

NOTICE OF ORDINARY MEETING

23 JULY 2024



The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

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

SCHEDULE OF MEETINGS

TIME	ITEM	VENUE
5:30pm:	Public Access (if applied for)	Williamtown Hall 2 Sandeman Street Williamtown
Followed by:	Ordinary Meeting	Williamtown Hall 2 Sandeman Street Williamtown

Please Note:

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

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

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

Food and beverages are not permitted in the Council Chamber.

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BUSINESS

- 1) Opening meeting.
- 2) Acknowledgement of Country
We acknowledge the Worimi people as the original Custodians and inhabitants of Port Stephens. We acknowledge and pay respects to Worimi elders past and present. May we walk the road to tomorrow with mutual respect and admiration as we care for the beautiful land and waterways together.
- 3) Prayer
We recognise the rich cultural and religious diversity in Port Stephens and pay respect to the beliefs of all members of our community, regardless of creed or faith.
- 4) Apologies and applications for a leave of absence by Councillors.
- 5) Disclosures of interests.
- 6) Confirmation of minutes Ordinary Meeting of 9 July 2024.
- 7) Mayoral minute(s) – if submitted.
- 8) Motions to close meeting to the public – if submitted.
- 9) Reports to Council.
- 10) General Manager's reports – if submitted.
- 11) Questions with Notice – if submitted.
- 12) Questions on Notice.
- 13) Notices of motions – if submitted.
- 14) Rescission motions – if submitted.
- 15) Confidential matters – if submitted.
- 16) Conclusion of the meeting.

Statement of Ethical Obligations

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

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

PRINCIPLES FOR LOCAL GOVERNMENT

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

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

Guiding principles for Council

1) Exercise of functions generally

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

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

2) Decision-making

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

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

3) Community participation

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

Principles of sound financial management

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

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

Integrated planning and reporting principles that apply to Council

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

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

PORT STEPHENS COMMUNITY STRATEGIC PLAN

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

The Community Strategic Plan is organised into 4 focus areas:

OUR COMMUNITY – An accessible and welcoming community respecting diversity, heritage and culture.

OUR PLACE – A liveable and connected place supporting community wellbeing and local economic growth.

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

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

BUSINESS EXCELLENCE

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

These outcomes align with the following Business Excellence principles:

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

MEETING PROCEDURES SUMMARY

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

Quorum – A quorum at Port Stephens Council is 6.

Declarations of Interest

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

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

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

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

Motions and Amendments

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

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

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

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

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

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

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

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

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

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

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

A Point of Order can be raised where:

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

Declarations of Conflict of Interest – Definitions

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

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

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

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



Form of Special Disclosure of Pecuniary Interest

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

Important information

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

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

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

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

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

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

ORDINARY COUNCIL - 23 JULY 2024

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

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

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

to be held on the _____ day of _____ 20__

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

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

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

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

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

Mayor/Councillor's signature _____

Date _____

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



Declaration of Interest form

Agenda item No. _____

Report title _____

Mayor/Councillor _____ declared a

Tick the relevant response:

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

in this item. The nature of the interest is _____

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

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

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

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

Mayor/Councillor left the Council meeting at _____ pm.

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

COUNCIL REPORTS

ITEM NO. 1

FILE NO: 24/163048
EDRMS NO: 16-2024-82-1

DEVELOPMENT APPLICATION (DA) 16-2024-82-1 FOR THE CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS, 1 DETACHED DWELLING AND 1 INTO 3 LOT TORRENS TITLE SUBDIVISION AT 2 SIR KEITH PLACE, KARUAH

REPORT OF: RYAN FALKENMIRE - ACTING DEVELOPMENT AND COMPLIANCE SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application (DA) No. 16-2024-82-1 for the construction of 2 semi-detached dwellings, 1 detached dwelling and 1 into 3 lot Torrens title subdivision at 2 Sir Keith Place, Karuah (Lot: 764 DP: 11741), subject to the conditions contained in **(ATTACHMENT 1)**.

BACKGROUND

The purpose of this report is to present Development Application (DA) 16-2024-82-1 for the construction of 2 semi-detached dwellings, 1 detached dwelling and 1 into 3 lot Torrens title subdivision.

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

Subject Land:	2 Sir Keith Place, Karuah (Lot: 764 DP: 11741)
Total Area:	840.9m ²
Zoning:	R2 Low Density Residential Zone
Submissions:	0
Key Issues:	The key issues identified throughout the assessment of the DA relate to infrastructure upgrades and the removal of vegetation on Council owned land (road reserve)

The DA has been reported to Council in accordance with Council's 'Council Related Planning Matters Policy' as the DA includes the removal of trees on Council owned land that is not associated with a driveway crossover.

The DA would remove 3 trees on Council owned land due to required road upgrades to Sir Keith Place.

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

Proposal

The development seeks consent for the erection of 2 semi-detached dwellings, 1 detached dwelling, and a 1 into 3 lot Torrens title subdivision. The semi-detached dwellings are located on Lots 1 and 2, positioned on the western portion of the site with access from Sir Keith Place, while the detached dwelling is located on Lot 3 to the eastern portion of the site with access from Sir Keith Place to the south. Each dwelling would feature a single storey design and will contain three bedrooms, one with an ensuite, a kitchen, open planned living and dining area, one bathroom, and one laundry. The semi-detached dwellings contain a single car garage while the detached dwelling contains a double car garage.

Two existing trees on-site are required to be removed to accommodate the development, while 3 street trees will also require removal to facilitate road upgrades. A landscape plan which includes 3 replacement street trees has been provided with the application. The site is currently vacant with no demolition works proposed.

The development also includes a 1 into 3 lot Torrens title subdivision and would create the following lots:

- Lot 1: 278.43m²
- Lot 2: 279.67m²
- Lot 3: 287.21m²

Site Description and History

The subject site is a regular shaped corner lot with a total area of 840.9m² and is legally identified as Lot 764 in DP 11741. The site features a generally flat topography and contains 2 large trees and is clear of any built structures. Development surrounding the site is characterised of low density residential dwellings, generally featuring a single storey design. The waterfront of Karuah River is located approximately 50m east, vegetated bushland approximately 100m south and undeveloped residential lots approximately 250m west. The site has direct frontage to Sir Keith Place, which is partially unformed.

Key Issues

The key issue identified throughout the assessment of the development relate to road upgrades and tree removal. A detailed assessment of the DA is contained within the Planner's Assessment Report (**ATTACHMENT 3**).

Road Upgrades

The proposed development would trigger road upgrades to Sir Keith Place fronting the development site in accordance with Council's Infrastructure Specifications. Noting the proposed development would intensify the use of the site and Sir Keith Place is not constructed to the current road standards, it is considered an appropriate nexus to upgrade the portions of Sir Keith Place fronting the development site. The

works would require the road to be upgraded to the standard of an access road in accordance with Council's Infrastructure Specifications. Specifically, this would require kerb and guttering, a half road widening and sealing of the unformed gravel portions.

The road upgrades will necessitate the removal of 3 trees located within Council's road reserve as the respective Tree Protection Zones (TPZ) will be impacted beyond retention. The required road upgrades make it unviable to retain these trees. To offset the removal of these trees, replacement plantings will be required through a condition of consent, and are also included on the applicant's landscape plan. Further particulars on the tree removal are provided below.

Tree Removal

The development would require the removal of up to 5 trees. These trees are outlined below:

- Tree 1: Iron Bark, *Eucalyptus paniculata*
- Tree 2: Red Mahogany, *Eucalyptus resinifera*
- Tree 3: Iron Bark, *Eucalyptus paniculata*
- Tree 4: Red Mahogany, *Eucalyptus resinifera*
- Tree 5: Stringy Bark, *Eucalyptus* spp.

No trees proposed for removal were identified as preferred koala feed trees and Council's Environmental Planner noted that the removal of the trees would not result in any adverse impacts to local biodiversity.

Trees 1 and 2 are located on the development site and are located within the proposed building envelope. It is considered unfeasible to redesign the development to avoid these trees. The trees represent minor ecological value.

Trees 3, 4 and 5 are located within the road reserve of Sir Keith Place. While these trees were proposed for retention by the applicant, the Arborist Report indicated the health of the trees would likely be impacted by the dwellings encroachment into the TPZ. Additionally, as discussed above, the road adjoining the development is required to be upgraded in accordance with Council's Infrastructure Specification. These upgrades would comprise of a half road widening and kerb and guttering. Given the size of the trees, proximity to the area of works and current proposed encroachment by the dwellings, it is highly likely that the retention of these trees will be unviable and that their removal is required to facilitate the development. As such, these trees have been approved for removal and any ecological value has been considered by Council's Environmental Planner.

Conclusion

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

site. In balance, the benefits provided by the proposed development and associated infrastructure upgrades outweigh any potential adverse impacts to the natural environment.

The proposed development is consistent with Council's Local Housing Strategy in that it provides infill residential housing within the Karuah Area. The development is considered to be consistent with the objectives of the R2 Low Density Residential zone.

It is considered that the development has been suitably designed to address the site constraints and that it will not result in significant amenity issues.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed development is consistent with the relevant planning instruments including the Environmental Planning and Assessment Act 1979 (EP&A Act), the PSLEP 2013, PSDCP 2014 and associated State Environmental Planning Policies.

The development would provide an additional 3 dwellings; consistent with the objectives of Council's Local Housing Strategy and housing target of 2100 by 2029.

A detailed assessment against these environmental planning instruments is contained within the Planner's Assessment Report contained at **(ATTACHMENT 3)**.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused the determination of the DA may be challenged by the applicant in the Land and Environment Court. If the application was successful in the appeal, Council may be required to pay the applicants legal costs.	Medium	Accept the recommendation.	Yes
There is a risk that the determination of the DA may be challenged by a third party in the Land and Environment Court.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Impacts

The proposed development would result in the construction of 2 semi-detached dwellings and 1 detached dwelling which would provide additional housing to service the needs of the local community. The 3 dwellings would allow for the use of existing services and facilities in the locality without requiring upgrades that burden the public.

The construction of the proposed development would provide employment opportunities in the locality and support the local building and development industries. This would have direct monetary input to the local economy, and the increased number of residents in the locality would provide ongoing economic input through daily living activities. Additionally, the development would involve road infrastructure upgrades to Sir Keith Place, which would have beneficial social impacts for existing residents. There are no anticipated adverse social or economic impacts as a result of the proposed development.

Impacts on the Built Environment

The development would reinforce the residential nature of the locality and is characteristic of other developments in both the local and wider locality. The development addresses the street and represents a built form that is compatible with the streetscape in terms of scale, design and materiality. There are no anticipated adverse impacts on the built environment as a result of the development.

Impacts on the Natural Environment

The development would not adversely impact the natural environment of the area. The proposed development will include a stormwater water system that has been designed in accordance with Councils Infrastructure Specifications. In addition, a condition of consent is proposed that requires the installation and maintenance of erosion and sedimentation controls during construction. While 5 trees are proposed to be removed, these trees have limited ecological value and the supplementary planting of native species within the Sir Keith Place frontage will ameliorate any perceived impact.

CONSULTATION

Consultation with key stakeholders has been undertaken for the purposes of the assessment of the application, including consultation with the public through the notification process.

Internal

Internal consultation was undertaken with Council's Development Engineer, Environmental Planner, Development Contributions Officer, Building Surveyor and Spatial Services Officer. The referral comments for these officers have been considered as part of the Planner's Assessment Report (**ATTACHMENT 3**).

External

Consultation was undertaken with the NSW Rural Fire Service (RFS) under S.100B of the Rural Fires Act 1997, as the development involves the subdivision of bushfire prone land that can lawfully be used for residential purposes. The RFS supported the DA with General Terms of Approval and a Bush Fire Safety Authority issued in accordance with S.4.47 of the Environmental Planning and Assessment Act 1979.

Consultation was also undertaken with Ausgrid who provided general advice regarding the supply of electricity and proximity to existing network assets. The comments provided by the external agencies are discussed within the Planner's Assessment Report (**ATTACHMENT 3**).

Public Exhibition

The DA was advertised and notified in accordance with the requirements of the Port Stephens Council Community Engagement Strategy. The application was exhibited for a period of 14 days from 25 April 2024 to 9 May 2024. No submissions were received during the exhibition period.

OPTIONS

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

3) Reject the recommendation.

ATTACHMENTS

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

COUNCILLORS' ROOM/DASHBOARD

All information relating to this development application (DA) is available on the Councillors' Dashboard.

TABLED DOCUMENTS

Nil.

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	Approved plans and supporting documentation				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
	Approved plans				
	Plan number	Revision number	Plan title	Drawn by	Date of plan
	00009	V.01 DA	Draft Subdivision Plan	Saurine Design & Consult	28/02/2024
	16994DET-A	A	Detail Plan	Parker Scanlon	08/11/2022
	00103	V.01 DA	Site Plan	Saurine Design & Consult	28/02/2024
	00110	V.01 DA	Landscaping Plan	Saurine Design & Consult	28/02/2024
	04101	V.01 DA	Stormwater Plan	Saurine Design & Consult	28/02/2024
	11101	V.01 DA	Proposed Ground Floor Plan	Saurine Design & Consult	28/02/2024
	12100	V.01 DA	Proposed Elevations	Saurine Design & Consult	28/02/2024
	12101	V.01 DA	Proposed Elevations	Saurine Design & Consult	28/02/2024
	13100	V.01 DA	Proposed Sections	Saurine Design & Consult	28/02/2024
	21101	V.01 DA	Proposed Ground Floor Plan	Saurine Design & Consult	28/02/2024
	22200	V.01 DA	Proposed Elevations	Saurine Design & Consult	28/02/2024
	22201	V.01 DA	Proposed Elevations	Saurine Design & Consult	28/02/2024
	23100	V.01 DA	Proposed Sections	Saurine Design & Consult	28/02/2024
	Approved Documents				
	Document title		Version No.	Prepared by	Dated
	Arboricultural Impact Assessment		-	Joseph Pidutti Consulting Arborist	06/06/2023

	<p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development</p>
	<p>General Terms of Approval</p> <p>The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development.</p> <p>The General Terms of Approval are:</p> <ol style="list-style-type: none"> 1. NSW Rural Fire Service, referenced DA20240420001571-Original-1, and dated 20 May 2024 <p>A copy of the General Terms of Approval is attached to this determination notice.</p> <p>Condition reason: To ensure that the development is carried out in accordance with the General Terms of Approval issues by Integrated Development / Concurrence Agencies</p>
	<p>Protection of existing vegetation and natural landscape features</p> <p>No vegetation or natural landscape features other than that authorized for removal, pruning by this Consent must be disturbed, damaged, or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval.</p> <p>Condition reason: To ensure that vegetation is protected during works</p>
	<p>Building Code of Australia</p> <p>All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>Condition reason: To ensure that all building works are completed in accordance with the Building Code of Australia.</p>
	<p>Sign on Building</p> <p>Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the Principal Certifying Authority for the work, the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.</p> <p>The sign must be maintained while the work is being carried out and is to be removed when the work is completed.</p>

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	<p>Condition reason: To require signage that details the relevant contacts of a development during construction</p>
	<p>Driveway Gradients and Design</p> <p>For all driveways that relate to development for the purposes of a dwelling house, the driveway gradient and design must comply with AS 2890.1 'Off street Car Parking' and:</p> <ul style="list-style-type: none"> a) the driveway must be at least 1m from any street tree, stormwater pit or service infrastructure; and b) a Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of any works. <p>Details demonstrating compliance must be provided to the Certifying Authority prior to subdivision or occupation.</p> <p>Condition reason: To ensure that all driveways that relate to a development for the purposes of a dwelling house comply with AS2890.1 'Off Street Car Parking' and the relevant Council specification</p>
	<p>Civil engineering plans for Road Works</p> <p>Civil engineering plans prepared by a qualified Engineer, indicating any required drainage, roads, accessways, earthworks, pavement design, details of line-marking and traffic management, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications and include the following details:</p> <ul style="list-style-type: none"> a. Road reserve within Sir Keith Place for the full frontage of the development site is to be upgraded to standard of an access street as outlined in Council's Infrastructure Specification. b. Drainage associated with driveway to connect into upgraded stormwater infrastructure within Sir Keith Place. <p>Details of engineering and road works must be provided to the Certifying Authority prior to any works commencing.</p> <p>Note: Under the <i>Roads Act 1993</i>, only the Roads Authority can approve commencement of works within an existing road reserve.</p> <p>Condition reason: To ensure that civil engineering plans have been prepared by a qualified engineers prior to the issue of the Subdivision Works Certificate.</p>
	<p>Excavation for Residential Building Works</p> <p>If the approved development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent must, at the person's own expense:</p> <ul style="list-style-type: none"> a) protect and support the adjoining premises from possible damage from the excavation;

Town Centre Upgrades	\$3,433	\$6,866
Public Open Space, parks and reserves	\$2,308	\$4,616
Sports and Leisure facilities	\$2,884	\$5,768
Cultural and Community Facilities	\$445	\$890
Road Works	\$3,250	\$6,500
Medowie Traffic and Transport	\$3,135	\$6,270
Shared Paths	\$481	\$962
Bus Facilities	\$33	\$66
Flood & Drainage	\$1,795	\$3,590
Kings Hill Urban Release Area	\$304	\$608
Total	\$20,000	\$40,000

Payment of the above must apply to the Development Application as follows:

- a) Building work and subdivision work – prior to the issue of the Construction Certificate or Subdivision Certificate, whichever occurs first.

Note: The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount must be indexed at the time of actual payment in accordance with the applicable Index.

Condition reason: To ensure that a monetary contribution as specified is paid to Council in accordance with Section 7.11 of the EP&A Act 1979, and the Port Stephens Council Local Infrastructure Contributions Plan 2020.

Long Service Levy

Before the issue of a Construction Certificate, the long service levy of \$2,500.00, as calculated at the date of this consent, must be paid to the Long Service Corporation under the *Building and Construction industry Long Service Payments Act 1986*, section 34, and evidence of the payment is to be provided to the principal certifier

Condition reason: To ensure the Long Service Levy is paid.

Stormwater/Drainage Plans

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

- a. Water quality treatment devices that comply with the requirements of the Port Stephens Development Control Plan Figure BE.

Details demonstrating compliance must be provided to the Certifying Authority.

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

	<p>Condition reason: To ensure that the development is carried out in accordance with the Port Stephens Development Control Plan 2014.</p>				
	<p>Construction Site Management Plan</p> <p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> a. The location and materials for protective fencing and hoardings on the perimeter of the site; b. Waste management; c. Provisions for public safety; d. Pedestrian and vehicular site access points and construction activity zones; e. Details of construction traffic management including: <ul style="list-style-type: none"> i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; f. Details of bulk earthworks to be carried out; g. The location of site storage areas and sheds; h. The equipment used to carry out works; i. The location of a garbage container with a tight-fitting lid; j. Dust, noise and vibration control measures; k. The location of temporary toilets; l. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist's report approved as part of this consent <p>A copy of the construction site management plan must be kept on site at all times while work is being carried out.</p>				
	<p>Condition reason: To require details of measures to be undertaken that will protect the public, and the surrounding environment, during site works and construction.</p>				
	<p>Housing and Productivity Contribution</p> <p>A housing and productivity contribution is to be made, subject to:</p> <ul style="list-style-type: none"> a. Any exclusion of the application of Subdivision 4 of Division 7.1 of the Act to the development by a planning agreement; and b. Any exemption or reduction provided by the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 (the Order). <p>In this respect -</p> <ul style="list-style-type: none"> a. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with this condition, is required to be made: <table border="1" data-bbox="406 1653 1236 1704"> <thead> <tr> <th data-bbox="406 1653 778 1686">Housing and Productivity Contribution</th><th data-bbox="778 1653 1236 1686">Amount</th></tr> </thead> <tbody> <tr> <td data-bbox="406 1686 778 1704"></td><td data-bbox="778 1686 1236 1704"></td></tr> </tbody> </table>	Housing and Productivity Contribution	Amount		
Housing and Productivity Contribution	Amount				

Housing and Productivity Contribution – Lower Hunter Region	\$16,429.30
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a. The time by which the housing and productivity contribution must be made is before the construction certificate.

b. The payment of the contributions must be made using the NSW Planning Portal.

c. If an agreement is entered into as referred to in Clause 19 of the Order, the housing and productivity contribution may be made wholly or partly as a non-monetary contribution.

The amount payable at the time of payment is the amount shown in the table above as the total housing and productivity contribution, adjusted by multiplying it by the following fraction:

highest PPI number

consent PPI number

Where –

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made; and

Consent PPI is the PPI number last used to adjust the base component amount, SBC amount or TPC amount when consent was granted.

June quarter 2023 is the quarter commencing on and including 1 April 2023 and ending on and including 30 June 2023; and

PPI is the Producer Price Index (Road and Bridge Construction (NSW)) published by the Australian Bureau of Statistics).

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

Condition reasons: To achieve compliance with the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023, as made by the NSW Minister for Planning and Public Spaces.

Before building work commences

	<p>Erosion and sediment controls plan</p> <p>Before the commencement of works, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:</p> <ol style="list-style-type: none"> 1. Council's relevant development control plan, 2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and 3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). <p>Before any site work commences, the certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place.</p> <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
	<p>Construction Certificate Required</p> <p>In accordance with the provisions of Section 6.7 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:</p> <ol style="list-style-type: none"> a) A Construction Certificate has been issued by a Consent Authority; b) A Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and c) The PCA is notified in writing of the name and contractor license number of the owner/building intending to carry out the approved work. <p>Condition reason: To ensure that a Construction Certificate has been issued for the building works prior to the commencement of work.</p>
	<p>Notice Commencement of Work</p> <p>Notice must be given to Council and the Principal Certifier, if not the Council, of the person's intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p> <ol style="list-style-type: none"> a) The name and address of the person; b) A description of the work to be carried out; c) The address of the land on which the work is to be carried out;

	<ul style="list-style-type: none"> d) The Registered numbers and date of issue of the development consent and construction certificate; e) A statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before work commences have been satisfied; and f) The date on which the work is intended to commence. <p>The notice must be lodged on the NSW Planning Portal.</p>
	<p>Condition reason: To ensure that the Principal Certifier has given notice to the Consent Authority and Council at least two days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certificate and Fire Safety) Regulation 2021.</p>
	<p>Notice of Principal Certifying Authority Appointment</p> <p>The Principal Certifier for this development must give notice must be given to the consent authority and Council, where the Council is not the consent authority, at least two days prior to subdivision and/or building works commencing in accordance with Section 6.6 (2) (a) of the Environmental Planning and Assessment Act 1979 and Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p> <ul style="list-style-type: none"> a) A description of the work to be carried out; b) The address of the land on which the work is to be carried out; c) The Registered number and date of issue of the relevant development consent; d) The name and address of the Principal Certifier and the person who appointed the principal certifier; e) If the principal certifier is a registered certifier <ul style="list-style-type: none"> i) The certifier's registration number, and ii) A statement signed by the registered certifier to the effect that the certifier consents to be appointed as principal certifier, and iii) A telephone number on which the certifier may be contacted for business purposes. <p>The notice must be lodged on the NSW Planning Portal.</p> <p>Condition reason: To ensure that the Principal Certifier has given notice that they will be the Principal Certifier to the Consent Authority and Council at least two days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the Environmental Planning and Assessment Act 1979</p>
	<p>Damage Report – Public Infrastructure</p> <p>The applicant is required to notify Council in writing of any existing damage to public infrastructure (including landscaping) within the vicinity of the development, the absence of such notification signifies that no damage exists</p>

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	<p>Condition reason: Small-scale development - Where the development is in close proximity to Council infrastructure.</p>
	<p>Home Building Act requirements</p> <p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work related (not being the council) has given the council written notice of the following information –</p> <ul style="list-style-type: none"> a) In the case of work for which a principal contractor is required to be appointed – <ul style="list-style-type: none"> i) The name and license number of the principal contractor, and ii) The name of the insurer by which the work is insured under Part 6 of that Act, b) In the case of work to be done by an owner-builder – <ul style="list-style-type: none"> i) The name of the owner-builder, and ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the certifier) has given the Council written notice of the updated information.</p> <p>Condition reason: To ensure compliance with the Home Building Act 1989 and to verify that the certifying principal authority for the development has given appropriate written notice to council.</p>
	<p>Compliance with Home Building Act (if applicable)</p> <p>In the case of residential building work for which the Home building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, and that such a contract of insurance is in force before any building work authorised to be carried out by this consent commences.</p> <p>Condition reason: To ensure that a contract of insurance is in force in accordance with Part 6 of that Act before any building work authorised to be carried out by the consent commences.</p>
	<p>Rubbish Generated from the Development</p> <p>No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.</p> <p>Condition reason: To ensure that construction waste is appropriately stockpiled and removed from the site.</p>
	<p>Site is to be secured</p> <p>The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing, or awnings (associated with securing the site during construction is to be removed upon the completion of works.</p>

	Condition reason: To restrict access to the site by the public and ensure that the site is adequately secured prior to the commencement of works.
	Roads Act Approval
	For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138B of the Roads Act 1993
	Condition reason: To ensure that works within the road reserve are approved by a Section 138B Approval of the Roads Act 1993.

During building work

	Discovery of relics and Aboriginal objects
	While site works is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered: <ul style="list-style-type: none"> a. The work in the area of the discovery must cease immediately; b. The following must be notified – <ul style="list-style-type: none"> i. For a relic – the Heritage Council; or ii. For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, Section 85. Site works may recommence at a time conformed in writing by: <ul style="list-style-type: none"> a. For a relic – the Heritage Council; or b. For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85
	Condition reason: To ensure the protection of objects of potential significance during works.
	Responsibility for changes to public infrastructure
	While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.
	Condition reason: To ensure payment of approved changes to public infrastructure
	Implementation of the site management plans
	While site work is being carried out: <ul style="list-style-type: none"> 1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and

	<p>2. a copy of these plans must be kept on site at all times and made available to council officers upon request.</p> <p>Condition reason: To ensure site management measures are implemented during the carrying out of site work</p>
	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>7:00am to 5:00pm on Monday to Saturday</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area</p>
	<p>Unexpected Finds Contingency (General)</p> <p>Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.</p> <p>In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.</p> <p>Where remediation work is required, the applicant will be required to obtain consent for the remediation works.</p> <p>Condition reason: To ensure that works relating to a development are to cease if any suspect materials are identified and remediated in accordance with Council requirements</p>
	<p>Excavations and Backfilling</p> <p>All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.</p> <p>If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:</p> <ul style="list-style-type: none"> a) preserve and protect the building from damage; and b) if necessary, underpin and support the building in an approved manner; and c) give at least seven days' notice to the adjoining owners before excavating, or of the intention to excavate. <p>The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works commencing, and allow a</p>

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	<p>reasonable period of time for the utilities to provide locations of their underground assets.</p> <p>This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p> <p>Condition reason: To ensure that any Acid Sulfate Soils encountered during works are suitably managed</p>
	<p>Offensive noise, dust, odour, and vibration</p> <p>No work must not give rise to offensive noise, odour, or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.</p> <p>Condition reason: To ensure that developments do not give rise to offensive noise, dust, odour, or vibration.</p>
	<p>Cut and Fill (if applicable)</p> <p>While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA. <p>Condition reason: To ensure that all imported and/or exported fill is Virgin Excavated Natural Material.</p>
	<p>Stormwater Disposal</p> <p>Following the installation of any roof, collected stormwater runoff from the structure must be:</p> <ul style="list-style-type: none"> a) Diverted through a first flush system or leaf/debris prevention system before being connected to an approved stormwater system. <p>Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant Environmental Protection Agency and Australian and New Zealand Environment and Conservation Council standards for water quality discharge.</p> <p>Condition reason: To ensure stormwater is managed in accordance with Council's controls and does not generate nuisance flows onto adjoining properties.</p>
	<p>Toilet Facilities</p>

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	<p>Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.</p> <p>The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.</p>
	<p>Condition reason: To ensure adequate amenity facilities are provided to the site during construction.</p>
	<p>Tree Removal/Pruning</p>
	<p>All approved tree removal/Pruning is subject to all pruning works being undertaken by a qualified arborist with minimum Australian Qualification Framework Level 3 qualifications or higher. All works are to be undertaken in accordance with the relevant provisions of AS 4373 'Pruning of Amenity trees'.</p>
	<p>Condition reason: To ensure that vegetation removal/pruning is undertaken by a qualified arborist and in accordance with the Australian Standard.</p>

Before issue of an occupation certificate

	<p>Occupation Certificate Required</p>
	<p>An Occupation Certificate must be obtained prior to any use or occupation of the development.</p> <p>The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.</p>
	<p>Condition reason: To ensure that an Occupation Certificate relating to the development is obtained from the Principal Certifying Authority prior to occupation or use</p>
	<p>Repair of infrastructure</p>
	<p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.

	Condition reason: To ensure that approved works within the road reserve have been completed to the satisfaction of the Council.
	Completion of landscape and tree works
	Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.
	All street trees must be planted in accordance with the approved Landscaping Plan and Council's <i>Biodiversity Technical Specification</i> .
	Condition reason: To ensure that landscape and tree works have been completed in accordance with the approved plans prior to the issue of an Occupation Certificate.
	Completion of Roads Act Approval works
	All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.
	Condition reason: To ensure that approved works within the road reserve have been completed to the satisfaction of the Council.
	Removal of waste upon completion
	Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.
	Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.
	Condition reason: To ensure that all waste is appropriately removed from the subject site prior to the issue of an Occupation Certificate.
	Stormwater/drainage works
	All stormwater and drainage works required to be undertaken in accordance with this consent must be completed.
	The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.
	Condition reason: To ensure stormwater and drainage works have been undertaken in accordance with the approved plans.

	Services
	<p>Evidence is to be provided to Council demonstrating that the following reticulated services are available to each dwelling:</p> <ul style="list-style-type: none"> a) Electricity; b) Water; c) Sewer; and d) Gas (where available). <p>Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.</p>
	Condition reason: To verify that reticulated services are provided to the dwellings.
	Survey Certificate
	<p>A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.</p>
	Condition reason: To ensure that the building is located in accordance with the approved plans and evidence from a Registered Surveyor is provided to the Principal Certifying Authority.

Occupation and ongoing use

	Maintenance of Landscaping
	<p>Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.</p> <p>If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.</p>
	Condition reason: To ensure that landscaping is maintained in accordance with the approved landscape plan and the relevant development consent.
	Maintenance of wastewater and stormwater treatment device/s
	<p>During occupation and ongoing use of the development, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained to remain effective and in accordance with any positive covenant (if applicable).</p>
	Condition reason: to ensure wastewater and stormwater systems are maintained

	Location of Mechanical Ventilation
	During occupation and ongoing use of the building, the applicant must ensure all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa at the boundary adjacent to any habitable room of an adjoining residential premises.
	Condition reason: For all applications requiring air conditioning units.
	Use Limitations
	Garden sheds, carports, garages, outbuildings, rural sheds and the like must not be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council.
	Note: Carports must not be enclosed in any manner, including solid gates or door, without the prior consent from Council.
	Condition reason: To restrict the use of structures for a purpose that has not been approved by the Council.
	Condition reason: To ensure swimming pool equipment does not adversely impact the amenity of neighbouring properties.

Land Subdivision

Before issue of a subdivision certificate

	Burdened Lots To Be Identified
	Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened
	Condition reason: To ensure that all lots which have been identified as requiring restrictions or easements are suitably burdened.
	Services
	Evidence is to be provided to Council demonstrating that the following reticulated services are available to each lot: <ul style="list-style-type: none"> a) Electricity. b) Water. c) Sewer. d) Gas (where available). Should any of the above reticulated services not be available to the development site, a

	<p>detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.</p> <p>Condition reason: To ensure that evidence of connection of services is provided to Council.</p>
	<p>Show Easements/ Restrictions on The Plan of Subdivision</p> <p>The developer must acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.</p> <p>Condition reason: To ensure that all existing easements and/or restrictions on the use of land are shown on the final plan of subdivision.</p>
	<p>Surveyor's Report</p> <p>A certificate from a Registered Surveyor must be provided to the Principal Certifying Authority, certifying that all drainage lines have been laid within their proposed easements, or within the appropriate lots. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.</p> <p>Condition Reason: to ensure that all drainage lines are within the appropriate lots and/or easements</p>
	<p>Requirements for a subdivision certificate</p> <p>The application for Subdivision Certificate(s) must be made in accordance with the requirements of Section 54 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and Section 6.33(1) Environmental Planning and Assessment Act 1979.</p> <p>The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by this development consent [16-2024-82-1], and of compliance with the applicable conditions of consent, prior to the issuing of a Torrens Plan of Subdivision.</p> <p>In addition, one signed original copy of the original plans and/or documents, and final plan of survey/title, must be submitted to Council</p> <p>Condition reason: To enable the subdivision, boundary adjustment, or lot consolidation of land and ensure compliance with the relevant development consent.</p>
	<p>Subdivision Certificate</p> <p>The issue of a Subdivision Certificate is not to occur until all applicable conditions of this development consent have been satisfactorily addressed and any applicable engineering works are complete including required upgrades to the road reserve of Sir Keith Place.</p> <p>Condition reason: To ensure the development has satisfied the required conditions of consent in the relevant development consent to release the subdivision certificate.</p>

	Subdivision Under Clause 4.1C
	Prior to the issue of the subdivision certificate the following is to occur: <ul style="list-style-type: none">a) The dwellings shall have a satisfactory frame inspection undertaken; andb) A report/plan shall be provided from a Registered Surveyor showing that:<ul style="list-style-type: none">i) The setback of the buildings from the adjacent and proposed boundaries meets the requirements of the BCA; andii) All service lines are wholly contained within their respective lots, or an appropriate Easement or Easements have been shown on the plan of survey and suitably described in the 88B instrument
	Condition reason: To ensure that the development is completed in accordance with clause 4.1C of the Port Stephens Local Environmental Plan 2013.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Council advisory notes

1. **'Dial Before you Dig Australia'** – Before any excavation work starts, contractors and others should phone the “Dial Before You Dig Australia” service to access plans/information for underground pipes and cables.
2. **Responsibility for damage for tree removal/pruning** – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant’s agents to prevent any damage to adjoining properties. The applicant or applicant’s agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.
3. **Approved Plans to be on-site** – A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.
4. **Council as PCA, PCA sign** – It is the responsibility of the applicant to erect a PCA sign. Where Council is the PCA, the sign is available free of charge, from Council’s Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay. The applicant is to ensure the PCA sign remains in position for the duration of works.
5. **Street Numbering** - Prior to Subdivision Certificate release, the approved dwellings/lots are to be identified as follows:
 - a. Lot 1: 2C Sir Keith Place, Karuah
 - b. Lot 2: 2B Sir Keith Place, Karuah
 - c. Lot 3: 2A Sir Keith Place, Karuah

6. **Dividing Fences** - The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent. Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.

7. **Proximity to Ausgrid Assets** - There are existing overhead electricity network assets in the Sir Keith Place footpath, adjacent to the development. Workcover Code of Practice 2006 – Work Near Overhead Powerlines outlines the minimum safety separation requirements between these mains / poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction.

It is recommended that the developer should email Ausgrid at resservicesupport@ausgrid.com.au with compliance issues regarding the relevant Workcover Code of Practice 2006 – Work Near Overhead Powerlines.

8. **Notice of Arrangement Letter** - It is a requirement that Notification of Arrangements for the Provision of Electricity Supply letter be issued by Ausgrid for each stage before council release the plan of subdivision for registration at Land and Property Information.

Ausgrid will only issue the Notice of Arrangement after the connection assets have been installed and, if applicable, satisfactory arrangements have been made for Ausgrid to be granted registered easements or leases for any network infrastructure installed on private land.

9. **Clearance 'As Constructed'** - Based on the design of the development provided, it was identified that the "as constructed" minimum clearances will not be encroached by the development.

The existing overhead mains may require relocating should the minimum safety clearances be compromised during construction, this relocation work is generally at the developers cost.

10. **Supply of Electricity** - Ausgrid recommend engaging an electrical professional who knows how to design your connection and the type of connection to apply for. To apply for a connection the developer will need to visit Ausgrid's website <https://www.ausgrid.com.au/Connections/Get-connected>. An assessment will be carried out based on the information provided which may include whether or not the existing network can support the expected electrical load of the development.

Please refer to Ausgrid's website, www.ausgrid.com.au for information regarding connecting to Ausgrid's network.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Port Stephens Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Hunter Central Coast Regional Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.



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



DEVELOPMENT ASSESSMENT REPORT

APPLICATION REFERENCES

Application Number	16-2024-82-1
Development Description	Construction of two semi-detached dwellings, one detached dwelling and 1 into 3 lot Torrens Title Subdivision
Applicant	Allcon Building Pty Ltd
Land owner	SPN Holdings Pty Ltd
Date of Lodgement	15/04/2024
Value of Works	\$1,000,047.00
Submissions	0

PROPERTY DETAILS

Property Address	2 Sir Keith Place KARUAH
Lot and DP	LOT: 764 DP: 11741
88B Restrictions on Title	Nil
Current Use	Vacant
Zoning	R2 LOW DENSITY RESIDENTIAL
Site Constraints	Bushfire Prone Land – Vegetation Category 3; Acid Sulfate Soils – Class 5; Koala Habitat Planning Map – Mainly Cleared Land; Coastal Zone; and DCP Chapter – D2 Karuah
State Environmental Planning Policies	<i>State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 2 Coastal Management, Chapter 4 Remediation of Land</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in non-rural areas, and Chapter 4 Koala Habitat Protection 2021;</i> <i>State Environmental Planning Policy (Sustainable Buildings) 2022.</i>

PROPOSAL

The proposal seeks consent for the erection of two semi-detached dwellings, one detached dwelling, and a 1 into 3 lot Torrens title subdivision as seen in **Figure 1**. The semi-detached dwellings are located on Lots 1 and 2 positioned on the western portion of the site with access from Sir Keith Place, while the detached dwelling is located on Lot 3 to the eastern portion of the site with access from Sir Keith Place to the south. Each dwelling would feature a single storey design and will contain three bedrooms, one with an ensuite, a kitchen, open planned living and dining area, one bathroom, and one laundry. The semi-detached dwellings would contain a single car garage while the detached dwelling would contain a double car garage and an attached alfresco. The proposed floor plans can be seen in **Figures 2 and 3**.

Two existing trees on-site are required to be removed to accommodate the development, while three street trees would also require removal to facilitate road upgrades. A landscape plan which includes three supplementary street trees has been provided with the application and can be seen in **Figure 4**. The site is currently vacant with no demolition works proposed.

The proposal also includes a 1 into 3 lot Torrens title subdivision and would create the following lots:

- Lot 1: 278.43m²
- Lot 2: 279.67m²
- Lot 3: 287.21m²

The proposed subdivision plan can be seen in **Figure 5**.

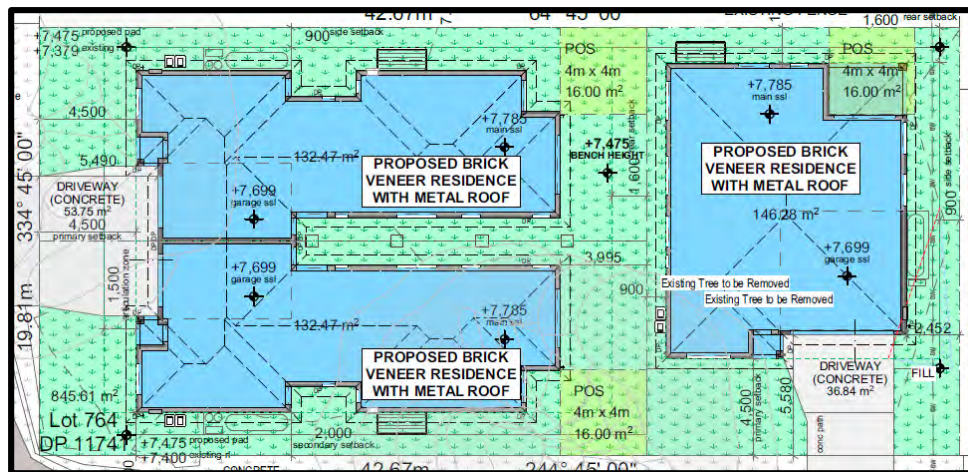


Figure 1: Proposed site plan

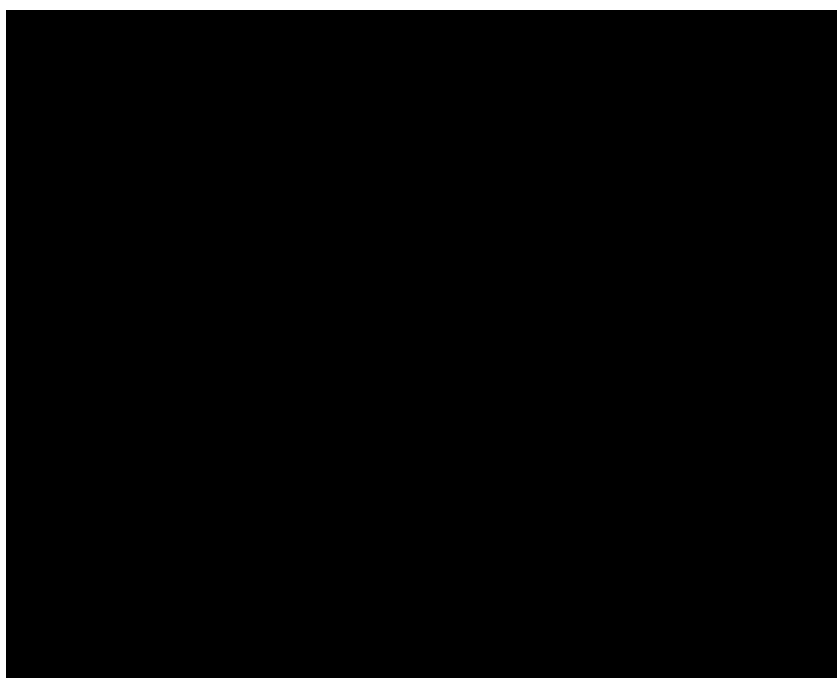


Figure 2: Semi-detached dwellings site plan



Figure 3: Detached dwelling floor plan

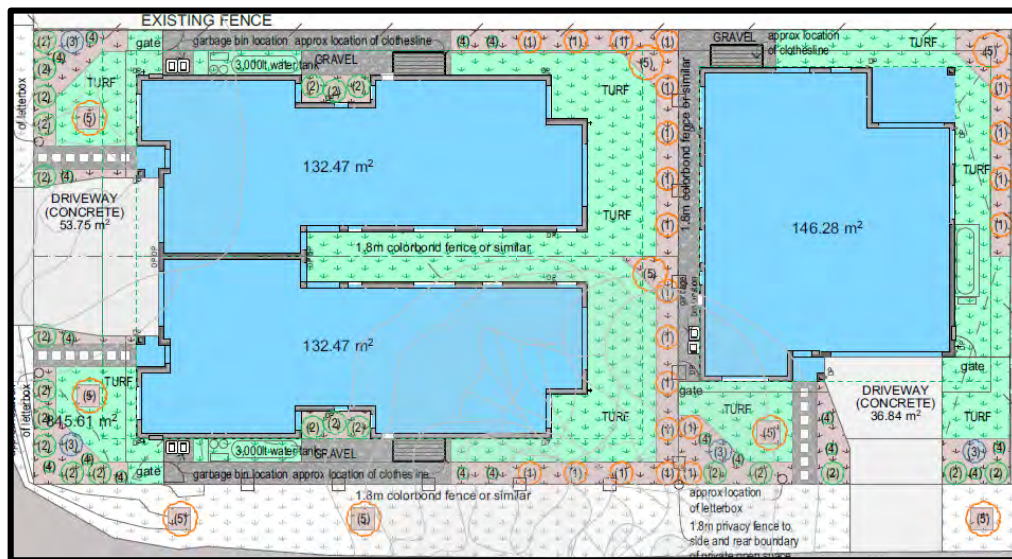


Figure 4: Proposed landscape plan

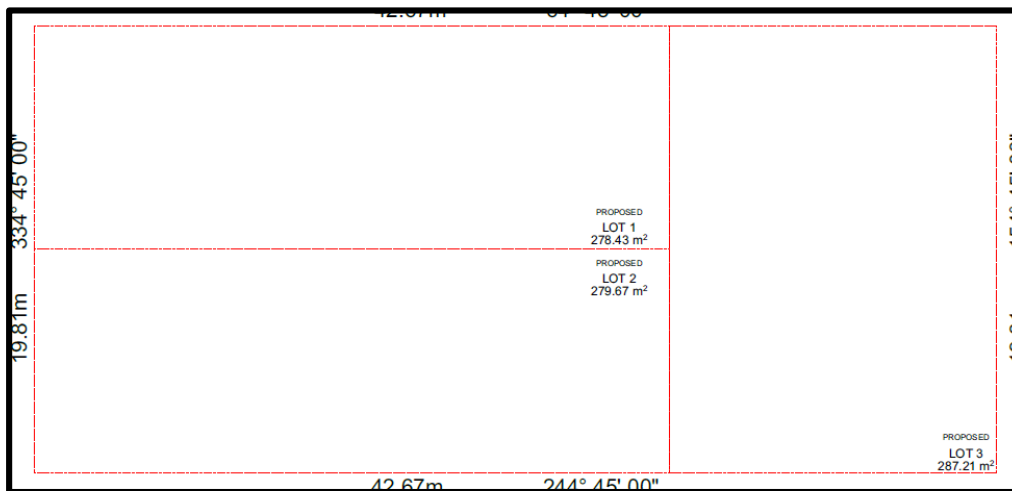


Figure 5: Proposed subdivision plan

SITE DESCRIPTION

The subject site is a regular shaped corner lot with a total area of 840.9m² and is legally identified as Lot 764 in DP 11741. The site features a generally flat topography and contains two large trees and is clear of any built structures, as seen in **Figure 6**.

Development surrounding the site is characterised of low density residential dwellings, generally featuring a single storey design. The waterfront of Karuah River is located approximately 50m east, vegetated bushland approximately 100m south and undeveloped residential lots approximately 250m west. The site has direct frontage to Sir Keith Place, which is partially unformed.



Figure 6: Aerial GIS imagery of the subject site

SITE HISTORY

There are no records of any historical applications on Councils' digital records system. The subject site does not have records of contamination that would impact the proposed development.

SITE INSPECTION

A site inspection was carried out on 16 May 2024. The subject site can be seen in **Figures 7 - 14** below.



Figure 7: West elevation view of the site



Figure 8: South elevation view of the site

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Figure 9: South elevation view of the site



Figure 10: Trees proposed for removal

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Figure 11: Existing road to be widened and upgraded to kerb and guttering



Figure 12: Existing road to be upgraded and sealed



Figure 13: Existing road to be upgraded and sealed



Figure 14: Trees in road reserve to be removed

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PLANNING ASSESSMENT

The proposed development was referred to the following internal specialists and external agencies. The comments provided by the special staff and external agencies have been used to carry out the assessment against the S4.15 Matters for Consideration below:

Internal

Development Engineering	
Comment:	<p>The application was referred to Council's Development Engineer for assessment of stormwater, water quality, access and traffic. The referral noted that the application provided limited information to address water quality measures in accordance with the DCP. Noting that the site has suitable space to include water quality treatment devices, detailed design of water quality has addressed as a condition of consent in the determination.</p> <p>Additionally, the referral identified that the development site fronts an unformed gravel road and that this road will need to be upgraded to the standard of an access street in accordance with Council's Infrastructure Specification. This would involve a half-road widening and the construction of kerb and guttering. A condition of consent has been imposed requiring these upgrades.</p> <p>Ultimately, no objections were raised regarding the proposed development on engineering grounds and the proposal was supported with conditions.</p>
Spatial Services	
Comment:	<p>The application was referred to Council's Spatial Services Officer to provide addressing for the proposed development. Addressing was provided and has been included as an advisory note with the determination.</p>
Natural Systems	
Comment:	<p>The application was referred to Council's Environmental Planner to assess the proposed vegetation removal and biodiversity impacts. The referral noted that 5 trees that may be impacted by the proposed development. Trees 1 & 2 are located within the building footprint of the proposed development and will require removal to facilitate the development. These trees, <i>Eucalyptus paniculata</i> and <i>Eucalyptus reinifera</i> respectively, were supported for removal. It was noted that Tree 2 contained a large hollow which may provide habitat for native fauna and as such, a condition has been included requiring a suitably qualified and experienced fauna ecologist to be present during its removal and for its removal to be undertaken via sectional felling techniques to ensure any potential native fauna are suitably protected.</p> <p>Trees 3, 4 & 5 are located within the Sir Keith Place road reserve area and are likely to be impacted by the required road upgrades in accordance with Council's Infrastructure Specification. These trees include <i>Eucalyptus paniculata</i>, <i>Eucalyptus resinifera</i> and <i>Eucalyptus spp</i>. The removal of these trees have also been supported by Council's Environmental Planner. Replacement street tree plantings in accordance with Council's Biodiversity Specification have been included within the approved landscape plan. Ultimately, the application was supported with conditions and it was determined that the proposed development would not result in significant adverse impacts to biodiversity.</p>

Development Contributions	
Comment:	The application was referred to Council's Development Contributions Officer to determine if development contributions apply under the Environmental Planning and Assessment Act 1979. It was determined that Section 7.11 development contributions apply for the provision of two additional lots/dwellings and an appropriate condition of consent has been included in the determination.
Building Surveyor	
Comment:	The development was referred to Council's Building Surveyor to consider compliance with the Building Code of Australia (BCA). It was determined that the proposed development would be able to comply with the BCA and the application was supported with conditions.

All internal referral officers have supported the application.

External (non-integrated)	
Ausgrid	
Comment:	The development was referred to Ausgrid due to the proximity of electrical assets. The response received from Ausgrid did not raise any concerns regarding the proposed development and provide general advice regarding supply of electricity, clearance distances and proximity to existing network assets. The recommendations provided by Ausgrid have been included as advisory notes in the determination.

The proposed development was also referred to the NSW Rural Fire Service as an integrated development and this is discussed under Section 4.46 below.

Environmental Planning and Assessment Act 1979

Section 4.46 - Integrated development

Section 4.46 EP&A Act provides that development is integrated development if in order to be carried out, the development requires development consent and one or more other approvals. The proposed development is integrated as it requires approval under the following Acts:

Rural Fire Service	
Comment:	<p>The proposed development required an integrated referral under s100B of the Rural Fires Act 1997 due to the development including the subdivision of bush fire prone land that could lawfully be used for residential purposes. Accordingly, the application was referred to RFS and subsequently supported with conditions under Division 4.8 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).</p> <p>General Terms of Approval (GTA) and Bushfire Safety Authority (BFSA), issued by the RFS, dated 20 May 2024, was provided and included conditions related to the following:</p> <ul style="list-style-type: none"> • Asset Protection Zones; • Construction Standards; and • Water and Utility Services.

Section 4.15 - Matters for consideration

	The GTAs have been attached to the determination.
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When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the EP&A Act. The matters of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

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

An assessment has been undertaken against each of the applicable environmental planning instruments (EPI's) below.

State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 encourages the design and construction of more sustainable buildings to meet NSW climate change targets and adapt to more extreme weather, including hotter and drier summers.

Chapter 2 – Standards for Residential Development – BASIX**Section 2.1(1) – Development standards**

Section 2.1(1) requires that BASIX affected residential development be accompanied by a BASIX certificate. A valid BASIX certificate has been submitted with the development application which demonstrates that the water, thermal performance and energy requirements for the proposal have been achieved. The proposal is considered to satisfy the relevant provisions of SEPP Sustainable Buildings.

Section 2.1(5) – Development consent requirements

Section 2.1(5) requires that development consent must not be granted to BASIX affected residential development unless the embodied emissions attributable to the development have been quantified. The BASIX Certificate includes an Embodied Emissions Materials Assessment which complies with Section 2.1(5).

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

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

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

The development application seeks consent for the removal of five existing trees located on the subject site and within the road reserve of Sir Keith Place. The removal is supported as replacement plantings are proposed by the applicant consistent with Council's Biodiversity Technical Specification.

Chapter 4 – Koala Habitat Protection 2021

This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. Chapter 4 applies to all zones other than RU1 (Primary Production), RU2 (Rural Landscape) and RU3 (Forestry) in the Port Stephens Local Government Area.

Section 4.8 – Development assessment process

Section 4.8 requires that the application must be consistent with the approved koala plan of management that applies to the site. In Port Stephens, the relevant plan is the Comprehensive Koala Plan of Management (CKPoM).

The subject site is mapped as mainly cleared koala habitat and is not in close proximity to any land identified as containing preferred or supplementary koala habitat on the CKPoM mapping. The site is also not identified as a key corridor for koala movement. The trees proposed for removal are not identified as preferred koala feed tree species. As such, the proposed development is unlikely to result in any adverse impacts to koala habitat and is considered to be consistent with Council's CKPoM objectives.

State Environmental Planning Policy (Resilience and Hazards) 2021**Chapter 2 – Coastal Management**

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

Section 2.10 – Development within the coastal environment area

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

The proposed development is sufficiently setback from the waterfront in that it will not result in any adverse impacts to the integrity of the biophysical and ecological environment, the values and

natural coastal processes, marine vegetation, native vegetation and fauna and existing open space. In addition, access to the foreshore remains unimpeded from the development.

The proposed development is located within an established residential area and is of a scale that is appropriate for the local area. While the removal of up to five trees has been supported, which would result in negligible ecological impacts, these impacts are minor in nature and can be suitably offset through replacement plantings which are included in the landscape plan. A condition of consent is also recommended requiring suitable water quality measures to ensure Neutral of Beneficial Impacts (NorBE) from stormwater runoff into the surrounding catchment. As such, the development is not anticipated to result in significant adverse impacts to the coastal environment and is considered to be consistent with the requirements of this clause.

Section 2.11 – Development within the coastal use area

As per Section 2.11 of Chapter 2 of the SEPP, development consent must not be granted for a development unless the consent authority has considered existing and safe access to and along the foreshore, overshadowing and loss of views, visual amenity and scenic qualities and heritage values. The consent authority must also be satisfied that the development is designed and sited to avoid adverse impacts and to ensure the development has taken into account the surrounding built environment in its design.

The proposed development is an appropriate type and design for the coastal location. The proposed use of the site for residential purposes in conjunction with a sustainable built form will ensure that the visual amenity and scenic qualities of the coast are protected. The building envelope and size of the development is also compatible with the natural setting and will not adversely impact views. No adverse impacts to heritage values are expected, as outlined elsewhere in this report.

Section 2.12 – Development within the coastal zone generally

Section 2.12 of Chapter 2 of the SEPP requires consideration to whether the development would increase the risk of coastal hazards. The proposed development is suitably designed and located to not increase risk to coastal hazards.

Therefore, the application would generally comply with the aims of the SEPP and the other matters for consideration stipulated under Section 2.10, 2.11 and 2.12, and can therefore be supported.

Chapter 4 – Remediation of Land

Section 4.6 – Contamination and remediation to be considered

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

It is noted that the NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated, nor has previous record of contamination in Council's system. Historical aerial imagery indicates the site was subdivided for residential purposes in the 1920s and there is no evidence to indicate potentially contaminating land uses have occurred on the site. The land is not within an investigation area and there are no records of potentially contaminating activities occurring on the site, per Table 1 of the Guidelines. Noting this, the proposed development satisfies the requirements of Chapter 4 of this SEPP.

Port Stephens Local Environmental Plan 2013 (PSLEP 2013)**Clause 2.3 – Zone Objectives and Land Use Table**

The proposed development is defined as semi-detached dwellings, detached dwelling and subdivision which is permissible with consent in the R2 Low Density Residential zone. The development addresses the objectives of the zone by providing for the housing needs of the community and by protecting and enhancing the residential amenity and character of the local area.

Clause 2.6 – Subdivision—consent requirements

Land to which this Plan applies may be subdivided, but only with development consent. The proposed development involves Torrens title subdivision which is permitted by this clause.

Clause 4.1 – Minimum Subdivision Lot Size

Clause 4.1 outlines the minimum lot size applicable to the subject sites, as identified on the minimum lot size map, to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls.

The subject site includes a minimum lot size of 500m². The proposed allotments as a result of the subdivision are as follows:

- Proposed Lot 1 – 278.43m²
- Proposed Lot 2 – 279.67m²
- Proposed Lot 3 – 287.21m²

As per the above, the proposed subdivision seeks to create allotments of which do not comply with the minimum lot size specified under the Minimum Lot Size Map. Nonetheless, small lot subdivision is permitted under Clause 4.1C which is discussed below.

Clause 4.1C – Exceptions to minimum lot sizes for certain residential developments

Clause 4.1C allow for exceptions to the minimum lot size despite Clause 4.1 for certain residential development and certain zones.

Clause 4.1C applies to the R2 Low Density Residential zones and therefore to this development. The Clause notes that development must include:

- (a) the subdivision of land into 2 lots for the purpose of an attached dwelling, a dwelling house or a semi-detached dwelling,
- (b) the erection of a dwelling on each lot resulting from the subdivision, if the size of each lot is equal to or greater than—
 - (i) for the erection of an attached dwelling—200 square metres, or
 - (ii) for the erection of a dwelling house—250 square metres, or
 - (iii) for the erection of a semi-detached dwelling—250 square metres.

The proposed development seeks to subdivide the land into 3 lots for the purposes of two semi-detached dwellings and one detached dwelling. The proposed lots exceed the minimum 250m² requirement specified in (b)(ii) & b(iii) above, with the proposed lots being 278.43m² (Lot 1), 279.67m² (Lot 2) and 287.21m² (Lot 3) respectively. Therefore, the proposal is considered to be compliant with Clause 4.1C.

Clause 4.3 – Height of Buildings

The objectives of this clause are to ensure the height of buildings is appropriate for the context and character of the area and to ensure building heights reflect the hierarchy of centres and land use structure. Clause 4.3(2) provides that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The proposed development has a maximum height of 5m metres, which is below the maximum permissible building height of 9 metres specified on the Height of Buildings Map.

Clause 5.10 – Heritage conservation

The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Port Stephens,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

In accordance with Clause 5.10.(4) the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The proposed development is not located within or in proximity to any local or state listed heritage items or conservation areas. A search of the Aboriginal Heritage Management Systems did not reveal any previously recorded Aboriginal sites in proximity to the proposed development. Under the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, the site is 100m from the waters of the Karuah River, which is considered land that is more likely to contain Aboriginal objects. Despite this, the land exhibits evidence of prior ground disturbance through the historical subdivision. Therefore, the existence of Aboriginal objects is considered low and no adverse impact to Aboriginal heritage is expected. A condition of consent relating to unexpected finds will be included to ensure that appropriate steps are taken should any unexpected objects be identified during works.

Clause 7.1 – Acid Sulfate Soils

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The subject land is mapped as containing potential Class 5 acid sulfate soils. The proposed development is not anticipated to entail excavations below 1 metre and therefore it is not expected that acid sulfate soils would be encountered during works.

Clause 7.2 – Earthworks

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

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

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

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The application proposes earthworks on the site to achieve a level building platform through the use of balanced cut and fill. Earthworks are minor in nature and are not anticipated to result in any negative impacts on the subject or adjoining land, or any public place. As outlined in the assessment against clause 5.10 above, the likelihood of disturbing relics is low.

Conditions of consent have been imposed relating to sediment and erosion control, stockpiling of materials and disposal of excavated materials in accordance with the EPA's Waste Classification Guidelines. Measures have been proposed to manage stormwater runoff to ensure drainage patterns are not disrupted.

Clause 7.6 – Essential Services

Cause 7.6 provides that development consent must not be granted to development unless the consent authority is satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required. The essential services include the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

The subject site is serviced by reticulated water, electricity and sewer. Further, the application has demonstrated that stormwater drainage resulting from impervious areas can be catered for in accordance with Councils DCP and Infrastructure Specifications. The subject land maintains direct access to Sir Keith Place which would be upgraded to the standard of an access street, meeting the requirements of this clause.

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

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

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

Port Stephens Development Control Plan 2014 (PSDCP 2014)

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

CHAPTER B – GENERAL PROVISIONS

B1 – TREE MANAGEMENT

This chapter applies to the removal or pruning of trees or other vegetation within non-rural areas and gives effect to SEPP (Biodiversity and Conservation) 2021 by listing those trees or other vegetation that require approval.

The proposed development and road upgrades would result in the removal of up to five (5) trees, two within the development site and three located on Council's road reserve. These trees consist of 2 x *Eucalyptus paniculata*, 2 x *Eucalyptus reinifera* and 1 x *Eucalyptus spp*. The proposed tree removal was supported by an Arborist Report and was assessed by Council's Environmental Planner. It was noted by Council's Environmental Planner that the trees proposed for removal contain minimal ecological value, with the exception of a large hollow on one of the trees. As such, a condition has been included requiring a suitably qualified and experienced fauna ecologist to be present during its removal and for its removal to be undertaken via sectional felling techniques to ensure any potential native fauna are suitably protected.

Furthermore, the provided Landscape Plan includes three streets trees on Sir Keith Place to replace the vegetation to be removed for ecological and amenity purposes. As such, the proposed development is considered to be consistent with the requirements of this Chapter.

B2 – NATURAL RESOURCES

This chapter applies to development located within 500m of environmentally sensitive areas, development that contains koala habitat, noxious weeds or development that is seeking to use biodiversity credits.

The proposed development is approximately 150m from mapped areas of outstanding biodiversity values and therefore this chapter is applicable. As outlined in this report, impacts to biodiversity and environmentally sensitive areas is low. The proposed development would involve the removal of five trees within an established residential area, although these trees support minimal ecological value. Subject to conditions of consent, the development would not have any long-term adverse impacts on local biodiversity.

B3 – ENVIRONMENTAL MANAGEMENT

Chapter B3 contains provisions relating to acid sulfate soils, noise, air quality and earthworks, as outlined in the following sections.

Noise

The separation distances incorporated into the development will limit any adverse impacts on the adjoining development. The impacts of the development during construction could be limited through conditions of consent which limit construction work hours and mitigate noise derived from ventilation and air conditioning systems. Subject to the aforementioned conditions, the development is satisfactory in regards to noise management.

Air Quality

Dust generated during construction is expected to be minimal, subject to conditions of consent requiring erosion and sediment control be carried out in accordance with the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) and the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). The proposed residential development would not cause any ongoing air quality impacts during the operational phase of the development.

Earthworks

As discussed at Clause 7.2 above, the proposed development involves minimal earthworks to create a level building pad and for the installation of services. The impacts of the proposed earthworks can be mitigated through conditions of consent. The proposal is consistent with requirements outlined in Councils DCP relating to earthworks in terms of drainage, adjoining properties, soil and disturbance of relics.

B4 – DRAINAGE AND WATER QUALITY

This section applies to development that:

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

A stormwater management plan was submitted with the application and includes adequate quantity controls in accordance with the requirements of the DCP. The stormwater drainage plan has been assessed as being consistent with Council's Infrastructure Specification. A condition of

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consent has been included requiring the provision of detailed engineering plans including water quality treatment devices, prior to the issue of a Construction Certificate.

B7 – HERITAGE

This section applies to development that is situated on land that contains a heritage item or within a heritage conservation area.

The site is not located on land that contain any local or state listed heritage items. As outlined under Clause 5.10 in this report, no adverse impact to Aboriginal heritage is expected, and a condition of consent relating to unexpected finds will be included to ensure that appropriate steps are taken should any unexpected objects be identified during works.

B8 – ROAD NETWORK AND PARKING

This section applies to development with the potential to impact on the existing road network or create demand for on-site parking.

Traffic Impacts

The potential impacts of the development to the local road network have been assessed as being acceptable. The development of three dwellings on the site in a residential area will not significantly increase traffic generation for the locality or reduce the Level of Service (LoS) for nearby major intersections.

On-site Parking Provisions

Figure BU identifies the on-site parking requirements for the development as follows:

Development type	DCP requirement	Parking requirement	Proposed
Semi-detached dwellings & detached dwellings	<ul style="list-style-type: none"> 1 car space for one and two bedroom dwellings 2 car spaces for three > bedroom dwellings 	The dwelling has four bedrooms and therefore two (2) car spaces are required in accordance with the DCP.	Semi-detached dwellings 1 car space Detached Dwelling 2 car spaces

The proposed development includes two semi-detached dwellings which include a single car garage and a detached dwelling which includes a double car garage. All dwellings contain three bedrooms and therefore the semi-detached dwellings each have a parking shortfall of 1 space.

However, there is sufficient space for an additional parking area for each dwelling in front of the proposed garage in a stacked formation. The stacked parking arrangement is considered acceptable in this instance as a double garage for each dwelling would result in a wider driveway, reduce landscaped areas, reduce passive surveillance, and overall detract from the residential streetscape character. Furthermore, Sir Keith Place is a low use cul-de-sac and therefore additional on-street parking is available if required. Therefore, for these reasons the proposed parking shortfall and stacked parking arrangement has been supported on a merits basis and is consistent with the objectives of B8 of the DCP.

On-site Parking Access

The proposal includes on-site access via Sir Keith Place, which would be upgraded to the standard of an access street in accordance with Council's Infrastructure Specifications. As such, the development is considered to be consistent with this control.

CHAPTER C – DEVELOPMENT TYPES

The proposed development includes Torrens title subdivision, semi-detached dwellings and a detached dwelling and therefore Sections C1 and C4 are applicable.

C1 – SUBDIVISION	
C1.A – All Subdivision – Lot Size and Dimensions	
Objective	
<ul style="list-style-type: none"> To ensure all new lots have a size and shape appropriate to their proposed use, and to allow for the provisions of necessary services and other requirements 	
Control	C1.1 – Lot size Subdivision adheres with <i>Local Environmental Plan Part 4</i> .
Assessment	The proposed subdivision layout is consistent with the requirements of Clause 4.1C of the PSLEP 2013.
Control	C1.2 – Rectangular footprint A residential lot is capable of supporting a rectangular building footprint of 15m x 8m or 10m x 12m as illustrated by Figure CA.
Assessment	The plans demonstrate that the lots are able to support a rectangular building footprint as required by Figure CA.
Control	C1.3 – Battle-axe lots All lots provide direct street frontage. <ul style="list-style-type: none"> Battle-axe lots are only considered when there is no practical way to provide direct street frontage. Right of carriageway is constructed prior to the issuing of subdivision certificate and is provided in accordance with Figure CB. <ul style="list-style-type: none"> Alternative solutions are to be considered to lots created prior to the Local Environmental Plan, but only where safety is not impeded.
Assessment	No battle-axe lots are proposed in this development.
Control	C1.4 – Splay corners Splay corners are provided for corner lots and must be a minimum of: <ul style="list-style-type: none"> 4m x 4m for residential zones; 8m x 8m for commercial and industrial zones; 6m x 6m or merit-based approach for other zones.
Assessment	The proposed development has not included splay corners in accordance with this control. Nonetheless, Sir Keith Place is a cul-de-sac with a low traffic volume. Additionally, requiring a splay corner would reduce the landscaped area and area available for water quality measures. As such, the lot in its current configuration is considered more appropriate for the proposed use and the variation is supported on merit.
C1.B – All Subdivision – Street Trees	
Objective	
<ul style="list-style-type: none"> To ensure street tree planting is of an appropriate species and undertaken in accordance with Council's guidelines 	

C1 – SUBDIVISION	
Control	C1.5 – Street tree requirements Street trees are required as a component of the road reserve for the following: <ul style="list-style-type: none"> • Residential subdivisions; • Commercial subdivisions; • Industrial subdivisions creating 10 or more lots. <ul style="list-style-type: none"> - Street trees are provided in accordance with the tree technical specification. <ul style="list-style-type: none"> - Tree Planting Guidelines of the tree technical specification provides guidance to the application of the tree technical specification to determine the total number of trees to be provided.
Assessment	Street trees have been included on the provided landscape plan.
Control	C1.6 – Street tree replacement Where street trees are required to be removed to facilitate development, they must be replaced in a practical location, in accordance with Section 4.6 of the tree technical specification.
Assessment	The development would require the removal of up to three street trees. As such, the proposal includes the planting of three replacement street trees, which are to be located along Sir Keith Place. A condition of consent has been imposed requiring these trees to be planted prior to the release of the Occupation Certificate.
C1.C – All Subdivision – Solar Access	
Objective <ul style="list-style-type: none"> • To maximise solar access for residential dwellings 	
Control	C1.7 – Solar access Residential subdivision addresses the following guidelines for solar access. Any inconsistency clearly justifies how alternative energy efficiency is achieved. <ul style="list-style-type: none"> • Where possible, lots should be oriented to provide one axis within 30 degrees east and 20 west of true solar north; • Where a northern orientation of the long axis is not possible, lots should be wider to allow private open space on the northern side of the dwelling; • Topography and landform should inform the subdivision layout in order to maximise solar access opportunities.
Assessment	Private open space for the lots has been orientated to north to achieve solar access.
C1.D – All Subdivision – Public Scale Drainage	
Objective <ul style="list-style-type: none"> • To ensure further guidance is provided for subdivision that is consistent with B4 Drainage and Water Quality and the Infrastructure Specification (where relevant) 	
Control	C1.8 – Inter-allotment drainage Each lot must be able to be gravity drained through the drainage system to public drainage.

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C1 – SUBDIVISION	
Assessment	Each lot would be able to gravity drain to the public system.
Control	C1.9 – Inter-allotment drainage Inter-allotment drainage may be required for subdivision where a lot does not drain directly to the road kerb.
Assessment	No inter-allotment drainage is required.
Control	C1.10 – Drainage reserves An overland flow path is provided for the 1% Annual Exceedance Probability (AEP) storm event and is a drainage reserve dedicated to Council as operational land.
Assessment	No drainage reserves are required.

C4 – Dwelling House, Secondary Dwelling, or Dual Occupancy	
C4.A – Height	
Objectives <ul style="list-style-type: none"> To ensure the height of buildings is appropriate for the context and character of the area To ensure building height reflects the hierarchy of centres and land use structure 	
Control	C4.1 – Building height Maximum height limit of 8m or a merit-based approach is taken where no height limit is specified under the Local Environmental Plan clause 4.3 Note: C2.4 requires a minimum first floor and above ceiling height for residential accommodation in a commercial zone of 2.7m
Assessment	The proposed development has a total height of approximately 5m, which is below the maximum building height permitted of 9m under Clause 4.3.
C4.B – Setbacks	
Objectives <ul style="list-style-type: none"> To ensure development provides continuity and consistency to the public domain To ensure development contributes to the streetscape and does not detract from the amenity of the area 	
Control	C4.2 – Setback requirements Development is to be setback from the subject property boundary, in accordance with the provisions outlined in Figure C1.
Assessment	The proposed development complies with all setback requirements, with the exception of the rear setback for the detached dwelling on proposed Lot 3, as outlined below. Semi-detached dwelling Lot 1 <u>Front Setback:</u> 4.5m

C4 – Dwelling House, Secondary Dwelling, or Dual Occupancy	
	<p><u>Side Setback:</u> 1.963m & 1m</p> <p><u>Rear Setback:</u> 3.995m</p> <p><u>Semi-detached dwelling Lot 2</u></p> <p><u>Front Setback:</u> 4.5m</p> <p><u>Secondary:</u> 2m</p> <p><u>Side Setback:</u> 1m</p> <p><u>Rear Setback:</u> 3.995m</p> <p><u>Detached dwelling Lot 3</u></p> <p><u>Front Setback:</u> 4.5m</p> <p><u>Side Setback:</u> 0.9m & 2.452m</p> <p><u>Rear Setback:</u> 1.649m</p> <p>A rear setback of 1.649m is proposed for Dwelling 3, representing a variation of 0.351m. This variation has been supported on the following grounds:</p> <ul style="list-style-type: none"> • The variation is minor in nature; • The single storey design of the dwelling ensures no adverse overshadowing or privacy impacts; • Sufficient room for private open space has still been provided; and • The semi-detached dwelling, which is located along the same boundary, features a side setback of 1.963m, which exceeds the 0.9m side setback requirement and will minimise any potential impacts as a result of the reduced rear setback. <p>For these grounds, the proposed setback is considered to be consistent with the controls objectives and is supported on a merits basis.</p>
Control	<p>C4.3 – Front setback encroachment</p> <p>Development is to have a maximum of 1.5m encroachment of the front building line for architectural features</p>
Assessment	No encroachment into the front setback area is proposed.
Control	<p>C4.4 – Secondary dwelling setback</p> <p>Development for a secondary dwelling must be located behind the building line of the principal dwelling it is in conjunction with.</p>
Assessment	N/A – The development does not include a secondary dwelling.
Control	<p>C4.5 – Secondary setback encroachment</p> <p>Maximum 1m encroachment to secondary setback for architectural features, such as an entry porch or deck.</p>
Assessment	No encroachment to the secondary setback is proposed.

C4 – Dwelling House, Secondary Dwelling, or Dual Occupancy	
Control	C4.6 – Garage setback
	Garage setback minimum 1m behind the building line or setback.
Assessment	Each garage is setback at least 1m behind the building line or setback.
Control	C4.7 – Public reserve and waterfront setback
	Minimum 3m setback from a public reserve boundary.
Assessment	N/A – The development does not adjoin a public reserve or the waterfront.
Control	C4.8 – Public reserve and waterfront setback
	Minimum 4.5m setback from a waterfront reserve boundary.
Assessment	N/A – The development does not adjoin a public reserve or waterfront reserve.
Control	C4.9 – Public reserve and waterfront setback
	Minimum 1m setback from waterfront land from the access boundary.
Assessment	N/A – The development does not adjoin a waterfront land access boundary.
Control	C4.10 – Battle-axe lot handle
	Minimum 1m setback from a battle-axe lot handle, access corridor or easement that is required for access Note: C1.3 details when battle-axe lots are provided
Assessment	N/A – The development does not contain a battle-axe handle.
Control	C4.11 – Adjoining agricultural buffers
	An agricultural buffer of 150m or greater should be provided between a rural dwelling house, secondary dwelling or an ancillary structure for habitable purposes to adjoining land in separate ownership that is used or capable of being used for agricultural purposes <ul style="list-style-type: none"> Where the 150m buffer or greater cannot be achieved the planting of a 30m wide native vegetation strip is to be provided between the proposed development building envelope and the adjacent agricultural land Note: B2.1 requires a suitable buffer on the land which is the subject of development to items of environmental significance
Assessment	N/A – The development does not adjoin agricultural land.
C4.C – Streetscape and privacy	
Objective	
<ul style="list-style-type: none"> To ensure development activates the streetscape to provide passive surveillance and privacy. 	
Control	C4.12 – Passive surveillance
	Development is to address the street by having at least one habitable room front the street and/or adjoining public spaces.

C4 – Dwelling House, Secondary Dwelling, or Dual Occupancy	
Assessment	The proposed development includes habitable rooms which front both sides of Sir Keith Place.
Control	C4.13 – Passive surveillance Development on corner lots is to address both street frontages by having habitable rooms face both streets.
Assessment	The proposed development includes habitable rooms which front both sides of Sir Keith Place.
Control	C4.14 – Streetscape character To be sympathetic to the existing landscape character and built-form with regard to design, bulk, scale, form, materials and roof configuration.
Assessment	The proposed development features three single storey dwellings on a currently vacant lot. The dwellings feature a design which is similar to existing dwellings in the locality and will help reinforce the residential character of the area. As such, the development is anticipated to have a positive impact on the streetscape character.
Control	C4.15 – Privacy and two-storey development Two storey development is to include a balcony or deck facing the street on the upper floor at least 1.5m deep across 25% of the dwelling frontage.
Assessment	N/A – The development does not include a two-storey dwelling.
Control	C4.16 – Privacy and two-storey development Balconies are to be located to minimise overlooking of adjoining properties.
Assessment	N/A – The development does not include a two-storey dwelling.
Control	C4.17 – Privacy and two-storey development Privacy screens are required for balconies and patios, which result in unreasonable privacy impacts to properties.
Assessment	N/A – The development does not include a two-storey dwelling.
Control	C4.18 – Privacy and two-storey development Privacy screens, high-light windows or opaque glass is to be used for windows of habitable rooms (other than bedrooms) which overlook adjoining properties.
Assessment	N/A – The development does not include a two-storey dwelling.
C4.D – Private open space	
Objective	
<ul style="list-style-type: none"> To ensure private open space with solar access is provided to allow opportunity for passive and active outdoor recreation 	
Control	C4.19 – Private open space dimensions

C4 – Dwelling House, Secondary Dwelling, or Dual Occupancy	
	<p>Minimum of 50m² of ground floor private open space comprising a minimum of 35m² that is usable. Private open space is considered usable if it:</p> <ul style="list-style-type: none"> • has minimum dimensions of 4m x 4m; • has direct access from internal living areas; • is not located within a front setback; and • has a northerly aspect.
Assessment	<p>All dwellings include 50m² of private open space. Dwellings 1 and 2 represent a minor variation to the 35m² of useable private open space control however, noting dimensions of the area are 3.995m x 4m rather than the required 4m x 4m. However, this is a negligible variation and the area is still considered acceptable to be used as POS.</p> <p>Similarly, Dwelling 3 provides approximately 25m² of POS that is considered useable. Nonetheless, additional private open space is provided along the eastern boundary. While this area does not strictly comply with the dimensions required, it still provides practical space for passive and active recreation and is therefore consistent with the objectives. For these reasons, the POS variations have been supported on merit.</p>
Control	<p>C4.20 – Private open space dimensions</p> <p>Where development cannot provide private open space on the ground floor, provisions shall be made for a balcony of not less than 20m² with a minimum width of 3m for the use as private open space.</p>
Assessment	Not applicable.
Control	<p>C4.21 – Solar access</p> <p>Minimum of 2 hours sunlight to the principal private open space area between the hours of 9am-3pm midwinter.</p>
Assessment	The POS of the dwellings is north facing and will receive compliant solar access.
Control	<p>C4.22 – Solar access</p> <p>Minimum of 30% of private open space of adjoining dwellings must remain unaffected by any shadow for a minimum of 3 hours between 9am-3pm midwinter.</p>
Assessment	Solar access of adjoining POS will not be impacted by the development.
C4.E – Car parking and garages	
<p>Objective</p> <ul style="list-style-type: none"> • To ensure car parking caters for anticipated vehicle movements to and from the development and does not adversely impact on building articulation 	
Control	<p>C4.23 – Driveway width</p> <p>A driveway should have a minimum width of 3m</p> <p>Note: B8.12 requires ingress/egress widths to provide the listed dimensions</p>

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C4 – Dwelling House, Secondary Dwelling, or Dual Occupancy	
Assessment	The driveway has a minimum width of 4m which is compliant with this control.
C4.24 – Garage dimensions	
Control	Maximum garage door width of 6m for residential lots or 50% of the building frontage, whichever is less.
Assessment	The maximum garage door width is 4.81m or 43% of the building frontage, which is compliant with this control.
C2.25 – Garage dimensions	
Control	Maximum garage width of 9m for lots exceeding 1,500m ² .
Assessment	Not applicable as the lots will not exceed 1,500m ² .
C4.F – Landscaping	
<p style="text-align: center;">Objectives</p> <ul style="list-style-type: none"> To enhance the appearance and amenity of developments through the retention and/or planting of large and medium sized trees To encourage landscaping between buildings for screening To ensure landscaped areas are consolidated and maintainable spaces that contribute to the open space structure of the area To add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities To create and enhance vegetation links between natural areas and reduce weed potential to environmentally sensitive areas To reduce energy consumption through microclimate regulation To reduce air borne pollution by reducing the heat island effect To intercept stormwater to reduce stormwater runoff 	
C4.26 – Dwelling house	
Control	<p>Development located on land that slopes at more than 18 degrees to the horizontal or that is within 50m of land that contains:</p> <ul style="list-style-type: none"> a Coastal Wetland identified in SEPP (Biodiversity and Conservation) 2021; or koala habitat; or species or communities listed within the Biodiversity Conservation Act 2016 <p>must provide landscaping that:</p> <ul style="list-style-type: none"> will enhance the environmental constraints of the site; retains trees within the outer protection area of the APZ identified by a bushfire report; and constrains turf areas within the inner protection area of the APZ identified by a bushfire report.
Assessment	Not applicable.
C4.27 – Dual occupancy landscaping coverage	
Control	<p>Landscaping is provided as follows:</p> <ul style="list-style-type: none"> 20% of the site area; or 40% of the site area where development is located within 50m of:

C4 – Dwelling House, Secondary Dwelling, or Dual Occupancy	
	<ul style="list-style-type: none"> - a Coastal Wetland identified in SEPP (Biodiversity and Conservation) 2021; or - koala habitat; or - species or communities listed within the Biodiversity Conservation Act 2016; or - a public reserve; and • 30% shading over uncovered car park areas
Assessment	<p>While the development does not formally meet the definition of a dual occupancy, as subdivision is proposed, the semi-detached dwellings will visually appear as a dual occupancy and have been assessed under this section.</p> <p>Lots 1 and 2 have a total compliant landscaped area of approximately 41% while Lot 3 has a total compliant landscaped area of approximately 33%. The landscape plan includes planting appropriate for the site and is consistent with landscape qualities required under the DCP. As such, the proposed landscaping is considered to be compliant with this control.</p>
Control	<p>C4.28 – Dual occupancy landscaping dimensions</p> <p>To be counted as part of the total landscaping coverage, the landscaped area must be at least 1.5m wide and 3m long.</p>
Assessment	The areas counted in the landscape coverage meet these dimensions.
Control	<p>C4.29 – Dual occupancy landscaping qualities</p> <p>Landscaping is in accordance with the following:</p> <ul style="list-style-type: none"> • Landscape works incorporate adequate screening from the street and adjacent neighbours. • Corner lots provide landscaping to both street frontages. • Front boundary structures (e.g. fencing and retaining walls) provide visual relief with the use of landscape planting. • Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council tree technical specification¹ • Landscape planting must provide adequate shading to the eastern and western aspects of private open space • Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure <p>Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping</p>
Assessment	The landscape plan is consistent with the requirements of this control.
Control	<p>C4.30 – Species selection</p> <p>Landscape species are to be selected in accordance with the landscape technical specification.</p>
Assessment	Species selected are considered to be consistent with Council's Technical Specifications.

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C4 – Dwelling House, Secondary Dwelling, or Dual Occupancy	
C4.G – Site facilities and services	
<p style="text-align: center;">Objective</p> <ul style="list-style-type: none"> To ensure development provides appropriate facilities and services in the most appropriate site location 	
Control	<p>C4.31 – Waste storage</p> <p>An adequately screened waste storage and recycling area is to be provided behind the building line.</p>
Assessment	Each dwelling is provided a suitable waste storage area.
Control	<p>C4.32 – Clothes drying</p> <p>A suitable open-air area for clothes drying is to be provided for each dwelling behind the building line with a northerly aspect.</p>
Assessment	Each dwelling is provided a suitable clothes drying area.

CHAPTER D – SPECIFIC AREAS

The proposed development is located within the DCP Specific Area Karuah and this chapter applies. Applicable development controls have been assessed below.

D2 – KARUAH

D6.E – Infrastructure provision	
<p style="text-align: center;">Objective</p> <ul style="list-style-type: none"> To ensure development is supported by essential services being water, electricity, sewerage, stormwater drainage and road access 	
Control	<p>D2.11 – Stormwater drainage</p> <p>The development provides consideration to localised constraints on public drainage.</p>
Assessment	Subject to conditions of consent, the proposed development would have a stormwater management system and water quality treatment which is consistent with the requirements of the above control.
Control	<p>D2.12 – Water quality</p> <p>Water quality management takes into consideration development impacts both during construction and occupancy on neighbouring wetlands identified in SEPP (Resilience and Hazards) 2021.</p>
Assessment	Subject to conditions of consent, the proposed development would have a stormwater management system and water quality treatment which is consistent with the requirements of the above control.

Section 4.15(1)(a)(iiia) – Any planning agreement or draft planning agreement entered into under section 7.4

There are no planning agreements or draft planning agreements entered to under Section 7.4.

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

There are no matters within the regulations that are relevant to the determination of the application.

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

The proposed development would result in the construction of two semi-detached dwellings and one detached dwelling which would provide additional housing to service the needs of the local community. The three dwellings would allow for the use of existing services and facilities in the locality without requiring upgrades that burden the public.

The construction of the proposed development would provide employment opportunities in the locality and support the local building and development industries. This would have direct monetary input to the local economy, and the increased number of residents in the locality would provide ongoing economic input through daily living activities. Additionally, the development would involve road infrastructure upgrades to Sir Keith Place, which would have beneficial social impacts for existing residents. There are no anticipated adverse social or economic impacts as a result of the proposed development.

Impacts on the Built Environment

The development would reinforce the residential nature of the locality and is characteristic of other developments in both the local and wider locality. The development addresses the street and represents a built form that is compatible with the streetscape in terms of scale, design and materiality. There are no anticipated adverse impacts on the built environment as a result of the development.

Impacts on the Natural Environment

The development would not adversely impact the natural environment of the area. The proposed development will include a stormwater water system that has been designed in accordance with Councils Infrastructure Specifications. In addition, a condition of consent is proposed that requires the installation and maintenance of erosion and sedimentation controls during construction. While five trees are proposed to be removed, these trees have limited ecological value and the supplementary planting of native species within the Sir Keith Place frontage will ameliorate any perceived impact.

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

The subject site is located within a residential area and is relatively clear of vegetation. The site has access to all essential services and the proposed development makes good use of the available urban land. The development satisfies all elements required under the relevant planning instruments and policies and there are no anticipated adverse impacts on the locality as a result of the development.

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

The application was exhibited from 25 April 2024 to 9 May 2024 in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. No submissions were received with relation to the subject development proposal.

Section 4.15(1)(e) the public interest

The development is considered to be in the public interest as it involves the construction of two new demi-detached dwellings and one detached dwelling within an established residential area, which represents additional accommodation in the locality to service the needs of the community. The development is not anticipated to have any significant adverse impacts on surrounding properties or the amenity of the locality. On these grounds, the development is in the public interest.

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

Development Contributions under S7.11 apply to the development.

DETERMINATION

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

CHRISTOPHER PRIMROSE

Development Planner

(Community Futures Directorate)

ITEM NO. 2

**FILE NO: 24/64759
EDRMS NO: PSC2021-04195**

ADVERTISING SIGNS - NELSON BAY ROAD

REPORT OF: RYAN FALKENMIRE – ACTING DEVELOPMENT AND
COMPLIANCE SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse implementation of Option 1: 'Large Billboard Campaign' as set out in the report.

BACKGROUND

The purpose of this report is to respond to Council's Resolution of 12 December 2023, Minute Number 310 (**ATTACHMENT 1**). Council has been approached on numerous occasions by members of the community concerned about amenity and safety issues caused by unauthorised roadside signage along Nelson Bay Road.

At its Ordinary meeting of 12 December 2023, it was resolved that Council:

- Acknowledges some members of the community are concerned about the number of advertising signs along Nelson Bay Road, their impact on amenity, and the risk they pose to motorists.
- Requests the General Manager prepare a report detailing the current approach to compliance for unapproved signs and options for undertaking an 'unapproved road side signage campaign'.

Current Approach

Council currently takes a risk based approach to unauthorised roadside signage in alignment with Council's Compliance policy, which relies on the NSW Ombudsman's Guidelines for Enforcement. Unauthorised roadside signage compliance is typically undertaken following complaints from the community, or after routine inspections by various Council officers. Since 2018, Council officers have been undertaking an annual unapproved roadside signage campaign.

Our approach has been as follows:

- Zero tolerance to unapproved roadside signage in the road reserve. Transport for NSW expect that if Council is aware of this scenario that we remove the offending sign.

- Acknowledge the existence of historic signage on privately owned land and only take action on a complaint basis and if an unacceptable risk is posed.
- Investigate and act on any new unauthorised signage erected since 2018.
- Carry out annual unauthorised roadside signage campaign to maintain current position on both privately owned land and within the road reserve.

Alternate unapproved roadside signage campaign options

Option 1: Large Billboard Campaign

There are a number (approximately 20) of large billboard advertising signs along Nelson Bay Road that could be considered to have a high visual impact. An option for consideration by Council is to continue with our current approach with the addition of a one off staged inspection program where large billboard signs owned or managed by advertising companies along Nelson Bay Road are assessed for compliance. Subsequent to the findings surrounding their approval status, the appropriate regulatory action could be taken. This action could be taken regardless of whether the signage is on privately owned land or within the road reserve and would not have a significant impact on Council's resources. Option 1 could be undertaken effectively using existing resources.

Option 2: Full Compliance Audit

It is noted that many of the roadside signs on privately owned land along Nelson Bay Road are large, significant structures that have been in place for many years. It is also noted that some of these signs may have approval, and some may not. An option for consideration by Council could be to consider a full compliance audit of all roadside signage on privately owned land along Nelson Bay Road.

To start to bring all roadside signage on privately owned land along Nelson Bay Road up to 100% compliance, an intensive audit would be required. It is anticipated that this audit alone would take at least 12 months and would cost Council in the vicinity of \$140,000. This does not include the cost and time anticipated to carry out the follow up regulatory work on each and every unapproved sign.

If Council was to take action on the unapproved signs identified through this audit, there are several factors requiring consideration, including:

- Are the historic unauthorised signs causing an impact?
- Is there a history of complaints about that particular sign?
- Will investigating each unauthorised sign on privately owned land come with significant cost and resource implications?
- Is it in the public interest to commit resources to the issue if the cost outweighs the benefit?

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Approximately \$140,000 would be required to carry out a full compliance audit of all roadside signage on privately owned land along Nelson Bay Road if Option 2 was to be considered by Council. Option 1 could be undertaken using existing resources.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No	Option 1 Nil Option 2 \$140,000	
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

From a legal liability perspective, there is a high risk for Council if we do not remain vigilant around unauthorised signage within the road reserve. The legal risk is lower for existing signage on privately owned property.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council is exposed to liability risks if it does not act on unauthorised roadside signage in the road reserve on Nelson Bay Road.	High	Maintain vigilance around unauthorised roadside signage in the road reserve.	Yes

There is a risk Council is exposed to reputational risk if it does not respond to increased visual clutter caused by new unauthorised signage on privately owned land on Nelson Bay Road.	High	Investigate and act appropriately when any new unauthorised signage on privately owned land is identified on Nelson Bay Road.	Yes
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Historically, staff have focused primarily on addressing unapproved roadside signage that poses the greatest risk.

Council officers are proactive and vigilant in addressing unapproved signage in the road reserve when new signs are identified and complaints are received. This work is considered important and sustainable moving forward, as it has a high return when compared to the resource allocation.

Council officers also carry out an annual unapproved roadside signage campaign that is effective in maintaining the current baseline in regard to unauthorised signage in the road reserve and on privately owned land. This work is also considered sustainable with current resources moving forward.

CONSULTATION

Consultation with the following key stakeholders has been undertaken to ascertain the extent of the risk of all unauthorised signage along Nelson Bay Road.

Internal

Development and Compliance Section.
Assets Section.

External

Transport for NSW.

OPTIONS

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

ATTACHMENTS

- 1) Council Meeting Minutes - 12 December 2023. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 12 DECEMBER 2023**NOTICE OF MOTION****ITEM NO. 2****FILE NO: 23/308841****EDRMS NO: PSC2021-04195****ADVERTISING SIGNS - NELSON BAY ROAD****COUNCILLOR:** LEAH ANDERSON**THAT COUNCIL:**

- 1) Acknowledges some members of the community are concerned about the number of advertising signs along Nelson Bay Road, their impact on amenity, and the risk they pose to motorists.
- 2) Requests the General Manager prepare a report detailing the current approach to compliance for unapproved signs and options for undertaking an 'unapproved road side signage campaign'.

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

310	Councillor Leah Anderson Councillor Giacomo Arnott It was resolved that Council: <ol style="list-style-type: none">1) Acknowledges some members of the community are concerned about the number of advertising signs along Nelson Bay Road, their impact on amenity, and the risk they pose to motorists.2) Requests the General Manager prepare a report detailing the current approach to compliance for unapproved signs and options for undertaking an 'unapproved road side signage campaign'.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

MINUTES ORDINARY COUNCIL - 12 DECEMBER 2023**BACKGROUND REPORT OF: STEVEN PEART – DIRECTOR COMMUNITY FUTURES****BACKGROUND**

Council has been approached on numerous occasions by members of the community concerned about amenity and safety issues caused by road side signage along Nelson Bay Road that is potentially unauthorised.

Council takes a risk based approach to compliance in line with Council's Compliance policy, which relies on the NSW Ombudsman's Guidelines for Enforcement as its framework. Unauthorised signage compliance is undertaken by Council's Compliance Team following complaints from community members, or after routine inspections from various Council officers. Like any potential unauthorised activity, the decision to take compliance action is made having consideration to the potential impacts, safety risks and whether or not the decision to pursue the matter is in the public interest from a cost/benefit perspective.

Council's Compliance Team is responsible for a diverse range of compliance activities including unauthorised development, environmental health inspections and the broad range of Rangers' activities.

It is noted that many of the road side signs along Nelson Bay Road are large, significant structures that have been in place for many years. Consideration of an unapproved road side signage campaign would need to be reviewed against the current resourcing requirements of the Compliance Team. Preparing a report detailing the current approach to compliance for unapproved signs and options for undertaking an "unapproved road side signage campaign" will provide Council sufficient information to decide whether such a campaign is in the public interest from a cost/benefit perspective.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

ITEM NO. 3

FILE NO: 24/120952
EDRMS NO: 89-2024-101-1

TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE (AFZ) - SHOAL BAY STREET PARTY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the temporary suspension of part of the Shoal Bay Alcohol Free Zone (AFZ) (**ATTACHMENT 1**) during the Shoal Bay Street Party event on Saturday 30 November 2024 from 9am until 10pm in accordance with section 645 of the Local Government Act 1993 (NSW) (LG Act).
- 2) Publicly notify the temporary suspension of the Shoal Bay Alcohol Free Zone by publishing a notice in the Port Stephens Examiner, the Port Stephens News of the Area, on Council's website and via direct communications to local businesses prior to the event for the purposes of satisfying section 645(1) of the LG Act.
- 3) Implement the requirements for signage in accordance with the Ministerial Guidelines Alcohol Free Zones 2009.

BACKGROUND

The purpose of this report is to seek Council endorsement to temporarily suspend part of the Shoal Bay Alcohol Free Zone (AFZ) to facilitate the Shoal Bay Street Party.

It is proposed to temporarily suspend the AFZ on Shoal Bay Road between Government Road and Tomaree Road in Shoal Bay on Saturday 30 November 2024 from 9am until 10pm for the event (**ATTACHMENT 1**).

Under the Local Government Act 1993 (NSW) (LG Act), Council may resolve to temporarily suspend an AFZ to, among other purposes, accommodate short term community events.

The LG Act includes a requirement to give public notice in a manner that is likely to bring the notice to the attention of members of the public in the area as a whole or in a part of the area that includes the AFZ concerned.

Other process requirements for suspending an AFZ are outlined in the Ministerial Guidelines Alcohol Free Zones 2009 (the Guidelines), including specific requirements for signage as detailed below.

Note the proposed suspension will not impact the term of the current Shoal Bay AFZs (4 years).

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

As the event organiser, Port Stephens Council will be responsible for the costs associated with meeting the public notice requirements and the amendments required to signage during the event.

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 existing AFZ restricts alcohol in the declared area 24 hours, 7 days a week (**ATTACHMENT 1**). Council has the power to suspend the AFZ under section 645 of the LG Act for any reason, however, the Guidelines specify that a suspension would not usually be appropriate for any period longer than 1 month and, generally, would be of a much shorter duration (e.g. to accommodate a specific event). The suspension is proposed between 9am and 10pm on 30 November 2024 to facilitate an outdoor community event.

The LG Act includes a requirement to give public notice in a manner that is likely to bring the notice to the attention of members of the public in the area as a whole or in a part of the area that includes the AFZ concerned. Council will provide public notice for the suspension of the Shoal Bay AFZ by publishing a notice in the Port Stephens Examiner, the Port Stephens News of the Area, on Council website and via direct communications to local businesses.

The Guidelines require the existing alcohol restriction signage within the affected Shoal Bay AFZ event areas to be amended for the temporary suspended period and reinstated following the event.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that visitors to Shoal Bay will drink within the existing AFZ area that has not been suspended.	Medium	NSW Police have supported the temporary suspension of alcohol in the Shoal Bay AFZ for the event and will resource the area and surrounds as required.	Yes
There is a risk that broken glass and litter could accumulate and be left behind from the event.	Medium	Relevant sections in Council have been notified of the event and Council will increase the waste management in place if necessary.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Appropriate waste management will address any potential environmental impacts that could result from the event. The temporary suspension of the AFZ will assist to support a successful local event which will promote economic benefits within the local community.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Vibrant Places Unit.

Internal

The Vibrant Places Unit has notified relevant sections in Council and discussed the requirements arising from a temporary suspension of the AFZ and the potential impacts, including impacts related to waste management.

External

The Vibrant Places Unit has liaised with the Port Stephens Hunter Police District Licensing Officer to discuss the proposed event, NSW Police resourcing, alcohol licensing conditions and the proposed temporary suspension of the AFZ.

NSW Police support the temporary suspension of the AFZ and have stated that they will adequately resource the event.

ORDINARY COUNCIL - 23 JULY 2024

If endorsed, notification will also be available via Council's website.

OPTIONS

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

ATTACHMENTS

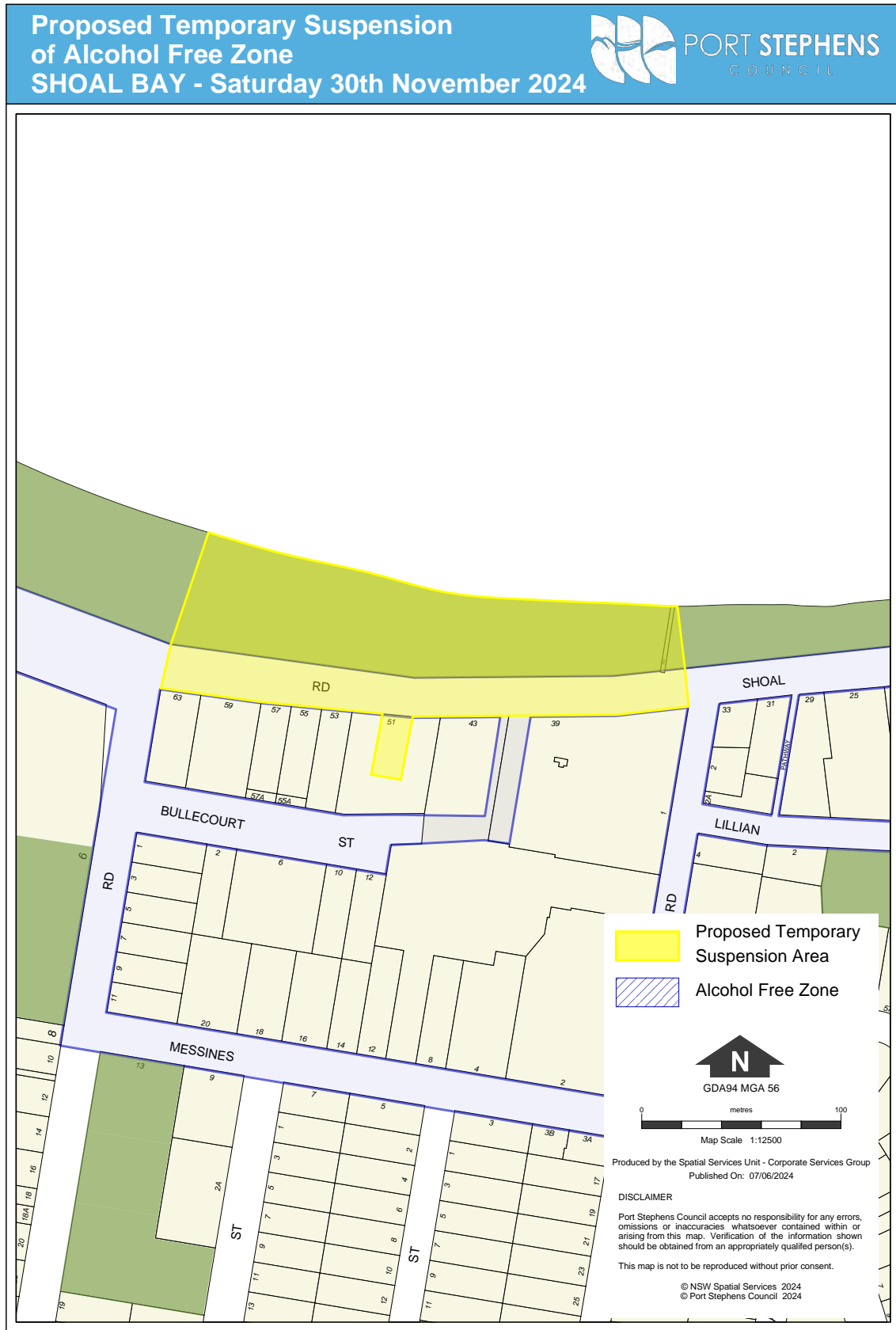
- 1) Shoal Bay Food and Wine Event - AFZ Map. [↓](#)

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. 4

**FILE NO: 24/117192
EDRMS NO: PSC2013-00406-0073**

POLICY REVIEW: COUNCIL RELATED PLANNING MATTERS POLICY

REPORT OF: RYAN FALKENMIRE – ACTING DEVELOPMENT AND
COMPLIANCE SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note that no submissions were received.
- 2) Revoke the Council Related Planning Matters policy dated 13 December 2022 Minute No. 332 **(ATTACHMENT 1)**.
- 3) Adopt the revised Council Related Planning Matters policy shown at **(ATTACHMENT 2)**.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Council Related Planning Matters Policy (the 'Policy') **(ATTACHMENT 2)**.

The Council Related Planning Matters Policy provides guidance on the procedure for Councillors to provide input into the determination of development applications (DAs), planning proposals, and manage potential conflicts of interest for Council-related development in the interest of public transparency.

Further, at the Council meeting of 14 May 2024 **(ATTACHMENT 3)**, it was resolved that Council requests the General Manager to:

- a) Amend the Council Related Planning Matters Policy and the Exceptions to Development Standards Policy (the "Policies") to include Policy statements to the effect of "Development Applications (DAs) for single dwellings and dual occupancies on land with a slope of 10 degrees or more, that seek to vary development standard '4.3 Height of Buildings', by greater than 10%, be determined by staff under delegation", and that "such DAs be included in PS Newsletter prior to determination", and that this will only apply up to a 20% maximum height variation, with a variation any higher than that to be called to Council per the usual process.
- b) Make the necessary administrative amendments to the Policies to enable the intended effect to take place.

ORDINARY COUNCIL - 23 JULY 2024

- c) Place the amended Policies on Public Exhibition for a period of 28 days and should no submissions be received, the policies be adopted, without a further report to Council.

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

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

FINANCIAL/RESOURCE IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that there could be delays in the development assessment process if the recommendation is not adopted.	Low	Accept the Recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The revision to the proposed Policy is intended to:

- Establish the procedure that applies when Development Applications are lodged, that seek to vary the Height of Buildings development standard (Clause 4.3) relying upon Clause 4.6 of the PSLEP, that are greater than 10% and not more

than 20%, on sites with a slope greater than 10 degrees measured within the building footprint.

- Delegate responsibility to Council building and planning staff to assess and determine height variations in accordance with this Policy where applicable.

CONSULTATION

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

Internal

Internal consultation was undertaken with Council's:

- Strategy and Environment Section
- Building Section
- Compliance Section.

As they are the sections responsible for administering the Policy. No objections were raised to the proposed amendments.

External

No external consultation was required to be undertaken with external agencies

In accordance with local government legislation, the revised Council Related Planning Matters Policy was placed on public exhibition for 28 days and no submission were received.

OPTIONS

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

ATTACHMENTS

- 1) Council Meeting Minutes - 13 December 2022. [↓](#)
- 2) Revised Council Related Planning Matters Policy. [↓](#)
- 3) Council Meeting Minutes - 14 May 2024. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**ITEM NO. 6****FILE NO: 22/215017
EDRMS NO: PSC2013-00406-053****COUNCIL RELATED PLANNING MATTERS POLICY**

REPORT OF: KATE DRINAN - DEVELOPMENT AND COMPLIANCE SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Council Related Planning Matters policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Council Related Planning Matters 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 Planning Matters to be Reported to Council policy dated 10 November 2020, (Minute No. 237) should no submissions be received.

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

332	<p>Councillor Giacomo Arnott Councillor Peter Kafer</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note submission shown at (ATTACHMENT 3).2) Adopt the revised Planning Matters to be Reported to Council Policy shown at (ATTACHMENT 1).3) Revoke the Planning Matters to be Reported to Council Policy dated 10 November 2020 (Minute No. 237).4) Endorse the revised Council-Related Planning Matters Policy for Council-related development shown at (ATTACHMENT 6).5) Place the revised Council-Related Planning Matters Policy shown at (ATTACHMENT 6) 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.6) Revoke the Planning Matters to be Reported to Council Policy dated 13 December 2022, should no submissions be received.
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MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, 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 Council Related Planning Matters policy (the Policy) (**ATTACHMENT 1**).

A revised 'Planning Matters to be Reported to Council' Policy was endorsed for public exhibition on 14 June 2022. The revised Policy was exhibited with a number of changes, which can be summarised as follows:

- Changes endorsed by Council on 22 February 2022 (Minute No. 60) that require certain Section 4.55(1A) modification applications to be reported to the Council for determination (**ATTACHMENT 2**).
- Clarifying the process of withdrawing support to have a planning matter called to Council for determination.
- Various minor administrative amendments.

The revised Policy was placed on public exhibition from 16 June 2022 to 14 July 2022. During this period 1 submission was received which is addressed at (**ATTACHMENT 3**).

Since the revised Policy was exhibited, new requirements were introduced into the Environmental Planning and Assessment Regulation 2021 (EP&A Regulations) to address conflicts of interest for Council related developments. Those requirements included adopting a policy that specifies how conflicts of interests for Council related development applications are to be managed. It is considered that rather than having a separate policy to manage conflicts of interests for Council related development, these provisions can be incorporated into the existing Planning Matters Policy.

The Policy has also been amended in response to a notice of motion at the 25 October 2022 Council meeting (**ATTACHMENT 4**) which resolved to amend the 'Planning Matters to be Reported to Council' Policy to include a provision that reads as follows:

'Development Applications which would result in the removal of any trees or public assets on Council owned land, except where required for a driveway crossover, are to be reported to Council for determination.'

Noting the above, the Planning Matters to be Reported to Council Policy has been amended to incorporate the submissions comments (where deemed applicable), the Council resolution of 25 October 2022 (Minute No. 298) (**ATTACHMENT 4**) and the new EP&A Regulation 2021 requirements. By incorporating these changes, the

ITEM 4 - ATTACHMENT 1 COUNCIL MEETING MINUTES - 13 DECEMBER 2022.

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

Policy has been renamed to the 'Council Related Planning Matters Policy'. Given the extent of the amendments, the Policy requires re-exhibition prior to it being adopted.

The key aspects of the new conflict of interest requirements included in the policy are as follows:

- Processes for identifying whether a DA or modification application is one in which a potential conflict of interest exists
- Identifying management controls to be implemented during the assessment and determination of Council-related development applications (DAs) and modification applications, dependent on the scale of the development.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial/resource implications, as the policy will continue to be implemented as part of ongoing operations.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are positive legal, policy, and risk implications in reviewing and updating existing policies to assist in facilitating more accurate and robust decision making.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of making inconsistent decisions as a result of an out-dated policy.	Low	Adopt the recommendations	

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**SUSTAINABILITY IMPLICATIONS**

There are minimal direct sustainability implications. The Policy enables the effective determination of planning matters on a merits basis considering all respective legislation.

CONSULTATION

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

Internal

Consultation has been undertaken with the Strategic Planning team. The Executive Team has been consulted to seek management endorsement for the revised Policy.

External

In accordance with local government legislation, the revised policy was placed on public exhibition from 16 June 2022 to 14 July 2022.

During public exhibition, 1 submission was received. Specific matters raised in the submission have been addressed in the response to submissions provided at **(ATTACHMENT 3)**.

In accordance with local government legislation, the revised 'Council Related Planning Matters' Policy will go on public exhibition for a further 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Council Related Planning Matters Policy.
- 2) Minute No. 60, 22 February 2022.
- 3) Response to Submission.
- 4) Minute No. 298, 25 October 2022.
- 5) Council Conflict of Interest Management Statement.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING
MATTERS POLICY.

Policy



FILE NO: PSC2013-00406

TITLE: COUNCIL-RELATED PLANNING MATTERS POLICY TO BE REPORTED TO COUNCIL

POLICY OWNER: DEVELOPMENT ASSESSMENT & COMPLIANCE SECTION MANAGER

1. PURPOSE:

- 1.1 To ensure that Councillors are provided with the opportunity for input into the determination of development applications (DA's) prior to decisions being finalised and determinations granted.
- 1.2 To ensure that Councillors are provided with the opportunity for input into planning proposals prior to forwarding applications for Gateway determination.
- 1.3 To manage potential conflicts of interest and increase transparency in the assessment and determination of development for Council-related development.

2. CONTEXT/BACKGROUND:

- 2.1 The majority of DA's are determined by Council's assessment officers, utilising delegated authority, and may require review in accordance with Council's Development Assessment Process (DAP). This policy provides Council with an understanding of the types of applications that are mandatory to report to Council for determination and the process involved in calling DA's to Council prior to determination.
- 2.2 Council's Rezoning Request Policy does not require reporting of some planning proposals prior to forwarding proposals to the Department of Planning, Infrastructure and Environment for Gateway determination. This policy provides Council with an understanding of the process involved in calling planning proposals to Council prior to seeking Gateway determination.
- 2.3 The Environmental Planning and Assessment Regulation 2021 requires all Councils to develop a conflict of interest policy for Council-related DA's. The policy is to establish the process through which potential conflicts of interest will be identified, procedures for risk assessment and the management controls to be implemented.

3. SCOPE:

ITEM 4 - ATTACHMENT 1 COUNCIL MEETING MINUTES - 13 DECEMBER 2022.

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



- 3.1 The use of delegated authority provides an opportunity for effective and timely decision making; however, it is appropriate that Council is informed of the exercise of delegated authority.
- 3.2 Given the scope of planning decisions, it is appropriate that delegated assessment staff, are able to use their discretion and judgement for those matters which should be reported to Council.
- 3.3 The Mayor/Councillors may request the delegation be withdrawn and a DA or planning proposal be reported to Council. To do this, the Mayor/Councillor completes the Call to Council Form and obtains 2 other the supporting of 1 other Councillors by signatures or email.
- 3.4 Conflicts of interest may arise where Council is both the consent authority for development and has a commercial interest in development. This policy details the procedures to be implemented for managing conflicts of interest when assessing and determining Council-related DA's.

4. DEFINITIONS:

Council	Port Stephens Council
DA	Development Application
DAP	Development Assessment Process
Signatories	Mayor / Councillors
Council-related Development Application	Means development for which Council is the applicant, developer (whether lodged by or on behalf of Council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority.

Note: A word or expression used in this policy has the same meaning as it has within the Environmental Planning and Assessment Act 1979 and any instruments made under that Act, unless otherwise defined in this policy.

5. POLICY STATEMENT:

Council Related Planning Matters to be Reported to Council Policy

- 5.1 Council shall be informed with regard to DA's and Section 4.55 modification applications planning matters in the following way:

Policy

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MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING
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Policy



- a) All current DA's lodged are publicly available and listed on the Council website via the DA Tracker.
- b) A report is generated weekly of all new DA's lodged and this is circulated weekly via PS Newsletter to the Mayor/Councillors and other relevant internal staff.
- c) At any time prior to determination of a DA, the Mayor/Councillors may request that the application be reported to Council for determination by completing a Call to Council Form with ~~the 2 other supporting~~ support of 1 other Councillors by signature or email. If a completed Call to Council Form is submitted to Council prior to determination of the DA, a report will be forwarded to Council at the completion of the assessment.
- d) The Mayor/Councillors may withdraw their support for calling a planning matter to Council via email at any time, prior to being included in the Council business paper. This would result in the matter being able to be determined by Council officers under delegated authority unless further support is provided to a total of 2 signatories.

Mayor/Councillors who withdraw their support for calling a planning matter to Council must inform all other signatories of their withdrawal of support.
- e) DA's with a cost of works exceeding \$250,000, with the exception of infrastructure works within Council's road reserve, and Section 4.55(2) modification applications will be reported to Council where Council is the owner of the land on which the development is to be carried out or where the development is being carried out on behalf of Council. Where not reported to Council, those Council DA's with a cost of works of less than \$250,000 or for infrastructure works within a Council road reserve or Section 4.55(1A) modification applications, will be reported in the PS Newsletter prior to determination.
- f) DA's and Section 4.55 modification applications will be reported to Council where the application relates to the carrying out of development on Community land, other than where the proposed works comprise amenity buildings and structures such as; toilet facilities, playgrounds, small refreshment kiosks and the like.
- g) Section 4.55(2) modification applications where the original DA was determined by Council, will be reported to Council for determination.
- h) Councillors will be advised via PS Newsletter prior to the determination of Section 4.55(1A) modification applications where the original DA was determined by Council. In the event a Section 4.55(1A) modification application proposes an amendment to a condition moved on the floor of Council and approved by the Council, the application will be reported to the Council for determination.

Policy

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ITEM 4 - ATTACHMENT 1 COUNCIL MEETING MINUTES - 13 DECEMBER 2022.

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



- i) DA's which would result in the removal of any trees or public assets on Council owned land, except where required for a driveway crossover, are to be reported to Council for determination.
 - j) DA's with a Request to vary a Development Standard, which seeks to vary a development standard by greater than 10%, will be reported to Council for determination.
 - k) The Group Manager, Development Services and/or Section Manager, Development Assessment & Compliance, at their discretion, may report any DA to Council for determination.
- 5.2 Council shall be informed with regard to planning proposals in the following way:
- a) A report is generated of all new planning proposals lodged and this is circulated via PS Newsletter to the Mayor/Councillors and other relevant internal staff.
 - b) At any time prior to forwarding a planning proposals for Gateway determination, the Mayor/Councillor may request that the application be reported to Council for determination by completing a Call to Council Form with 2 other supporting the support of 1 other Councillors by signature or email. If a completed Call to Council Form is submitted to Council prior to forwarding a planning proposals for Gateway determination, a report will be forwarded to Council.
 - c) The Group Manager, Development Services and/or Section Manager, Strategy and Environment, at their discretion, may report any planning proposal to Council.

Conflicts of interest policy for Council-related development

- 5.3 Only Council development assessment staff not involved with preparing a council-related DA or modification application will assess the application. The staff will remain separated from the project team for all Council-related DA's and modification applications.
- 5.4 The elected Council is required to ensure they manage any actual or perceived conflict of interest in accordance with the Code of Conduct.
- 5.5 The management controls outlined in the following table are to be applied to the assessment and determination of Council-related DA's and modification applications:

Development Type	Management Control
Council-related DA's with a cost of works less than \$250,000.	<ul style="list-style-type: none"> • DA to be assessed by Council staff.

Policy

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ITEM 4 - ATTACHMENT 1 COUNCIL MEETING MINUTES - 13 DECEMBER 2022.

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



	<ul style="list-style-type: none"> DA to be determined under delegated authority, unless otherwise called to Council in accordance with this policy.
Council-related DA's with a cost of works between \$250,000 and \$5 million.	<ul style="list-style-type: none"> DA to be assessed by Council staff. Should there be a perceived conflict of interest, the DA will be peer reviewed by a third party consultant prior to determination if assessed by Council staff. DA to be determined by Council.
Council-related DA's with a cost of works greater than \$5 million.	<ul style="list-style-type: none"> DA to be assessed by Council staff. DA to be determined by the Hunter and Central Coast Regional Planning Panel.
Council-related S4.55(1A) S4.55(1) Modifications.	<ul style="list-style-type: none"> Application to be assessed by Council staff. Application to be determined under delegated authority, unless otherwise called to Council in accordance with this policy.
Council-related S4.55(2) Modifications.	<ul style="list-style-type: none"> Application to be assessed by Council staff. Application to be determined under delegated authority, unless otherwise called to Council in accordance with this policy or except as specified under Section 275 of the Environmental Planning and Assessment Regulation 2021, where the HCCRPP will be the consent authority.

5.5 The following types of development do not require management controls:

- Commercial fit outs and minor changes to building facades.
- Internal alterations and additions to buildings that are not a heritage item.
- Advertising signage.
- Minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services).
- Development where Council might receive a small fee for the use of their land.

Policy

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MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



f) The installation of solar energy systems and small-scale battery systems in connection with an existing building.

g) Temporary structures to be erected for a duration of 3 days or less and a cost of works less than \$10,000.

h) DA's with a cost of works less than \$250,000.

Identifying whether a potential conflict of interest exists and assessment of risk

5.6 DA or modification application for Council-related development is to be referred to the Development and Compliance Section Manager following lodgement of the application to undertake the following:

a) Assess whether the application is one in which a potential conflict of interest exists.

b) Determine what management controls should be implemented based on the identified conflict of interest having regard to the controls and strategies outlined in section 5.3 and 5.4 above.

c) Document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

6 POLICY RESPONSIBILITIES:

6.1 Development Services Group is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the Policy.

7 RELATED DOCUMENTS:

7.1 Development Control Plan

7.2 Environmental Planning & Assessment Act 1979

7.3 Department Planning and Environment (DPE) – Development Assessment Best Practice Guide – March 2017

7.4 Rezoning Request Policy

7.5 Community Engagement Strategy

7.6 Code of Conduct

Policy

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ITEM 4 - ATTACHMENT 1 COUNCIL MEETING MINUTES - 13 DECEMBER 2022.

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



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TRIM container No	PSC2013-00406	TRIM record No	20/349965
Audience	Elected Council, Public and Development Services		
Process owner	Manager Development Assessment & Compliance		
Author	Development Planning Coordinator Planning & Developer Relations		
Review timeframe	2 3 Years	Next review date	TBA
Adoption date	26/02/2002		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	26/2/2002	Group Manager Sustainable Planning	Original planning matters to be reported to Council policy.	048
2	23/6/2013	Manager Development Assessment and Compliance	Updated policy to Development applications to be reported to Council.	217
3	10/11/2015	Coordinator Planning and Developer Relations	Review and minor updates to policy.	339

Policy

WSDMAY: The proposed Development Applications and Development Contributions Policy



MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING
MATTERS POLICY.

Policy



4	September 2018	Manager Development Assessment and Compliance	Updated to new policy template to include paragraph numbering and update version control. 3.3: Updated number of Councillors required to call a DA to Council to reflect the DPE Development Assessment Best Practice Guide. 5.1.2: Modified mechanism to report weekly DA list to Mayor/Councillors. 5.1.3: Updated requirements for Call to Council form. 5.1.4, 5.1.5, 5.1.6, 5.1.7, 5.1.8: Included additional DA types to be reported to Council for determination. 7.5 Inclusion of Department Planning and Environment (DPE) – Development Assessment Best Practice Guide.	098
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Policy

WAGMI is the responsible owner of the Port Stephens Council Policy and Practice Guide.
 The document is published on the Port Stephens Council website (www.portstephscouncil.nsw.gov.au).



MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING
MATTERS POLICY.

Policy	 PORT STEPHENS COUNCIL			
5	10/11/2020	Manager Development Assessment and Compliance	Review and update template to include: Updated title of policy to reflect inclusion of planning proposals into the policy. 1.2, 2.2 - Inclusion of new provisions to reflect inclusion of planning proposals into the policy. 2.1 - Clarify background and process of the policy. 3.3 -Amendment of existing provisions to reflect inclusion of planning proposals into the policy. 5.1 d) - Modified mechanism to report DA's and modification applications on Council land or where the works are to be undertaken on behalf of Council. 5.1 h) - Delete 'Clause 4.6 Variation Request' and replaced with 'Request to vary a Development'. 5.2: a), b) and c) – Added new paragraphs to clarify how Councillors will be informed with regard to planning proposals. 6.1 - Update responsible authority to reflect inclusion of planning proposals into the policy.	237
Policy	<small>W&A May 2019: The proposed changes to the Council's Planning Matters Policy will be considered at the 13th December 2022 Council Meeting. The proposed changes to the Council's Planning Matters Policy will be considered at the 13th December 2022 Council Meeting.</small> 			

ITEM 4 - ATTACHMENT 1 COUNCIL MEETING MINUTES - 13 DECEMBER 2022.

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



			<p>7.1 Delete Sustainability Review – End to End Process.</p> <p>7.3 Delete Work Practice Note: Development Assessment Process.</p> <p>7.4 Added Rezoning Request Policy.</p> <p>7.5 Added Community Engagement Strategy.</p>	
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Policy

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MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING
MATTERS POLICY.

Policy



6	TBA	Manager Development & Compliance	<p>Added conflicts of interest policy for Council-related development throughout, including update to title of the policy.</p> <p>Updated position titles and section names throughout.</p> <p>2.1 – Deleted “and may require review in accordance with Council’s Development Assessment Process (DAP)”</p> <p>3.3 – deleted the explanation of the call to Council form process.</p> <p>4 – Added – definition of signatories to include Mayor/Councillors and definitions relevant to the conflicts of interest policy for Council-related development policy.</p> <p>5.1 – Added “In the event a Section 4.55(1A) modification application proposes an amendment to a condition moved on the floor of Council and approved by the Council, the application will be reported to the Council for determination.”</p> <p>5.1 – Added “The Mayor/Councillors may</p>	TBA
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Policy

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MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING
MATTERS POLICY.

Policy



			<p>withdraw their support for calling a planning matter to Council via email at any time , prior to being included in the Council business paper".</p> <p>5.1 - Updated the requirement for Councillor Call Up to be supported by 1 other Councillor and include email option throughout.</p> <p>5.3-5.6 inserted new clauses for conflict of interest provisions.</p>	
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MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**NOTICE OF MOTION****ITEM NO. 7****FILE NO: 22/46118****EDRMS NO: PSC2021-04195****MINOR DA MODIFICATION REPORTING****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Acknowledges that when the elected Council puts a condition on a Development Application that it decides, it is important for that condition to be followed.
- 2) Notes that several proponents have had conditions imposed on them by the elected Council, who have then submitted a minor modification (4.55(1A)) application, which does not require report back to the elected Council per the Planning Matters to be Reported to Council Policy.
- 3) Agrees that 5.1(g) of the Planning Matters to be Reported to Council Policy should be amended to read:
 - a. Section 4.55(1A) modification applications where the original DA was determined by Council, will be reported to Council for determination.
- 4) Places the amended policy on exhibition in line with regular exhibition requirements, to be reported back to Council should there be any submissions. Otherwise, it will be amended without report-back in line with existing practice.

**ORDINARY COUNCIL MEETING - 22 FEBRUARY 2022
MOTION**

060	Councillor Giacomo Arnott Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Acknowledges that when the elected Council puts a condition on a Development Application that it decides, it is important for that condition to be followed.2) Notes that several proponents have had conditions imposed on them by the elected Council, who have then submitted a minor modification (4.55(1A)) application, which does not require report back to the
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MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**ITEM 6 - ATTACHMENT 2 MINUTE NO. 60, 22 FEBRUARY 2022.****MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

	elected Council per the Planning Matters to be Reported to Council Policy.
3)	Agrees that 5.1(g) of the Planning Matters to be Reported to Council Policy should be amended to read: a. Section 4.55(1A) modification applications where the proposed modification is an amendment to a condition moved on the floor of Council and approved by the Council, it will be reported to the Council for determination.
4)	Places the amended policy on exhibition in line with regular exhibition requirements, to be reported back to Council should there be any submissions. Otherwise, it will be amended without report-back in line with existing practice.

The motion was carried.

BACKGROUND REPORT OF: – KATE DRINAN – DEVELOPMENT AND COMPLIANCE SECTION MANAGER**BACKGROUND**

Currently, in accordance with the Planning Matters to be Reported to Council Policy, where the original DA was determined by Council, Councillors are advised via PS Newsletter prior to the determination of Section 4.55(1A) modification application. On notification of the 4.55(1A) modification application, Councillors may elect to have the matter called to Council for determination subject to the support of 2 other Councillors.

Section 4.55 (1A) modification applications involve minimal environmental impact changes from the original approval.

Section 4.55(2) modification applications are automatically reported to Council in accordance with the Planning Matters to be Reported to Council Policy. Section 4.55(2) applications involve more significant environmental impacts changes from the original approval.

Reporting a 4.55(1A) modification application to Council may add significant additional time to the assessment of the application noting the 6 week lead time to report a matter to Council.

ITEM 4 - ATTACHMENT 1 COUNCIL MEETING MINUTES - 13 DECEMBER 2022.**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022****ITEM 6 - ATTACHMENT 2 MINUTE NO. 60, 22 FEBRUARY 2022.****MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022****FINANCIAL/RESOURCE IMPLICATIONS**

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

ATTACHMENTS

Nil.

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**ITEM 6 - ATTACHMENT 3 RESPONSE TO SUBMISSION.**

Policy Review: Planning Matters to be Reported to Council

No.	Author of submission	Comment	Council Response
1	Tomaree Ratepayers and Residents Association Inc. (TRRA)	Seeks greater transparency and accountability of planning matters – requests DA and Planning Proposal information contained in the PS Newsletter be made public.	The PS Newsletter is a confidential document that is not shared with the public. All lodged development applications are made available on Council's DA Tracker and is available to the public via Council's website.
		The Planning Matters to be Reported to Council Policy should not be separated from the Draft Port Stephens Communication and Engagement Strategy and should be considered concurrently.	The policies have a different purpose and do not require concurrent consideration.
		The Policy should reference the Community Participation Plan (CPP)	The policies have a different purpose and do not require cross referencing.
		The Policy should include a requirement for at least all Councillors sponsoring a 'call-up' to be informed of any withdrawal of support.	This is supported and modifications to the policy have been made accordingly.
		A field should be included in Council's DA Tracker to inform the public of the status of a DA with respect to delegated authority, with similar transparency for the status of Planning Proposals.	This is supported in principle however DA Tracker does not allow for this additional field.
		Requests that the criterion for reporting under clause 5.1(h) be changed to 'DAs which seek to vary a development standard by more than 10%'.	This is supported and modifications to the policy have been made accordingly.
		Request that clause 5.1 (h) variations to development standard greater than 10%, include	Development standards greater than 10% require reporting to Council in accordance with the Department of Planning Environment delegations. Development

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

ITEM 6 - ATTACHMENT 3 RESPONSE TO SUBMISSION.

		not just Local Environmental Plan (LEP) Development Standards but also Development Control Plan (DCP) Controls.	<p>standards relate to LEP development standards and do not apply to DCP Controls. In accordance with Land and Environment Court rulings, the DCP is a guideline and can be readily varied under staff delegation.</p> <p>DCP variations greater than 10% may include things such as a 9cm variation to a side setback, which is not considered to warrant full Council consideration.</p> <p>There would be significant implications if DCP variations greater than 10% were required to reported to Council, including a significant increase in development assessment timeframes, significant increase in Council officer resources and significant increase in the number of DAs being reported. Changes of this nature may result in planning powers being removed from the elected Council.</p> <p>In the event that an objector/objectors are concerned about a significant variation to the DCP, they can request the elected Council call the matter to Council.</p>
		Requests that there should be an additional criterion for reporting a DA to Council, along the lines of: 'where either the planners or objectors raise legitimate concerns about the cumulative impact of multiple variations, even where they are individually less than 10%'.	The suggestion is considered to have the potential to result in subjective assessments and potential confusion. In the event that there are concerns about multiple variations by objectors, they can requests Councillors call the matter to Council. There is no explicit planning provision, which refers to 'cumulative impact of multiple variations'. Variations are considered on a merits and site by site basis, thus an amendment of this nature is not axiomatic with decisions by the Land and Environment Court or the statutory planning framework.
		Requests that the cost of works threshold for DA's where Council is the owner of the land or where the development is being carried out on behalf of Council be lowered to \$100,000 from \$250,000.	The cost of works threshold of \$250,000 is considered to be low and would capture most of Council's DA's. The impacts of development where the cost of works is less than \$250,000 would be generally quite low, noting limited works can be undertaken for that cost. In the event that the impacts were considered significant enough to warrant full Council consideration, the opportunity is afforded to Councillors to call the matter to

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

ITEM 6 - ATTACHMENT 3 RESPONSE TO SUBMISSION.

			Council noting DAs with a cost of works less than \$250,000 would be reported in the PS Newsletter prior to determination. Reducing the cost to \$100,000 could adversely impact Council operations through extended assessment timeframes.
		Requests that 5.1(d) and (e) be replaced by a single clause, requiring reporting to Council for all DAs and s.4.55 modifications with a cost of works of more than \$100,000 on Council owned or managed land, whether classified as Community or Operational.	DA's on community land and operational land are separated in the Policy as all DA's on community land regardless of the cost of works require reporting to Council, with the exception of proposed works that comprise amenity buildings and structures such as; toilet facilities, playgrounds, small refreshment kiosks and the like. These requirements are enshrined through Section 47E of the Local Government Act 1993.
		Suggested 5.1(f) and 5.1(g) be consolidated and simplified to require all modifications 4.55(1A) and 4.55(2) to be reported to Council where the original DA was reported to Council.	5.1(g) has been specifically amended to require modification applications which seek to vary a condition applied via an amendment moved on the floor of Council to be mandatorily reported back to Council. Requiring all 4.55(1A) application to be reported to Council would unnecessarily add time to an assessment and result in additional resourcing to accommodate the request. Councillors are made aware of 4.55(1A) modification application where the DA was originally reported to Council in the PS Newsletter and can call a matter to Council if requested. A large quantum of S4.55(1A) amendments are very minor and may relate to minor items such as relocating services or administrative changes to conditions.

MINUTES ORDINARY COUNCIL - 25 OCTOBER 2022**NOTICE OF MOTION****ITEM NO. 1****FILE NO: 22/260112****EDRMS NO: PSC2021-04195****PLANNING MATTERS REPORTED TO COUNCIL POLICY****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Notes that the Planning Matters to be Reported to Council Policy (the Policy) has finished public exhibition and is due to be reported back to Council in the near future.
- 2) Agrees to amend the policy as follows:
 - a. Changes the current 5.1 i) to be 5.1 j)
 - b. Inserts 5.1 i) which reads:
'Development Applications which would result in the removal of any trees or public assets on Council owned land, except where required for a driveway crossover, are to be reported to Council for determination.'

**ORDINARY COUNCIL MEETING - 25 OCTOBER 2022
MOTION**

298	Councillor Giacomo Arnott Councillor Jason Wells It was resolved that Council: <ol style="list-style-type: none">1) Notes that the Planning Matters to be Reported to Council Policy (the Policy) has finished public exhibition and is due to be reported back to Council in the near future.2) Agrees to amend the policy as follows:<ol style="list-style-type: none">a. Changes the current 5.1 i) to be 5.1 j)b. Inserts 5.1 i) which reads: 'Development Applications which would result in the removal of any trees or public assets on Council owned land, except where required for a driveway crossover, are to be reported to Council for determination.'
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Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Kafer and Jason Wells.

ITEM 4 - ATTACHMENT 1 COUNCIL MEETING MINUTES - 13 DECEMBER 2022.**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022****ITEM 6 - ATTACHMENT 4 MINUTE NO. 298, 25 OCTOBER 2022.****MINUTES ORDINARY COUNCIL - 25 OCTOBER 2022**

Those against the Motion: Mayor Ryan Palmer, Crs Matthew Bailey and Steve Tucker.

The motion was carried.

BACKGROUND REPORT OF: KATE DRINAN – DEVELOPMENT AND COMPLIANCE SECTION MANAGER**BACKGROUND**

The Planning Matters to be Reported to Council Policy (the Policy) was established to ensure that Councillors are provided with the opportunity for input into the determination of development applications and planning proposals prior to decisions being finalised and determinations granted.

The Policy is currently being reviewed and updated following the public exhibition of a revised Policy.

If supported, staff shall update the Policy in accordance with the resolution of Council.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**ITEM 6 - ATTACHMENT 5 COUNCIL CONFLICT OF INTEREST
MANAGEMENT STATEMENT.****COUNCIL CONFLICT OF INTEREST MANAGEMENT STATEMENT**

DA NUMBER:

DEVELOPMENT
SITE:DEVELOPMENT
DESCRIPTION:

APPLICANT:

POTENTIAL
CONFLICT:MANAGEMENT
STRATEGY:

The Council is managing potential conflicts of interest in this matter as follows (delete if not applicable):

- Only Council development assessment staff not involved with preparing a Council-related DA or modification application will assess the application. The staff will remain separated from the project team for all Council-related DA's and modification applications;
- DA to be determined under delegated authority, unless otherwise called to Council in accordance with Council Related Planning Matters Policy;
- Where a potential for a conflict of interest exists, where the DA will be assessed by a third party consultant.

CONTACT:

Anyone with concerns about Council fulfilling its obligations should report their concerns to the Development Planning Coordinator or Development and Compliance Section Manager on (02) 4988 0255.

ITEM 4 - ATTACHMENT 2 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



FILE NO: PSC2013-00406-0073

TITLE: COUNCIL RELATED PLANNING MATTERS POLICY

OWNER: DEVELOPMENT & COMPLIANCE SECTION MANAGER

1. PURPOSE:

- 1.1 To ensure that Councillors are provided with the opportunity for input into the determination of development applications (DA's) prior to decisions being finalised and determinations granted.
- 1.2 To ensure that Councillors are provided with the opportunity for input into planning proposals prior to forwarding applications for Gateway determination.
- 1.3 To manage potential conflicts of interest and increase transparency in the assessment and determination of development for Council-related development.

2. CONTEXT/BACKGROUND:

- 2.1 The majority of DA's are determined by Council's assessment officers, utilising delegated authority. This policy provides Council with an understanding of the types of applications that are mandatory to report to Council for determination and the process involved in calling DA's to Council prior to determination.
- 2.2 Council's Rezoning Request Policy does not require reporting of some planning proposals prior to forwarding proposals to the Department of Planning, Infrastructure and Environment for Gateway determination. This policy provides Council with an understanding of the process involved in calling planning proposals to Council prior to seeking Gateway determination.
- 2.3 The Environmental Planning and Assessment Regulation 2021 requires all Council's to develop a conflict of interest policy for Council-related DA's. The policy is to establish the process through which potential conflicts of interest will be identified, procedures for risk assessment and the management controls to be implemented.

3. SCOPE:

- 3.1 The use of delegated authority provides an opportunity for effective and timely decision making; however, it is appropriate that Council is informed of the exercise of delegated authority.

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ITEM 4 - ATTACHMENT 2 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



- 3.2 Given the scope of planning decisions, it is appropriate that delegated assessment staff, are able to use their discretion and judgement for those matters which should be reported to Council.
- 3.3 The Mayor/Councillors may request the delegation be withdrawn and a DA or planning proposal be reported to Council.
- 3.4 Conflicts of interest may arise where Council is both the consent authority for development and has a commercial interest in development. This policy details the procedures to be implemented for managing conflicts of interest when assessing and determining Council-related DA's.

4. DEFINITIONS:

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

DA	Development Application
DAP	Development Assessment Process
Signatories	Mayor / Councillors
Council-related Development Application	Means development for which Council is the applicant, developer (whether lodged by or on behalf of Council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority.

Note: A word or expression used in this policy has the same meaning as it has within the Environmental Planning and Assessment Act 1979 and any instruments made under that Act, unless otherwise defined in this policy.

5. STATEMENT:

Planning Matters to be Reported to Council

- 5.1 Council shall be informed with regard to DAs and Section 4.55 modification applications planning matters in the following way:
 - a) All current DAs lodged are publicly available and listed on the Council website via DA Tracker.
 - b) A report is generated weekly of all new DA's lodged and this is circulated weekly via PS Newsletter to the Mayor/Councillors and other relevant internal staff.
 - c) At any time prior to determination of a DA, the Mayor/Councillors may request that the application be reported to Council for determination by completing a Call to Council Form with the support of 1 other Councillors by signature or

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ITEM 4 - ATTACHMENT 2 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

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email. If a completed Call to Council Form is submitted to Council prior to determination of the DA, a report will be forwarded to Council at the completion of the assessment.

- d) The Mayor/Councillors may withdraw their support for calling a planning matter to Council via email at any time, prior to being included in the Council Business Paper. This would result in the matter being able to be determined by Council officers under delegated authority unless further support is provided to a total of 2 signatories.

Mayor/Councillors who withdraw their support for calling a planning matter to Council must inform all other signatories of their withdrawal of support.

- e) DA's with a cost of works exceeding \$250,000, with the exception of infrastructure works within Council's road reserve, and Section 4.55(2) modification applications will be reported to Council where Council is the owner of the land on which the development is to be carried out or where the development is being carried out on behalf of Council. Where not reported to Council, those Council DA's with a cost of works of less than \$250,000 or for infrastructure works within a Council road reserve or Section 4.55(1A) modification applications, will be reported in the PS Newsletter prior to determination.
- f) DA's and Section 4.55 modification applications will be reported to Council where the application relates to the carrying out of development on Community land, other than where the proposed works comprise amenity buildings and structures such as; toilet facilities, playgrounds, small refreshment kiosks and the like.
- g) Section 4.55(2) modification applications where the original DA was determined by Council, will be reported to Council for determination.
- h) Councillors will be advised via PS Newsletter prior to the determination of Section 4.55(1A) modification applications where the original DA was determined by Council. In the event a Section 4.55(1A) modification application proposes an amendment to a condition moved on the floor of Council and approved by the Council, the application will be reported to the Council for determination.
- i) DA's which would result in the removal of any trees or public assets on Council owned land, except where required for a driveway crossover, are to be reported to Council for determination.
- j) DA's which seek to vary a development standard by greater than 10%, will be reported to Council for determination, except as outlined in (k) below.

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ITEM 4 - ATTACHMENT 2 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



- k) DA's for single dwellings and dual occupancies on land with a slope less than 10 degrees within the building footprint, which seek to vary development standard 4.3 Height of Buildings, by greater than 10%, will be reported to Council for determination.
- DA's for single dwellings and dual occupancies on land with a slope of 10 degrees or more, and seek to vary development standard 4.3 Height of Buildings, by greater than 10%, will be determined by staff under delegation. Councillors will be advised via PS Newsletter prior to the determination, and that this will only apply up to 20% maximum height variation, with a variation any higher than that to be called to Council per the usual process.
- l) The Director, Community Futures and/or Section Manager, Development & Compliance, at their discretion, may report any DA to Council for determination.
- 5.2 Council shall be informed with regard to planning proposals in the following way:
- a) A report is generated of all new planning proposals lodged and this is circulated via PS Newsletter to the Mayor/Councillors and other relevant internal staff.
- b) At any time prior to forwarding a planning proposals for Gateway determination, the Mayor/Councillor may request that the application be reported to Council for determination by completing a Call to Council Form with the support of 1 other Councillor by signature or email. If a completed Call to Council Form is submitted to Council prior to forwarding a planning proposals for Gateway determination, a report will be forwarded to Council.
- c) The Director, Community Futures and/or Section Manager, Strategy and Environment, at their discretion, may report any planning proposal to Council.

Conflicts of interest policy for Council-related development

- 5.3 Only Council development assessment staff not involved with preparing a council-related DA or modification application will assess the application. The staff will remain separated from the project team for all Council-related DA's and modification applications.
- 5.4 The management controls outlined in the following table are to be applied to the assessment and determination of Council-related DA's and modification applications:

Development Type	Management Control
Council-related DA's with a cost of works less than \$250,000.	<ul style="list-style-type: none"> DA to be assessed by Council staff.

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	<ul style="list-style-type: none"> DA to be determined under delegated authority, unless otherwise called to Council in accordance with this policy.
Council-related DA's with a cost of works between \$250,000 and \$5 million.	<ul style="list-style-type: none"> DA to be assessed by Council staff, unless involved in the project team or where a potential for a conflict of interest exists, where the DA will be assessed by a third party consultant. DA to be reviewed by a third party consultant prior to determination if assessed by Council staff. DA to be determined by Council.
Council-related DA's with a cost of works greater than \$5 million.	<ul style="list-style-type: none"> DA to be assessed by Council staff. DA to be determined by the Hunter and Central Coast Regional Planning Panel.
Council-related S4.55(1A) S4.55(1) Modifications.	<ul style="list-style-type: none"> Application to be assessed by Council staff. Application to be determined under delegated authority, unless otherwise called to Council in accordance with this policy.
Council-related S4.55(2) Modifications.	<ul style="list-style-type: none"> Application to be assessed by Council staff. Application to be determined under delegated authority, unless otherwise called to Council in accordance with this policy or except as specified under Section 275 of the Environmental Planning and Assessment Regulation 2021, where the HCCRPP will be the consent authority.

5.5 The following types of development do not require management controls:

- Commercial fit outs and minor changes to building facades.
- Internal alterations and additions to buildings that are not a heritage item.
- Advertising signage.

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Policy



- d) Minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services).
- e) Development where Council might receive a small fee for the use of their land.
- f) The installation of solar energy systems and small-scale battery systems in connection with an existing building.
- g) Temporary structures to be erected for a duration of 3 days or less and a cost of works less than \$10,000.
- h) DA's with a cost of works less than \$250,000.

Identifying whether a potential conflict of interest exists and assessment of risk

- 5.6 DA or modification application for Council-related development is to be referred to the Development Planning Coordinator following lodgement of the application to undertake the following:
 - a) Assess whether the application is one in which a potential conflict of interest exists.
 - b) Determine what management controls should be implemented based on the identified conflict of interest having regard to the controls and strategies outlined in section 5.3 and 5.4 above.
 - c) Document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

6. RESPONSIBILITIES:

- 6.1 Community Futures Directorate is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

7. RELATED DOCUMENTS:

- 7.1 Development Control Plan
- 7.2 Environmental Planning & Assessment Act 1979
- 7.3 Department Planning and Environment (DPE) – Development Assessment Best Practice Guide – March 2017
- 7.4 Rezoning Request Policy
- 7.5 Community Engagement Strategy.

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EDRMS container No.	PSC2013-00406-0072	EDRMS record No.	PSC2013-00406-0073
Audience	Elected Council, Public and Community Futures Directorate		
Process owner	Development & Compliance Section Manager		
Author	Development Planning Coordinator		
Review timeframe	3 years	Next review date	TBA
Adoption date	26/02/2002		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	26/2/2002	Group Manager Sustainable Planning	Original planning matters to be reported to Council policy.	048
2	23/6/2013	Manager Development Assessment and Compliance	Updated policy to Development applications to be reported to Council.	217
3	10/11/2015	Coordinator Planning and Developer Relations	Review and minor updates to policy.	339

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Policy



Version	Date	Author	Details	Minute No.
4	September 2018	Manager Development Assessment and Compliance	<p>Updated to new policy template to include paragraph numbering and update version control.</p> <p>3.3: Updated number of Councillors required to call a DA to Council to reflect the DPE Development Assessment Best Practice Guide.</p> <p>5.1.2: Modified mechanism to report weekly DA list to Mayor/Councillors.</p> <p>5.1.3: Updated requirements for Call to Council form.</p> <p>5.1.4, 5.1.5, 5.1.6, 5.1.7, 5.1.8: Included additional DA types to be reported to Council for determination.</p> <p>7.5 Inclusion of Department Planning and Environment (DPE) – Development Assessment Best Practice Guide.</p>	098

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Policy



Version	Date	Author	Details	Minute No.
5	10/11/2020	Manager Development Assessment and Compliance	<p>Review and update template to include:</p> <p>Updated title of policy to reflect inclusion of planning proposals into the policy.</p> <p>1.2, 2.2 - Inclusion of new provisions to reflect inclusion of planning proposals into the policy.</p> <p>2.1 - Clarify background and process of the policy.</p> <p>3.3 -Amendment of existing provisions to reflect inclusion of planning proposals into the policy.</p> <p>5.1 d) - Modified mechanism to report DA's and modification applications on Council land or where the works are to be undertaken on behalf of Council.</p> <p>5.1 h) - Delete 'Clause 4.6 Variation Request' and replaced with 'Request to vary a Development'.</p> <p>5.2: a), b) and c) – Added new paragraphs to clarify how Councillors will be informed with regard to planning proposals.</p> <p>6.1 - Update responsible authority to reflect inclusion of planning proposals into the policy.</p> <p>7.1 Delete Sustainability Review – End to End Process.</p> <p>7.3 Delete Work Practice Note: Development Assessment Process.</p> <p>7.4 Added Rezoning Request Policy.</p> <p>7.5 Added Community Engagement Strategy.</p>	237

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Policy



Version	Date	Author	Details	Minute No.
6	13/12/2022	Manager Development & Compliance	<p>Added conflicts of interest policy for Council-related development throughout, including update to title of the policy.</p> <p>Updated position titles and section names throughout.</p> <p>2.1 – Deleted “and may require review in accordance with Council’s Development Assessment Process (DAP)”</p> <p>3.3 – deleted the explanation of the call to Council form process.</p> <p>4 – Added – definition of signatories to include Mayor/Councillors and definitions relevant to the conflicts of interest policy for Council-related development policy.</p> <p>5.1 – Added “In the event a Section 4.55(1A) modification application proposes an amendment to a condition moved on the floor of Council and approved by the Council, the application will be reported to the Council for determination.”</p> <p>5.1 – Added “The Mayor/Councillors may withdraw their support for calling a planning matter to Council via email at any time , prior to being included in the Council business paper”.</p> <p>5.1 - Updated the requirement for Councillor Call Up to be supported by 1 other Councillor and include email option throughout.</p>	332

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Version	Date	Author	Details	Minute No.
7	TBA	Development and Compliance Section Manager	<p>Updated wording as follows:</p> <p>5.1(j) – Added “except as outlined in (k) below”.</p> <p>5.1(k) – Added – “DA’s for single dwellings and dual occupancies on land with a slope less than 10 degrees within the building footprint, which seek to vary development standard 4.3 Height of Buildings, by greater than 10%, will be reported to Council for determination.</p> <p>DA’s for single dwellings and dual occupancies on land with a slope of 10 degrees or more, and seek to vary development standard 4.3 Height of Buildings, by greater than 10%, will be determined by staff under delegation. Councillors will be advised via PS Newsletter prior to the determination, and that this will only apply up to 20% maximum height variation, with a variation any higher than that to be called to Council per the usual process.</p> <p>5.1(l) – updating from (k) to (l).</p>	

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MINUTES ORDINARY COUNCIL - 14 MAY 2024**NOTICE OF MOTION****ITEM NO. 2****FILE NO: 24/100949
EDRMS NO: PSC2021-04195****PLANNING POLICIES****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Requests the General Manager to:
- a) Amend the Council Related Planning Matters Policy and the Exceptions to Development Standards Policy (the "Policies") to include Policy statements to the effect of "Development Applications (DAs) for single dwellings and dual occupancies on land with a slope of 10 degrees or more, that seek to vary development standard '4.3 Height of Buildings', by greater than 10%, be determined by staff under delegation", and that "such DAs be included in PS Newsletter prior to determination".
- b) Make the necessary administrative amendments to the Policies to enable the intended effect to take place.
- c) Place the amended Policies on Public Exhibition for a period of 28 days and should no submissions be received, the policies be adopted, without a further report to Council.

**ORDINARY COUNCIL MEETING - 14 MAY 2024
MOTION**

096	Councillor Giacomo Arnott Councillor Glen Dunkley It was resolved that Council requests the General Manager to: a) Amend the Council Related Planning Matters Policy and the Exceptions to Development Standards Policy (the "Policies") to include Policy statements to the effect of "Development Applications (DAs) for single dwellings and dual occupancies on land with a slope of 10 degrees or more, that seek to vary development standard '4.3 Height of Buildings', by greater than 10%, be determined by staff under delegation", and that "such DAs be included in PS Newsletter prior to determination", and that this will only apply up to a 20% maximum height variation, with a variation any higher than that to be called to Council per the usual process. b) Make the necessary administrative amendments to the Policies to enable the intended effect to take place.
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MINUTES ORDINARY COUNCIL - 14 MAY 2024

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|--|---|
| | c) Place the amended Policies on Public Exhibition for a period of 28 days and should no submissions be received, the policies be adopted, without a further report to Council. |
|--|---|

Cr Arnott introduced additional wording to 1a) – ‘and that this will only apply up to a 20% maximum height variation, with a variation any higher than that to be called to Council per the usual process’, which was accepted.

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: EVERT GROBBELAAR – DEVELOPMENT AND COMPLIANCE SECTION MANAGER**BACKGROUND**

At the 12 December 2023 Council meeting, Council resolved to request the General Manager to present options for a Local Environmental Plan (LEP) amendment to better manage Clause 4.6 variations to Clause 4.3 Height of Buildings exceedances on sloping residential land.

The proposed amendments to the Council Related Planning Matters Policy and the Exceptions to Development Standards Policy; as opposed to an LEP amendment, are the result of ongoing consultation and engagement with Councillors.

The Council Related Planning Matters Policy provides guidance on the procedure for Councillors to provide input into the determination of development applications, planning proposals, and manage potential conflicts of interest for Council-related development in the interest of public transparency.

The Exceptions to Development Standards Policy provides guidance on the application and administration of Clause 4.6 Exceptions to Development Standards in the Port Stephens Local Environmental Plan 2013.

It is proposed to delegate authority to Council staff to determine Clause 4.6 variations to Clause 4.3 Height of Buildings, for height exceedances greater than 10%, on land with a 10 degree or greater slope. The adopted slope of 10 degrees was selected as being a threshold appropriate for applications exceeding the height limit due to topography constraints rather than designs that seek a higher scale. This is

MINUTES ORDINARY COUNCIL - 14 MAY 2024

recommended to apply to single dwellings and dual occupancies, being the 2 most common building types in these areas.

Historic DAs on land with a 10 degree or greater slope generally had steep terrain impacting the building footprint (26.5 degrees was the highest slope recorded from 2020 DA approvals to present).

Council staff are able to complete a measurement of the angle under the affected area of exceedance in the building footprint with currently available software. The slope will be reviewed on DA lodgement and if a DA has both an exceedance of height greater than 10% and is on an area of slope 10 degrees or more, Councillors would be notified via PS News of the application. This approach will allow Councillors to be informed of the respective height variations and provides the opportunity for the DAs to be called up.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

There being no further business the meeting closed at 6:24pm.

ITEM NO. 5

**FILE NO: 24/144989
EDRMS NO: PSC2013-0046-0072**

POLICY REVIEW: EXCEPTIONS TO DEVELOPMENT STANDARDS POLICY

REPORT OF: RYAN FALKENMIRE - ACTING DEVELOPMENT AND
COMPLIANCE SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note that no submissions were received.
- 2) Revoke the Exceptions to Development Standards policy dated 14 November 2023 Minute No. 269 **(ATTACHMENT 1)**.
- 3) Adopt the revised Exceptions to Development Standards policy shown at **(ATTACHMENT 2)**.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Exceptions to Development Standards Policy (the 'Policy') **(ATTACHMENT 2)**.

The Exceptions to Development Standards Policy provides guidance on the application and administration of Clause 4.6 Exceptions to Development Standards in the Port Stephens Local Environmental Plan 2013.

At the Council meeting of 14 May 2024 **(ATTACHMENT 3)**, it was resolved that Council requests the General Manager to:

- a) Amend the Council Related Planning Matters Policy and the Exceptions to Development Standards Policy (the "Policies") to include Policy statements to the effect of "Development Applications (DAs) for single dwellings and dual occupancies on land with a slope of 10 degrees or more, that seek to vary development standard '4.3 Height of Buildings', by greater than 10%, be determined by staff under delegation", and that "such DAs be included in PS Newsletter prior to determination", and that this will only apply up to a 20% maximum height variation, with a variation any higher than that to be called to Council per the usual process.
- b) Make the necessary administrative amendments to the Policies to enable the intended effect to take place.
- c) Place the amended Policies on Public Exhibition for a period of 28 days and should no submissions be received, the policies be adopted, without a further report to Council.

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

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

FINANCIAL/RESOURCE IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that there could be delays in the development assessment process if the recommendation is not adopted.	Low	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed revisions to the Policy are intended to:

- Establish the procedure that applies when Development Applications are lodged, that seek to vary the Height of Buildings development standard (Clause 4.3) relying upon Clause 4.6 of the PSLEP, that are greater than 10% and not more than 20%, on sites with a slope greater than 10 degrees measured within the building footprint.

- Delegate responsibility to Council building and planning staff to assess and determine height variations in accordance with the Policy where applicable.

CONSULTATION

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

Internal

Internal consultation was undertaken with Council's:

- Strategy and Environment Section
- Building Section
- Compliance Section.

As they are the sections responsible for administering the Policy. No objections were raised to the proposed amendments.

External

No external consultation was required to be undertaken with external agencies. In accordance with local government legislation, the revised Policy was placed on public exhibition for 28 days and no submission were received.

OPTIONS

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

ATTACHMENTS

- 1) Council Meeting Minutes - 14 November 2023. [↓](#)
- 2) Exceptions to Development Standards Policy. [↓](#)
- 3) Council Meeting Minutes - 14 May 2024. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023

Councillor Peter Kafer left the meeting at 8:20pm and did not return to the meeting.

ITEM NO. 4

FILE NO: 23/252131
EDRMS NO: PSC2018-02573-007

REVISED EXCEPTIONS TO DEVELOPMENT STANDARDS POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the revised Exceptions to Development Standards policy shown at **(ATTACHMENT 1)**.
- 2) Places the revised Exceptions to Development Standards 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) Revokes the Exceptions to Development Standards policy dated 9 February 2021, Minute No. 007, should no submissions be received.

ORDINARY COUNCIL MEETING - 14 NOVEMBER 2023
MOTION

269	Councillor Glen Dunkley Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Endorses the revised Exceptions to Development Standards policy shown at (ATTACHMENT 1).2) Places the revised Exceptions to Development Standards 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) Revokes the Exceptions to Development Standards policy dated 9 February 2021, Minute No. 007, should no submissions be received.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement to place the revised Exceptions to Development Standards Policy (the 'Policy') (**ATTACHMENT 1**) on public exhibition.

The Policy aims to provide guidance on the application and administration of Clause 4.6 Exceptions to Development Standards in the Port Stephens Local Environmental Plan 2013 (LEP).

The revised Policy has been updated to incorporate the reforms of the NSW Department of Planning and Environment (DPE) in relation to Clause 4.6 which will come into effect on 1 November 2023.

The key reforms that have been implemented are outlined below:

- 1) Proposed variations of greater than 10% are still required to be determined by the elected Council where there is no local planning panel
- 2) The reporting of Clause 4.6 exceptions to development standards is now through the NSW Planning Portal when the development application is lodged and quarterly reporting will cease to be required
- 3) Planning Circular PS 20-002 will be repealed on 1 November 2023.

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

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

FINANCIAL/RESOURCE IMPLICATIONS

The recommendation will not result in any financial or resource implications.

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

MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no known legal or policy implications as a result of the proposed recommendation.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the legislative process will not be clear to some applicants, resulting in delays in the development assessment process.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Policy is intended to:

- Set out the processes and requirements that apply when development applications are lodged that seek to vary development standards under Clause 4.6 of the LEP
- Create opportunities for greater transparency and community participation when decisions are made to vary development standards

Exhibition of the Policy will ensure the aims continue to be met.

CONSULTATION

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

Internal

Internal consultation was undertaken with the Development Assessment and Compliance section, and the units responsible for administering the Policy. No objections were raised.

The Executive Team has been consulted to seek management endorsement.

MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023

External

In accordance with local government legislation, the revised Exceptions to Development Standards Policy will go on public exhibition for a period of 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Exceptions to Development Standards Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023**ITEM 4 - ATTACHMENT 1 REVISED EXCEPTIONS TO DEVELOPMENT
STANDARDS POLICY.****Policy**

FILE NO: PSC2018-02573-007
TITLE: EXCEPTIONS TO DEVELOPMENT STANDARDS
OWNER: GROUP MANAGER DEVELOPMENT SERVICES **DIRECTOR**
COMMUNITY FUTURES

1. PURPOSE:

1.1 The purpose of this policy is to provide guidance on the application and administration of Clause 4.6 Exceptions to development standards in the Port Stephens Local Environmental Plan 2013 (PSLEP).

2. CONTEXT/BACKGROUND:

2.1 Clause 4.6 Exceptions to Development Standards enables development standards such as minimum lot sizes, height and floor space ratio to be varied in certain circumstances. This **is a compulsory** clause is included in all local environmental planning instruments across NSW.

2.2 Clause 4.6 Exceptions to Development Standards aims to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for and from development in particular circumstances.

3. SCOPE:

3.1 This policy applies to development applications in the Port Stephens local government area.

3.1 The policy relates specifically to the following Council functions:

- a) Assessment of development applications
- b) Review of provisions in the PSLEP and strategic planning.

4. DEFINITIONS:

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

Development application	An application for consent to carry out development, but does not include an application for a complying development certificate.
Development consent	Approval to carry out development the subject of a development application.



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MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023

ITEM 4 - ATTACHMENT 1
STANDARDS POLICY.

REVISED EXCEPTIONS TO DEVELOPMENT

Policy



Development standards

The Environmental Planning and Assessment Act 1979 includes a legal definition of 'development standards' (See section 1.4).

Development standards are provisions in an environmental planning instrument that guide development to be carried out in accordance with particular requirements under certain circumstances. For example maximum building heights in residential areas, or minimum lot sizes for subdivision in rural areas.

Development standards are a means to achieve a particular environmental planning objectives in an area. Clause 4.6 of the PSLEP provides flexibility to allow planning objectives to be met by varying development standards in certain circumstances.

Clause 4.6 of the PSLEP applies when applications are made for exceptions to development standards.

Environmental planning instrument

A legal instrument that guides development, such as a Local Environmental Plan (e.g. the PSLEP).

5. STATEMENT:

5.1 This policy sets out the processes that apply when development applications are lodged that seek to vary the development standards using under Clause 4.6 of the PSLEP. Applicants are advised to refer to the Policy prior to lodging a development application that includes an application under Clause 4.6.

5.2 This policy aims to create opportunities for greater transparency and community participation when decisions are made to vary development standards and to achieve better decision making through robust assessments. It seeks to ensure the assessment and administration of applications to vary development standards includes consideration of the principles established by the NSW Land and Environment Court and the strategic planning context.

5.3 This policy adopts transparent reporting and other recommendations issued by the NSW Department of Planning and Environment and the NSW Independent Commission Against Corruption.

5.4 Council will implement the following actions:

5.4.1 Development applications that include a request under Clause 4.6 Exceptions to Development Standards of the PSLEP must be accompanied by the Clause



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ITEM 5 - ATTACHMENT 1 COUNCIL MEETING MINUTES - 14 NOVEMBER 2023.

MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023

ITEM 4 - ATTACHMENT 1 REVISED EXCEPTIONS TO DEVELOPMENT STANDARDS POLICY.

Policy



4.6 Application Form or similar format in accordance with section 35B of the Environmental Planning and Assessment Regulation 2021 (EPA Reg).

- 5.4.2 Council will exhibit the Clause 4.6 written request Application Form accompanying a development application when advertising or notifying an Application.
 - 5.4.3 Development applications accompanied by a Clause 4.6 Application Form written request will be assessed in accordance with Varying Development Standards: A Guide (published August 2011 by the former NSW Department of Planning and Infrastructure) Guide to exclusions from clause 4.6 of the Standard Instrument (NSW Department of Planning and Environment).
 - 5.4.4 Development applications which include a Clause 4.6 Application Form written request seeking to vary a development standard by greater than 10% will be determined by the Council (per NSW Department of Planning and Environment Fact Sheet: Upcoming changes related to clause 4.6 of the Standard Instrument).
 - 5.4.5 Council will maintain a register of development consents that have included exceptions to development standards and the information will be made publicly available. Council will update the NSW Planning Portal with variation requests as required by NSW Department of Planning and Environment Fact Sheet: Upcoming changes related to clause 4.6 of the Standard Instrument.
 - 5.4.6 The Development Assessment and Compliance team will refer development standards that are the subject of frequent development consents that include exceptions to development standards to the Strategic Planning team for review. A review will be carried out to ensure the development standards in the PSLEP remain relevant to achieving the environmental planning objectives in an area.
- 6. RESPONSIBILITIES:**
- 6.1 Development Assessment and Compliance team (development application assessment).
 - 6.2 Strategic Planning team (policy review and local environmental plan review).
- 7. RELATED DOCUMENTS:**
- 7.1 Clause 4.6 Application Form.
 - 7.2 Port Stephens Local Environmental Plan 2013 (NSW).
 - 7.3 Environmental Planning and Assessment Act 1979 (NSW).



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ITEM 5 - ATTACHMENT 1 COUNCIL MEETING MINUTES - 14 NOVEMBER 2023.

MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023

ITEM 4 - ATTACHMENT 1 REVISED EXCEPTIONS TO DEVELOPMENT STANDARDS POLICY.

Policy



- 7.4 Varying Development Standards: A Guide (Former NSW Department of Planning and Infrastructure). Guide to exclusions from clause 4.6 of the Standard Instrument (NSW Department of Planning and Environment).
- 7.5 NSW Department of Planning and Environment Circular PS-08-003 Variations to Development Standards. NSW Department of Planning and Environment Fact Sheet: Upcoming changes related to clause 4.6 of the Standard Instrument
- 7.6 Corruption Risks in NSW Development Approval Process: Position Paper (NSW Independent Commission Against Corruption).
- 7.7 Development Assessment Internal Audit Tool (NSW Independent Commission Against Corruption).
- 7.8 Port Stephens Council Discussion Paper – Progress of the Nelson Bay Town Centre & Foreshore Strategy.
- 7.9 Environmental Planning and Assessment Regulation 2021 (EPA Reg).



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ITEM 5 - ATTACHMENT 1 COUNCIL MEETING MINUTES - 14 NOVEMBER 2023.

MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023

ITEM 4 - ATTACHMENT 1 REVISED EXCEPTIONS TO DEVELOPMENT STANDARDS POLICY.

Policy



CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2018-02573-007	EDRMS record No.	TBC
Audience	Councillors, staff and the community		
Process owner	Group Manager Development Services Strategy and Environment Section Manager		
Author	Strategic Planning Coordinator		
Review timeframe	23 years	Next review date	TBC
Adoption date	25 September 2018		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.	25 September 2018	Strategic Planning Coordinator	First draft version placed on public exhibition in February 2018. Updated to new template to include paragraph numbering. 5.4.4 – Updated following public exhibition period.	095
2.	9 February 2021	Strategic Planning Coordinator	References to Planning Circulars and version control has been updated. Updated review date to reflect new policy review process.	007
3.	TBC	Principal Strategic Planner	OWNER – Updated to Director Community Futures 2.1 – Added 'is a compulsory', removed 'is'. 4 – Added '1.4' 5.1 – Removed 'the', added 'using', removed 'under'.	TBC



MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023

ITEM 4 - ATTACHMENT 1 REVISED EXCEPTIONS TO DEVELOPMENT
STANDARDS POLICY.

Policy



Version	Date	Author	Details	Minute No.
			<p>5.4.1 – Added 'or similar format in accordance with section 35B of the Environmental Planning and Assessment Regulation 2021 (EPA Reg).</p> <p>5.4.2 – Added 'written request', removed 'application form'.</p> <p>5.4.3 – Removed 'application form', added 'written request', remove 'Varying Development Standards: A Guide (published August 2011 by the former NSW Department of Planning and Infrastructure)', add 'Guide to exclusions from clause 4.6 of the Standard Instrument (NSW Department of Planning and Environment)'.</p> <p>5.4.4 – Removed 'application form', added 'written request', added (per NSW Department of Planning and Environment Fact Sheet: Upcoming changes related to clause 4.6 of the Standard Instrument).</p> <p>5.4.5 Remove 'Council will maintain a register of development consents that have included exceptions to development standards and the information will be made publicly available', add 'Council will update the NSW Planning Portal with variation requests as required by NSW Department of Planning and Environment Fact Sheet: Upcoming changes related to clause 4.6 of the Standard Instrument'.</p> <p>5.4.5 – Replace with 5.4.6 due to complete clause removal.</p>	



MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023

ITEM 4 - ATTACHMENT 1
STANDARDS POLICY. REVISED EXCEPTIONS TO DEVELOPMENT

Policy



Version	Date	Author	Details	Minute No.
			<p>7.4 – Remove 'Varying Development Standards: A Guide (Former NSW Department of Planning and Infrastructure)', add 'Guide to exclusions from clause 4.6 of the Standard Instrument (NSW Department of Planning and Environment)'.</p> <p>7.5 – Remove 'NSW Department of Planning and Environment Circular PS 08-003 Variations to Development Standards' add 'NSW Department of Planning and Environment Fact Sheet: Upcoming changes related to clause 4.6 of the Standard Instrument'.</p> <p>7.9 – Add 'Environmental Planning and Assessment Regulation 2021 (EPA Reg)'.</p> <p>Controlled document information has been updated including process owner, author and dates. Version history updated to reflect changes.</p>	



ITEM 5 - ATTACHMENT 2 EXCEPTIONS TO DEVELOPMENT STANDARDS POLICY.

Policy



FILE NO: PSC2018-02573-007
TITLE: EXCEPTIONS TO DEVELOPMENT STANDARDS
OWNER: DIRECTOR COMMUNITY FUTURES

1. PURPOSE:

- 1.1 The purpose of this policy is to provide guidance on the application and administration of Clause 4.6 Exceptions to Development Standards in the Port Stephens Local Environmental Plan 2013 (PSLEP).

2. CONTEXT/BACKGROUND:

- 2.1 Clause 4.6 Exceptions to Development Standards enables development standards such as minimum lot sizes, height and floor space ratio to be varied in certain circumstances. This is a compulsory clause included in all local environmental planning instruments across NSW.
- 2.2 Clause 4.6 Exceptions to Development Standards aims to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for and from development in particular circumstances.

3. SCOPE:

- 3.1 This policy applies to development applications in the Port Stephens local government area.
- 3.1 The policy relates specifically to the following Council functions:
- a) Assessment of development applications
 - b) Review of provisions in the PSLEP and strategic planning.

4. DEFINITIONS:

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

Development application	An application for consent to carry out development, but does not include an application for a complying development certificate.
Development consent	Approval to carry out development the subject of a development application.

Policy

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ITEM 5 - ATTACHMENT 2
POLICY.

EXCEPTIONS TO DEVELOPMENT STANDARDS

Policy



Development standards	<p>The Environmental Planning and Assessment Act 1979 includes a legal definition of 'development standards' (See section 1.4).</p> <p>Development standards are provisions in an environmental planning instrument that guide development to be carried out in accordance with particular requirements under certain circumstances. For example maximum building heights in residential areas, or minimum lot sizes for subdivision in rural areas.</p> <p>Development standards are a means to achieve a particular environmental planning objective in an area. Clause 4.6 of the PSLEP provides flexibility to allow planning objectives to be met by varying development standards in certain circumstances.</p> <p>Clause 4.6 of the PSLEP applies when applications are made for exceptions to development standards.</p>
Environmental planning instrument	<p>A legal instrument that guides development, such as a Local Environmental Plan (e.g. the PSLEP).</p>

5. STATEMENT:

- 5.1 This policy sets out the processes that apply when development applications are lodged that seek to vary development standards using Clause 4.6 of the PSLEP. Applicants are advised to refer to the policy prior to lodging a development application that includes an application under Clause 4.6.
- 5.2 This policy aims to create opportunities for greater transparency and community participation when decisions are made to vary development standards and to achieve better decision making through robust assessments. It seeks to ensure the assessment and administration of applications to vary development standards includes consideration of the principles established by the NSW Land and Environment Court and the strategic planning context.
- 5.3 This policy adopts transparent reporting and other recommendations issued by the NSW Department of Planning and Environment and the NSW Independent Commission Against Corruption.
- 5.4 Council will implement the following actions:
- 5.4.1 Development applications that include a request under Clause 4.6 Exceptions to Development Standards of the PSLEP must be accompanied by the Clause

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ITEM 5 - ATTACHMENT 2 EXCEPTIONS TO DEVELOPMENT STANDARDS POLICY.

Policy



- 4.6 Application Form or similar format in accordance with section 35B of the Environmental Planning and Assessment Regulation 2021 (EPA Reg).
- 5.4.2 Council will exhibit the Clause 4.6 written request accompanying a development application when advertising or notifying an Application.
- 5.4.3 Development applications accompanied by a Clause 4.6 written request will be assessed in accordance with Guide to exclusions from clause 4.6 of the Standard Instrument (NSW Department of Planning and Environment).
- 5.4.4 Development applications which include a Clause 4.6 written request seeking to vary a development standard by greater than 10% will be determined by the Council (per NSW Department of Planning and Environment Fact Sheet: Upcoming changes related to clause 4.6 of the Standard Instrument), **except as outlined in 5.4.7.**
- 5.4.5 Council will update the NSW Planning Portal with variation requests as required by NSW Department of Planning and Environment Fact Sheet: Upcoming changes related to clause 4.6 of the Standard Instrument.
- 5.4.6 The Development Assessment and Compliance team will refer development standards that are the subject of frequent development consents that include exceptions to development standards to the Strategic Planning team for review. A review will be carried out to ensure the development standards in the PSLEP remain relevant to achieving the environmental planning objectives in an area.
- 5.4.7 Development Applications for single dwellings and dual occupancies on land with a slope less than 10 degrees within the building footprint, which seek to vary development standard 4.3 Height of Buildings, by greater than 10%, will be reported to Council for determination.**
- Development Applications for single dwellings and dual occupancies on land with a slope of 10 degrees or more, and seek to vary development standard 4.3 Height of Buildings, by greater than 10%, will be determined by staff under delegation. Councillors will be advised via PS Newsletter prior to the determination, and that this will only apply up to 20% maximum height variation, with a variation any higher than that to be called to Council per the usual process.**

6. RESPONSIBILITIES:

- 6.1 Development Assessment and Compliance team (development application assessment).
- 6.2 Strategic Planning team (policy review and local environmental plan review).

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**ITEM 5 - ATTACHMENT 2 EXCEPTIONS TO DEVELOPMENT STANDARDS
POLICY.**

Policy



7. RELATED DOCUMENTS:

- 7.1 Clause 4.6 Application Form.
- 7.2 Port Stephens Local Environmental Plan 2013 (NSW).
- 7.3 Environmental Planning and Assessment Act 1979 (NSW).
- 7.4 Guide to exclusions from clause 4.6 of the Standard Instrument (NSW Department of Planning and Environment).
- 7.5 NSW Department of Planning and Environment Fact Sheet: Upcoming changes related to clause 4.6 of the Standard Instrument
- 7.6 Corruption Risks in NSW Development Approval Process: Position Paper (NSW Independent Commission Against Corruption).
- 7.7 Development Assessment Internal Audit Tool (NSW Independent Commission Against Corruption).
- 7.8 Port Stephens Council Discussion Paper – Progress of the Nelson Bay Town Centre & Foreshore Strategy.
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EDRMS container No.	PSC2018-02573-007	EDRMS record No.	PSC2013-00406-0072
Audience	Councillors, staff and the community		
Process owner	Strategy and Environment Section Manager		
Author	Strategic Planning Coordinator		
Review timeframe	3 years	Next review date	TBA
Adoption date	25 September 2018		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.	25 September 2018	Strategic Planning Coordinator	First draft version placed on public exhibition in February 2018. Updated to new template to include paragraph numbering. 5.4.4 – Updated following public exhibition period.	095
2.	9 February 2021	Strategic Planning Coordinator	References to Planning Circulars and version control has been updated. Updated review date to reflect new policy review process.	007
3.	14 November 2023	Principal Strategic Planner	OWNER – Updated to Director Community Futures 2.1 – Added 'is a compulsory', removed 'is'. 4 – Added '1.4' 5.1 – Removed 'the', added 'using', removed 'under'.	269

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Policy



Version	Date	Author	Details	Minute No.
			<p>5.4.1 – Added 'or similar format in accordance with section 35B of the Environmental Planning and Assessment Regulation 2021 (EPA Reg).</p> <p>5.4.2 – Added 'written request', removed 'application form'.</p> <p>5.4.3 – Removed 'application form', added 'written request', remove 'Varying Development Standards: A Guide (published August 2011 by the former NSW Department of Planning and Infrastructure)', add 'Guide to exclusions from clause 4.6 of the Standard Instrument (NSW Department of Planning and Environment)'.</p> <p>5.4.4 – Removed 'application form', added 'written request', added (per NSW Department of Planning and Environment Fact Sheet: Upcoming changes related to clause 4.6 of the Standard Instrument).</p> <p>5.4.5 Remove 'Council will maintain a register of development consents that have included exceptions to development standards and the information will be made publicly available', add 'Council will update the NSW Planning Portal with variation requests as required by NSW Department of Planning and Environment Fact Sheet: Upcoming changes related to clause 4.6 of the Standard Instrument'.</p> <p>5.4.5 – Replace with 5.4.6 due to complete clause removal.</p>	

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Policy



Version	Date	Author	Details	Minute No.
			<p>7.4 – Remove 'Varying Development Standards: A Guide (Former NSW Department of Planning and Infrastructure', add 'Guide to exclusions from clause 4.6 of the Standard Instrument (NSW Department of Planning and Environment)'.</p> <p>7.5 – Remove 'NSW Department of Planning and Environment Circular PS 08-003 Variations to Development Standards' add 'NSW Department of Planning and Environment Fact Sheet: Upcoming changes related to clause 4.6 of the Standard Instrument'.</p> <p>7.9 – Add 'Environmental Planning and Assessment Regulation 2021 (EPA Reg)'.</p> <p>Controlled document information has been updated including process owner, author and dates. Version history updated to reflect changes.</p>	
4.	TBA	Development and Compliance Section Manager	<p>Update and amend the following:</p> <p>5.4.4 – Add "except as outlined in 5.4.7".</p> <p>Add – "5.4.7 Development Applications for single dwellings and dual occupancies on land with a slope less than 10 degrees within the building footprint, which seek to vary development standard 4.3 Height of Buildings, by greater than 10%, will be reported to Council for determination.</p> <p>Development Applications for single dwellings and dual occupancies on land with a</p>	

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ITEM 5 - ATTACHMENT 2
POLICY.

EXCEPTIONS TO DEVELOPMENT STANDARDS

Policy



Version	Date	Author	Details	Minute No.
			slope of 10 degrees or more, and seek to vary development standard 4.3 Height of Buildings, by greater than 10%, will be determined by staff under delegation. Councillors will be advised via PS Newsletter prior to the determination", and that this will only apply up to 20% maximum height variation, with a variation any higher than that to be called to Council per the usual process.	

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MINUTES ORDINARY COUNCIL - 14 MAY 2024**NOTICE OF MOTION****ITEM NO. 2****FILE NO: 24/100949
EDRMS NO: PSC2021-04195****PLANNING POLICIES****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Requests the General Manager to:
- a) Amend the Council Related Planning Matters Policy and the Exceptions to Development Standards Policy (the "Policies") to include Policy statements to the effect of "Development Applications (DAs) for single dwellings and dual occupancies on land with a slope of 10 degrees or more, that seek to vary development standard '4.3 Height of Buildings', by greater than 10%, be determined by staff under delegation", and that "such DAs be included in PS Newsletter prior to determination".
- b) Make the necessary administrative amendments to the Policies to enable the intended effect to take place.
- c) Place the amended Policies on Public Exhibition for a period of 28 days and should no submissions be received, the policies be adopted, without a further report to Council.

**ORDINARY COUNCIL MEETING - 14 MAY 2024
MOTION**

096	Councillor Giacomo Arnott Councillor Glen Dunkley It was resolved that Council requests the General Manager to: a) Amend the Council Related Planning Matters Policy and the Exceptions to Development Standards Policy (the "Policies") to include Policy statements to the effect of "Development Applications (DAs) for single dwellings and dual occupancies on land with a slope of 10 degrees or more, that seek to vary development standard '4.3 Height of Buildings', by greater than 10%, be determined by staff under delegation", and that "such DAs be included in PS Newsletter prior to determination", and that this will only apply up to a 20% maximum height variation, with a variation any higher than that to be called to Council per the usual process. b) Make the necessary administrative amendments to the Policies to enable the intended effect to take place.
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MINUTES ORDINARY COUNCIL - 14 MAY 2024

- | | |
|--|---|
| | c) Place the amended Policies on Public Exhibition for a period of 28 days and should no submissions be received, the policies be adopted, without a further report to Council. |
|--|---|

Cr Arnott introduced additional wording to 1a) – ‘and that this will only apply up to a 20% maximum height variation, with a variation any higher than that to be called to Council per the usual process’, which was accepted.

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: EVERT GROBBELAAR – DEVELOPMENT AND COMPLIANCE SECTION MANAGER**BACKGROUND**

At the 12 December 2023 Council meeting, Council resolved to request the General Manager to present options for a Local Environmental Plan (LEP) amendment to better manage Clause 4.6 variations to Clause 4.3 Height of Buildings exceedances on sloping residential land.

The proposed amendments to the Council Related Planning Matters Policy and the Exceptions to Development Standards Policy; as opposed to an LEP amendment, are the result of ongoing consultation and engagement with Councillors.

The Council Related Planning Matters Policy provides guidance on the procedure for Councillors to provide input into the determination of development applications, planning proposals, and manage potential conflicts of interest for Council-related development in the interest of public transparency.

The Exceptions to Development Standards Policy provides guidance on the application and administration of Clause 4.6 Exceptions to Development Standards in the Port Stephens Local Environmental Plan 2013.

It is proposed to delegate authority to Council staff to determine Clause 4.6 variations to Clause 4.3 Height of Buildings, for height exceedances greater than 10%, on land with a 10 degree or greater slope. The adopted slope of 10 degrees was selected as being a threshold appropriate for applications exceeding the height limit due to topography constraints rather than designs that seek a higher scale. This is

MINUTES ORDINARY COUNCIL - 14 MAY 2024

recommended to apply to single dwellings and dual occupancies, being the 2 most common building types in these areas.

Historic DAs on land with a 10 degree or greater slope generally had steep terrain impacting the building footprint (26.5 degrees was the highest slope recorded from 2020 DA approvals to present).

Council staff are able to complete a measurement of the angle under the affected area of exceedance in the building footprint with currently available software. The slope will be reviewed on DA lodgement and if a DA has both an exceedance of height greater than 10% and is on an area of slope 10 degrees or more, Councillors would be notified via PS News of the application. This approach will allow Councillors to be informed of the respective height variations and provides the opportunity for the DAs to be called up.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

There being no further business the meeting closed at 6:24pm.

ITEM NO. 6

**FILE NO: 24/148751
EDRMS NO: PSC2017-00180**

SALE OF BIOBANKING CREDITS FROM THE KARUAH BIOBANKING SITE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorise the sale of a maximum of 3 biodiversity credits (HU762) from the Karuah Biobanking site at the rate of \$2,600 per credit.
- 2) Authorise the sale of a maximum of 2 biodiversity credits (HU563) from the Karuah Biobanking site at the rate of \$10,000 per credit.
- 3) Authorise the sale of a maximum of 12 biodiversity credits (251) from the Karuah Biobanking site at the rate of \$110 per credit.
- 4) Authorise the General Manager to sign all documentation required to effect the sale, including the application to transfer biodiversity credits in accordance with section 377 of the Local Government Act 1993.
- 5) Agrees to direct the proceeds of the sale to the Commercial Property Reserve.

BACKGROUND

The NSW Government Biodiversity Conservation Trust (BCT) have invited Council to quote on the sale of Biobanking credits from Council's Biobanking site at 210-262 Tarean Road, Karuah (**ATTACHMENT 1**).

The purpose of this report is to request Council to approve the sale of Biodiversity credits, should Council's tender submission be selected by the NSW Government Biodiversity Conservation Trust (BCT). The BCT credit tender process operates similar to a reverse auction, applicants offer a price to sell their credits to the BCT. This process allows the BCT to acquire the required biodiversity credits, to ensure infrastructure and developer offset obligations can be satisfied. The BCT tenders submission included a request for the following credits:

- A maximum of 3 biodiversity credits of HU762 (Tallowwood - Small - fruits grey gum - Kangaroo Grass grassy tall open forest on foothills of the lower north coast).
- A maximum of 2 biodiversity credits of HU563 (Mangrove Forests in estuaries of the Sydney Basin Bioregion and South East Corner Bioregion).
- A maximum of 35 biodiversity credits of 251 (Callistemon Linearifolius (Netted Bottle Brush). However, Council only holds 12 credits.

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

The biodiversity credit market is a public marketplace, and as such, previous sales can be examined. The last previous sale is available via the Biodiversity Conservation Fund Charge report. This report details the credits and their charge amount. Where possible these figures are used to inform credit sale amounts.

BCT required the following credits:

- 3 of credit type HU762.
- 2 of credit type HU563.
- 35 of credit type 251.

The proposed credit offered price for HU762 is \$2,600 per credit. Wedgetail Project Consulting valued this credit type at \$2,600. Should Council be successful a financial return of \$7,800 will be received for the HU762 credits.

The proposed credit offered price for HU563 is \$10,000. Wedgetail Project Consulting valued this credit type at \$10,000. Should Council be successful a financial return of \$20,000 will be received for the HU563 credits.

The recent sale of credit type 251 Callistemon Linearifolius (Netted Bottle Brush) was \$110. Wedgetail Project Consulting valued this credit type at \$110. Should Council be successful a financial return of \$1,320 will be received for the 12 credits.

Should Council be successful, a maximum total amount of \$29,120 financial return could be received.

On 20 March 2013, the land was registered with the Biodiversity Conservation Trust (BCT) as Biobanking Agreement No 97 (the Agreement) under the Threatened Species Conservation Act 1995. The Agreement sets out annual maintenance and management requirements for the land, and required the first \$555,819 from credit sales to be paid into BCT's trust fund (known as the Part A Payment). The Part A payment was finalised in June 2019 and Council receives annual payments from the trust fund to assist with meeting the annual maintenance and management requirements. The proceeds of all future credit sales are retained by Council.

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

Biobanking was established by the NSW Government, supported by legislation and is managed by the BCT. The proposal is consistent with the legislation and the Agreement.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the purchaser could source credits from another Biobanking site.	High	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council receives annual payments from the BCT to undertake management actions and maintenance of the site. It provides a mechanism and method to address the loss of biodiversity and threatened species.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategic Property team.

Internal

- Strategic Property.
- Natural Systems.

External

- Biodiversity Conservation Trust.

OPTIONS

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

ATTACHMENTS

- 1) Map of Karuah Biobank site. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 MAP OF KARUAH BIOBANK SITE.



ITEM NO. 7**FILE NO: 24/120385
EDRMS NO: PSC2017-00180****SIX MONTH PROGRESS REPORT: JANUARY TO JUNE 2024 AGAINST THE
PORT STEPHENS COUNCIL DELIVERY PROGRAM 2022-2026**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Six Month Progress Report for January to June 2024
(**ATTACHMENT 1**) on the progress of Port Stephens Council's Delivery
Program 2022-2026.

BACKGROUND

The purpose of this report is to provide Council and the community with an update on the progress of Council's Delivery Program 2022-2026.

This is the fourth progress report of the Delivery Program 2022-2026, first adopted by Council in June 2022.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The Six Month Progress Report (**ATTACHMENT 1**) is generated from a combination of information and data from across Council's operations. All financial figures included in this report are preliminary, unaudited and subject to review as part of the audited 2023-2024 financial statements for Council. Council Officers have made their best effort to provide the latest data available from Council's operations at the time of writing this report. This report has been prepared forecasting the period ending 30 June 2024, with more detailed information on Council's financial and operational performance available in Volumes 1 and 2 of the 2023 to 2024 Annual Report.

There are no financial or resource implications in providing this report.

ORDINARY COUNCIL - 23 JULY 2024

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

Essential Element 4.9 of the Integrated Planning and Reporting Guidelines for Local Government in NSW, September 2021 stipulates that: 'The General Manager must ensure that progress reports are provided to the Council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months'.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not adopt the Six Month Progress Report January to June 2024, placing Council in breach of legislation leading to reputational loss.	Low	Adopt the recommendation.	Yes
There is a risk that as Council's audited financial statements have not been completed for the 2023-2024 financial year, the figures included in the report are not correct and may be incorrectly referenced by Council and other parties.	Low	Adopt the recommendation. Provision included in the Six Month Progress Report that all financial figures are preliminary, unaudited and subject to review as part of the 2023-2024 Audited Financial Statements.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Community Strategic Plan, Delivery Program and Operational Plans are founded on a basis of social, economic, environmental and governance factors through 4 focus areas, Our Community, Our Place, Our Environment and Our Council.

The report reflects these factors and provides a comprehensive progress report according to each focus area along with a scorecard of Council's key result measures.

Due to the timing of this report, some of the annual results (asset management) for our key result measures have not been finalised and will be reported in the 2023 to 2024 Annual Report.

To date, Council is achieving within the resources available what it has set out to do with service delivery on track to deliver 100% of Operational Plan actions against a target of 95%; employee wellbeing 84% against a target of 80%; risk management 86% against a target of 85%; financial sustainability currently at \$1,013,000 underlying surplus, against a target of achieving an underlying financial result better than budget.

CONSULTATION

The Six Month Progress Report January to June 2024 has been compiled from information and data provided across Council's operations and reviewed by the Executive Team of Council.

Following Council consideration the report will be made available on Council's website and distributed across a number of communication channels.

OPTIONS

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

ATTACHMENTS

- 1) Six Month Progress Report - January to June 2024. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.





GUUDJI YIGU

(GOO-JEE IK-KOO)

We welcome you to Port Stephens – part of the Worimi Aboriginal Nation. Port Stephens Council acknowledges the Worimi people as traditional owners and custodians of the lands and waterways on which we all live, learn, work and play.

We value and respect the Worimi people and the legacy 60,000 years of Aboriginal Nation traditions and culture brings with it. As part of Council's culture of acceptance, diversification and harmony we walk alongside the Worimi people on a journey of listening and learning.

Together we will strive to make this a better place for all people. As guardians of these lands, we ask that you tread lightly to help preserve the biodiversity and respect those who came before as well as those who will follow.

Artwork by Regan Lilley.

Acknowledgement

Port Stephens Council acknowledges the Worimi People as the traditional custodians of the land of Port Stephens. We also pay our respect to Aboriginal elders past, present and future.

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The six-month progress report from January to June 2024 has been prepared in accordance with the requirements of the Integrated Planning and Reporting Guidelines (September 2021) Essential Element 4.9. 'The General Manager must ensure that progress reports are provided to the council, with respect to the principal activities detailed in the Delivery Program, at least every six months.'

All financial figures included in this report are preliminary, unaudited and subject to review as part of the audited 2023-2024 financial statements for Council. We have made our best effort to provide the latest data available from Council's operations at the time of writing this report. This report has been prepared forecasting the period ending 30 June 2024, with more detailed information on Council's financial and operational performance available in Volumes 1 and 2 of the 2023 to 2024 Annual Report.



General Manager's message

We're already at the end of the 2023-2024 financial year, and this is the last six-monthly update we'll provide before the local government elections in September 2024. It's our fourth progress report on the Delivery Program for 2022 to 2026, I'm so proud to share the progress we've made over the past six months.

Completing key projects

Since January, we've completed a range of key infrastructure projects across Port Stephens. We're rolling out the \$10 million road rehabilitation program, thanks to funding from the State Government, completing upgrades to Tomaree Road, Rookes Road, Avenue of the Allies and Italia Road. We've also constructed a new playground at Korora Oval in Salamander Bay, reconstructed Notts Creek Bridge and deployed Smart Parking to Little Beach and Fingal Bay.

Property owned by Council has also been a focus to generate non-rate revenue. We've continued discussions and planning for the development of the key commercial properties we own in both Raymond Terrace and Salamander Bay and invested our recent property sales into new assets at Tomago and beyond.

Connecting our community

Events and activations remain an important part of what makes Port Stephens a great place to live, showcasing our natural environment, supporting business, and most importantly, creating social connection and pride in our place. Young people have been

a focus this year with school holiday programs and celebrations during National Youth Week including Battle of the Arts, Silent discos, Snak and Rap, Summer Splash and lots more. Early this year we also held the Creatives Conference where over 100 creatives from Port Stephens and the Hunter came together to share ideas, network and collaborate.

In June, enabled by grants, Raymond Terrace was brightened by family-friendly event Illuminate. Bringing residents and new citizens together with a focus on inclusion, culture, diversity and belonging.

Looking forward

Since January, we've had big discussions with the community about a number of our key strategies and plans that are setting the direction for housing, wellbeing and coastal management over the next 5-10 years. These include our Port Stephens Local Housing Strategy focusing on housing diversity, affordability and housing supply, the Coastal Management Program to manage our priority coastal threats and the Emission Reduction Action Plan. We've also developed our Community Wellbeing Strategy prioritising people across our communities to ensure they lead happy, healthy and connected lives no matter their age, background or ability. These documents have been on public exhibition and received valuable feedback, leading to their recent adoption by Council.

We're also focused internally on how we do business, further implementing our financial sustainability strategy over the past six months. This includes the expansion of SMART Parking, significant commercial property investment within the Local Government Area (LGA), reviewing our surplus land holdings and cash and investment portfolio performance and stabilising our operating budget position given inflationary factors. We've continued to prioritise our ongoing business improvement programs, helping us to better manage resources while improving what we do and how we do it.

I want to acknowledge our Mayor and Councillors for their commitment to our community during their term of Council. As we prepare for a new Council in September, we'll continue to focus on the opportunities and challenges we face and maintain the great momentum we have been generating over the course



Tim Crosdale
General Manager of Port Stephens Council



Our key highlights



4
Community Events

167 Development Applications
Approved *



Over 136,000
Website visits

3306
Trees planted*



27,000+
OOSH positions filled*

\$20M
Spent on roads and drainage
(operating and capital)



662 new members
to our libraries*















Coastal Management Program
Stage 4 of 5 completed



*1 January to 30 April 2024

Scorecard

Our six key result measures underpin everything we do at Port Stephens Council:

	Service Delivery Our target: >95% Integrated Plans delivered on time Achievement: 100% on track (Forecasted for 30 June 2024)	
	Community Satisfaction Our target: Overall satisfaction with Council's services: 2.94 out of 5 score Average aggregate satisfaction with Council's core services: 3.12 out of 5 score Achievement: Overall satisfaction with Council's services: 3.08 out of 5 score Average aggregate satisfaction with Council's core services: 3.26 out of 5 score	
	Employee Wellbeing Our target: >80% Employee Engagement Achievement: 84% (Source: 2023 Employee Engagement Survey)	
	Risk Management Target: >85% Risk Management Maturity score Achievement: 86% (As at August 2023)	
	Financial Sustainability Our target: Underlying financial result better than budget Achievement: Anticipated \$1,013,000 (As at <u>March 2024 Quarterly Budget Review</u>)	
	Asset Management Our target: 100% asset maintenance ratio Achievement: Result to be provided in 2023-24 Annual Report	TBC
<div> <div> ON TRACK: Operational Plan Actions are on track to achieve the target  </div> <div> MONITOR: Operational Plan Actions are within 5% of the target  </div> <div> OFF TRACK: Operational Plan Actions are > 5% off the target  </div> </div>		

Achievements – progress of principal activities

Key Priorities update

The community and Councillors identified several key priorities in the Delivery Program for 2022 to 2026. Learn more about these priorities in our [Delivery Program](#).

Community Advocacy Program

We continue to meet with State and Federal Ministers to raise awareness around key issues impacting our community. This includes housing supply, affordability and diversity, expediting development of the Williamstown and Tomago Defence, Aviation and Advanced Manufacturing precinct, investing in our town centres and multi-functional sport precincts, and funding to support upgrades to the Port Stephens road network.

A \$10 million grant has been secured from the State Government for road upgrades across Port Stephens.

Birubi Point Aboriginal Place Tourism Transport Interchange

The development of a new visitor interchange was identified as part of the Birubi Point Aboriginal Place Management Plan. Since this time, Council in partnership with key stakeholders, had worked to source funding for the construction of the Birubi Point Aboriginal Place Tourism Transport Interchange.

The design of the facility includes a centralised tour coach parking area and tourism operator interchange, short-term car parking, toilet facilities, all-weather protection and multilingual signage and interpretation. Over the past year, Council has been working with neighbouring landowners including the Worimi Local Aboriginal Land Council to investigate options to retain sand on site to create a boundary that will help to protect the interchange site and reduce maintenance issues over time.

Retaining the sand onsite also maintains the cultural integrity of the site and minimises the likelihood of cultural items and occupational evidence being affected.

In consultation with the Worimi Local Aboriginal Land Council, Crown Lands, Worimi Conservation Lands and NSW National Parks, Council has lodged a Development Application (DA) modification to the Birubi Point Aboriginal Place Tourism Transport Interchange.

Carbon Neutrality

Council has a goal of achieving carbon neutrality for its operations by 2025. We've calculated our carbon footprints for the 2020-2021 and 2021-2022 financial years, and have seen a drop in carbon emissions by nearly 40% over that time.

An Emissions Reduction Action Plan (ERAP) has been completed, defining the roadmap and steps we need to take over the short, medium and long-term as we look to achieve both our 2025 goal and any requirements under the State and Federal Government commitments to be Net Zero by 2050.

Coastal Management Program

In collaboration with NSW Department of Planning and Environment, we're developing two Coastal Management Programs (CMPs).

The Port Stephens CMP covers the open coast, inner port and outer port. The Hunter Estuary CMP manages the Port of Newcastle at the start of the Hunter River, Oakhampton on the Hunter River, Seaham Weir on the Williams River and Gostwyck on the Paterson River.

Port Stephens CMP

Stage 4 of 5 of the CMP has been completed with the document endorsed by Council in June, following a comprehensive public exhibition period. The CMP now requires certification by the NSW Minister for Climate Change, Energy, the Environment and Water prior to implementation (Stage 5).

Hunter Estuary CMP

The Hunter Estuary CMP is being developed by the Hunter Estuary Alliance (HEAL), led by Maitland City Council and includes partner Councils and key organisations. The project is nearing the completion of Stage 2 of 5, which has investigated the key risks, vulnerabilities and opportunities within the Hunter Estuary. Studies currently underway include inundation mapping, habitat and erosion mapping and impacts to water quality.



Community Engagement

We've continued to implement the Communication and Engagement Strategy's principles and key priorities. We've recently engaged on the extension of Smart Parking, Shoal Bay Place Plan, Coastal Management Program, Local Housing Strategy and the Community Wellbeing Strategy.

Our online 'Have Your Say' platform has recently been enhanced, creating greater opportunities for community participation and integrating more seamlessly with Council's website.

The Communications and Engagement Advisory Group continues to inform our key communication and engagement activities including community engagement on the recently adopted Shoal Bay Place Plan.

Our Community Catch Ups continue to create opportunities for our community to engage informally with Councillors. We've seen greater participation and success when our catch ups have been directly linked with events across Port Stephens.

Community Wellbeing

After an extensive community engagement program, Council endorsed the Community Wellbeing Strategy in May. This strategy guides our commitment to making Port Stephens a place where wellbeing is prioritised, and people can lead happy, healthy and connected lives no matter their age, background or ability.



We will work in partnership with our community to create inclusive places that encourage participation in community life, making sure our community feels safe in our public spaces and building our resilience, capacity and skills to ensure our community can adapt and thrive in times of change. Two actions from the strategy have been completed; an Easy Read version of the Strategy and a celebratory opening of the Little Beach accessibility precinct

Eastern Groyne, Nelson Bay Precinct

Council continues to advocate for funding to develop an integrated business case and masterplan to support the much-needed upgrades to the Nelson Bay Eastern Groyne. This project will support improvements to the Nelson Bay foreshore and create a gateway for visitors participating in our unique water based experiences.

Financial Sustainability

Throughout 2023-2024, we've continued our strong commitment to financial sustainability through our Financial Sustainability Strategy. We've focused on diversifying where our non-rate revenue comes from and ensuring we deliver services for the community in the best possible way.

The rollout of smart parking, the performance of our investment portfolio and the attraction of grant funding have helped us generate more non-rate revenue. By using Business Excellence tools we're also continuing to improve how we allocate our resources, ensuring we deliver the best value for our community.

Further to our continued focus on ensuring financial sustainability, Council has also resolved to establish a Resilience Fund reserve. A key project of our Financial Sustainability Strategy, the basic premise of the Resilience Fund is to ensure that a fund is available for Council to invest in significant strategic projects across our communities. This may include delivery of significant infrastructure, increased services, or investment in non-rate revenue assets, aligned to Councils strategic plans and priorities. The Resilience Fund will be funded from surplus non-rate revenue sources of income streams, such as dividends from Newcastle Airport.

The Resilience Fund will ensure Council directs any surplus non-rate revenue to outcomes that will make a difference to our community.

Natural Environment

We're committed to achieving a great lifestyle in a treasured environment so that current and future generations can enjoy, and benefit, from a healthy natural environment.

We've delivered a number of grant funded environmental protection projects to support key Koala habitats. This includes the completion of the Port Stephens Drive Koala Vehicle Strike Mitigation project and mapping of our native vegetation and Koala

habitat. The Port Stephens Drive Koala Vehicle Strike Mitigation project received a highly commended award at this year's Local Government Excellence Awards.

We've also completed various projects funded by the Crown Reserve Improvement Fund targeting priority weeds, feral pests and biosecurity compliance.

Pathways and Connections

We've commenced a review of our Pathways Plan, ensuring that important pathway connections are planned and priorities for the future. Priorities will include pedestrian access surrounding schools, aged care facilities, shopping districts, and in places where our communities live.

Significant pathways completed include the connection at Marine Drive, Fingal Bay and Nelson Bay Road, Fern Bay and the design for the "Port Walk" connection between Nelson Bay to Shoal Bay.

Place planning

Our newest Place Plan for Shoal Bay was adopted in February this year. The Shoal Bay Place Plan sets the community's vision for the future of Shoal Bay. Along with infrastructure improvements, it shows how local events and activations will support year round vibrancy. It will also help to protect and celebrate Shoal Bay's natural assets recognising a number of opportunities for projects including clean up days, beachfront stabilisation, environmental volunteering and education campaigns.

Place Plans put a local filter on all our existing strategies to make one easy-to-read action orientated plan. A Place Plan may include events and activities, projects and works, actions for the community, land use changes and more.

We're also developing our next Place Plan for the Tilligerry and have commenced community involvement in the vision for the peninsula. In partnership with the Department of Planning, Housing and Infrastructure, Council is also progressing a plan for housing at Fullerton Cove.

Actions from our existing place plans for Karuah, Medowie and the Hinterland continue to be delivered. Projects include further beautification in Karuah, a new town centre mural in Medowie and a support local campaign facilitated across Seaham and Woodville.

We've been working with the Towns Teams Movement to set up Town Teams in Shoal Bay and the Hinterland where community members can work together to implement community projects – many of which are linked directly to our Place Plans. The Town Teams Movement is run by a non-profit company helping local communities to connect, organise and act to regenerate the fabric of their neighbourhoods and to create better places.



Raymond Terrace Depot project

The new, long awaited Raymond Terrace Depot was completed, and officially opened on 16 April 2024. Not only is the new Raymond Terrace depot for operational staff, it will also serve as a modern Emergency Operations Centre (EOC). The EOC is a multi-agency facility that is activated to monitor major emergencies such as fire or flood. The EOC is established by NSW Police, who coordinate all relevant emergency services in one place to prepare, plan and respond to an imminent or potential emergency situation.

Roads

Our advocacy for roads funding is gaining traction with the NSW Government committing \$10 million over 3 years to repair and rehabilitate local roads across Port Stephens. The funding will be allocated to the pavement rehabilitation of 10 roads including Tomaree Road, Shoal Bay, Fairlands Road, Medowie and road widening and sealing of East Seaham Road, East Seaham.

Significant investment from Council, Federal and State Governments has enabled the full road reconstruction and road widening of the Avenue of the Allies, Tanilba Bay, completed in April of this year.

Some of the key roads we've been able to repair and upgrade include:

- Tomaree Road, Shoal Bay
- Swan Bay Road, Swan Bay
- Rookes Road, Salt Ash
- Avenue of the Allies, Tanilba Bay
- Italia Road, East Seaham
- Knotts Creek Bridge, Glen Oak

Smart Parking rollout

Smart Parking has been rolled out to Little Beach and Fingal Bay with meters and signs installed. Smart Parking installation and activation at Birubi Headland is scheduled for later in 2024.

Revenue generated from Smart Parking is reinvested into local projects. Smart Parking Infrastructure Plans have been developed in partnership with the community to identify how the funds will be spent. Council set up a reserve to ensure infrastructure spending occurs in the areas the revenue is collected.

Waste Management Strategy implementation

The Waste Management Strategy 2021-2031 was adopted in October 2021. Implementation of the green bin system (Garden Organics) was achieved in the first six months of this financial year, with good results continuing with presentations at kerb and low contamination.

The Waste Management team will be focusing efforts over the next four years on the continuation of:

- Circular Economy initiatives, involving the Hunter Joint Organisation.
- Trialling and monitoring smart devices across the Council area including bin monitoring sensors in Nelson Bay during holiday seasons on Public litter bins.

These smart devices will be used to monitor and collect data for future decision-making and implementation of these devices into the future. The data will also monitor litter trends and volumes in these areas, for the use of delivering better services in the future.

Ongoing education will also be a key component of the smart devices implementation, the road to the implementation of Food Organics Garden Organics (FOGO) and circular economy.

All of the above initiatives will help to contribute to improving Port Stephens Council's diversion to landfill, in order to meet the new NSW Governments target of an 80% reduction in waste by 2030.

Williamstown management area

We continue to monitor the implementation of the Department of Defence PFAS contamination remediation program and we'll continue to liaise with relevant agencies, community groups and residents as the program continues.

In June 2024, Council resolved to continue the rate reduction for properties in the Williamstown Management Area for the 2024 to 2025 financial year. This special subcategory of rates applies for residents in the primary zone, secondary zone and broader zone.

Williamstown Special Activation Precinct (SAP)

With the expansion of Newcastle Airport, the growth at RAAF Base Williamstown and the NSW Governments focus on advanced manufacturing for clean technologies, the importance of Williamstown to NSW and the Greater Hunter region has only increased.

Following the cancellation of the Williamstown SAP, Port Stephens Council is seeking State Government support to develop a strategic masterplan, coupled with direct funding, for Williamstown. It is critically important that this project continues to move forward and deliver outcomes to grow the economy, deliver new employment opportunities and support those impacted by PFAS contaminated land.

We continue to work closely with the NSW Government, Department of Defence and The City of Newcastle Council around alternate planning solutions for the Williamstown Precinct and support the delivery of Astra Aerolab and the expansion of Newcastle Airport.

Delivery Program update

In this report, we use the icons below to indicate the status of our Operational Plan actions, which form part of the Delivery Program 2022 to 2026.

ON TRACK: Operational Plan Actions are on track to achieve the target

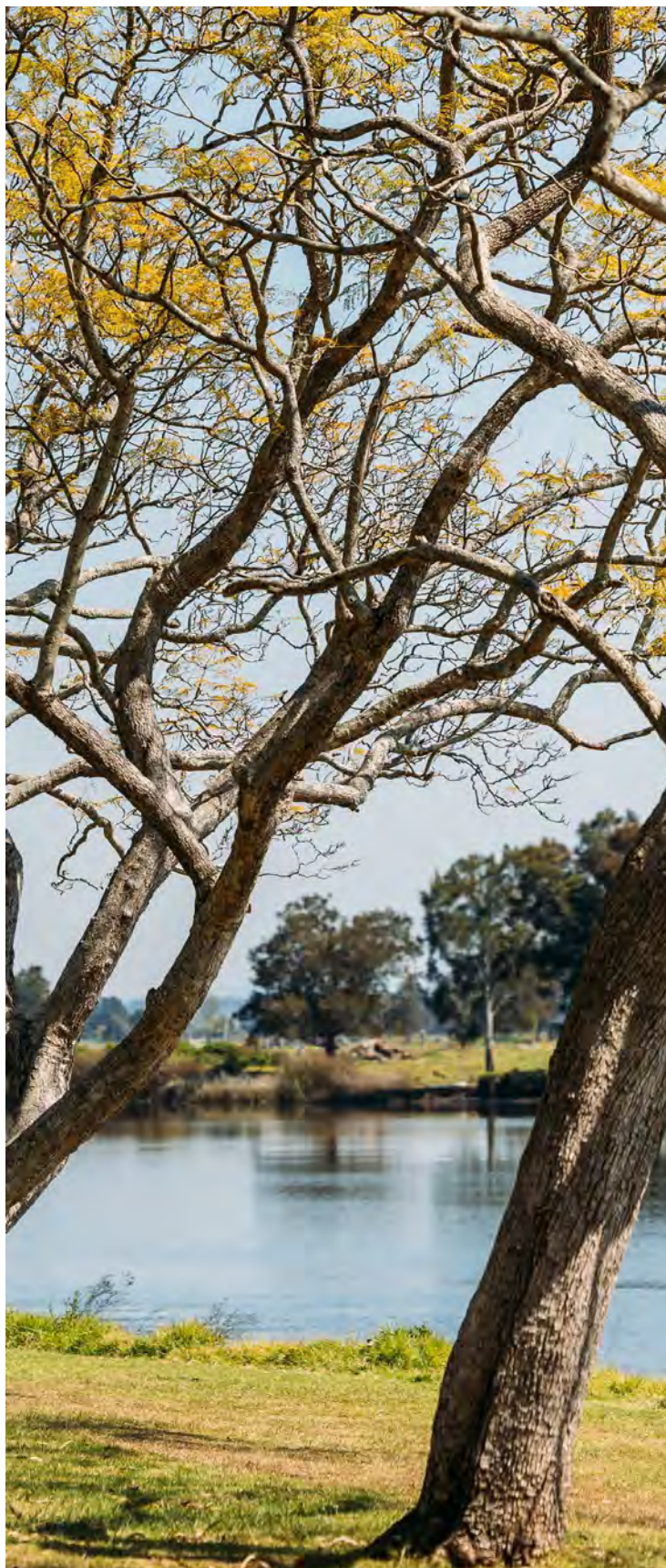


MONITOR: Operational Plan Actions are within 5% of the target



OFF TRACK: Operational Plan Actions are > 5% off the target









Our Community

An accessible and welcoming community respecting diversity, heritage and culture.





C1 Community wellbeing

Improved wellbeing for our diverse community supported by services and facilities

Delivery Program Activity	Operational Plan Action	Status
C1.1.1 Develop and implement the Community Wellbeing Strategy (CWS) to provide services and support for a diverse community	C1.1.1.1 Develop and commence implementation of the Community Wellbeing Strategy	
C1.1.2 Implement and develop the Disability Inclusion Action Plan (DIAP) to encourage Port Stephens to be inclusive and access friendly	Refer C1.1.1.1	
C1.2.1 Provide a program of education and care services for families and carers of children	C1.2.1.1 Deliver early education and care for children	
C1.3.1 Provide a program of recreational, leisure and community services	C1.3.1.1 Initiate and manage contracts with recreational, leisure and community services	

C2 Recognised traditions and lifestyles

Our community supports the richness of its heritage and culture

Delivery Program Activity	Operational Plan Action	Status
C2.1.1 Implement the Yabang Gumba-Gu Agreement to recognise and support local Aboriginal and Torres Strait Islander people	C2.1.1.1 Implement initiatives and projects to promote Aboriginal Culture and protect Aboriginal places	
C2.2.1 Implement Our Incredible Place Strategy	C2.2.1.1 Implement actions of Our Incredible Place Strategy	
C2.3.1 Support the preservation of Port Stephens heritage	C2.3.1.1 Provide support for the preservation of Port Stephens heritage	
C2.4.1 Provide a program for public libraries as contemporary, accessible, vibrant and welcoming community spaces	C2.4.1.1 Deliver public library services, programs and resources	

Highlights

Community Development & Wellbeing

- ✓ Inclusion Tent utilised at Australia Day, Riverside Park and the Youth Splash Park events
- ✓ Scholarships awarded for International Women's Day on 3rd March 2024 in collaboration with Salamander Bay Rotary
- ✓ Homelessness Stakeholder Advocacy Group: 2 meetings held. Action Plan drafted with milestones for completion and review from the Committee
- ✓ Seniors Festival held 11-24th March 2024
- ✓ Illuminate Festival held 15 June 2024
- ✓ Creatives Conference held on 28th February 2024 with 100+ local creatives

Childcare

- ✓ Approved - increase in OOSH numbers at Fern Bay from 40 to 71 from Department of Education

Recreation facilities

- ✓ Record high beach attendance over summer, in comparison to the same period last year
- ✓ Managed and facilitated community & commercial contracts, leases and licenses of Council's community land

Port Stephens Heritage

- ✓ Heritage Advisory Group meetings held
- ✓ Heritage walking trail map is being prepared

Yabang Gumba-Gu

- ✓ 2024 NAIDOC Week Federal funding application submitted for flag raising and community event at Riverside Park

Libraries & community spaces

- ✓ 500 entries received in the libraries Summer Reading Competition
- ✓ Self-loan machines upgraded at Raymond Terrace and Tomaree
- ✓ Celebrated events:
 - Seniors Festival – chair yoga, tech help session and more
 - Library Lovers Day

Challenges

The following challenges impacting operations and budget:

- ✗ Increase in costs for OOSH operations
- ✗ 10 day closure of Lakeside Aquatic Centre due to an electrical fault
- ✗ Continued access to funding for festivals and events

* 1 January 2024 to 30 April 2024

Our Community snapshot

Community Wellbeing

- Wellbeing Strategy and DIAP endorsed

Childcare

Positions filled: *

- 27,397 in OOSH
- 2,276 in Family Day Care (FDC)
- 229 FDC compliance visits
- 47 registered FDC Educators
- 68 procedures reviewed

Pools

Aquatic Centre visits: *

- 56,272 Visits

Beaches

Beach visits: *

- 699,171 Visits
- 14 Rescues
- 279 First Aid Treatments

Our Incredible Place Strategy

- Actions progressing

Yabang Gumba-Gu

- Stage One: Draft protocol complete

Our Library Services



- 107,380 items borrowed *
- 4540 used the internet *
- 2408 people attended 148 programs*
- 662 new library members *
- 190 home deliveries *
- 14 Call & Collect requests *

Our Place

A liveable and connected place supporting community wellbeing and local economic growth





P1 Strong economy, vibrant local businesses, active investment

Our community has an adaptable, sustainable and diverse economy

Delivery Program Activity	Operational Plan Action	Status
P1.1.1 Implement the Economic Development Strategy	P1.1.1.1 Deliver Economic Development Strategy actions	
P1.1.2 Support Destination Port Stephens to attract sustainable visitation to Port Stephens	P1.1.2.1 Provide strategic and financial support to Destination Port Stephens	








P2 Infrastructure and facilities

Our community's infrastructure and facilities are safe, convenient, reliable and environmentally sustainable

Delivery Program Activity	Operational Plan Action	Status
P2.1.1 Provide, manage and maintain community assets in accordance with the SAMP 2023-2033	P2.1.1.1 Provide, manage and maintain community assets	
P2.1.2 Provide asset and engineering services to meet customer demand	P2.1.2.1 Provide asset and engineering services	
P2.1.3 Deliver the 4 year Public Infrastructure Program	P2.1.3.1 Implement Council's adopted annual capital works program	
P2.1.4 Deliver the program for maintenance of Council's assets	P2.1.4.1 Maintain Council's civil and community infrastructure	

P3 Thriving and safe place to live

Our community supports a healthy, happy and safe place

Delivery Program Activity	Operational Plan Action	Status
P3.1.1 Program to develop and implement Council's key planning documents	P3.1.1.1 Develop, implement and monitor land use plans and strategies	
P3.2.1 Deliver an annual program for Council to provide development services to enhance public safety, health and liveability	P3.2.1.1 Provide development services	
	P3.2.1.2 Provide compliance & ranger services	
	P3.2.1.3 Provide environmental health services	
P3.3.1 Develop a strategic program for Place Plans	P3.3.1.1 Implement the actions within Place Plans across centres and coordinate place management and activation programs	
P3.3.2 Provide the Community Financial Assistance Program	P3.3.2.1 Provide financial assistance for the community	
P3.4.1 Provide an emergency management framework that supports emergency services, other agencies and our community	P3.4.1.1 Deliver emergency management services, programs and resources	

Highlights

Economy, Business & Tourism

- ✓ Conducted the Bi-Annual Business Health Check Survey
- ✓ "Summery Stays" campaign extended strong accommodation over Easter and promoting a nature focus for winter campaign

Infrastructure Planning and Renewal

- ✓ Active Transport and Country Passenger Transport Infrastructure Grant success for future pathway and bus infrastructure
- ✓ Upgraded LED lighting at Tomaree Sports Complex, Bill Strong Oval
- ✓ Commenced planning Solar PV at Raymond Terrace Depot
- ✓ Lakeside pool heat pump energy reduction program works
- ✓ Continued Smart Parking rollout – refer page 15

Compliance, Ranger & Environment Services

- ✓ Conducted 52 educational visits for annual School Zone Education Campaign Port Stephens schools

Place Planning & Activations

- ✓ Actions in the Medowie, Karuah and Hinterland Place Plans delivered

Strategic Planning & Development Assessments

- ✓ Development Application determination timeframe of 40 days remained consistent during the period
- ✓ Exhibited and adopted:
 - Local Housing Strategy & Supply Plan
 - Shoal Bay Place Plan
 - Coastal Management Program and LEP amendments

Emergency Management

- ✓ PSC Emergency Operations Centre completion

Challenges

- ✗ Resourcing:
 - Staff shortages and contractor availability
 - Delivering large scale projects with unexpected events and within normal operational workload
 - Ongoing material price increases
- ✗ Funding deadlines for numerous grant funded projects doesn't consider operational lead time required

* 1 January 2024 to 30 April 2024

Our Place snapshot

Visitor Information Centre

- Hosted the Bidhiinja Oyster Reef Exhibition (in partnership with the Tomaree Museum and NSW Department of Primary Industry)

Economic Development Strategy

- Actions on track

Engineering, flooding & drainage

- Majority assessed within targeted timeframes (97% Drainage Engineering Development Applications, 77% Flooding Engineering Development Applications)* with more complex referrals requiring longer timeframes for appropriate assessment

Development Services & Strategic Planning

- 167 DAs approved at value of \$112M *
- Meeting DA determination target of 40 days. Current DA approval turnaround is 25 days*

Community Financial Assistance

- \$7,400 Mayoral donations *
- \$11,293 Councillor donations *
- 20 x \$2,000 Mayoral Academic scholarships *

Emergency Management



- Strategic objectives on track

Our Environment

Port Stephens environment is clean, green, protected and enhanced



E1 Ecosystem function

Our community has healthy and dynamic environmental systems that support biodiversity and conservation

Delivery Program Activity	Operational Plan Action	Status
E1.1.1 Develop and deliver a program for Council to implement environmental strategies and policies	E1.1.1.1 Develop and monitor environmental policies and strategies	
	E1.1.1.2 Provide environmental impact assessment services and a range of nature conservation, biosecurity and rehabilitation programs	


E2 Environmental sustainability

Our community uses resources sustainably, efficiently and equitably

Delivery Program Activity	Operational Plan Action	Status
E2.1.1 Develop and deliver a program for Council leading the way to a sustainable and climate positive future	E2.1.1.1 Develop and implement a Carbon Neutral Action Plan	
E2.2.1 Provide a Waste program to support the reduction of the community's environmental footprint	E2.2.1.1 Implement the Waste Management Strategy 2021- 2031	

E3 Environmental resilience

Our community is resilient to environmental risks, natural hazards and climate change

Delivery Program Activity	Operational Plan Action	Status
E3.1.1 Develop and deliver a program for Council to mitigate environmental risks associated with climate change and natural hazards	E3.1.1.1 Develop and implement the Port Stephens Coastal Management Program (CMP) incorporating climate change risks	

Highlights

Environmental Policies, Strategies & Rehabilitation

- ✓ Emissions Reduction Action Plan (ERAP – formerly known as the Carbon Neutral Action Plan) – finalised and being implemented across the organisation
- ✓ Comprehensive vegetation mapping underway including revisions to Koala habitat mapping
- ✓ Coastal Risk Planning Clause Amendments exhibited and adopted by Council
- ✓ Environmental Advisory Group meetings held in February and May
- ✓ Environmental Advisory Group – Sub Committee meetings held on Sustainable Living, Marine and Waterways and Biodiversity and Greening in March and April
- ✓ Agreed Action Plans for Environmental Volunteer Groups approved for Soldier's Point – Salamander Bay, Raymond Terrace and Conroy Park – Corlette
- ✓ 2023-24 Biosecurity and Rehabilitation Program benchmarks being met, with greater than 75% Natural Assets assessed at Category 1 to 3 (Satisfactory Level) and 1041 hours spent on priority weed treatments
- ✓ Comprehensive submission made to State Government as part of the NSW Koala Strategy Review
- ✓ Port Stephens Drive Koala Vehicle Strike Project received a Highly Commended Award at the 2024 NSW Local Government Excellence Awards

Waste management

- ✓ Clean up Australia programmes completed
- ✓ Education programs across schools implemented

Challenges

- ✗ Holiday peak periods causes increased:
 - Customer expectations regarding waste disposal service levels
 - Workload for disposal of waste
- ✗ Cost of carbon offsets potentially impacting Council's budget in 2025

Our Environment snapshot

Environmental strategies and frameworks

- In progress

Carbon Neutral Action Plan

- Progress, refer to ERAP on page 9

Coastal Management Program

- Public exhibition concluded and a number of submissions received
- Consideration of submissions, completed final CMP. Adopted by Council in June, refer page 10

Waste Management Strategy 2021-2031












- In progress



Our Council

Port Stephens Council leads, manages and delivers valued community services in a responsible way

L1 Governance




Our Council's leadership is based on trust and values of Respect, Integrity, Teamwork, Excellence and Safety (RITES)

Delivery Program Activity	Operational Plan Action	Status
L1.1.1 Deliver the 4-year Workforce Management Strategy	L1.1.1.1 Implement the Workforce Management Strategy	
L1.2.1 Provide and implement strategic direction and governance of Council	L1.2.1.1 Coordinate and deliver Councillor and executive support services	
	L1.2.1.2 Conduct citizenship ceremonies	
	L1.2.1.3 Advocate for community priorities and work with other levels of government and stakeholders	
	L1.2.1.4 Develop shareholder value through an effective partnership with Newcastle Airport	
	L1.2.1.5 Work with Hunter Councils to enhance the Hunter Region	
L1.3.1 Deliver governance services and internal audit program	L1.3.1.1 Deliver governance and legal services and enterprise risk management	
	L1.3.1.2 Coordinate and report on the internal audit process	
L1.3.2 Deliver the Integrated Planning and Excellence program	L1.3.2.1 Undertake a community satisfaction survey	
	L1.3.2.2 Implement the legislative requirements of the Integrated Planning and Reporting Framework	
	L1.3.2.3 Deliver the Business Excellence workplan	

L1.3.3 Deliver the 4-year program for Service Reviews	L1.3.3.1 Implement the annual service review program	
L1.3.4 Deliver the 4-year program for Corporate Systems and Data Management Strategy	L1.3.4.1 Implement annual actions of the Corporate Systems and Data Management Strategy	



L2 Financial Management

Our Council is financially sustainable to meet community needs

Delivery Program Activity	Operational Plan Action	Status
L2.1.1 Manage implementation of the Long Term Financial Plan 2023 to 2033	L2.1.1.1 Manage Council's financial resources in accordance with the Financial Services Work plan	
L2.1.2 Manage the property portfolio in accordance with the Property Investment Strategy	L2.1.2.1 Manage the property portfolio in accordance with the Strategic Property work plan	
L2.1.3 Implement the 2022 to 2025 Delivery Plans for Beachside Holiday Parks and Koala Sanctuary	L2.1.3.1 Implement the annual actions of the Beachside Holiday Parks and Koala Sanctuary Operational Plan	

L3 Communication and engagement

Our Council is committed to enabling an engaged and informed community

Delivery Program Activity	Operational Plan Action	Status
L3.1.1 Deliver the 4-year Customer Experience Roadmap and Action Plan	L3.1.1.1 Develop, implement and monitor Council's Customer Experience Roadmap and Action Plan	
L3.2.1 Deliver the 4-year program for the Communication and Engagement Strategy	L3.2.1.1 Manage Council's communications and community engagement activities	

Highlights

Newcastle Airport, Hunter Councils, Advocacy

- ✓ Continuing advocacy to meet changing community expectations including housing affordability, homelessness, housing supply and offshore wind projects
- ✓ NAPL has completed significant works for the terminal expansion with substantial works ongoing

Citizenship & Workforce

- ✓ 2 citizenship ceremonies held
- ✓ Launched Council's Employer Value Proposition
- ✓ On-boarding of 13 new Apprentices, Trainees and Cadets

Corporate Systems

- ✓ Fitting out the technology requirements for Council's new Emergency Operation Centre
- ✓ "Report, Request and Apply" page created on our website
- ✓ Integration achieved between the NSW Planning Portal and Council Systems for Building Information Certificates

Governance, Legal, Internal Audit & Risk, Finance, IP&R

- ✓ Deployment of Key Risk Indicator program
- ✓ Embedding the new mandatory data breach scheme and training of the new Public Interest Disclosures Act 2022
- ✓ Preparing for the 2024 local government election
- ✓ Adoption of the 2024-2025 IP&R documents and Fees and Charges

Managing Property & Holiday Parks (HP)

- ✓ Port Stephens Koala Sanctuary received a highly commended award at the Australian Tourism Awards for the Tourist Attraction category

Communications & Engagement

- ✓ Implementing a series of community engagement initiatives for: 2024 Community Satisfaction Survey; Local Housing Strategy, CMP, Wellbeing Strategy Exhibition and more

Challenges

- ✗ Resourcing:
 - Staff shortages
 - Uncertainty for availability of state/federal government funding
 - Economic environment
- ✗ Ensuring compliance with the Risk Management and Internal Audit Guidelines for local government in NSW by 1 July 2024

Our Council snapshot

Workforce Management Strategy (WMS)

- Delivering on 4 strategic objectives

Corporate Systems and Data Management

- Delivering on 5 strategic objectives

IP&R and Service Review Program

- Delivered IP&R requirements
- Completing Infrastructure End to End Delivery Service Review

Financial Sustainability and Roadmap

- Implementation ongoing

Governance & Internal Audit program

- On track

Property Portfolio

- In accordance with Property Investment Strategy Property

Holiday Parks and Koala Sanctuary

- Delivery plans on track

Customer Experience & Communication and Engagement

- Communication & Engagement Strategy program on track



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ITEM NO. 8**FILE NO: 24/124536
EDRMS NO: PSC2017-00180****BUDGET ITEMS CARRIED FORWARD FROM 2023-2024****REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT****RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve the revotes from the 2023-2024 budget as detailed in **(ATTACHMENT 1)** and vote the necessary funds to meet expenditure.

BACKGROUND

The purpose of this report is to advise of the budget items from 2023-2024 that were not completed in that financial year and are proposed to be carried forward to 2024-2025 **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Financial Management	Manage implementation of the Long Term Financial Plan 2024 to 2034.

FINANCIAL/RESOURCE IMPLICATIONS

The works included in this report were partially or wholly unexpended at the end of the 2023-2024 financial year, however, the funds are not automatically carried forward and require Council resolution. The majority of the works are funded from reserves and grants, and have limited impact on Council's Long Term Financial Plan.

Council has traditionally had a number of projects that have been required to be transferred into the following financial year. The program is generally in line with this trend **(ATTACHMENT 1)**.

The carried forward items have been factored into the new Capital Works Program and a cash flow forecast has been amended to account for the extended program.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes		Budget from 2023-2024

ORDINARY COUNCIL - 23 JULY 2024

Source of Funds	Yes/No	Funding (\$)	Comment
Developer Contributions (\$7.11)	Yes		Budget from 2023-2024
External Grants	Yes		Budget from 2023-2024
Other	Yes		Budget from 2023-2024

LEGAL, POLICY AND RISK IMPLICATIONS

In accordance with the Local Government Act 1993 (NSW) and the Local Government (General) Regulations 2021, all budgets lapse at the end of the financial year and require a Council resolution to be reinstated. Failure to reinstate these budget votes would result in these projects being cancelled. It must be noted that the figures listed in (**ATTACHMENT 1**) are indicative only until the end of financial year reconciliation process is complete. The final figure will be available in the September Quarterly Budget Review.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that unspent grant funds may have to be returned.	Low	Adopt the recommendation.	Yes
There is a risk that should the rollovers not occur then the works cannot be completed.	High	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Financial Services Section for the purpose of peer reviewing the need for projects to be carried forward.

Internal

- Strategic Property.
- Assets Section.
- Community Services Section.
- Holiday Parks.
- Organisation Support Section.

External

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Budget Items Carried Forward From 2023-2024. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 BUDGET ITEMS CARRIED FORWARD FROM 2023-2024.

Classification	Project*	Rollover	Funding Source	
			Grant or Contribution	Reserve
Aquatic Structures	Longwork Park Seawall	200,000	200,000	-
Aquatic Structures	Teramby Road Dive Site	247,973	247,973	-
Buildings	Yulong Oval Amenities	316,885	-	316,885
Buildings	Birubi Surf Lifesaving Club	65,605	65,605	-
Buildings	Henderson Park Amenities	308,338	308,338	-
Buildings	Seaham School of Arts Upgrades	84,484	-	84,484
Buildings	Bowthorne Oval Power Upgrades	15,000	15,000	-
Buildings	Stuart Park Power Upgrades	25,000	25,000	-
Buildings	Neil Carroll Amenities	208,280	-	208,280
Buildings	Salt Ash Amenities	117,790	-	117,790
Buildings	Community Assets Solar Rollout Program	281,198	-	281,198
Buildings	Fingal Bay North Amenities	271,349	241,350	30,000
Buildings	Salamander Waste Transfer Station Fire Hydrant System	285,000	-	285,000
Buildings	Aliceton Reserve Amenities Memorial Park	176,622	-	176,622
Buildings	Building Repairs and Upgrades	812,892	-	812,892
Buildings	Birubi Point Aboriginal Place Tourism Interchange Work	4,469,019	4,416,521	52,498
Carpark	Brandon Park Carpark	248,436	248,436	-
Carpark	Shoal Bay Carpark	1,366,964	-	1,366,964
Carpark	Inner Light Carpark Retaining Wall	77,032	47,032	30,000
Property	Investment Property Upgrades	494,625	229,625	265,000
Digital Assets	Smart Parking Project	27,396	-	27,396
Drainage	Nelson Bay Drainage Upgrades Program	1,049,942	-	1,049,942
Drainage	Stockton Ponds - Staunch Pump	66,070	66,070	-
Drainage	Kangaroo St - Flood Pump	24,036	24,036	-
Drainage	John Parade Lemontree Passage Drainage Upgrades	61,906	-	61,906
Drainage	Boyd Boulevard Medowie Drainage Upgrades	304,710	-	304,710
Holiday Parks	Holiday Park Improvements	1,053,615	-	1,053,615
ICT	ICT Renewal Program	1,262,246	-	1,262,246
Property	Property Development	320,093	-	320,093
Open Space	Elkin Avenue Playground	161,240	161,240	-
Open Space	Karuah RV Parking Facilities	163,651	163,651	-
Open Space	Fisherman's Bay Reserve Infrastructure	21,319	-	21,319
Open Space	Tilligerry Boardwalk Stairs	12,750	-	12,750
Open Space	Raymond Terrace Foreshore Park Infrastructure	13,000	13,000	-
Open Space	Riverside Park Barriers	20,000	20,000	-
Open Space	Fingal Bay Foreshore Access Points	52,000	52,000	-
Open Space	Spencer Park Soldiers Point Playground And Amenities Planning	205,010	-	205,010
Open Space	Aliceton Reserve Playground	53,212	-	53,212
Open Space	Centennial Park Playground	4,313	-	4,313
Open Space	Corlette Headland Boardwalk	105,612	105,612	-
Open Space	Hinton Boat Ramp Access Gate And Hardstand Area	17,582	17,582	-
Open Space	Hinton Foreshore Pathway	85,385	85,385	-
Open Space	Hinton Bridge Boat Ramp Upgrade	17,701	17,701	-
Open Space	Fingal Bay Foreshore Upgrades	187,000	-	187,000
Open Space	Tomaree Sports Complex Drainage	577,199	577,199	-
Pathways	Lemon Tree Passage Town Square Upgrades	69,703	-	69,703
Pathways	Shared Path - Nelson Bay Road Fern Bay	760,978	-	760,978
Pathways	Shared Path - Lemontree Passage	15,610	-	15,610
Pathways	Shared Path - Shoal Bay Rd, Shoal Bay - Design	43,015	26,515	16,500
Pathways	Bus Shelter Upgrades	17,537	-	17,537

ITEM 8 - ATTACHMENT 1 BUDGET ITEMS CARRIED FORWARD FROM 2023-2024.

Pathways	Teramby Road - Landslip and Pathway	1,120,176	1,120,176	-
Pathways	Shared Pathway - Shiraz To Shore - Design	398,455	398,455	-
Pathways	Marine Drive, Fingal Bay - Footpath Extension	9,818	-	9,818
Plant	Fleet Replacement Program	858,861	-	858,861
Roads	Future Works Roads - Investigation & Planning	300,000	-	300,000
Roads	Bucketts Way, Twelve Mile Creek	2,217,002	2,116,742	100,260
Roads	East Seaham Road, East Seaham	1,353,910	877,397	476,513
Roads	Medowie Road, Medowie	586,774	486,774	100,000
Roads	Mustons Road, Karuah	97,521	-	97,521
Roads	Clarencetown Road, Seaham	10,916	10,916	-
Roads	Hannah Parade, One Mile	100,000	-	100,000
Roads	Swan Bay Road, Swan Bay Seg 590-160	212,342	-	212,342
Roads	William Street Raymond Terrace Upgrades	77,147	-	77,147
Roads	Beach Road/Victoria Parade, Nelson Bay - Lighting	153,288	-	153,288
Roads	Road Closed Signage	65,000	65,000	-
Roads	Janet Parade, Salt Ash	222,861	140,861	82,000
Roads	Ferodale Road, Medowie Road Design	500,000	-	500,000
Roads	William Street, Raymond Terrace Clock	11,709	-	11,709
Roads	Italia Road, Seg 30 & 40	29,213	-	29,213
Roads	Beach Rd, Nelson Bay	455,909	455,909	-
Roads	Kindlebark Rd, Medowie	52,259	-	52,259
Total		25,679,484	13,047,101	12,632,384

*Figures listed above are indicative only due to end of financial year adjustments not being completed at the time this report was extracted

ITEM NO. 9

**FILE NO: 24/128252
EDRMS NO: PSC2019-04770-14**

MALLABULA SPORTS COMPLEX MASTERPLAN

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note submissions as shown in **(ATTACHMENT 1)**.
- 2) Adopt the revised Mallabula Sports Complex Masterplan shown at **(ATTACHMENT 2)**.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Mallabula Sports Complex Masterplan following recent public exhibition.

The intent of the masterplan is to establish a consolidated strategic vision for the future development of Mallabula Sports Complex and will be used to assist staff in advocating for funding assistance through grants available for sports and event infrastructure projects.

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

As a result of the public exhibition period for the Mallabula Sports Complex Masterplan, 5 submissions were received. A summary of the submissions are shown in **(ATTACHMENT 1)**.

Comments received in the submissions included car parking and pedestrian access improvements, more shade, community centre upgrades, aquatic centre upgrades, an indoor pool, amenities upgrades, improved space for dog exercise area, upgrades to tennis courts to include pickle ball and croquet and spatial allowance for a future two court expansion, BBQ areas adjacent to the existing rugby league clubhouse, more seating, upgrades to fencing, improved pathway connections, additional spectator areas, new entrance to car park from Lemon Tree Passage Road and provisions for junior football field in middle of athletics field.

The revised Mallabula Sports Complex Masterplan **(ATTACHMENT 2)** proposes to include the relocation of existing league fields north to accommodate future

expansion and viewing area for tennis, improved visibility of slow-speed traffic lane and pedestrian crossings between the aquatic centre and tennis clubhouse, improved entry from Lemon Tree Passage Road and a secondary entry subject to engineering and traffic studies.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2024-2034

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The cost associated with staff resources and consultant fees in developing the revised masterplan has been accommodated within existing budgets however should the revised masterplan not be adopted, additional funding that is not currently allocated will be required to accommodate further revisions.
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 the appropriate treatments noted.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the scope of the masterplan following revisions is beyond Council's ability to fund implementation, leading to the community's immediate expectations not being met	Low	<p>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.</p> <p>Adopt the revisions as per the submissions received and continue to partner with the community in sourcing funding for delivery of the masterplan actions.</p>	Yes
<p>There is a risk that should the revised masterplan not be adopted, further revisions will be subject to additional costs that are not currently funded. Additional funding would be required to accommodate further revisions.</p> <p>Note: Funding for development of the masterplan has been provided by Sports Council – reputational risk is likely should the masterplan not be adopted.</p>	Medium	Adopt the revisions as per the submissions received and continue to partner with the community in sourcing funding for delivery of the masterplan actions.	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 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 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.

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.

Following the public exhibition period, further consultation has been undertaken as below:

Internal

- Review of the submissions has been undertaken with the Community Assets Team and Senior Management.

External

- The draft Mallabula Sports Complex Masterplan was placed on public exhibition for a period of 28 days.
- An additional one on one meeting with Cr Tucker following specific submission received from Cr Tucker.

OPTIONS

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

ATTACHMENTS

- 1) Submissions - Mallabula Sports Complex Masterplan. [↓](#)
- 2) Revised - Mallabula Sports Complex Masterplan. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

- 1) Copy of full submissions.

TABLED DOCUMENTS

Nil.

ITEM 9 - ATTACHMENT 1
MASTERPLAN.

SUBMISSIONS - MALLABULA SPORTS COMPLEX

Public Exhibition Submission – Mallabula Sports Complex Masterplan

No.	Author of submission	Comment	Council response
1.	Resident	<p>In response to Constraints –</p> <p>Manage interface with adjacent vegetation and motorcyclists entering the site. Suggestion of users of complex to meet regularly with local law enforcement persons so they can stay abreast of the illegal activity.</p> <p>Manage interface with adjoining residential areas. Suggestion for Council to work with community members in the residential area to have a positive documented process for engagement and feedback to Council that is meaningful. Council to develop a list of all users of the sporting complex with their public office contact details to be made available to community members. Encourage discussions that are productive and resolution focused. Council to have responsibility to review and update each six months.</p> <p>Existing parking has issues with congestion and pedestrian access. Suggestion the current draft masterplan could consider is keeping all vehicles movement to the perimeter/boundaries of the sports complex and prioritise pedestrian and cycle movements through the centre of the fields. Current carpark for the 104 car spaces could be relocated and maybe increased parking station to be adjacent to the skate park. The proposed turning lane from the main road could link directly with the proposed car park and the proposed cycle/pedestrian track linking the cycle/pedestrian path with</p>	<p>Community members, complex users and organisations are welcome to contact local law enforcement to arrange periodic meetings.</p> <p>Community consultation was extensive. All future individual projects suggested by the masterplan will have full consultation processes as well, prior to any works commencing.</p> <p>Internal pedestrian access is a key consideration on this site. Vehicles being restricted to external ring road has several issues (Increases bush interface with vehicles, access for anti-social behavior to bushland, disruption of deliveries, restriction of ambulance and fire vehicle access when required) but the concept of a well-defined pedestrian network is strongly supported.</p>

ITEM 9 - ATTACHMENT 1
MASTERPLAN.

SUBMISSIONS - MALLABULA SPORTS COMPLEX

		<p>Lemon Tree Passage. All these assets would connect and also promote accessibility. Pedestrians can then choose which pathway to take to their activity minimizing congestion for vehicle access and pedestrian access.</p> <p>Retain and protect existing mature trees wherever possible. Whilst trees would be removed if carpark-104 spaces was relocated there is opportunity to plant new trees in this space and provide shade for spectators & players.</p> <p>Issues with access into the site. I believe a traffic study would need to be completed. To divert all the sports complex traffic to be a one way in and out in my opinion is not being responsible to all users of street without further evidence-based reports to be able to make an informed decision on access. The street being proposed does not have designated footpath/pedestrian, road or cycle areas.</p> <p>Existing sports field (football and athletics) amenities building is inadequate. If these facilities have been identified as inadequate will Council be actioning the buildings to be included on their assets management plan or rolling works program? If not now it is identified, how do we ensure they are included in the next budget?</p> <p>Dogs on sports fields. Proposed dog park space is insufficient in size. Explore the current off leash sites if they can be extended?</p> <p>Discussions with schools (State Government Assets)</p>	<p>Broader connections outside of the site boundaries are catalogued in the Tanilba Bay/ Mallabula/ Lemon Tree Passage Pathways Plan, adopted by Council in 2016 and available on the Council website</p> <p>Agreed that tree canopy and passive shade is important. Additional tree planting to carpark redesign as well as opportunities at the detailed design phase of future projects.</p> <p>All individual projects are subject to producing the relevant reports, studies and statutory requirements that would be included in any normal project of that type. Masterplans do not confer approval to construct or any other approvals.</p> <p>The Asset Management Plan does not fund capital expenditure such as creation of new facilities. These works are mostly funded by grant opportunities as well as potentially via development contributions.</p> <p>Community feedback was not supportive of this inclusion and it has been removed from the final masterplan.</p> <p>Noted.</p>
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ITEM 9 - ATTACHMENT 1
MASTERPLAN.

SUBMISSIONS - MALLABULA SPORTS COMPLEX

		<p>use of their field's early morning and after school. Sharing of resources, reducing duplication.</p> <p>Lack of shade across the site, specifically around playground and spectating areas. The relocation of the car park would enable tree planting for more shade in spectating areas.</p> <p>Disconnected pedestrian pathways. The relocation of the car park would encourage connected pathways from Lemon Tree Passage and establishment of additional pathways from carpark to fields, community hall, aquatic facility etc. Existing maintenance, men's sheds and fencing are cluttered and form a barrier at the site main entry. I haven't found these buildings to prevent access or obstruct access to the fields. If you were to apply this theory that an existing building obstructs access then you would need to include the aquatic centre and the tennis courts?? The cost to relocate with no benefit to users of the sport complex? Surely Council staff could provide design ideas e.g. local plants and storage of items and removal of clutter if aesthetically these buildings are not appealing.</p> <p>In response to recommendations of Demand and Analysis Report Findings,</p> <p>Upgrade athletics facilities to include lighting and tiered seating. Reorientate and expand javelin area. Could this recommendation include environmental sustainable strategies to lower operating costs?</p>	<p>Additional tree planting is indicated on the masterplan to address shade.</p> <p>Please refer 2016 Pathways plan for detailed information on connections outside the site.</p> <p>This is part of the reason they are proposed to be moved at the end of the facilities' useful life.</p> <p>Relocation would most likely be at the end of the current asset's lifespan. Reconstruction would be a necessary cost whether the footprint moves or stays in the same place.</p> <p>All included in masterplan. Specific details related to detailed design would be subject to community consultation at the time of the project. Environmental considerations are covered under Council's Climate Policy and Action</p>
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ITEM 9 - ATTACHMENT 1
MASTERPLAN.

SUBMISSIONS - MALLABULA SPORTS COMPLEX

		<p>Upgrade soccer and athletics building to provide inclusive facilities and storage. Recommend to (i) not identify specific users on the masterplan, e.g. inclusive amenities for all users of the sports complex. (ii) investigate environmental sustainable options to lower operating costs.</p> <p>Upgrade tennis to include pickle ball and small croquet lawn. Consider provision of one additional synthetic court. Recommendation to include a hard wall for racquet ball or handball. A masterplan that has a full-sized croquet court (32m by 26.6m) that ensures community members of Tilligerry Peninsula have the same sporting opportunities as other suburbs in the local government area.</p> <p>Provide outdoor BBQ area at rugby league. Recommendation to not identify specific users on the masterplan, e.g. BBQ area for all users of the sports complex.</p> <p>Provide more shade and furniture near playground. Consideration for flexibility in the design to accommodate multiple and changing uses e.g. seating, could also be climbing equipment if sandstone blocks. Trees could provide shade and opportunities for playing games e.g. hide & seek.</p> <p>Upgrade fencing around soccer fields.</p>	<p>Plan, available on the website.</p> <p>Not identifying specific user groups would: a) reduce opportunities for sport-specific funding opportunities; and b) prevent the masterplan from accurately reflecting the current user's needs.</p> <p>Hard wall already exists. Provision for expansion that would accommodate these suggestions is included in the masterplan. It should be noted that no croquet club exists on the Tilligerry Peninsula to provide these services, even though the space has been provided.</p> <p>The grade of competition played at Mallabula rugby League requires fencing. A BBQ area at the clubhouse will necessarily be within this fenced area.</p> <p>Noted. Future embellishment of existing playground will not be prevented by the masterplan. Any works would be subject to community consultation as per normal process.</p> <p>Upgraded fencing is noted on the masterplan.</p>
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MASTERPLAN.

SUBMISSIONS - MALLABULA SPORTS COMPLEX

	<p>Consideration for flexibility in design to accommodate multiple and changing uses.</p> <p>Upgrade car parking access road to improve traffic movement and parking capacity. Please refer to comments Re: constraints.</p> <p>Provide additional international rectangular fields with lighting and irrigation to cater for rugby league and football training and matches. Recommendation to include investigate environmentally sustainable options for lighting and irrigation to lower operating costs.</p> <p>Upgrade pedestrian connections throughout facility. Please refer to comments Re: constraints.</p> <p>Provide shaded spectators seating. Please refer to comments Re: constraints.</p> <p>Upgrade community hall to provide for multi-use community and recreation programs. Recommendation to include a commercial kitchen e.g. lunch and evening dining, different pop-up cafes each month, pop up markets.</p> <p>Upgrade aquatic centre to include non-aquatic infrastructure such as playground, courts, dining area. Recommendation to include the required maintenance for the upgrade of a pool shell to enable the aquatic centre to remain viable. Consider a recommendation for an additional 50 metre pool. To aim to have a facility that</p>	<p>Noted.</p> <p>Upgraded carpark entry is noted on the masterplan.</p> <p>Additional fields located near north of site. See above for environmental policy information.</p> <p>Upgrades noted on masterplan.</p> <p>Upgrades noted on masterplan. A variety of seating will be provided based on specific location/ sight lines for spectators etc.</p> <p>Noted on masterplan.</p> <p>Exact inclusions subject to commercial agreements with future operators.</p> <p>Noted on masterplan. Masterplans are not used to log routine periodic maintenance</p> <p>Consideration was given to these items, but was not the primary feedback from the community or sports users. Unlikely for these inclusions to have a viable supporting business case.</p>
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ITEM 9 - ATTACHMENT 1
MASTERPLAN.

SUBMISSIONS - MALLABULA SPORTS COMPLEX

		<p>meets the needs now and into the future.</p> <p>Consider a recommendation for an indoor pool. To aim to have a masterplan that captures the community needs now and into the future.</p> <p>Non-aquatic pool structure as playground, courts, dining etc. to be accessible to all community members with no charge. There is a fee to enter this open space. This is not an upgrade for the aquatic facility.</p> <p>Consider provision of fenced dog off lead area to assist in keeping dogs off fields. Please refer to comments Re: constraints.</p>	<p>This is a privately run facility which is why usage fees apply.</p> <p>See above comments regarding dog area.</p>
2.	Tilligerry Tennis Club	<p>Concerns that the needs of the organisation have not been met as discussed in previous meets.</p> <p>Organisation proposed strategic plan clearly indicating the need for a further 2 synthetic grass courts in the future.</p> <p>The carpark is overcrowded and dangerous to pedestrians. Suggested need for a buffer zone 3 metres from the fence of Court 3 to allow for spectators and seating. Need for emergency vehicle spaces near the club entrance. Pathway around clubhouse should be replaced and widened.</p> <p>Power pole in carpark needs to be moved to a safe location as many have reversed into it. Organisation have added reflective tape to the pole but accidents still occur.</p> <p>A pedestrian pathway was to be provided across the back of the pool fence connecting Mallabula to the complex and other shared pathways leading</p>	<p>Tennis NSW have been consulted and have confirmed that there is no Strategic Plan for Mallabula Tennis to install x2 new courts.</p> <p>Buffer zones, parking arrangements and lane widths are dictated by Australian Standards.</p> <p>Additional spectator space provided to the north. Adjacent to court 3 would not allow spectators to see the courts due to the clubhouse building location.</p> <p>A pedestrian pathway is provided, please refer masterplan. Standard traffic calming devices and a low speed</p>

ITEM 9 - ATTACHMENT 1
MASTERPLAN.

SUBMISSIONS - MALLABULA SPORTS COMPLEX

3.	Resident	<p>through the complex and to Lemon Tree Passage are missing. The new plan shows pedestrians walking through the carpark. Turning the pathway beside the pool into a road would also be dangerous as it is used by walkers, bicycles and mobility vehicles at the moment. Better signage and a new entrance makes this change unnecessary.</p> <p>The entrance from Lemon Tree Passage Rd into the complex needs to be moved towards Lemon Tree Passage, which would free up space for extra car parks. The church could then have its own entrance. At the moment this entrance is confusing, dangerous and gives no access to the Tennis Club. People constantly turn into the sports complex looking for Tennis. A better sign at the corner of Fairlands Rd and Lemon Tree Passage Rd would also help avoid this problem in the future.</p> <p>Concerns are as follows-</p> <p>Emergency car spaces to be allocated near the entrance to the courts. A need to allow space between fence and parking for spectator viewing and improved draining.</p> <p>Clubs submission it was requested for additional 2 courts behind existing to accommodate for projected increase of interest of the sport.</p> <p>Further improvement of vehicle access from Strathmore Road to tennis courts and improved drainage.</p>	<p>environment will mitigate any potential issues. These details are also determined by Australian Standards.</p> <p>Additional entry located on masterplan. Secondary entry for Church will be subject to traffic engineering and Australian Standards, and as such may not be plausible.</p> <p>Emergency vehicle spaces will be provided in accordance with Australian Standards. Proposed spectator viewing area will not provide views to all courts due to building location. Proposed to north.</p> <p>Tennis NSW have confirmed that the club currently sits at 55% usage rates and Tennis NSW have no forecast growth. Tennis NSW confirmed there is no strategic plan for these additional courts.</p> <p>Please refer to masterplan for changes to entry arrangement.</p>
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ITEM 9 - ATTACHMENT 1
MASTERPLAN.

SUBMISSIONS - MALLABULA SPORTS COMPLEX

4	Resident	<p>Improved signage to courts from Lemon Tree Passage Road & Strathmore Road.</p> <p>Pathways around the building needs to be widened for access and safety.</p> <p>A safe shared pathway across the back of the swimming pool fence to allow better access through the complex from Mallabula.</p> <p>As members of local club, are witness to the growing interest of Tennis in both Junior and Senior sectors. Memberships will continue to grow with the addition of Pickle Ball courts.</p> <p>Concern Masterplan does not include 2 additional 2 courts in area behind existing courts. A need for the local club and future competitions.</p> <p>There was the expectation of a walk/bikeway would be constructed along the back of the swimming pool to link Mallabula and Tanilba Bay walk/bikeway towards Lemon Tree Passage. With this in mind the beautiful artwork painted on the back of tennis club wall which would be visible to visitors and residents using the future pathways.</p> <p>Further concerns of the carpark layout. It does not take into account emergency vehicle access and seems to be too close to the tennis court fencing.</p>	<p>Unclear which building this refers too.</p> <p>Please refer to masterplan for location of this shared path</p> <p>Tennis NSW have confirmed that the club sits at 55% usage rates and that there is no forecast growth that would require additional courts in the short term. Space has been allocated so that if usage grows expansion is possible.</p> <p>Tennis NSW confirmed there is no strategic plan for these courts. Additional space made available in suitable location.</p> <p>Refer to masterplan for location of shared path, which is located as per comment. Refer 2016 Pathways plan for adopted broader pathway connections.</p> <p>Emergency vehicle access was a key consideration during design.</p>
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SUBMISSIONS - MALLABULA SPORTS COMPLEX

5	Councillor	<p>Copy of masterplan provided as submission of suggestions,</p> <p>Push league field further back. Additional tennis courts and parking between League field and existing tennis courts.</p> <p>Enlarged grass area adjacent to tennis.</p> <p>Additional spectator area in proposed carpark area.</p> <p>Shared pathway- No vehicle access as mark on submission drawing.</p> <p>Propose a new entrance to carpark and close the access road as per Masterplan, though retain existing road access to Church.</p> <p>Consideration for a possible Junior football field in the middle of athletics field.</p>	<p>Parking not to be incorporated, but fields moved north to accommodate future expansion and viewing area for tennis, as required.</p> <p>Poor location for visibility and Crime Prevention Through Environmental Design (CPTED) considerations. Moved north.</p> <p>This path is included, please refer to masterplan.</p> <p>New entry located on masterplan. Secondary entry subject to engineering and traffic engineering study.</p> <p>Interior of athletics field houses discuss, long jump, javelin equipment. This use has a negative impact on quality and finances of athletics users and would not be supported unless capacity absolutely required this.</p>
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Mallabula Sports Complex Landscape Masterplan Report

Located on Worimi Country

Prepared for

Port Stephens Council

Issue

04

Date

12.06.2024



Moir Landscape Architecture Pty Ltd Ph: (02) 4965 3500
Studio 1, 88 Fern Street www.moirla.com.au
P.O. Box 111, Islington NSW 2296 ACN: 097 558 908
admin@moirla.com.au ABN: 48 097 558 908

Acknowledgement of Country

Moir Landscape Architecture would like to acknowledge the traditional custodians of the lands and waters of Australia, most notably the Worimi Nation, the traditional owners of the lands on which this project resides. We acknowledge their contribution to our community and their deep connection to the land. We pay our respects to Elders, past and present.



Contents

- 01 Introduction
- 02 Document Review
- 03 Site Analysis
- 04 Community Consultation Summary
- 05 Opportunities & Constraints
- 06 Spatial Exploration
- 07 Proposed Masterplan

Issue 04

Revision	Date	Author	Checked	Comment
01	04.03.24	EB	TB	Preliminary Masterplan For review
02	10.04.24	EB	TB	Revised Masterplan for Review
03	23.04.24	EB	TB	Revised Masterplan for Review
04	12.06.24	EB	TB	Final Masterplan



Project Overview

Moir Landscape Architecture (Moir LA) has been engaged by Port Stephens Council (PSC) to undertake the landscape masterplan design and documentation for Mallabula Sports Complex in Mallabula on the Tilligerry Peninsula in Port Stephens.

The purpose of this report is to provide a comprehensive site analysis including opportunities and constraints and a preliminary masterplan diagram. The research and analysis will inform the design principles and an indicative spatial layout for the site.

The following project requirements were gathered through consultation with stakeholders:

- Exploration of an off leash dog area
- Maximised vehicular access
- Reconfigured parking & pedestrian access points
- Amenities redevelopment and field layout

PSC Masterplanning Process:

This Masterplan captures a 20 year vision for the site. This lifespan allows Council to periodically check in with the community and sports users about current and developing issues and sporting trends to make plans that are relevant to the community

Masterplan value and opportunities:

- A point in time to check that current thinking meets club and community needs. This is an opportunity for the community to have input into the ongoing development of Mallabula Sports Complex.
- A clear vision for the site. This ensures that future upgrades are not incorrectly placed or scaled for the user's needs, preventing inefficient use of funds
- An adopted masterplan assists in Grant Applications for future funding to deliver upgrades, demonstrating a well considered understanding of the site and consultation on the needs of its users to funding bodies.
- A joint understanding between the broader community, Council and sporting clubs about the future plans for the site



Site Overview

Mallabula Sports Complex is a District level Sports Ground located at 1195 Lemon Tree Passage Road. The sports complex borders Lemon Tree Passage Road to the south and backs onto the residential lots on Wychewood Avenue to the west, it is surrounded by existing bushland to the north and east. While it presently meets sporting needs, there is a need for space optimisation and amenity enhancements.

The park is currently utilised by several sporting groups including rugby league, cricket, soccer, tennis and athletics. There is a local scale skate park as well as a small playground accompanied by a small multi-court, picnic tables and a public toilet. It also houses the Tilligerry Aquatic and Fitness Centre, Mallabula Community Centre and a Mens Shed.

Planning District: Tilligerry

Suburb: Mallabula

Existing Facilities

- Fields 1 to 5 (rugby league, 2 x senior football, athletics, training / cricket)
- Athletics field
- Netball courts
- Tennis Courts
- Canteen
- Meeting room
- Car parking
- Accessible toilet
- Skate park and Playground
- Swimming Pool

Existing Users

- Tilligerry Tennis
- Tilligerry Football Club
- Tilligerry Athletics Club
- Mallabula Panthers Rugby League
- Tilligerry Aquatic Centre (Managed by private operator under contract with PSC)
- Mallabula Community Centre (various community groups including Martial Arts, Port Stephens Neighbourhood Centre)
- Tilligerry Mens Shed

LEGEND

- Property boundary
- Extent of works boundary
- Suburb boundary

0 50 100 150 250m



Source: Nearmap, 2023. Scale: 1:3000 @ A3

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Site Photos

The following images show the site character, built form, the landscape features, typical site materials and vegetation.



Mallabula Sports Complex - Landscape Masterplan Report

Site Photos



02

Document Review



Government Architect NSW Documents



Better Placed

The Government Architect NSW (GANSW) has prepared Better Placed as an overarching policy that guides the planning and design of the built environment across NSW.

The Policy outlines key priorities for good design in NSW with regard to current issues including climate change, population growth and health. The document provides outlines key objectives for design, driven by an iterative, comprehensive design process.

Better Placed sits alongside other GANSW policies, guides, manuals and case studies including the Draft Connecting with Country framework and the Draft Greener Places Design Guide. The guidance provided by these documents will inform the design approach for the landscape strategy, ensuring the delivery of a high quality design in line with State Government principles.



Connecting with Country Framework

The Connecting with Country document is a framework for understanding the value of First Nations knowledge and experiences in the design and planning of the built environment in NSW. The framework has been prepared by GANSW in collaboration with Traditional Custodians, community representatives, consultants and other government staff.

The framework outlines the term 'Country' as "*Country encompasses everything. It includes both living and non-living elements. It holds everything within the landscape, including Earth, Water and Sky Country, as well as people, animals, plants, and the stories that connect them*" (p. 20).

The document provides guidance on developing connections with Country to inform the planning, design and delivery of projects. It includes key principles and strategies for consideration, which are supported by case studies of existing projects across design disciplines.



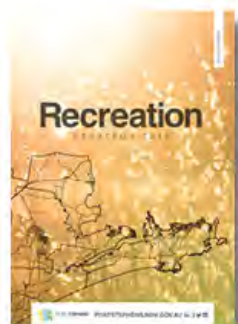
Public Open Space Strategy for NSW

The Public Open Space Strategy for NSW is a significant initiative aimed at enhancing public open spaces across the state. The document aims to create vibrant, accessible, and sustainable open spaces that enhance our quality of life. It's a step toward healthier, happier communities.

These spaces include parks, natural areas, waterways, sports grounds, historical sites, and recreation trails. The strategy aims to create more effective and accessible open spaces that contribute to ecological, economic, social, and cultural well-being. Projects such as the Parks for People program, the Open Spaces Program, and the Everyone Can Play program are part of this effort to improve public open spaces in NSW. Access to these spaces promotes physical and mental health, making them essential for our communities.

It provides a collaborative, coordinated, and evidence-based approach for government agencies to plan, invest, and deliver public open spaces.

Guiding Strategies



Recreation Strategy 2018 Volume 01

The Port Stephens Recreation Strategy aims to enhance recreation facilities by assessing current supply and demand while considering the needs of the present and future population. The Strategy's scope includes auditing current facilities, understanding future needs, establishing a planning framework, and developing a prioritized implementation plan to achieve strategic objectives.

- Objective 1: Provide recreation facilities that are appropriately scaled and responsive to community need
- Objective 2: Improve the quality and diversity of existing recreation facilities to provide a range of leisure and recreation opportunities for residents and visitors.
- Objective 3: Create a network of centralised sporting precincts and facilities.
- Objective 4: Provide a recreation facility network that is inclusive and accessible.
- Objective 5: Implement environmentally sustainable approaches to alleviate the impacts of climate change on the recreation facility network.
- Objective 6: Provide recreation facilities that are safe, attractive and well utilised.
- Objective 7: Achieve well managed and maintained recreation facilities through a coordinated and planned approach.



Recreation Strategy 2018 Volume 02

"Port Stephens Recreation Strategy Volume 2 – Background and Information" serves as a supporting resource for the creation of the Port Stephens Recreation Strategy (Volume 01). It compiles detailed insights into the resources and methodologies utilised in the development of the Strategy. The key sections of this document include, Planning Context, Participation Trends, Categorisation of Recreation Land, Planning Profiles, Recreation Land and Facility Gap Analysis and Community Engagement.

The Tilligerry Peninsula is anticipated to experience minimal population growth to 2036 with a continued high representation of the 55 year and older cohort. Recreation facilities currently offered are well represented by local parks and district sports grounds. The focus in the Tilligerry Peninsula should be on rationalisation/consolidation of local parks that are surplus to need.



CSIRO - 'The Future of Australian Sport'

In 2013, CSIRO published 'The Future of Australian Sport' for the Australian Sports Commission, identifying key 'megatrends' expected to influence the sports industry for the next 30 years. One significant trend is the growing popularity of individual sports and fitness activities, such as aerobics, running, walking, and gym memberships. This shift is driven by people incorporating sports into their busy lifestyles for personal health goals, favouring flexibility over regular organised events.

The top five activities for NSW adults include walking, fitness/ gym, swimming, athletics (jogging/running), and cycling. Sporting clubs are adapting by modifying game formats to attract time-constrained individuals, leading to the rise of short sporting competitions like 20/20 cricket and 6-a-side soccer.

This trend has implications for recreation provision, emphasising the importance of linkages, pedestrian and cycleway networks, and accommodating non-organised physical activities. Short sporting game formats necessitates flexibility in surface and court layouts.

Other Relevant Documents

AusPlay Participation (accessed 19 September 2023).
Top Activities for adults in NSW



Top 5 Activities for adults in NSW (Jan – Dec 22)

Women



Men



Top 5 Activities for children in NSW (Jan-Dec 22)

Girls



Boys



Port Stephens Council Recreation Strategy

- Adequate provision of District Sports grounds within the Tilligerry Peninsula, maintaining existing facilities will continue to service the Tilligerry populations beyond 2036.
- Benchmark gap analysis indicates there is currently adequate cricket ovals, football (soccer) fields, athletics tracks, tennis courts and aquatic centers to 2036. Rugby league fields are to be monitored in accordance with demonstrated demand.
- Upgrading facilities should be undertaken with consideration to the Recreation Strategy and relevant Sporting Facility Guidelines

03

Site Analysis



Wider Context

The site is located within the Tilligerry Peninsula which consists of the suburbs Lemon Tree Passage, Mallabula, Tanilba Bay and Oyster Cove. Tilligerry Peninsula is bounded by the Karuah River to the north and Tilligerry Creek to the South. Major features of the area include the Tanilba Bay Golf Course, Tanilba (historic) house, extensive foreshore reserves and the recently upgraded Lemon Tree Passage foreshore.

Forecast in Population Change

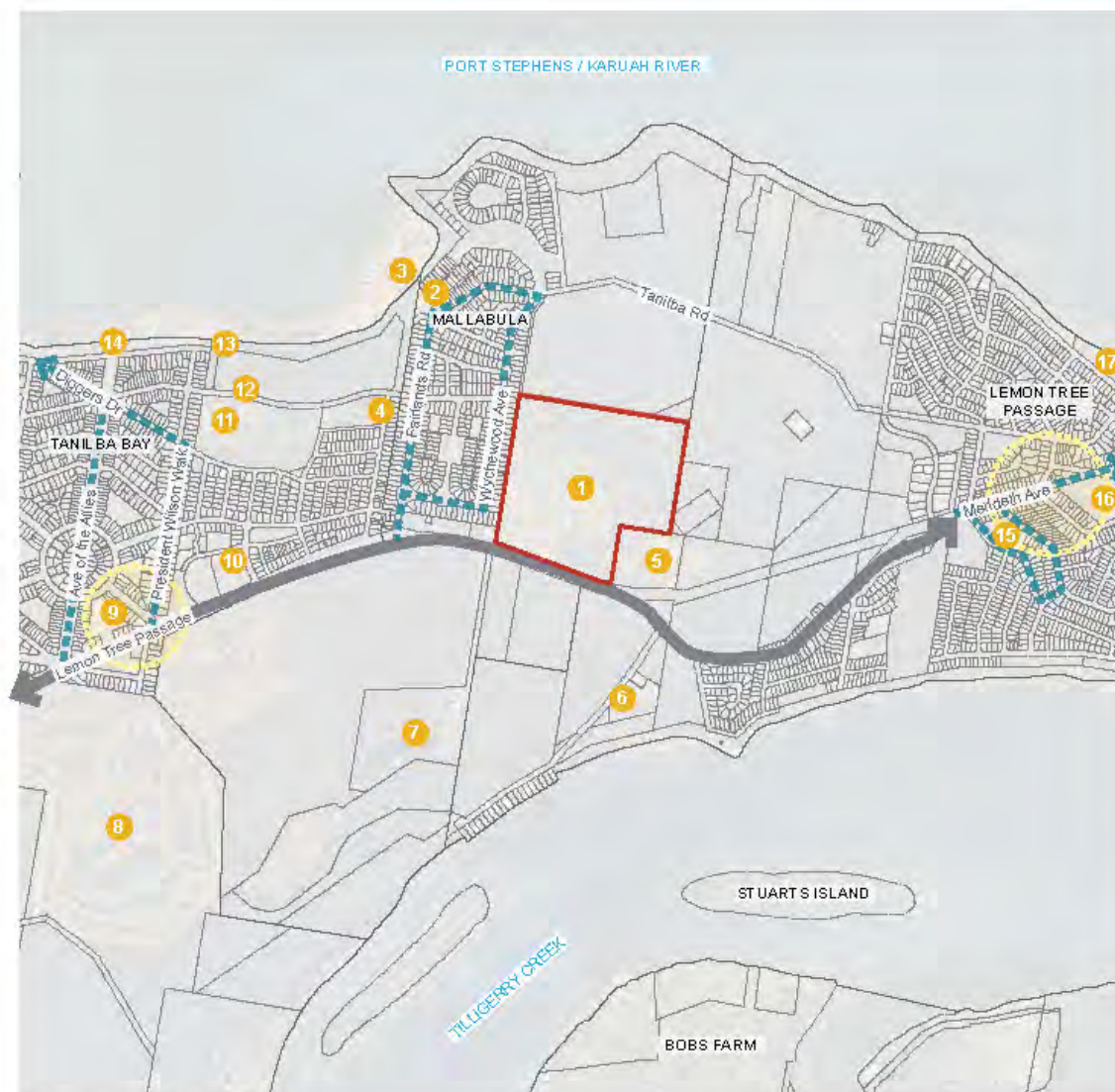
- Actual Population (2016): 6,767
- Projected population (2036): 7,179

KEY DESTINATIONS

- | | |
|---|---|
| 1 Mallabula Sports Complex | 9 Tanilba Bay Shopping Centre |
| 2 Caswell Reserve | 10 Tilligerry RSL Sports Club |
| 3 Billy Beach Off-Lead Dog Exercise Area | 11 Tanilba Bay Public School |
| 4 Koala Park | 12 Tilligerry Habitat |
| 5 Lemon Tree Passage Waste Disposal Station | 13 Tanilba Bay Boardwalk |
| 6 Koala Shores Port Stephens Holiday Park | 14 Peace Park |
| 7 Tanilba Bay Waste Water Treatment Works | 15 Club Lemon Tree |
| 8 Tanilba Bay Golf Course | 16 Lemon Tree Passage Dog Exercise Area |
| | 17 Henderson Park |

LEGEND

- Property boundary
- Suburb boundary
- Lemon Tree Passage (60-90km)
- Bus Route
- Town Centre



Source: Nearmap, 2023. Scale 1:15000 @A3

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Ecology Network

The Tilligerry peninsula has an abundance of nature reserves, national parks and environmental conservation areas.

The vegetated areas identified in this plan consist predominantly of the following vegetation communities, Coastal Sand Swamp Mahogany Dry Forest, Coastal Sands Apple-Blackbutt Forest, Hunter Coast White Mahogany Low Forest, Coastal Sands Swamp Mahogany Rush Forest, Hunter Coast Lowland Apple-Bloodwood Forest, Northern Paperbark-Swamp Mahogany Saw-sedge Forest, and Lower North Sands Swamp Scrub.

In the immediate surrounds of the site is the Coastal Sands Swamp Mahogany Dry Forest and the Coastal Sands Apple-Blackbutt Forest.

RECREATION DESTINATIONS WITHIN VEGETATED AREAS

- 1 Tilligerry Habitat
- 2 Tanilba Bay Boardwalk
- 3 Koala Park
- 4 Surrounding Crown Lands (Reserve for Preservation of Native Flora and Fauna)
- 5 Panorama Outlook Reserve
- 6 Gibber Point Reserve
- 7 Native Corridor

LEGEND

- Property boundary
- Suburb boundary
- Water body
- Significant vegetation areas
- Parks and Reserves



Source: Nearmap, 2023. Scale 1:15000 @A3

Mallabula Sports Complex - Landscape Masterplan Report

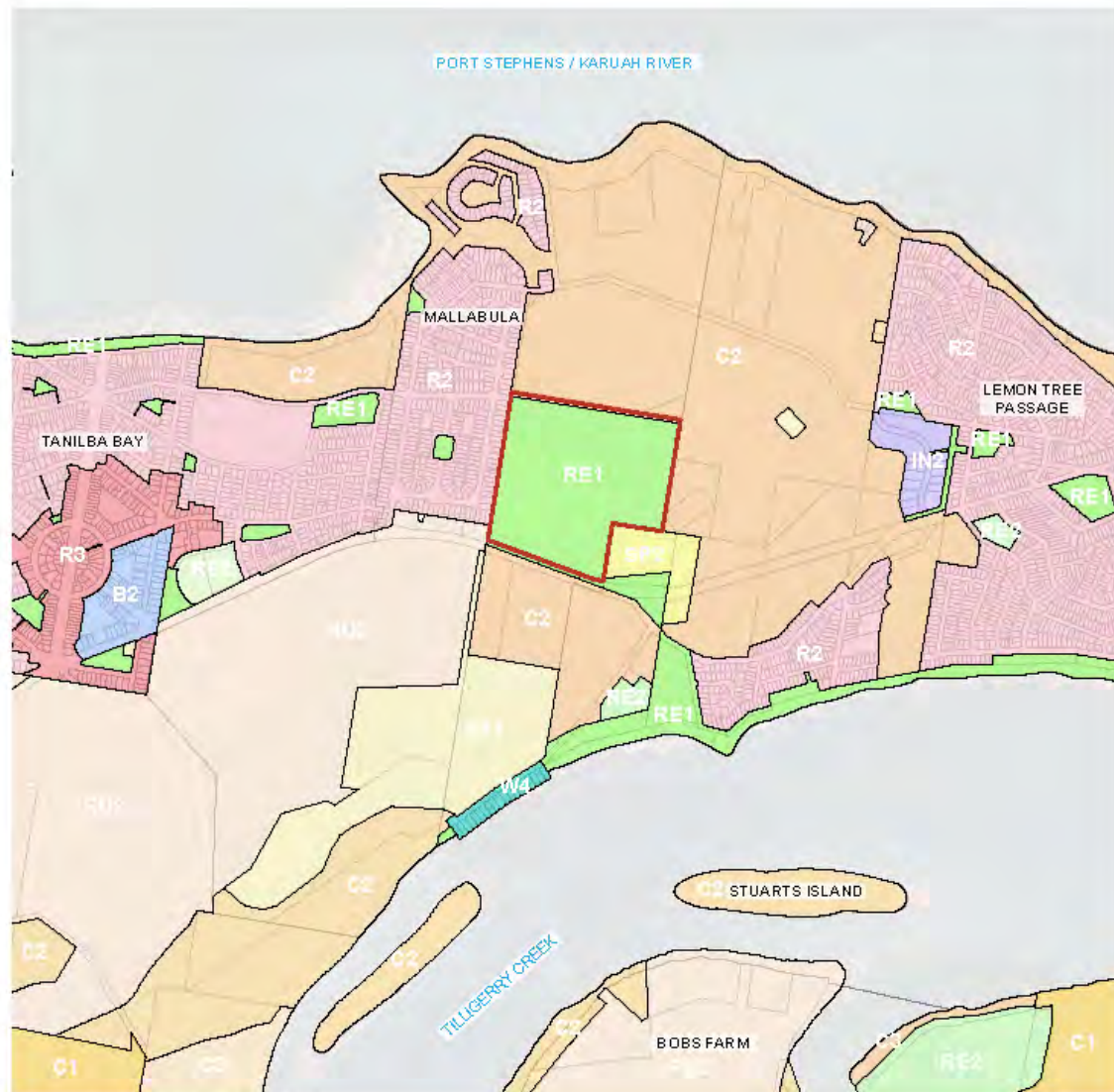
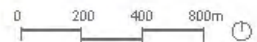
Land Use

The site is zoned as RE1 Public Recreation. The land use zoning within the site's immediate surrounds is R2 - Low Density Residential, C2 - Environmental Conservation and Management and SP2 - Infrastructure (Lemon Tree Passage Waste Facility)

Other areas zoned as RE1 are scattered throughout the peninsula. Mallabula Sports Complex is the largest site zoned for Public Recreation.

LEGEND

- Property boundary
- Suburb boundary
- C1 - National Parks and Nature Reserves
- C2 - Environmental Conservation; C2, Environmental Management
- C3 - Environmental Management
- R2 - Low Density Residential
- R3 - Medium Density Residential
- B2 - Local Centre
- W4 - Working Waterfront
- RE1 - Public Recreation
- RE2 - Private Recreation
- RU2 - Rural Landscape
- SP1 - Special Activities
- SP2 - Infrastructure



Source: Nearthmap, 2023. Scale 1:15000 @A3

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Connectivity

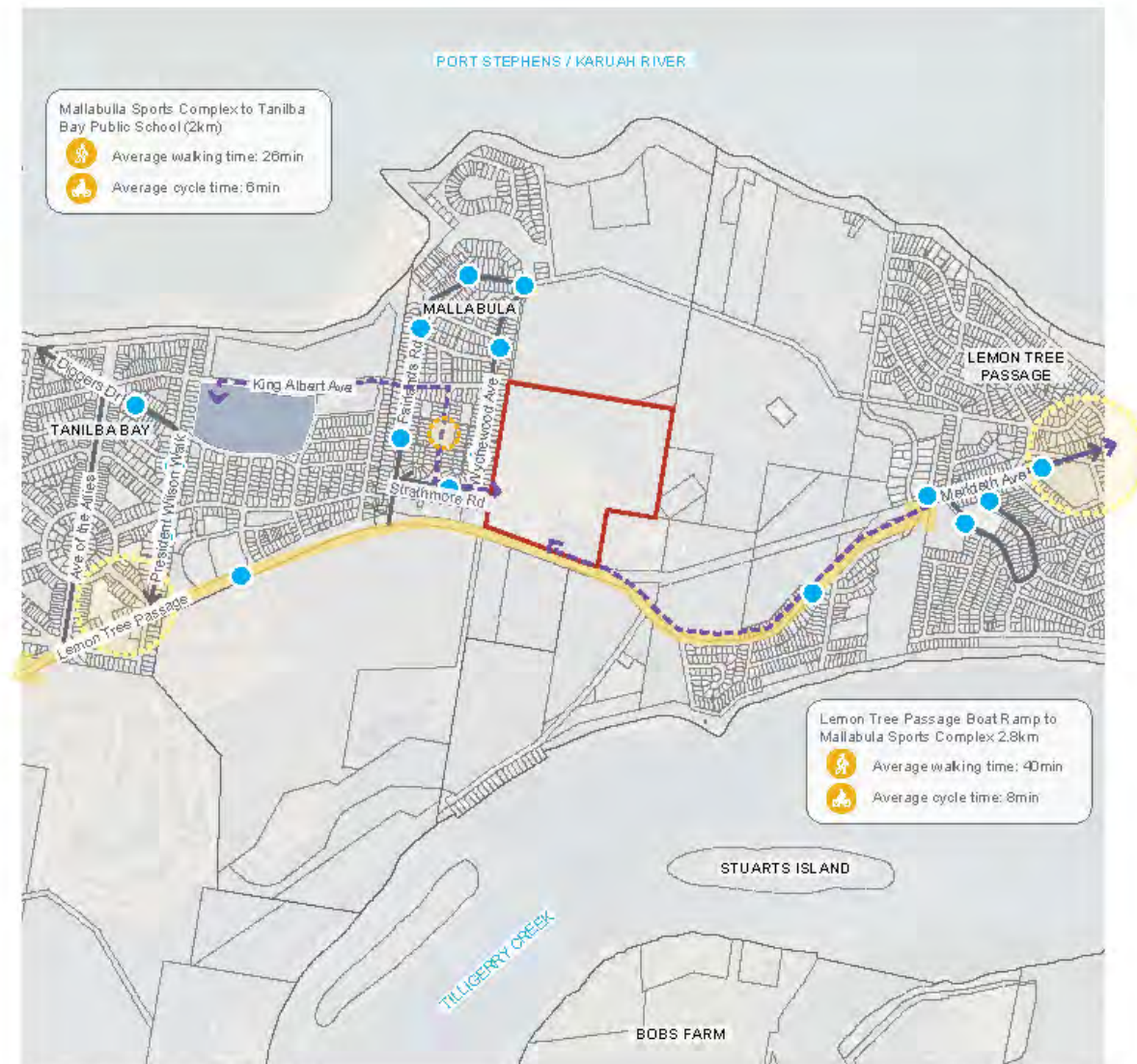
The site is accessed primarily via Lemon Tree Passage Road, and secondarily from Strathmore Road. A narrow road which serves as the only route in and out of the Tilligerry Peninsula.

A number of bus stops are located within walking distance of the site, providing public transport access within the local area and wider region.

There is currently limited cycle and pedestrian connections provided within the surrounding area. A strong pedestrian / cycle link exists from Lemon Passage to the site, however, this path does not continue through to Mallabula or Tanilba Bay. There is opportunity to continue this link to Tanilba Bay Public School and on to Tanilba Bay Waters edge and foreshore parks going via the Mallabula Square and along King Albert Avenue.

LEGEND

- Property boundary
- Suburb boundary
- Major road
- Bus Route
- ↔ Pedestrian / Cycle Connections
- Town Centre
- Tanilba Bay Public School
- Mallabula Square
- Bus stop



Mallabula Sports Complex - Landscape Masterplan Report

Bush Fire Prone Land

The site is surrounded by bushfire prone land and the park itself is classified as category 0 - vegetation buffers. The vegetation surrounding the site is classified as follows.

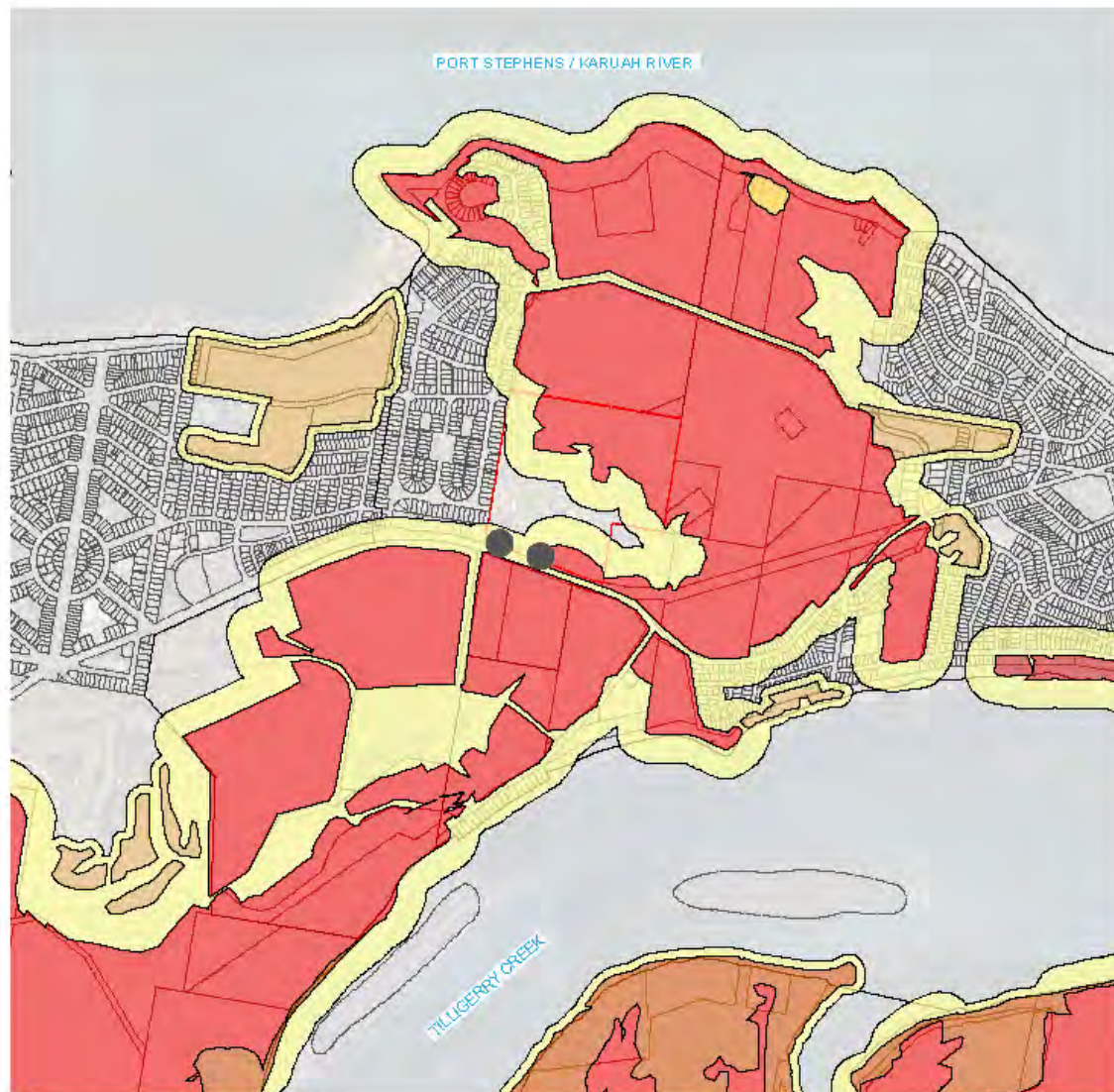
- Category One - Areas of forest, woodlands, heaths (tall and short), forested wetlands and timber plantations.
- Category Two - Rainforests or Lower risk vegetation parcels.

A Bushfire Report is recommended.

LEGEND

- Property Boundary
- Category 1
- Category 2
- Category 3
- Category 0 - Vegetation Buffer
- Existing Emergency Evacuation Point

0 200 400 800m



Source: Nearmap, 2023. Scale 1:15000 @A3

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Existing Amenities

- 1 Sports Amenities Building 1
Tenanted by Rugby League – Tier 2 – Good Condition
- 2 Sports Amenities Building 2
Tenanted by Football and Athletics – Tier 3 – Satisfactory Condition, however it is disjointed and does not meet current user needs
- 3 Three senior rectangular fields with floodlighting and irrigation
- 4 One training field and one mod field with irrigation
- 5 Three cricket synthetic pitches
- 6 One Athletics track, long jump, shot put, discus, javelin, lighting and irrigation, 1 unsatisfactory storage container
- 7 Aquatic Centre with 8 lane x 25m outdoor pool and water play
- 8 Three Tennis Courts, 2 x synthetic and 1 x hard court. All with lighting.
- 9 One Tennis amenities building with outdoor shaded undercover area
- 10 Existing hard surfaced area - previously used for Netball
- 11 Community Centre
- 12 Council depot/shed
- 13 Men's Shed
- 14 Skatepark
- 15 Playground
- 16 Multi court
- 17 Public accessible toilet block

LEGEND

- Property boundary
- Area outside project scope



Source: Nearmap, 2023. Scale: 1:3000 @ A3

Mallabula Sports Complex - Landscape Masterplan Report

Condition of Existing Amenities

Mallabula Sports Complex is the only sporting facility within the Tilligerry Peninsula and is therefore a well used recreation destination by locals.

Redevelopment of the existing amenities building will allow inclusion of new change rooms, toilets, additional internal storage, new canteen facilities and better integration with parking.

The existing amenities for the football fields has been identified for complete renewal, whereas the existing amenities at the League fields are sufficient, requiring only adjustments to cater to female players and the inclusion of a covered BBQ area.

The following summarises the key desires of the current users:

- Gender neutral facilities / renewal of ageing infrastructure
- Irrigation and drainage for fields
- Improved lighting - carpark and back fields for training
- Field fencing improvements and safety fencing behind goals
- Improved shade and shelter
- All-abilities access, overall improved circulation and pathway networks
- Refurbished training nets
- Multi-purpose facilities / pickle court / multi court / hit wall
- Spectator seating, bench seating

Subject to consultation during detailed design phase of implementation.



Movement, parking and local access

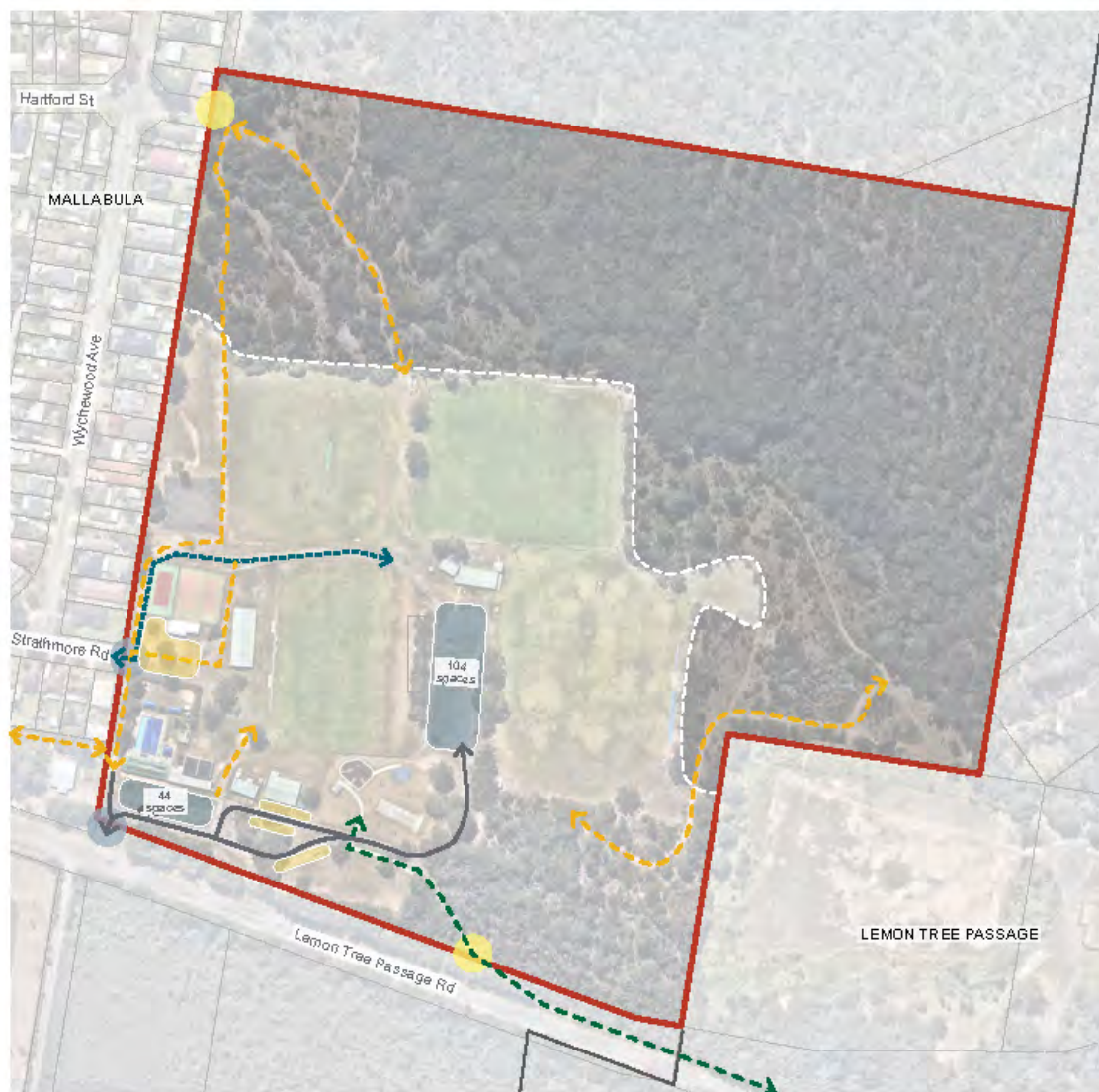
The current state of the site is characterised by disjointed pathways, challenges with vehicular access, congestion problems, and instances of vehicles and motorcycles entering the sports fields.

There is a recognised need for the establishment of a formalised entry from Strathmore Road, the implementation of traffic control measures, enhanced parking facilities, and the development of a DDA compliant pedestrian network throughout the site.

There is an opportunity to create connections to the existing bush trails surrounding the site. Furthermore, extending the shared path along Lemon Tree Passage Road within the site presents a chance to link to the local school and community.

LEGEND

- Property boundary
- Suburb boundary
- Area outside project scope
- - - Informal pedestrian connections
- - - Existing shared path connecting to Lemon Tree Passage
- Vehicular access
- - - Informal vehicular trails across site
- Pedestrian site access
- Pedestrian / vehicular access
- Formalised parking
- Informal parking



Source: Nearmap, 2023. Scale: 1:3000 @ A3

Mallabula Sports Complex - Landscape Masterplan Report

Condition of Existing Entries and Parking

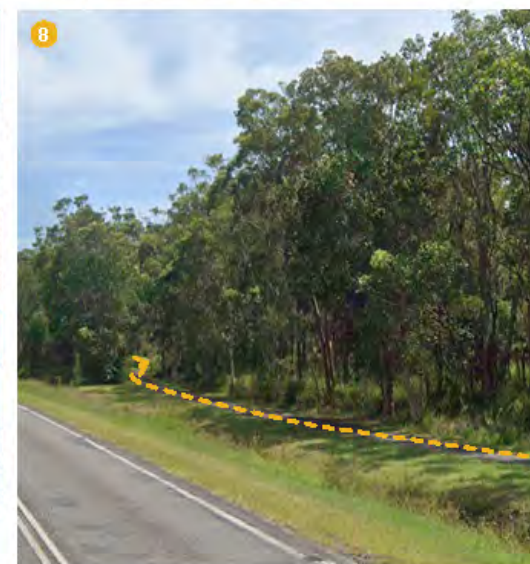
A key concern of the existing users is access to, and within the site as a major limitation for larger events. The proposal of a new turning lane on Lemon Tree Passage Rd, improved traffic design and parking layout will aim to address these concerns.

Objectives:

- 1 Alleviate congestion at intersection and allow easier traffic control by exploring a new turning lane into/ out of facility off Lemon Tree Passage Road
- 2 Formalise entry and parking from Strathmore Road including a new one-way vehicle link from Lemon Tree Passage entry
- 3 General vehicle control improvements across site
- 4 Parking to be reconfigured and lined
- 5 Propose new parking opportunities
- 6 Formalise pedestrian pathways away from collision points / vehicle routes
- 7 New Perimeter pathway around facility with vehicular control fencing / access points
- 8 Formalise connections to existing paths

Design Considerations:

- Design pending future detailed Traffic Engineering.
- Early exploration shown for consultation purposes, not final design. This demonstrates the design intent to be investigated.



Topography & Views

The Mallabula Sports Complex has predominantly even terrain, characterised by a slight elevation change of approximately 2 meters throughout the project area. The adjacent bushland, situated beyond the project's scope of works, forms a green backdrop for the fields, reaching its pinnacle at approximately 65 meters.

Positioned to the south of the League amenities building, there is an elevated viewing mound. This elevated point is a favoured location for spectators, offering a vantage point beneath the shelter of existing trees, making it an ideal spot to observe the games.

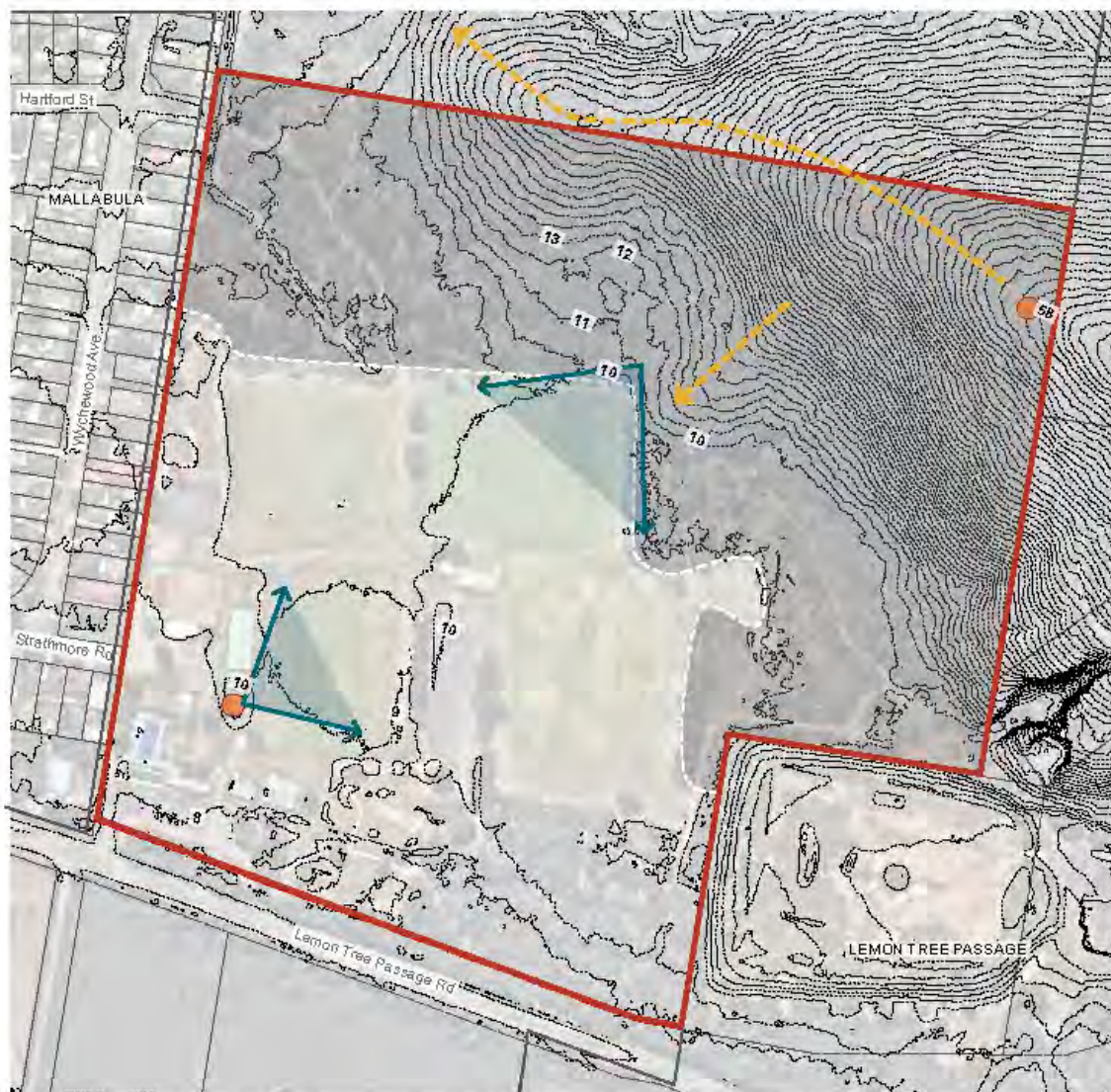
The site's flat topography affords expansive views across the entire area. There exists significant potential to enhance the overall legibility of the site by improving view corridors, implementing strategic fencing, and optimising access and entry points.

LEGEND

- Property boundary
- Suburb boundary
- Area outside project scope
- Existing contour
- Fall direction
- High point
- X RL500 Existing RL (approx only. No survey at time of Masterplan)
- ↔ Key view corridor



Mallabula Sports Complex - Landscape Masterplan Report



Source: Nearmap, 2023. Scale: 1:3000 @ A3

Heritage

The bushland surrounding the Mallabula Sports Complex is valued as significant bushland by the Worimi people, who are the original custodians and inhabitants of Port Stephens. It holds high cultural value for the community, serving as a site for cultural burnings and education. It was in a tin shed, at the back of the football fields at the Mallabula Sports Complex, that the Worimi Local Aboriginal Land Council (WLALC) was initially formed in November, 1984.

One of the noteworthy initiatives at the bushland adjacent to Mallabula Sports Complex is the Culturally Informed Cool Burn project, led by the Worimi Local Aboriginal Land Council, Firesticks Alliance and Hunter Local Services. The project is a comprehensive endeavour aimed at enhancing koala habitat, reinstating appropriate fire regimes, and minimising the risk and impact of wildfires. These strategic projects contribute significantly to long-term bushfire reduction, providing vital support to both local communities and ecosystems.

In implementing the masterplan, there is opportunity to collaborate with community groups for plant sourcing and landscape works. This collaboration can ensure plants are sourced from local seed and also reinforces a sense of unity and shared responsibility among community members.

Photos are taken from the cool burn workshop on the 26th October 2023.



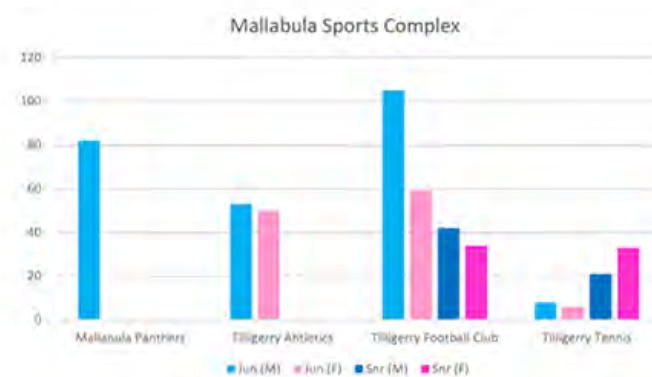
04

Community Consultation Summary



Demand and Analysis Report Findings

Port Stephens Council undertook significant community and stakeholder engagement to complete the Mallabula Sports Complex Demand and Analysis Report. The findings are summarised in this chapter.



Primary User Needs

Representatives from each sporting club provided feedback on their desires for the Mallabula Sports Complex Masterplan. Summarised as follows.

Tilligerry Athletics

- Upgrade and reorientate javelin area
- Improve lighting
- Upgrade storage and amenities
- Tiered seating and improved pathway connections
- The club would like to attract zone and regional carnivals
- The club do not support a senior football field due to damage that would occur to track
- Dogs discouraged from facility

Tilligerry Tennis

- Upgrade the hard court to accommodate pickle ball and incorporate a hit up wall
- The club run a social comp two nights per week (Mon and Thurs)
- Add additional synthetic courts and a croquet lawn
- Formalise car parking
- Drainage near facility needs improving

Junior Rugby League (Mallabula Panthers)

- Upgraded car parking
- More seating around field 1
- Building alterations to allow direct access to gym
- Additional female friendly change rooms
- Lighting upgrades (100 Lux)
- An additional senior sized field and outdoor bbq area

Tilligerry Football Club

- Additional fields to accommodate expected growth
- Upgraded lighting
- Additional change rooms
- Pitch fencing and improved amenities

Tilligerry Aquatic Centre and Community Hall

- Tilligerry Aquatic Centre attract programs from Salt Ash, Tanilba and Medowie Public Schools.
- Planning upgrades to provide non aquatic programs such as volley ball, climbing wall and connection to Community Hall.
- Facility requires more shade over pool. Relocate pool covers to allow for outdoor eating area / cafe expansions, new garden shed.
- Long-term operations of the pool may continue to cause significant implications to budgets due to poor condition of pool shell.
- Community hall users would like air conditioning, shade and furniture near playground.

Demand and Analysis Report Findings

Council Staff Needs

- Contracts and Licensing Team would like to see upgrades to Community Hall to incorporate indoor sports, function room, meeting room etc.
- Assets team would like to see pitch fencing on soccer fields, screens behind goals, irrigations upgrades to league and athletics, upgrades amenities at soccer/athletics, improved traffic flow.
- Events would like to see more multi use rooms for non-sport related programs and events, improved traffic conditions, better access to power.

State Sporting Organisation Desires

- Northern NSW Football request new amenities as a priority, upgraded lighting, pitch fencing, and screening behind goals.
- Little Athletics request upgrades to lighting, car parking, intersection upgrades on LTP Road, improved disabled access, upgraded storage and meeting rooms.
- Cricket NSW advised cricket is unlikely to return to Mallabula. One synthetic pitch is adequate to future proof facility.
- Tennis NSW advised that upgrades to support pickleball and facilitate social tennis are recommended.
- NSW Rugby League advised that facilities are dated but functional, retaining perimeter fencing is ideal to allow for ticket sales.

Demographics

- The population of Tilligerry peninsula is expected to reach around 8,500 people over the next 20 years.
- The age distribution of the Tilligerry Peninsula is generally comparable with Port Stephens with a high representation of older workers and retirees as well as school aged children.
- The Tilligerry peninsula has a notably lower SEIFA score (937) than the average of the Port Stephens LGA (982).

Recommendations

- 1 Upgrade athletics facilities** to include lighting and tiered seating, Reorientate and expand javelin area.
- 2 Upgrade soccer and athletics building** to provide inclusive facilities and storage.
- 3 Provide space for future upgrades to tennis facilities to include pickle ball and small croquet lawn.** Consider provision of one additional synthetic court.
- 4 Provide outdoor BBQ area** at rugby league.
- 5 Provide more shade and furniture near playground.**
- 6 Upgrade fencing** around soccer fields.
- 7 Upgrade car parking and access roads** to improve traffic movement and parking capacity.
- 8 Provide additional international rectangular fields** with lighting and irrigation to cater for rugby league and football training and matches.
- 9 Upgrade pedestrian connections** throughout facility.
- 10 Provide shaded spectating seating.**
- 11 Upgrade community hall** to provide for multi-use community and recreation programs.
- 12 Upgrade aquatic centre** to include non-aquatic infrastructure such as playground, courts, dining area.
- 13 Consider provision of fenced dog off lead area** to assist in keeping dogs off fields.



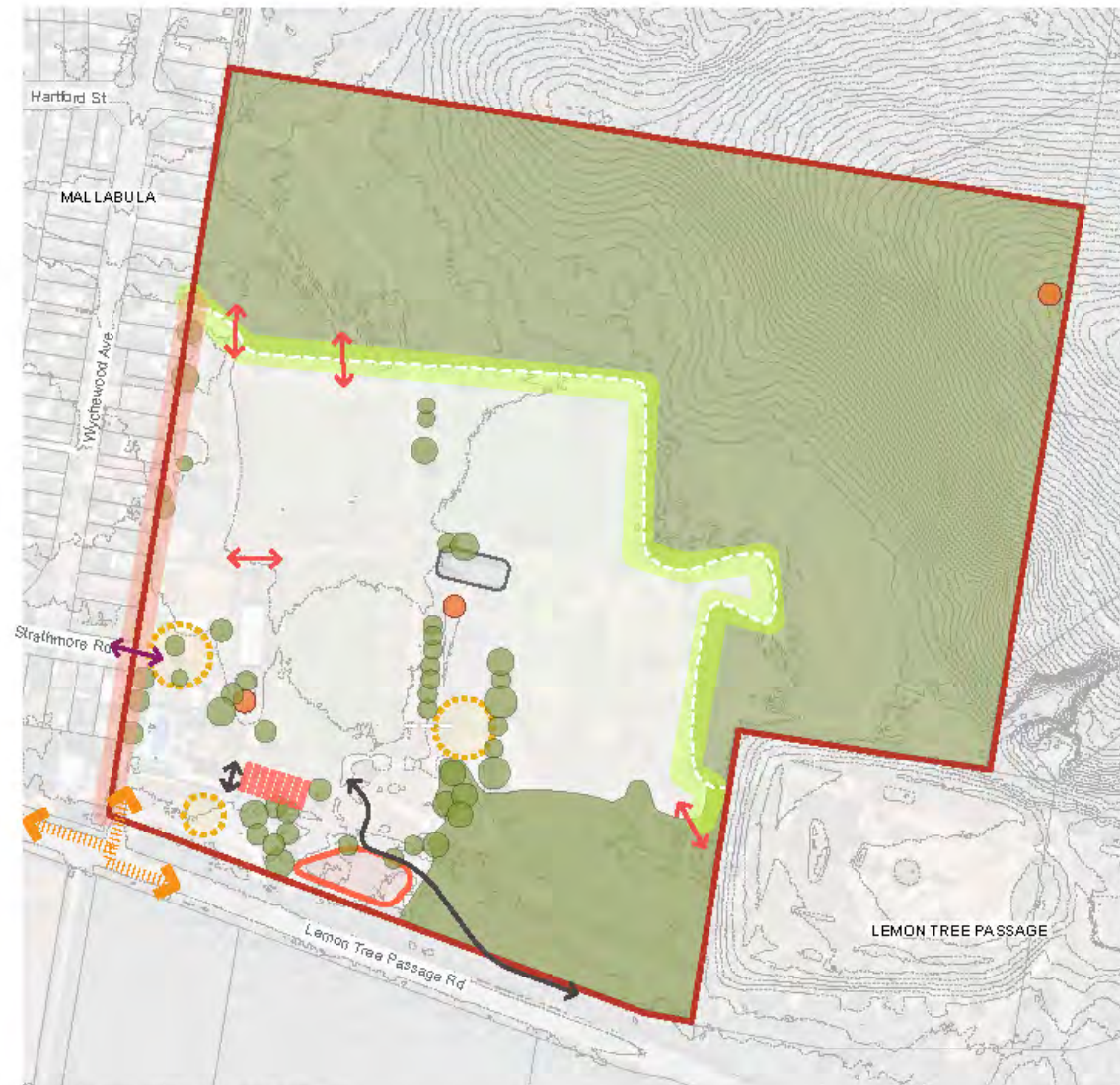
Constraints

The following key constraints have been identified for the site:

- 1 Manage interface with adjacent vegetation and motorcyclists entering the site.
- 2 Manage interface with adjoining residential areas.
- 3 Existing parking has issues with congestion and pedestrian access
- 4 Retain and protect existing mature trees wherever possible.
- 5 Comply with requirements of bushfire assessment, including setbacks and building controls.
- 6 Issues with access into the site.
- 7 Existing sports field (football and athletics) amenities building is inadequate
- 8 Dogs on sports fields.
- 9 Lack of shade across the site, specifically around playground and spectating areas
- 10 Disconnected pedestrian pathways
- 11 Field fencing
- 11 Existing maintenance, men's sheds and fencing are cluttered and form a barrier at the site main entry

LEGEND

- Property boundary
- Extent of works boundary / Interface with protected vegetation
- Interface with residential area
- Existing trees
- ↔ Disconnected pathways / access points
- ⊙ Existing parking congestion issues
- High point
- Amenities building to be rebuilt
- ↔ Issues with unwanted motorcyclists / vehicles entering site
- ↔ Access off Stathmore Road Required
- ↔ Traffic control improvements off Lemon Tree Passage
- Proposed dog park space is limited in size.
- ▨ Maintenance and Men's Sheds



Source: Nearmap, 2023. Scale: 1:3000 @ A3

Mallabula Sports Complex - Landscape Masterplan Report

Opportunities

The following key opportunities have been identified for the site:

- 1 Retain and protect existing bushland for biodiversity passive recreation, and heritage values.
- 2 Retain existing trees and provide additional tree planting for benefits including shade, screening and enhanced biodiversity.
- 3 Opportunity to create new central Sports Pavilion with improved facilities for all clubs and the community
- 4 Maintain existing avenue of trees as a key thoroughfare.
- 5 Using Strathmore Rd informal entry as a new official vehicular access to the site to open opportunity for better circulation, eliminate congestion and provide additional parking
- 6 Utilise open space at Strathmore Road entry for additional formalised parking
- 7 Improve existing parking with new linemarking and efficiency
- 8 Utilise some open space for additional parking
- 9 Improve and/or reconfigure sporting facilities by additional fields, improved lighting, improved access and drainage
- 10 Improve and expand community centre for multifunctional uses
- 11 Utilise space surrounding pools for additional programming such as volley ball, climbing wall, cafe space
- 12 Improve overall pedestrian circulation

LEGEND

- Property boundary
- Existing bushland to be retained and protected
- Existing trees
- ↕ Significant tree avenue
- Enhance connection to existing pedestrian / cycle connections
- Existing vehicular site access
- High point
- Key view corridors
- Improved / additional parking opportunities
- Opportunity to explore space for dog park
- New Access from Strathmore Road
- Central Sport Pavilion



Source: Nearthmap, 2023. Scale: 1:3000 @ A3

Moir Landscape Architecture 31

Design Principles

Six Design Principles have been developed to guide the Masterplan process. The principles are underpinned by the community and stakeholders key priorities, Port Stephens Council Recreation Strategy and the overall site analysis.



Facility Enhancement

Provide facilities that are responsive to community needs and wants. Improve overall equality by catering for both genders improving accessibility across all facilities. Diversify and enhance existing facilities to provide a wide array of safe and appealing leisure and recreation opportunities.



Cater for Growing Demands

Reconfiguration and additional parking required for the growing demand of the Sports Complex. Ensure the masterplan seeks to optimise the space with improved sporting field alignments that are responsive to the community needs, whilst also retaining the existing open space and landscape character, through a sensitive design approach that provides diverse range of recreational and passive offerings.



Promote Recreation

Enhance existing sporting facilities through upgrading and providing additional lighting to fields, improved seating and shaded areas for spectators and providing additional recreation facilities that respond to the community and stakeholder desires.



Access For All

The design of the Masterplan will be underpinned by the importance of accessibility. Adhere to all relevant universal design and Australian standards to ensure a safe and enjoyable user experience while also providing facilities with accessibility at the forefront. Accessibility via additional parking facilities is also a community desire.



Movement and Connection

Ensure seamless and accessible movement throughout the site with logical circulation. Improve site entries and simplify and enhance pedestrian movement throughout the site for a more pleasurable experience. Simplify and improve the fencing system throughout the site to ensure legibility and functionality.



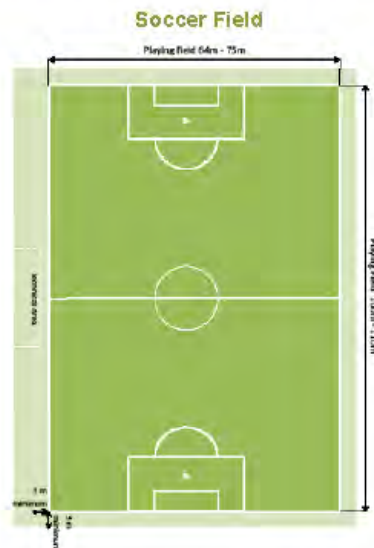
Celebration of Nature

Establish purposeful and distinctive links with the surrounding ecological environment. Strengthen and showcase local flora through thoughtful consideration of plant species which enhance the park amenity through provision of shade and comfort. Implement sustainable practices to mitigate the effects of climate change on the recreational facility network.



Sporting Areas

The following sporting design guidelines are provided by the NSW Government Office of Sport via the Outdoor Design resources portal. Please note, the excerpts below are not to scale.

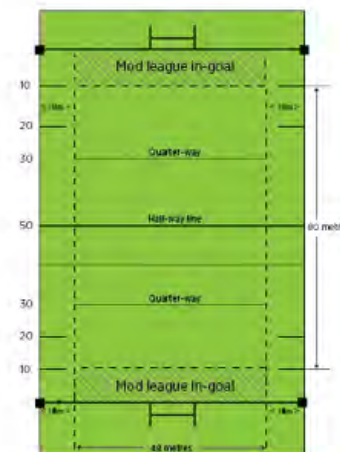


- FIFA recommends 105x68m field size for professional football, creating a total area = 76x111m including run-off
- Field sizes vary for different age competitions

Source:

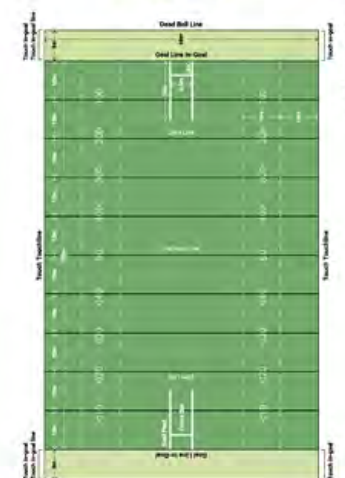
1. *Field Markings & Equipment - A guide to preparing your field for football* - Football NSW, 2015

Rugby League Mod



- Mod League is a game of rugby league for 10-12 years (inclusive) with an option for 9 years if adjustable
- Minimum 3m run-off area
- 80m long and 48m wide
- The boundaries are the 10m touch lines and goal lines from the regulation field

Rugby League



- Minimum 3m run-off area
- Length ranges from 110-116m
- Field sizes vary for different age competitions

Sources:

1. *Rugby League Laws of the Game* - The Australian Rugby League Commission, 2017
2. *Preferred Facility Guidelines for Grassroots Rugby League* - National Rugby League, 2014

Sporting Areas

Cricket



- Pitch and outfield distances vary for different age competitions
- Outfield is a maximum of 82m radius (domestic men's and underage national male events)

Source:

1. *Guidance Note 01: Pitches & Playing Fields* - Cricket Australia, 2015

Source:

1. *Guidance Note 01: Pitches & Playing Fields* - Cricket Australia, 2015

Cricket Nets

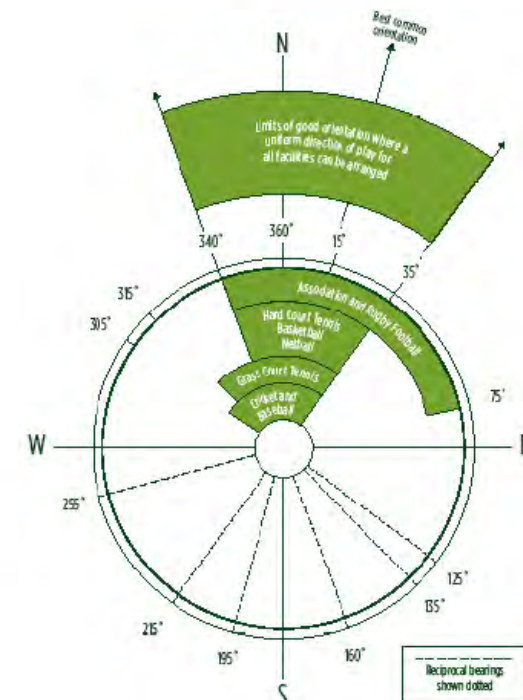


- Pitch and outfield distances vary for different age competitions
- Outfield is a maximum of 82m radius (domestic men's and underage national male events)

Source:

1. *Guidance Note 01: Pitches & Playing Fields* - Cricket Australia, 2015

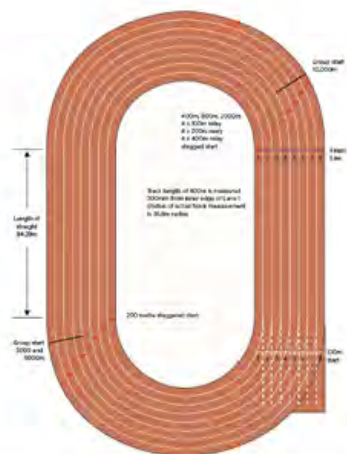
Orientation



¹ IWA Sports Dimensions Guide for Playing Areas

Sporting Areas

Athletics Track

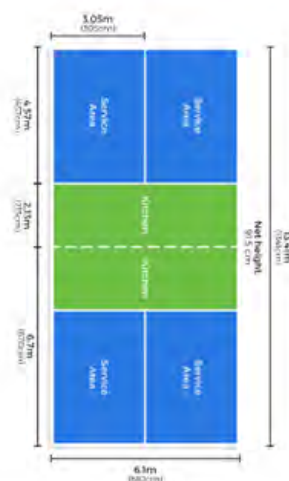


- The 400m oval track forms the basis of a multi-sports arena and its dimensions are dependent on the requirements of other sports
- The Track comprises 2 semicircles, each with a radius of 36.50m, which are joined by two straights, each 84.39m in length.
- The Track has 8, 6 or occasionally 4 lanes but the last is not used for international running competition. All lanes have a width of 1.22m \pm 0.01m.

Source:

1. Department of Local Government, Sport and Cultural Industries Website, 2022

Pickleball Court

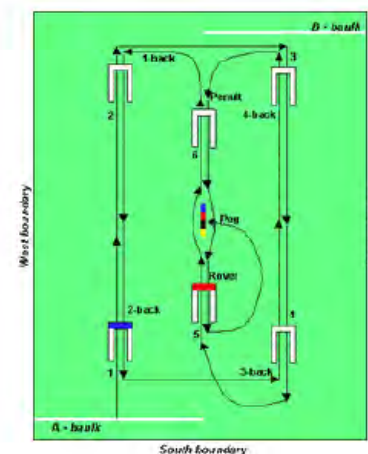


- The tennis like net is hung 91.5cm on the ends and 86.4cm at the center
- The "kitchen" is the area between the net and the 2.13 meter line on the court.
- The boundary lines are striped like a tennis court without the alleys.

Source:

1. Pickleball Superstore Website, 2022

Croquet Court



- Full sized lawn, are 32 metres by 26.6 metres
- Smaller lawns can be used but the ratio of the longer to the shorter side should be 5:4.

Source:

1. Croquet NSW Website, accessed 2024

Spatial Analysis - Dog Park

Option 1



- The ideal size for an off-leash dog park is roughly 0.5ha in size (5000m²). Space only allows for approx 3400m².
- Space does not allow for throwing balls for dogs which is what current users tend to use the park for.
- If divided into two fenced areas (small and large), each fenced area will only be approx 1700m².

Option 2



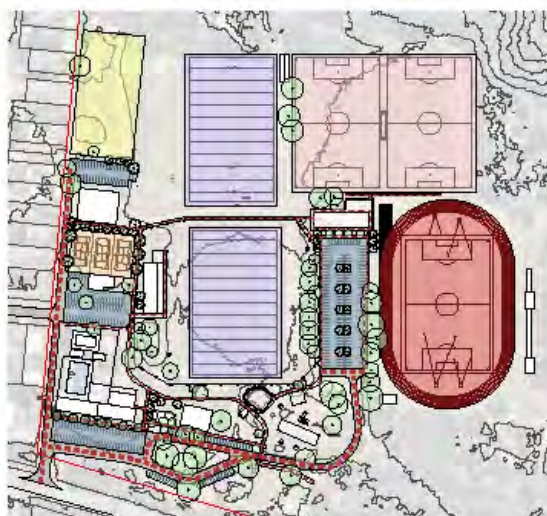
- Space allows for approx 5000m².
- Located further away from playground and sporting fields to avoid potential user conflicts
- Demolishing off netball courts allows for more space or additional parking.
- Will place dog park in close proximity to adjacent residences.
- Will prevent the addition of the desired sporting surfaces.

Option 3 (Preferred)

- Council to look into alternative locations for additional off-leash park within the peninsula.
- Park to maintain open space or use space for other programming

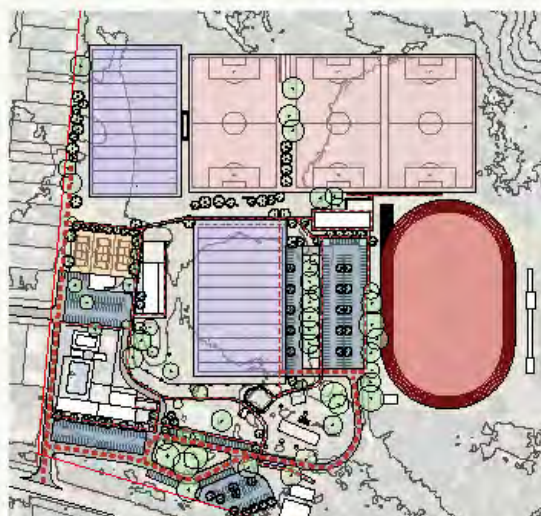
Spatial Analysis - Fields and Parking

Option 1 - Minimal change



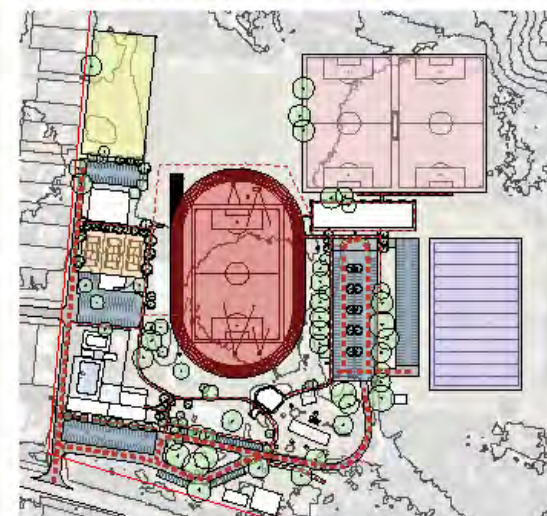
- 2 x 'International' Rugby League Field.
- 3 Senior Football Fields
- Maintained Open space for training
- Dog Park at Northern end

Option 2 - Moderate change (Preferred)



- 2 x 'International' Rugby League Fields
- 3 Senior Football Fields
- Existing Athletic track / field
- Space for small croquet pitch north of tennis courts
- Relocated maintenance and Men's sheds to southern boundary to allow open space for community gatherings and better site permeability
- Additional central and southern parking, formalised parking around tennis courts

Option 3 - Significant change



- 1 x 'International' Rugby League Field (shifted east to allow central area of park to be free of fencing, allowing better site access and permeability)
- 3 Senior Football Fields
- Open space for training
- Dog Park at Northern end
- Relocated maintenance and Men's sheds to southern boundary to allow open space for community events and greater site permeability.
- Additional central carpark
- New single central sports amenities and pavilion building



Masterplan

PROGRAMMING

Swimming Pool and Community Hall

- ① Extensions to Community Hall to incorporate space for indoor sports, function and meeting rooms.
- ② Cafe and covered outdoor seating with fenced softfall / toddler play area
- ③ Opportunity for volleyball court / climbing wall
- ④ Improved pedestrian pathways and entries
- ⑤ Better connection to playground and open space
- ⑥ Proposed loop road and shared path

Amenities

- 900mm high fencing
- 1800mm high fencing
- High fencing screens behind football goals and league posts as required
- ⑦ Upgrade existing facilities to cater for female changing rooms (min additional 2 x change rooms)
- ⑧ Increased covered space to allow for additional BBQ area
- ⑨ New amenity building to be designed to be able to accommodate football and athletics (canteen facilities, minimum 4 x change rooms)
- Upgraded lighting across site (100 lux)
- ⑩ Upgraded and additional parking opportunities
- Sports seating / dugout opportunities

Tennis

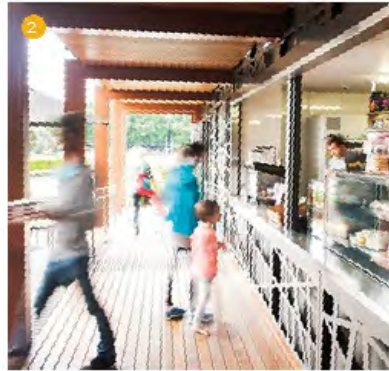
- ⑪ New Line marking on existing hard court that supports pickle-ball
- New hit wall at end of hard court
- Spatial allowance for future tennis courts expansion
- ⑫ Spectator turf area

Other

- ⑬ Open kick-about / community space
- ⑭ Relocated Maintenance and Men's Shed
- ⑮ New shade sails over existing playground
- ⑯ New central vehicle entry with feature signage & landscaping



Precedent Images

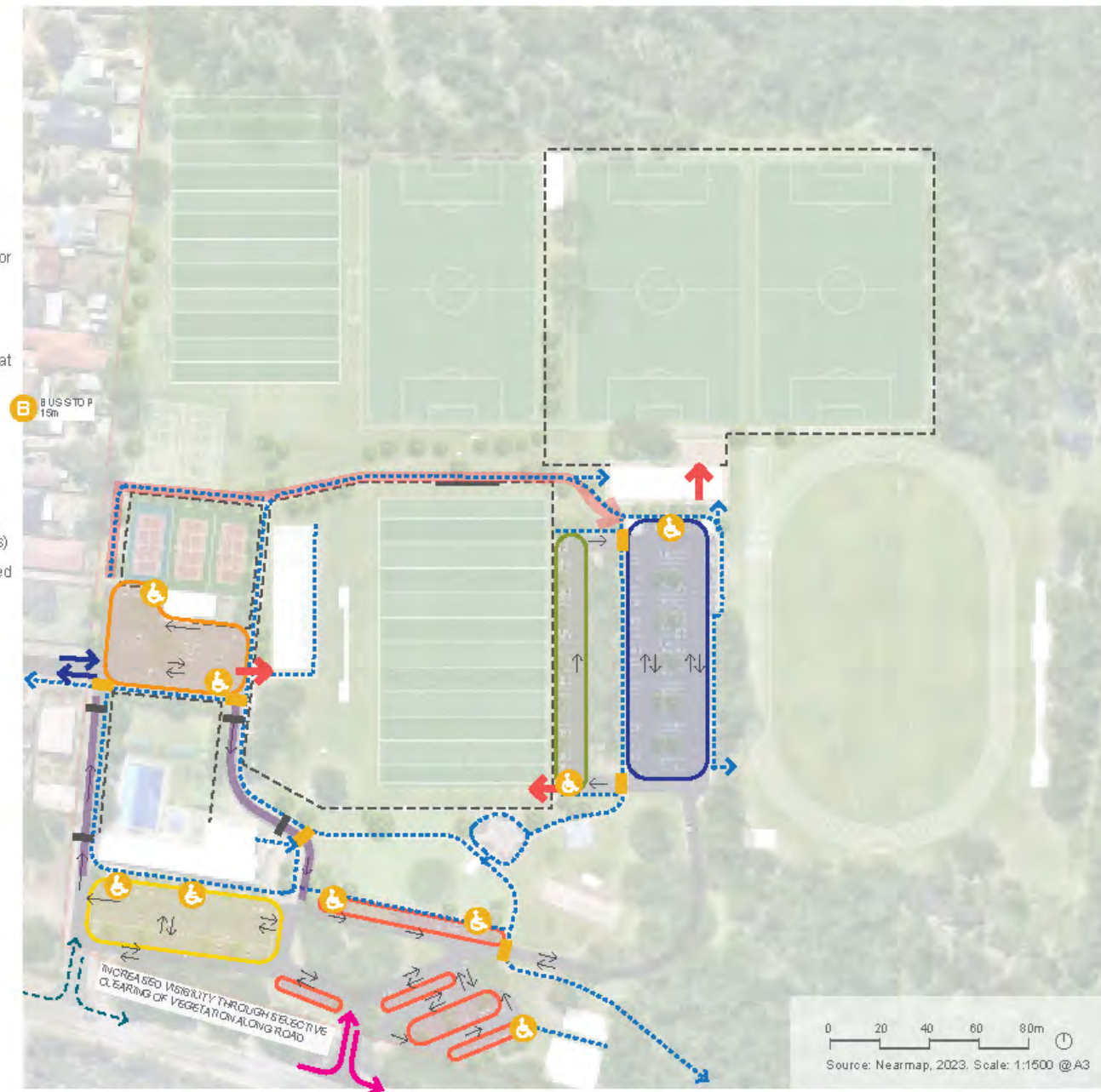


Access and Connectivity

- > DDA accessible pathways
- Opportunity for occasional/event/emergency vehicle access to assist in traffic flow for events or future growth.
- New centralised entry with feature signage and landscaping (pending traffic engineer input)
- > Existing access retention subject to traffic study at time of establishing new entry
- New entry from Strathmore Road
- ↔ Vehicle Directions
- Proposed loop road and shared path (low speed zone)
- Existing central parking space relined, extended and additional tree plantings (approx 148 spaces)
- Existing entry parking space relined and extended (approximately 73 spaces)
- Proposed additional southern parking (approximately 80 spaces)
- Proposed Strathmore Road parking (approximately 57 spaces)
- Proposed central parking (approximately 39 spaces)
- ♿ Disabled parking spaces
- B Bus Stop
- Pedestrian crossings
- Proposed speed humps
- Field fencing
- Field entries

Parking Existing: 148

Parking Proposed (total): 397



ITEM NO. 10

**FILE NO: 24/128249
EDRMS NO: PSC2019-04770-0010**

LAKESIDE SPORTS COMPLEX MASTERPLAN

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note submissions as shown in **(ATTACHMENT 1)**.
- 2) Adopt the revised Lakeside Sports Complex Masterplan shown at **(ATTACHMENT 2)**.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Lakeside Sports Complex Masterplan following recent public exhibition.

The intent of the masterplan is to establish a consolidated strategic vision for the future development of the Lakeside Sports Complex and will be used to assist staff in advocating for funding assistance through grants available for sports and event infrastructure projects.

The draft masterplan proposed 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.

As a result of the public exhibition period for the Lakeside Sports Complex Masterplan, 5 submissions were received with most indicating support for the proposed masterplan. A summary of the submissions are shown in **(ATTACHMENT 1)**.

Comments received in the submissions include an improved traffic flow, consideration to noise to nearby residents, car parking improvements, more consideration to possible impacts on future Hunter Water Risk Mitigation Plan and more options to participate in sport for senior members of the community.

The revised Lakeside Sports Complex Masterplan as shown in **(ATTACHMENT 2)** proposes to align pathway inside boundary to clearly indicate separation from the dam infrastructure, the inclusion of provisions for future grandstand upgrades and the inclusion of data showing a summary of existing car parking numbers and proposed car parking spaces.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2024-2034

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 and consultant fees in developing the revised masterplan has been accommodated within existing budgets however should the revised masterplan not be adopted, additional funding that is not currently allocated will be required to accommodate further revisions.
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 the appropriate treatments noted.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
<p>There is a risk that the scope of the masterplan following revisions is beyond Council's ability to fund implementation, leading to the community's immediate expectations not being met</p>	Low	<p>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.</p> <p>Adopt the revisions as per the submissions received and continue to partner with the community in sourcing funding for delivery of the masterplan actions.</p>	Yes
<p>There is a risk that should the revised masterplan not be adopted, further revisions will be subject to additional costs that are not currently funded. Additional funding would be required to accommodate further revisions.</p> <p>Note: Funding for development of the masterplan has been provided by Sports Council – reputational risk is likely should the masterplan not be adopted.</p>	Medium	<p>Adopt the revisions as per the submissions received and continue to partner with the community in sourcing funding for delivery of the masterplan actions.</p>	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.

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.

Following the public exhibition period further consultation has been undertaken as below:

Internal

- Review of the submissions has been undertaken with the Community Assets Team and Senior Management.

External

- The draft Lakeside Sports Complex Masterplan was placed on public exhibition for a period of 28 days.
- West Ward Sports Council.

OPTIONS

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

ATTACHMENTS

- 1) Submissions - Lakeside Sports Complex Masterplan. [↓](#)
- 2) Revised - Lakeside Sports Complex Masterplan. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

1) Copy of full submissions.

TABLED DOCUMENTS

Nil.

ITEM 10 - ATTACHMENT 1 SUBMISSIONS - LAKESIDE SPORTS COMPLEX MASTERPLAN.

Public Exhibition Submission – Lakeside Sports Complex Masterplan

No.	Author of submission	Comment	Council response
1.	Resident	<p>Email 1- Request for a full detailed map and specifications regarding the proposed extension to Lakeside Sporting Complex. Documentation does not clearly identify the actual impact for existing residents.</p> <p>Request to understand exactly how close any extension will be to residential property, 7 Hollydeen Avenue.</p> <p>Existing plans show no changes are being made for additional parking which will impact nearby residential streets.</p> <p>Concerns of the noise from the loud over reverberating PA systems at 7:00am on a weekend or 9:00pm.</p> <p>What is going to be done about Richardson Road access point? It's choked now with normal daily traffic and the volume of Over Sized Heavy Vehicles.</p> <p>Email 2- Raises issue in the consultation of residents. Has there been anything published in the local paper alerting residents of the proposal? Individual research by way of door knocking and letter drop of Hollydeen Avenue- all were unaware. Many elderly residents in this area who do not have access to websites to view information. And thoughts are Council have an ethical obligation to contact these residents and not simply tick the box by putting something on display.</p>	<p>Detailed plans are not prepared for masterplans. Masterplans provide a proposed overview. Details requested will be developed and shared once funds/grants have been allocated.</p> <p>Plans show additional parking with a minimum of 217 additional parking spots, plus additional spots through linemarking efficiency. For assessment of existing parking and proposed additions please refer to pages 20, 21, 22, 30, 36, 38 and 40.</p> <p>Operational requirements, including noise and times of operation, would be included in any future User Agreement with Council Additional traffic management and potential off-site parking for large events</p> <p>Consultation and Communication Summary provided below: Social Media: 13,295 people reached with 701 interactions Posters: 4 QR code posters on site Letterbox Drops: 150 Direct Emails to Survey Participants: 44 Focus Groups: 6 sessions Have Your Say portal: 44 responses Community Survey: 44 responses</p>

ITEM 10 - ATTACHMENT 1 SUBMISSIONS - LAKESIDE SPORTS COMPLEX MASTERPLAN.

		<p>Request to receive detailed information regarding the size of the new buildings (size, height, shading to current residences), information about the green space impact for current residents, noise management, parking and traffic management to avoid funneling to residential streets. Clearly articulated and very detailed plans that would be beneficial- not the current schematic building drawings.</p> <p>Suggestion for any new development Council should be putting detailed traffic management plans to the affected residents for comment and scrutiny.</p> <p>Email 3- Emphasis on previously raised points in email 1 and 2.</p>	<p>As per above response. Detailed plans are not prepared for masterplans. Masterplans provide a proposed overview. Details requested will be developed and shared once funds/grants have been allocated.</p> <p>All proposed uses are aligned to recreational land zoning, consistent with a district sporting facility. Detailed design choices are subject to a future business case, which will inform an architectural brief along with preliminary community consultation. This information will inform subsequent design testing and ongoing community discussion.</p>
2.	Resident	<p>Concerns expansion does not have an increase in parking capabilities and the plans appear to funnel all extra traffic through Hollydeen Avenue and surrounding streets impacting residents severely. Koori Knockout is an example of a time there was disruption to residents of immediate surrounding streets. Would like to know councils plan of action regarding the impacts on local residents.</p>	<p>See above.</p> <p>Plans show additional parking with a minimum of 217 additional parking spots, plus additional spots through linemarking efficiency. For assessment of existing parking and proposed additions please refer to pages 20, 21, 22, 30, 36, 38 and 40.</p> <p>Council plans to implement improved traffic management to mitigate unusually large, infrequent events. This may include a bus service to parking at other sites if required by size of event.</p>
3.	Hunter Water Corporation	<p>Submission details Hunter Water Corporation position with adjacent Dam management and regulatory framework.</p> <p>While it is too early to confirm the full scope and impact of risk mitigation works that may be required at the dam, initial analysis indicates that there</p>	<p>Contact between PSC staff and Hunter Water staff is ongoing. When information is available impacts will be reviewed.</p>

ITEM 10 - ATTACHMENT 1 SUBMISSIONS - LAKESIDE SPORTS COMPLEX MASTERPLAN.

4.	Resident	<p>will likely be impacts on the Lakeside Sports Complex that will require further consideration between Hunter Water Corporation and Council.</p> <p>Suggests option 3 is the best plan as there will be minor or no encroachment to the existing vegetation buffer, which is already rather thin.</p> <p>Advises no specific sporting facilities for the older people and suggests Pickle Ball be considered in plans as this activity is suitable for all ages. With the use of removable tape for Pickle Ball will deem no additional expenses with build.</p>	<p>Whilst the masterplan doesn't have the ability to mandate future sports operators within a possible indoor sports centre this feedback on potential use is welcomed and will be included in future conversations around users if the proposed masterplan is adopted by Council.</p>
5.	Raymond Terrace Magpies	<p>Agree with masterplan and deem it beneficial for the Raymond Terrace Magpies.</p> <p>Request for lights upgrade at both fields and carpark.</p> <p>Request for toilets and changing facility upgrade especially with the growth of female participants/registers.</p> <p>Request for fencing to separate fields 1 & 2. Allowing Senior club to exercise liquor permit without impacting Junior games or vice versa.</p> <p>Adding the Masterplan will benefit the community as a whole by bringing in a lot of representative sports.</p>	<p>Noted. Stated upgrades are included in masterplan and will be implemented as funding becomes available, if formally adopted.</p>



Lakeside Sports Complex Landscape Masterplan Report

Located on Worimi Country

Prepared for

Port Stephens Council

Issue

04

Date

12.06.2024



Moir Landscape Architecture Pty Ltd Ph.(02) 4965 3500
Studio 1, 88 Fern Street www.moirla.com.au
P.O. Box 111, Islington NSW 2296 ACN: 097 558 908
admin@moirla.com.au ABN: 48 097 558 908

Acknowledgement of Country

Moir Landscape Architecture would like to acknowledge the traditional custodians of the lands and waters of Australia, most notably the Worimi Nation, the traditional owners of the lands on which this project resides. We acknowledge their contribution to our community and their deep connection to the land. We pay our respects to Elders, past and present.



Contents

- 01 Introduction
- 02 Document Review
- 03 Site Analysis
- 04 Community Consultation Summary
- 05 Opportunities & Constraints
- 06 Spatial Exploration
- 07 Proposed Masterplan

Issue 04

Revision	Date	Author	Checked	Comment
01	29.02.24	MG	TB	Preliminary Masterplan For review
02	09.04.24	MG	EB	Revised Masterplan for Review
03	17.04.24	MG	TB	Revised Masterplan for Review
04	12.06.24	MG	EB	Final Masterplan



Project Overview

Moir Landscape Architecture (Moir LA) has been engaged by Port Stephens Council (PSC) to undertake the landscape masterplan design and documentation for Lakeside Sports Complex in Raymond Terrace.

The purpose of this report is to provide a comprehensive site analysis including opportunities and constraints and precedent studies. The research and analysis will inform the design principles and an indicative spatial layout for the site.

PSC has provided the following project requirements based on early user group engagement:

- Relocate southern amenities
- Reconfigure Vehicular Access
- Maximise parking
- Alter field linemarking

PSC Masterplanning Process:

Masterplans capture the medium term vision for a site. A period of 20+ years. This lifespan allows Council to periodically check in with the community and sports users about current and developing issues and sporting trends to make plans that are relevant to the community

- A point in time to check that current thinking meets club and community needs. This is an opportunity for the community to have input into the ongoing development of Lakeside.
- A clear vision for the site. This ensures that future upgrades are not incorrectly placed or scaled for the user's needs, preventing inefficient use of funds
- An adopted masterplan assists in Grant Applications for future funding to deliver upgrades, demonstrating a well considered understanding of the site and consultation on the needs of its users to funding bodies.
- A joint understanding between the broader community, Council and sporting clubs about the future plans for the site



Site Overview

Lakeside Sports Complex is District Level Sports Ground in Raymond Terrace and as such it is a significant piece of both physical and social fabric of the community. It is a place where the community gathers to participate in sport and it hosts many large sporting events.

The park is currently utilised by several sporting groups including cricket, rugby league, soccer, and Oztag. Adjacent to the fields is the Lakeside Leisure Centre - which includes the only swimming pool in Raymond Terrace and Terrace Strike Zone - a ten pin bowling centre. The complex is primarily used for Rugby League during winter months and cricket at touch football through summer.

Size: 17.06ha

Existing Facilities

- Sports Amenities Building 1
- Sports Amenities Building 2
- Grandstand
- Three rectangular fields. Two with floodlighting.
- Two cricket ovals with synthetic pitches.
- All playing surfaces are irrigated.
- Aquatic Centre with 8 lane x 50m outdoor pool and indoor program and leisure pool. One playground.

Existing Users

- Lakeside Cricket Club
- Raymond Terrace Junior Rugby League Club
- Raymond Terrace Senior Rugby League Club
- Port Stephens Oz Tag
- Belgravia (pool)
- Terrace Strike Zone

LEGEND

- Site boundary
- Suburb boundary
- Lot boundary



Source: Nearmap, 2023

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Site Photos

The following images show the site character, built form, the landscape features, typical site materials and vegetation.



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Site Photos





Government Architect NSW Documents



Better Placed

The Government Architect NSW (GANSW) has prepared Better Placed as an overarching policy that guides the planning and design of the built environment across NSW.

The Policy outlines key priorities for good design in NSW with regard to current issues including climate change, population growth and health. The document provides outlines key objectives for design, driven by an iterative, comprehensive design process.

Better Placed sits alongside other GANSW policies, guides, manuals and case studies. The guidance provided by these documents will inform the design approach for the landscape strategy, ensuring the delivery of a high quality design in line with State Government principles.



Connecting with Country Framework

The Connecting with Country document is a framework for understanding the value of First Nations knowledge and experiences in the design and planning of the built environment in NSW. The draft framework has been prepared by GANSW in collaboration with Traditional Custodians, community representatives, consultants and other government staff.

For First Nations people, the term 'Country' refers to "*the nation or cultural group and land that we belong to, yearn for, find healing from and return to...it is our place of origin in cultural, spiritual and literal terms...includes both the tangible and the intangible...People are part of Country, and our identity is derived in a large way in relation to Country.*" (Danièle Hromek, p.14)

The document provides guidance on developing connections with Country to inform the planning, design and delivery of projects. It includes key principles and strategies for consideration, which are supported by case studies of existing projects across design disciplines.



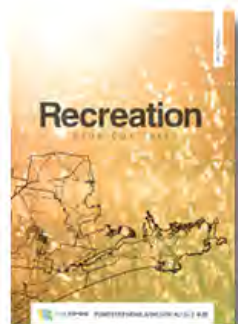
Public Open Space Strategy for NSW

The Public Open Space Strategy for NSW is a significant initiative aimed at enhancing public open spaces across the state. The document aims to create vibrant, accessible, and sustainable open spaces that enhance our quality of life. It's a step toward healthier, happier communities.

These spaces include parks, natural areas, waterways, sports grounds, historical sites, and recreation trails. The strategy aims to create more effective and accessible open spaces that contribute to ecological, economic, social, and cultural well-being. Projects such as the Parks for People program, the Open Spaces Program, and the Everyone Can Play program are part of this effort to improve public open spaces in NSW. Access to these spaces promotes physical and mental health, making them essential for our communities.

It provides a collaborative, coordinated, and evidence-based approach for government agencies to plan, invest, and deliver public open spaces.

Guiding Strategies



Recreation Strategy 2018 Volume 01

The Port Stephens Recreation Strategy aims to enhance recreation facilities by assessing current supply and demand while considering the needs of the present and future population. The Strategy's scope includes auditing current facilities, understanding future needs, establishing a planning framework, and developing a prioritized implementation plan to achieve strategic objectives.

- Objective 1: Provide recreation facilities that are appropriately scaled and responsive to community need
- Objective 2: Improve the quality and diversity of existing recreation facilities to provide a range of leisure and recreation opportunities for residents and visitors.
- Objective 3: Create a network of centralised sporting precincts and facilities.
- Objective 4: Provide a recreation facility network that is inclusive and accessible.
- Objective 5: Implement environmentally sustainable approaches to alleviate the impacts of climate change on the recreation facility network.
- Objective 6: Provide recreation facilities that are safe, attractive and well utilised.
- Objective 7: Achieve well managed and maintained recreation facilities through a coordinated and planned approach.



Recreation Strategy 2018 Volume 02

"Port Stephens Recreation Strategy Volume 2 – Background and Information" serves as a supporting resource for the creation of the Port Stephens Recreation Strategy (Volume 01). It compiles detailed insights into the resources and methodologies utilised in the development of the Strategy. The key sections of this document include, Planning Context, Participation Trends, Categorisation of Recreation Land, Planning Profiles, Recreation Land and Facility Gap Analysis and Community Engagement.

The recreation strategy states The Raymond Terrace Planning District is anticipated to experience moderate growth to 2036 and will retain the second largest residential population in the LGA. The focus for the Raymond Planning District should be centred on improving existing recreation facilities and reducing the overlap of facility catchments.



CSIRO - 'The Future of Australian Sport'

In 2013, CSIRO published 'The Future of Australian Sport' for the Australian Sports Commission, identifying key 'megatrends' expected to influence the sports industry for the next 30 years. One significant trend is the growing popularity of individual sports and fitness activities, such as aerobics, running, walking, and gym memberships. This shift is driven by people incorporating sports into their busy lifestyles for personal health goals, favouring flexibility over regular organised events.

The top five activities for NSW adults include walking, fitness/ gym, swimming, athletics (jogging/running), and cycling. Sporting clubs are adapting by modifying game formats to attract time-constrained individuals, leading to the rise of short sporting competitions like 20/20 cricket and 6-a-side soccer.

This trend has implications for recreation provision, emphasizing the importance of linkages, pedestrian and cycleway networks, and accommodating non-organised physical activities. Short sporting game formats necessitates flexibility in surface and court layouts.

Other Relevant Documents

AusPlay Participation (accessed 19 September 2023).
Top Activities for adults in NSW



Top 5 Activities for adults in NSW (Jan – Dec 22)

Women



Men



Top 5 Activities for children in NSW (Jan-Dec 22)

Girls



Boys



Port Stephens Council Recreation Strategy

- Adequate provision of District Sports grounds within Raymond Terrace, maintaining existing facilities will continue to service the Raymond Terrace populations beyond 2036.
- Benchmark gap analysis indicates there is currently adequate cricket ovals, football (soccer) fields, athletics tracks, tennis courts and aquatic centers to 2036. Rugby league fields are to be monitored in accordance with demonstrated demand.
- Upgrading facilities should be undertaken with consideration to the Recreation Strategy and relevant Sporting Facility Guidelines



Wider Context

KEY DESTINATIONS

- 1 Irrawang High School
- 2 Raymond Terrace On-Lead Dog Exercise Area
- 3 Lakeside Skatepark
- 4 Grahamstown Public School
- 5 Retail and Commercial Area
- 6 Anderson Oval On-Lead Dog Exercise Area
- 7 Raymond Terrace Baptist Church
- 8 Lakeside Leisure Centre
- 9 Raymond Terrace Fire Station
- 10 Grahamstown Dam
- 11 Grahamstown Dam Lookout
- 12 Skate Park

LEGEND

- Site boundary
 - Suburb boundary
 - Pacific Highway
 - Major road
 - Connector
 - Vegetated / drainage corridors
 - Retail / commercial area
- 0 100 200 300m



Source: Nearmap, 2023

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Open Space Network

The Lakeside area has extensive area of open space and natural environment including parks and areas of environmental conservation

Surrounding parks and reserves provide green spaces for relaxation, picnics, and outdoor activities. Integrated with the Lakeside Sports Complex, local open space network creates a well-rounded environment that caters to both active sports enthusiasts and those seeking tranquility in nature.

The vegetated areas identified in the plan consist predominantly of the following vegetation communities:

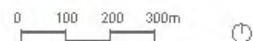
- Northern Melaleuca quinquenervia Swamp Forest
- Coastal Sands Apple-Blackbutt Forest
- Hunter Coast Sandy Creekflat
- Low Paperbark Scrub
- Northern Paperbark-Swamp Mahogany Saw-sedge Forest

Vegetation communities in the immediate surrounds of the site:

- Northern Paperbark-Swamp Mahogany Saw-sedge Forest
- Coastal Sands Apple-Blackbutt Forest

LEGEND

- Site boundary
- Adjacent development site boundary
- Suburb boundary
- Water body
- Parks and Reserves
- Conservation areas
- Vegetated drainage corridors



Source: Nearmap, 2023

Land Use

The site is primarily zoned for RE1 Public Recreation land use, with a small area zoned for RE2 Private Recreation due to the presence of the Terrace Strike Zone and a linear C3 Environmental Management Zone along the southwest perimeter.

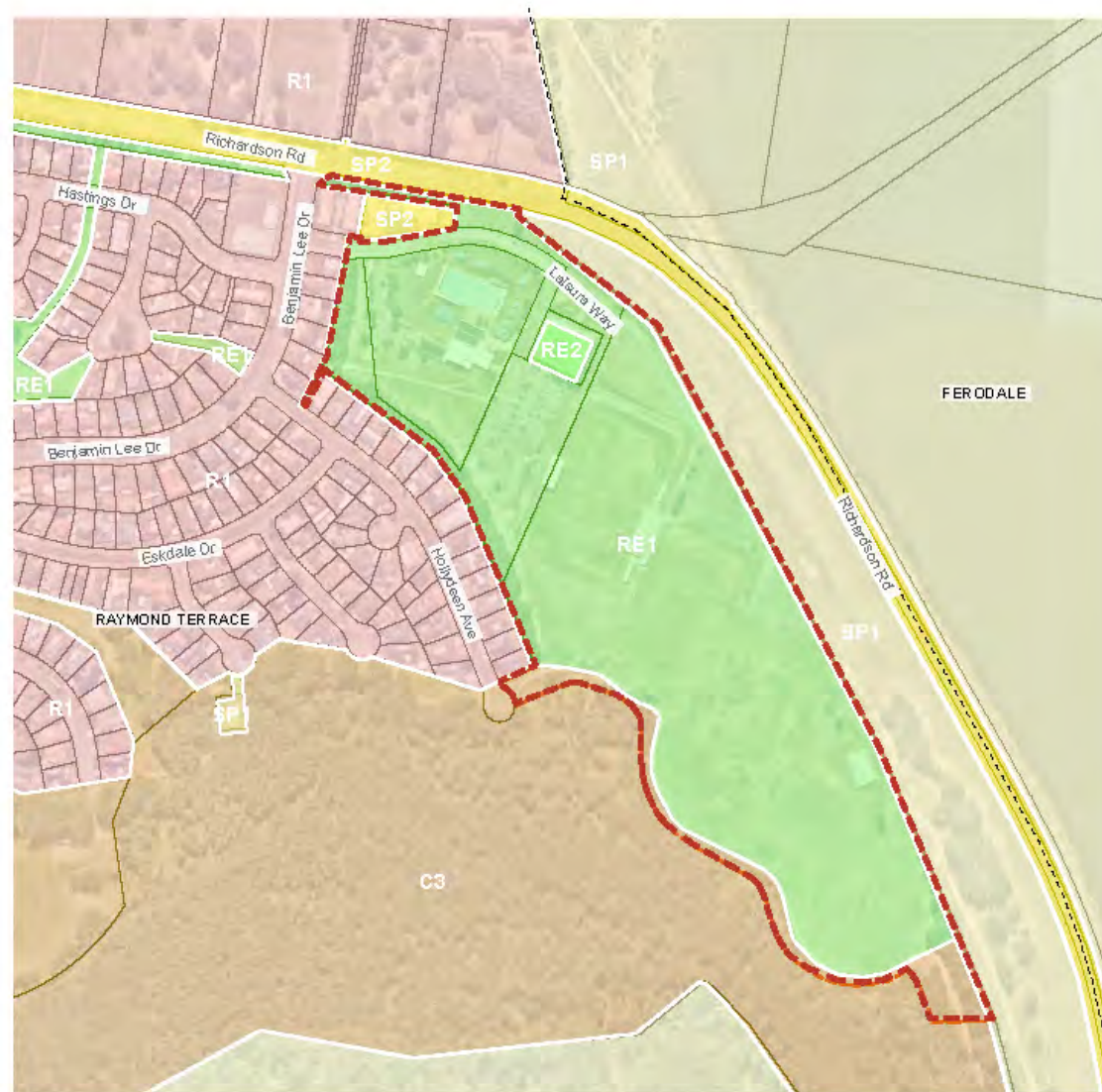
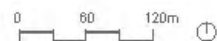
The land use zoning in the site's immediate surrounds is R1 General Residential, consisting mostly of low-scale residential development. Additionally, there are areas zoned as C3 Environmental Management and SP1 Special Activities, managed by Hunter Water Corporation. Grahamstown Public School is located 750m to the west.

A mix of commercial and retail activities is concentrated at the intersection of Benjamin Lee Drive and Mount Hall Road to the west.

Areas zoned as RE1 for public recreation are scattered within the immediate surrounds, including a vegetated corridor used for cycle and pedestrian access and a passive open space.

LEGEND

- Site boundary
- Suburb boundary
- C3 Environmental Management Zone
- R1 General Residential Zone
- RE1 Public Recreation Zone
- RE2 Private Recreation Zone
- SP1 Special Activities Zone - Hunter Water Corporation
- SP2 Infrastructure Zone



Source: Nearmap, 2023

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Connectivity

Car

To the west of the site, the Pacific Highway serves as a major arterial road connection through the area, extending from Newcastle to the north and beyond to the MidCoast Region to the northeast.

Walking and Cycling

A walk trail along the southwest boundary links the site with nearby open space, facilitating pedestrian and cyclist access from the west and south.

Public Transport

Several bus stops are situated within walking distance of the site, offering public transport access within the local area and the wider region

LEGEND

- Site boundary
- Suburb boundary
- Highway
- Major road
- Connector road
- Trail
- Bus stop



Source: Nearmap, 2023

Existing Amenities

- 1 Sports Amenities Building 1 – Tier 2 – Satisfactory Condition
- 2 Sports Amenities Building 2 – Tier 3 – Satisfactory Condition
- 3 Grandstand – Tier 2 – Good Condition
- 4 Two rectangular fields with floodlighting and irrigation
- 5 One rectangular fields with irrigation
- 6 Two cricket ovals with synthetic pitches and irrigation
- 7 Aquatic Centre with 8 lane x 50m outdoor pool and indoor program and leisure pool and a playground.
- 8 Terrace Strike Zone (Privately owned)

LEGEND

- Site boundary
- Suburb boundary
- Existing contour (1m interval)
- Lot boundary



Source: Nearmap, 2023

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Condition of Existing Amenities

Lakeside Sports Complex is one of the three sporting facilities within Raymond Terrace.

Redevelopment of the existing amenities building will allow inclusion of female friendly change rooms, additional space for hosting functions, presentations and training nights, and better integration with parking. Specific outcomes for any upgrades to the Amenities building will be subject to consultation and refinement with Stakeholders during the design phase of any upgrade.

The following summarises the key desires of the current users:

- Gender neutral and female friendly facilities
- Field fencing around fields 1, 2 and 3
- More training facilities.
- Irrigation and drainage for fields
- Improved lighting.
- Better pedestrian connectivity
- Indoor sports facilities



Movement, parking and local access

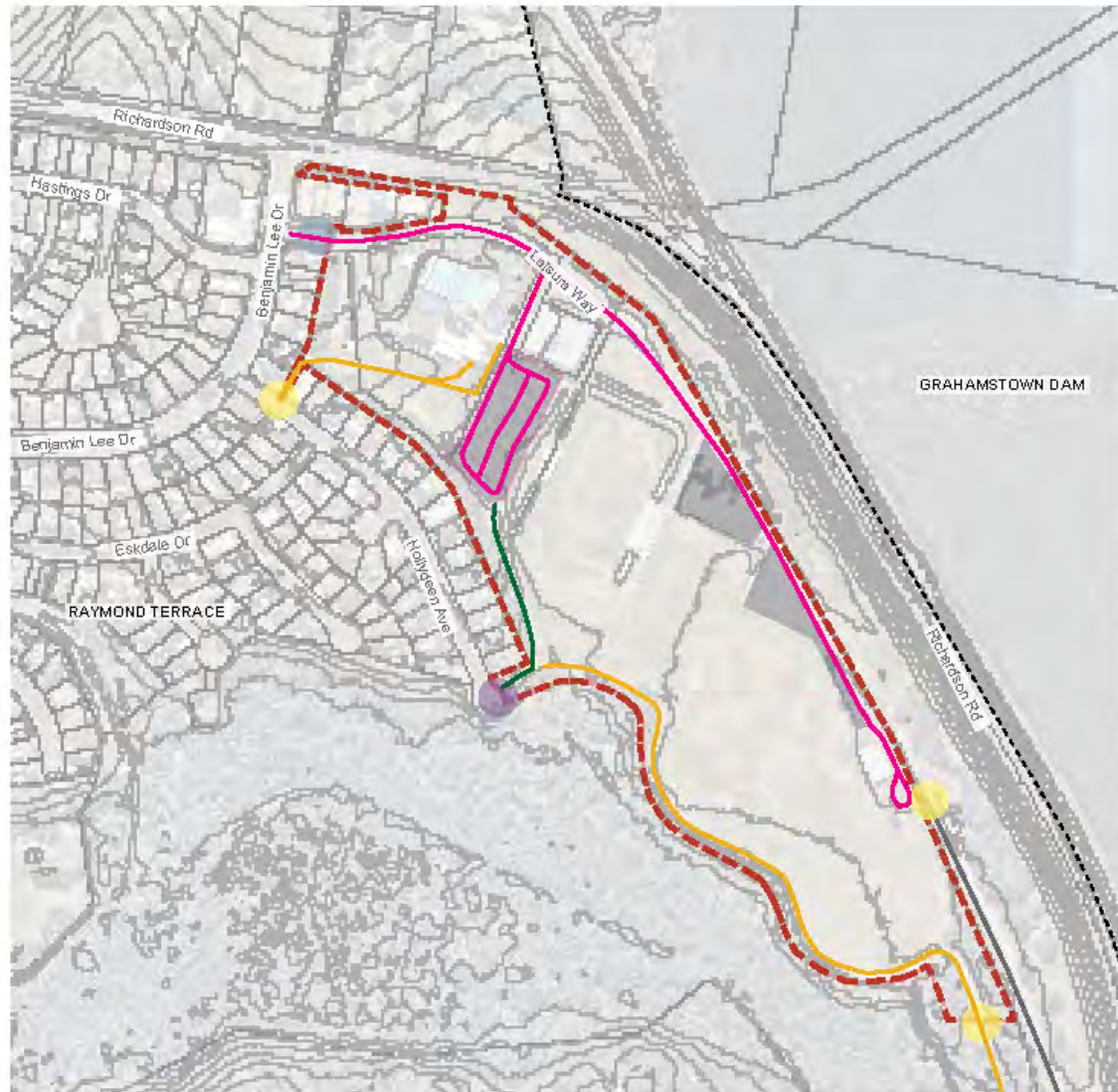
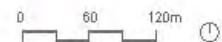
The site has limited access opportunities. There is a long road frontage to the north east along Richardson Road however the carriageway is situated on the top of the Dam wall - meaning access along this north east edge is not possible.

The existing primary access points for vehicles is from Benjamin Lee Drive to the west of the site. Other points of access for pedestrians and cyclists are provided via off-road links through the adjoining residential area to the west and along a shared paved pathway through the adjacent green corridor to the south.

Within the site, vehicular access is defined with sealed road surfaces and linemarking. One parking area is located between Lakeside Leisure Centre and Field 1. The other two are located along Leisure Road, close to Fields 2 and 3. The two existing pedestrians and cycle paths are separated by a car park and a shared pathway used for emergency services, meaning that pedestrian and cycle connectivity is compromised.

LEGEND

- Site boundary
- Suburb boundary
- Vehicular circulation
- Off-road pedestrian/cyclist connections
- Off-road shared connections (emergency access)
- Informal trails
- Carpark
- Pedestrian access
- Vehicular access
- Shared access



Source: Nearmap, 2023

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Condition of Existing Entries and Parking

There is currently only one vehicular entry on Benjamin Lee Drive. Key user groups consistently mention this is a major limitation for access to and from the site during larger events.

Pedestrian entries are provided via off-road links through the adjoining residential area to the west and along a shared paved pathway through the adjacent green corridor to the south.

Parking areas are in overall good condition, but need to be configured to increase capacity and ameliorate congestion during larger events and additional uses of the site.



Bush Fire Prone Land

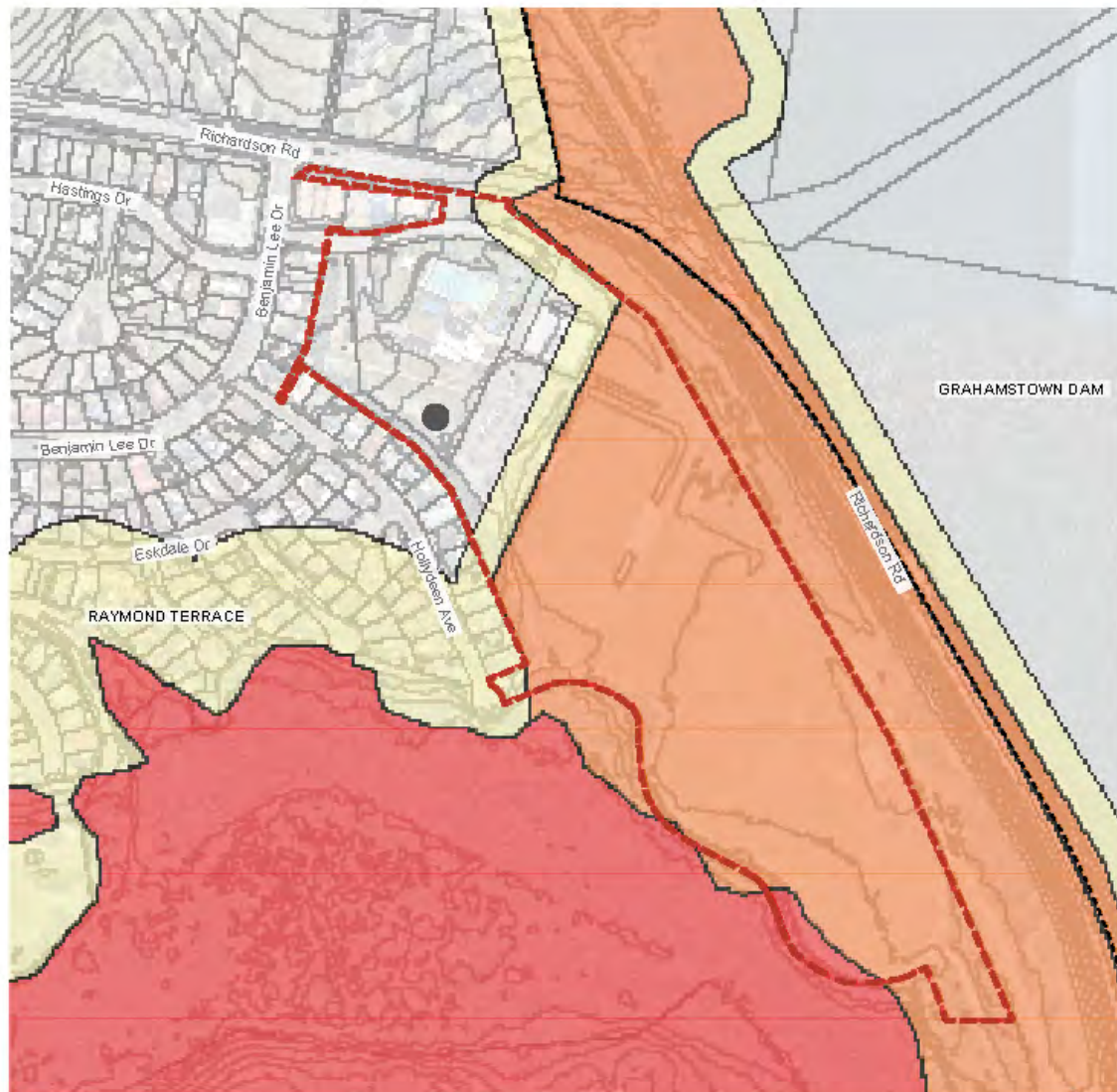
The site is surrounded by bushfire prone land. The vegetation surrounding the site is classified as follows.

- Category One - Areas of forest, woodlands, heaths (tall and short), forested wetlands and timber plantations.
- Category Two - Rainforests or Lower risk vegetation parcels.

The sportsground within the site is classified as Category One. A Bushfire Report is recommended.

LEGEND

- Site Boundary
- Category 1
- Category 2
- Category 0 - Vegetation Buffer
- Existing Emergency Evacuation Point



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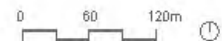
Topography & Views

The topography of the site varies gently, with a difference of up to 4m from north to south. In the north-west, there is a level change of up to 1m between the exiting internal road and its surrounding lawn areas proposed for additional parking. Grading will need to be addressed to manage drainage and provide accessible connections.

The top of Grahamstown Dam is up to 8m higher than the site to the east. It offers expansive views towards the sportsground and other facilities in the site from Richardson Road. Local views to the south and west towards adjacent bushland create a sense of sanctuary and connection to nature

LEGEND

- Site boundary
- Suburb boundary
- Existing contour (1m interval)
- Fall direction
- High point
- ||||| Approx. 1m height difference between road and lawn
- ↔ Key view corridor



Source: Nearmap, 2023

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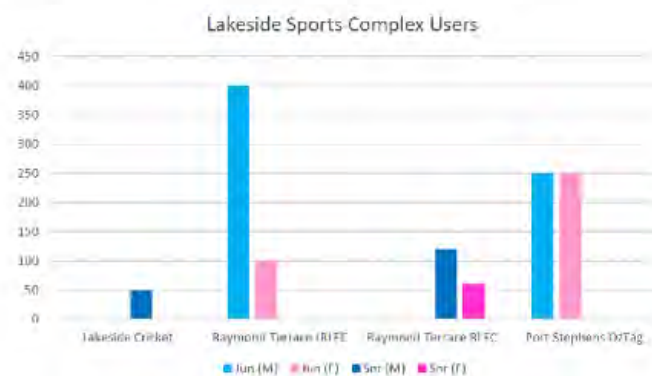
Community Consultation Summary



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Demand and Analysis Report Findings

Port Stephens Council undertook significant community and stakeholder engagement to complete the Lakeside Sports Complex Demand and Analysis Report. The findings are summarised in this chapter.



Primary User Needs

Representatives from each sporting club provided feedback on their desires for the Lakeside Sports Complex Masterplan. Summarised as follows.

Raymond Terrace Junior Rugby League Club

- The club have high participation numbers and struggle to host larger fixtures due to facility constraints.
- Would like to see fencing around fields 1, 2 and 3 with better pedestrian connectivity between.
- More car parking is needed
- Upgraded amenities to cater for female players and also allow club to host functions, presentations and training nights.

Lakeside Cricket Club

- Would like access to a dedicated sports amenities building.
- Expecting to have three teams and would like an extra wicket.
- Would like to have a turf wicket and lighting.
- Car parking is an issue during rugby league fixtures.

Lakeside Leisure Centre

- Looking to expand non-aquatic offerings and activities such as basketball and rock climbing.
- Other desired upgrades include a gym, water play, storage, hydrotherapy and sauna.

Council Staff Needs

- Assets team noted cricket nets are in poor condition, league warm up area/mod field requires irrigation upgrade.
- Events team would like to see more multi use rooms for non-sport related programs and events, improved traffic conditions, better access to power.

State Sporting Organisation Needs

- Northern NSW Football consider King Park the priority for investment over Lakeside.
- Football is unlikely to grow significantly at Lakeside.
- Cricket NSW request female friendly change rooms, shade for spectators, more training nets and growing 5-12 year old participants (eg Milo cricket).
- NSW Rugby League request four international sized fields, facilities to cater for female players, increased lighting to allow for training and take pressure of main fields, better pedestrian connections, PA system for fields 3 and 4, media box, upgrades suitable to host NSW Cup.
- Otago would like to see a 4th international sized field, lighting upgrades, elevated viewing areas.

Demand and Analysis Report Findings

Demographics

- The age distribution in Raymond Terrace is younger than Port Stephens average with a higher representation of persons in all age groups up to 44 years old. The highest represented age groups are 10-14 (7.6%), 5-9 (7.2%) and 25-29 (7%).
- Raymond Terrace is estimated to grow by 4500 persons over the next 20 years taking the total estimated population to almost 18,000 people.
- Raymond Terrace has a significantly lower SEIFA score (899) than the whole of Port Stephens LGA(982).

Recommendations

- 1 Provide additional rectangular international fields** with irrigation and lighting to support touch and rugby league training and matches.
- 2 Upgrade amenities buildings** to cater for female players and make fully accessible.
- 3 Provide regional standard rugby league facilities.**
- 4 Upgrade floodlighting area** to cover all playing areas.
- 5 Improve pedestrian connectivity** between spectating areas, amenity buildings and car parking.
- 6 Upgrade cricket training nets.**
- 7 Provide synthetic cricket pitch** to cater for Mito cricket.
- 8 Upgrade car parking and access road** to improve traffic movement and parking capacity.
- 9 Upgrade aquatic centre** to include additional program/therapy water and non-aquatic recreational infrastructure.
- 10 Provide an indoor sports facility** that provides multi-purpose rooms and gym.
- 11 Consider provision for athletics track.**

04

Opportunities & Constraints



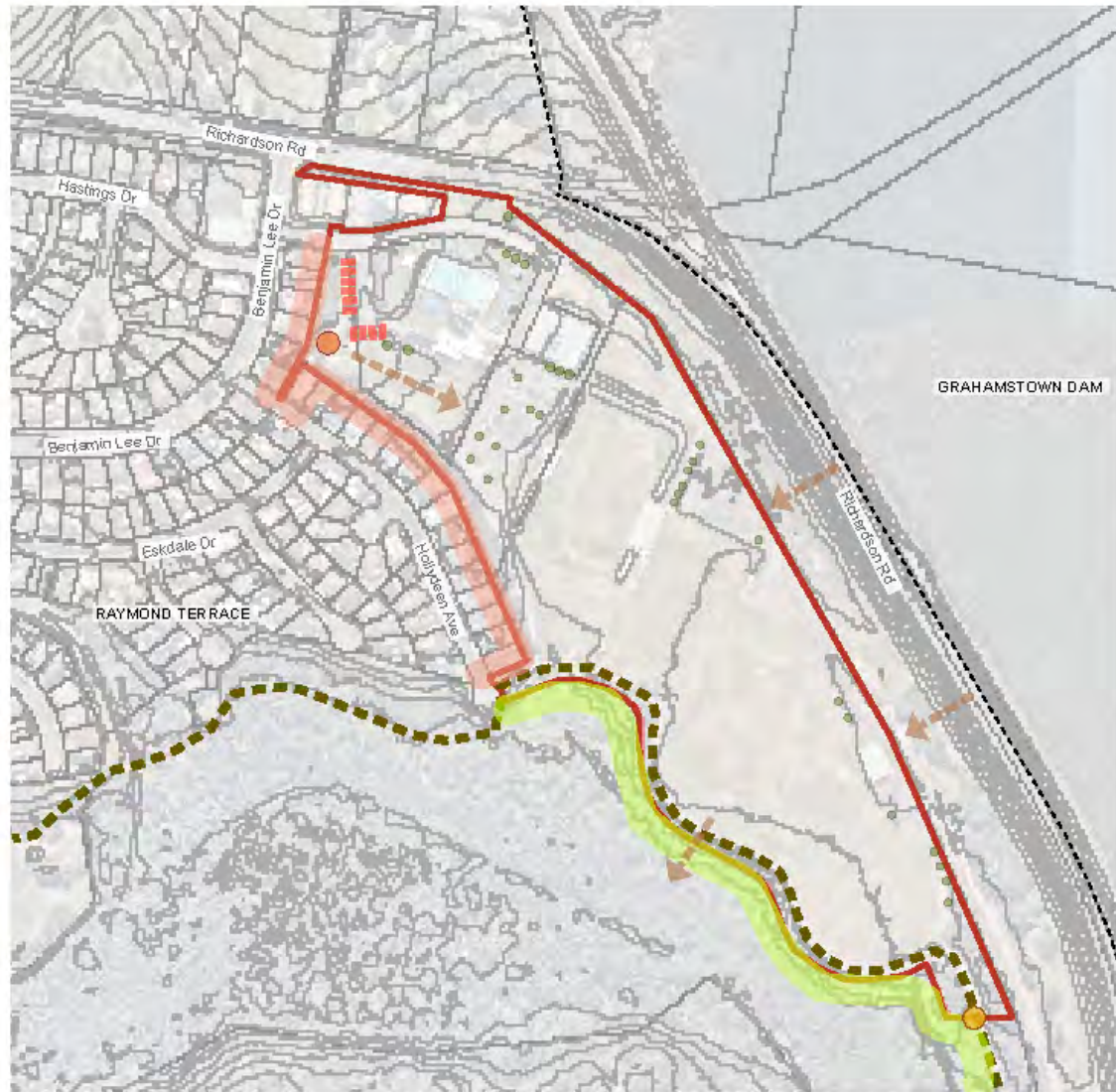
Constraints

The following key constraints have been identified for the site:

- 1 Mitigate potential impacts along adjacent vegetation corridor.
- 2 Manage interface with adjacent conservation area.
- 3 Manage interface with adjoining residential areas.
- 4 Address the level change for any additional parking provision
- 5 Manage existing undulating topography to ensure accessibility and accommodate facilities associated with the proposed future sportsground, playspace and other amenities.
- 6 Retain and protect existing mature trees wherever possible.
- 7 Comply with requirements of bushfire assessment, including setbacks and building controls.
- 8 Limited site access causing congestion on and off the site.
- 9 CPTED concerns within pool grounds due to poor unobserved areas

LEGEND

- Site boundary
- Adjacent developments site boundary
- Suburb boundary
- Interface with protected vegetation
- Interface with residential area
- Existing trees
- Adjacent vegetation corridor / pedestrian & cycle link
- Fall direction
- High point
- Low point
- |||| Approx. 1m height difference



Source: Neatmap, 2023

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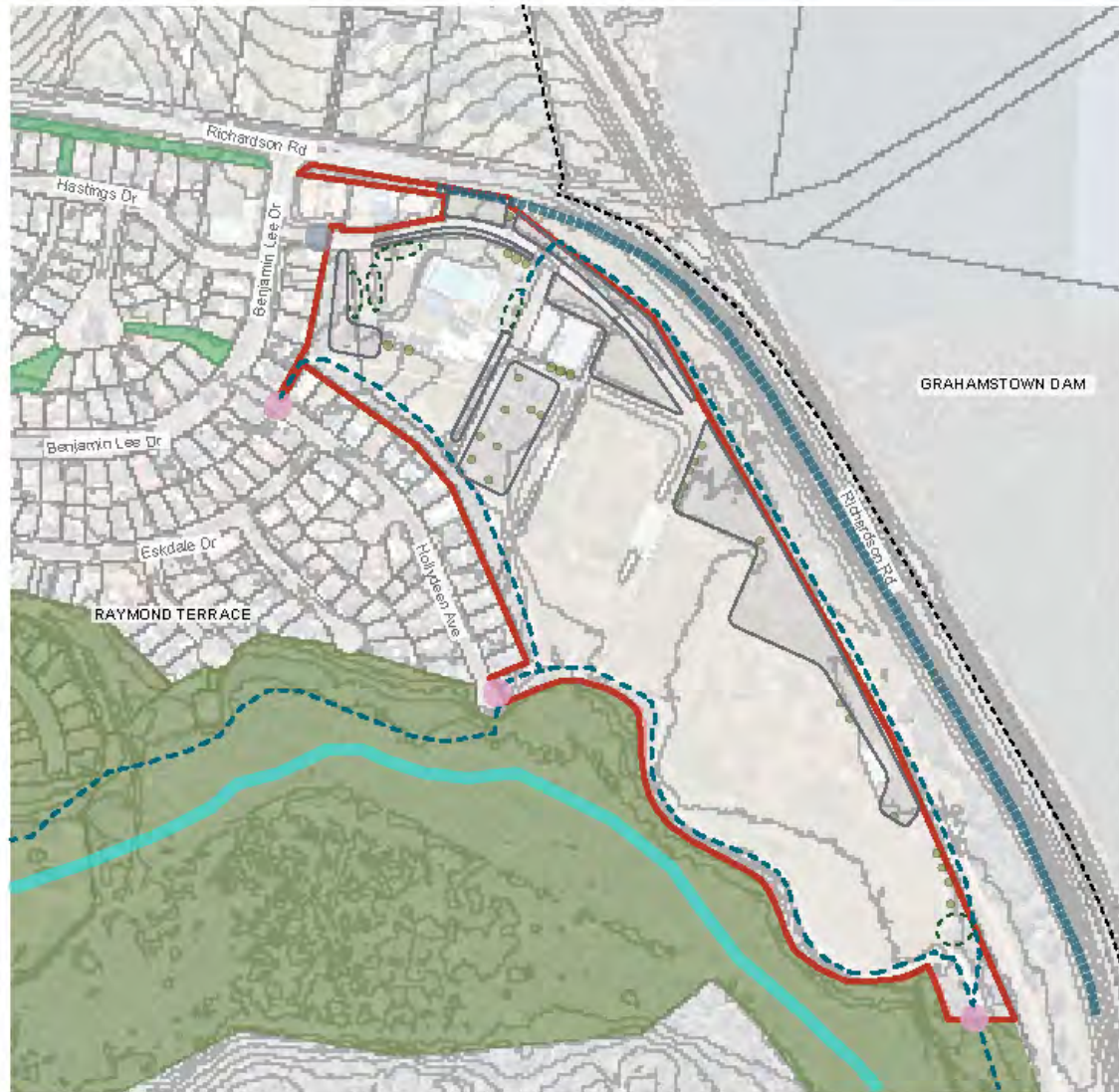
Opportunities

The following key opportunities have been identified for the site:

- 1 Retain and protect existing vegetation corridor for biodiversity and passive recreation value.
- 2 Consider opportunities to integrate site with existing drainage corridors.
- 3 Integrate proposal with existing open space network.
- 4 Maximise retention of existing trees for benefits including shade, screening and enhanced biodiversity.
- 5 Provide green connections between existing tree clusters.
- 6 Reconfigure vehicular circulation and add more parking to reduce congestion.
- 7 Reconfigure pedestrian connectivity between fields.
- 8 Relocate southern amenities and alter line-marking to provide more fields.
- 9 Add opportunity to straighten pool fencing to enhance safety.

LEGEND

- Site boundary
- - - Adjacent developments site boundary
- - - Suburb boundary
- Conservation area
- Adjacent RE2 Public Recreation land
- Existing trees
- - - Key tree clusters
- Surrounding drainage corridor (Grahamstown Drain)
- - - Improved off road pedestrian / cycle connections
- Existing pedestrian/cycle site access
- Site street frontage
- Existing vehicular site access
- Improved / additional parking opportunities



Source: Nearmap, 2023

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ITEM 10 - ATTACHMENT 2 REVISED - LAKESIDE SPORTS COMPLEX MASTERPLAN.

Design Principles

Six Design Principles have been developed to guide the Masterplan process. The landscape design principles are underpinned by the community and stakeholder key priorities, Port Stephens Council Recreation Strategy and the overall site analysis.



Facility Enhancement

Provide facilities that are responsive to community needs and wants. Improve overall equality by catering for both genders improving accessibility across all facilities. Diversify and enhance existing facilities to provide a wide array of safe and appealing leisure and recreation opportunities.



Cater for Growing Demands

Reconfiguration and additional parking required for the growing demand of the Sports Complex. Ensure the masterplan seeks to optimise the space with improved sporting field alignments that are responsive to the community needs, whilst also retaining the existing open space and landscape character, through a sensitive design approach that provides diverse range of recreational and passive offerings.



Promote Recreation

Enhance existing sporting facilities through upgrading and providing additional lighting to fields, improved seating and shaded areas for spectators and providing additional recreation facilities that respond to the community and stakeholder desires.



Access For All

The design of the Masterplan will be underpinned by the importance of accessibility. Adhere to all relevant universal design and Australian standards to ensure a safe and enjoyable user experience while also providing facilities with accessibility at the forefront. Accessibility via additional parking facilities is also a community desire.



Movement and Connection

Ensure seamless and accessible movement throughout the site with logical circulation. Improve site entries and simplify and enhance pedestrian movement throughout the site for a more pleasurable experience. Simplify and improve the fencing system throughout the site to ensure legibility and functionality.



Celebration of Nature

Establish purposeful and distinctive links with the surrounding ecological environment. Strengthen and showcase local flora through thoughtful consideration of plant species which enhance the park amenity through provision of shade and comfort. Implement sustainable practices to mitigate the effects of climate change on the recreational facility network.



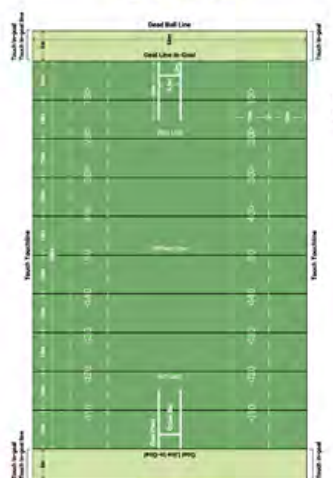
06

Spatial
Exploration

Sporting Areas

The following sporting design guidelines are provided by the NSW Government Office of Sport via the Outdoor Design resources portal. Please note, the excerpts below are not to scale.

Rugby League



- Minimum 3m run-off area
- Length ranges from 110-116m
- Field sizes vary for different age competitions

Sources:

1. *Rugby League Laws of the Game* - The Australian Rugby League Commission, 2017
2. *Preferred Facility Guidelines for Grassroots Rugby League* - National Rugby League, 2014

Cricket

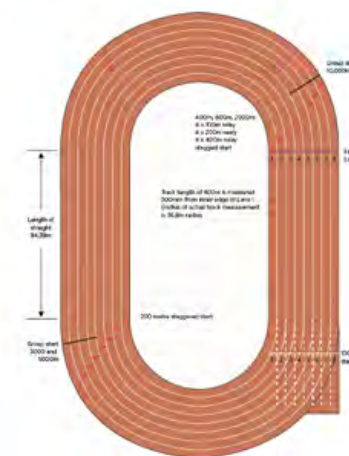


- Pitch and outfield distances vary for different age competitions
- Outfield is a maximum of 82m radius (domestic men's and underage national male events)

Source:

1. *Guidance Note 01: Pitches & Playing Fields* - Cricket Australia, 2015

Athletics Track



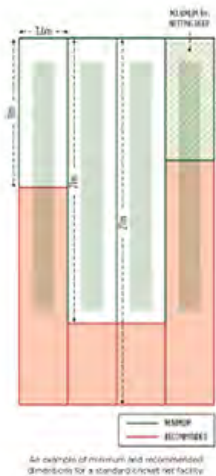
- The 400m oval track forms the basis of a multi-sports arena and its dimensions are dependent on the requirements of other sports
- The Track comprises 2 semicircles, each with a radius of 36.50m, which are joined by two straights, each 84.39m in length.
- The Track has 8, 6 or occasionally 4 lanes but the last is not used for international running competition. All lanes have a width of 1.22m ± 0.01m.

Source:

1. *Department of Local Government, Sport and Cultural Industries Website*, 2022

Sporting Areas

Cricket Nets

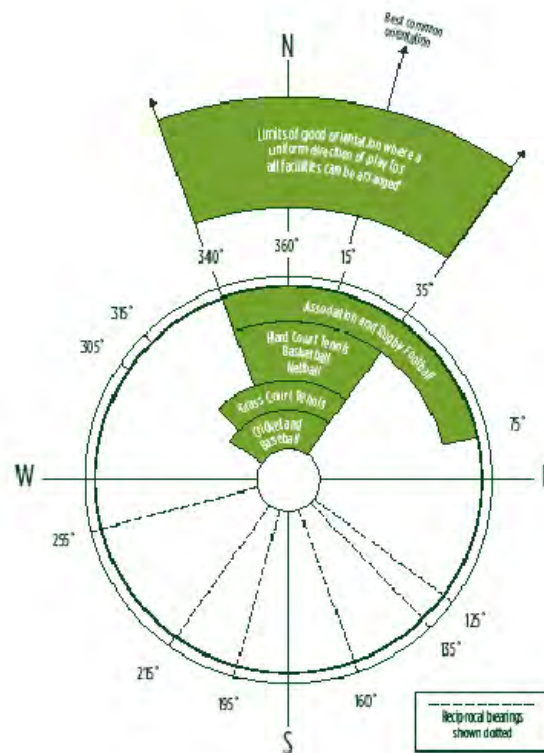


- Pitch and outfield distances vary for different age competitions
- Outfield is a maximum of 82m radius (domestic men's and underage national male events)

Source:

1. *Guidance Note 01: Pitches & Playing Fields* - Cricket Australia, 2015

Orientation



Source:

1. *Guidance Note 01: Pitches & Playing Fields* - Cricket Australia, 2015

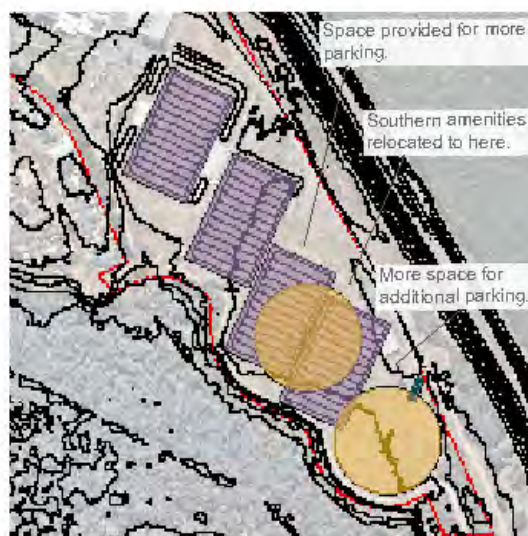
Sportsground Spatial Analysis

Existing Arrangement



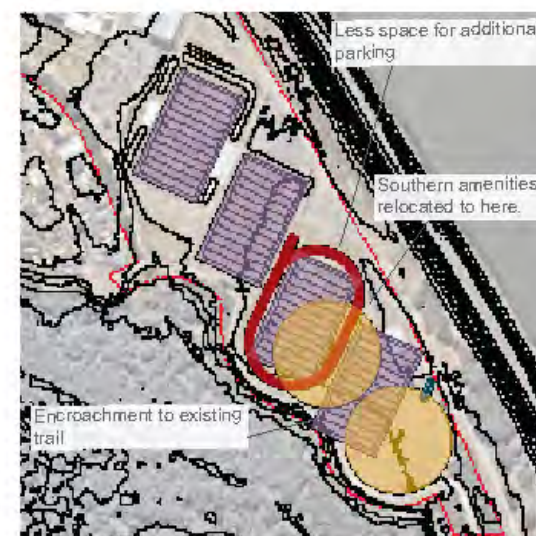
- 3 x 'International' Rugby League Fields.
- 2 x Cricket
- 2 x Cricket Nets

Option 1



- 2 x International Rugby League Fields in their current location (Fields 1 and 2)
- 1 x International Rugby League Field with modified location (Field 3)
- 1 x International Rugby League Field - additional
- 2 x Cricket Ovals
- 2 x Cricket Nets

Option 2



- 2 x International Rugby League Fields in their current location (Fields 1 and 2)
- 1 x International Rugby League Field with modified location (Field 3)
- 1 x International Rugby League Field - additional
- 1 x Athletics track (grass surface)
- 2 x Cricket Ovals
- 2 x Cricket Nets

Indoor Sports Centre Spatial Analysis

Option 1



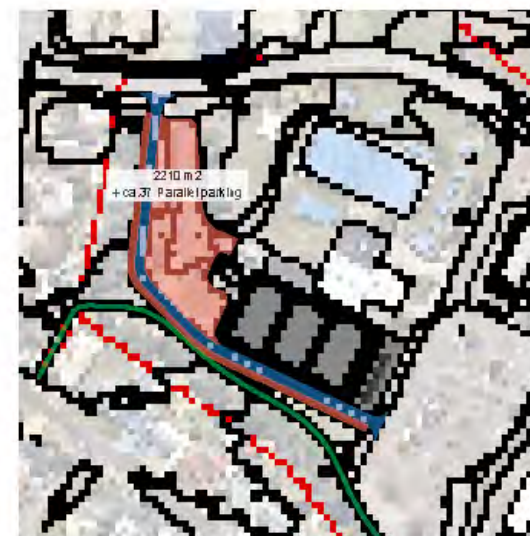
- 1 x Four-court indoor sports facility
- No room for a loop road
- Removal of eastern part of the existing path
- Significant encroachment to existing vegetation buffer
- Additional 2126 sqm car park, accessibility constrained by existing landforms

Option 2

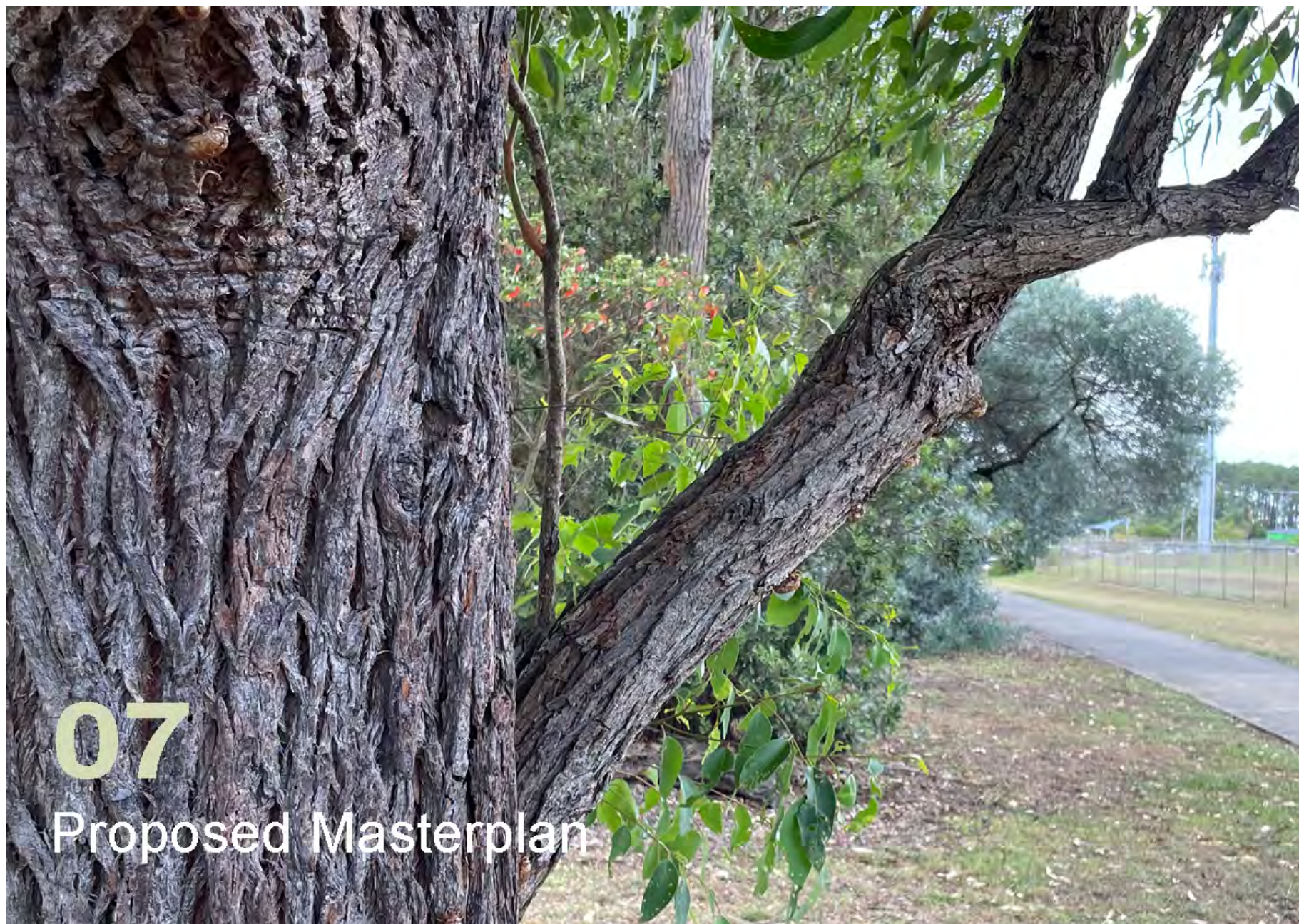


- 1 x Four-court indoor sports facility without services
- Modified existing pedestrian path
- New single-lane road to connect the current road to allow for one-way traffic system
- Significant encroachment to existing vegetation buffer
- Additional 2800 sqm car park, accessibility constrained by existing landforms

Option 3



- 1 x Three-court indoor sports facility (Indicative footprint)
- Modified existing pedestrian path
- Landforms to be engineered to allow for better parking and road arrangement
- New single-lane road to allow for one-way traffic system
- Additional 2210 sqm car park+ approx. 37 parallel parking
- Minor / No encroachment to existing vegetation buffer



Masterplan

PROGRAMMING

Swimming Pool and Indoor Sports Centre

- 1 New Indoor Sports Facility (3 court)
- 2 Access from Swimming Pool to Indoor Sports Facility

Amenities

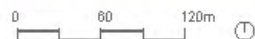
- Fencing 1.8m high
- Fencing 0.9m high
- - - Adjusted pool fence
- 3 New amenity building
 - Single storey
 - x6 change rooms
- Upgraded lighting across site
 - Field 1 & 2 - 200 Lux
 - Field 3 & 4 - 100 Lux
 - Field 5 - 50 Lux
- 4 Upgraded amenity building
 - min x6 change rooms
 - Dual facing to allow use in each separately fenced area
 - View space and associated rooms upstairs
- Upgraded grandstand facilities

Sportsground

- 5 New Line marking on existing sportsground that supports provisional athletics track (grass surface)
- 6 New Line marking on existing sportsground that allows for additional rugby league
- 7 Irrigation to be added to new southern fields

Traffic & Parking

- 8 Upgraded and additional parking opportunities
- Additional road for one-way traffic management during larger events (4.5m wide)
- Improved off-road pedestrian/cycle connection



38 Lakeside Sports Complex - Landscape Masterplan Report



Source: Nearmap, 2023. Scale 1:3000 @ A3

Precedent Images



Vehicular Access

- ➔ Access from Benjamin Lee Drive
- ↔ Vehicle Directions
- Existing central parking (186 spaces)
- Existing eastern parking relined (277 spaces)
- Additional parallel parking (95 spaces)
- Proposed eastern parking (approx 138 spaces)
- Proposed western parking (approx 67 spaces)
- Proposed northern parking (approx 55 spaces)
- ♿ Accessible parking spaces
- Fencing 1.8m high
- Fencing 0.9m high
- Adjusted pool fence

The masterplan proposes to improve access to the park through the provision of additional parking spaces and a new loop road around the pool. Additional parking is gained through formalisation/relining of existing parking and offering additional parking spaces along the roads and behind the pool/proposed indoor sports building.

Parking Existing: 404

Parking Proposed (total): 818



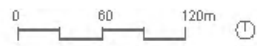
40 Lakeside Sports Complex - Landscape Masterplan Report



Source: Nearmap, 2023. Scale 1:3000 @ A3

Pedestrian Access

- Internal pedestrian path
- Shared cycle path
- Access from Benjamin Lee Drive
-  Accessible parking spaces
- Fencing 1.8m high
- Fencing 0.9m high
- Adjusted pool fence
- Entry points of sports facilities



Source: Nearmap, 2023. Scale 1:3000 @ A3

Moir Landscape Architecture 41

ITEM NO. 11

**FILE NO: 23/281875
EDRMS NO: PSC2021-04206**

REQUESTS FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:-
 - a) St Phillip's Christian College Parent and Teacher Fellowship – Mayoral funds - \$2000 donation towards fireworks at St Phillip's Fair.
 - b) Tilligerry Art Gallery – Mayoral funds – \$1500 donation towards gallery ceiling repairs.
 - c) Rotary Club of Medowie-Williamstown – Mayoral funds - \$3500 donation towards prizes, certificates and presentation event for Junior Writing Competition.
 - d) Trek4Kidz – Mayoral funds - \$500 donation towards sponsorship of a Port Stephens rally car in the Trek4Kidz rally event.
 - e) Anna Bay Public School P&C Association – Mayoral funds - \$2000 donation towards sporting equipment for K-6 students.
 - f) Fingal Bay Surf Life Saving Club – Mayoral funds - \$1500 donation towards cost of promotional materials and event costs for upcoming Open Day, Meet & Greet and Thank you Breakfast.
 - g) Tomaree Headland and Heritage Group – Mayoral funds - \$1850 donation towards upgrade of website and social media platforms.
 - h) Caring for our Port Stephens Youth (COPSY) – Mayoral funds - \$3,294.35 donation towards rent assistance for 3 premises.
 - i) Nelson Bay Netball Association – Cr Glen Dunkley – Rapid response - \$500 donation towards coaching program.
 - j) Tilligerry Tennis Club – Foreshore Tennis – Cr Jason Wells - Rapid response - \$200 donation towards local tennis tournament.
 - k) Irrawang High School – Cr Giacomo Arnott – Rapid response - \$500 donation towards purchase of personal care items for students.
 - l) Salt Ash Public School P&C – Cr Jason Wells – Rapid response - \$200 donation towards activities for the school community.
 - m) Bobs Farm Public School P&C – Cr Jason Wells – Rapid response - \$200 donation towards watercolour art supplies for art lessons.
 - n) Karuah Public School P&C – Cr Jason Wells – Rapid response - \$200 donation towards NAIDOC Week BBQ.
 - o) Medowie Public School P&C – Cr Jason Wells – Rapid response - \$200 donation towards various P&C initiatives.

- p) Medowie Rugby Union Club – Cr Chris Doohan – Rapid response - \$500 donation towards purchase of new tackle pads.
 - q) Medowie Progress Association – Cr Chris Doohan – Rapid response - \$500 donation towards the upgrade of lighting for Medowie signage.
 - r) Hinton Public School P&C – Cr Giacomo Arnott – Rapid response - \$100 donation towards upgrade to computer facilities.
 - s) Rivergum Grandparents as Parents Support Group – Cr Giacomo Arnott - Rapid response - \$200 donation towards upcoming disco event.
 - t) Raymond Terrace Magpies – Cr Giacomo Arnott – Rapid response - \$200 donation towards upgrade of signage at Lakeside Sporting Complex.
 - u) Raymond Terrace Junior Rugby League Football Club – Cr Giacomo Arnott – Rapid response - \$200 donation towards training equipment.
 - v) Boomerang Park Preservation Group – Cr Peter Kafer - Rapid response - \$500 donation towards continuing their work in helping maintaining and beautifying Boomerang Park.
 - w) Northern Hawks Rugby League Club – Central Ward Funds - \$3000 donation towards purchase of new Indigenous jerseys.
 - x) Nelson Bay Football Club – East Ward Funds - \$1000 donation towards the purchase of new gazebos.
- 2) Approves the allocation of Ward Funds towards the following projects:
- a) \$5000 from East Ward Funds towards the upgrade of Corlette Hall Pathway.
 - b) \$2500 from Central Ward Funds towards the cost of a bus stop seat at Medowie Community Centre.
 - c) \$5000 from Central Ward Funds towards a viewing seat/table, rubbish bin and dog waste receptacle at an appropriate site along the Medowie side of the Grahamstown Dam Shared Pathway.
 - d) \$5000 from Central Ward Funds towards the installation of banner poles for Lemon Tree Passage Piazza.
- 3) That Council undertakes the prescribed works for the projects outlined in Item 2.

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:

ORDINARY COUNCIL - 23 JULY 2024

- 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

Parent Teacher Fellowship (PTF) at St Phillip's Christian School	The PTF provides opportunities for parents to be involved with the school and run an activity/event each term which helps raise funds for school equipment.	\$2000	Donation towards fireworks for St Phillip's Fair.
Tilligerry Art Gallery	Tilligerry Art Group was formed in 2003 by a small group of Tilligerry artists and crafts people who saw the need for a local network to provide encouragement and support.	\$1500	Donation towards gallery ceiling repairs.
Rotary Club of Medowie-Williamstown	Rotary is a group of women and men who share a common purpose of wanting to help others and their community.	\$3500	Donation towards prizes, certificates and presentation event for Junior Writing Competition.
Trek4Kidz	A non-profit organisation founded in 1982 for hospitalised children and their families.	\$500	Donation towards rally car sponsorship for the Trek4Kidz event to raise funds for the Starlight Children's Foundation.

ORDINARY COUNCIL - 23 JULY 2024

Anna Bay Public School P&C Association	A group of individuals who raise funds to provide resources to students at Anna Bay Public School.	\$2000	Donation towards sporting equipment for K-6 students.
Fingal Bay Surf Life Saving Club (FBSLSC)	FBSLSC was established in 1964 providing beach patrols for locals and tourists.	\$1500	Donation towards promotional materials and costs for upcoming events.
Tomaree Headland and Heritage Group	This group aims to progressively document, protect and promote the history and sustainability of the headland and to protect the Tomaree Lodge heritage buildings.	\$1850	Donation towards upgrade of website and social media platforms.
Caring for our Port Stephens Youth	COPSY is an independent organisation that focuses on achieving the best possible health and wellbeing service for Port Stephens Youth.	\$3,294.35	Donation towards rent assistance for 3 premises.

WARD FUNDS

Nelson Bay Netball Association	Nelson Bay Netball Association runs social and performance competitions, as well as providing for development pathways for their coaches, umpires and high performance athletes.	\$500	Donation towards coaching program.
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ORDINARY COUNCIL - 23 JULY 2024

Tilligerry Tennis Club – Foreshore Tennis	Foreshore Tennis provides professional tennis coaching for all ages and abilities.	\$200	Donation towards local tennis tournament.
Irrawang High School	Irrawang High School hosts approx. 950 students promoting excellence in academic, cultural and sporting performance.	\$500	Donation towards purchase of personal care items for students.
Salt Ash Public School P&C	A group of individuals who raise funds to provide resources to students at Salt Ash Public School.	\$200	Donation towards activities for the school community.
Bobs Farm Public School P&C	A group of individuals who raise funds to provide resources to students at Bobs Farm Public School.	\$200	Donation towards watercolour art supplies for art lessons.
Karuah Public School P&C	A group of individuals who raise funds to provide resources to students at Karuah Public School.	\$200	Donation towards NAIDOC Week BBQ.
Medowie Public School P&C	A group of individuals who raise funds to provide resources to students at Medowie Public School.	\$200	Donation towards various P&C initiatives.
Medowie Rugby Union Club	Medowie and Districts Rugby Union Club is a friendly, family orientated club dedicated to those that love Rugby.	\$500	Donation towards purchase of new tackle pads.
Medowie Progress Association	The Medowie Progress Association works to improve the Medowie area for all residents.	\$500	Donation towards upgrade of lighting for Medowie signage.
Hinton Public School P&C Association	A group of individuals who raise funds to provide resources to	\$100	Donation towards upgrade of computer facilities.

ORDINARY COUNCIL - 23 JULY 2024

	students at Hinton Public School.		
Rivergum Grandparents as Parents Support Group	A group dedicated to providing quality assistance, help and guidance to all Grandparent and Kinship Carers.	\$200	Donation towards upcoming disco event.
Raymond Terrace Magpies Rugby League Club	A local rugby league club founded in 2017 and playing in the Newcastle Rugby League competition.	\$200	Donation towards upgrade of signage at Lakeside Sporting Complex.
Raymond Terrace Junior Rugby League Football Club	Raymond Terrace Junior Rugby League Football Club is one of the largest Junior clubs in the Newcastle competition and also one of the largest clubs in NSW.	\$200	Donation towards new training equipment.
Boomerang Park Preservation Group	The group is committed to retaining and preserving Boomerang Park.	\$500	Donation towards ongoing work in maintaining and beautifying Boomerang Park.
Northern Hawks Rugby League Club	The Northern Hawks Rugby League Club is a newly formed club competing in the Newcastle Rugby League competition.	\$3000	Donation towards purchase of new Indigenous jerseys.
Nelson Bay Football Club	Nelson Bay Football Club offers quality coaching and match fixtures for juniors and seniors.	\$1000	Donation towards purchase of new gazebos.

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.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 12

FILE NO: 24/179625
EDRMS NO: PSC202s-02308

INFORMATION PAPERS

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

RECOMMENDATION IS THAT COUNCIL:

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

No:	Report Title	Page:
1	Cash and Investment Portfolio - June 2024	315
2	Six Monthly Grants Report to 30 June 2024	325
3	Elected Members Professional Development and Expenses Reports - 1 January 2024 to 30 June 2024	330
4	Delegations Report	333
5	Council Resolutions	335

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 23/342434
EDRMS NO: PSC2017-00180**

CASH AND INVESTMENT PORTFOLIO - JUNE 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 30 June 2024.

Council's total portfolio of investments was \$62.8 million with an additional \$10 million held in Council's operational account as at 30 June 2024. Cash held was significantly higher than usual due to the receipt of the Financial Assistance Grant on 28 June 2024, these funds will be invested in early July 2024.

The investment portfolio is currently yielding 5.06% per annum on a rolling 1 year performance, which is 0.69% above the benchmark with total investment income of \$3.9 million exceeding the financial year budget by \$38,000.

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 30 June 2024, Council held 3% 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.

The decrease in Council's unrestricted cash is due to operational needs, it will continue to be monitored.

ATTACHMENTS

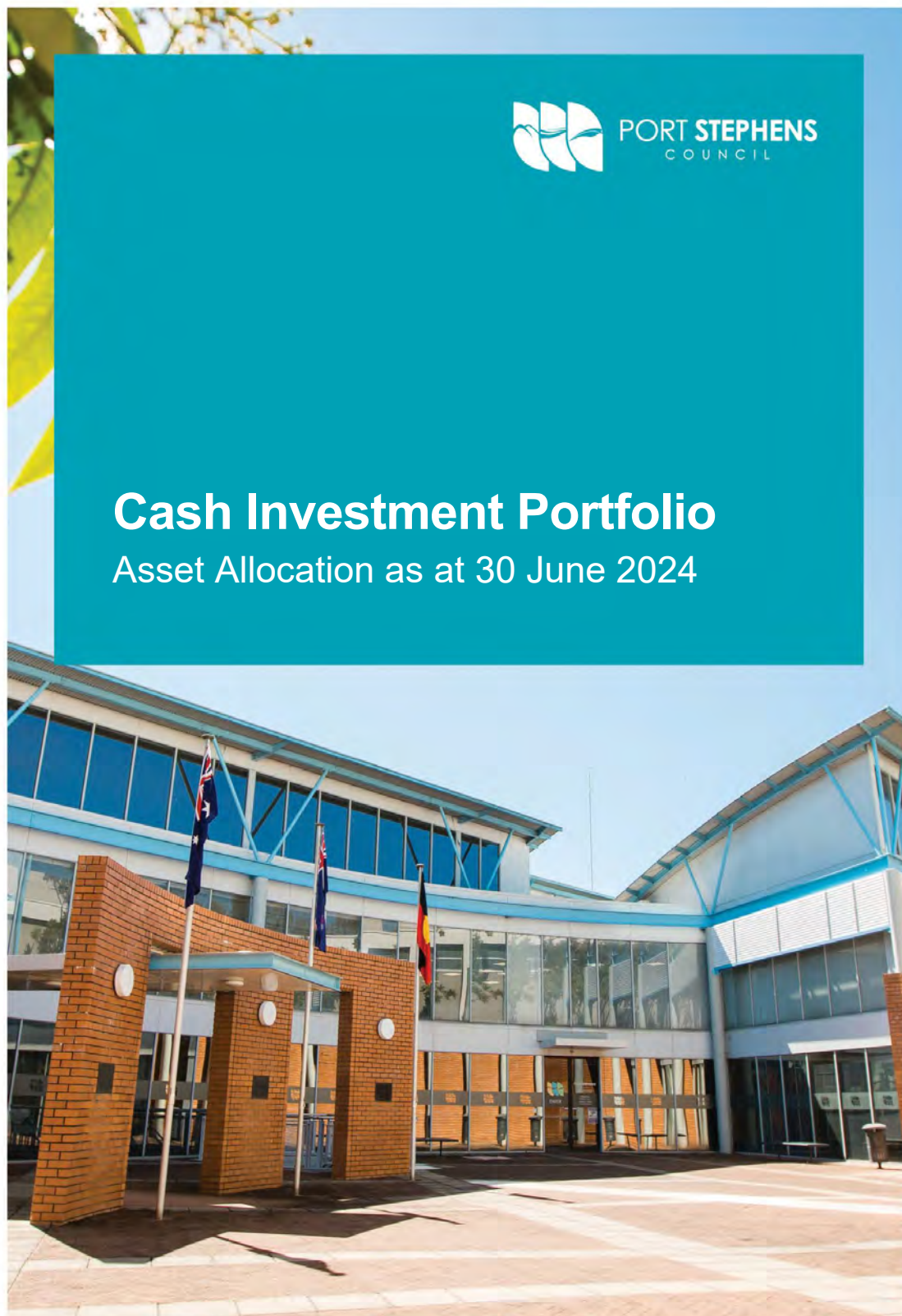
1) Cash and Investment Portfolio - June 2024. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

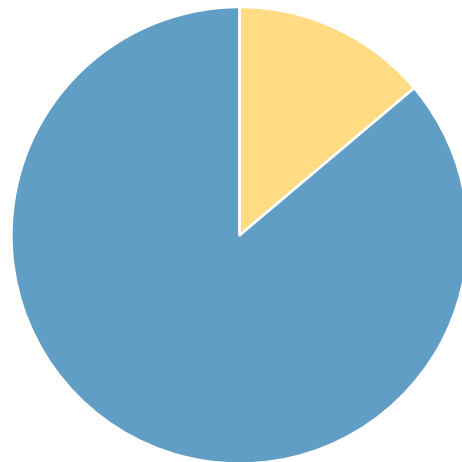
Nil.

TABLED DOCUMENTS

Nil.



Cash Investment Portfolio Holdings



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

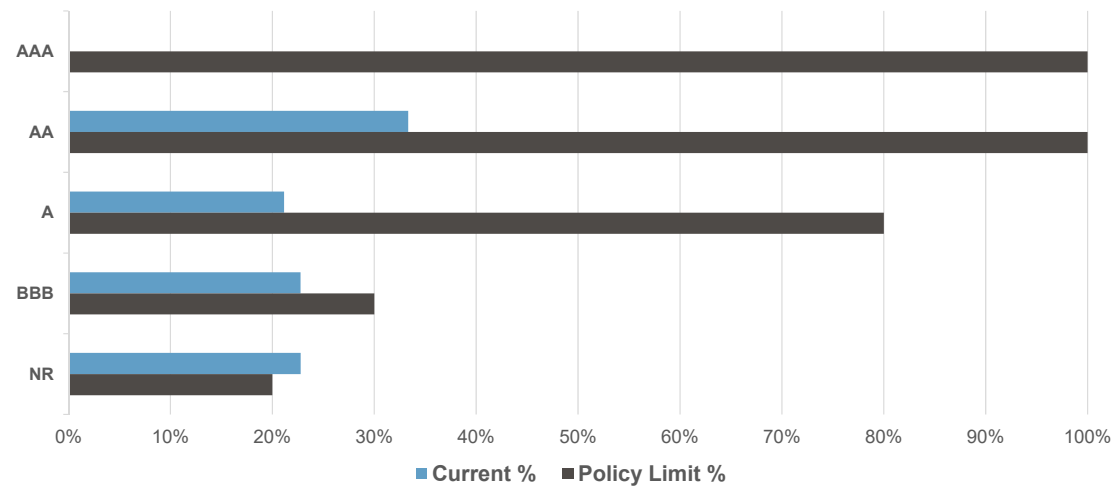
Product Type	Market Value (\$)	Within Policy
At Call	-	
Cash	10,088,175	✓
At Notice	-	
TD	62,759,567	✓
Managed Fund	-	
	72,847,742	

✓ = Yes

✗ = No

Rating Exposure

Total Credit Exposure

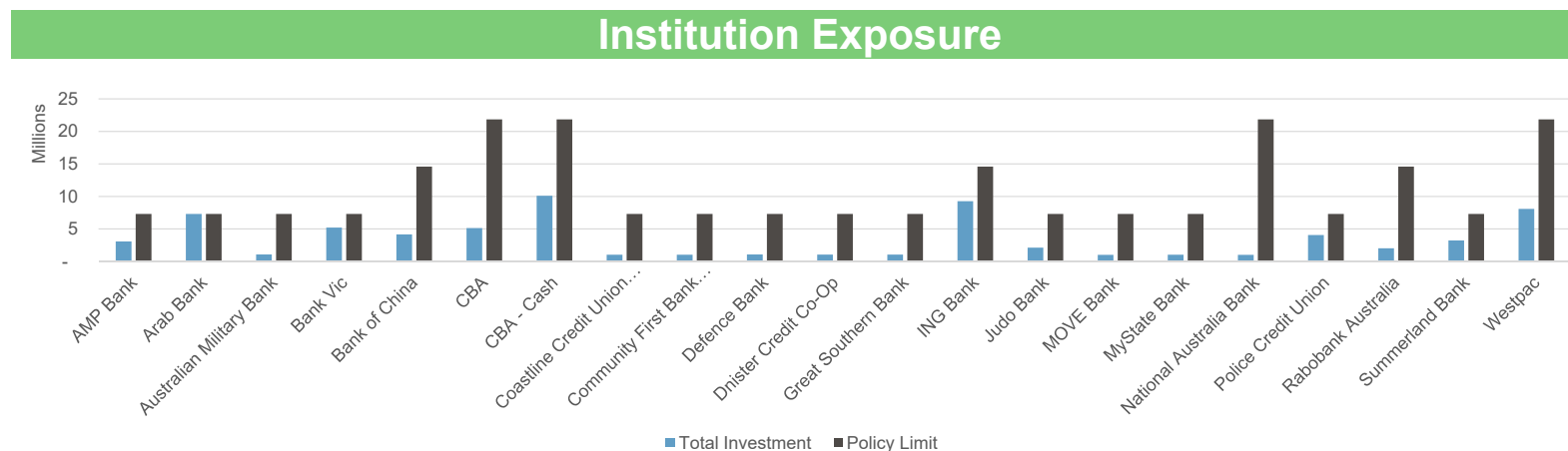


Credit Rating Group	Market Value (\$)	Current %	Policy Limit %	Within Policy
AAA	-	0%	100%	✓
AA	24,280,073	33%	100%	✓
A	15,403,276	21%	80%	✓
BBB	16,578,703	23%	30%	✓
NR	16,585,690	23%	20%	✗
	72,847,742	100%		

✓ = Yes

✗ = No

ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENT PORTFOLIO - JUNE 2024.

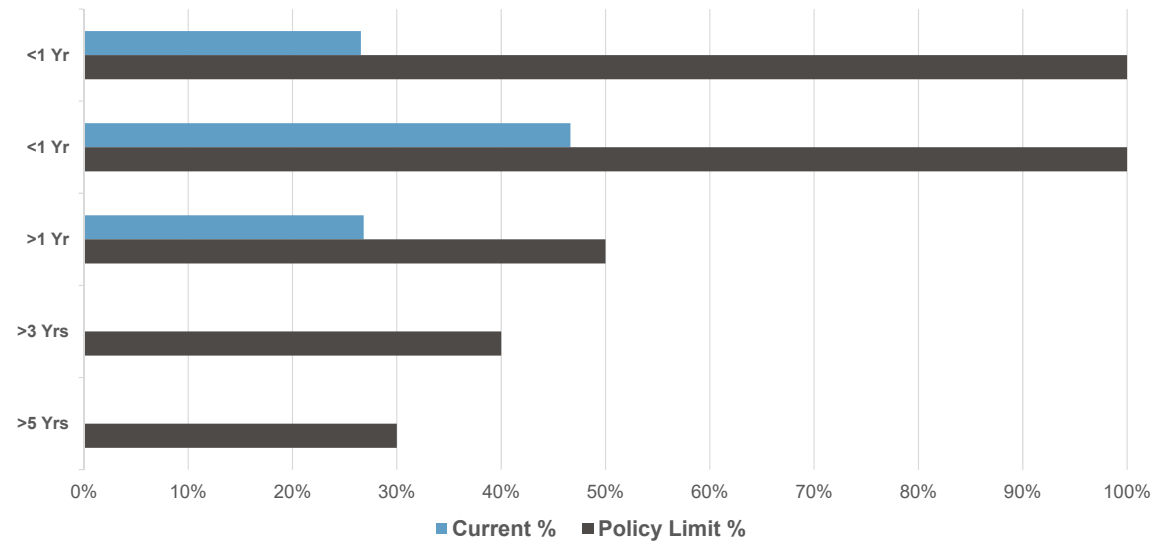


Institution	Rating	Total Investment	Exposure	Policy Limit	Remaining to Limit	Within Policy
AMP Bank	BBB	3,064,329	4%	10%	4,220,445	✓
Arab Bank	NR	7,291,658	10%	10%	6,884	✓
Australian Military Bank	BBB	1,047,069	1%	10%	6,237,705	✓
Bank Vic	BBB	5,201,965	7%	10%	2,082,809	✓
Bank of China	A	4,136,597	6%	20%	10,432,952	✓
CBA	AA	5,114,585	7%	30%	16,739,738	✓
CBA - Cash	AA	10,088,175	13%	30%	11,766,148	✓
Coastline Credit Union Limited	BBB	1,016,879	1%	10%	6,267,895	✓
Community First Bank Ltd	BBB	1,016,813	1%	10%	6,267,962	✓
Defence Bank	BBB	1,057,230	1%	10%	6,227,544	✓
Dnister Credit Co-Op	NR	1,032,236	1%	10%	6,252,539	✓
Great Southern Bank	BBB	1,043,582	1%	10%	6,241,192	✓
ING Bank	A	9,260,533	12%	20%	5,309,016	✓
Judo Bank	BBB	2,114,348	3%	10%	5,170,426	✓
MOVE Bank	NR	1,004,938	1%	10%	6,279,836	✓
MyState Bank	BBB	1,016,488	1%	10%	6,268,287	✓
National Australia Bank	AA	1,000,450	1%	30%	20,853,873	✓
Police Credit Union	NR	4,042,361	5%	10%	3,242,414	✓
Rabobank Australia	A	2,006,146	3%	20%	12,563,402	✓
Summerland Bank	NR	3,214,497	4%	10%	4,070,277	✓
Westpac	AA	8,076,864	11%	30%	13,777,459	✓
Total		72,847,742				

✓ = Yes

✗ = No

Term to Maturity Limits



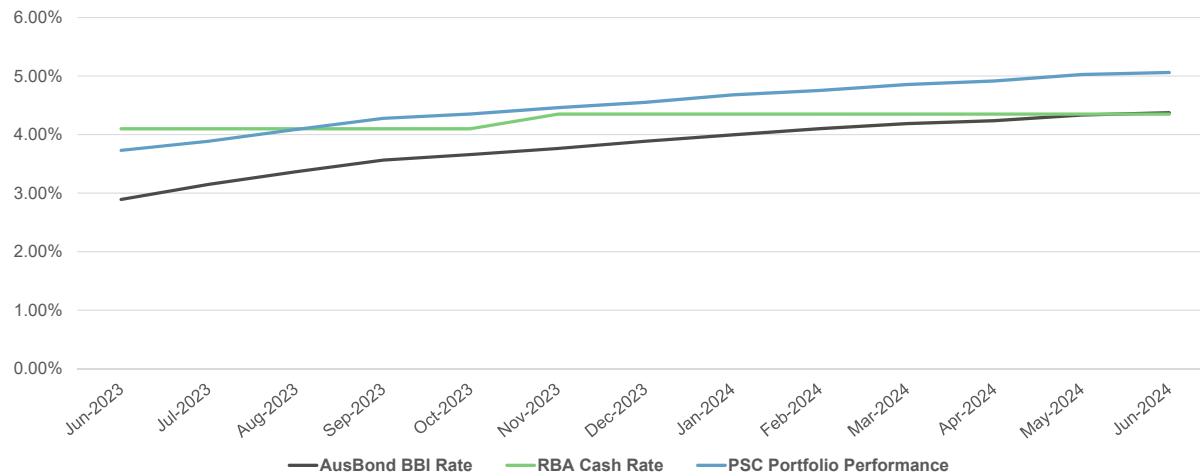
Detailed Maturity Profile	Market Value (\$)	Current %	Policy Limit %	Within Policy
Less than or equal 90 Days	19,338,153	27%	100%	✓
Between 90 Days and 365 Days	33,975,181	47%	100%	✓
Between 366 Days and 3 Years	19,534,407	27%	50%	✓
Between 3 Years and 5 Years	-	0%	40%	✓
Greater than 5 Years	-	0%	30%	✓
	72,847,742	100%		

✓ = Yes

x = No

Portfolio Performance

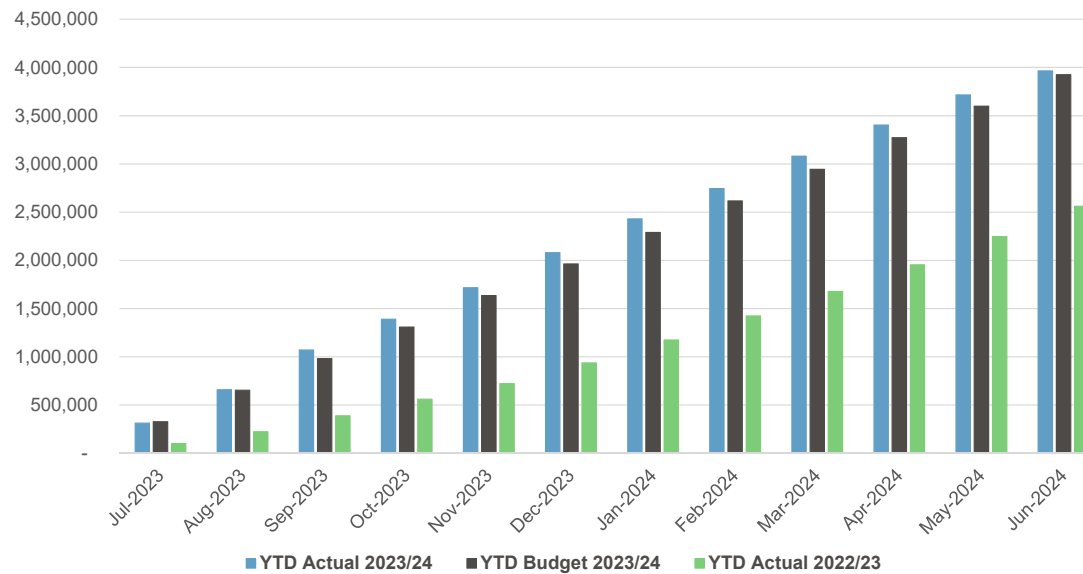
One Year Rolling Performance



Performance	1 month actual	3 months actual	6 months actual	FYTD actual	1 year % p.a. (Rolling)
Bloomberg AusBond BBI (Benchmark)	0.35%	1.08%	2.18%	4.37%	4.37%
PSC Investment Portfolio	0.41%	1.35%	2.61%	5.06%	5.06%
Outperformance/(underperformance)	0.06%	0.27%	0.43%	0.69%	0.69%

Income Earned vs Budget

Monthly Investment Income - Actual to Budget



ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENT PORTFOLIO - JUNE 2024.

Investment Register

Institution	Market Value	Days Held	Interest Rate	Date Invested	Maturity Date	Rating
CBA - Cash	10,088,175	1		30/06/2024	1/07/2024	AA
ING Bank	1,056,079	376	5.67%	5/07/2023	15/07/2024	A
Westpac	1,004,529	692	4.35%	23/08/2022	15/07/2024	AA
Police Credit Union	1,018,842	538	5.02%	14/02/2023	5/08/2024	NR
Westpac	1,005,490	538	5.01%	21/02/2023	12/08/2024	AA
Defence Bank	1,057,230	479	4.95%	5/05/2023	26/08/2024	BBB
CBA	1,027,076	396	5.46%	3/08/2023	2/09/2024	AA
Bank Vic	1,065,054	544	5.02%	15/03/2023	9/09/2024	BBB
Police Credit Union	1,007,839	500	5.02%	5/05/2023	16/09/2024	NR
Police Credit Union	1,007,839	507	5.02%	5/05/2023	23/09/2024	NR
CBA	1,026,877	424	5.42%	3/08/2023	30/09/2024	AA
ING Bank	1,023,849	655	4.68%	23/12/2022	8/10/2024	A
Great Southern Bank	1,043,582	409	5.25%	1/09/2023	14/10/2024	BBB
ING Bank	1,024,153	661	4.70%	23/12/2022	14/10/2024	A
CBA	1,025,588	416	5.16%	1/09/2023	21/10/2024	AA
Westpac	1,007,786	732	4.90%	3/11/2022	4/11/2024	AA
Summerland Bank	1,074,527	719	4.65%	23/11/2022	11/11/2024	NR
Summerland Bank	1,074,527	726	4.65%	23/11/2022	18/11/2024	NR
ING Bank	1,025,767	724	4.50%	2/12/2022	25/11/2024	A
ING Bank	1,026,137	738	4.50%	2/12/2022	9/12/2024	A
CBA	1,023,356	731	4.71%	20/12/2022	20/12/2024	AA
Police Credit Union	1,007,839	612	5.02%	5/05/2023	6/01/2025	NR
ING Bank	1,003,275	587	4.98%	6/06/2023	13/01/2025	A
Westpac	1,003,275	594	4.98%	6/06/2023	20/01/2025	AA
Judo Bank	1,057,973	579	5.75%	28/06/2023	27/01/2025	BBB
Westpac	1,003,275	602	4.98%	6/06/2023	28/01/2025	AA
Arab Bank	1,058,779	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	1,042,586	535	5.13%	1/09/2023	17/02/2025	BBB
Arab Bank	1,042,835	542	5.16%	1/09/2023	24/02/2025	NR
Arab Bank	1,058,779	607	5.83%	28/06/2023	24/02/2025	NR
Bank of China	1,042,503	556	5.12%	1/09/2023	10/03/2025	A
Summerland Bank	1,065,442	726	5.05%	15/03/2023	10/03/2025	NR
Arab Bank	1,042,835	563	5.16%	1/09/2023	17/03/2025	NR
Westpac	1,040,938	550	5.28%	21/09/2023	24/03/2025	AA
ING Bank	1,037,084	515	5.48%	27/10/2023	25/03/2025	A
Westpac	1,008,890	515	5.50%	2/11/2023	31/03/2025	AA
AMP Bank	1,009,452	732	5.00%	20/04/2023	21/04/2025	BBB
AMP Bank	1,007,123	727	5.00%	9/05/2023	5/05/2025	BBB
MOVE Bank	1,004,938	731	5.15%	26/05/2023	26/05/2025	NR
Arab Bank	1,032,364	559	5.52%	29/11/2023	10/06/2025	NR
ING Bank	1,016,708	479	5.04%	1/03/2024	23/06/2025	A
National Australia Bank	1,000,450	368	5.47%	27/06/2024	30/06/2025	AA
Judo Bank	1,056,375	733	5.70%	5/07/2023	7/07/2025	BBB
MyState Bank	1,016,488	497	5.10%	4/03/2024	14/07/2025	BBB
AMP Bank	1,047,753	725	5.25%	3/08/2023	28/07/2025	BBB
Australian Military Bank	1,047,069	726	5.27%	9/08/2023	4/08/2025	BBB
ING Bank	1,047,482	734	5.30%	8/08/2023	11/08/2025	A
Bank of China	1,042,503	717	5.12%	1/09/2023	18/08/2025	A
Bank of China	1,042,503	724	5.12%	1/09/2023	25/08/2025	A
Dnister Credit Co-Op	1,032,236	647	5.55%	1/12/2023	8/09/2025	NR
Arab Bank	1,032,410	661	5.58%	1/12/2023	22/09/2025	NR
Community First Bank Ltd	1,016,813	586	5.03%	29/02/2024	7/10/2025	BBB
Bank Vic	1,031,364	696	5.40%	1/12/2023	27/10/2025	BBB
Bank Vic	1,031,481	703	5.42%	1/12/2023	3/11/2025	BBB
Bank Vic	1,031,481	717	5.42%	1/12/2023	17/11/2025	BBB
Westpac	1,002,681	538	5.15%	11/06/2024	1/12/2025	AA
Coastline Credit Union Limited	1,016,879	655	5.05%	29/02/2024	15/12/2025	BBB
Arab Bank	1,023,656	733	5.02%	10/01/2024	12/01/2026	NR
Rabobank Australia	1,003,616	601	5.28%	5/06/2024	27/01/2026	A
Rabobank Australia	1,002,530	607	5.13%	12/06/2024	9/02/2026	A
Bank of China	1,009,088	735	5.35%	29/04/2024	4/05/2026	A
Total	72,847,742					

Restricted Cash

Reserve	As at June 2024 \$'000
External	
Deposits, retentions and bonds	1,204
Grants and Contributions	9,056
Developer contributions (inc Haulage)	20,306
Domestic Waste Management	7,207
Crown Reserve	6,452
Internal	
Asset Rehab/Reseals	2,708
Drainage	1,738
Commercial Property	3,686
Election Reserve	558
Employee Leave Entitlements (ELE)	1,000
Federal Assistance Grant in Advance	6,995
Fleet	913
Resilience fund	3,000
Grants Co-contribution	1,118
Emergency & Natural Disaster	4,403
Other Waste	6
Council Parking	622
IT	1,885
Sustainable energy and water reserve	65
Repealed	1,681
Transport levy	120
Admin Building	615
Ward Funds	62
Community Halls	101
Community Loans	200
Total	75,701
Cash and Investment Report	72,848
Variance Cash Reserves to Bank Account	(2,853)
Variance Due to:	
Outstanding Debtors	627
Loans not funded through a reserve	251
Outstanding GST refund	647
Total Variance	1,525
Unrestricted Cash/(Shortfall)	(1,328)
Reserves listed above are indicative only due to end of financial year adjustments not being completed at the time this report was extracted	

ITEM NO. 2

**FILE NO: 24/164536
EDRMS NO: PSC2017-00180**

SIX MONTHLY GRANTS REPORT TO 30 JUNE 2024

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

BACKGROUND

The purpose of this report is to provide the status of the Six Monthly Grants Report to 30 June 2024.

There have been 38 successful grant applications for the financial year 2023-2024 to date totalling \$20,839,254 and 6 unsuccessful grant applications which indicates a success rate of 86%.

ATTACHMENTS

1) Six Monthly Grants Report to 30 June 2024. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



Six-Monthly Grants Statement
For the period 1 January 2024 – 30 June 2024

Successful Grant Applications				
Grant	Section / Department	Project Title	Project Summary	Value
TfNSW Regional Roads Program	Assets	Port Stephens Roads Package 2023-2025	Funding to deliver consistent, safe, high quality road infrastructure for the people of NSW.	\$10,000,000
Youth Week 2024	Communications and Customer Experience	Battle of the Arts	Aimed at youth 12-18 years old, Battle of the Arts, is designed to showcase those with a creative talent. These talents will be performed in front of their family and peers as well as a panel, who will award prizes, along with the major prize of \$500.	\$4,775
Open Streets Program	Communications and Customer Experience	Port Stephens Vibrant Streets Series	Project aims to breathe new life into two of our town centres - Raymond Terrace and Shoal Bay by closing roads for inclusive festivals and events.	\$150,000
Country Passenger Transport Infrastructure Grant Scheme 2023-2024	Assets	Various	Construction of 2 new bus shelters and upgrade of 12 existing shelters.	\$80,500
Get NSW Active FY2024/25	Assets	Tarean Road, Karuah	Raised pedestrian crossing construction in accordance with the TfNSW Walking Guide. This crossing is in the middle of a key walking route that connects a major residential area of Karuah to Karuah Public School. It will also provide safer	\$112,300

ITEM 2 - ATTACHMENT 1 SIX MONTHLY GRANTS REPORT TO 30 JUNE 2024.

			access to sporting facilities, and the town centre.	
Get NSW Active FY2024/25	Assets	Strathmore Road, Mallabula	A new footpath that connects existing footpaths on Strathmore Road in Mallabula. This missing link will connect the town centres of Tanilba Bay and Lemon Tree Passage. It will contribute to the footpath network on the Tilligerry Peninsula and improve connectivity between economic, recreational, and residential centres.	\$88,320
Get NSW Active FY2024/25	Assets	Campbell Avenue, Anna Bay	A new footpath that connects existing footpaths on Campbell Avenue in Anna Bay. This missing link will connect the existing path on Campbell Avenue to the town centre of Anna Bay. It will contribute to the footpath network in Anna Bay and improve connectivity between economic, recreational, and residential centres.	\$73,440
Get NSW Active FY2024/25	Assets	President Wilson Walk, Tanilba Bay	A new footpath that connects existing footpaths on President Wilson Walk in Tanilba Bay. This missing link will connect the town centre of Tanilba Bay to the local primary school. It will contribute to the footpath network in Tanilba Bay and improve connectivity between economic, educational, and residential centres.	\$73,440
NSW Koala Strategy	Strategy and Environment	Koala Habitat Mapping	This project will provide funding to Port Stephens Council to develop a habitat map and planning guidance document that will improve our understanding of koala distribution and improve conservation and planning decisions at strategic location within the LGA.	\$300,000
Hunter Region Local Land Services	Strategy and Environment	PSC African Olive Containment	Control of the regional containment weed African olive across private landholdings in the exclusion zone within Port Stephens local government area to bring management of African olive into reasonably practicable levels.	\$57,200

ITEM 2 - ATTACHMENT 1 SIX MONTHLY GRANTS REPORT TO 30 JUNE 2024.

Hunter Region Local Land Services	Strategy and Environment	PSC Hunter Aquatic Weeds Eradication 2024-25	Undertake inspection and control works for eradication of aquatic weeds on various sites.	\$56,100
Holiday Break Program - Winter/Spring 2024	Communications and Customer Experience	Port Stephens Fishing Competition	Completion of 4 fishing workshops during the Spring 2024 school holidays in Nelson Bay, Taylors Beach, Raymond Terrace and Karuah.	\$7,000
ClubGrants Category 3 - Infrastructure Grants 2023-2024	Assets	Redevelopment of Fingal Bay Foreshore	Works include playground shade sail, accessible public amenities, picnic facilities and connecting concrete pathways.	\$177,876
Level the Playing Field Grant	Assets	Tomaree Sports Complex - Don Waring Oval expansion	Expansion of sporting oval at Tomaree Sports Complex into a multicode playing and event surface with floodlighting; and construction of a safe 'sports walk'.	\$2,000,000
Public Library Infrastructure Grant 2023-2024	Assets	Tomaree Library Air-conditioning Upgrade	This project replaces the air-conditioning at Tomaree Library with a reliable, energy efficient system.	\$141,400
NAIDOC Local Grants Program 2024	Communications and Customer Experience	NAIDOC is here. Be Loud Be Proud	Annual march down main street of Raymond Terrace, community day at Riverside Park with entertainment, smoking ceremony, performances and cultural activities.	\$5,000
Roads to Recovery 2024-2029	Assets	Various	The Roads to Recovery (RTR) Program supports the construction and maintenance of the nation's local road infrastructure assets, which facilitates greater accessibility and improves safety, economic and social outcomes for Australians.	\$6,868,664
Crown Reserves Improvement Fund - 2023-24	Strategy and Environment	Biosecurity Weeds Management Project	Control the spread of high priority invasive species across-tenure within the Port Stephens Council LGA.	\$83,965
Crown Reserves Improvement Fund - 2023-24	Strategy and Environment	Boat Harbour Headland Weed Control	Weed control of invasive species at Boat Harbour Headland	\$12,345
Crown Reserves Improvement Fund - 2023-24	Strategy and Environment	Lemon Tree Foreshore Weed Control Program	Control of Bitou Bush, Blackberry, Alligator Weed, Pampas Grass and Glory Lily along Lemon Tree's foreshore.	\$30,066
Crown Reserves Improvement Fund - 2023-24	Strategy and Environment	One Mile Beach Dune Restoration Project	Control of active Bitou Bush sites and maintain dune stabilisation works at One Mile Beach	\$35,380

ITEM 2 - ATTACHMENT 1 SIX MONTHLY GRANTS REPORT TO 30 JUNE 2024.

Crown Reserves Improvement Fund - 2023-24	Assets	Karuah Boardwalk Revitalisation	Upgrades to the existing Karuah boardwalk, lighting and interpretive signage along the boardwalk.	\$67,780
Crown Reserves Improvement Fund - 2023-24	Assets	Shoal Bay East Foreshore Reserve Accessible Amenities	Demolish and construct a new inclusive public amenities building at Shoal Bay East Foreshore Reserve.	\$90,909
Regional Event Fund 2024/25 - Incubator Event Stream	Communications and Customer Experience	Illuminate 2025	Illuminate 2025 is a free, family friendly event that is held in Winter and showcases a captivating display of fire and light. To be held on 31 May 2025.	\$20,000
Hunter Region Local Land Services	Strategy and Environment	Groundsel bush management 2023-24	Control regional priority weed groundsel bush in Port Stephens LGA, particularly around the Hunter wetlands and NPWS estate of the Hunter Estuary.	\$9,809
Hunter Region Local Land Services	Strategy and Environment	HAWES High Priority Sites 2023-24	Control regional priority weed groundsel bush in Port Stephens LGA, particularly around the Hunter wetlands and NPWS estate of the Hunter Estuary.	\$23,913
2023-2024 New Weed Incursion	Strategy and Environment	Chinese Violet Eradication	Funds to support essential first response treatments of new incursions of priority weeds where the occupier could not reasonably have budgeted for these works.	\$65,000
NSW Weeds Action Program 2020-2025 – Regional Sub-Program 2023-2024.	Strategy and Environment	Various	Funding to undertake activities that contribute to the NSW Weeds Action Program 2023-2024.	\$204,072
Total				\$20,839,254

There were 6 unsuccessful grant applications during the period 1 January 2024 – 30 June 2024.

There have been 38 successful grant applications for the financial year 2023 – 2024 to date.

ITEM NO. 3

FILE NO: 24/179086
EDRMS NO: PSC2017-00739

ELECTED MEMBERS PROFESSIONAL DEVELOPMENT AND EXPENSES REPORTS - 1 JANUARY 2024 TO 30 JUNE 2024

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

BACKGROUND

Professional Development

The purpose of this report is to provide an account of the expenses incurred by the Elected Members in accordance with clause 5.14 of the Councillor Induction and Professional Development Policy for the period January to June 2024.

	Mayor Palmer	Cr Anderson	Cr Arnott	Cr Bailey	Cr Doohan	Cr Dunkley	Cr Francis	Cr Kafer	Cr Tucker	Cr Wells
AICD Course ¹		\$8,800								\$8,800
AICD Membership ¹						\$495				
ALGA National General Assembly ²	\$1,109	\$1,109				\$1,109			\$1,109	
LGNSW – Visitor & Economy Conference ³	\$955									
LGNSW – Regional Summit ³	\$590									
Total	\$2,654	\$9,909	\$0	\$0	\$0	\$1,604	\$0	\$0	\$1,109	\$8,800

¹ AICD – Australian Institute of Company Directors

² ALGA – Australian Local Government Association

³ LGNSW – Local Government NSW LGNSW – Local Government NSW

Expenses

The purpose of this report is to provide an account of the expenses incurred by the Elected Members in accordance with Clause 3.127 of the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy for the period 1 January 2024 to 30 June 2024 **(ATTACHMENT 1)**.

The costs in the report are those incurred by the Elected Members that have been reconciled during this period and does not include expenses incurred that have not been submitted for reimbursement. The report also shows the total costs incurred to Council by Elected Members (including the monthly allowance) for each costing category listed.

ATTACHMENTS

1) Elected Members Expense Report - 1 January 2024 to 30 June 2024. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 ELECTED MEMBERS EXPENSE REPORT - 1 JANUARY 2024 TO 30 JUNE 2024.

Elected Members Expense Report 1 January 2024 to 30 June 2024

		Mayor Ryan Palmer	Cr Leah Anderson	Cr Giacomo Arnott	Cr Matthew Bailey	Cr Chris Doohan	Cr Glen Dunkley	Cr Peter Francis	Cr Peter Kafer	Cr Steve Tucker	Cr Jason Wells	TOTALS
Total Number of Council Meetings Attended (10 held)		9	10	10	8	7	8	8	8	10	10	
Total Number of Months Reimbursed during the period		5	6	0	6	5	5	0	0	5	0	
Description of Expense	Limits as per policy											
Councillor Mobile Rental	75% up to \$200 per month											\$0.00
Councillor Mobile Calls		\$428.00	\$205.00		\$466.00							\$1,099.00
Councillor Landline Phone Rental												\$0.00
Councillor Landline Phone Calls												\$0.00
Councillor Fax Rental												\$0.00
Councillor Fax Calls												\$0.00
Councillor Internet	75% up to \$60 per month	\$360.00	\$360.00		\$601.00							\$1,321.00
Councillor Intrastate Travel Expenses	\$7000 per year	\$158.00	\$2,307.00		\$330.00		\$623.00			\$2,103.00		\$5,521.00
Councillor Interstate Travel (out of NSW)	\$2000 per year											\$0.00
Councillor Interstate Accommodation (out of NSW)												\$0.00
Councillors Intrastate Accommodation		\$4,404.00	\$2,030.00				\$1,494.00					\$7,928.00
Councillor Conferences	\$3000 per year	\$2,654.00	\$1,109.00				\$1,109.00			\$1,109.00		\$5,981.00
Councillor Training												\$0.00
Councillor Partner Expenses	Mayor \$1000 per year Cr's \$500 per year (excluding LGNSW Annual Con.)											\$0.00
Councillor ICT Devices (incl. Mobile phones)	\$5000 per term									\$1,522.00		\$1,522.00
Councillor Stationery	\$300 per year											\$0.00
Councillor Awards/Ceremonies/Dinners	Mayor \$1000 per year Cr's \$500 per year	\$312.00	\$32.00	\$136.00	\$304.00	\$68.00				\$77.00		\$929.00
Councillor Child Care Costs	\$2000 per year				\$843.00							\$843.00
Councillor Communications Bundle	75% up to \$100 per month landline 75% up to \$100 per month mobile						\$495.00			\$737.00		\$1,232.00
Councillor Professional Development	\$15,000 per term		\$8,800.00				\$495.00				\$8,800.00	\$18,095.00
Councillors Superannuation Expenses		\$0.00	\$1,434.00	\$1,434.00	\$1,434.00	\$1,434.00	\$1,434.00	\$1,434.00	\$1,434.00	\$1,434.00	\$1,434.00	\$12,906.00
TOTALS		\$8,316.00	\$16,277.00	\$1,570.00	\$3,978.00	\$1,502.00	\$5,650.00	\$1,434.00	\$1,434.00	\$6,982.00	\$10,234.00	\$57,377.00
Councillor Allowances	Mayor \$90,460 pa Cr's - \$26,070 pa	\$45,230.00	\$13,035.00	\$13,035.00	\$13,035.00	\$13,035.00	\$13,035.00	\$13,035.00	\$13,035.00	\$13,035.00	\$13,035.00	\$162,545.00
TOTALS		\$53,546.00	\$29,312.00	\$14,605.00	\$17,013.00	\$14,537.00	\$18,685.00	\$14,469.00	\$14,469.00	\$20,017.00	\$23,269.00	\$219,922.00

ITEM NO. 4

**FILE NO: 24/27801
EDRMS NO: PSC2009-00965**

DELEGATIONS REPORT

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

BACKGROUND

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

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

ATTACHMENTS

1) Delegations Report. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 DELEGATIONS REPORT.**MAYOR AND GENERAL MANAGER DELEGATION REPORT**

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
28/06/2024	Clause 178 of the Local Government (General) Regulation 2021	Acceptance of tender T129-2023 - Liveability Data	General Manager	23/07/2024
03/07/2024	Clause 178 of the Local Government (General) Regulation 2021	Acceptance of RFQ - Supply of Spray Sealing Services 2024-2025	General Manager	23/07/2024

ITEM NO. 5

FILE NO: 24/165233
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.



Action Sheets Report	Division:	Community Futures	Date From:	10/10/2023
	Committee:		Date To:	09/07/2024
	Officer:		Printed:	Wednesday, 10 July 2024

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary council 10/10/2023	Lamont, Brock Peart, Steven	URGENCY MOTION: Wind Farm Industry	30/03/2025		
10 Jul 2024 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 is 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	RAMSAR Listing for Mambo Wanda Wetlands	30/12/2025	29/11/2023	
4						23/324875
10 Jul 2024 A briefing will be undertaken next term following receipt of responses from State and Federal Ministers.						

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

ITEM 5 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.



Division:	Corporate Strategy and Support	Date From:	27/08/2013
Committee:		Date To:	09/07/2024
Officer:			
Action Sheets Report		Printed:	Wednesday, 10 July 2024

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
243	Ordinary Council 27/08/2013	Pattison, Zoe Pattison, Zoe	Campvale Drain	30/03/2025		
10 Jul 2024 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 1	Ordinary Council 11/10/2022	Pattison, Zoe Pattison, Zoe	Policy Review: Property Investment and Development Policy	30/03/2025	12/10/2022	22/273002
10 Jul 2024 Public Exhibition will commence once requested amendments are made and further clarification on the distribution of funds is resolved.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2	Ordinary Council 11/10/2022	Pattison, Zoe Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	30/03/2025	12/10/2022	22/273002
10 Jul 2024 Report deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 5 088	Ordinary Council 11/04/2023	Pattison, Zoe Pattison, Zoe	22 Homestead Street, Salamander Bay	30/03/2025	12/04/2023	23/92450
10 Jul 2024 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 1 193	Ordinary Council 22/08/2023	Pattison, Zoe Pattison, Zoe	Raymond Terrace Gateway Site Masterplan	30/03/2025		23/214729
10 Jul 2024 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 5 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.



Action Sheets Report	Division:	Corporate Strategy and Support	Date From:	27/08/2013
	Committee:		Date To:	09/07/2024
	Officer:		Printed: Wednesday, 10 July 2024	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/11/2023	Pattison, Zoe	Sale of closed roads in Raymond Terrace	30/03/2025	29/11/2023	
1		Pattison, Zoe				23/324875
10 Jul 2024						
2 of the roads are being marketed. An Expression of Interest (EOI) for the remaining road is underway.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2024	Peterkin, Glen	Proposed Sale or Lease of 528 Hunter Street, Newcastle	31/12/2024	29/05/2024	
1		Pattison, Zoe				24/131056
10 Jul 2024						
Marketing underway for a sale or lease scenario. The outcome of the negotiations will be reported back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/06/2024	Dodds, Melissa	Policy Review: Public Access to State Records after 20 Years Policy	30/03/2025	12/06/2024	
4		Pattison, Zoe				24/145208
10 Jul 2024						
The policy was on exhibition from 12 June 2024 to 9 July 2024. The exhibition period has closed with no formal submissions being received during this time. Noting that, regardless of any submissions being received, the policy will go back to a future Council meeting with requested amendments from Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/06/2024	Peterkin, Glen	Draft Financial Reserves Policy	30/03/2025	26/06/2024	
8		Pattison, Zoe				24/157809
10 Jul 2024						
The policy will be on public exhibition from 3 July to 30 July 2024. Noting that, regardless of any submissions being received, the policy will go back to a future Council meeting.						

ITEM 5 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	11/04/2023
	Committee:		Date To:	09/07/2024
	Officer:		Printed:	Wednesday, 10 July 2024

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	30/06/2025	12/04/2023	
2		Kable, Gregory				23/92450
085						
10 Jul 2024						
Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to name the recreation precinct after Geoff Dingle.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2024	Maretich, John	Bus Stop Infrastructure Plan	31/03/2025	29/05/2024	
1		Kable, Gregory				24/131056
10 Jul 2024						
As per Council resolution a review of the Bus Stop Infrastructure will be undertaken.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2024	Maretich, John	Pathways Review	31/03/2025	29/05/2024	
2		Kable, Gregory				24/131056
10 Jul 2024						
As per Council resolution, staff will undertake a review of Council's pathways plans.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2024	Maretich, John	Maintenance of Gravel Roads	31/07/2025	10/07/2024	
2		Kable, Gregory				24/176219
10 Jul 2024						
As per Council resolution, staff will undertake a review of the maintenance of gravel roads.						



Action Sheets Report	Division:	General Manager's Office	Date From:	09/07/2024
	Committee:		Date To:	09/07/2024
	Officer:		Printed: Wednesday, 10 July 2024	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2024	Wickham, Tony	Policy: Risk Management	12/08/2024	10/07/2024	
7		Crosdale, Timothy				24/176219
10 July 2024						
The policy will be placed on public exhibition for 28 days.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2024	Wickham, Tony	Initiation of a Proposal to Alter the Port Stephens Local Government Boundaries	23/07/2024	10/07/2024	
1		Crosdale, Timothy				24/176219
10 July 2024						
Engagement with neighbouring Councils will be undertaken.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 24/174096

EDRMS NO: PSC2021-04195

FINANCIAL ASSISTANCE GRANTS

COUNCILLOR: LEAH ANDERSON

THAT COUNCIL:

- 1) Requests the General Manager write to the Treasurer, Federal Minister for Local Government and Federal Member for Paterson to:
 - a) Thank the Federal Government for the 85% advance payment of our 2024-25 Financial Assistance Grant (FAG) for Port Stephens for the amount of \$6,994,854 on 28 June 2024.
 - b) Note that Port Stephens Council, along with many other councils nationally, is heavily reliant on this FAG grant for our financial sustainability, where the message was heard loud and clear at this year's ALGA National General Assembly in Canberra.
 - c) Note that the FAG has declined over the last 3 decades from around 1% of Commonwealth Taxation Revenue to around 0.55%, whilst the cost for councils operations have continued to increase.
 - d) Note that there are additional Grant programs available, however this takes a Council resource to apply, matching funds are often required, and there is no guarantee of success of receiving the grant funding.
 - e) Note that there was unanimous support at ALGA for the restoration of 1% of Commonwealth Taxation Revenue as a matter of urgency.
 - f) Note if the 1% was restored, that this would mean an additional \$7.5 million being a total of \$14.5 million in FAGs annually for Port Stephens Council, meaning Council would know in advance what recurring funding would be received to enable us to have a more financially sustainable Council, enabling us to put more funding into roads, drainage and infrastructure.
 - g) Seek the Federal Governments consideration and commitment to the restoration of the Financial Assistance Grant back to 1% of Commonwealth Taxation Revenue consistent with resolutions that were passed at the ALGA National General Assembly 2024 in Canberra, and seek a written response to advise of the Federal Government's position following this Notice of Motion.

**BACKGROUND REPORT OF: GLEN PETERKIN – FINANCIAL SERVICES
SECTION MANAGER****BACKGROUND**

The Federal Government supports Local Government through the Financial Assistance Grants program, which in 2023-24 provided untied funding totaling \$3.2 billion. The grant is spread across local government areas via their state or territory grants commissions according to an agreed formula set by the Federal Government.

The grant currently equates to approximately 0.55% of Commonwealth Taxation Revenue. The last time Financial Assistance Grants were equal to 1 percent of Commonwealth Taxation Revenue was 1996.

The grant helps subsidise the cost of operating public services such as libraries and pools as well as deliver asset maintenance activities on roads, buildings and parks. In addition to the Financial Assistance Grants program there are other grants such as Roads to Recovery and the Blackspot program which provide tied funding to councils.

The current arrangements for Financial Assistance Grants are that they are indexed by a combination of the Consumer Price Index and the rate of population growth. However, this determination is that of the Treasurer alone.

The Australian Local Government Association (ALGA) has highlighted that the quantum of Financial Assistance Grants funding is too low for the increasing responsibilities of Local Government, and that the indexation methodology does not sufficiently recognise the true cost pressures on councils.

In the 2014-15 Federal budget, the Commonwealth placed a freeze on the indexation of Financial Assistance Grants for 3 years. According to the Government's own estimates, the budget move cost local communities more than \$600 million worth of services and infrastructure over the 3 years, with the biggest impact felt by councils in regional, rural and remote Australia.

This is despite Local Government being responsible for about a third of Australian government's non-financial assets worth more than \$350 billion such as roads, drains and buildings.

FINANCIAL/RESOURCE IMPLICATIONS

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

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 24/174101

EDRMS NO: PSC2021-04195

PORT STEPHENS ROADS

COUNCILLOR: LEAH ANDERSON

THAT COUNCIL:

- 1) Requests the General Manager write to the Federal Minister for Infrastructure, Transport, Regional Development, Federal Member for Paterson, and to the State Minister for Regional Transport and Roads and State Member for Port Stephens:
- a) Noting the community of Port Stephens, and our visitors, are impacted by the state of our roads every single day.
- b) Noting that the condition of a number of our roads is poor and they become increasingly worse during our wettest seasons of the year.
- c) Noting it is an increasing burden on Port Stephens Council to be consistently applying for multiple road funding programs, with no guarantee of success, and often needing to find matching funds to support the success of the grant.
- d) Noting that Port Stephens has a total of 733 km of sealed and unsealed roads that would require an amount of approximately \$40 million to repair them to community satisfaction.
- e) Noting regional communities bear an undue road funding burden compared with our metropolitan counterparts.
- f) Requesting a more equitable model for allocating roads funding for Port Stephens, being an allocative model designed to provide ongoing certainty to increase our road building and maintenance budgets in the future.
- g) Requesting a written response from both the Federal Government representatives and the State Government representatives to advise what considerations can be given to more targeted and critical funding to repair the roads in Port Stephens.

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

Council's road network condition is worsening with the major causes being additional traffic loading on the pavement, underfunded resealing and the pavement

rehabilitation program not keeping up with increasing road costs and an ongoing high frequency of wet weather.

A typical road pavement is made up of compacted layers of selected gravel material with a top coat called a seal. The seal protects the gravel layers from getting wet. As the seal ages, or is overloaded, it can crack allowing water to enter through the seal and into the gravel layers. Wet gravel layers can result in a failed road pavement which is evident from the formation of potholes and other failures such as shoves and pushes.

A large percentage of our road network was built to accommodate a certain volume of traffic and vehicle weight. Change in population centres, trucking movements and heavier commuter vehicles has resulted in our road pavements being subjected to heavier loads compared to when they were first built.

The issues of road funding availability, increase in traffic loading and road failure due to wet pavements is typical for regional councils. Regional councils, such as Port Stephens, generally have a higher infrastructure requirement per population compared to more populated dense local government areas. This, in turn, results in a higher cost per population to maintain our road network when compared to densely populated local government areas.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: 24/174104

EDRMS NO: PSC2021-04195

**REQUEST FOR FINANCIAL SUPPORT FROM STATE AND FEDERAL
GOVERNMENT TO ASSIST DELIVERY OF THE RAYMOND TERRACE SUB
PRECINCT MASTERPLAN**

COUNCILLOR: LEAH ANDERSON

THAT COUNCIL:

- 1) Requests the General Manager to write to both the Federal Minister for Housing and the NSW Minister for Housing seeking funding for Homes NSW to support the delivery of additional social housing in Port Stephens to meet the increased demand and long wait times for social housing in Port Stephens.
- 2) Notes that Port Stephens Council formed the Homelessness Stakeholder Advocacy Group (HSAG) following a Notice of Motion put to Council by Councillor Leah Anderson on 22 August 2022 requesting options for Council to address the increasing prevalence and risk of homelessness across Port Stephens.
- 3) Notes that all 3 levels of government, along with Community Housing Provider, Hume Housing, service providers, such as Port Stephens Family and Neighbourhood Centre, Tomaree Neighbourhood Centre, the Yacaaba Centre, Hunter Tenants Association, as well as other services who support people experiencing financial stress and homelessness, have been advocating via the HSAG for support from the Federal and State Governments to assist Port Stephens to provide more social and affordable housing in Port Stephens.
- 4) Notes that an action from the HSAG was for Port Stephens Council to work on delivering more social and affordable housing and that Council has worked hard to develop an opportunity for such housing, in conjunction with Homes NSW, with delivery of the Raymond Terrace Sub Precinct Masterplan showing the capacity to deliver additional social and affordable housing in Port Stephens.
- 5) Requests funding of \$30 million in total from the Federal and State Governments to deliver on the opportunities presented in the Raymond Terrace Sub Precinct Masterplan by funding the delivery of more than 40 new social housing dwellings in Port Stephens over the next 5 years.

- 6) Seeks a written response from both the State and Federal Government to this funding request, to enable Port Stephens to deliver more social and affordable housing, reduce the social housing waitlist, and reduce the financial stress and homelessness crisis in Port Stephens.

BACKGROUND REPORT OF: MATHEW EGAN – PRINCIPAL STRATEGIC PLANNER

BACKGROUND

In 2019, the NSW Government committed to reducing street homelessness across NSW by 50% by 2025, with the target later becoming one of the NSW Premier's Priorities. The NSW Government also oversees the delivery of the NSW Homelessness Strategy.

It is recognised that Local Government is not best placed to act in the role of direct service providers. Council established the Homelessness Stakeholder Advisory Group (HSAG) to engage and collaborate at all levels of government and with the community sector to address the impacts of homelessness in Port Stephens. Providing appropriate housing is one of the key actions that can be taken to ensure that homelessness becomes increasingly rare, brief and non-recurring.

One of the key actions that the HSAG endorsed is to improve access to social and affordable housing by advocating for policy reforms and incentives to encourage social and affordable housing in regional NSW. Council, through the preparation of the Raymond Terrace Sub Precinct Masterplan in conjunction with Homes NSW and Hume Housing, has shown where and how additional social housing could be provided within key precincts in Raymond Terrace. The development of additional social housing in Raymond Terrace would help to address both the significant wait times and the level of rental stress in the area.

Both the Federal and State Governments have committed significant funding to deliver new social and affordable housing. The National Housing Accord included a Commonwealth commitment to provide \$3.5 billion in payments to State, territory and local governments to support the delivery of new homes towards the National Housing Accord target.

Council is now looking at opportunities to secure funding on behalf of Homes NSW to allow for the opportunities highlighted within the Raymond Terrace Sub Precinct Masterplan to be taken up and new social housing developed to support our community.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 4

FILE NO: 24/176932

EDRMS NO: PSC2021-04195

KINGS HILL WEST STREET NAMES

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes the importance to locals in the Lower Hunter of local sporting teams, especially those at the elite level, for bringing the community together.
 - 2) Notes that players from the Newcastle Knights' Men's and Women's teams, are involved in community events and sporting in Port Stephens, often giving up their own time for the benefit of our community.
 - 3) Requests the General Manager to write to the Geographic Names Board:
 - a) asking for its support to name streets in the Newline Road, Kings Hill estate (DA 16-2013-599-1) to recognise the incredible players from the Newcastle Knights' Women's team who have played representative rugby league in 2023 and 2024, as follows: Higgins, Johnston, Clydsdale, Upton and Southwell.
 - b) asking for its support to name streets in the Newline Road, Kings Hill estate (DA 16-2013-599-1), to recognise a cohort of Knights' Men's players, following consultation with the Newcastle Knights and the National Rugby League Hall of Fame, who will determine the 10 most worthy Men's players since the Knights were established in 1987.
-

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

Through Council's Road Naming and Addressing Policy, Council adopted the Geographic Names Board (GNB) NSW Address Policy and User Manual when naming and addressing new roads, roads within subdivisions to be dedicated to Council or renaming/readdressing of existing roads within the Port Stephens Local Government Area.

Council will seek support from the GNB for the proposed naming theme. The GNB will assess in accordance with their policy and user manual.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 5

FILE NO: 24/178848

EDRMS NO: PSC2021-04195

PACIFIC HIGHWAY INTERSECTIONS

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Agrees that its number one priority is the safety of local families, especially on our roads
 - 2) Agrees that the safest solution for any traffic moving onto the Pacific Highway from Italia Road is via a purpose-built fly-over, constructed to Transport for NSW specification
 - 3) Agrees that for any assessment being undertaken by Council staff for a quarry or mining DA, that has any interaction with a Pacific Highway intersection, where the traffic solution being proposed is anything other than a purpose-built fly-over, that Councillors be notified via PS News, for the elected Council to consider whether to make a Councillor submission on the DA to the determination body, or to call up the DA
 - 4) Requests the General Manager to write to the NSW Minister for Planning and Public Spaces, the NSW Minister for Transport and the Hunter and Central Coast Regional Planning Panel noting the following:
 - a. There is an ever increasing demand for new approvals and expansions of quarries accessing the M1 from Italia Road
 - b. Any traffic solution proposed for future development applications and modifications must adequately consider the cumulative traffic impacts and safety of the Italia Road/M1 intersection, as well as the Karuah exit flyover which is used by significant residential traffic and local families.
 - c. The elected body of Port Stephens Council will not support any future traffic solution associated with new quarry development applications or modifications at the Italia Road/M1 intersection unless it is a grade separated, fly-over interchange, and encourages you in any and all of your assessments to adopt this same approach in order to protect the health and safety of locals in Port Stephens.
-

BACKGROUND REPORT OF: RYAN FALKENMIRE – ACTING DEVELOPMENT AND COMPLIANCE SECTION MANAGER**BACKGROUND**

Mining and quarry operations are expanding in the Port Stephens LGA, with many accessing the M1 from Italia Road. The elected body of Council respects the assessment and determination role of the NSW Minister for Planning and Public Spaces and the Hunter and Central Coast Regional Planning Panel.

Ensuring that an adequate cumulative traffic safety impact assessment is undertaken for all quarry/mining related development applications and modifications is important. Council is requesting all relevant approval authorities consider the elected body of Council's position regarding the need for a grade separated, fly-over interchange at the Italia Road/M1 intersection.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 6

FILE NO: 24/176944

EDRMS NO: PSC2021-04195

RAYMOND TERRACE BOAT RAMP

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that Council is always seeking funding to improve local boat ramps.
 - 2) Agrees that Raymond Terrace Boat Ramp is one of the most frequently used boat ramps in Port Stephens outside of the Tomaree Peninsula.
 - 3) Agrees that it has been a significant period of time since any upgrade has occurred to Raymond Terrace Boat Ramp.
 - 4) Agrees that the next boat ramp in Port Stephens to undergo a major upgrade will be Raymond Terrace Boat Ramp.
 - 5) Requests the General Manager to prepare options for what could be done to upgrade Raymond Terrace Boat Ramp if funding was secured, with the options to be presented to a two-way meeting, and for the final plans to be endorsed by Council at a future Council meeting.
-

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

The importance of Port Stephens as a strategic boating and fishing location is emphasised in the NSW Government's Marine Infrastructure Plan. With the support of the NSW Government's Boating Now Program, Council endorsed the Port Stephens Boating and Fishing Infrastructure Plan (infrastructure plan).

Raymond Terrace Boat Ramp is classified as a "District" level facility that was identified as a high priority for replacement in the infrastructure plan. District facilities cater for local residents as well as visitors from other suburbs and other LGAs. The infrastructure plan calls for the exploration of 2 options, to provide a new facility approximately 300m north of the current site and the other to upgrade existing facilities.

It should be noted that while Raymond Terrace Boat Ramp is proposed to be the next one to undergo a major upgrade, the priority of works may be governed by limited grant funding or funding criteria that may suit alternative ramps.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 7

FILE NO: 24/177931

EDRMS NO: PSC2021-04195

FULLERTON COVE SUPERMARKET

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that a Development Application for a Supermarket at 42 Fullerton Cove Road, Fullerton Cove is being considered for determination by the Hunter and Central Coast Regional Planning Panel.
- 2) Notes that locals are currently driving long distances to Medowie, Raymond Terrace, Stockton or Mayfield to go to the supermarket and buy their groceries.
- 3) Agrees that this Supermarket is regionally significant for the people of Fern Bay, Fullerton Cove, Williamtown and Stockton.
- 4) Requests the General Manager to write to the Hunter and Central Coast Regional Planning Panel, on behalf of the elected Council, noting its support for the Development Application and requesting the Regional Planning Panel determine the Development Application with haste so that this important piece of infrastructure can be constructed at the earliest opportunity.

BACKGROUND REPORT OF: RYAN FALKENMIRE – ACTING DEVELOPMENT AND COMPLIANCE SECTION MANAGER

BACKGROUND

On 4 December 2023, Council received Development Application (DA) 16-2023-685-1 seeking approval for a commercial premises (neighbourhood shopping centre), medical centre, signage, sewer extension, demolition and associated site works at 42 Fullerton Cove Road, Fullerton Cove.

The site has an area of 6.86 hectares and has frontage to Fullerton Cove Road to the west and Nelson Bay Road to the south east. The site was rezoned in 2022, with the rezoning being approved by Council on 13 September 2022 and later gazetted in October 2022. The site was previously zoned RU2 Rural Landscape and rezoned to part E1 Local Centre and the other portion zoned C2 Environmental Conservation. The intended outcome of the rezoning was to enable a local centre, with a

supermarket, for local day-to-day retail convenience and services within the Fern Bay area.

The proposed development under DA 16-2023-685-1 is categorised as being a regionally significant development under Section 2.19(1) and Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, as the development has a capital investment value of more than \$30 million. Accordingly, the Hunter and Central Coast Regional Planning Panel is the relevant determining body.

The application is nominated integrated development, with integrated approval required from Heritage NSW under the National Parks and Wildlife Act 1974 and NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) for a controlled activity approval under the Water Management Act 2000.

In accordance with the NSW Sydney District and Regional Planning Panels Operational Procedures (dated August 2020), the assessment function of regionally significant development applications is undertaken by Council staff with the relevant delegations. Council staff complete the assessment functions for the DA and make recommendations on the determination, including preparing conditions of consent to the Regional Planning Panel. Council's assessment is documented in a report with recommendations to the Regional Planning Panel. The report and recommendations are then considered by the Regional Planning Panel for determination as the consent authority.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 8

FILE NO: 24/177932

EDRMS NO: PSC2021-04195

AVAILABILITY OF CASH PAYMENTS FOR COUNCIL SERVICES

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes the important role that cash plays across Port Stephens, especially for older people.
 - 2) Notes the value placed on cash by local businesses, who pay zero fees on the taking of cash, which also makes goods and services cheaper for customers who use cash.
 - 3) Agrees that cash should continue to be available for people to use at businesses, and to access Government services across all levels of government.
 - 4) Requests the General Manager to ensure that, where practicable, cash continues to be an option for the payment of Council services, including rates, fees and fines.
-

**BACKGROUND REPORT OF: GLEN PETERKIN – FINANCIAL SERVICES
SECTION MANAGER**

BACKGROUND

Council has various options for the payment of rates which includes cash at designated Council sites and any Australia Post outlet. In addition, fines can be paid in cash at any Service NSW Centre. There is no plan to remove cash as a payment option from these areas.

The current ability to pay a user fee in cash does vary between services. This is dependent on a number of factors, including the risks associated with holding cash on premises and the fixed cost of cash collections. In general, cash is never not accepted as a genuine payment method, however, the customer may be required to travel to a Council site that is capable of holding the cash.

The last 2 years have seen an average of \$257,000 collected annually in cash for all services across Council sites. This represents less than 1% of total turnover.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 9****FILE NO: 24/176124****EDRMS NO: PSC2021-04195****COMMUNITY SPORT GRANT PROGRAM****COUNCILLORS:** STEVE TUCKER, LEAH ANDERSON, CHRIS DOOHAN, PETER FRANCIS, PETER KAHER & JASON WELLS

THAT COUNCIL:

- 1) Establishes a new Sport Grant Program to support individuals competing in representative sport.
 - 2) Contributes \$1000 from Mayoral funds and \$1000 from each Ward to fund the program.
-

BACKGROUND REPORT OF: JANELLE GARDNER – COMMUNICATIONS AND CUSTOMER EXPERIENCE SECTION MANAGER**BACKGROUND**

A new Sports Grant program would be developed to support individuals who are competing in representative sport at a State, National or International level.

Funds for the program would be sourced from Mayoral funds (\$1000 from the Mayoral Fund) and Ward funds (\$1000 from each Ward. This would provide a total pool of \$4000 each year.

An assessment criteria and funding scale would be developed similar to the current Community Grant Program.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$4000	\$1000 from Mayoral funds \$1000 from Central Ward funds \$1000 from East Ward funds \$1000 From West Ward funds
Reserve Funds	No		

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

ATTACHMENTS

Nil.