Tower is not a valid justification for permitting increases to building heights across the entire Shoal Bay village centre.</p> <p>The submission suggests that Council should be more pro-active about facilitating housing that is genuinely and permanently affordable, both for sale and for rent.</p> <p>The submission states that the Place Plan needs to address the issue of housing types and include actions so that any new infill development provides accommodation for low and middle income residents. Ensuring that there is</p>	<p>e) Please see response to submission 11(e).</p> <p>f) Please see responses to submissions 2, 3(a), 3(b) and 3(d).</p> <p>g) Please see responses to submissions 10(c) and 11(c).</p> <p>h) Please see submission 1 on behalf of Harbourside Haven.</p> <p>i) Please see response to submission 3(e).</p> <p>j) Please see response to submission 11(d).</p> <p>k) The 'Maintaining the balance' action encourages landholders to improve vegetation on their property, including on the verge, and commits Council to preparing resources outlining appropriate plants, or required approvals.</p> <p>Additionally, please see response 7(i), 32(m) and 32(p).</p> <p>l) Crown Lands own the Shoal Bay and Government Road car park. Crown Lands have been consulted about tree removal and have advised that the Coral trees are classified as a weed. There have been several claims for compensation due to limb drop of the Coral trees within the carpark. Crown lands have advised there may be a funding stream to facilitate the removal of the Coral trees within the carpark footprint. The native blackbutt trees which also reside within the carpark would not be removed.</p>

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	<p>housing for essential workers, including employees of tourist businesses.</p> <p>The submission suggests that there should be a 5 storey height limit in the business core and 3 storey limit in the R3 zone.</p> <p>e) The submission is concerned about applying the State government's housing targets to justify changes in Shoal Bay and that it may not be feasible for Shoal Bay to accommodate extra housing given the constraints.</p> <p>f) The submission notes that before infill development is approved in Shoal Bay alternative road access, adequate public transport and parking and sufficient stormwater drainage needs been provided.</p> <p>The submission notes the importance of an alternative access road for Shoal Bay for safety and traffic management. Noting the impacts of flooding and sea level rising on the existing road.</p> <p>The submission notes that the alternative access road suggested in the Place Plan would have negative impacts on the residents of Harbourside Haven and the Shoal Bay Holiday Park.</p> <p>It is noted that the draft Coastal Management Program (CMP) (exhibited in March 2024) identifies the vulnerability of the current access road as an issue needing further risk assessment.</p> <p>The submission notes that the road is not proposed as an alternative to the Fingal Bay Link Road. However, it is advised that it cannot be considered in isolation and that Council must insist on TfNSW cooperate on this issue.</p> <p>g) It is noted that drainage and access are identified as a potential blocker to infill development. The submission notes that the Shoal Bay Drainage Study completed in 2016 recommended not increasing impervious surfaces. The submission is concerned that increases in stormwater flow from any new development, even if adequately</p>	

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	<p>drained, could have adverse effects on water quality in Shoal Bay and the wider Marine Park.</p> <p>h) The submission notes that any proposal to change the height limit for the Harbourside Haven site to allow for a multi-level seniors living development should be subject to further consultation. Consideration of the potential threat to the site and to Shoal Bay Road from rising sea level and extreme weather events will also be needed.</p> <p>i) The submission notes that the future use of the Tomaree Lodge site will have implications for Shoal Bay. Noting the need for the State government to make a decision on the site. The submission supports Council's position on this issue.</p> <p>j) The submission notes that while the problems of traffic management and parking are recognised, the draft Place Plan does not provide adequate solutions. Noting that the introduction of Smart Parking and potentially a one-way circuit around the Shoal Bay local centre can both make a contribution.</p> <p>The submission asks Council to consider a new approach to visitor and traffic management for Shoal Bay and Fingal Bay Noting that this area has potential to be a 'demonstration project' showcasing new and imaginative transport technologies and approaches.</p> <p>k) The submission notes that the draft Place Plan contains limited actions about maintaining and enhancing tree cover in Shoal Bay, which the consultation showed is highly valued. The submission proposes that the Place Plan should be amended to include actions for tree planting in recreational reserves and street trees which should be documented in a public domain plan to be funded from Smart Parking revenue.</p> <p>The submission requests that planning controls ensure the retention of existing mature trees wherever possible and</p>	

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	<p>require that new infill development has sufficient provisions for deep soil planting of replacement trees.</p> <p>l) The submission asks that the upgrade to the car park at the corner of Shoal Bay Road and Government Road keep as many mature trees as possible as they give character and provide much needed shade.</p>	
34. Resident	<p>a) The submission notes the importance and urgency of improving access to Shoal Bay, citing traffic congestion and the risk of Shoal Bay Road collapsing due to sea erosion. The submission notes that TfNSW the Fingal Bay Link Road project has been stalled which is a concern for the safety of residents and visitors.</p> <p>b) The submission notes the need for stabilisation of the beachfront to prevent erosion.</p> <p>c) The submission notes the community's passion for preserving and planting trees for native animals.</p> <p>d) The submission notes the potential difficulties and expenses of building 4-8 storey buildings in Shoal Bay due to its topography and drainage issues.</p> <p>e) The submission states that roads are too narrow and there is not enough space for off street parking to accommodate infill development. Noting the poor condition of Tomaree Road with no stormwater system and collapsed gutters and curbs.</p> <p>f) The submission is concerned about inadequate notification of the exhibition of the draft Place Plan.</p> <p>g) The submission notes Shoal Bay does not currently meet the criteria for affordable housing in the State's legislation.</p> <p>h) The submission notes a lack of open spaces and playgrounds for children in Shoal Bay.</p> <p>i) The submission suggests that owners of unoccupied houses should be required to rent them out for a continuous 6 month period to alleviate housing shortages.</p>	<p>a) Please see responses to submissions 2 and 3(d).</p> <p>b) Please see responses to submissions 10(b) and 11(c).</p> <p>c) Please see response to submission 33(k).</p> <p>d) Please see responses to submissions 6(b) and 11(e).</p> <p>e) Please see responses to submissions 6(b), 10(e) and 16(c).</p> <p>f) Please see responses to submissions 15(a) and 16(b).</p> <p>g) Please see response to submission 10(d).</p> <p>h) Please see response to submission 10(e).</p> <p>h) Please see response to submission 7(e).</p> <p>i) Please see response to submission 9(d).</p> <p>j) Please see response to submission 9(e).</p>

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	<p>j) The submission requests that jet skis are banned to protect local marine life, citing recent harm to turtles.</p> <p>k) The submission suggests that the Shoal Bay Country Club should close at midnight, instead of 2 am to prevent incidents of violence and to ensure public safety.</p>	
35. Resident	<p>The submission notes that the proposed road behind Harbourside Haven would impact residents along there who enjoy the proximity to the National Park and the quiet ambience. Suggesting that Council talk to the State government about the alternative plans which have been previously identified.</p> <p>The submission notes that traffic congestion during holiday periods can make it very hard for residents to find parking.</p> <p>The submission is concerned about increases to building heights negatively impacting the character of Shoal Bay.</p>	Please see responses to submissions 2, 3(a), 3(b) and 3(d).
36. Resident	<p>The submission provides the following comments:</p> <ul style="list-style-type: none"> <li>• The existing R3 area should be back zoned to 2A (currently known as R2) as the area is built on swamp type lands, which may not support excessive weight or the drainage of basements.</li> <li>• Infrastructure is needed before development, in particular roads, drainage and footpaths.</li> <li>• Shoal Bay needs affordable housing, not expensive high-rise housing.</li> <li>• If high-rise is permitted, Council should not allow units to be used as short term accommodation.</li> <li>• The State government's plan for higher density development on R3 land, states it should be within a certain distance of rail, light rail and supermarkets, but there is no mention of a Post Office.</li> <li>• While Council has advised that Port Stephens needs to accommodate another 20,000 people, the projections for Shoal Bay have not been qualified and this should have a bearing on the</li> </ul>	Please see responses to submissions 5(b), 5(c), 5(e), 6(a), 6(b), 6(c), 7(a), 7(e), 9(b), 9(c), 30(a), 33(b).



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Submission No.	Comment	Council response
	number of dwellings proposed to be built in Shoal Bay.	
37. Resident	<p>a) The submission advises that a new Local Housing Strategy is needed to address the impact of COVID on the housing crisis, and should be reviewed by the community. Additionally, Council needs a Community Strategic Plan as this is not available on the website.</p> <p>b) The submission notes community consultation should be advertised by broadcasting on the radio, a mail drop or advertising in local newspapers.</p> <p>c) The submission notes a second road access is needed before extra housing due to a lack of emergency access, congestion from holiday traffic and coastal erosion impacting Shoal Bay Road. It suggests fast tracking the Fingal Bay Link Road.</p> <p>The submission advises that parking issues need to be addressed due to visitors cars causing traffic jams in narrow streets, delayed buses due to interrupted traffic flows and cars obscuring visibility. It suggests that parking only be allowed on the eastern side of streets to allow for two way traffic flow and future footpaths on the western sides of the street.</p> <p>d) The submission notes that community members need to get involved in caring for Shoal Bay, noting the significant amount of garbage in parks, the foreshore and in toilets, unclean BBQs and lack of adequate garbage disposal at holiday accommodation.</p> <p>e) The submission notes that the drainage and storm water infrastructure is not sufficient and there is flooding during heavy rain, noting that infill housing will exacerbate this. It is also concerned about the capacity of the sewer network to cater for new housing.</p> <p>f) The submission is concerned about increasing affordable housing in the area and whether the private sector would be able to address housing needs</p>	<p>a) Council is undertaking a review of the Local Housing Strategy, which is anticipated to be publically exhibited in March/April 2024. It is noted that the COVID pandemic has had unforeseen impacts on housing in Port Stephens.</p> <p>The <a href="#">Community Strategic Plan</a> is available on Council's website.</p> <p>b) Please see responses to submissions 15(a) and 16(b).</p> <p>c) Please see responses to submissions 2, 3(d) and 11(f).</p> <p>d) The Place Plan seeks to encourage community members to get involved in caring for their place.</p> <p>Additionally, please see response to submission 17.</p> <p>e) Please see responses to submissions 6(b) and 9(c).</p> <p>f) Please see responses to submissions 8(b) and 30.</p> <p>g) The Place Plan notes that local business income relies on the seasonality of the tourist market and includes actions that attempt to create year round income, such as through events and activations.</p> <p>h) Please see response 9(b) and 11(f).</p>

**ITEM 1 - ATTACHMENT 1 SUBMISSIONS TABLE.**

Submission No.	Comment	Council response
	<p>for vulnerable members of the community.</p> <p>The submission is concerned about the vacancy rates for housing and the amenities available for residents.</p> <p>The submission is concerned about the process for selecting Shoal Bay for increased density.</p> <p>g) The submission states that the many hospitality businesses flourish, but Shoal Bay businesses need more reliable income throughout the year not just peak times.</p> <p>h) The submission is concerned about the social and environmental impacts of increasing the population in Shoal Bay.</p>	
38. Resident	<p>The submission notes that improving parking at Birubi and One Mile beaches could reduce the traffic congestion caused by tourists and residents visiting Fingal Bay.</p> <p>The submission suggests:</p> <ul style="list-style-type: none"> <li>Constructing an overhead walkway or an under road tunnel at the existing lights for access to the beach or shopping centre.</li> <li>Making Shoal Bay Road going east Tomaree Road and Messiness Street to Government Road one way with a large round about.</li> <li>Adding extra angled parking in front of the shopping precinct</li> <li>Investigating a link road from Austral Street to Government Road at the Fingal Bay end.</li> </ul>	<p>Additional traffic studies will be undertaken to determine the most appropriate options for improving traffic in Shoal Bay. One Way streets will be considered as part of this work. The cost of solutions is a key factor in determining the most appropriate outcome. Solutions suggestion in the submission may not be feasible.</p> <p>Additionally, please see response to submission 6(a).</p>
39. Resident	<p>The submission is from a local primary school student. It advises that infill development will impact the environment and the local character.</p>	<p>Please see responses to submissions 3(a) and 9(b).</p>
40. Resident	<p>The submission is from a local primary school student and provides the following reasons for objecting to the proposed changes:</p> <ul style="list-style-type: none"> <li>Visual impacts of increased building heights.</li> <li>Increase in waste and rubbish.</li> <li>Impact on local character.</li> <li>Environmental impacts.</li> </ul>	<p>Please see responses to submissions 3(a) and 9(b).</p>

**ITEM 1 - ATTACHMENT 1 SUBMISSIONS TABLE.**

Submission No.	Comment	Council response
41. Resident	<p>a) The submission notes that there is no secondary road access for Shoal Bay and Fingal Bay.</p> <p>b) The submission objects to high rise being located past Messines Street due to a lack of employment opportunities and businesses. It notes this would encourage developers to provide more short term rental accommodation and slums.</p> <p>The submission notes that there is not enough infrastructure, especially the lack of a secondary access road, to support any extra development.</p> <p>c) The writer requests that Port Stephens Council remove the Smart Parking.</p> <p>d) The submission notes the consultation was limited.</p> <p>e) The submission notes Tomaree Headland should be public land and improved by removing buildings and providing picnic grounds, a large wading salt water pool, table &amp; chairs and a large parking area to accommodate the many people who climb Tomaree Headland.</p> <p>f) The submission notes the bicycle path is not user friendly as it is too narrow for bikes and pedestrians to use safely, particularly with the introduction of electric bikes.</p>	<p>a) Please see responses to submissions 2 and 3(d).</p> <p>b) Please see responses to submissions 3(b), 5(b), 5(c), 5(d), 5(e), 6(a), 6(b) and 9(b).</p> <p>c) Council resolved to install Smart Parking in Shoal Bay following extensive community consultation. Smart Parking received majority community support.</p> <p>d) Please see responses to submissions 15(a) and 16(b).</p> <p>e) Please see response to submission 3(e).</p> <p>f) Please see response to submission 10(e).</p>
42. Resident	<p>The submission objects to the proposed road in the draft Place Plan and notes the distress caused by Council's failure to consult with landholders affected by the proposed alternative access road.</p> <p>The submission objects to the proposed road and the proposed conversion of town centre roads to one-way for the following reasons:</p> <ul style="list-style-type: none"> <li>• The road is proposed over private land.</li> <li>• The proposed one-way roads would affect traffic volume and flow, particularly during peak times and seasons.</li> <li>• The road would affect the residents of Harbourside Haven Village Shoal Bay and Harbourside Haven Village</li> </ul>	<p>It is noted that showing a proposed access road over private property was included in the draft Place Plan in error.</p> <p>Council officers have been in contact with affected landholders to apologise and consult on the changes to amend the error in the final Shoal Bay Place Plan.</p> <p>Please see responses to submissions 2 and 3(d).</p>

**ITEM 1 - ATTACHMENT 1 SUBMISSIONS TABLE.**

Submission No.	Comment	Council response
	<p>Bernie Thompson Park and Shoal Bay Holiday Park.</p> <ul style="list-style-type: none"> <li>The proposed road is not consistent with the preferred options from previous engagement.</li> <li>The proposed road would affect the flora and fauna within the National Park.</li> <li>The lack of assessment undertaken, including environmental impact, noise and traffic assessments.</li> </ul>	
43. Resident	<p>a) The submission notes a lack of access to sporting facilities in Shoal Bay and recommends using school facilities. It asks Council to contact schools in the area to request this.</p> <p>b) The submission makes a number of suggestions for the future of Tomaree Headland including outdoor gym equipment, sporting facilities, skate park and picnic areas.</p>	<p>a) Noted.</p> <p>b) See response to submission 3(e).</p>
44. Resident	<p>The submission is opposed to the proposal to increase building heights to 4 storeys on the 5 lots on Tomaree Rd, east of Lillian Street, for the following reasons:</p> <ul style="list-style-type: none"> <li>concerns about probity in the preparation of the Place Plan.</li> <li>most of the lots already have buildings that are 4 storeys. As such, the only lot to benefit from a change in building heights would be the vacant lot, which is not suitable for 4 storey development as it is not of sufficient size to accommodate setbacks and car parking.</li> <li>development in this area would limit views of Tomaree Headland and impact on the character of Shoal Bay.</li> <li>Building heights of 4 storeys is inconsistent with the draft Place Plan's commentary about tapering buildings heights to the existing 2- 3 storey height limit at the waterfront. The draft Plan lacks sufficient detail and justification in this regard.</li> </ul>	<p>See responses to submissions 5(b), 5(c) and 22(d).</p>

**Shoal Bay Place Plan – Response to Survey**

**ITEM 1 - ATTACHMENT 1 SUBMISSIONS TABLE.**

Theme	Comment	Council response
Environmental sustainability	<p>Environmental actions received strong support and advise that the environment is the primary reason people choose to live and visit Shoal Bay. The following comments were provided:</p> <p>a) A number of respondents mention that the Place Plan does not sufficiently honour such an important issue and call for more environmental actions, particularly Council led actions.</p> <p>b) Respondents raised opposition to increasing building heights and density due to environmental impacts.</p> <p>c) Respondents are concerned about rising sea levels and note that managing coastal erosion should be a top priority.</p> <p>d) Respondents advise that the protection and restoration of dunes needs more action.</p> <p>e) A number of respondents note opposition to wind farms.</p> <p>f) Respondents critique the lack of ranger presence in Shoal Bay and mention the issue of uncontrolled dogs on the beach, people ignoring street signage and parking or camping in unauthorised areas.</p> <p>g) Respondents would like jet skis to be banned.</p>	<p>a) Shoal Bay is surrounded by land owned and managed by National Parks and Wildlife Service. As such, environmental actions are limited to land managed by Council or suggestions for private property owners.</p> <p>Council works closely with a number of volunteer groups and provides support and funding to community groups wishing to undertake actions such environmental conservation works or education campaigns.</p> <p>Council's existing responsibilities, such as managing biodiversity and weed control on Council owned land are existing, often mandated, activities, and do not require an action in the Place Plan to continue.</p> <p>b) The Place Plan notes that a benefit of infill development is preventing urban sprawl from creeping into bushland. Additionally, please see response to submission 9(b).</p> <p>c) Please see response to submission 10(b).</p> <p>d) Please see response to submission 19(c)(vi).</p> <p>e) Noted.</p> <p>f) Rangers are aware of these issues and patrol the area as much as possible. If there are issues occurring, community members are encouraged to contact Council and log a customer request and a ranger will attend as soon as reasonably possible.</p> <p>g) Please see response to submission 9(d).</p>
Management and safety	<p>The management and safety actions generally supported. The following comments were provided:</p> <p>a) Over half of the respondents support the establishment a community driven town team. However, some respondents note that a town team isn't needed as community groups already exist.</p> <p>b) Some respondents note that volunteers already keep Shoal Bay clean and tidy, and Council should</p>	<p>a) Please see response to submission 20(d).</p> <p>b) Council undertakes regular maintenance of public space and facilities. Grant funding is available for groups wishing to undertake environmental protection works.</p> <p>c) Please see response to submission 9(d).</p> <p>d) Please see response to submission 17(b).</p> <p>e) Noted.</p>

ITEM 1 - ATTACHMENT 1 SUBMISSIONS TABLE.

	<p>have more involvement, rather than relying on residents. Some respondents suggest that Council allocate additional funds to clean-up parks, beaches and picnic areas.</p> <p>c) Respondents suggest that jet skis should either be unable to launch via the boat ramp or should be limited to launching from east of the boat ramp, away from swimmers. Some respondents suggest that additional water police are required to control jet skis.</p> <p>d) Respondents raise awareness of the need for increased garbage collection or additional bins, especially during peak periods as they are often overflowing.</p> <p>e) Most respondents support the addition of a village noticeboard, as there is a need for increased community engagement, particularly as some residents do not have access to technology.</p> <p>f) Respondents suggest that better mobility parking and wheelchair friendly footpaths are needed.</p> <p>g) Respondents suggest improved infrastructure is needed, such as additional bike paths, upgrading the jetty to allow ferry access and a second access road.</p> <p>h) Smart Parking is generally supported.</p> <p>i) Respondents raise safety concerns related to the Shoal Bay Country Club and suggest that more policing of antisocial behaviour is required.</p>	<p>f) Council will continue to investigate options to improve pedestrian safety in the town centre for all users.</p> <p>g) The Place Plan includes a number of actions about infrastructure upgrades, including the investigation for a second access road. Please see responses to submissions 2, 3(f) and 20(c).</p> <p>h) Noted.</p> <p>i) Please see response to submission 9(e).</p>
Economy	<p>The economy actions are generally supported. The following comments are provided:</p> <p>a) Respondents noted that the Tomaree Coastal Walk highlights the beauty of the area and benefits the whole of the Tomaree Peninsula, not just Shoal Bay, but better signage and parking is needed. Some respondents suggested that a shuttle bus would help improve access to the walk.</p> <p>b) Over half of the respondents would like to see more events in Shoal Bay, including arts, entertainment, markets and child friendly activities. It is noted that parking and access must be</p>	<p>a) Council will continue to investigate options to improve traffic movement in Shoal Bay, including in the Tomaree Headland area, and will be investigating a range of short and longer term projects aimed at trialling solutions ahead of major infrastructure investments. Council encourages local business to implement a shuttle bus to ferry people to the Coastal Walk.</p> <p>b) The Place Plan supports events and activations in Shoal Bay. Council has funding opportunities for community groups looking to organise events.</p>

**ITEM 1 - ATTACHMENT 1 SUBMISSIONS TABLE.**

	<p>managed correctly, including for those with reduced mobility, and events should not occur during peak tourist times.</p> <p>Some respondents are opposed to additional events and believe that there are already enough around the area.</p> <p>c) Some respondents communicate that increasing tourism will cause stress for business.</p> <p>d) Respondents suggest that better parking signage and access routes are important to manage congestion caused by tourists.</p> <p>e) Respondents note that maintaining free parking for locals will continue to encourage economic growth and stability from residents.</p>	<p>c) Businesses have advised that less reliance on the seasonality of the tourism market would be beneficial.</p> <p>d) Council will continue to investigate options to improve traffic management in Shoal Bay.</p> <p>e) Council intends to continue with the park free permit scheme for residents, ratepayers and workers.</p>
Movement and Place	<p>The movement and place actions received strong support. However, it is noted that:</p> <p>a) Respondents advise that improving pedestrian access with better shared paths is a high priority and suggest that the whole Bay area should be linked with footpaths and cycle ways.</p> <p>b) Most of the respondents agree that a second road is necessary and state that it should be the priority before increasing density, noting that the current access is at risk of coastal erosion and does not provide sufficient emergency access/egress. Many respondents criticised the proposed road in the exhibited Shoal Bay Place Plan urge Council to lobby to Transport for NSW for a solution to the recently stalled Fingal Bay Link Road. A number of suggestions have been made for where the second road should be located. Many respondents note that the natural environment must be carefully considered when planning for an alternate route.</p> <p>c) A number of respondents believe that current access into Shoal Bay is fine and congestion is only problematic during peak holiday times.</p>	<p>f) Please see response to submission 3(f).</p> <p>g) Please see responses to submissions 2 and 3(d).</p> <p>h) In addition to a second access road helping with congestion during peak times, it is important as Shoal Bay Road is at risk of coastal erosion. A second road would also improve emergency access and create more space for cycle ways.</p>
Character	<p>The majority of the character actions are generally supported. However, there is</p>	<p>a) Please see response to submission 7(f).</p>

**ITEM 1 - ATTACHMENT 1 SUBMISSIONS TABLE.**

	<p>opposition to facilitating infill development. It is noted that:</p> <ul style="list-style-type: none"> <li>a) Respondents would like to keep the village feel of Shoal Bay and are concerned that it would be lost if building heights are increased.</li> <li>b) Some respondents suggest that some midrise housing could be appropriate in specific locations, subject to merit based assessment.</li> <li>c) Several respondents acknowledged that in order to protect open space, some areas do need higher densities, but that the size of the infill housing areas suggested in the draft Place Plan should be reduced. Additionally, respondents noted that higher buildings should be located back from the beach and be capped at 4 -5 storeys.</li> <li>d) Respondents reiterated concerns about the lack of facilities and resources currently available in Shoal Bay and that increasing the number of residents and tourists would add strain to medical facilities, supermarkets, hospitality venues and the natural environment. All respondents agreed that infrastructure upgrades (especially drainage) must be complete before any additional development.</li> <li>e) Several respondents suggested that there is sufficient accommodation available in Shoal Bay, but it is under-utilised. Respondents suggest that owners should be encouraged to consider the long term rental of their properties.</li> </ul>	<ul style="list-style-type: none"> <li>b) Additional investigations and consultation will be undertaken to determine appropriate infill development in Shoal Bay.</li> <li>c) Please see response to submission 5(b).</li> <li>d) Please see response to submission (5).</li> <li>e) Please see response to submission 7(e).</li> </ul>
Public open space	<p>Public open space actions are generally supported. It is noted that:</p> <ul style="list-style-type: none"> <li>a) Respondents advised that they already love the existing open spaces available at Shoal Bay and would like it to be protected.</li> <li>b) Respondents are supportive of more public art but some respondents are concerned about it being activated, suggesting that it only occur outside of peak season. There are suggestions that a seaside playground should be built.</li> </ul>	<ul style="list-style-type: none"> <li>a) Council recognises that open space in Shoal Bay should have a natural feel.</li> <li>b) The Place Plan notes that events and activations are a useful way to increase visitation to Shoal Bay outside of peak times.</li> <li>c) Please see response to submission 10(e).</li> <li>d) Please see response to submission 3(e).</li> <li>f) Please see response to submission 3(e).</li> </ul>



**ITEM 1 - ATTACHMENT 1 SUBMISSIONS TABLE.**

	<p>c) Some respondents are concerned about the impact that additional housing will have on public open space.</p> <p>d) Respondents reiterated a desire to keeping Tomaree Lodge available to the local community. There were many different ideas on how this can be achieved, which varied between picnic areas, and playgrounds to museums, cafes and restaurants, or a camp for school students.</p> <p>e) Some respondents note that the future of Tomaree Lodge is not a Council responsibility, but would like Council to advocate to the State for a commitment.</p>	
Smart Parking	<p>Respondents are generally supportive of Smart Parking, noting that it works well at turning over car parks. However, it is noted that:</p> <p>a) There are conflicting views on whether people should be charged to access the beach.</p> <p>b) Respondent noted that people are parking in unmetered streets and walking to the beach to avoid paid parking. It is advised that parking on unmetered streets needs to be managed, with suggestions including timed parking and delineating carparks.</p> <p>c) Respondents note appreciation for road maintenance and upgrades occurring in Shoal Bay, especially at Tomaree Road. However, some respondents would like more information on the projects listed in the Place Plan.</p> <p>d) Respondents reiterate that parking should remain free for locals and question whether parking could be free outside of peak tourism times.</p> <p>e) Respondents suggest that a 'park and ride', increased public transport and a bus loop that services the Coastal Walk would decrease parking issues in Shoal Bay.</p> <p>f) Respondents provided a wide range of views about whether trees should be cut down to accommodate additional parking.</p>	<p>a) Noted.</p> <p>b) The potential impact of Smart Parking increasing the demand for on-street parking in adjacent areas was considered as part of the initial roll out of the system and will be monitored to ensure the safe and equitable use of on-street parking. Based upon previous community engagement, Tomaree Road and Messines Street were two particular areas of concern.</p> <p>c) As noted in the Place Plan, more detail can be found in the Resourcing Strategy, Local Infrastructure Contributions Plan and Projects and Works page on Council's website.</p> <p>d) Council intends to continue with the park free permit scheme for residents, ratepayers and workers.</p> <p>e) Council will continue to investigate ways to improve traffic movement and parking in Shoal Bay and encourages businesses to investigate shuttle bus options. Council continues to advocate to public transport providers to provide better public transport in Port Stephens.</p> <p>f) Crown Lands own the Shoal Bay and Government Road car park. Crown Lands have been consulted about tree removal and have advised that the Coral trees are classified as a weed. There have been several claims for</p>

**ITEM 1 - ATTACHMENT 1 SUBMISSIONS TABLE.**

		compensation due to limb drop of the Coral trees within the carpark. Crown lands have advised there may be a funding stream to facilitate the removal of the Coral trees within the carpark footprint. The native blackbutt trees which also reside within the carpark would not be removed.
Final comments	<p>The survey gave respondents the opportunity to provide some final comments. However, it is noted that:</p> <ul style="list-style-type: none"> <li>a) Most respondents summarised and highlighted what they already said in response to the various themes.</li> <li>b) Some respondents note support for the Place Plan, but are concerned that a number of great actions are being overlooked by people opposed to increasing building heights and the population in Shoal Bay.</li> <li>c) Some respondents criticise the notification process for the workshops and exhibition period.</li> <li>d) Many respondents reiterate that they would like to keep Shoal Bay as it is.</li> <li>e) Some respondents criticise plans to replace Poziere's Park and the Shoal Bay Tennis Court with additional car parking.</li> </ul>	<ul style="list-style-type: none"> <li>a) Noted.</li> <li>b) Council is already talking to the Shoal Bay community about implementing a Town Team and will work closely with the community to implement the Place Plan.</li> <li>c) Please see responses to submissions 15(a) and 16(b).</li> <li>d) Please see response to submission 7(f).</li> <li>e) Please see response to submission 19(c)(iii).</li> </ul>

**MINUTES ORDINARY COUNCIL - 12 DECEMBER 2023**

Mayor Ryan Palmer vacated the chair and left the meeting at 8.09pm.  
Councillor Glen Dunkley left the meeting at 8.10pm.

The Deputy Mayor, Cr Leah Anderson chaired the meeting in the absence of the Mayor.

**ITEM NO. 5****FILE NO: 23/169887  
EDRMS NO: PSC2021-00320-0009****DRAFT SHOAL BAY PLACE PLAN**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes the draft Shoal Bay Place Plan Engagement Report (**ATTACHMENT 1**).
- 2) Endorses the draft Shoal Bay Place Plan (**ATTACHMENT 2**) to be placed on public exhibition from 29 January 2024 to 25 February 2024. Should no submission be received, the draft Shoal Bay Place Plan be adopted, without further report to Council.

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

<b>305</b>	<b>Councillor Leah Anderson Councillor Steve Tucker</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Notes the draft Shoal Bay Place Plan Engagement Report (<b>ATTACHMENT 1</b>).</li><li>2) Endorses the draft Shoal Bay Place Plan (<b>ATTACHMENT 2</b>) to be placed on public exhibition from 29 January 2024 to 25 February 2024. Should no submission be received, the draft Shoal Bay Place Plan be adopted, without further report to Council.</li></ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

**MINUTES ORDINARY COUNCIL - 12 DECEMBER 2023**

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to seek Council's endorsement to exhibit the draft Shoal Bay Place Plan (**ATTACHMENT 2**) from 29 January 2024 to 25 February 2024. This time frame allows for the Christmas holiday period, provides opportunity for engagement during the Public Exhibition period and alignment with other key engagement activities, including the Port Stephens Housing Strategy Review.

Place Plans are plans that put people and places first. Place Plans start with our community values and priorities, and identify the unique local character of a place and the ways our community can shape, enhance or protect these aspects.

A Place Plan is guided by strategic documents and puts a local filter on all of Council's existing strategies to make one easy-to-read, action-oriented plan. It also includes an analysis of potential opportunities for a place in line with the community's vision. Actions in Place Plans guide the way we plan for future land use, invest in new infrastructure, attract investment, and activate our streets.

The draft Shoal Bay Place Plan aims to build on the community's values and priorities that are performing well and puts a focus on the elements that require improvement. Council held a series of workshops, surveys and meetings with the local businesses and community members to explore these priorities and ideas for Shoal Bay in more detail (**ATTACHMENT 1**).

As an outcome of this engagement, the draft Shoal Bay Place Plan responds to these priorities by including key actions relating to:

- Encouraging community involvement and community led projects
- The preparation of a draft Smart Parking Infrastructure Plan
- Investigation of the potential for infill housing delivery in the local area.

Community involvement

The Shoal Bay Place Plan includes a range of actions that can be undertaken by the community and local businesses with the support of Council. These actions have been developed through extensive consultation undertaken during the development of the Place Plan. Key projects are mapped in the draft Shoal Bay Place Plan and will be used to inspire and encourage community led improvements.

Smart Parking Infrastructure Plan

At its meeting of 26 September 2023, Minute No. 218 (**ATTACHMENT 3**), Council considered a report seeking support for the introduction of Smart Parking and installation of Smart Parking infrastructure in Shoal Bay.

**MINUTES ORDINARY COUNCIL - 12 DECEMBER 2023**

A draft Smart Parking Infrastructure Plan (SPIP) has been developed and includes a list of potential projects that would be funded by Smart Parking revenue. The SPIP has been compiled based on the outcomes of the technical investigations and feedback from Council. Community engagement has been undertaken on the Smart Parking program which included feedback on the draft SPIP and changes to parking regulations in the Shoal Bay area.

Reported previously to Council, noting that the draft SPIP would be included in the Shoal Bay Place Plan, allowing for further engagement activities to be integrated into the public exhibition period for the draft Place Plan. This will provide the community with an extra opportunity to review the proposed SPIP and make comments prior to the Shoal Bay Place Plan being adopted.

Investigation of infill housing opportunities

Council is currently undertaking a review of the Local Housing Strategy in response to the NSW housing crisis. As part of this work, Port Stephens has been reviewed for areas that may be able to facilitate infill housing. Shoal Bay is a highly attractive location and demand for new housing in the area is considered high.

To ensure that the high demand and future projected growth of Shoal Bay is appropriately planned for, community consultation was undertaken on the potential of new housing. A workshop was held on the existing and desired character, future land use, potential heights and design controls that they would like to see in place to guide the future development of Shoal Bay.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Thriving and safe place to live	Develop a strategic program for Place Plans

**FINANCIAL/RESOURCE IMPLICATIONS**

The public exhibition of the draft Shoal Bay Place Plan and associated community engagement activities will be undertaken using existing budgets.

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

**MINUTES ORDINARY COUNCIL - 12 DECEMBER 2023**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that the draft Shoal Bay Place Plan does not meet community expectations.	Low	Accept the recommendation.  Extensive community engagement during the exhibition period will assist Council to understand community expectations and identify possible changes to be made to the draft Shoal Bay Place Plan.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Social

Place Plans aim to enhance the liveability of places in Port Stephens to improve community wellbeing. They respond to the community's values and aspirations. Place Plans enable a collaborative approach between residents, businesses and Council to deliver great place outcomes.

The draft Shoal Bay Place Plan contains actions to inspire community involvement in creating a better place through conservation, beautification, connectivity and activation.

Economic

Shoal Bay is ideally positioned to leverage the growing visitor economy. Recent investments in the foreshore area and the Tomaree Coastal Walk will not only attract new visitors but are expected to offer opportunities for existing and future businesses.

Additional investment in infrastructure and services is expected to improve liveability and wellbeing of the broader community. Upgrades to business areas, local events, and improved shopfronts to improve economic outcomes can be led by businesses and supported by Council and the community.

**MINUTES ORDINARY COUNCIL - 12 DECEMBER 2023**Environmental

Shoal Bay residents place a high value on the natural environment and the draft Place Plan aims to protect and celebrate this important asset. The draft plan recognises this and identifies a number of opportunities for projects, including clean up days, beachfront stabilisation and environmental volunteering.

**CONSULTATION**Internal

The draft Shoal Bay Place Plan has been prepared in consultation with the relevant sections of the Community Futures, Facilities and Infrastructure and Corporate Strategy and Support Directorates.

External

The Strategic Planning and Community Engagement teams have worked extensively with the Shoal Bay community to prepare a draft Shoal Bay Place Plan that accurately reflects the community's values and aspirations.

The engagement activities included:

- Liveability Index survey completed in 2020
- Community workshops commenced in 2022:
  - Workshop 1 – Exploring findings of the survey and setting priorities.
  - Workshop 2 – Generating ideas and making action plans
  - Workshop 3 – Focus on character, future land use, height, and design controls
  - Workshop 4 – Discuss parking & movement
- An online survey to check-in on draft actions with the workshop participants in 2023.

The draft Shoal Bay Place Plan Engagement Report (**ATTACHMENT 1**) provides detailed information about the outcomes of the various engagement activities.

If endorsed, the draft Shoal Bay Place Plan will be exhibited for an extended period until 25 February 2024, allowing for the Christmas shutdown period.

Outcomes of the public exhibition process and any changes made to the draft plan would be reported to Council for endorsement with the final version of the Shoal Bay Place Plan.

**OPTIONS**

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

**MINUTES ORDINARY COUNCIL - 12 DECEMBER 2023**

**ATTACHMENTS**

- 1) Draft Shoal Bay Place Plan Engagement Report. (Provided under separate cover)
- 2) Draft Shoal Bay Place Plan. (Provided under separate cover)
- 3) Minute No. 218, 26 September 2023.

**COUNCILLORS' ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



ITEM 1 - ATTACHMENT 4 SHOAL BAY PLACE PLAN - EXPLANATION OF POST EXHIBITION AMENDMENTS.

## Explanation of post-exhibition amendments

### Shoal Bay Place Plan

Page	EXPLANATION OF AMENDMENTS
6, 14, 14, 40 and 41	<p><b>Investigate opportunities for new housing</b></p> <p>The exhibited Place Plan has been amended to reflect that Council needs to do further work to understand whether there is sufficient infrastructure (e.g. sufficient drainage, access and parking opportunities) to accommodate an increase in housing density.</p> <p>A number of submissions and survey responses raised concern about the proposal to facilitate infill development by investigating increased building heights, stating that Shoal Bay does not have sufficient drainage, access or parking infrastructure to cater for the additional population.</p> <p>In response to submissions, the Place Plan has been amended so that it is clear that any changes to planning controls will be contingent on the availability of sufficient infrastructure (particularly drainage, access and parking). An infrastructure capacity analysis will be undertaken and plans for delivery in place prior to commencing any processes to consult the community further about changing planning controls.</p> <p>Specific amendments include:</p> <ol style="list-style-type: none"> <li>1. Renaming the action from 'facilitate appropriate infill housing' to 'investigate opportunities for new housing';</li> <li>2. Removing all proposed building heights from the Transformational Projects Map;</li> <li>3. Updating the commentary and actions about investigating opportunities for new housing, with a commitment that any changes to planning controls are contingent on the availability of sufficient infrastructure, particularly drainage, access and parking;</li> <li>4. Adding further information about the planning proposal process, including a commitment to undertake further community consultation prior to any changes to planning controls being made.</li> </ol>
14, 13, 17 and 39	<p><b>Better access to Shoal Bay</b></p> <p>The exhibited Place Plan has been amended to reflect the community response to the proposed location of the alternative access road into Shoal Bay.</p>



**ITEM 1 - ATTACHMENT 4 SHOAL BAY PLACE PLAN - EXPLANATION OF POST EXHIBITION AMENDMENTS.**

---

The majority of respondents agree that an additional access road is required due to issues with congestion during peak periods, the need for better emergency access and egress, and the threat of coastal erosion on Shoal Bay Road. However, there are some concerns about the location proposed in the exhibited Place Plan, including:

- The impact on the residents at the retirement villages, relating to noise and air pollution and visual impacts.
- The existence of Potential Archaeological Deposits.
- The location would not fix issues with congestion as it would create a bottleneck of traffic elsewhere.
- Impacts on adjoining and other landholders, particularly as the exhibited map showed part of the road located over private property.
- The difficulty of building a road through the National Park.
- Environmental impacts on wetlands and fauna movement.

In response to concerns raised in submissions, the Place Plan no longer specifies a proposed location and the action states that Council will undertake a study that will investigate potential locations, options, funding and the feasibility of an alternative access road, in partnership with relevant State agencies, landholders and stakeholders.

Specific amendments include:

1. Remove the proposed location for an alternative access road from the Transformational Projects Map and reference in the key;
2. Remove reference to a proposed location for an alternative access road; and
3. Clarify that Council will work closely with the State Government and other key stakeholders and landholders to investigate an alternative access into Shoal Bay.

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**14 Transformational projects map**

In response to submissions, the Transformational Projects Map in the exhibited Place Plan has been amended to:

1. Remove all proposed building heights;
  2. Change the name of the action from 'Facilitate appropriate infill housing' to 'Investigate opportunities for new housing';
  3. Clearly show the area under investigation; and
  4. Remove the proposed location for the alternative access road and reference in the key.
-

ITEM 1 - ATTACHMENT 4 SHOAL BAY PLACE PLAN - EXPLANATION OF POST EXHIBITION AMENDMENTS.



Exhibited version



Final version

33 Maintaining the balance

In response to some concern that the environmental actions are expected to be primarily led by community groups and a request for more information about how residents can help look after the environment, Action 2 'Maintaining the balance' has been updated to include a commitment for Council to explore opportunities to expand our educational programs and to deliver these as part of an events program with community volunteer groups.

ITEM 1 - ATTACHMENT 4 SHOAL BAY PLACE PLAN - EXPLANATION OF POST EXHIBITION AMENDMENTS.

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8, 12 Administrative amendments

and

13,

17,

18,

31,

33,

34,

40 –

42.

A number of minor administrative amendments have been made to the Place Plan, including:

1. Updates to key community consultation statistics to reflect the activities undertaken during the public exhibition period;
  2. Emerging themes for Shoal Bay have been re-worded and condensed in order to prevent repetition;
  3. Reordering of actions so they are in chronological order of their expected timeframe;
  4. Updates to Smart Parking, noting that it has now been rolled out;
  5. Additional words added to the 'Harbourside Haven Village' action to reiterate that increasing capacity at the village will provide additional dwellings and a greater variety of housing choice, enabling people to age in place; and
  6. A requirement for public lighting installations to consider the impact on the night sky in response to concerns that such installations would impact on star gazing in Shoal Bay.
-

Mayor Ryan Palmer returned to the meeting at 6:03pm and resumed the chair.

**ITEM NO. 2**

**FILE NO: 24/49217**  
**EDRMS NO: PSC2009-00787**

**PROPOSED ROAD CLOSURE & ADDITION TO CROWN RESERVE - PART  
BEACH ROAD, NELSON BAY**

REPORT OF: ZOE PATTISON - DIRECTOR CORPORATE STRATEGY AND  
SUPPORT

DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Authorises the closure of part of Beach Road, Nelson Bay.
- 2) Agrees to the road being vested in Crown Lands for addition to Crown Reserve 91621 following closure.
- 3) Completes the required Council Road Closure Process under Part 4 Division 3 of the Roads Act, 1993.
- 4) Prepares a Plan of First Title Creation and takes all steps required to complete registration by Land Registry Services NSW (LRS), and following registration, gazette the road closure and addition to reserve in conjunction with Crown Lands.
- 5) Authorises the General Manager to sign all documents required to effect the closure and gazettal on behalf of Council as its authorised representative.

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**ORDINARY COUNCIL MEETING - 23 APRIL 2024**  
**MOTION**

<b>075</b>	<b>Councillor Peter Kafer</b> <b>Councillor Leah Anderson</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Authorises the closure of part of Beach Road, Nelson Bay.</li><li>2) Agrees to the road being vested in Crown Lands for addition to Crown Reserve 91621 following closure.</li><li>3) Completes the required Council Road Closure Process under Part 4 Division 3 of the Roads Act, 1993.</li><li>4) Prepares a Plan of First Title Creation and takes all steps required to complete registration by Land Registry Services NSW (LRS), and following registration, gazette the road closure and addition to reserve in conjunction with Crown Lands.</li></ol>
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## MINUTES ORDINARY COUNCIL - 23 APRIL 2024

	5) Authorises the General Manager to sign all documents required to effect the closure and gazettal on behalf of Council as its authorised representative.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

### BACKGROUND

The purpose of this report is to seek consent to close part of Beach Road, Nelson Bay shown in black hatching on **(ATTACHMENT 1)** (the road) and vest it in Crown Lands on closure.

The road is an irregular shaped parcel that adjoins Crown Reserve 91621 (Halifax Caravan Park) to the north and east, and Crown Reserve 67366 (Little Beach Boat Ramp Car Park) to the west. Council is the appointed Crown Land Manager of both Crown Reserves and Crown Lands have agreed, in principle, to the road vesting in it on closure so that it can be added to Reserve 91621 **(ATTACHMENT 2)** and managed in accordance with the balance of that reserve.

The road has a 20 metre frontage to Beach Road and 17 metre frontage to the Halifax Kiosk. The road is not identified for future road connectivity and has been declared surplus to needs.

The road is currently licensed under the Roads Act by the Halifax Kiosk operator for outdoor dining purposes. The Roads Act does not allow construction of permanent structures and closure will enable future expansion of the kiosk.

The kiosk currently services the Halifax Holiday Park, users of the boat ramp and carpark and Little Beach itself and future expansion could be justified, if desired.

This is consistent with the draft Halifax Holiday Park Plan of Management.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Financial Management	Manage the property portfolio in accordance with the Property Investment Strategy.

**FINANCIAL/RESOURCE IMPLICATIONS**

Costs for the survey plan preparation and LRS registration fees will be incurred at an estimated cost of \$6,000.

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 road closure process is a statutory process under the Roads Act 1993. Council officers will manage the statutory process and liaise with Crown Lands regarding the preparation of Gazette Notice for the addition to Reserve 91621.

The closure will not affect the current use of the land but will require a new licence to be issued under the Crown Land Management Act in lieu of the current Roads Act licence. The new licence will be issued by Council as appointed Crown Land Manager.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that external authorities may object to the proposed road closure.	Low	Adopt the recommendations.	Yes
There is a risk that the Roads Act limitations on structures will prevent future expansion of kiosk.	Medium	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Council will continue to maintain the land as appointed Crown Land Manager of Reserve 91621.

There are no apparent environmental implications to Council from the closure of the road and addition to reserve as the land is disturbed and used for outdoor dining and passive recreation.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategic Property team to determine the suitability for the road closure.

### Internal

- Asset Section.

### External

Consultation about the closure and vesting has been undertaken with Crown Lands and in principle support has been provided.

Consultation will also be undertaken in accordance with the Council Road Closure Process under Part 4 Division 3 of the Roads Act 1993, including:

- Public notification of the intention to close a road including an opportunity to comment on the proposal.
- Direct notification to adjoining landowners; and
- Direct notification to the following notifiable authorities:
  - Ausgrid
  - Endeavour Energy
  - Essential Energy
  - Fire & Rescue NSW
  - Forestry Corporation
  - Hunter Water Corporation
  - Jemena Asset Management
  - Local Lands Service
  - NBN Co
  - NSW National Parks & Wildlife Services
  - NSW Rural Fire Service
  - Roads & Maritime Service
  - State Transit Authority
  - Transgrid
  - Transport for NSW

## **OPTIONS**

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



**ATTACHMENTS**

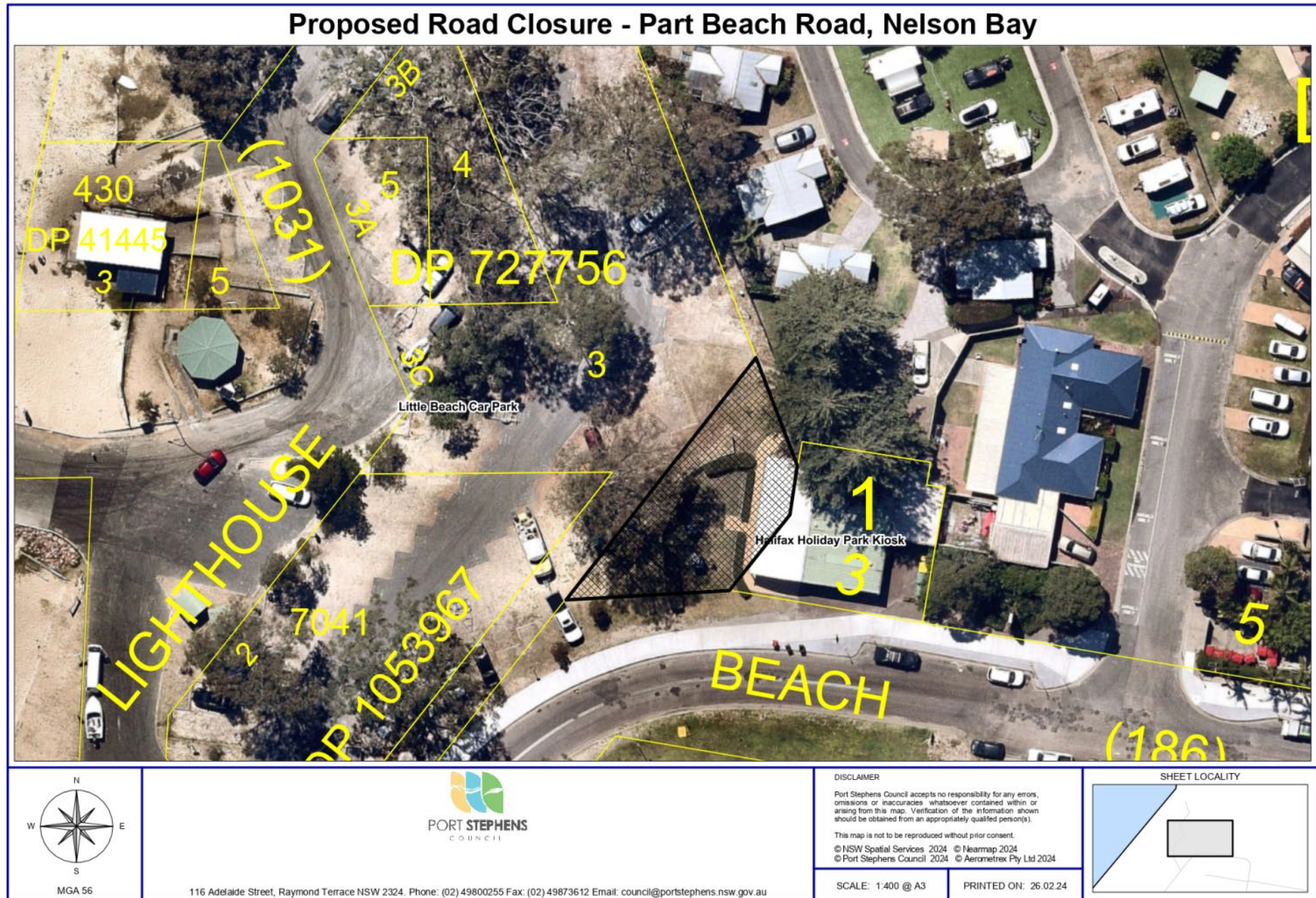
- 1) Aerial Map - Part Beach Road, Nelson Bay.
- 2) Aerial image - Crown Reserve 91621.

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

Nil.







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

**ITEM NO. 3**

**FILE NO: 24/82102  
EDRMS NO: PSC2019-04770-0010**

**LAKESIDE SPORTS COMPLEX MASTERPLAN**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft Lakeside Sports Complex Masterplan as shown at **(ATTACHMENT 1)**.
  - 2) Place the draft Lakeside Sports Complex Masterplan on public exhibition for 28 days and should no submissions be received, the masterplan be adopted without a further report to Council.
- 

**ORDINARY COUNCIL MEETING - 23 APRIL 2024  
MOTION**

<b>076</b>	<p><b>Councillor Peter Kafer</b> <b>Councillor Giacomo Arnott</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the draft Lakeside Sports Complex Masterplan as shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the draft Lakeside Sports Complex Masterplan on public exhibition for 28 days and should no submissions be received, the masterplan be adopted without a further report to Council.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to seek Council's endorsement to place the draft Lakeside Sports Complex Masterplan **(ATTACHMENT 1)** on public exhibition.

## MINUTES ORDINARY COUNCIL - 23 APRIL 2024

The purpose of the masterplan is to establish a consolidated strategic vision for the future development of the Lakeside Sports Complex. The masterplan deliverables include a demand analysis, concept options and masterplan documentation.

The draft masterplan for Lakeside Sports Complex proposes to increase car parking capacity, relocate the southern amenities building to enable an additional international field, lighting upgrades, an upgrade to the main amenities building to accommodate female friendly inclusive facilities and the addition of an indoor sports facility adjacent to the existing aquatic centre.

The draft Lakeside Sports Complex Masterplan has been developed in partnership with West Ward Sports Council. The Sports Council contributed \$25,000, as endorsed at its meeting of 13 March 2023, towards consultant fees for the development of the masterplan.

At its meeting of 11 March 2024, West Ward Sports Council agreed, in principle, to support the draft concept designs.

The exhibition of the masterplan will provide an opportunity for the community to further comment on the planned development of Lakeside Sports Complex as a district sporting facility.

The masterplan will be used to assist staff in advocating for funding assistance through grants available for sports and event infrastructure projects.

### 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

West Ward Sports Council contributed \$25,000 towards the development of the masterplan design with Council's contribution being by means of in kind contributions for the management of consultants and community engagement.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The cost associated with staff resources developing the masterplan and facilitating public exhibition will be accommodated within existing budgets.

**MINUTES ORDINARY COUNCIL - 23 APRIL 2024**

Source of Funds	Yes/No	Funding (\$)	Comment
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes	\$25,000	West Ward Sports Council contribution of \$25,000.

**LEGAL, POLICY AND RISK IMPLICATIONS**

Potential risks to Council have been identified within the below table with appropriate treatments noted.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that if the masterplan is not placed on public exhibition that the community will not have adequate opportunity to provide input to the final masterplan.	Low	Adopt the recommendation and place the draft masterplan on public exhibition.	Yes
There is a risk that the scope of the masterplan is beyond Council's ability to fund implementation, leading to the community's immediate expectations not being met.	Low	The masterplan will support applications for external funding to assist Council in the delivery of the works identified within the masterplan. The itemisation of projects enables Council to deliver stages of works in accordance with available resources. Adopt the recommendation and place the draft masterplan on public exhibition.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The project will have positive social implications for the Port Stephens community by providing a consolidated, strategic vision for the development of the Lakeside Sports

Complex. The improvement and increased capacity of sporting and events infrastructure will cater for the growing needs of the local government area.

The realisation of the masterplan will increase the capacity of the existing sports facilities to attract regional sporting events and further support the local economy.

A number of environmental outcomes were considered in the development of the masterplan including LED lights and multi-use surfaces to limit the need for field expansion and cater for growth expected. Principles of water sensitive urban design were also adopted to improve water sustainability.

## **CONSULTATION**

The Community Assets unit has undertaken consultation with key stakeholders. The objective of the consultation was to ensure a collaborative and inclusive approach to the development of the masterplan.

### Internal

The draft Lakeside Sports Complex Masterplan has been prepared in consultation with relevant staff in the Facilities and Infrastructure and Community Futures Directorates. This includes the Public Domain and Services Section, Vibrant Places units, Waste Services units, Community Assets unit and the Community Contracts unit.

### External

The Community Assets and Communications and Engagement units have undertaken extensive consultation with key community stakeholders to inform the brief for consultants to develop the draft masterplan.

The draft masterplan accurately reflects the community's values and requirements and is in alignment with State sporting organisations' strategic objectives.

The following engagement activities were undertaken to develop the draft masterplan for Lakeside Sports Complex:

- An engagement survey targeted to key sporting user groups for each facility was emailed directly to stakeholders. 44 responses were received.
- Letterbox drops to 150 residents.
- Meetings with State sporting organisations including NSW Cricket, NSW Rugby League and NSW Oz Tag.
- Focus group sessions with key user groups including Raymond Terrace Jnr Rugby League, Lakeside Cricket and Belgravia Leisure. A total of 7 focus groups sessions were held.
- A mapping tool was made available online to receive suggestions from the broader community. A total of 44 comments were received.
- Note: No responses were received from the following key user groups:

- a) Raymond Terrace Magpies Rugby League Football Club.
  - b) Raymond Terrace Men's Shed.
- An initial meeting with the West Ward Sports Council was held in December 2023 to help inform the consultant's design brief.
- A follow up meeting with the West Ward Sports Council to present the draft concept plans and seek in principle support of the concept designs was held on 11 March 2024.

Full details of the Lakeside Sports Complex Masterplan Engagement Report are shown in **(ATTACHMENT 3)**.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Draft Lakeside Sports Complex Masterplan - To be provided prior to the Council meeting.
- 2) Lakeside Sports Complex Engagement Report.

### **COUNCILLORS' ROOM/DASHBOARD**

Nil.

### **TABLED DOCUMENTS**

Nil.



# Communications and Engagement Report

Lakeside Sports Complex Masterplan

November 2023



Phase 1 | October 2023 – November 2023



**ITEM 3 - ATTACHMENT 2      LAKESIDE SPORTS COMPLEX ENGAGEMENT  
REPORT.**

## **Contents**

<b>Summary</b>	<b>2</b>
<b>Communication methods</b>	<b>3</b>
<b>Engagement methods</b>	<b>4</b>
<b>Key findings</b>	<b>5</b>
<b>Appendices</b>	
• <b>Appendix A: Survey Data</b>	<b>6</b>
• <b>Appendix B: Community Mapping</b>	<b>7</b>
• <b>Appendix C: Stakeholder Engagement</b>	<b>12</b>

## Summary

West Ward Sports Council moved to engage Council to commence work on masterplan upgrades to Lakeside Sports Complex.

Phase 1 will involve the design of a master plan with the proposed actions. Council is supporting the funding of the masterplan with in kind contribution by means of consultation and concept design for procurement (the final masterplan design will be externally sourced, and the sports council contributions will fund this).

This survey is designed to provide Council with feedback for improvements you would like to see at the facility. Aspects such as traffic management flow, car parking, lighting, amenities, and configuration of the complex will be key elements to provide feedback on, as well as your own ideas.





Lakeside Sports Complex covers a large space from the entry of Leisure Way encompassing the Aquatic centre and vacant land to the right flowing onto the 5 field complex. Modernising the facility catering to the increased growth of the primary user groups, enhancing the facility's appeal to secondary user groups and the local community along with an ability to host higher level competition matches and carnivals are key factors in the design concepts of the masterplan.

Phase 2, the implementation of works would commence based on funding availability.

The masterplan design from Sports Council has a budget of \$25,000 to deliver the new concepts proposed by March 2024.



## ITEM 3 - ATTACHMENT 2 LAKESIDE SPORTS COMPLEX ENGAGEMENT REPORT.

## Communication methods

COMMUNICATION METHODS		
ACTIVITY	DESCRIPTION	REACH
 Social media	Awareness raising to promote the project and highlight opportunities for engagement - community survey	13,295 reach  701 post engagements
 Poster/On-site signage with QR code	Promotional signage and posters encouraging participation in survey 1 November 2022 - 21 November 2023	4 posters displayed between Lakeside Sports Complex and Leisure Centre
 Letterbox Drops	Letter box drops to local residence	150
 Direct emails	Direct emails to survey participants	44

## ITEM 3 - ATTACHMENT 2 LAKESIDE SPORTS COMPLEX ENGAGEMENT REPORT.

### Engagement methods

ENGAGEMENT METHODS		
ACTIVITY	DESCRIPTION	REACH
 <b>Focus Groups</b>	Focus group discussions with key stakeholders (user groups) 1 October 2023 – 1 November 2023	7 sessions
	<ul style="list-style-type: none"> <li>• Raymond Terrace Junior Rugby League</li> <li>• Raymond Terrace Senior Rugby League</li> <li>• Lakeside Cricket</li> <li>• Port Stephens Oz Tag</li> </ul> Placeholder meeting with State Sporting organisations: <ul style="list-style-type: none"> <li>• NSW Rugby League</li> <li>• NSW Cricket</li> <li>• NSW Touch Football</li> </ul>	
 <b>Engagement Portal - Have Your Say Mapping Tool</b>	Online ideas board/photo-story activity encouraging residents to submit commentary on desired improvements  1 November 2023 - 21 November 2023	44 comments
 <b>Community Survey</b>	Survey of the general community  1 November 2023 - 21 November 2023	44 responses

**ITEM 3 - ATTACHMENT 2      LAKESIDE SPORTS COMPLEX ENGAGEMENT REPORT.**

## Key findings - What we heard

**PLEASE  
NOTE**

These key findings were drawn from the engagements with key stakeholders, using data collected from the community survey and the Have Your Say mapping tool.

**Amenities**

- Improved amenities that are female-friendly
- Suggestions of a clubhouse/function room on top of the current amenities building
- Improved amenities for outer fields

**Car Parking**

- Increase number of car parks
- Repave carpark and roadway
- Redesign of parking area and traffic flow

**Lighting**

- Improved lighting required for night games on fields 1 and 2
- Outside field lighting needs to significantly improve for training purposes

**Seating**

- Consideration for seats to be fixed to current grandstand
- Increased seating around all fields and shared pathway

**Other**

- Review configuration of field 4
- Improved shared pathway surface
- Workout stations along the pathway

**ITEM 3 - ATTACHMENT 2      LAKESIDE SPORTS COMPLEX ENGAGEMENT  
REPORT.**

## **APPENDIX A**

### **Survey Data - Community Survey**

The Lakeside Sport Complex Masterplan community survey was open for 21 days, with 44 contributions being received through the Have Your Say website. A further 9 contributions were recorded from comments on social media.

Of the responses received via the website 95% of respondents live in Port Stephens with 51% of those residing in Raymond Terrace.

A total of 66% of survey respondents use the complex for organised sporting events on weekends and mid-week training. Spectators at senior Rugby League games and using the open spaces for walking were also featured.

ITEM 3 - ATTACHMENT 2 LAKESIDE SPORTS COMPLEX ENGAGEMENT REPORT.

## APPENDIX B

### Engagement Activity - Community Mapping





**ITEM 3 - ATTACHMENT 2 LAKESIDE SPORTS COMPLEX ENGAGEMENT REPORT.**

CATEGORY	COMMENT
AMENITIES	Add a Hockey field and link into either Port Stephens or Newcastle local competition.
	The fields need better amenities. With Raymond Terrace hosting a large number of games, especially finals and since they have A grade teams, we need A grade grounds. The fields should get a better grandstand where the existing one is now, with increased comfortable seating. The clubhouse should be knocked down and rebuilt to a better standard, these should include 4+ change rooms, 2+ bathrooms, a gym, 2+ canteens, and a function room. With the clubhouse being built longer and higher a function room can also be added for events and a bigger and better grandstand can be built two ways so individuals can watch games on fields 1 and 2. The grandstands should also include a videoing platform.
	Knockdown current outdated dressing shed & toilets and replace with a very large double storey building with at least 4 change rooms for men's and women's teams, 2 canteens, at least 4 public toilets instead of current two. Upstairs can house a large function room, smaller meeting room and outdoor verandas on both sides for viewing games played on fields 1 and 2. Upgrade current grandstand & add several more toilets on the western side of field 1 and upgrade team dugout facilities on fields 1 and 2.
	Grandstand that includes actual seating.
	Completion of the grandstand including the toilets. Build up on the main building so there is a function room and media view point for fields 1 and 2. Additional toilet and drink facilities on the grandstand side - there used to be 2 beer sheds until they fell down. More seating around the grounds, a playground for the little ones.
	There needs to be a minimum of 5 change rooms. Appropriate disabled access, and solar panels installed on the roof space. Improved emergency services access, the current grandstand pulled down and amenities moved to the western side of the ground. On the eastern side ensure adequate amenities for the public including disabled access.
	The whole amenity building needs upgrading with better change rooms for teams. With the addition of numerous male and female teams now sharing the facilities there is a genuine need for this. Improved canteen facilities and coaches boxes for representative fixtures that can be played at the grounds.
	Update the facility on the outside ovals - cricket grounds.
	Improvement to the existing change rooms/toilets and improvement for the existing cricket nets is a priority. The whole amenities on the outer fields are currently substandard.
	Better amenities. Game day is a nightmare when games are on field 3, setting up and packing away takes a team of volunteers dragging back and forth equipment, no amenities such as toilets/canteen or even a bubbler in

ITEM 3 - ATTACHMENT 2 LAKESIDE SPORTS COMPLEX ENGAGEMENT REPORT.

CAR PARKING

sight near field 3. On training nights the issues are the same. The lights are substandard.

The amenities are definitely due for a refit they haven't been touched for 25 years. Toilets under the grandstand would be good, whilst there are some there they have been out of order for years.

The whole facility need's upgrading. The lights need an upgrade as training on them at night, it is still hard to see on the fields. On game day, locker rooms are always in demand when numerous teams are playing. The canteen facility needs modernisations to keep up with how busy it can be on game days. The fields are A1 playing fields but the facilities really do let the whole venue down.

Upstairs of the current amenities could host a large function room and smaller meeting room. Outdoor verandas on both sides for viewing games played on fields 1 and 2. Upgrade current grandstand and add several more toilets on the western side of field 1.

Upgraded PA system.

Upgrade amenities building.

Clubs require meeting rooms and better amenities.

Amenities needs an upstairs function room to observe games.

Repave car park and roadway.

There is a need to increase parking, consideration for parking off to the left side of the road as you drive in so it doesn't turn into a boggy area.

With good design, this whole area could be utilised for parking as the fields hold numerous large events each year.

Not enough parking for when big events are on.

The parking is atrocious on game days with people parking in places that make it unsafe for pedestrians.

Invest in the surrounding space with adequate marked car spaces and allow for up to 6 coach spaces for traveling teams to be transported.

Reconfigure car park areas.

Upgrade car parking and resurfacing.

Increase the amount of parking.

Consider entry and exit near Finnan Park.

ITEM 3 - ATTACHMENT 2 LAKESIDE SPORTS COMPLEX ENGAGEMENT REPORT.

LIGHTING

The lighting on all fields is terrible especially field 4. The kids have to train in dark shadows. The lighting on the other fields is not much better. Field 1 isn't acceptable for night games.

Additional lighting as these fields can't be used for training.

Improved lighting standards for training.

More lighting on Fields 3 & 4 (outer fields).

Lighting is unacceptable for all fields.

Improve the shared path - resurface whole path.

Improved pathway all the way around the complex, increased seating, increased and improved parking. Add a running track.

Build a gymnasium & indoor multi-purpose court facility that can include both basketball, volleyball and/or badminton. The gym/basketball court would be from the original stage 2 design.

Include Lakeside pool complex in the overall master plan to get the funding to undertake future upgrades. Turn this whole facility into a major sports hub of more than a regional level and into a National level sports facility.

A few workout stations along the bike track

More bins to dispose of pet waste

Improve current standard of drainage

Plant a line of trees to continue along the foot of the dam wall through to the vacant blocks opposite the swimming pool. This will enhance the appearance of the complex and provide shade and wildlife habitat.

Re surface pathway and stop illegal use of motor cycles. Redirect irrigation so it doesn't spray path users or irrigate in night time

Build a top tier sports complex in the middle of town behind the council building. Upgrade Lakeside for junior development and training facilities. A brand new facility could attract more than just sport.

Kids playground at the facility

Bus stop so kids can safely travel to the oval for training.

OTHER

ITEM 3 - ATTACHMENT 2      LAKESIDE SPORTS COMPLEX ENGAGEMENT REPORT.

	<p>In need of more seating undercover as the older people can sit and enjoy the games of all sorts. Inclement and hot weather deters elderly people from watching their grandchildren and supporting local teams</p>
SEATING	<p>Increased seating around the fields and a larger grandstand.</p>
	<p>More seating for parents when football/other sports are on</p>
	<p>Covered grandstand with seating</p>
	<p>Increased seating along the bike track</p>
	<p>Increase seating along pathway</p>
CONFIG	<p>Option for a baseball field</p>
	<p>Making the main field dual code so soccer can use it too at certain times. A soccer tournament could be held there as facilities look okay</p>

**ITEM 3 - ATTACHMENT 2 LAKESIDE SPORTS COMPLEX ENGAGEMENT REPORT.**

## APPENDIX C

### Engagement - Key Stakeholders

#### Club - Lakeside Cricket

Priorities	Opportunities	Constraints
A synthetic pitch between other fields (preferably fields 3 and 4)	Lakeside is typically a backup ground (wet weather) for King Park during carnivals. Currently hold 2 carnivals per year including a girls carnival - more event opportunities	Port Stephens Cricket based in Medowie now has a large population growth and Raymond Terrace members are moving there
Pitch width requirements 2.4m - 2.8m wide		
Female friendly change rooms	Northern NSW is lacking elite training facilities. It's a preference that the elite cricket training facility is within 2 hours of Sydney. Support is needed for indoor facilities/synthetic pitch	Port Stephens Pythons considering relocating to Yulong. Medowie Cricket Club would be primarily based out of Ferodale
Increased shade (tree planting)		
Additional training nets		Cost of maintaining training nets - \$10000 per year
No change rooms needed for juniors	Cricket NSW are strong supporters of development at Lakeside to enhance overflow opportunities for Raymond Terrace District Cricket Club and state championship events	King Park is still seen as the main facility for things such as: Big Bash opportunity and night games
Gender neutral amenities		
Lighting is currently insufficient		
100 LUX lighting upgrades would be sufficient	Fostering a competition within the LGA rather than travel is a priority - travel is a major participation barrier in regions	Any expansion of night cricket would be targeted at King Park
Car parking is adequate at both facilities		
Cricket NSW strategic objective is to double growth rate by 2026	Junior development is the key focus	

**ITEM 3 - ATTACHMENT 2 LAKESIDE SPORTS COMPLEX ENGAGEMENT REPORT.**
**Club - Raymond Terrace Junior Rugby League**

Priorities	Opportunities	Constraints
Reconfigure field layout - field 4 and more modified fields	Big club, strong membership and continuing to grow	Constraints with attracting larger events like Nations of Origin with configuration of field 4
Upgraded Amenities - female-friendly	Lakeside is heavily used for school based regional competitions	Constraints with current location of grandstand - underutilised due to being too far away from other facilities
Floodlight improvement needed for fields 3 and 4	Having 3 full sized fields at Lakeside allows for larger competitions	
Upgraded audio system to reach all fields	Newcastle Knights NSW Cup is looking for locations and typically go to Maitland or Cessnock	Traffic congestion on to Richardson Road. This is an ongoing issue to manage at larger events
Increase car parking		
Field fencing on field 3	Potential for Denton Engineering Cup games (Newcastle Rugby League)	
Irrigation and pathway connections between grounds	Some interest in Newcastle Representative Games to be held at Lakeside (NSWRL/ Newcastle Knights U16s and U18s)	
	Greater opportunity for use of field 4 if reconfigured to run parallel to fields 1,2 and 3	
	Newcastle RL final series attracts up to 10 000 attendees	

**ITEM 3 - ATTACHMENT 2 LAKESIDE SPORTS COMPLEX ENGAGEMENT REPORT.**
**Club - Touch Football**

Priorities	Opportunities	Constraints
More fields - field 4 needs to be full size	Membership strong and growing	Field 4 - not full size
Lighting requires improvement	Potential for additional night of competition	Lighting
Upgrade amenities - female friendly		Amenities
Fencing upgrades		
Upgraded audio system to reach all fields		

**Consultation - State Sporting Organisation**

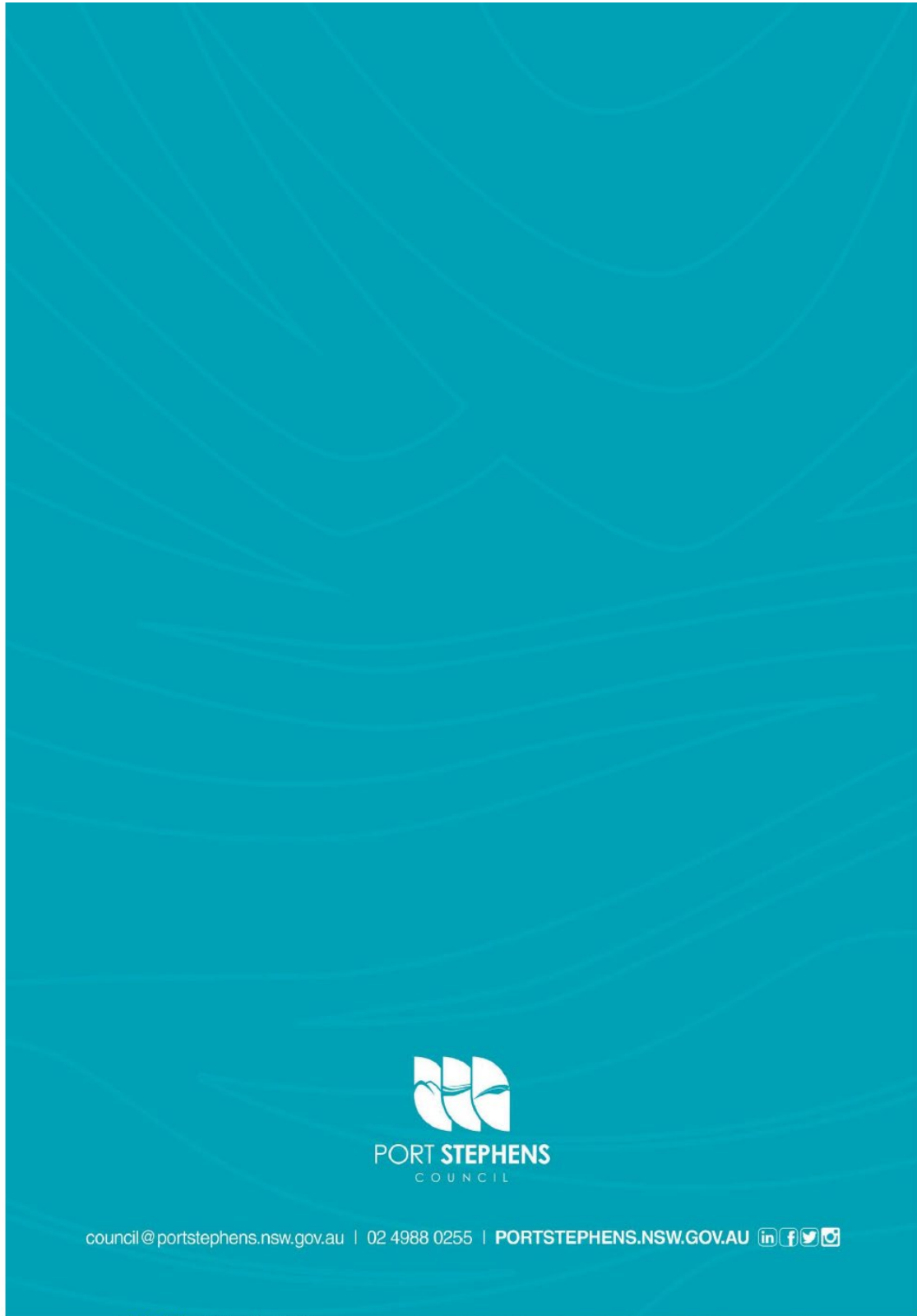
- Cricket NSW
- NSW Rugby League
- NSW Touch

**Stakeholder Key Findings**

We heard consistently across the key stakeholder's engagement that opportunities for improvements were:

- Amenities (female friendly)
- Additional mini Rugby League field behind Lakeside Field 1
- Additional international field (reconfigure Field 4)
- Lighting upgrades
- Fencing
- Increase car parking capacity
- Traffic flow improvements
- Connectivity between fields
- Irrigation

ITEM 3 - ATTACHMENT 2 LAKESIDE SPORTS COMPLEX ENGAGEMENT REPORT.





**ITEM NO. 4**

**FILE NO: 24/82122**  
**EDRMS NO: PSC2019-04770-0010**

**MALLABULA SPORTS COMPLEX MASTERPLAN**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft Mallabula Sports Complex Masterplan as shown at **(ATTACHMENT 1)**.
  - 2) Place the draft Mallabula Sports Complex Masterplan on public exhibition for 28 days and should no submissions be received, the masterplan be adopted without a further report to Council.
- 

**ORDINARY COUNCIL MEETING - 23 APRIL 2024**  
**MOTION**

<b>077</b>	<p><b>Councillor Steve Tucker</b> <b>Councillor Jason Wells</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the draft Mallabula Sports Complex Masterplan as shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the draft Mallabula Sports Complex Masterplan on public exhibition for 28 days and a further report be provided to Council following public exhibition.</li></ol>
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Cr Steve Tucker suggested deferring the item for a period, however Council revert back to the recommendation, with Cr Jason Wells requesting a further report be provided back to Council following public exhibition.

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

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to seek Council's endorsement to place the draft Mallabula Sports Complex Masterplan (**ATTACHMENT 1**) on public exhibition.

The purpose of the masterplan is to establish a consolidated strategic vision for the future development of Mallabula Sports Complex. The masterplan deliverables include a demand analysis, concept options and masterplan documentation.

The draft Masterplan for Mallabula Sports Complex proposes to provide additional field capacity, additional car parking capacity, increased pedestrian pathway connections, improved passive surveillance through selective vegetation and a proposed relocation of the existing Men's Shed and Council Works Depot, improved vehicular access for both user groups and emergency vehicles and lighting upgrades.

The draft Mallabula Sports Complex Masterplan has been developed in partnership with Tilligerry Sports Council. The Sports Council contributed \$25,000, as endorsed at its meeting of 19 June 2023, towards consultant fees for the development of the masterplan.

At its meeting of 18 March 2024, Tilligerry Sports Council agreed, in principle, to support the draft concept designs.

The exhibition of the masterplan will provide an opportunity for the community to further comment on the planned development of the Mallabula Sports Complex as a district sporting facility.

The masterplan will be used to assist staff in advocating for funding assistance through grants available for sports and event infrastructure projects.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

Tilligerry Sports Council contributed \$25,000 towards the development of the masterplan design with Council's contribution being by means of in kind contributions for the management of consultants and community engagement.

## MINUTES ORDINARY COUNCIL - 23 APRIL 2024

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The cost associated with staff resources developing the masterplan and facilitating public exhibition will be accommodated within existing budgets.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes	\$25,000	Tilligerry Sports Council contribution of \$25,000.

## LEGAL, POLICY AND RISK IMPLICATIONS

Potential risks to Council have been identified within the below table with appropriate treatments noted.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that if the masterplan is not placed on public exhibition that the community will not have adequate opportunity to provide input to the final masterplan.	Low	Adopt the recommendation and place the draft masterplan on public exhibition.	Yes
There is a risk that the scope of the masterplan is beyond Council's ability to fund implementation, leading to the community's immediate expectations not being met.	Low	The masterplan will support applications for external funding to assist Council in the delivery of the works identified within the masterplan. The itemisation of projects enables Council to deliver stages of works in accordance with available resources. Adopt the recommendation and place the draft masterplan on public exhibition.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The project will have positive social implications for the Port Stephens community by providing a consolidated, strategic vision for the development of the Mallabula Sports Complex. The improvement and increased capacity of sporting and events infrastructure will cater for the growing needs of the local government area.

The realisation of the masterplan will increase the capacity of the existing sports facility to attract regional sporting events and further support the local economy.

A number of environmental outcomes were considered in the development of the masterplan including LED lights and multi-use surfaces to limit the need for field expansion and cater for growth expected. Principles of water sensitive urban design were also adopted to improve water sustainability.

## **CONSULTATION**

The Community Assets unit has undertaken consultation with key stakeholders. The objective of the consultation was to ensure a collaborative and inclusive approach to the development of the masterplan.

### Internal

The draft Mallabula Sports Complex Masterplan has been prepared in consultation with relevant staff in the Facilities and Infrastructure and Community Futures Directorates. This includes the Public Domain and Services Section, Vibrant Places units, Waste Services units, Community Assets unit and the Community Contracts unit.

### External

The Community Assets and Communications and Engagement units have undertaken extensive consultation with key community stakeholders to inform the brief for consultants to develop the draft masterplan.

The draft masterplan accurately reflects the community's values and requirements and is in alignment with State sporting organisations' strategic objectives.

The following engagement activities were undertaken to develop the draft masterplan for Mallabula Sports Complex:

- An engagement survey targeted to key sporting user groups for each facility was emailed directly to stakeholders. 53 responses were received.
- Letterbox drops to 150 residents.
- Meetings with State sporting organisations including NSW Cricket, NSW Rugby League, Football NSW, Tennis NSW and Little Athletics NSW.

## **MINUTES ORDINARY COUNCIL - 23 APRIL 2024**

- Focus group sessions with key user groups including Tilligerry Athletics, Mallabula Football Club, Mallabula Panthers Rugby League, Tilligerry Tennis Club, Belgravia Leisure and Tilligerry Community Centre. A total of 9 focus group sessions were held.
- A mapping tool was made available online to receive suggestions from the broader community. A total of 59 comments were received.
- An initial meeting with the Tilligerry Sports Council was held in December 2023 to help inform the consultant's design brief.
- A follow up meeting with the Tilligerry Sports Council to present the draft concept plans and seek in principle support of the concept designs was held on 18 March 2024.

Full details of the draft Mallabula Sports Complex Masterplan Engagement Report are shown in **(ATTACHMENT 2)**.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Draft Mallabula Sports Complex Masterplan - To be provided prior to the Council meeting.
- 2) Mallabula Sports Complex Masterplan Engagement Report.

### **COUNCILLORS' ROOM/DASHBOARD**

Nil.

### **TABLED DOCUMENTS**

Nil.

# Communications and Engagement Report

Mallabula Sports Complex Masterplan

November 2023



Phase 1 | October 2023 – November 2023



## **Contents**

<b>Summary</b>	<b>2</b>
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## Summary

Tilligerry Sports Council moved to engage Council to commence work on masterplan upgrades to Mallabula Sports Complex.

Phase 1 will involve the design of a masterplan with the proposed actions. Council is supporting the funding of the masterplan with in kind contribution by means of consultation and concept design for procurement (the final masterplan design will be externally sourced, and the sports council contributions will fund this).

This survey is designed to provide Council with feedback for improvements you would like to see at the facility. Aspects such as female friendly amenities, lighting upgrades, fencing, and field configuration will be key elements to provide feedback on as well as your own ideas.

Mallabula Sports Complex covers a large space inclusive of Rugby League, Soccer, Cricket, and Athletics fields with Netball and Tennis courts that sit adjacent to the fields. The complex also boasts an aquatic centre and the brand new active hub incorporating a playground, multi-sport court, and skate park.

Modernising the facility catering to the increased growth of the primary user groups, enhancing the facility's appeal to secondary user groups and the local community along with an ability to host higher level competition matches and carnivals are key factors in the design concepts of the masterplan.

Phase 2, the implementation of works would commence based on funding availability.





The masterplan design from Sports Council has a budget of \$25,000 to deliver the new concepts proposed by March 2024.



ITEM 4 - ATTACHMENT 2  
ENGAGEMENT REPORT.

## MALLABULA SPORTS COMPLEX MASTERPLAN




## Communication methods

COMMUNICATION METHODS		
ACTIVITY	DESCRIPTION	REACH
 <b>Social media</b>	Awareness raising to promote the project and highlight opportunities for engagement - community survey	9269 reach  246 post engagements
 <b>Poster/On-site signage with QR code</b>	Promotional signage and posters encouraging participation in survey 1 November 2022 - 21 November 2023	4 posters displayed across all facilities
 <b>Letterbox Drops</b>	Letter box drops to local residence	150
 <b>Direct emails</b>	Direct emails to survey participants	53

ITEM 4 - ATTACHMENT 2  
ENGAGEMENT REPORT.

## MALLABULA SPORTS COMPLEX MASTERPLAN

## Engagement methods

ENGAGEMENT METHODS		
ACTIVITY	DESCRIPTION	REACH
 <b>Focus Groups</b>	Focus group discussions with key stakeholders (user groups) 1 October 2023 – 1 November 2023	9 sessions
	<ul style="list-style-type: none"> <li>• Mallabula Panthers Rugby League Club</li> <li>• Tilligerry Soccer Club</li> <li>• Tilligerry Little Athletics</li> <li>• Tilligerry Cricket Club</li> <li>• Tilligerry Tennis Club</li> </ul>	
	Placeholder meeting with State Sporting organisations: <ul style="list-style-type: none"> <li>• Cricket NSW</li> <li>• Tennis NSW</li> <li>• Athletics NSW</li> <li>• NSW Rugby League</li> <li>• NNSW Football</li> </ul>	
 <b>Engagement Portal - Have Your Say Mapping Tool</b>	Online ideas board/photo-story activity encouraging residents to submit commentary on desired improvements  1 November 2023 - 21 November 2023	59 comments
 <b>Community Survey</b>	Survey of the general community  1 November 2023 - 21 November 2023	52 responses

## Key findings - What we heard

**PLEASE  
NOTE**

These key findings were drawn from the engagements with key stakeholders, using data collected from the community survey and the Have Your Say mapping tool.

### Amenities

- Improved amenities that are female-friendly
- Suggestions of updating clubhouse/function room for the League venue and proposals for a new amenities building with club function room on top for the soccer, cricket and athletics venue
- A need for additional and/or improved storage areas

### Car Parking

- Widen car park access road to allow easy two way traffic
- Resurface carpark and roadway
- Line marking for parking

### Lighting

- Improved lighting required for night games
- Need for lighting in the car park - solar lighting proposed
- Increased LUX for current light poles

### Seating

- Grandstand/elevated seating
- Increased seating around all fields

### Other

- Increased fencing on outside grounds
- Netting behind soccer goals to stop balls going into the bush
- Increase shade particularly around the park area
- Considerations for keeping motorbikes off the sports fields

### Configuration

- Additional soccer field in the middle of the athletics oval
- Pickleball courts and hit up wall

## **APPENDIX A**

### **Survey Data - Community Survey**

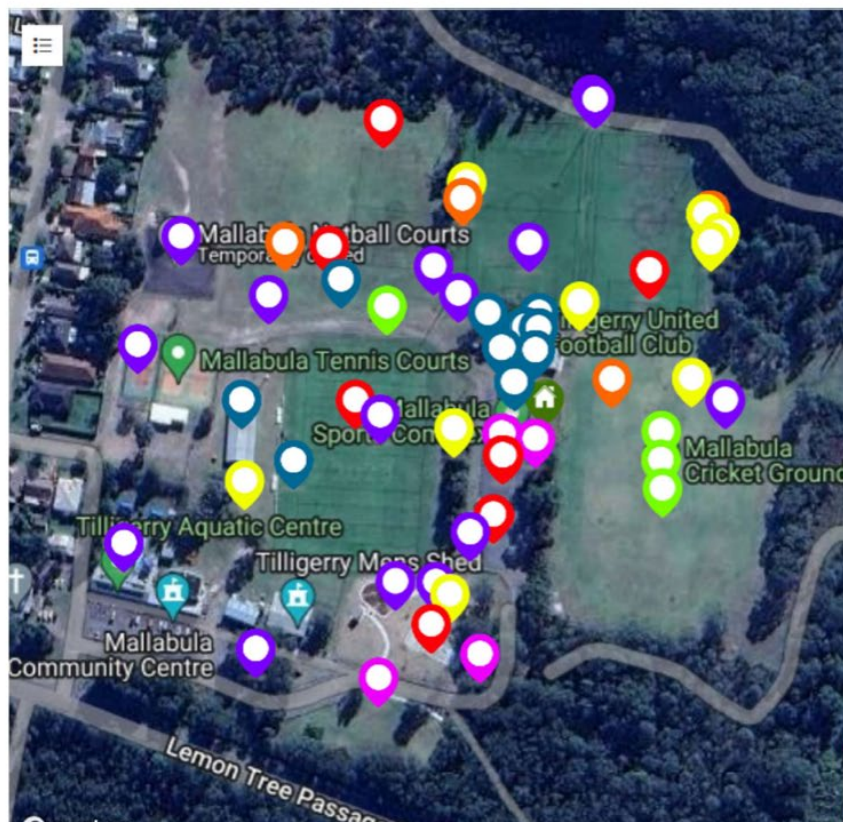
The Mallabula Sports Complex Masterplan community survey was open for 21 days, with 52 contributions being received through the Have Your Say website. A further 7 comments were recorded from Councils Facebook page.

Of the responses received via the website 92% of respondents reside at Tanilba Bay, Mallabula and Lemon Tree Passage.

A total of 66% of survey respondents use the complex for organised sporting events on weekends and mid-week training. 15% of respondents gather at the complex for use of the playground and skate park.

## APPENDIX B

### Engagement Activity - Community Mapping



**ITEM 4 - ATTACHMENT 2  
ENGAGEMENT REPORT.**
**MALLABULA SPORTS COMPLEX MASTERPLAN**

CATEGORY	COMMENT
AMENITIES	Grandstand with a bar area, gym, toilets and change rooms underneath.
	An amenities area with change rooms and canteen for all user groups of the back playing fields.
	New club house for soccer, consider double storey. Downstairs would need areas for a canteen and BBQ (built to higher quality food grade standards with epoxy floor), equipment locker, long term storage (medals, uniforms stock, administration, equipment etc). Upstairs could house a bar area where you can go to watch the games with an external mezzanine.
	Upgraded amenities - there is usually 2 games on at the same time and teams can't all use the sheds to get dressed. It would be good to have 2 home and 2 away sheds. An increased footprint for soccer to enable the removal of the shipping containers. A setup like Nelson Bay where there is an equipment shed would be awesome.
	Update the club house for the Mallabula Panthers including the canteen, toilets and the home and away change rooms.
	Upgrade the amenities to have new bathrooms, more change rooms for men and women's teams and secure storage for the equipment.
	Upgrade & expand amenities.
	Upgrade facilities including BBQ and storage areas in containers and upgrade old, worn and dirty change rooms.
	Building to include football club house, training/meeting room, first aid room, canteen and BBQ facilities, storage facilities for equipment, minimum 4 change rooms, and new male and female toilets.
	Creating additional change room's accommodating men's and women's sporting teams for soccer and rugby league.
CAR PARKING	Amenities upgrade of entire complex.
	Road surface needs upgrading and properly painted so the football and athletics clubs don't need to do it.
	The area needs more car parking.
	Widen car park access road to allow easy two way traffic.
	Carpark lighting is needed as the carpark is pitch black when sporting events finish.

ITEM 4 - ATTACHMENT 2 MALLABULA SPORTS COMPLEX MASTERPLAN  
ENGAGEMENT REPORT.

LIGHTING	Lights at the skate park for night use.
	New LED lighting to be more cost effective for all users and to improve the complex standards.
	Need lighting up to playing standard. Improve current LUX ratings.
	Carpark lighting.
	Lighting in the car parks could be solar powered so when facilities and field lights are turned off, people aren't returning to cars in the dark.
	Lighting for all football (soccer) fields for training as it has very minimal lighting at night.
	Improve the lighting around the building and into the carpark.
	Field lighting (LED) to light up the pitch and the bush in key areas to gather balls at night.
OTHER	Improved lighting for night games.
	Add BBQ facilities and shade.
	Please add a gym to the complex.
	Fully fenced area for playing fields.
	Scoreboard area (manual changing).
	Fencing and goal screens to stop balls from going into the bush at one end and to stop balls from going into the crowd at the other end.
	New net on the basketball hoops and shade over court.
	Increase the size of the pool.
	Dug outs for soccer players to sit during games.
	Dug outs for soccer players. Currently chairs get carried to the centre of the pitch each game. It would be good to have a designated area to sit reserves out of any weather.
	Fencing for safety improvements surrounding soccer grounds.
	Upgrade cricket pitch.
	Paths to make access to fields easier for parents with prams, people using mobility aids and wheelchair users.
	Tree roots are a huge safety hazard as ground is uneven and makes it difficult to access field 3 especially with prams/wheelchairs.

ITEM 4 - ATTACHMENT 2 MALLABULA SPORTS COMPLEX MASTERPLAN  
ENGAGEMENT REPORT.

	There is need for security to stop trail bikes spoiling the area.
	Shade for the playground.
	Fenced off dog park.
	Unregistered motor bikes and four wheel drives entering the complex tearing it up and vandalising the facilities needs to be stopped.
	When considering changes please respect the Daniel "Doodle" Evans remembrance site as it has a lot of history with the locals.
	The area to the north is hardly used, opportunity to develop this area to cater for more use.
	CCTV at the skate park.
	High fences on the west and north sides of the complex.
	Re levelling of current playing surfaces, upgrade of irrigation system and improve drainage.
	Children's playground has no shade - shade sails would be beneficial.
	Upgrade cricket cages. Unfortunately they're not regularly maintained.
SEATING	Tiered seating along the sidelines - high enough to see over the fence.
	Grandstand style seating for spectators.
	Grandstand seating which could accommodate football games on field 2 and field 3.
	Soccer field seating or a grandstand.
	More seating so spectators can watch comfortably.
CONFIGURATION	Need seats for people.
	Make the back field directly behind the main Rugby League ground an international sized rugby league playing field.
	Resurface and mark out at least 4 Pickleball courts, and construct a practice wall.
	Additional football field in centre of the athletics field. This would enable more games to be played earlier.
	Leave Little Athletics running track where it is
	Would be good to expand netball courts, re-surface the courts as they are cracked and falling apart plus repaint lines.



**ITEM 4 - ATTACHMENT 2  
ENGAGEMENT REPORT.**

**MALLABULA SPORTS COMPLEX MASTERPLAN**

## APPENDIX C

### Engagement - Key Stakeholders

#### Club - Tilligerry Little Athletics

Priorities	Opportunities	Constraints
Improved lighting	School Zone Carnival opportunities are a high priority for Port Stephens - area of potential growth	SSO and club are not keen on merging with other clubs to enhance participation. Vision is to encourage participation and provide service in all local areas regardless of participation rates
Parking improvements - Review turning lane into current facility	Athletics and AFL fields work well together	
Improved toilet amenities	Interconnecting carnivals are another potential growth opportunity for Port Stephens to host - Port Hunter Zone.	Approximate construction costs for synthetic facilities are \$8 - \$10million
Increase shade	Improve quality of turf track (Wagga Wagga example) can be almost as fast as synthetic. Alternate option to synthetic	Clubs facilities are typically single use of facilities (limits exposure to other sports)
Storage for bulky items - Double garage size (storage area) or larger space if possible	Club would consider a relocation from Vi Barnett to Lakeside Sports Complex	
Meeting room	There is a trend towards carnivals being a 'one stop shop' pay for everything like at Maitland. Volunteers don't want to have the hassle of setting up and packing up - opportunity for multipurpose facility	
All abilities access and provisions for inclusivity		
Child protection measures are a main focus throughout operations		
Club has a no showers policy as part of child protection. Request amenities have ability to lock off showers and enclosed areas as required		

**ITEM 4 - ATTACHMENT 2 MALLABULA SPORTS COMPLEX MASTERPLAN  
ENGAGEMENT REPORT.**
**Club - Tilligerry Cricket**

Priorities	Opportunities	Constraints
<p>Pitch width requirements 2.4m - 2.8m wide</p> <p>Female friendly change rooms</p> <p>Increased shade (tree planting)</p> <p>Additional training nets</p> <p>No change rooms needed for juniors</p> <p>Gender neutral amenities</p> <p>Lighting is currently insufficient</p> <p>Cricket NSW strategic objective is to double growth rate by 2026</p> <p>One synthetic cricket pitch would be adequate to 'future proof' Mallabula</p> <p>Consideration for a synthetic wicket between existing League fields at Mallabula to cater for up to U14s.</p>	<p>Northern NSW is lacking elite training facilities. It's a preference that the elite cricket training facility is within 2 hours of Sydney. Support is needed for indoor facilities/synthetic pitch</p> <p>Cricket NSW are strong supporters of development at Mallabula to enhance overflow opportunities for the district cricket club and state championship events</p> <p>Fostering a competition within the LGA rather than travel is a priority - travel is a major participation barrier in regions</p> <p>Junior development is the key focus</p>	<p>Cost of maintaining training nets - \$10000 per year</p> <p>King Park is still seen as the main facility for things such as: Big Bash opportunity and night games</p> <p>Any expansion of night cricket would be targeted at King Park</p>

**ITEM 4 - ATTACHMENT 2 MALLABULA SPORTS COMPLEX MASTERPLAN  
ENGAGEMENT REPORT.**
**Club - Tilligerry Tennis Club**

Priorities	Opportunities	Constraints
<p>Demand for inclusive facilities</p> <p>4 x pickle ball courts on existing hard court</p> <p>A multi court precinct with kids bike track and hit up wall would be ideal</p> <p>2 x additional synthetic courts behind existing courts.</p> <p>Car park improvements</p>	<p>Digitisation of access to facilities – 'book a court' greatly contributing to social tennis boom.</p> <p>Diversifying use and incorporating new revenue opportunities e.g. Pickleball; however national strategy retains primary focus on tennis.</p>	<p>School use has declined due to difficulties in schools being able to get students to venues</p> <p>Pickleball is privately operated and not associated with Tennis Australia</p>

**Club - Tilligerry Soccer Club**

Priorities	Opportunities	Constraints
<p>New amenities with change rooms, toilets and canteen facilities</p> <p>Lighting upgrades including car park lighting and back fields for training</p> <p>Field fencing and safety fencing behind goals</p> <p>Gender neutral/female friendly facilities</p>	<p>Capacity for hosting finals</p> <p>Gender neutral facilities - mainly female focused</p> <p>Lighting upgrades</p>	<p>King Park is still the priority and viewed as the home of soccer</p> <p>Population growth in the Tilligerry is limited</p> <p>Typically losing players at age 13 to other sports or other locations with better facilities and pathway programs.</p>

**ITEM 4 - ATTACHMENT 2  
ENGAGEMENT REPORT.****MALLABULA SPORTS COMPLEX MASTERPLAN****Club - Mallabula Panthers Rugby League Club**

Priorities	Opportunities	Constraints
Improved connectivity within entire precinct	Good drainage	Membership base
Lighting upgrades	Adequate facilities but could do with improvements to cater for females	Population growth limited
Amenities upgrades - female friendly		Limited opportunity for future development to support possible population growth
Increase number of fields		

**Consultation - State Sporting Organisation**

- Cricket NSW
- Tennis NSW
- Athletics NSW
- NSW Rugby League
- Northern NSW Football

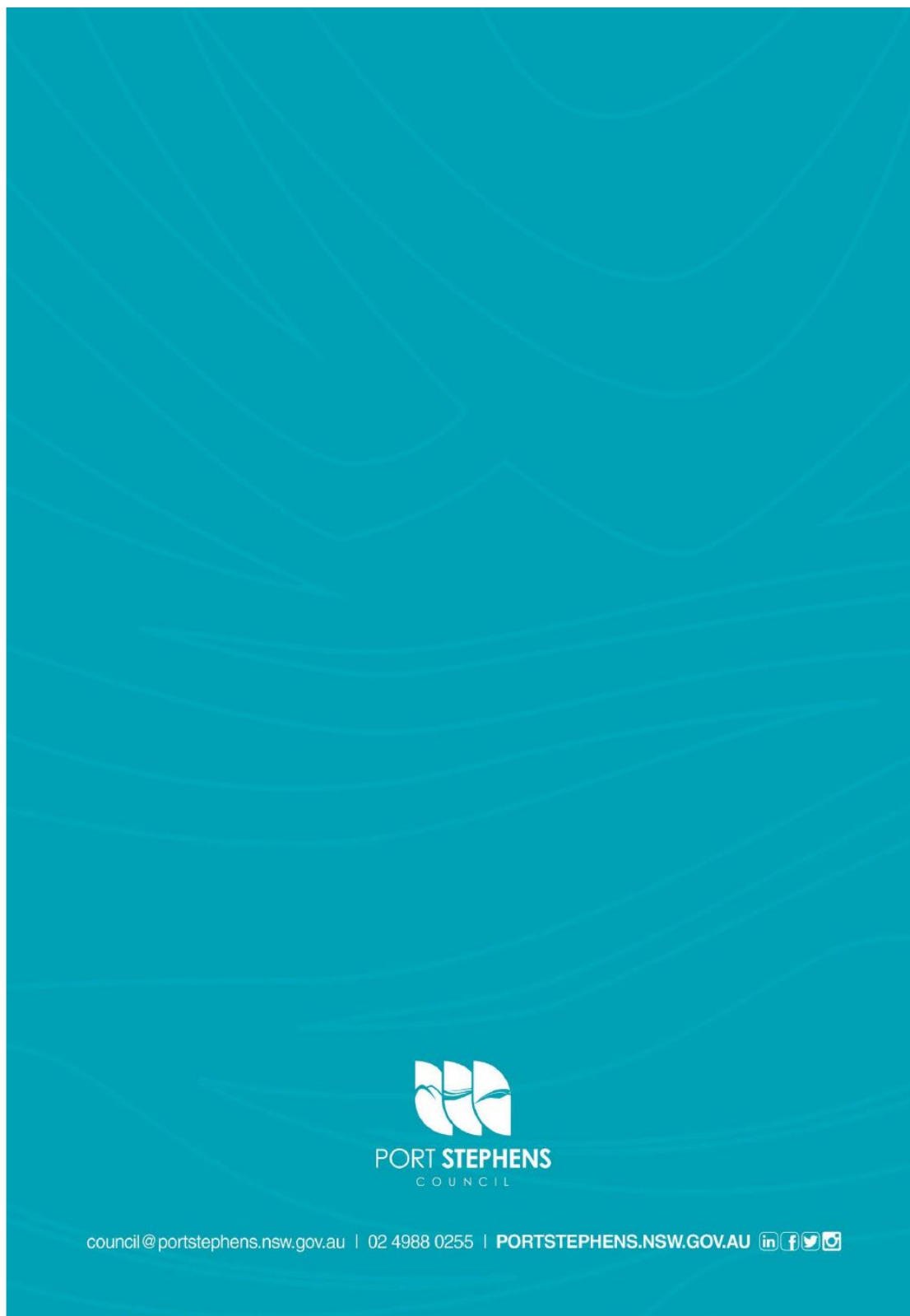
**Stakeholder Key Findings**

We heard consistently across the key stakeholder's engagement that opportunities for improvements were:

- Amenities (female friendly)
- Car Parking
- Lighting upgrades
- Fencing
- Additional Soccer field
- Additional International League field
- Additional tennis courts
- Pickleball courts
- Hit-up Wall
- Connectivity

ITEM 4 - ATTACHMENT 2  
ENGAGEMENT REPORT.

MALLABULA SPORTS COMPLEX MASTERPLAN



**ITEM NO. 5**

**FILE NO: 24/50535  
EDRMS NO: PSC2013-00406**

**POLICY REVIEW: ASBESTOS MANAGEMENT**

REPORT OF: EVERT GROBBELAAR - DEVELOPMENT AND COMPLIANCE  
SECTION MANAGER  
DIRECTORATE: COMMUNITY FUTURES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Asbestos Management Policy shown at **(ATTACHMENT 1)**.
  - 2) Place the revised Asbestos Management Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
  - 3) Revoke the Asbestos Management Policy dated 23 March 2021, Minute No. 059 should no submissions be received.
- 

**ORDINARY COUNCIL MEETING - 23 APRIL 2024  
MOTION**

<b>078</b>	<p><b>Councillor Chris Doohan Councillor Matthew Bailey</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Asbestos Management Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the revised Asbestos Management Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.</li><li>3) Revoke the Asbestos Management Policy dated 23 March 2021, Minute No. 059 should no submissions be received.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the revised Asbestos Management Policy (the policy).

The review of the Asbestos Management Policy results in no fundamental changes to the policy adopted in 2021. There have been no major legislative changes that require a revised position of Council. The proposed amendments are administrative in nature as highlighted in **(ATTACHMENT 1)**.

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

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

In accordance with asbestos management practices across Australia, Council will continue to pursue a risk management approach, which is designed to safeguard those persons who occupy, service and visit Council buildings from exposure to asbestos fibres.

While the long term objective is for all Council controlled buildings to be free of asbestos contaminated material, it is estimated that the cost to achieve this objective is far beyond the financial reach of Council, in the short to medium term.

Given the highly regulated nature of asbestos and the many existing mechanisms in place to address risks, a full scale program to remove asbestos is prohibitively expensive and is out of step with both Australian and international practice.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:

- As a responsible employer
- Educating residents
- Contaminated land management
- Council land, building and asset management
- Emergency response
- Land use planning (including development approvals and demolition)
- Waste management and regulation.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council fails to meet its obligations in relation to the management of asbestos leading to injury and reputation, damage and litigation costs.	Medium	Adopt the reviewed policy.	Yes
There is a risk that Council fails to heighten community awareness on the identification and safe removal of asbestos leading to increased exposure to risk in the Local Government Area (LGA).	Medium	Adopt the reviewed policy.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Council has an important dual role in maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for both:

- Residents and the public
- Workers (employees, volunteers and contractors) in Council workplaces.

An Asbestos Management Policy (and related documents within) is in place to provide direction to Council workers to minimise risks associated with exposure to asbestos in the workplace and ensures that workers are involved in the development



of safe systems of work and a safe environment with respect to asbestos management issues.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Development and Compliance Section.

### Internal

Consultation has taken place with:

- Officers responsible for administering the policy
- Executive Team.

### External

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

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Revised Asbestos Management Policy.

## **COUNCILLORS' ROOM/DASHBOARD**

Nil.

## **TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** ~~PSC2013-04879~~ **PSC2013-00406-0069**

**TITLE:** **ASBESTOS MANAGEMENT POLICY**

**OWNER:** ~~COMMUNITY FUTURES DIRECTOR~~ **DEVELOPMENT & COMPLIANCE SECTION MANAGER**

### 1. PURPOSE:

- 1.1 The purpose of this policy is to outline Council's commitment to maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for local residents, the wider public and workers (employees, volunteers and contractors) in Council workplaces.
- 1.2 This pPolicy aligns with the following initiatives outlined within the 2018–2024 **current** Operational Plan:
  - a) Our Place: Thriving and safe place to live: Our community supports a healthy, happy and safe place. P 3.2 P3.2 Enhance public safety, health and liveability through the use of Council's regulatory controls and services.
  - b) Our Council: Our Council's leadership is based on trust and values Respect, Integrity, Teamwork, Excellence and Safety (RITES). L1.5 – Reduce risk across Council.
- 1.3 The long term objective is for all buildings on Council owned land to be free of asbestos containing material (ACM). The presence of asbestos in premises on Council owned or managed land will be identified, the risk to health evaluated and mitigation measures implemented until the long term objective of removal is completed.
- 1.4 Council also aims to heighten awareness within the community on the identification and safe removal of ACM to minimise the risk of exposure across the local government area.

### 2. CONTEXT/BACKGROUND:

- 2.1 Asbestos was used widely in Australian buildings and structures between the 1940's and 1980's because of its durability, fire resistance and excellent insulating properties. Heightened public awareness of asbestos related diseases has increased public concern over the handling and ongoing management of asbestos containing material. However, it was not until 2003 that asbestos was banned in Australia.
- 2.2 Council has no insurance coverage under its Public Liability Policy relating to asbestos matters. The policy excludes any actual or alleged liability arising

#### Policy

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## Policy



directly or indirectly out of, resulting from or in consequence of, or in any way involving asbestos, or any materials containing asbestos in whatever form or quantity.

- 2.3 For sites that are significantly contaminated, the Environment Protection Authority (EPA) and SafeWork NSW are the lead regulatory authorities. The EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including ACM waste.
- 2.4 SafeWork NSW has a major role in ensuring that removal of ACM is carried out in accordance with legislative requirements and, where necessary, by registered contractors. Legislation, however, only applies to:
  - a) a workplace, or
  - b) where the type or quantity of asbestos being removed, repaired or disturbed requires the work to be carried out by an asbestos licensed contractor.
- 2.5 Note: A workplace includes a residential property if any person is being employed there, but not if the works are carried out solely by an owner builder who does not employ anyone.
- 2.6 For matters outside of the EPA and SafeWork NSW responsibilities, Council is the appropriate regulatory authority, which typically include demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities. Although at times there can be a crossover of responsibilities with Council and other governing bodies.
- 2.7 Council owns and maintains a range of built assets and facilities across the local government area with related obligations to minimise risk of harm to users of these assets and facilities.
- 2.8 The policy is underpinned by the following principles:
  - a) The policy is consistent with and supports the requirements of the Model Asbestos Policy for NSW Councils developed by the Local Government NSW.
  - b) Council will take all reasonably practicable steps to protect the health and safety of workers, contractors and the community from the risks associated with asbestos containing material (ACM) within Council controlled and managed buildings.
  - c) A risk management approach will be adopted for the management and control of ACM.
  - d) Council should not permit the use of Council owned or controlled buildings and/or other structures, including open spaces, where it is known they contain ACM's unless all reasonable risks have been considered which may include an asbestos management plan developed to address the assessed risk.

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## Policy



2.9 Council aims to manage the risks from ACM and provide a record of actions undertaken with the ultimate aim being to:

- a) increase awareness
- b) prevent airborne asbestos fibre exposure
- c) prevent the spread of asbestos fibres
- d) increase its competency and experience
- e) control works likely to disturb ACM in Council owned or managed buildings.

### 3. SCOPE:

3.1 Council is committed to complying with the Model Asbestos Policy and Guide (links to document under "RELATED DOCUMENTS" section below) developed by Local Government NSW in partnership with the NSW Government and input from industry reference groups.

3.2 Council's responsibilities for asbestos management apply in various scenarios including:

#### 3.3 As a responsible employer

3.4 Council has responsibilities to workers under the Work Health and Safety Act 2011 (NSW) and Work Health and Safety Regulations (NSW) in maintaining a safe work environment through Council's:

- a) general responsibilities
- b) education, training and information for workers
- c) health monitoring for workers
- d) procedures for identifying and managing asbestos containing materials in Council premises.

3.5 As part of the Enterprise Risk Management System, an Asbestos Procedure is in place to ensure that workers are involved in the development of safe systems of work and a safe environment to manage any asbestos related risks.

#### 3.6 Educating residents

3.7 Providing education for the community on the identification and safe removal of ACM is the joint responsibility of Councils and State Government agencies. Council, however, is often the first point of contact for residents who believe they have identified asbestos in their homes or have a concern or complaint regarding a public health hazard. Council also has a role in proactively offering useful information to the community to minimise avoidable incidents that present asbestos health hazards. This could include providing information to residents on lawful/licenced disposal facilities that are located within the Local Government Area (LGA).

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## Policy



### 3.8 Contaminated land management

3.9 Council has a responsibility to provide information about land contamination on planning certificates issued under Section 10.7 of the EP&A Act. For sites that are significantly contaminated and require a major remediation program independent of any rezoning or development applications, the EPA and SafeWork NSW are the lead regulatory authorities.

3.10 Responsibility for cleaning up contaminated land lies with the person responsible for the contamination or the relevant landowner.

### 3.11 Council land, building and asset management

3.12 Council has a responsibility to ensure that risk assessments are carried out on any Council owned buildings or assets that may contain asbestos containing materials. Like many Councils across Australia, a number of our buildings, structures and assets were built or refurbished at a time when asbestos containing materials may have been used during construction. Control measures are in place to manage these assets.

### 3.13 Emergency response

3.14 Council may play a role in ensuring that ACM's are cleaned up after an emergency or incident. If the incident occurs at a workplace, SafeWork NSW is the lead agency.

3.15 Council may issue a cleanup, prevention, cost compliance or penalty infringement notice. Alternatively, Council may act under the EPA Act. Council will determine an appropriate response depending on the nature of the situation.

### 3.16 Land use planning (including development approvals and demolition)

3.17 Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has been previously used as a landfill or on-site burial of asbestos waste).

3.18 Council is the consent authority for the majority of development applications in the LGA and may impose conditions of consent and a waste disposal guide in a development consent to ensure the safe removal of asbestos, where ACM has been identified or may be reasonably assumed to be present.

### 3.19 Waste management and regulation

#### Policy

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## Policy



3.20 It is illegal to dispose of asbestos waste in kerbside garbage bins or via the kerbside bulky waste collections, it is also illegal to recycle, reuse, bury or illegally dump asbestos waste. Asbestos waste (in any form) must only be disposed of at a facility that is licensed to lawfully receive asbestos waste. Within Port Stephens LGA the only licensed waste facility that can accept asbestos waste is the landfill facility on Newline Road Raymond Terrace. The Salamander Bay Waste Transfer Station is not licensed to accept asbestos waste.

### 4. DEFINITIONS:

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

Model Asbestos Policy for NSW Councils	The Model Asbestos Policy provides Councils with the basis for the preparation of a comprehensive and compliant asbestos policy. It outlines important legislative obligations of Councils and provides useful additional information.
Asbestos	Includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.
Asbestos-containing material (ACM)	Means any material containing more than 1% asbestos.

### 5. STATEMENT:

- 5.1 Council has an important dual role in maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for both:
- a) residents and the public
  - b) workers (employees, volunteers and contractors) in Council workplaces.
- 5.2 Council is committed to ensuring that asbestos containing material in Council owned buildings is managed and controlled to protect the health and wellbeing of workers, contractors and the community in accordance with the Model Asbestos Policy and Guide developed by Local Government NSW in partnership with the NSW Government and input from industry reference groups.

## Policy

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## Policy



### 6. RESPONSIBILITIES:

- 6.1 Executive Team - Responsible for the overall implementation and review of the policy.
- 6.2 ~~Development Services Group Manager~~ **Director Community Futures** - Responsible for the ongoing communications and engagement of asbestos awareness within the organisation and throughout the community.
- 6.3 Section Managers - Responsible for compliance with the overall objectives and policy statement as outlined within this document as relevant to their section.
- 6.4 Governance Section - Responsible for maintaining safe systems of work and establishing an environment where staff and their supervisors minimise the risks of exposure to ACM in accordance with the Work Health and Safety Act 2011 (NSW) and Work Health and Safety Regulations (NSW).
- 6.5 Asset owners (Assets, Property & Community Services) - Responsible for ensuring that risk assessments are carried out on any Council owned buildings or assets that may contain ACM and that appropriate control measures are in place to manage these assets.
- 6.6 Strategic Land Use Planning - Responsible for providing information about land contamination on planning certificates issued under Section 10.7 of the EP&A Act.
- 6.7 ~~Development Assessment and Compliance~~ - Responsible for imposing conditions of consent and a waste disposal guide in development consent to ensure the safe removal of asbestos, where ACM has been identified or may be reasonably assumed to be present.
- 6.8 ~~Environmental Health & Compliance~~ - Responsible for coordinating Council's response to Asbestos related issues such as land contamination, illegal dumping and pollution.

### 7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council Guide to the Management of Asbestos Risks.
- 7.2 Port Stephens Council Asbestos Procedure.
- 7.3 Model Asbestos Policy for NSW Councils (LGNSW).
- 7.4 Guide to the Model Asbestos Policy for NSW Councils (LGNSW).
- 7.5 ~~Demolition work code of practice 2016 (Catalogue no. @C038411).~~
- 7.5 **Code of Practice Demolition Work 2019.**
- 7.6 Contaminated Land Management Act 1997 (NSW).
- 7.7 Environmental Planning and Assessment Act 1979 (NSW).
- 7.8 Environmental Planning and Assessment Regulation 2000 (NSW).

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7.9 Local Government Act 1993 (NSW).

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<b>EDRMS container No.</b>	PSC2013-00406-0069	<b>EDRMS record No.</b>	TBC
<b>Audience</b>	Employees, volunteers, contractors and public		
<b>Process owner</b>	Development & Compliance Section Manager		
<b>Author</b>	Development & Compliance Section Manager		
<b>Review timeframe</b>	3 years	<b>Next review date</b>	TBC
<b>Adoption date</b>	26 November 2013		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	26/11/2013	Group Manager Development Services		343
2	23/06/2015	Group Manager Development Services	Transfer to new policy template, greater detail around roles and responsibilities of key service units across Council.	172

## Policy

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## Policy



3	13/6/2017	Group Manager Development Services	<p>1) All references to "workCover" replaced with "SafeWork NSW"</p> <p>2) Under PURPOSE:</p> <ul style="list-style-type: none"> <li>Paragraph 2 delete 2015-2019 and replace with 2016-2020.</li> <li>Second dot point delete 15.1.3 and replace with 5.1.3.</li> <li>Reword paragraph 3 from "The presence of asbestos in premises on Council owned or managed land will be identified and the risk to health evaluated." change to "The presence of asbestos in premises on Council owned or managed land will be identified, the risk to health evaluated and mitigating measures implemented until the long term objective of removal is completed."</li> </ul> <p>3) Under <u>Educating residents</u> additional sentence added to end of paragraph – "This should include providing information to residents on lawful/licenced disposal facilities that are located within the LGA"</p> <p>4) Under RELATED DOCUMENTS:</p> <ul style="list-style-type: none"> <li>Updated hyperlinks for documents 3) and 4).</li> <li>Replace 5) Australian Standard AS2601-2001: The Demolition of Structures with 5) Demolition work code of practice 2015 (catalogue no. WC03841).</li> </ul>	125
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## Policy



Version	Date	Author	Details	Minute No.
			<ul style="list-style-type: none"><li>• Amend 12) Protection of the Environment Operations (Waste) Regulation 2005 (NSW) to 12) Protection of the Environment Operations (Waste) Regulation 2014 (NSW).</li><li>• Add 16) Work Health and Safety Act 2011 (NSW) and Work Health and Safety Regulations (NSW).</li></ul>	

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# Policy



Version	Date	Author	Details	Minute No.
4	14/5/2019	Group Manager Development Services	<p>Updated to new Policy template to include paragraph numbering.</p> <p>1.2 - Updated Operation Plan to current year.  1.2.1 - Updated Operation Plan heading and key directions to current year.  1.2.2 - Updated Operation Plan heading and key directions to current year.</p> <p>2.7 – Inserted new paragraph 'Council owns and maintains a range of built assets and facilities across the local government area with related obligations to minimise risk or harm to users of these assets and facilities.'</p> <p>3.9 - Updated Section 149 to Section 10.7 in accordance with legislation updates.</p> <p>6.6 – Updated Section 149 to Section 10.7 in accordance with legislation updates.</p> <p>6.7 – Added 'and Compliance' to the naming convention of the Section.</p>	089

## Policy

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# Policy



Version	Date	Author	Details	Minute No.
5	23/03/2021	Group Manager Development Services	<p>1.4, 2.3, 2.4, 3.7, 3.18, 6.4, 6.5, 6.7 - Replaced asbestos with 'asbestos contaminated material (ACM)'</p> <p>2.6 – Added 'Although at times there can be a crossover of responsibilities with Council and other governing bodies.'</p> <p>2.8.2 – Replaced 'necessary' with 'reasonably practicable'</p> <p>3.5 – Replaced 'Integrated Risk Management System' with 'Enterprise Risk'</p> <p>3.18 – Added 'a'.</p> <p>6.4 – Replaced 'Organisation Development' with 'Governance Section '</p>	059
6	TBC	Development & Compliance Section Manager	<p>Transfer to new policy template, update process owner and author. Updated Operational Plan date.</p> <p>Updated Related Documents.</p>	TBC

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**ITEM NO. 6**

**FILE NO: 24/79081  
EDRMS NO: PSC2020-00071**

**POLICY REVIEW - COMMUNITY SPORT EQUITABLE ACCESS AND USAGE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft Community Sport Equitable Access and Usage Policy shown at **(ATTACHMENT 1)**.
- 2) Place the draft Community Sport Equitable Access and Usage 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.

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**ORDINARY COUNCIL MEETING - 23 APRIL 2024  
MOTION**

<b>079</b>	<p><b>Councillor Leah Anderson</b> <b>Councillor Jason Wells</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the draft Community Sport Equitable Access and Usage Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the draft Community Sport Equitable Access and Usage 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.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is seek Council's endorsement of the draft Community Sport Equitable Access and Usage Policy (**ATTACHMENT 1**).

This is a new policy that has been developed to effectively drive gender equitable access and use of Port Stephens Council community sports infrastructure to improve outcomes for women and girls. The policy will help Council continue to work towards its strategic objective of managing a recreation facility network that is inclusive and accessible. Recent projects completed by Council aiming to improve equitable access include gender neutral change and toilet facilities in new amenity buildings at Lionel Morten Oval (Karuah), Boyd Oval (Medowie) and Stuart Park (Hinton).

Council has applied to the NSW Government's Level the Playing Field grant program to fund sports facility upgrades at Tomaree Sports Complex, Nelson Bay. A condition of this funding is Council has an adopted Equitable Access and Usage Policy.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

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

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no legal or policy impediments to adopting the Community Sport Equitable Access and Usage policy.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the policy is not adopted Council will not be eligible for \$2 million in grant funding requested in the NSW Government's Level the Playing Field grant program.	Medium	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no sustainability implications as a result of implementing this policy.

**CONSULTATION**

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

Internal

- Facilities and Infrastructure Directorate
- Legal Services
- Governance

External

In accordance with local government legislation, the draft Community Sport Equitable Access and Usage Policy will go on public exhibition for 28 days.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Community Sport Equitable Access and Usage Policy.

**COUNCILLORS' ROOM/DASHBOARD**

- 1) Port Stephens Council – Community Sport Equitable Access and Usage Action Plan.
- 2) NSW Office of Sport – Level the Playing Field Program 2023/24 Guidelines.

**TABLED DOCUMENTS**

Nil.



**ITEM 6 - ATTACHMENT 1 COMMUNITY SPORT EQUITABLE ACCESS AND USAGE POLICY.**

## Policy



**FILE NO:** PSC2020-00071

**TITLE:** COMMUNITY SPORT EQUITABLE ACCESS AND USAGE POLICY

**OWNER:** ASSET SECTION MANAGER

### 1. PURPOSE:

- 1.1 To provide a management framework to address barriers experienced by women and girls in accessing and using community sport infrastructure. The purpose is to ensure all voices, concerns and experiences are an integral dimension of the design, implementation, monitoring of policies and programs.
- 1.2 This policy aims to ensure Port Stephens Council (Council) complies with all current legislation, related policies and seeks to strengthen community sports participation, wellbeing and connectivity.
- 1.3 This policy aims to progressively build capacity and capability at Council in identification and elimination of systemic causes of gender inequality in community sport infrastructure design, policy, program development and delivery, communication and delivery of sport and related services in all community sport infrastructure.
- 1.4 Community engagement and consultation starts in the design phase of any new, upgraded or repurposed community sport infrastructure. It also critical in development of policy and design of programs and/or services offered at the venue.
- 1.5 Council acknowledges that it is important to consider and prioritise all current and future planning, policy, service delivery and practice as they relate to community sports infrastructure. Council aims to:
  - a) Ensure women and girls have equitable access to sport and recreation facilities.
  - b) Foster positive sport and recreation participation experiences for women and girls.
  - c) Increase utilisation of sport and recreation facilities by women and girls.

### 2. BACKGROUND

- 2.1 Sport and active recreation are an important part of our communities. Sport provides the opportunity for enriching our communities through the promotion of respect and fair mindedness for all people, while also supporting the physical and mental wellbeing of all in our community. Sport reaches across age, gender, cultural background and demographic groups, strengthens social networks and builds a sense of belonging for participants.
- 2.2 Council seeks to increase sport and active recreation opportunities and participation rates for everyone. However, Council understands women and girls across NSW do not currently have equal access to community sport and

#### Policy

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**ITEM 6 - ATTACHMENT 1 COMMUNITY SPORT EQUITABLE ACCESS AND USAGE POLICY.**

## Policy



recreation and unfortunately, it is still common for facilities to be poorly designed to meet the expectation of women and girls. Men and boys are often given the best and most popular training times as well as being allocated to the best and newest facilities.

- 2.3 Council seeks to ensure sport and active recreation facilities are welcoming, equitably accessible, safe and inclusive for all, and any barriers are removed to ensure women and girls feel included and sport participation for women and girls increases.
- 2.4 Council will engage fairly with the sport workforce, user groups and the community.
- 2.5 Council is well positioned to design and implement place-based, actions plan/s that progress gender equity in community sport.

### 3. SCOPE

- 3.1 The scope of this policy is to support Council to take positive action towards achieving gender equity in the access and usage of community sports infrastructure. This policy applies to all Council owned and managed community sporting facilities.
- 3.2 This policy applies to:
  - a) Any policies, programs, communications, and services as they relate to community sports infrastructure.
  - b) The design, construction of new and improved and ongoing maintenance of community sport infrastructure.
  - c) All community sports infrastructure managed by Council.
- 3.3 This policy reflects Council's commitment to the following six guiding principles:
  - a) Community sports infrastructure and environments are genuinely accessible, welcoming, safe and inclusive.
  - b) Women and girls can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator.
  - c) Women and girls will have equitable access to and use of community sport infrastructure:
    - i. of the highest quality available and most convenient
    - ii. at the best and most popular competition and training times and locations
    - iii. to support existing and new participation opportunities and a variety of sports.
  - d) Women and girls should be equitably represented in the sport sector workforce including in leadership and governance roles.
  - e) Encourage and support all user groups who access and use community sport infrastructure to understand, adopt and implement gender equitable access and use practices.
  - f) Prioritise access, use and support to all user groups who demonstrate an ongoing commitment to gender equitable access and use of allocated community sport infrastructure.

## Policy

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## Policy



### 4. DEFINITIONS

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

Active recreation	Physical activity for the purposes of relaxation, health and wellbeing or enjoyment, which can be self-directed or facilitated by a provider or organisation.
Community Sports Infrastructure	Sport and recreation infrastructure operated and maintained primarily for facilitating community sport activities, including sporting grounds, surfaces, facilities, and associated amenities.
Gender	How you understand who you are and how you interact with other people. Many people understand their gender as being a man or woman. Some people understand their gender as a mix of these or neither. A person's gender and their expression of their gender can be shown in different ways, such as through behaviour or physical appearance.
Gender Equality	Focuses on the equal rights, responsibilities and opportunities of women, men, trans and gender diverse people. Equality does not mean that everyone will become the same, but that their rights, responsibilities and opportunities will not depend on their gender. This ensures that everyone has equal opportunities despite existing inequalities.
Gender Equity	Provision of fairness and justice in the distribution of benefits and responsibilities on the basis of gender. The concept recognises that people may have different needs and power related to their gender and that these differences should be identified and addressed in a manner that rectifies gender related imbalances.
Inclusive	Providing access, inclusive spaces, sport infrastructure and activities strive to remove obstacles and barriers that prevent people of all genders, ages, abilities (both physical and mental) and cultural backgrounds from being able to participate.
Sport	Physical activity that can be undertaken by a team or an individual in a social or competitive environment in pursuit of a result. It can be organised or less formal with a greater focus on social outcomes.
Workforce	People engaged in or available for paid or unpaid work (volunteering) within the sport ecosystem.

#### Policy

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**ITEM 6 - ATTACHMENT 1 COMMUNITY SPORT EQUITABLE ACCESS AND USAGE POLICY.**

## Policy



### 5. STATEMENT

- 5.1 This statement establishes the expectation that gender equality is considered and prioritised in all current and future planning, policy, service delivery and practice as they relate to community sports infrastructure. Council recognises that gender equality is:
- a) The attainment of equal rights, responsibilities, and opportunities of women, men, trans and gender diverse people. Equality does not mean that women, men, trans and gender diverse people will become the same but that their rights, responsibilities, and opportunities will not depend on their gender.
  - b) The provision of fairness and justice in the distribution of benefits and responsibilities based on gender. The concept recognises that people may have different needs and power related to their gender and these differences should be identified and addressed in a manner that rectifies gender related imbalances.
- 5.3 Council acknowledges:
- a) The disadvantaged position some individuals have had in the sport and recreation sector because of their gender.
  - b) That achieving gender equality will require diverse approaches for women and girls to achieve similar outcomes for people of all genders.
  - c) That achieving equality will require diverse approaches for men, people with disability, First Nations peoples, LGBTQIA+ people and people from culturally and linguistically diverse communities to achieve similar outcomes for all people.
- 5.4 Council will:
- a) Engage fairly and equitably with the sport workforce, participants, other user groups and members of the broader sport and recreation community, regardless of their gender, in a positive, respectful and constructive manner.
  - b) Engage with the broader sport community to assess the implications for men, people with disability, First Nations peoples, LGBTQIA+ people and people from culturally and linguistically diverse of any planned action, including policies and communications.
  - c) Commit to removing barriers and improving gender equitable access and use of community sports facilities in alignment with this policy's guiding principles.

### 6. RESPONSIBILITIES

- 6.1 The Asset Section Manager has the overall responsibility for the implementation of this policy.

### 7. RELATED DOCUMENTS

- 7.1 NSW Office of Sport - Level the Playing Field Program 2023/2024 Guidelines.  
7.2 Community Sport Equitable Access and Usage Action Plan.

#### Policy

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## ITEM 6 - ATTACHMENT 1 COMMUNITY SPORT EQUITABLE ACCESS AND USAGE POLICY.

## Policy



## CONTROLLED DOCUMENT INFORMATION:

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<b>EDRMS container No.</b>	PSC2020-00071	<b>EDRMS record No.</b>	TBC
<b>Audience</b>	Community, Assets Section, Staff and General Manager		
<b>Process owner</b>	Assets Section Manager		
<b>Author</b>	Community Assets Planner		
<b>Review timeframe</b>	3 years	<b>Next review date</b>	TBC
<b>Adoption date</b>	TBC		

## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	TBC	Community Assets Planner	New policy.	TBC

## Policy

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**ITEM NO. 7****FILE NO: 24/67273  
EDRMS NO: PSC2021-04206****REQUESTS FOR FINANCIAL ASSISTANCE****REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER  
DIRECTORATE: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:-
    - a) Yacaaba Centre – Mayoral fund - \$573 donation towards supporting capital works projects at the Yacaaba Centre.
    - b) Rivergum Grandparents as Parents Support Group – Rapid response – Cr Peter Kafer - \$500 donation towards assisting ongoing operations of the group.
    - c) 1<sup>st</sup> Anna Bay Scouts Group – Rapid response – Cr Jason Wells - \$250 donation towards enabling Scouts to attend the 2025 Scouts Jamboree event.
- 

**ORDINARY COUNCIL MEETING - 23 APRIL 2024  
MOTION**

<b>080</b>	<b>Councillor Jason Wells Councillor Chris Doohan</b>  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:- <ol style="list-style-type: none"><li>a) Yacaaba Centre – Mayoral fund - \$573 donation towards supporting capital works projects at the Yacaaba Centre.</li><li>b) Rivergum Grandparents as Parents Support Group – Rapid response – Cr Peter Kafer - \$500 donation towards assisting ongoing operations of the group.</li><li>c) 1<sup>st</sup> Anna Bay Scouts Group – Rapid response – Cr Jason Wells - \$250 donation towards enabling Scouts to attend the 2025 Scouts Jamboree event.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

## **BACKGROUND**

The purpose of this report is to 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**

Yacaaba Centre	The Yacaaba Centre provides counselling services and mental health support for the community.	\$573	Donation towards supporting capital works projects at the Yacaaba Centre.
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## **WARD FUNDS**

Rivergum Grandparents as Parents Support Group	A community based organisation focusing on helping kinship carers and the children they are raising.	\$500	Donation towards supporting ongoing operations.
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**MINUTES ORDINARY COUNCIL - 23 APRIL 2024**

1 <sup>st</sup> Anna Bay Scouts	Anna Bay Scouts provide outdoor adventure and youth leadership activities.	\$250	Donation towards enabling Scouts to attend the 2025 Scouts Jamboree event.
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**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**LEGAL, 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.



<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council 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/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 8****FILE NO: 24/79705  
EDRMS NO: PSC2022-02308****INFORMATION PAPERS**

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

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**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 23 April 2024.

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<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Cash and Investment Portfolio - March 2024	160
2	Designated Persons' Return	170
3	Council Resolutions	171

**ORDINARY COUNCIL MEETING - 23 APRIL 2024  
MOTION**

<b>081</b>	<b>Councillor Chris Doohan Councillor Peter Kafer</b>  It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 23 April 2024. <hr/> <table><tr><th><b>No:</b></th><th><b>Report Title</b></th></tr><tr><td>1</td><td>Cash and Investment Portfolio - March 2024</td></tr><tr><td>2</td><td>Designated Persons' Return</td></tr><tr><td>3</td><td>Council Resolutions</td></tr></table>	<b>No:</b>	<b>Report Title</b>	1	Cash and Investment Portfolio - March 2024	2	Designated Persons' Return	3	Council Resolutions
<b>No:</b>	<b>Report Title</b>								
1	Cash and Investment Portfolio - March 2024								
2	Designated Persons' Return								
3	Council Resolutions								

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

Those against the Motion: Nil.

The motion was carried.

# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 23/342427  
EDRMS NO: PSC2017-00180**

**CASH AND INVESTMENT PORTFOLIO - MARCH 2024**

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 March 2024.

Council's total portfolio of investments was \$78.5 million with an additional \$2 million held in Council's operational account as at 31 March 2024.

The investment portfolio is currently yielding 4.86% per annum on a rolling 1 year performance, which was 0.67% above the benchmark with investment income on target to meet or exceed budget.

The investment portfolio meets the benchmarks for institution exposure and maturity limits, but is outside of the benchmark in relation to rating exposure. As at 31 March 2024, Council held 2% more cash with non-rated institutions than the benchmarks allow for, which is due to the overall portfolio holdings decreasing from the normal consumption of cash during the month. No further investments will be placed with non-rated institutions until the benchmark is reached.

**ATTACHMENTS**

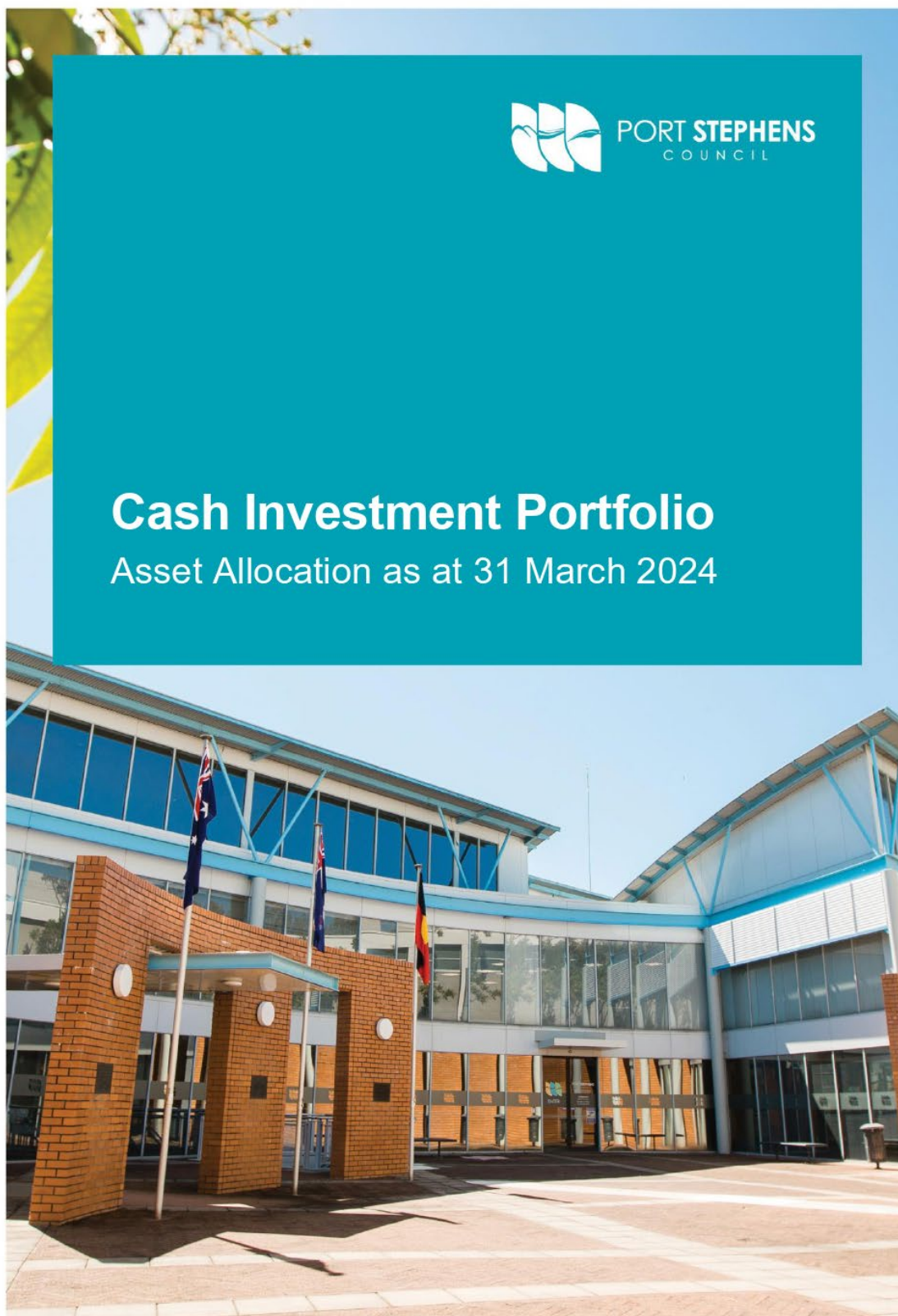
1) Cash Investment Portfolio - March 2024.

**COUNCILLORS' ROOM**

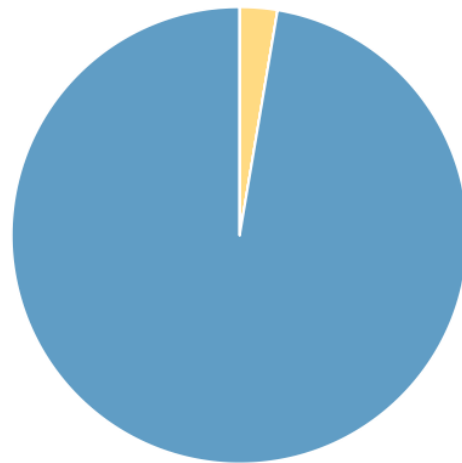
Nil.

**TABLED DOCUMENTS**

Nil.



## Cash Investment Portfolio Holdings



■ At Call ■ Cash ■ At Notice ■ TD ■ Managed Fund

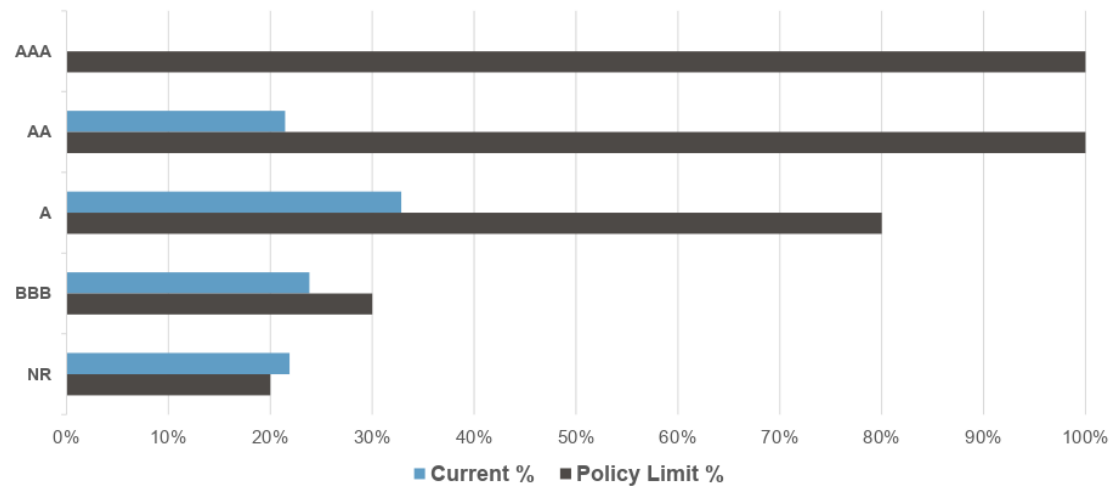
Product Type	Market Value (\$)	Within Policy
At Call	-	
Cash	2,145,478	✓
At Notice	-	
TD	78,489,357	✓
Managed Fund	-	
	<b>80,634,835</b>	

✓ = Yes

✗ = No

## Rating Exposure

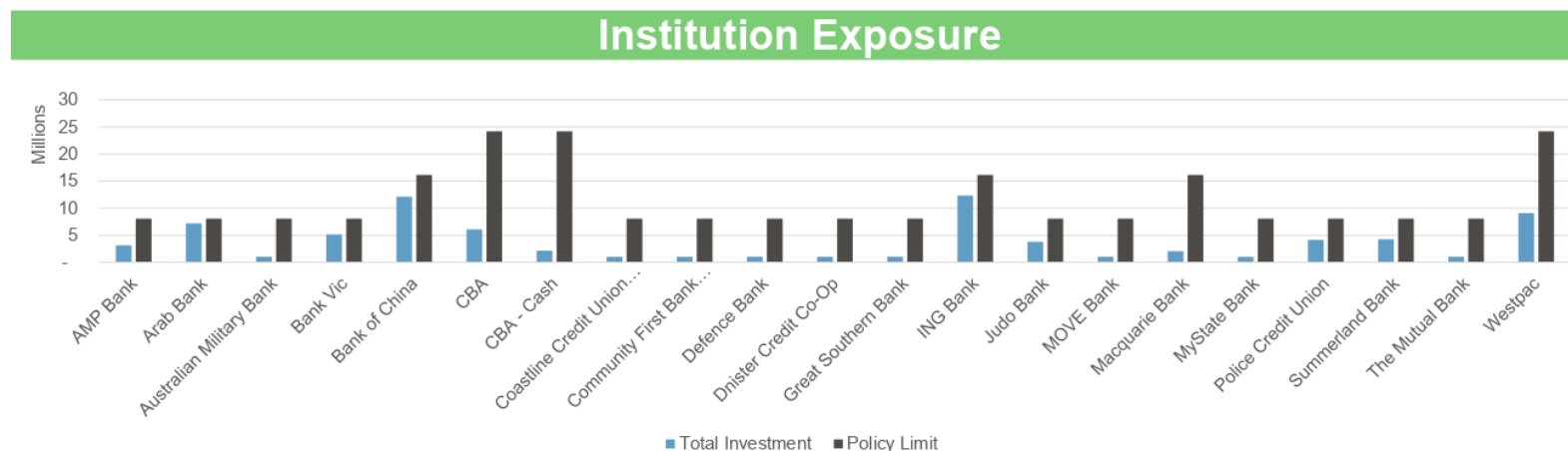
### Total Credit Exposure



Credit Rating Group	Market Value (\$)	Current %	Policy Limit %	Within Policy
AAA	-	0%	100%	✓
AA	17,291,633	21%	100%	✓
A	26,483,933	33%	80%	✓
BBB	19,216,586	24%	30%	✓
NR	17,642,684	22%	20%	✗
	<b>80,634,835</b>	<b>100%</b>		

✓ = Yes

✗ = No

**ITEM 1 - ATTACHMENT 1 CASH INVESTMENT PORTFOLIO - MARCH 2024.**


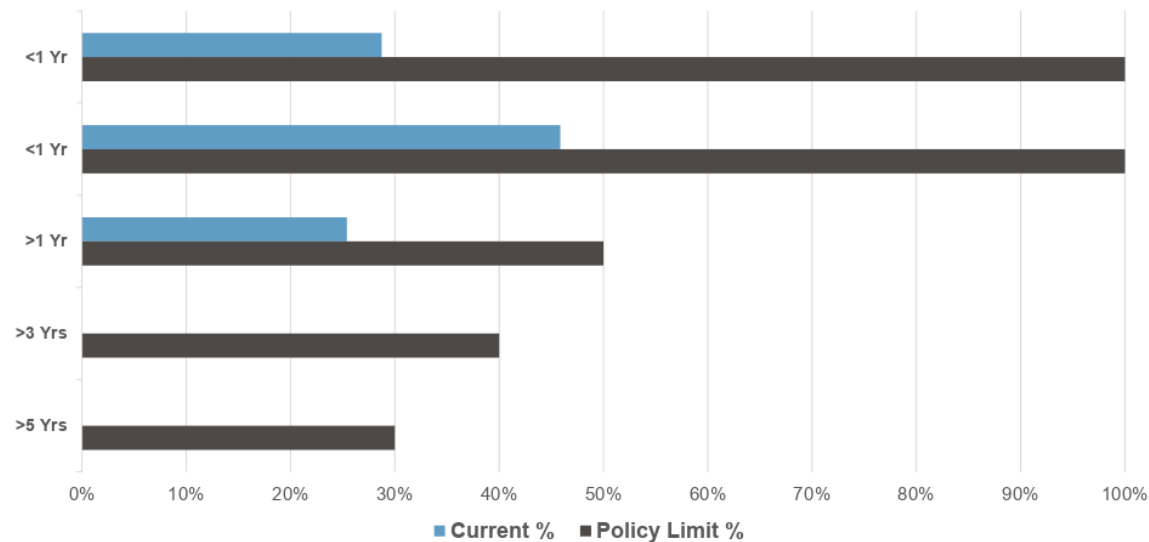
Institution	Rating	Total Investment	Exposure	Policy Limit	Remaining to Limit	Within Policy
AMP Bank	BBB	3,126,856	4%	10%	4,936,627	✓
Arab Bank	NR	7,196,669	9%	10%	866,814	✓
Australian Military Bank	BBB	1,033,930	1%	10%	7,029,553	✓
Bank Vic	BBB	5,136,171	6%	10%	2,927,313	✓
Bank of China	A	12,108,119	15%	20%	4,018,848	✓
CBA	AA	6,074,318	8%	30%	18,116,133	✓
CBA - Cash	AA	2,145,478	3%	30%	22,044,973	✓
Coastline Credit Union Limited	BBB	1,004,289	1%	10%	7,059,194	✓
Community First Bank Ltd	BBB	1,004,272	1%	10%	7,059,211	✓
Defence Bank	BBB	1,044,889	1%	10%	7,018,594	✓
Dnister Credit Co-Op	NR	1,018,399	1%	10%	7,045,085	✓
Great Southern Bank	BBB	1,030,493	1%	10%	7,032,990	✓
ING Bank	A	12,324,827	15%	20%	3,802,140	✓
Judo Bank	BBB	3,787,896	5%	10%	4,275,587	✓
MOVE Bank	NR	1,043,740	1%	10%	7,019,744	✓
Macquarie Bank	A	2,050,987	3%	20%	14,075,980	✓
MyState Bank	BBB	1,003,773	1%	10%	7,059,711	✓
Police Credit Union	NR	4,142,898	5%	10%	3,920,585	✓
Summerland Bank	NR	4,240,978	5%	10%	3,822,505	✓
The Mutual Bank	BBB	1,044,016	1%	10%	7,019,467	✓
Westpac	AA	9,071,837	11%	30%	15,118,613	✓
<b>Total</b>		<b>80,634,835</b>				

✓ = Yes

\* = No



### Term to Maturity Limits



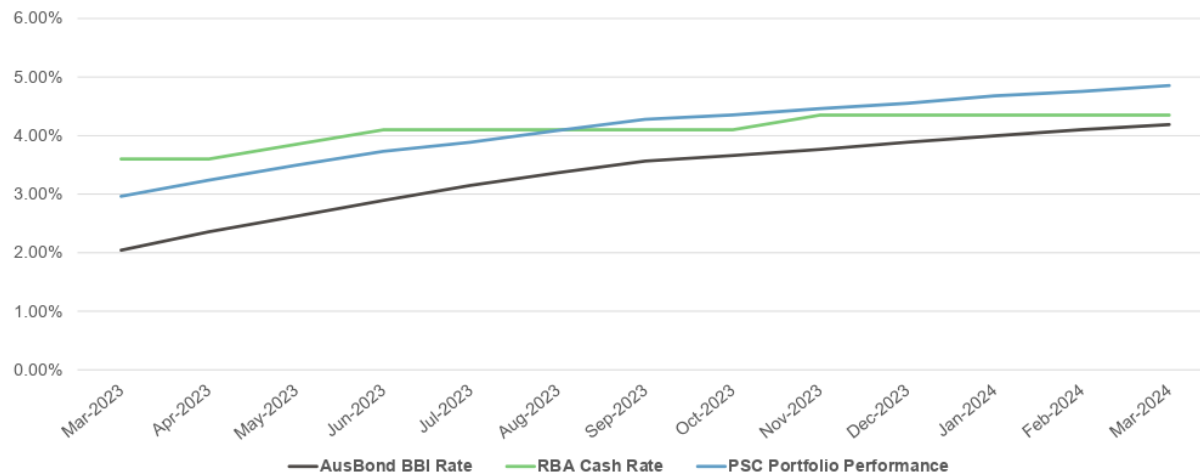
Detailed Maturity Profile	Market Value (\$)	Current %	Policy Limit %	Within Policy
Less than or equal 90 Days	23,172,735	29%	100%	✓
Between 90 Days and 365 Days	36,984,714	46%	100%	✓
Between 366 Days and 3 Years	20,477,387	25%	50%	✓
Between 3 Years and 5 Years	-	0%	40%	✓
Greater than 5 Years	-	0%	30%	✓
	<b>80,634,835</b>	<b>100%</b>		

✓ = Yes

✗ = No

## Portfolio Performance

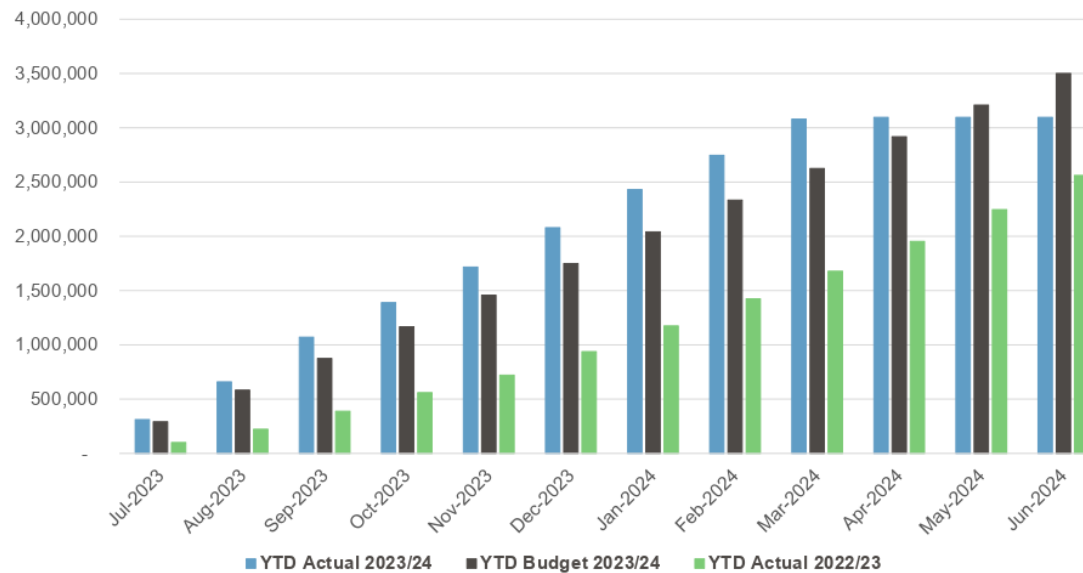
### One Year Rolling Performance



Performance	1 month actual	3 months actual	6 months actual	FYTD actual	1 year % p.a. (Rolling)
Bloomberg AusBond BBI (Benchmark)	0.37%	1.09%	2.15%	3.26%	4.19%
PSC Investment Portfolio	0.43%	1.27%	2.46%	3.73%	4.86%
Outperformance/(underperformance)	0.06%	0.19%	0.31%	0.47%	0.67%

## Income Earned vs Budget

Monthly Investment Income - Actual to Budget



## Investment Register

Institution	Market Value	Days Held	Interest Rate	Date Invested	Maturity Date	Rating
CBA - Cash	2,145,478	1		31/03/2024	1/04/2024	AA
Westpac	1,009,432	542	4.53%	14/10/2022	8/04/2024	AA
Bank of China	9,018,905	32	4.51%	14/03/2024	15/04/2024	A
Judo Bank	851,047	732	3.35%	22/04/2022	23/04/2024	BBB
Summerland Bank	1,062,258	523	4.60%	23/11/2022	29/04/2024	NR
Westpac	1,001,923	615	4.35%	23/08/2022	29/04/2024	AA
Judo Bank	851,047	746	3.35%	22/04/2022	7/05/2024	BBB
Macquarie Bank	1,025,252	627	4.41%	1/09/2022	20/05/2024	A
CBA	1,011,466	475	4.65%	7/02/2023	27/05/2024	AA
ING Bank	1,042,199	377	5.05%	31/05/2023	11/06/2024	A
Macquarie Bank	1,025,735	649	4.41%	1/09/2022	11/06/2024	A
ING Bank	1,042,199	383	5.05%	31/05/2023	17/06/2024	A
The Mutual Bank	1,044,016	362	5.80%	28/06/2023	24/06/2024	BBB
ING Bank	1,041,778	384	5.10%	6/06/2023	24/06/2024	A
ING Bank	1,041,942	376	5.67%	5/07/2023	15/07/2024	A
Westpac	1,004,410	692	4.35%	23/08/2022	15/07/2024	AA
Police Credit Union	1,006,327	538	5.02%	14/02/2023	5/08/2024	NR
Westpac	1,005,353	538	5.01%	21/02/2023	12/08/2024	AA
Defence Bank	1,044,889	479	4.95%	5/05/2023	26/08/2024	BBB
CBA	1,013,463	396	5.46%	3/08/2023	2/09/2024	AA
Bank Vic	1,052,538	544	5.02%	15/03/2023	9/09/2024	BBB
Police Credit Union	1,045,524	500	5.02%	5/05/2023	16/09/2024	NR
Police Credit Union	1,045,524	507	5.02%	5/05/2023	23/09/2024	NR
CBA	1,013,364	424	5.42%	3/08/2023	30/09/2024	AA
ING Bank	1,012,181	655	4.68%	23/12/2022	8/10/2024	A
Great Southern Bank	1,030,493	409	5.25%	1/09/2023	14/10/2024	BBB
ING Bank	1,012,435	661	4.70%	23/12/2022	14/10/2024	A
CBA	1,012,723	416	5.16%	1/09/2023	21/10/2024	AA
Westpac	1,007,384	732	4.90%	3/11/2022	4/11/2024	AA
Summerland Bank	1,062,934	719	4.65%	23/11/2022	11/11/2024	NR
Summerland Bank	1,062,934	726	4.65%	23/11/2022	18/11/2024	NR
ING Bank	1,014,548	724	4.50%	2/12/2022	25/11/2024	A
ING Bank	1,014,918	738	4.50%	2/12/2022	9/12/2024	A
CBA	1,011,614	731	4.71%	20/12/2022	20/12/2024	AA
Police Credit Union	1,045,524	612	5.02%	5/05/2023	6/01/2025	NR
ING Bank	1,040,795	587	4.98%	6/06/2023	13/01/2025	A
Westpac	1,003,411	594	4.98%	6/06/2023	20/01/2025	AA
Judo Bank	1,043,637	579	5.75%	28/06/2023	27/01/2025	BBB
Westpac	1,003,411	602	4.98%	6/06/2023	28/01/2025	AA
Arab Bank	1,044,244	593	5.83%	28/06/2023	10/02/2025	NR
CBA	1,011,688	733	4.74%	8/02/2023	10/02/2025	AA
Bank Vic	1,029,796	535	5.13%	1/09/2023	17/02/2025	BBB
Arab Bank	1,029,970	542	5.16%	1/09/2023	24/02/2025	NR
Arab Bank	1,044,244	607	5.83%	28/06/2023	24/02/2025	NR
Bank of China	1,029,738	556	5.12%	1/09/2023	10/03/2025	A
Summerland Bank	1,052,852	726	5.05%	15/03/2023	10/03/2025	NR
Arab Bank	1,029,970	563	5.16%	1/09/2023	17/03/2025	NR
Westpac	1,027,774	550	5.28%	21/09/2023	24/03/2025	AA
ING Bank	1,023,421	515	5.48%	27/10/2023	25/03/2025	A
Westpac	1,008,740	515	5.50%	2/11/2023	31/03/2025	AA
AMP Bank	1,047,397	732	5.00%	20/04/2023	21/04/2025	BBB
AMP Bank	1,044,795	727	5.00%	9/05/2023	5/05/2025	BBB
MOVE Bank	1,043,740	731	5.15%	26/05/2023	26/05/2025	NR
Arab Bank	1,018,602	559	5.52%	29/11/2023	10/06/2025	NR
ING Bank	1,004,142	479	5.04%	1/03/2024	23/06/2025	A
Judo Bank	1,042,164	733	5.70%	5/07/2023	7/07/2025	BBB
MyState Bank	1,003,773	497	5.10%	4/03/2024	14/07/2025	BBB
AMP Bank	1,034,664	725	5.25%	3/08/2023	28/07/2025	BBB
Australian Military Bank	1,033,930	726	5.27%	9/08/2023	4/08/2025	BBB
ING Bank	1,034,268	734	5.30%	8/08/2023	11/08/2025	A
Bank of China	1,029,738	717	5.12%	1/09/2023	18/08/2025	A
Bank of China	1,029,738	724	5.12%	1/09/2023	25/08/2025	A
Dnister Credit Co-Op	1,018,399	647	5.55%	1/12/2023	8/09/2025	NR
Arab Bank	1,018,498	661	5.58%	1/12/2023	22/09/2025	NR
Community First Bank Ltd	1,004,272	586	5.03%	29/02/2024	7/10/2025	BBB
Bank Vic	1,017,901	696	5.40%	1/12/2023	27/10/2025	BBB
Bank Vic	1,017,968	703	5.42%	1/12/2023	3/11/2025	BBB
Bank Vic	1,017,968	717	5.42%	1/12/2023	17/11/2025	BBB
Coastline Credit Union Limited	1,004,289	655	5.05%	29/02/2024	15/12/2025	BBB
Arab Bank	1,011,140	733	5.02%	10/01/2024	12/01/2026	NR
Total	80,634,835					

## Restricted Cash

Reserve	As at March 2024 \$'000
<b>External</b>	
Deposits, retentions and bonds	963
Grants and Contributions	7,473
Developer contributions (inc Haulage)	22,139
Domestic Waste Management	7,944
Crown Reserve	8,000
<b>Internal</b>	
Asset Rehab/Reseals	1,899
Drainage	1,576
Commercial Property	17,608
Election Reserve	508
Employee Leave Entitlements (ELE)	1,000
Fleet	1,293
Resilience fund	3,000
Grants Co-contribution	1,622
Emergency & Natural Disaster	3,594
Other Waste	17
Council Parking	784
IT	2,257
Sustainable energy and water reserve	59
Repealed	1,802
Transport levy	76
Admin Building	611
Ward Funds	58
Community Halls	82
Community Loans	200
<b>Total</b>	<b>84,565</b>
<b>Cash and Investment Report</b>	<b>80,635</b>
<b>Variance Cash Reserves to Bank Account</b>	<b>(3,930)</b>
Variance Due to:	
Outstanding Debtors	2,360
Loans not funded through a reserve	187
Outstanding GST refund	451
<b>Total Variance</b>	<b>2,998</b>
<b>Unrestricted Cash/(Shortfall)</b>	<b>(932)</b>
(due to timing of income and expenditure)	

**ITEM NO. 2**

**FILE NO: 24/78036  
EDRMS NO: PSC2023-01217**

**DESIGNATED PERSONS' RETURN**

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

**BACKGROUND**

The purpose of this report is to table Councillor and Designated Persons' Return/s (return) submitted.

In accordance with Part 4 – Pecuniary Interest of the Code of Conduct, all designated persons are required to submit a return. Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted return/s:

- Organisation Support Section Manager PSC503.
- Strategy and Environment Section Manager PSC755.
- Financial Services Section Manager PSC130
- Ranger PSC1065.

**ATTACHMENTS**

Nil.

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

- 1) Designated Persons' Return.

**ITEM NO. 3**

**FILE NO: 24/78924  
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/DASHBOARD**

Nil.

## **TABLED DOCUMENTS**

Nil.

## ITEM 3 - ATTACHMENT 1 COMMUNITY FUTURES RESOLUTIONS.



<b>Division:</b>	Community Futures	<b>Date From:</b>	10/10/2023
<b>Committee:</b>		<b>Date To:</b>	09/04/2024
<b>Officer:</b>		<b>Printed:</b>	Wednesday, 10 April 2024
<b>Action Sheets Report</b>			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 10/10/2023	Lamont, Brock  Peart, Steven	URGENCY MOTION: Wind Farm Industry	30/06/2024		
<b>10 Apr 2024</b> The General Manager has written to the requested delegates as outlined within the motion. A Councillor briefing with DCCEEW was undertaken on 20 February 2024. Council's delegation met with the Minister on 19 March 2024. Council are working to complete all outstanding actions as endorsed.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/11/2023	Lamont, Brock  Peart, Steven	Administrative Amendment to the Port Stephens Local Environmental Plan 2013	31/05/2024	29/11/2023	
3						23/324875
<b>10 Apr 2024</b> Staff are working through the items, noting there are some items that may be impacted by proposed State reforms currently being considered in a Parliamentary Inquiry. Other items relate to actions in the draft Local Housing Strategy to facilitate infill housing (currently on exhibition). A Councillor Workshop will be held once the outcome of these proposed reforms is certain.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/11/2023	Lamont, Brock  Peart, Steven	RAMSAR Listing for Mambo Wanda Wetlands	28/06/2024	29/11/2023	
4						23/324875
<b>10 Apr 2024</b> The General Manager has written to the Federal and State Minister for Environment outlining the resolution of Council. A Councillor briefing will be scheduled once a response from both Ministers has been received.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/12/2023	Lamont, Brock  Peart, Steven	Draft Shoal Bay Place Plan	26/04/2024	14/12/2023	
5						23/359154
<b>10 Apr 2024</b> The draft Shoal Bay Place Plan finished public exhibition on 25 February 2024, submissions are being be collated and considered. The final Place Plan is anticipated to be reported back to Council for consideration at the meeting of 23 April 2024.						



## ITEM 3 - ATTACHMENT 1 COMMUNITY FUTURES RESOLUTIONS.



<b>Division:</b> Community Futures	<b>Date From:</b> 10/10/2023
<b>Committee:</b>	<b>Date To:</b> 09/04/2024
<b>Officer:</b>	<b>Printed:</b> Wednesday, 10 April 2024
<b>Action Sheets Report</b>	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/02/2024	Lamont, Brock	Draft Port Stephens Development Control Plan 2014 - Chapter D12 Richardson Road	1/12/2024	28/02/2024	
2		Peart, Steven				24/50158
<b>10 Apr 2024</b> Council resolved to defer Draft DCP - Chapter D12 Richardson Road for a Two-way conversation with the Mayor and Councillors to discuss the original motion and subsequent amendment. Council are reviewing work plans to integrate preparation and a two way has been scheduled for the 14 May 2024 to facilitate further discussions.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/02/2024	Lamont, Brock	Draft Port Stephens Development Control Plan - Road Network and Parking (Electric Vehicles)	1/12/2024	28/02/2024	
3		Peart, Steven				24/50158
014						
<b>10 Apr 2024</b> Council resolved to endorse the Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) and provide public notice. Council are reviewing work plans to integrate outstanding actions and further report preparation.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/02/2024	Lamont, Brock	Exhibition of draft Port Stephens Coastal Management Program	31/05/2024		
4		Peart, Steven				24/50158
015						
<b>10 Apr 2024</b> Council endorsed the draft Coastal Management Program and associated appendices to be placed on public exhibition, commencing 28 February 2024 and concluding 28 March 2024. Council have commenced complementary community engagement. A further report is forecasted to be presented to Council for consideration at its meeting of 28 May 2024.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/03/2024	Gardner, Janelle	Policy Review: Public Art Policy	30/04/2024	13/03/2024	
8		Peart, Steven				24/63800
032						
<b>10 Apr 2024</b> Council endorsed to place the Revised Public Art Policy on exhibition for a period of 28 days. Should no submissions be received, the policy will be adopted without a further report to Council.						



<b>Action Sheets Report</b>	<b>Division:</b>	Community Futures	<b>Date From:</b>	10/10/2023
	<b>Committee:</b>		<b>Date To:</b>	09/04/2024
	<b>Officer:</b>		<b>Printed:</b>	Wednesday, 10 April 2024

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/03/2024	Grobbelaar, Evert	Notification from Developers Prior to Clearing of Major Vegetation	25/06/2024	13/03/2024	
1 037		Peart, Steven				24/63800
<b>10 Apr 2024</b>						
A report outlining options to require developers to notify Council prior to the commencement of clearing of major vegetation will be prepared for a future Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/03/2024	Lamont, Brock	Revised Local Housing Strategy	7/05/2024	27/03/2024	
1 043		Peart, Steven				24/75831
<b>10 Apr 2024</b>						
Council resolved to place the revised Port Stephens Local Housing Strategy on public exhibition for a period of 28 days, Council commenced the public exhibition period on 2 April 2024.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/03/2024	Lamont, Brock	Draft Port Stephens Development Control Plan - Chapter B1 Tree Management and B2 Flora and Fauna	7/05/2024	27/03/2024	
2 044		Peart, Steven				24/75831
<b>10 Apr 2024</b>						
Council resolved to place the draft Port Stephens Development Control Plan 2014 Chapter B1 Tree Management and B2 Flora and Fauna on public exhibition for a period of 28 days. Council commenced the public exhibition period on 2 April 2024.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/03/2024	Lamont, Brock	Draft Voluntary Planning Agreement - Hanson Construction Materials Pty Ltd	3/05/2024	27/03/2024	
3 045		Peart, Steven				24/75831
<b>10 Apr 2024</b>						
Council resolved to place the draft Voluntary Planning Agreement between Council and Hanson Constructions Materials Pty Ltd, together with the accompanying explanatory note on public exhibition for a period of 28 days. Council commenced the public exhibition period on 28 March 2024.						

**ITEM 3 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.**


<b>Division:</b>	Corporate Strategy and Support	<b>Date From:</b>	27/08/2013
<b>Committee:</b>		<b>Date To:</b>	09/04/2024
<b>Officer:</b>			
<b>Action Sheets Report</b>		<b>Printed:</b>	Wednesday, 10 April 2024

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2023	Pattison, Zoe	Campvale Drain	30/06/2024		
243		Pattison, Zoe				
<b>10 Apr 2024</b>						
Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.						

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
<b>10 Apr 2024</b>						
Public Exhibition deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	30/06/2024	12/10/2022	
2		Pattison, Zoe				22/273002
<b>10 Apr 2024</b>						
Report deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Pattison, Zoe	22 Homestead Street, Salamander Bay	31/12/2024	12/04/2023	
5088		Pattison, Zoe				23/92450
<b>10 Apr 2024</b>						
Council is investigating 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.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/08/2023	Pattison, Zoe	Raymond Terrace Gateway Site Masterplan	30/07/2024		
1193		Pattison, Zoe				23/214729
<b>10 Apr 2024</b>						
Following a two way conversation with Councillors in November 2023, the options presented will be included in the context of the broader Raymond Terrace town centre improvements.						

**ITEM 3 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.**

<b>Action Sheets Report</b>	<b>Division:</b>	Corporate Strategy and	<b>Date From:</b>	27/08/2013
	<b>Support</b>		<b>Date To:</b>	09/04/2024
	<b>Committee:</b>			
	<b>Officer:</b>			
			<b>Printed: Wednesday, 10 April 2024</b>	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/11/2023	Pattison, Zoe	Sale of closed roads in Raymond Terrace	30/06/2024	29/11/2023	
1		Pattison, Zoe				23/324875
<b>10 Apr 2024</b> Recommendation endorsed to close roads 1 and 2. Council staff to undertake an EOI for road 3 and provide a report back to Council for consideration of whether to continue with the road closure.						

## ITEM 3 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



<b>Division:</b>	Facilities and Infrastructure	<b>Date From:</b>	11/04/2023
<b>Committee:</b>		<b>Date To:</b>	09/04/2024
<b>Officer:</b>		<b>Printed:</b>	Wednesday, 10 April 2024
<b>Action Sheets Report</b>			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Maretich, John	Naming Recreation Precinct at Medowie after Geoff Dingle	30/06/2024	12/04/2023	
2 085		Kable, Gregory				23/92450
<b>10 Apr 2024</b>						
Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to name the recreation precinct after Geoff Dingle.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/02/2024	Kable, Gregory	Council Chambers	31/05/2024	14/02/2024	
1 008		Kable, Gregory				24/37059
<b>10 Apr 2024</b>						
Council staff will investigate design options and report back to Councillors in a Two Way meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/02/2024	Gutsche, Tammy	Waste	31/05/2024	14/02/2024	
2 009		Kable, Gregory				24/37059
<b>10 Apr 2024</b>						
Council staff will continue to work with the Waste Contractor and will provide an update after the April school holidays.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/02/2024	Maretich, John	Raymond Terrace 7 Day Makeover	23/07/2024		
10 020		Kable, Gregory				24/50158
<b>10 Apr 2024</b>						
The scope of works is being developed with Council staff and Councillors.						



<b>Action Sheets Report</b>	<b>Division:</b>	General Manager's Office	<b>Date From:</b>	11/04/2023
	<b>Committee:</b>		<b>Date To:</b>	09/04/2024
	<b>Officer:</b>		<b>Printed: Wednesday, 10 April 2024</b>	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Walker, Ashley	Financial Assistance	30/04/2024	12/04/2023	
3		Crosdale, Timothy				23/92450
083						
<b>10 Apr 2024</b>						
Awaiting necessary paperwork to finalise payment.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/04/2024	Wickham, Tony	Policy Review: Complaint Handling	31/05/2024	10/04/2024	
4		Crosdale, Timothy				24/85501
<b>10 Apr 2024</b>						
Policy will be placed on public exhibition for 28 days.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/04/2024	Wickham, Tony	Policy Review: Pecuniary Interest Returns	31/05/2024	10/04/2024	
5		Crosdale, Timothy				24/85501
<b>10 Apr 2024</b>						
Policy will be placed on public exhibition for 28 days.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/04/2024	Wickham, Tony	Policy Review: Working Together and Provision of Information	31/05/2024	10/04/2024	
6		Crosdale, Timothy				24/85501
<b>10 Apr 2024</b>						
Policy will be placed on public exhibition for 28 days.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/04/2024	Wickham, Tony	Privacy Management Plan	31/05/2024	10/04/2024	
7		Crosdale, Timothy				24/85501
<b>10 Apr 2024</b>						
Plan will be placed on public exhibition for 28 days.						

# 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 – 23 APRIL 2024 MOTION

<b>082</b>	<b>Councillor Peter Francis</b> <b>Councillor Peter Kafer</b>  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, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

The following Council officers were present for the Confidential Session:

Senior Executive Assistant.

**ITEM NO. 1**

**FILE NO: 23/299408**  
**EDRMS NO: PSC2023-04009**

**PROPOSED SALE OF LAND - HEATHERBRAE**

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

**ORDINARY COUNCIL MEETING - 23 APRIL 2024**  
**MOTION**

<b>083</b>	<b>Councillor Giacomo Arnott</b> <b>Councillor Leah Anderson</b>  It was resolved that confidential Item 1 be deferred for a period of 2 months.
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Councillor Peter Kafer left the meeting at 6:51pm and did not return to the meeting.

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

Those against the Motion: Nil.

The motion was carried.



**CONFIDENTIAL**

**ITEM NO. 2**

**FILE NO: 24/54855  
EDRMS NO: PSC2005-5349**

**RENEWAL OF LEASE OF PART OF COUNCIL OWNED LAND AT 36 FERODALE ROAD, MEDOWIE FOR TELECOMMUNICATIONS**

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

**ORDINARY COUNCIL MEETING - 23 APRIL 2024  
MOTION**

<b>084</b>	<p><b>Councillor Chris Doohan Councillor Jason Wells</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Authorises the renewal of 4 x 5 year sequential leases over Council owned operational land in Medowie in accordance with the confidential terms of this report.</li><li>2) Authorises the General Manager to sign all lease documentation as its authorised representative.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ITEM NO. 3****FILE NO: 24/71753  
EDRMS NO: PSC2023-03855****SALE OF LAND FOR UNPAID RATES****REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER  
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT****ORDINARY COUNCIL MEETING - 23 APRIL 2024  
MOTION**

<b>085</b>	<p><b>Councillor Chris Doohan</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Sell by public auction the properties listed in <b>(ATTACHMENT 1)</b> for unpaid rates in accordance with section 713 of the Local Government Act 1993.</li><li>2) Place advertisements in the NSW Government Gazette, Port Stephens Examiner, Port Stephens News of the Area and on Council's website in conformance with section 715 of the Local Government Act 1993 and clause 133 of the Local Government (General) Regulation 2021.</li><li>3) Delegate to the General Manager authority to withdraw any property from sale where a repayment arrangement is entered into that is, in the opinion of the General Manager, satisfactory to Council.</li><li>4) Delegate to the General Manager authority to set a reserve sale price for each property listed in <b>(ATTACHMENT 1)</b> subject to a valuation and after considering advice from the selling agent.</li><li>5) Authorise the General Manager and Mayor to sign and affix the Council Seal to each sale contract and transfer document for the following properties:<ol style="list-style-type: none"><li>a) Lot 327 DP 11392, 12 Hartford Street, Mallabula NSW 2319.</li><li>b) Lot 232 DP 753194, 169 Moffats Road, Swan Bay NSW 2324.</li><li>c) Lot 2 DP 247953, 138 Six Mile Road, Eagleton NSW 2324.</li><li>d) Lot B DP 418757, 975 Richardson Road, Campvale NSW 2318.</li></ol></li><li>6) Authorise the General Manager to commence sale by private treaty, after considering advice from the selling agent, any property that fails to sell by public auction, with such sale proposals to be reported back to Council for consideration.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

<b>MINUTES ORDINARY COUNCIL - 23 APRIL 2024</b>
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Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING – 23 APRIL 2024**  
**MOTION**

<b>086</b>	<b>Councillor Chris Doohan</b> <b>Councillor Matthew Bailey</b>  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, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

There being no further business the meeting closed at 6:59pm.