

ITEM NO. 7

**FILE NO: 17/9230
RM8 REF NO: PSC2006-0038**

POLICY REVIEW - AIRCRAFT NOISE (ADMINISTRATIVE AMENDMENT)

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note no objection in the submission received from the Department of Defence.
- 2) Adopt the Port Stephens Aircraft Noise Policy (including guideline) as exhibited **(ATTACHMENT 1)**.
- 3) Revoke the former Port Stephens Aircraft Noise Policy 2010 **(ATTACHMENT 2)**.

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Peter Kafer Councillor John Nell That the recommendation be adopted.
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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 Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, John Morello, John Nell and Steve Tucker.

Those against the Motion: Cr Paul Le Mottee.

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
MOTION**

047	Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council: 1) Note no objection in the submission received from the Department of Defence.
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MINUTES ORDINARY COUNCIL - 28 FEBRUARY 2017

- | | |
|--|---|
| | <ul style="list-style-type: none">2) Adopt the Port Stephens Aircraft Noise Policy (including guideline) as exhibited (ATTACHMENT 1).3) Revoke the former Port Stephens Aircraft Noise Policy 2010 (ATTACHMENT 2). |
|--|---|

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, John Morello, John Nell and Steve Tucker.

Those against the Motion: Cr Paul Le Mottee.

BACKGROUND

The purpose of this report is to advise Council of the results of the public exhibition of the Port Stephens Aircraft Noise Policy (including guideline) and to recommend its adoption with no changes **(ATTACHMENT 1)**. It is also recommended to revoke the former Port Stephens Aircraft Noise Policy 2010 **(ATTACHMENT 2)**.

The exhibited policy comprised minor administrative updates with no fundamental changes proposed to the existing policy position of Council. Key exhibited updates included reference to: Port Stephens Local Environmental Plan 2013; Port Stephens Development Control Plan 2014; Australian Standard 2021-2015 Acoustics – Aircraft Noise – building siting and construction; and the Memorandum of Understanding (MOU) between Council and the Commonwealth (Department of Defence) 23 December 2015.

The review was initiated as a result of Council's commitment to undertaking regular reviews of all its policies.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications for Council in adopting the policy.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Work being undertaken within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The are no known legal, policy or risk implications resulting from the proposed recommendation.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council does not have an up-to-date policy approach to aircraft noise and land use planning.	Medium	Adopt the updated policy.	

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no social, economic and environmental implications for Council in adopting the updated policy.

CONSULTATION

The policy was placed on public exhibition from 2 November to 2 December 2016.

Internal

Council's Development Assessment and Compliance Section reviewed the policy amendments prior to exhibition seeking a clear outline for referral requirements, with a view to reducing the number of development applications requiring referral to

Defence. It was recommended to address this matter during a separate process of review of the Memorandum of Understanding (MOU) in cooperation with Defence.

External

No submissions were received from the general public.

A submission was received from the Department of Defence who raised no objection and are generally supportive of the associated guideline.

OPTIONS

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

ATTACHMENTS

- 1) Aircraft Noise Policy (including guideline).
- 2) Aircraft Noise Policy 2010.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 AIRCRAFT NOISE POLICY (INCLUDING GUIDELINE).

Policy



FILE NO: PSC2006-0038
TITLE: PORT STEPHENS AIRCRAFT NOISE POLICY
POLICY OWNER: SECTION MANAGER, STRATEGY AND ENVIRONMENT

PURPOSE:

The purpose of this policy is to provide a framework for land use planning decisions and other Council programs relating to aircraft noise. It sets out principles to guide planning proposals, development assessment, provision of aircraft noise information and efforts to initiate aircraft noise amelioration programs. It sets out the basis for local policy directions for managing aircraft noise issues to:

- Protect the RAAF base Williamtown and Newcastle Airport;
- Protect the community;
- Respond to local circumstances and expectations;
- Exercise due care and diligence;
- Inform the public; and
- Promote cooperation.

The policy should be read in conjunction with the Port Stephens Aircraft Noise Guideline (consistency with the guideline constitutes consistency with the policy).

CONTEXT/BACKGROUND:

Aircraft noise is not a new issue for the LGA due to the community's long-standing coexistence with RAAF Base Williamtown, Newcastle Airport, and the Salt Ash Air Weapons Range. To limit aircraft noise impacts, Council has for many years applied controls on new development in aircraft noise affected areas. These controls are based on Australian Noise Exposure Forecast (ANEF) maps and *Australian Standard 2021-2015 – Acoustics - Aircraft noise intrusion – Building siting and construction (AS 2021-2015)*. This policy sets out the basis and local policy directions for managing aircraft noise issues.

SCOPE:

The policy relates specifically to the following Council functions:

- Consideration of planning proposals (rezoning requests);
- Assessment of development applications; and

Policy

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Policy



- Information management (including panning certificates).

The policy affects those properties and landowners that are located within the Aircraft Noise Planning Area.

DEFINITIONS:

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

2012 ANEF	2012 Australian Noise Exposure Forecast. This forecast was made in 2003 and is based upon predicted conditions in 2012. It reflects the operation of existing Hawk and Hornet aircraft and is expected to continue to at least 2018.
2025 ANEF	2025 Australian Noise Exposure Forecast. This forecast was made on 10 August 2011 and is based on predicted conditions in 2025. It reflects the operation of Joint Strike Fighter combat aircraft after 2018 and the continued operation of the Hawk aircraft.
ANPA	Aircraft Noise Planning Area the area of land subject to aircraft noise related development controls. It comprises all properties that are wholly or partly within the ANEF 20 contour on 'relevant ANEF maps' and includes land that is within ANEF contours of 20 and greater (note: the ANPA is a composite of the 2012 ANEF and the 2025 ANEF).
AS 2021-2015	<i>Australian Standard 2021-2015 – Acoustics - Aircraft noise intrusion – Building siting and construction.</i> This is a nationally recognised standard for development affected by aircraft noise.

POLICY STATEMENT:

The policy aims to:

- recognise the fundamental significance of RAAF Base Williamtown, Newcastle Airport and Salt Ash Air Weapons Range at the national, State, regional and local levels;
- protect the long-term operation of those facilities by preventing encroachment of incompatible activities that are sensitive to aircraft noise;
- to ensure that aircraft noise impacts on the community are within acceptable limits;
- allow a merit-based framework that is responsive to local expectations, weighs up potential costs and benefits to the community, and promotes approaches that are cost-effective, equitable and affordable;

Policy

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Policy



- ensure that planning and information management functions are exercised with a reasonable standard of care and diligence;
- facilitate the provision of information to the public about aircraft noise that is accurate and meaningful, and that enables people to make appropriate decisions; and
- to promote a cooperative framework in which all interested stakeholders can contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

POLICY RESPONSIBILITIES:

- 1) Strategic Planning Team (policy review and planning proposal assessment).
- 2) Development and Compliance Team (development application assessment).

RELATED DOCUMENTS:

- 1) Environmental Planning and Assessment Act 1979 (NSW).
- 2) Local Planning Direction 3.5 Development Near Licensed Aerodromes
- 3) Port Stephens Local Environmental Plan 2013
- 4) Port Stephens Development Control Plan 2014
- 5) Port Stephens Aircraft Noise Guideline (Attached)

CONTROLLED DOCUMENT INFORMATION:

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RM8 container No	PSC2006-0038	RM8 record No	N/A
Audience	General		
Process owner	Strategy and Environment Section		
Author	Strategy and Environment Section Manager		
Review timeframe	Two years	Next review date	xx/xx/2018
Adoption date	23/08/2011		

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Policy



VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	23/08/11	Group Manager, Sustainable Planning	N/A	292
1.1 (Draft)	25/10/16	Section Manager, Strategy and Environment	Provide policy in corporate template. Amend title of previous 'Port Stephens Aircraft Noise Policy 2010' to 'Port Stephens Aircraft Noise Guideline' and attach as supporting document. Key updates include reference to: Port Stephens Local Environmental Plan 2013 (LEP 2013); Port Stephens Development Control Plan 2014 (DCP); Australian Standard 2021-2015 Acoustics – Aircraft noise intrusion – building siting and construction (AS2021-2015); and the Memorandum of Understanding (MOU) between Council and the Commonwealth (Department of Defence) 23 September 2015.	N/A

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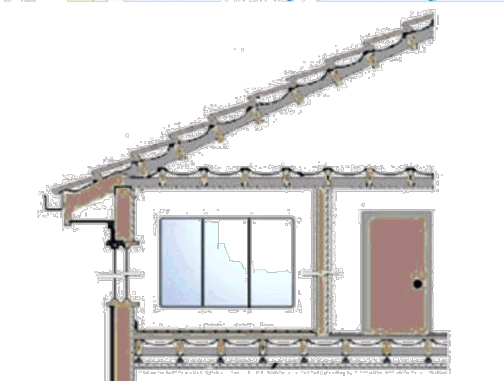
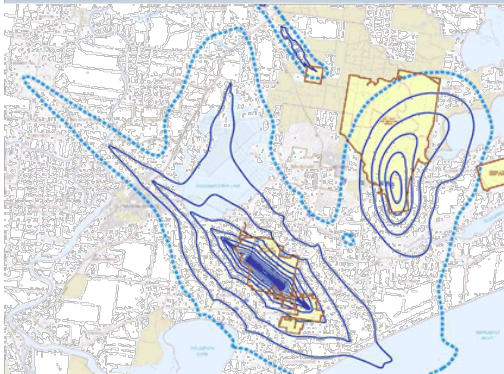
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Port Stephens

Aircraft Noise
Guideline



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Appendix 2:	RAAF Base Williamtown & Salt Ash Weapons Range 2012 ANEF map
Appendix 3:	Aircraft Noise Planning Area

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Port Stephens Aircraft Noise Guideline

Summary

The policy (to be read in conjunction with this guideline) provides a framework for planning decisions and other Council programs relating to aircraft noise. It sets out principles that are to guide planning proposals, development assessment, provision of aircraft noise information and efforts to initiate aircraft noise amelioration programs.

The policy aims to:

- Recognise the fundamental significance of RAAF Base Williamtown, Newcastle Airport and Salt Ash Air Weapons Range at the national, State, regional and local levels;
- Protect the long-term operation of those facilities by preventing encroachment of incompatible activities that are sensitive to aircraft noise;
- To ensure that aircraft noise impacts on the community are within acceptable limits;
- Allow a merit-based framework that is responsive to local expectations, weighs up potential costs and benefits to the community, and promotes approaches that are cost-effective, equitable and affordable;
- Ensure that planning and information management functions are exercised with a reasonable standard of care and diligence;
- Facilitate the provision of information to the public about aircraft noise that is accurate and meaningful, and that enables people to make appropriate decisions; and
- To promote a cooperative framework in which all interested stakeholders can contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

An aircraft noise planning area is defined based on Australian Noise Exposure Forecast maps. Within this area, the Guideline establishes principles based on relevant State planning directions, Australian Standards and current best practice aircraft noise amelioration programs. Whilst the Guideline seeks consistency with these general principles, it also provides guidance for the application of discretion. This allows decisions to respond to local circumstances and the merits of each case.

Detailed aircraft noise related development controls based on the policy are set out in Chapter B7 *Williamtown RAAF Base – Aircraft Noise and Safety* of the *Port Stephens Development Control Plan 2014*. These controls adopt the Building Site Acceptability principles outlined in AS 2021—2015 *Acoustics – Aircraft noise intrusion – Building siting and construction* but provide more definitive guidance regarding discretionary matters.

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Port Stephens Aircraft Noise Guideline

Part 1: About the Policy

1.1 Purpose

The purpose of the policy including guideline is to guide Port Stephens Council when exercising its planning and other functions as they relate to aircraft noise. It relates specifically to the following Council functions:

- Planning proposals;
- Development assessment; and
- Information management.

It provides a framework for decision making that is generally consistent with national standards and State planning policies and directions, whilst also responding to local needs and expectations.

1.2 Principal aims

The policy has the following aims:

- To recognise the fundamental significance of RAAF Base Williamtown, Newcastle Airport and Salt Ash Air Weapons Range at the local, national, State and regional levels—not only in terms of defence and air transport, but as a key generator of economic activity;
- To protect the long-term operation of those facilities by preventing encroachment of incompatible activities that are sensitive to aircraft noise;
- To ensure that aircraft noise impacts on the community are within acceptable limits;
- To allow a merit-based framework that is responsive to local expectations, weighs up potential costs and benefits to the community, and promotes approaches that are cost-effective, equitable and affordable;
- To ensure that planning and information management functions are exercised with a reasonable standard of care and diligence;
- To facilitate the provision of information to the public about aircraft noise that is accurate and meaningful, and that

enables people to make appropriate decisions; and

- To promote a cooperative framework in which all interested stakeholders can contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

1.3 Contents

The guideline is divided into 6 parts.

- **Part 1 About the policy** - outlines the policy's purpose, principal aims, and its relationship to other policies and plans.
- **Part 2 Policy context** - explains why a policy is necessary, introduces important noise concepts, defines the area within which the policy should be applied, outlines essential planning criteria and identifies the policy tools that will be used to implement the policy.
- **Part 3 Planning proposals** - outlines principles for the preparation of planning proposals, such as those relating to the rezoning of land. These principles are essentially concerned with preventing future encroachment of development into areas where it would be incompatible with existing and future airport operations.
- **Part 4 Cooperative mechanisms** - outlines cooperative mechanisms which help to promote mutually satisfactory outcomes for all interested stakeholders and ensure the burden is at the lowest extent possible for the benefit of the existing community.
- **Part 5 Noise information** - outlines principles and procedures relating to the collection and use of aircraft noise information. Whilst managing risk and liability is an important objective, of equal significance is the need to provide meaningful information to the public. This will help people to make decisions appropriate to their needs and sensitivity to aircraft noise.
- **Part 6 Reference material** - contains a glossary of words with special or technical

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Port Stephens Aircraft Noise Guideline

Part 1: About the Policy

meanings, and a list of relevant publications.

1.4 Relationship to other policies

The policy including guideline:

- Outlines principles for planning proposals that are consistent with section 117 Direction 3.5 *Development Near Licensed Aerodromes* (dated 1 July 2009) made by the NSW Minister for Planning and the Environment under the *Environmental Planning and Assessment Act 1979* (NSW);
- Provides the rationale for aircraft noise related development controls contained in the *Port Stephens Local Environmental Plan 2013* and the *Port Stephens Development Control Plan 2014*;
- Adopts the building site acceptability principles outlined in Australian Standard AS 2021—2015 *Acoustics—Aircraft noise intrusion—Building siting and construction* but provides more definitive guidance regarding discretionary matters under the standard; and
- Supports the Memorandum of Understanding between Council and the Department of Defence which aims to ensure Defence is notified by Council of any application or planning proposal for properties wholly or partly within ANEF contours of 20 and greater and has the opportunity to make a submission with respect to any such matter notified to it in accordance with the MOU.

1.5 Explanation of terms

Terms used with special or technical meanings are explained in Part 6 *Reference material*.

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Port Stephens Aircraft Noise Guideline

Part 2: Context

2.1 Introduction

Aircraft noise is not a new issue for the Port Stephens area, due to the community's longstanding co-existence with RAAF Base Williamtown, Newcastle Airport and the Salt Ash Air Weapons Range (RAAF Williamtown-Newcastle Airport).

The RAAF Base was first established in 1941, and now plays an important role in supporting Australia's air combat capability. Civilian use of the airfield began in 1947 and today Newcastle Airport, which is located within the RAAF Base site, is a major regional airport undergoing rapid growth in passenger numbers. Newcastle Airport is managed by Newcastle Airport Ltd on behalf of Newcastle City Council and Port Stephens Council, which hold a lease over the airport site.

To limit aircraft noise impacts Port Stephens Council has for many years applied controls on new development in noise-affected areas. These controls are based on Australian Noise Exposure Forecast maps and compliance with Australian Standard AS 2021-2015 *Acoustics-Aircraft noise intrusion-Building siting and construction*.

The scheduled introduction of F-35 Lightning II Joint Strike Fighter combat aircraft after 2018 (to replace the current F/A-18 A/B Hornets) prompted the need for a complete review of the ANEF maps by the Department of Defence, as the new aircraft will produce different noise emissions and use the weapons range in different ways.

2.2 Why is the policy needed?**Protecting the airport**

RAAF Williamtown-Newcastle Airport is a facility of fundamental significance at the local, national, state and regional levels. Its importance relates not only to defence and air transport, but also to its role as a key generator of economic activity in the Hunter region. Investment in military capability, airport infrastructure and the economic opportunities that cluster nearby are a very

important and growing element in the regional and local economy. For example, the Joint Strike Fighter will contribute an additional \$500 million investment in the region, with consequent job increases above the current 3,000 defence-related employees, as well as wider multiplier effects on regional employment and income. Accordingly, the importance of RAAF Williamtown-Newcastle Airport and its ongoing development need to be appropriately recognised and supported. The enormous public investment in the facility should be protected from factors that would constrain its future operation, performance and competitiveness.

Protecting the community

Whilst airports need to be protected from too close a relationship with the community they serve, so too does the community need to be protected from aircraft noise.

Aircraft noise is an inescapable by-product of aviation. Unless measures are taken to reduce the impacts of aircraft noise on nearby communities, there can be a wide range of undesirable social, economic and environmental consequences. These range between annoyance and irritation, interference with speech and social activities, interference with classroom learning, loss of relaxation and tranquillity, sleep disruption, health impacts and many others. Loss of amenity due to aircraft noise can have significant impacts on the local economy.

Managing the impacts of aircraft noise is a major challenge for the local government area. A clear policy framework is required that can promote aircraft noise outcomes that are acceptable to the community.

Responding to local circumstances and expectations

It is not feasible to exclude all noise-sensitive development from the vicinity of RAAF Williamtown-Newcastle Airport, since existing built-up areas are already subject to major noise issues. These examples emphasise the need for guidance regarding discretionary matters under AS 2021-2015 so as to acknowledge the existing situation.

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Port Stephens Aircraft Noise Guideline

Part 2: Context**Exercising due care & diligence**

Council has a duty to developers and landowners to exercise proper care when it exercises its planning functions. It is therefore essential that the planning controls intended to manage aircraft noise impacts are based on best practice and the most reliable factual information available.

Consequently, development proposals and requests for information that involve aircraft noise related matters should be considered with particular care and diligence. This requires clear criteria, consistent application of those criteria and sound record keeping practices.

Informing the public

Successful co-existence between RAAF Williamtown-Newcastle Airport and the local community presupposes that members of the public have access to aircraft noise information that is accurate and meaningful. This will help people make appropriate decisions about where to locate their homes and businesses, based on their particular needs and personal sensitivity to aircraft noise. In particular, poor information can lead to false expectations and highly negative responses to aircraft noise. Well thought out information strategies can avoid these problems.

Promoting cooperation

Defence and airport operations are regulated at the Commonwealth level, whilst land use planning is undertaken at the local and regional levels. Because of this division of responsibilities, cooperative mechanisms can help to promote mutually satisfactory outcomes for all interested stakeholders. These include the Department of Defence, Port Stephens Council, NSW Department of Planning and Environment and local community interest groups.

2.3 Aircraft Noise Exposure Forecasts**Australian Noise Exposure Forecasts**

Aircraft noise exposure is a measure of the cumulative amount of aircraft noise likely to be experienced at a particular site on an

average day, taking into account factors such as noise intensity, duration and tonal qualities, as well as frequency of flights, type of aircraft and time of day. Computational processes are used to derive a single integrated measure that aims to reflect the average community response to aircraft noise. Aircraft noise exposure is widely used to guide decisions about locations that may be suitable for different activities.

The method used in Australia for measuring aircraft noise exposure is known as the Australian Noise Exposure Forecast system. It includes the following noise measures, which are usually illustrated on maps by noise exposure contours.

- ANEF - a noise exposure forecast for a particular time in the future or based on particular circumstances such as ultimate capacity. ANEF maps are the maps that are referenced in the parts of AS 2021-2015 that are applied to land use planning.
- ANEI - a noise exposure index based on data for a previous year where the exact numbers and types of aircraft which used the airport are known. ANEI maps are not referenced in the parts of AS 2021-2015 that are applied to land use planning.
- ANEC - a noise exposure concept depicting possible noise exposure levels based on a predetermined set of assumptions about airport use and operation. ANEC maps are not referenced in the parts of AS 2021-2015 that are applied to land use planning.

It is important to appreciate that ANEF values represent predicted noise exposure, not predicted noise level or intensity. They do not give any indication of the maximum sound level ($L(A)_{max}$) that may be experienced at a site.

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Part 2: Context

2.4 Aircraft Noise Planning Area

Drawing the line

Many areas of the local government area are subject to some level of aircraft noise; some parts experience much more aircraft noise than others. This raises the question as to where to draw the line between those areas where aircraft noise should be considered in planning and other decisions (the Aircraft Noise Planning Area or ANPA) and those areas where it need not.

Aircraft noise planning thresholds are usually defined in terms of ANEF values. Under AS 2021-2015 all building types are classed as being 'acceptable' where the ANEF value is less than 20. Below this value, there is usually no need for aircraft noise reduction measures. However, even below this threshold level, most complaints about aircraft noise in Australia originate from outside the ANEF 20 contour. ANEFs have certain limitations, and several alternatives have been raised for discussion. Not the least of these limitations is that ANEFs tend to reinforce the misconception that aircraft noise magically ends at the ANEF 20 contour (which it does not).

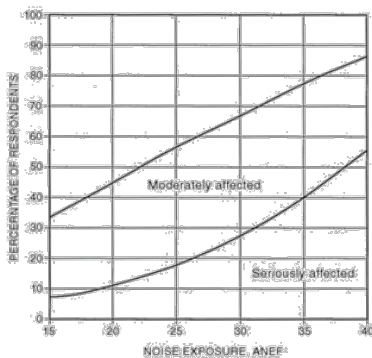


Figure 1: Relationship between ANEF level and community reaction in residential areas (Source: AS 2021-2015)

Available ANEF maps

ANEF maps for RAAF Williamtown-Newcastle Airport are produced by the Department of Defence. The following maps have been published in recent years:

- RAAF Base Williamtown & Salt Ash Weapons Range 2025 ANEF - this forecast was made on 10th August 2011 and is based on predicted conditions in 2025. It reflects the operation of Joint Strike Fighter after 2018 and the continued operation of the Hawk; and
- RAAF Base Williamtown & Salt Ash Weapons Range 2012 ANEF - this forecast was made in 2003 and is based on predicted conditions in 2012. It reflects the operation of existing Hawk and Hornet and is expected to continue until at least 2018.

It is an established convention that there will only be one current ANEF map for a given airport at any one time, this being the latest map endorsed by the relevant authority. However, application of that convention is problematical in the circumstances listed above. Omitting to have regard to the 2012 ANEF might amount to a failure to exercise reasonable care, in which case there would be the potential for liability. Accordingly, the Department of Defence have advised the prudent approach is to consider the 2012 ANEF map for such period as it continues to be relevant.

Aircraft Noise Planning Area

The ANPA defines the area within which aircraft noise should always be considered in planning and development decisions generally in accordance with this guideline.

The ANEF 20 level is adopted as the appropriate minimum planning threshold. The ANPA therefore comprises all properties that are wholly or partly within the ANEF 20 contour on the relevant planning area map, and so includes land within ANEF contours of 20 and higher.

The relevant planning area map is a composite of the 2025 ANEF and the 2012 ANEF. 2025 ANEF 2025 is the most recent ANEF map and 2012 ANEF is an earlier

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Port Stephens Aircraft Noise Guideline

Part 2: Context

ANEF map that remains relevant to present or future circumstances.

A property-based approach has been adopted in defining the ANPA. If part of a property falls within the ANEF 20 contour, the entire property is defined to be within the ANPA. The information necessary to determine if a particular property is within the ANPA will be recorded on the Council's property database (refer to Part 5 *Noise information* of the policy). Although a property may be identified within the ANPA only that part of a site within the 20 ANEF contour would be subject to development control plan requirements relating to aircraft noise. No inference should be made that land outside the ANPA is not subject to aircraft noise. Such land is merely below the minimum noise exposure threshold adopted for planning purposes.

2.5 Planning criteria

There are three essential planning criteria that should be applied to all planning and development proposals within the Aircraft Noise Planning Area:

- Aircraft noise burden;
- Site suitability; and
- Aircraft noise reduction.

These criteria are critical to attaining progress on the two key objectives, namely to protect RAAF Williamstown-Newcastle Airport from encroachment by noise-sensitive activities, and to protect the community from adverse noise impacts.

Criteria	Purpose
Aircraft noise burden	Containing or reducing the aggregate aircraft noise problem
Site suitability	Putting the right activities in the right place ('prevention')
Aircraft noise reduction	Reducing noise through building construction measures ('cure')

Figure2: Planning Criteria

Aircraft noise burden

A. The aircraft noise burden refers to the total number of dwellings or people that are exposed to unacceptable aircraft noise. Ideally, this burden should be reduced, or failing that, should not be permitted to increase.

The aircraft noise burden can be broken down into two distinct components.

- The *existing aircraft noise burden* comprises housing and other noise sensitive development that is already in existence. For such development, aircraft noise is an historical problem that cannot be dealt with by traditional planning policies. This is largely a Department of Defence problem. Council can, outside of its functions as a consent authority, advocate and call for co-operation from Department of Defence to achieve any reduction and such areas are kept to a minimum when considering operations.
- The *future aircraft noise burden* comprises housing and other development that is yet to be built. Aircraft noise is a planning problem that can be dealt with by zoning and other planning controls. Planning decisions should not make the future situation worse than that which currently exists. To do so would be contrary to the principle of intergenerational equity, which binds Council in its role as a consent authority and as a local council.

Site suitability

B. Site suitability refers to the acceptability of proposed development at a particular site, having regard to actual or forecast aircraft noise conditions and the sensitivity of that development to those conditions.

Site suitability provides a key criterion for deciding whether or not to permit or encourage particular activities in particular locations. It is about putting the right kinds of development in the right places, and represents 'prevention' rather than 'cure'. Where possible, achieving

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Part 2: Context

site suitability should have priority over aircraft noise reduction.

The currently recognised standard for site suitability is specified by Table 2.1 *Building Site Acceptability Based on ANEF Zones* in AS 2021-2015.

Aircraft noise reduction

C. This refers to the reduction of indoor noise levels by the application of suitable measures to the design, construction or modification of buildings (for example, building mass, noise insulation or double glazing).

Aircraft noise reduction represents ‘cure’ rather than ‘prevention’. It is the next best option when a development site is conditionally suitable. However, there are theoretical and practical limits to aircraft noise reduction. When applied to highly unsuitable sites, acceptable noise outcomes may not be possible.

The currently recognised standard for aircraft noise reduction is specified by Section 3 *Building Construction Against Aircraft Noise Intrusion*.

community, particularly in relation to minimising noise impacts and enable Council to advocate on behalf of the community

Information management

Information management relates to the way that information on aircraft noise is gathered, kept, used and distributed. It can promote a number of important objectives, such as ensuring due care and diligence, and providing accurate and useful information to the public.

When considered together, application of the above policy tools forms a holistic aircraft noise policy framework. This is illustrated in Figure 3 *Aircraft Noise Policy Framework*.

2.6 Policy tools

The tools or mechanisms that can be used to implement the policy are as follows:

Planning proposals

Planning proposals involve the preparation of plans relating to the future use and development of land. They are a critical tool for preventing an increase in the *future* aircraft noise burden.

Development assessment

Development assessment involves the regulation of development proposals under existing planning instruments. It is an important tool for containing growth in the *future* aircraft noise burden, but is often constrained by the limitations of historical zoning decisions.

Cooperative mechanisms

Cooperative mechanisms involve providing a forum for dialogue and feedback regarding the effects of aircraft operations on the local

ITEM 7 - ATTACHMENT 1 AIRCRAFT NOISE POLICY (INCLUDING GUIDELINE).

Port Stephens Aircraft Noise Guideline
Part 2: Context

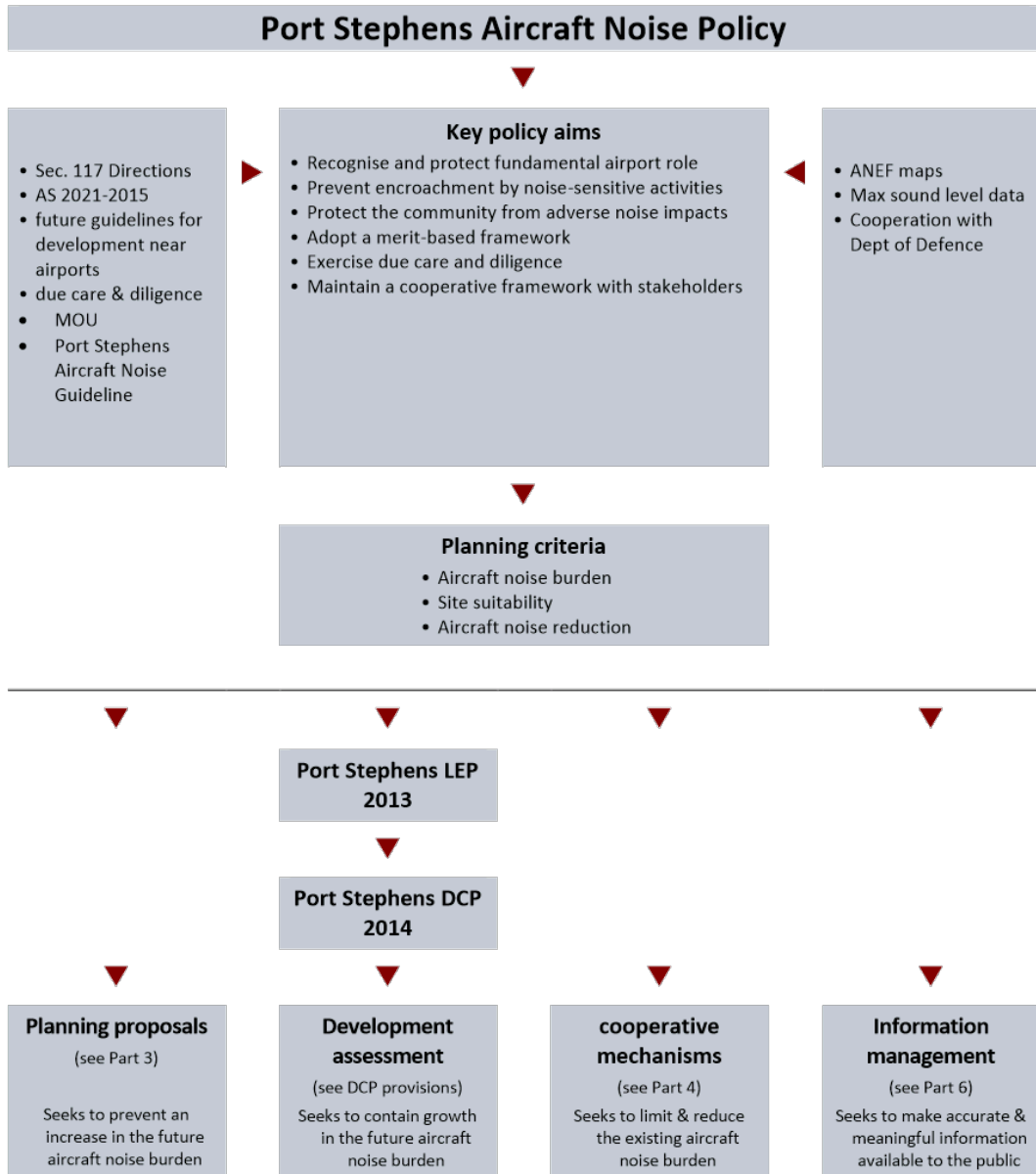


Figure 3: Aircraft Noise Policy Framework

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Part 3: Planning proposals

3.1 Role of planning proposals

A planning proposal refers to a proposal to alter the planning controls that operate under the *Port Stephens Local Environmental Plan 2013*. Planning proposals may relate to a broad strategic review of urban structure and settlement pattern within the Port Stephens area, a process commonly referred to as 'strategic planning'. Alternatively, they may involve consideration of a change of zoning for a specific land parcel, typically in response to a landowner's request. This latter type is commonly referred to as a 'rezoning request' or 'spot rezoning'.

Planning proposals usually cannot be used as a tool for reducing the *existing* aircraft noise burden. This is because the planning legislation allows the continued operation of 'existing uses' and other permitted land uses. However, they are of particular value in preventing an increase in the *future* aircraft noise burden. That is, planning proposals can be used to promote a future settlement pattern that, relative to the current situation, does not increase the number of people adversely affected by aircraft noise.

3.2 Statutory requirementsNSW Planning Directions

Under the *Environmental Planning and Assessment Act 1979* (NSW) a planning proposal must include documentation setting out the intended effect of the proposal and its justification. It must also be consistent with any relevant directions issued by the NSW Minister for Planning and the Environment under section 117 (or provide adequate justification for any inconsistency). Section 117 Direction 3.5 *Development near Licensed Aerodromes* applies to any planning proposal that will create, alter or remove a zone or provision relating to land in the vicinity of an aerodrome. Its objective in relation to aircraft noise is to ensure development for residential purposes or human occupation, if situated on land within ANEF contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely

affected by aircraft noise. The Direction requires planning proposals to include provisions to ensure that development is consistent with AS 2021-2015. Regarding ANEF contours, it provides that a planning proposal must not rezone land:

- a. For residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by the Department of Defence, exceeds 25; or
- b. For schools, hospitals, churches and theatres where the ANEF exceeds 20; or
- c. For hotels, motels, offices or public buildings where the ANEF exceeds 30.

It also provides that a planning proposal must include a provision to ensure that development meets AS 2021-2015 regarding interior noise levels where it seeks to rezone land:

- a. For residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25; or
- b. For hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or
- c. For commercial or industrial purposes where the ANEF is above 30.

Port Stephens Local Environmental Plan 2013

The *Port Stephens Local Environmental Plan 2013* regulates land use in Port Stephens including provisions for zoning and development standards. Clause 7.5 *Development in areas subject to aircraft noise* has the following objectives in relation to aircraft noise:

- a. To prevent certain noise sensitive developments from being located near the RAAF Base Williamtown Airport and its flight paths;
- b. To assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation in noise sensitive buildings; and

ITEM 7 - ATTACHMENT 1 AIRCRAFT NOISE POLICY (INCLUDING GUIDELINE).

Port Stephens Aircraft Noise Guideline

Part 3: Planning proposals

- c. To ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

The clause applies to development that:

- a. Is on land that:
- i. Is near the RAAF Base Williamtown Airport; and
 - ii. Is in an ANEF contour of 20 or greater; and
- b. The consent authority considers is likely to be adversely affected by aircraft noise.

Before determining a development application for development to which this clause applies, the consent authority:

- a. Must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise; and
- b. Must consider the location of the development in relation to the criteria set out in Table 2.1 *Building Site Acceptability Based on ANEF Zones* in AS 2021-2015; and
- c. Must be satisfied the development will meet the indoor sound design levels shown in Table 3.3 *Indoor Design Sound Levels for Determination of Aircraft Noise Reduction* in AS 2021-2015.

The ANPA provides the spatial overlay within which planning proposals require detailed scrutiny. Planning proposals within that area need to be assessed in terms of the essential planning criteria identified in section 2.5:

- Aircraft noise burden;
- Site suitability; and
- Aircraft noise reduction.

Site suitability in terms of the acceptability criteria under AS 2021-2015 and ANEF contours are a key consideration. However, this approach can have limitations when applied to military airports, due to the very high maximum sound levels (L(A)_{max}) that can be produced by combat aircraft. In some locations, compliance with aircraft noise reduction levels specified by AS 2021-2015 may not be possible or practicable within ANEF contours that define 'acceptable' and 'conditionally acceptable' locations. This issue needs to be carefully addressed.

Planning proposals outside the ANPA may also require scrutiny. This is because it is based on medium-term noise forecasts (currently year 2025) yet planning proposals may initiate land use changes well beyond that planning horizon. Therefore, any foreseeable long-term changes that might have aircraft noise impacts over a wider area should also be considered (for example changes to aircraft types, flight paths or volume of traffic). This should be considered by way of suitable consultation with the airport operator.

3.3 Strategic approach

Protecting the long-term operation of RAAF Williamtown-Newcastle Airport, whilst also protecting the community from unacceptable aircraft noise impacts, requires a strategy that prevents encroachment of noise-sensitive development into incompatible noise-exposed locations. In some cases there is likely to be conflicts between this strategy and landowners' aspirations for rezoning of land for urban purposes. These conflicts should be resolved in favour of the overriding priority and importance of RAAF Williamtown-Newcastle Airport.

3.4 Principles

Where the principles apply

The following principles apply to planning proposals in respect of land that is:

- Within the ANPA; or
- Within 2 kilometres of the ANPA which has the potential to increase residential densities or other noise sensitive land uses; or
- Where the consent authority has been advised by Department of Defence that

ITEM 7 - ATTACHMENT 1 AIRCRAFT NOISE POLICY (INCLUDING GUIDELINE).

Part 3: Planning proposals

aircraft noise has the potential to adversely affect future development.

Aircraft noise burden

A. A planning proposal should not result in an increase in the future aircraft noise burden. That is, it should not permit any intensification of development within the ANPA that would significantly increase the number of people or dwellings adversely affected by aircraft noise.

Site suitability

B. In its preparation of broad settlement strategies for the Port Stephens area, the Council should give preference to land uses in the vicinity of RAAF Williamtown-Newcastle Airport that:

- Will be compatible with the future long-term operation and growth of that facility;
- Have a mutually beneficial relationship with activities undertaken within that facility; and
- Do not rely on aircraft noise reduction to achieve compatibility.

C. A planning proposal should permit new development in a manner that is generally consistent with the building site acceptability criteria in AS 2021-2015. For example, a planning proposal should not:

- Rezone land for residential purposes where the ANEF level exceeds 25;
- Increase residential densities in areas where the ANEF level exceeds 25;
- Rezone land for schools, hospitals, churches and theatres where the ANEF exceeds 20; or
- Rezone land for hotels, motels, offices or public buildings where the ANEF exceeds 30.

D. However, a planning proposal should not be supported if there is evidence that it would not be 'possible' or 'practicable' for development permitted under the proposal to meet the level of aircraft noise reduction specified by AS 2021-2015. Such decisions should have regard to an acoustic study prepared by a noise

control expert to establish the predicted maximum sound level $[L(A)_{max}]$ for the site in accordance with AS 2021-2015 and level of Aircraft Noise Reduction (ANR) required.

E. For the purposes of satisfying D above Council will have regard for the predicted maximum sound level $[L(A)_{max}]$, as may be provided to Council from time to time by the Department of Defence to assist Council in its planning.

Aircraft noise reduction

F. A planning proposal should not lessen existing requirements for aircraft noise reduction that apply under the *Port Stephens Local Environmental Plan 2013*.

Inconsistency with principles

G. A planning proposal that is inconsistent with any of the above principles should not be prepared unless:

- It is justified by a planning strategy that considers the objectives of this policy;
- Meets requirements under NSW section 117 Direction 3.5 *Development near Licensed Aerodromes*; and
- The Council is satisfied that to do so would be both reasonable and in the public interest.

Consultation

H. When preparing a planning proposal relating to land:

- Within the ANPA; or
- Within 2 kilometres of the ANPA.

The Council should consult with the Department of Defence and any stakeholder having a particular interest in the issue of aircraft noise.

ITEM 7 - ATTACHMENT 1 AIRCRAFT NOISE POLICY (INCLUDING GUIDELINE).

Port Stephens Aircraft Noise Guideline

Part 4: Cooperative mechanisms

4.1 Extent of the aircraft noise burden

The extent of the aircraft noise burden is shown in the following table:

	ANEF Contour					Total
	20-25	25-30	30-35	35-40	>40	
2012 ANEF	1,649	522	49	8	1	2,229
2025 ANEF	911	244	77	26	12	1,270
Net Difference	-738	-278	+28	+18	+11	-959

Figure 4: Residential Sites Encompassed by ANEF Contours Before and After the Inclusion of the JSF Aircraft (Source: Environmental Impact Statement – Flying Operations of the F35A Lightning II Volume 2: RAAF Base Williamtown Table 8-10 Residential sites encompassed by ANEF contours before and after the inclusion of the F-35A aircraft)

4.2 Promoting cooperation

Defence and airport operations are regulated at the Commonwealth level, whilst land use planning is undertaken at the local and regional levels. Because of this division of responsibilities, cooperative mechanisms can help to promote mutually satisfactory outcomes for all interested stakeholders. These include the Department of Defence, Port Stephens Council, NSW Department of Planning and local community interest groups.

Members of the Council, acting as community leaders, can play an active role in advocating the case for programs including possible amelioration for the community to parliamentary members and Ministers.

Studies should be undertaken to more fully document the extent to which existing development is subject to unacceptable levels of aircraft noise. These should be

undertaken cooperatively by the Council and the Department of Defence.

Ideally a cooperative framework should be maintained in which all stakeholders can:

- Appreciate the strategic importance of the airport and its operational requirements;
- Appreciate the impacts that aircraft noise has on the local community, and the measures that might be needed to resolve those impacts;
- Ensure the local community burdened to the minimum extent possible from aircraft noise for the Department of Defence to undertake operations; and
- Contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

4.3 Memorandum of Understanding

Council entered into a Memorandum of Understanding (MOU) with the Commonwealth of Australia (represented by the Department of Defence) in September 2015. The purpose of the MOU is to set out expectations and understanding with respect to the exercise of planning functions by the Council for development of land within the ANPA.

Development Applications

Under the MOU Council acknowledges and agrees that, as a Consent Authority, it is required by section 79C(1) of the *Environmental Planning and Assessment Act 1979* (NSW) to take certain matters into account when assessing an application including but not limited to the following:

- The relevant provisions of the LEP;
- The relevant provisions of the DCP;
- The likely impacts of development proposed, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
- The suitability of the site;
- Any submissions; and
- The public interest.

ITEM 7 - ATTACHMENT 1 AIRCRAFT NOISE POLICY (INCLUDING GUIDELINE).

Part 4: Cooperative mechanisms

Under the MOU, Council agrees to notify Defence of a relevant application made to Council and to take into account any submission made by Defence to the fullest extent possible.

Planning Proposals

Under the MOU Council agrees to use its best endeavours to comply with the following when preparing and considering a planning proposal which relates to land within the ANPA:

- Section 117 Direction 3.5 *Development near Licensed Aerodromes*; and
- This policy (in particular the principles contained in Part 3 *Planning proposals*).

Under the MOU Council is to notify Defence of a planning proposal which relates to land that is:

- Within the ANPA; or
- Within 2km of the ANPA which has the potential to increase residential densities or other noise sensitive land uses.

Council agrees to notify Defence of a relevant planning proposal made to Council and to take into account any submission made by Defence to the fullest extent possible.

4.4 Model programs

The Sydney and Adelaide Noise Amelioration Programs, which are now completed, are generally considered the best practice approach in Australia. Being civil airports, these programs were funded by an industry levy and have brought about significant improvements for noise sensitive buildings in high noise exposure zones. Funding for the up-grading of existing housing was set at a maximum of \$57,000 per dwelling (at that time). The approach taken was to provide amelioration at the following thresholds:

Threshold	Land use	Amelioration provided
>25 ANEI	Public buildings	Aircraft noise reduction
>30 ANEI	Dwellings	Aircraft noise reduction by: 35 dB(A) for sleeping areas and 30 dB(A) for living areas
>40 ANEI	Dwellings	Voluntary acquisition of property

Figure 5: Amelioration Thresholds for Sydney and Adelaide Programs

Note: Australian Noise Exposure Index (ANEI) is based on data for a previous year where the exact numbers and types of aircraft which used the airport are known.

Subject to appropriate justification, the Council should work with the Department of Defence and the community to frame an appropriate amelioration program based on the above model.

4.5 Consultative Committee

To promote the objectives of this Policy in cooperation with the Department of Defence, RAAF, the community and other stakeholders, the Council form a Consultative Committee - the Port Stephens Aircraft Noise Reference Panel - or sub-committee of the existing Airport Consultative Committee) to:

- Provide an interface between the community and the operators of the RAAF Base and Newcastle Airport;
- Provide a forum for dialogue and feedback regarding the effects of aircraft operations on the local community, particularly in relation to minimising noise impacts;
- Promote sharing of relevant information, such as that relating to aircraft noise, planning proposals, development trends, noise complaints and so forth; and
- Provide opportunities for all interested stakeholders to contribute to the future planning of RAAF Williamstown-Newcastle Airport and its environs.

ITEM 7 - ATTACHMENT 1 AIRCRAFT NOISE POLICY (INCLUDING GUIDELINE).

Port Stephens Aircraft Noise Guideline

Part 5: Noise information

5.1 Planning certificates

Planning certificates - advice under section 149(2)

The following aircraft noise information should be included on planning certificates as prescribed advice under section 149(2):

Where the property is within the Aircraft Noise Planning Area, a statement should be made to the effect that:

- The land is subject to aircraft noise related development controls under the *Port Stephens LEP 2013* and Part B7 of the *Port Stephens DCP 2014*; and
- Relevant principles are set out in the *Port Stephens Aircraft Noise Policy*.

Note: This disclosure relates to the matter as to whether or not the council has adopted a policy to restrict the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation or any other risk (Item 7 of schedule 4 Environmental Planning and Assessment Act Regulation 2000 (NSW).

Planning certificates - advice under s149(5)

The following aircraft noise information should be included on planning certificates as additional advice section 149(5):

Where the property is not located within the ANPA a statement should be made to the effect that:

- The land is not located within the ANPA under the *Port Stephens LEP 2013*;
- No inference should be made that the land is not subject to aircraft noise—it merely indicates that the level of aircraft noise exposure present on the land is below the threshold adopted for planning purposes;
- The land is likely to be affected by some level of aircraft noise, which may cause some persons serious annoyance from

time to time, particularly those with a higher sensitivity to noise; and

- Persons with particular noise requirements may need to consider aircraft noise reduction measures for the site.

Where the property is located within the ANPA a statement should be made to the effect that:

- The land is located within the ANPA under the *Port Stephens LEP 2013*;
- This indicates that the level of aircraft noise exposure present on the land is above the threshold adopted for planning purposes;
- The likely extent of aircraft noise exposure for the land is shown on ANEF maps which can be inspected at the office of the Council or on the Department of Defence internet site;
- ANEFs are used for planning purposes in determining the suitability of land for particular purposes;
- ANEFs do not give an indication of 'decibel' sound levels likely to be experienced at the site, and that information on this may be available at the office of the Council; and
- The land is likely to be affected by aircraft noise that may cause some persons serious annoyance.

Where the land is the subject of aircraft noise related requirements or conditions under development consent a statement should be provided to the effect that:

- Aircraft noise related requirements or conditions were imposed under development consent (give details of consent number);
- The consent may be inspected at the office of the Council;
- Closure of windows and doors is required in order to achieve the benefits of noise control measures; and
- Applicants should consider the need for independent professional advice as to

ITEM 7 - ATTACHMENT 1 AIRCRAFT NOISE POLICY (INCLUDING GUIDELINE).

Part 5: Noise information

any supplementary aircraft noise reduction measures that might be needed to meet the applicant's particular needs or requirements.

5.2 Aircraft noise community information strategy

In collaboration with the Department of Defence, the Council should investigate preparing and implementing a community information strategy to provide meaningful aircraft noise information to the community. Such information would be readily interpreted by non-experts, and would be based on communication concepts rather than technical parameters. Information may include noise data received from Defence.

The overall aim should be to enable people to make more informed decisions about the noise environment likely to be experienced at particular locations and how that environment might be compatible or incompatible with their needs or objectives. The strategy could also address possible alternative delivery media. Such approaches have been discussed in the publications *Guidance Material for Selecting and Providing Aircraft Noise Information* (Department of the Environment and Heritage and Department of Transport and Regional Services, 2003) and *Expanding Ways to Describe and Assess Aircraft Noise*, (Department of Transport and Regional Services, 2000).

ITEM 7 - ATTACHMENT 1 AIRCRAFT NOISE POLICY (INCLUDING GUIDELINE).

Port Stephens Aircraft Noise Guideline

Part 6: Reference material

6.1 Glossary

Acceptability

What is acceptable is ultimately a value judgement that reflects community norms and expectations, as well as the level of available resources. AS 2021-2015 provides guidance as to acceptable aircraft noise outcomes, but wider public interest considerations and the particular circumstances of the case may also need to be considered.

Acoustic study

A study undertaken by a noise control expert that describes the noise conditions present at a site and identifies aircraft noise reduction measures required to achieve an acceptable noise environment. The study will also address related issues such as likely cost and practicability. Its purpose is to provide an adequate factual basis for planning and development decisions.

Aircraft noise burden

The total number of dwellings or people that are exposed to unacceptable aircraft noise. Ideally, this burden should be reduced, or failing that, should not be permitted to increase. Two components can be distinguished, each requiring different policy responses:

- The *existing aircraft noise burden*—housing and other development that is already in existence
- The *future aircraft noise burden*—housing and other development that is yet to be built.

Aircraft noise information

Information that describes existing or predicted future aircraft noise conditions or that enables the interpretation of such information.

Aircraft Noise Planning Area

The area of land subject to aircraft noise related development controls. It comprises all properties that are wholly or partly within the ANEF 20 contour on 'relevant ANEF maps' and includes land that is within ANEF contours of 20 and greater.

Aircraft noise reduction

The reduction of indoor noise levels by the application of suitable measures to the design, construction or modification of buildings (for example, building mass, noise insulation or double glazing). The currently recognised standard for aircraft noise reduction is specified by Part 3 of AS 2021—2015.

Australian Noise Exposure Forecast (ANEF)

A single integrated measure of predicted future exposure to aircraft noise that aims to reflect the average community responses. It takes into account a wide variety of factors, such as noise intensity, duration and tonal qualities, as well as type of aircraft, frequency of flights and time of day. Forecasts are shown by contour lines on ANEF maps, and assist decisions regarding the suitability of development according to its sensitivity to aircraft noise.

AS 2021-2015

Australian Standard AS 2021-2015 *Acoustics - aircraft noise intrusion - building siting and construction*. This is a nationally recognised standard for development affected by aircraft noise.

The Council

Port Stephens Council

dB (decibels)

A logarithmic scale unit used to measure sound pressure levels. A sound level levels as high as 130 -140 dB can be felt as pain.

dB(A) (decibels on the A-weighted scale)

Decibels measured using a particular weighting scale that reflects the sensitivity of the human ear across the audible frequency range.

Department of Defence

The Commonwealth agency responsible for administering Australia's defence services.

Development

The use of land, the subdivision of land, the erection of a building, the carrying out of a work, the demolition of a building or work, and certain other regulated activities.

ITEM 7 - ATTACHMENT 1 AIRCRAFT NOISE POLICY (INCLUDING GUIDELINE).

Part 6: Reference material

Development control plan (DCP)

A type of plan prepared under the *Environmental Planning and Assessment Act 1979* (NSW). DCPs provide more detail than a local environmental plan, and must be considered when development applications are determined.

Local environmental plan (LEP)

A type of planning instrument prepared under the *Environmental Planning and Assessment Act 1979* (NSW). LEPs provide the broad local framework for development assessment including objectives, urban structure, land use controls, approval criteria, and other matters.

Maximum sound level - $L(A)_{max}$

A measure of aircraft noise, being the highest instantaneous sound pressure level measured at a site during a single aircraft flight. It provides some indication of interference with speech, listening to television, sleeping or other common activities, but does not give any information about how long this level will last or how frequently it will occur.

Noise

The subjective response to sound, particularly any loud, annoying or unwanted sound. Psychological responses to sound are affected by a wide variety of factors. As these responses vary from person to person, there is no single universal measure of noise.

Planning certificate

A certificate issued under section 149 of the *Environmental Planning and Assessment Act 1979* (NSW) that provides information about planning and related matters for a specified parcel of land. Under conveyancing laws a planning certificate containing basic information must be attached to any contract for the sale of land.

Planning proposal

Proposals that involve the preparation of plans relating to the future use and development of land. They include both broad strategic reviews and the rezoning of individual properties.

Principle

A rule of conduct or action that is applied when implementing a policy. The principles set out in this policy serve to guide how decisions should be made.

RAAF

Royal Australian Air Force.

RAAF Williamtown-Newcastle Airport

The interrelated complex of defence, air transport and support facilities comprising RAAF Base Williamtown, Newcastle Airport and the Salt Ash Air Weapons Range.

Relevant ANEF maps

Refers to the most recent ANEF map, and any earlier ANEF map that remains relevant to present or future circumstances. ANEF maps for RAAF Williamtown-Newcastle Airport are published by the Department of Defence and can be inspected at the office of the Council.

Site suitability

Refers to the acceptability of proposed development at a particular site, having regard to actual or forecast aircraft noise conditions at that site, and the sensitivity of that development to those conditions. The currently recognised standard for site suitability is specified by Table 2.1 Building Site Acceptability Based on ANEF Zones in AS 2021-2015.

Sound

A pressure disturbance that travels through air. Sound is a physical phenomenon that can be objectively measured (see decibels). However, the way in which people perceive and react to sound is entirely subjective (see noise).

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Port Stephens Aircraft Noise Guideline

Part 6: Reference material

6.2 Relevant publications

Final Environmental Impact Statement for Flying Operations of the F-35A Lightning II (comprised of *Draft Environmental Impact Statement for Flying Operations of the F-35A Lightning II*, Coffey for Australian Government Department of Defence, Defence Materiel Organisation, EPBC Reference 2010/5747, July 2014; and *Draft Environmental Impact Statement Supplementary Report for Flying Operations of the F-35A Lightning II* prepared by Coffey for Australian Government Department of Defence, Defence Materiel Organisation, EPBC Reference 2010/5747, April 2015

Airservices Australia (1999). *The Australian Noise Exposure Forecast System and Associated Land Use Compatibility Advice for Areas in the Vicinity of Airports*. Airservices Australia, Canberra.

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Department of the Environment and Heritage and Department of Transport and Regional Services (2003). *Guidance Material for Selecting and Providing Aircraft Noise Information*. DEH & DOTARS, Canberra.

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WA Planning Commission (2004). *Aircraft Noise Insulation for Residential Development in the Vicinity of Perth Airport*. WAPC, Perth.

WA Planning Commission (2004). *Statement of Planning Policy No. 5.1: Land use Planning in the Vicinity of Perth Airport*. WAPC, Perth.

Appendix 1: RAAF Base Williamtown & Salt Ash Weapons Range 2025 ANEF map

Appendix 2: RAAF Base Williamtown & Salt Ash Weapons Range 2012 ANEF map

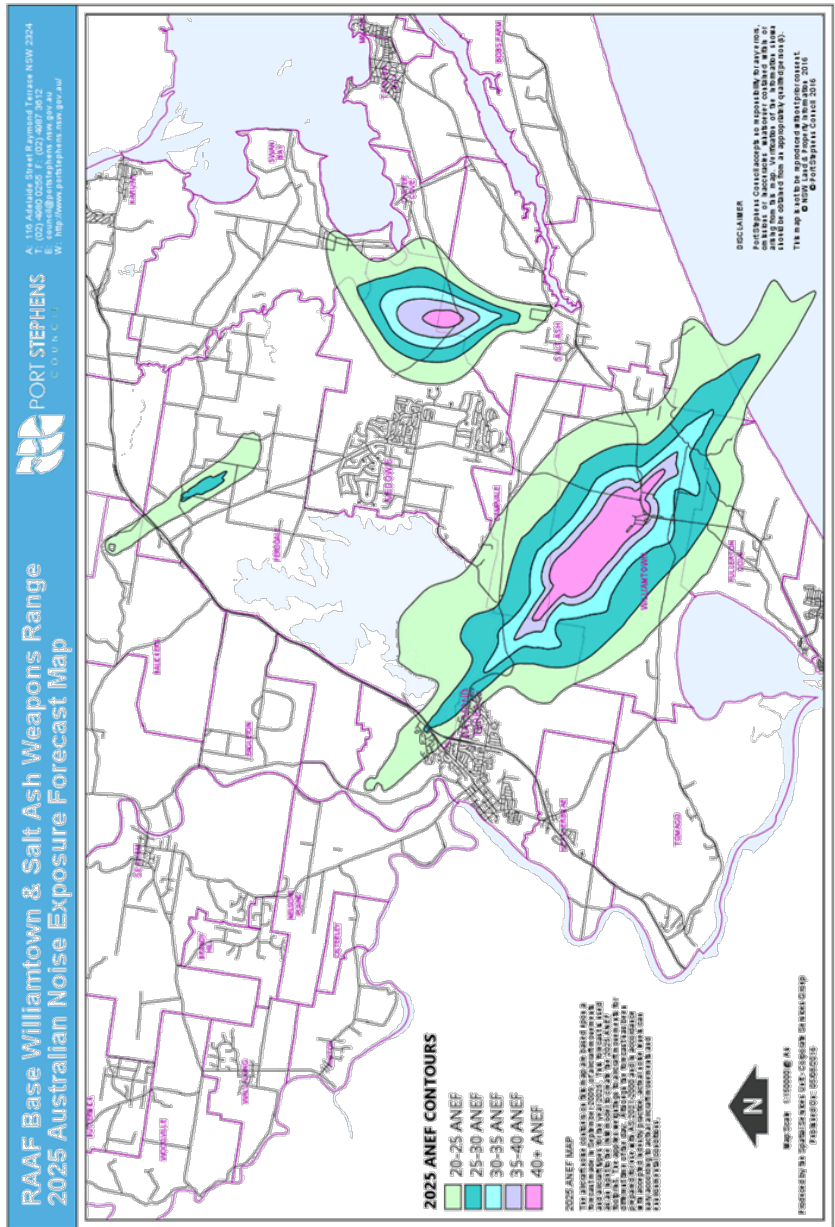
Appendix 3: Aircraft Noise Planning Area

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Port Stephens Aircraft Noise Guideline

Part 6: Reference material

Appendix 1: 2025 ANEF

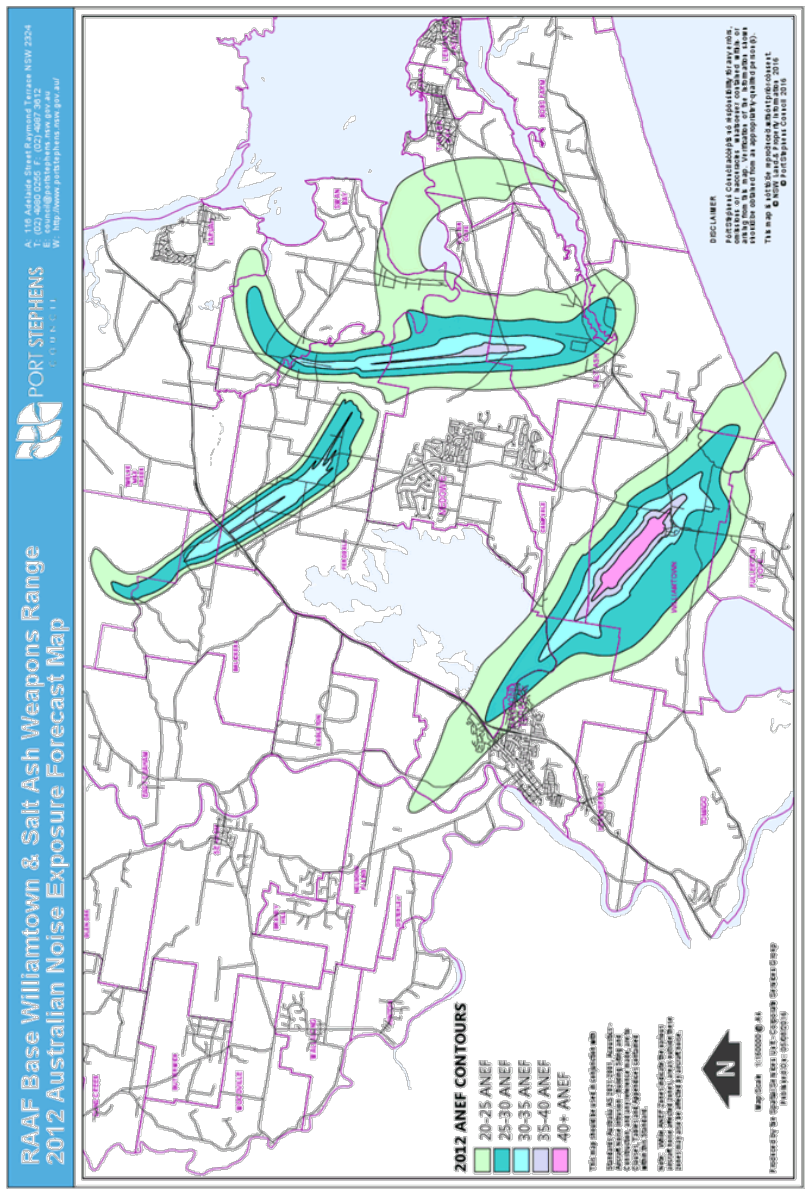


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Appendix 2: 2012 ANEF

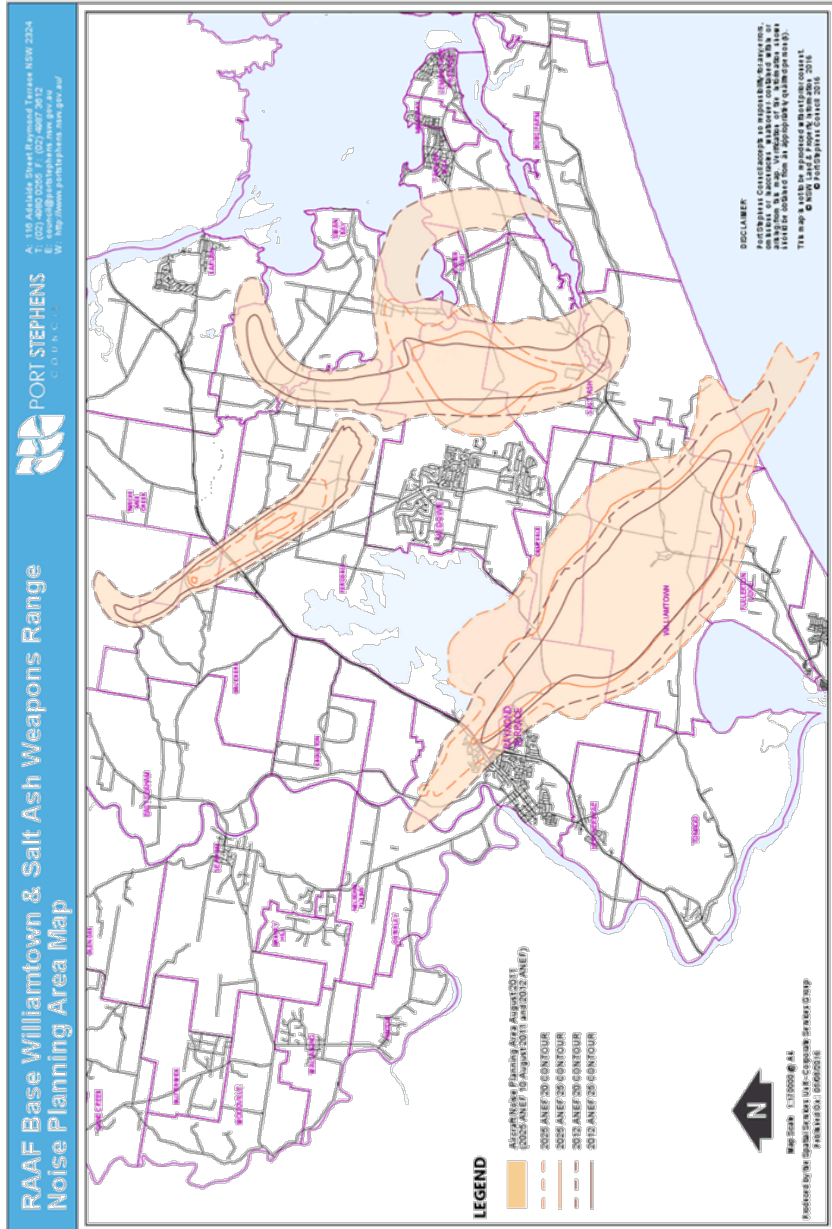


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Port Stephens Aircraft Noise Guideline

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Appendix 3: Aircraft Noise Planning Areas

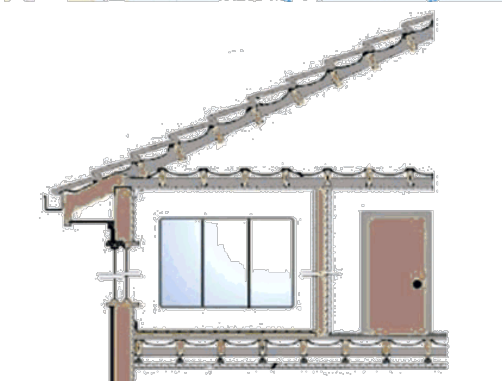
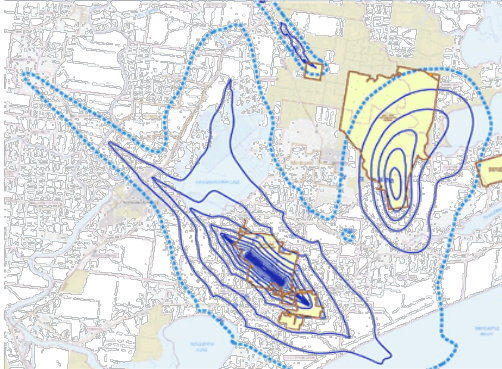


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Part 6: Reference material

Version	Date	Amendments
1.0	23/08/11	Initial adoption
1.1 (draft)	25/10/16	<ul style="list-style-type: none"> - Amend title from 'Aircraft Noise Policy 2010' to 'Port Stephens Aircraft Noise Guideline'. - Add description of PS LEP 2013 provisions (p. 9-10). - Add section on MOU (p. 12-13). - Update various references to title of other policies e.g. to AS 2021-2000 to AS 2021-2015, DCP 2007 to DCP 2014, PS LEP 2000 to PS LEP 2013. - Various minor edits and changes e.g. to wording, font etc. - Improved resolution of maps at appendices.



Port Stephens

Aircraft Noise Policy 2010

Notified September 2011



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Port Stephens Aircraft Noise Policy 2010

Summary

The Policy provides a framework for planning decisions and other Council programs relating to aircraft noise. It sets out principles that are to guide planning proposals, development assessment, provision of aircraft noise information and efforts to initiate aircraft noise amelioration programs.

The Policy aims to:

- recognise the fundamental significance of RAAF Base Williamtown, Newcastle Airport and Salt Ash Air Weapons Range at the national, State, regional and local levels
- protect the long-term operation of those facilities by preventing encroachment of incompatible activities that are sensitive to aircraft noise
- to ensure that aircraft noise impacts on the community are within acceptable limits
- allow a merit-based framework that is responsive to local expectations, weighs up potential costs and benefits to the community, and promotes approaches that are cost-effective, equitable and affordable
- ensure that planning and information management functions are exercised with a reasonable standard of care and diligence
- facilitate the provision of information to the public about aircraft noise that is accurate and meaningful, and that enables people to make appropriate decisions
- to promote a cooperative framework in which all interested stakeholders can contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

An aircraft noise planning area is defined based on Australian Noise Exposure Forecast (ANEF) maps. Within this area, the Policy establishes principles based on relevant State planning directions, Australian Standards and current best practice aircraft noise amelioration programs. Whilst the Policy seeks consistency with these general principles, it also provides guidance for the application of discretion. This allows decisions to respond to local circumstances and the merits of each case.

Detailed aircraft noise related development controls based on the Policy are set out in Chapter B15 of the *Port Stephens Development Control Plan 2007*. These controls adopt the Building Site Acceptability principles outlined in AS 2021—2000, but provide more definitive guidance regarding discretionary matters under that Standard.

Part 1: About this Policy

1.1 Purpose

The purpose of this Policy is to guide Port Stephens Council when exercising its planning and other functions as they relate to aircraft noise.

The Policy relates specifically to the following Council functions:

- planning proposals
- development assessment
- information management.

The Policy provides a framework for decision making that is generally consistent with national standards and State planning policies and directions, whilst also responding to local needs and expectations.

1.2 Principal aims

The Policy has the following aims:

- to recognise the fundamental significance of RAAF Base Williamtown, Newcastle Airport and Salt Ash Air Weapons Range at the local, national, State and regional levels—not only in terms of defence and air transport, but as a key generator of economic activity
- to protect the long-term operation of those facilities by preventing encroachment of incompatible activities that are sensitive to aircraft noise
- to ensure that aircraft noise impacts on the community are within acceptable limits
- to allow a merit-based framework that is responsive to local expectations, weighs up potential costs and benefits to the community, and promotes approaches that are cost-effective, equitable and affordable
- to ensure that planning and information management functions are exercised with a reasonable standard of care and diligence
- to facilitate the provision of information to the public about aircraft noise that is accurate and meaningful, and that enables people to make appropriate decisions
- to promote a cooperative framework in which all interested stakeholders can contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

1.3 Contents of this Policy

The Policy is divided into 6 Parts.

- **Part 1 About this Policy** - outlines the Policy's purpose, principal aims, and its relationship to other policies and plans.
- **Part 2 Policy context** - explains why the Policy is necessary, introduces important noise concepts, defines the area within which the Policy should be applied, outlines essential planning criteria and identifies the policy tools that will be used to implement the Policy.
- **Part 3 Planning proposals** - outlines principles for the preparation of planning proposals, such as those relating to the rezoning of land. These principles are essentially concerned with preventing future encroachment of development into areas where it would be incompatible with existing and future airport operations.
- **Part 4 Cooperative mechanisms** - outlines cooperative mechanisms which help to promote mutually satisfactory outcomes for all interested stakeholders and ensure the burden is at the lowest extent possible for the benefit of the existing community.
- **Part 5 Noise information** - outlines principles and procedures relating to the collection and use of aircraft noise information. Whilst managing risk and liability is an important objective, of equal significance is the need to provide meaningful information to the public. This will help people to make decisions appropriate to their needs and sensitivity to aircraft noise.
- **Part 6 Reference material** - contains a glossary of words with special or technical meanings, and a list of relevant publications.

1.4 Relationship to other policies etc.

The Policy:

- outlines principles for planning proposals that are consistent with section 117 Direction 3.5 Development near Licensed Aerodromes (dated 1 July 2009) made by the NSW Minister for Planning under the *Environmental Planning and Assessment Act 1979*
- provides the rationale for aircraft noise related development controls contained in the *Port Stephens Local Environmental Plan 2000* (clause 38A) and the

Port Stephens Aircraft Noise Policy 2010

Part 1: About this Policy

Port Stephens Development Control Plan 2007 (Chapter B15).

- adopts the Building Site Acceptability principles outlined in Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*, but provides more definitive guidance regarding discretionary matters under that Standard

1.5 Explanation of terms

Terms used in the Policy with special or technical meanings are explained in Part 6: Glossary.

Part 2: Policy context

2.1 Introduction

Aircraft noise is not a new issue for the Port Stephens area, due to the community's longstanding co-existence with RAAF Base Williamtown, Newcastle Airport and the Salt Ash Air Weapons Range ('RAAF Williamtown-Newcastle Airport').

The RAAF Base was first established in 1941, and now plays an important role in supporting Australia's air combat capability. Civilian use of the airfield began in 1947, and today Newcastle Airport, which is located within the RAAF Base site, is a major regional airport undergoing rapid growth in passenger numbers. Newcastle Airport is managed by Newcastle Airport Ltd on behalf of Newcastle City Council and Port Stephens Council, which hold a lease over the Airport site.

To limit aircraft noise impacts, Port Stephens Council has for many years applied controls on new development in noise-affected areas. These controls are based on Australian Noise Exposure Forecast (ANEF) maps and compliance with Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* ('AS 2021—2000').

The scheduled introduction of F-35 Lightning II Joint Strike Fighter combat aircraft after 2018 (to replace the current F/A-18 A/B Hornets) prompted the need for a complete review of the ANEF maps by the Department of Defence, as the new aircraft will produce louder noise emissions than their predecessors, and will use the weapons range in different ways.

2.2 Why is the Policy needed?

Protecting the airport

RAAF Williamtown-Newcastle Airport is a facility of fundamental significance at the local, national, State and regional levels. Its importance relates not only to defence and air transport, but also to its role as a key generator of economic activity in the Hunter Region. Investment in military capability, airport infrastructure and the economic opportunities that cluster nearby are a very important and growing element in the regional and local economy.

For example, the Joint Strike Fighter will contribute an additional \$500 million investment in the region, with consequent job increases above the current 3,000 defence-related employees, as well as wider multiplier effects on regional employment and income.

Accordingly, the importance of RAAF Williamtown-Newcastle Airport and its ongoing development need to be appropriately recognised and supported. The enormous public investment in the facility should be protected from factors that would constrain its future operation, performance and competitiveness.

Protecting the community

Whilst airports need to be protected from too close a relationship with the community they serve, so too does the community need to be protected from aircraft noise.

Aircraft noise is an inescapable by-product of aviation. Unless measures are taken to reduce the impacts of aircraft noise on nearby communities, there can be a wide range of undesirable social, economic and environmental consequences. These range between annoyance and irritation, interference with speech and social activities, interference with classroom learning, loss of relaxation and tranquillity, sleep disruption, health impacts and many others. Loss of amenity due to aircraft noise can have significant impacts on the local economy.

Managing the impacts of aircraft noise is a major challenge for the Port Stephens local government area. A clear policy framework is required that can promote aircraft noise outcomes that are acceptable to the community.

Responding to local circumstances and expectations

It is not feasible to exclude all noise-sensitive development from the vicinity of RAAF Williamtown-Newcastle Airport, since existing built-up areas are already subject to major noise issues. These examples emphasise the need for guidance regarding discretionary matters under AS 2021—2000 so as to acknowledge the existing situation.

Exercising due care & diligence

Council has a duty to developers and landowners to exercise proper care when it exercises its planning functions. It is therefore essential that the planning controls intended to manage aircraft noise impacts are based on best practice and the most reliable factual information available.

Consequently, development proposals and requests for information that involve aircraft noise related matters should be considered with particular care and diligence. This requires clear criteria, consistent application of those criteria, and sound record keeping practices.

Informing the public

Successful co-existence between RAAF Williamtown-Newcastle Airport and the local community presupposes that members of the public have access to aircraft noise information that is accurate and meaningful. This will help people make appropriate decisions about where to locate

Port Stephens Aircraft Noise Policy 2010

Part 2: Policy context

their homes and businesses, based on their particular needs and personal sensitivity to aircraft noise. In particular, poor information can lead to false expectations and highly negative responses to aircraft noise. Well thought out information strategies can avoid these problems.

Promoting cooperation

Defence and airport operations are regulated at the Commonwealth level, whilst land use planning is undertaken at the local and regional levels. Because of this division of responsibilities, cooperative mechanisms can help to promote mutually satisfactory outcomes for all interested stakeholders. These include the Department of Defence, Port Stephens Council, NSW Department of Planning and local community interest groups.

2.3 What is aircraft noise?

Australian Noise Exposure Forecasts (ANEF)

Aircraft noise exposure is a measure of the cumulative amount of aircraft noise likely to be experienced at a particular site on an average day, taking into account factors such as noise intensity, duration and tonal qualities, as well as frequency of flights, type of aircraft and time of day. Computational processes are used to derive a single integrated measure that aims to reflect the average community response to aircraft noise. Aircraft noise exposure is widely used to guide decisions about locations that may be suitable for different activities.

The method used in Australia for measuring aircraft noise exposure is known as the Australian Noise Exposure Forecast (ANEF) system. It includes the following noise measures, which are usually illustrated on maps by noise exposure contours.

- ANEF—a noise exposure forecast for a particular time in the future or based on particular circumstances such as ultimate capacity. ANEF maps are the maps that are referenced in the parts of AS 2021-2000 that are applied to land use planning.
- ANEI—a noise exposure index based on data for a previous year where the exact numbers and types of aircraft which used the airport are known. ANEI maps are not referenced in the parts of AS 2021-2000 that are applied to land use planning.
- ANEC—a noise exposure concept depicting possible noise exposure levels based on a predetermined set of assumptions about airport use and operation. ANEC

maps are not referenced in the parts of AS 2021-2000 that are applied to land use planning.

It is important to appreciate that ANEF values represent predicted noise exposure, not predicted noise level or intensity. They do not give any indication of the maximum sound level ($L(A)_{max}$) that may be experienced at a site.

2.4 Aircraft Noise Planning Area

Drawing the line

Many areas of the Port Stephens local government area are subject to some level of aircraft noise. Yet, clearly, some parts experience much more aircraft noise than others. This raises the question as to where to draw the line between those areas where aircraft noise should be considered in planning and other decisions (the 'Aircraft Noise Planning Area'), and those areas where it need not.

Aircraft noise planning thresholds are usually defined in terms of ANEF values. Under AS 2021-2000, all building types are classed as being 'acceptable' where the ANEF value is less than 20. Below this value, there is usually no need for aircraft noise reduction measures. However, even below this threshold level, most complaints about aircraft noise in Australia originate from outside the ANEF 20 contour (see **Figure 1**).

ANEFs have certain limitations, and several alternatives have been raised for discussion (Department of Transport and Regional Services, 2003). Not the least of these limitations is that ANEFs tend to reinforce the misconception that aircraft noise magically ends at the ANEF 20 contour, which it does not.

The Commonwealth Government is currently reviewing its policy on development near airports, and is seeking to develop an enhanced national framework (Department of Infrastructure, Transport, Regional Development and Local Government, 2009). Until such time as this is introduced, ANEFs and AS 2021-2000 represent the best available means, and the most commonly applied method, to define a planning threshold.

Part 2: Policy context

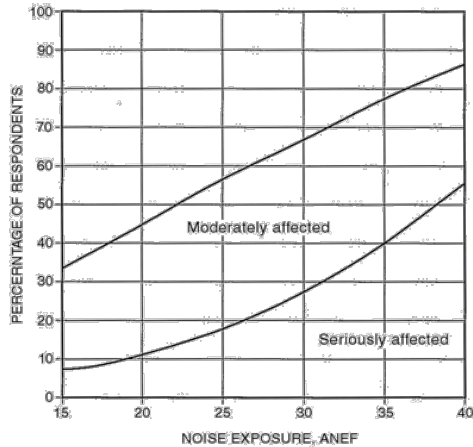


Figure 1: Relationship between ANEF level and community reaction in residential areas
Source: AS 2021-2000.

Available ANEF maps

ANEF maps for RAAF Williamtown-Newcastle Airport are produced by the Department of Defence. The following maps have been published in recent years:

- *RAAF Base Williamtown & Salt Ash Weapons Range 2025 ANEF*—this forecast was made on 10th August 2011, and is based on predicted conditions in 2025. It reflects the operation of Joint Strike Fighter combat aircraft after 2018 and the continued operation of the Hawk aircraft. (See **Appendix 1**).
- *RAAF Base Williamtown & Salt Ash Weapons Range 2012 ANEF*—this forecast was made in 2003, and is based on predicted conditions in 2012. It reflects the operation of existing Hawk and Hornet aircraft and is expected to continue until at least 2018. (See **Appendix 2**).

It is an established convention that there will only be one current ANEF map for a given airport at any one time, this being the latest map endorsed by the relevant authority. However, application of that convention is problematical in the above circumstances. Omitting to have regard to the 2012 ANEF map might amount to a failure to exercise reasonable care, in which case there would be the potential for liability. Accordingly, the Department of Defence have advised the prudent approach is to consider the 2012 ANEF map for such period as it continues to be relevant.

Aircraft Noise Planning Area

The Aircraft Noise Planning Area defines the area within which aircraft noise should always be considered in planning and development decisions, generally in accordance with this Policy.

The ANEF 20 level is adopted as the appropriate minimum planning threshold. The Aircraft Noise Planning Area therefore comprises all properties that are wholly or partly within the ANEF 20 contour on the relevant planning area map, and so includes land within ANEF contours of 20 and higher. The relevant planning area map is a composite of the 2025 ANEF and the 2012 ANEF, as provided by the Department of Defence, as ANEF2025 is the most recent ANEF map, and ANEF2012 is an earlier ANEF map that remains relevant to present or future circumstances. A property-based approach has been adopted in defining the Aircraft Noise Planning Area (See **Appendix 3**). That is, if part of a property falls within the ANEF 20 contour, the entire property is defined to be within the Aircraft Noise Planning Area.

The information necessary to determine if a particular property is within the Aircraft Noise Planning Area will be recorded on the Council's property database (refer to Part 5 of the Policy).

Although a property may be identified within the Aircraft Noise Planning Area, only that part of a site within the 20 ANEF contour would be subject to Development Control Plan requirements relating to aircraft noise.

No inference should be made that land outside the Aircraft Noise Planning Area is not subject to aircraft noise. Such land is merely below the minimum noise exposure threshold adopted for planning purposes.

Port Stephens Aircraft Noise Policy 2010

Part 2: Policy context

2.5 Planning criteria

There are three essential planning criteria that should be applied to all planning and development proposals within the Aircraft Noise Planning Area:

- Aircraft noise burden
- Site suitability
- Aircraft noise reduction.

These criteria are critical to attaining progress on the two key objectives of this Policy, namely to protect RAAF Williamtown-Newcastle Airport from encroachment by noise-sensitive activities, and to protect the community from adverse noise impacts.

Criteria	Purpose
Aircraft noise burden	Containing or reducing the aggregate aircraft noise problem
Site suitability	Putting the right activities in the right place ('prevention')
Aircraft noise reduction	Reducing noise through building construction measures ('cure')

Aircraft noise burden

- A. The aircraft noise burden refers to the total number of dwellings or people that are exposed to unacceptable aircraft noise. Ideally, this burden should be reduced, or failing that, should not be permitted to increase.

The aircraft noise burden can be broken down into two distinct components.

- The *existing aircraft noise burden* comprises housing and other noise sensitive development that is already in existence. For such development, aircraft noise is an historical problem that cannot be dealt with by traditional planning policies. This is largely a Department of Defence problem. Council can, outside of its functions as a consent authority, advocate and call for Co-operation from Department of Defence to achieve any reduction and such areas are kept to a minimum when considering operations.

- The *future aircraft noise burden* comprises housing and other development that is yet to be built. Aircraft noise is a planning problem that can be dealt with by zoning and other planning controls. Planning decisions should not make the future situation worse than that which currently exists. To do so would be contrary to the principle of intergenerational equity, which binds Council in its role as a consent authority and as a local council.

Site suitability

- B. Site suitability refers to the acceptability of proposed development at a particular site, having regard to actual or forecast aircraft noise conditions at that site, and the sensitivity of that development to those conditions.

Site suitability provides a key criterion for deciding whether or not to permit or encourage particular activities in particular locations. It is about putting the right kinds of development in the right places, and represents 'prevention' rather than 'cure'. Where possible, achieving site suitability should have priority over aircraft noise reduction.

The currently recognised standard for site suitability is specified by Table 2.1 in AS 2021-2000.

Aircraft noise reduction

- C. This refers to the reduction of indoor noise levels by the application of suitable measures to the design, construction or modification of buildings (for example, building mass, noise insulation or double glazing).

Aircraft noise reduction represents 'cure' rather than 'prevention'. It is the next best option when a development site is conditionally suitable. However, there are theoretical and practical limits to aircraft noise reduction. When applied to highly unsuitable sites, acceptable noise outcomes may not be possible.

The currently recognised standard for aircraft noise reduction is specified by Part 3 of AS 2021—2000.

2.6 Policy tools

The tools or mechanisms that can be used to implement the Policy are as follows:

Planning proposals

Planning proposals involve the preparation of plans relating to the future use and development of land. They are a critical tool for preventing an increase in the *future* aircraft noise burden.

Part 2: Policy context

Development assessment

Development assessment involves the regulation of development proposals under existing planning instruments. It is an important tool for containing growth in the *future* aircraft noise burden, but is often constrained by the limitations of historical zoning decisions.

Cooperative mechanisms

Cooperative mechanisms involve providing a forum for dialogue and feedback regarding the effects of aircraft operations on the local community, particularly in relation to minimising noise impacts and enable Council to advocate on behalf of the community

Information management

Information management relates to the way that information on aircraft noise is gathered, kept, used and distributed. It can promote a number of important objectives, such as ensuring due care and diligence, and providing accurate and useful information to the public.

When considered together, application of the above policy tools forms a holistic aircraft noise policy framework. This is illustrated in **Figure 2**.

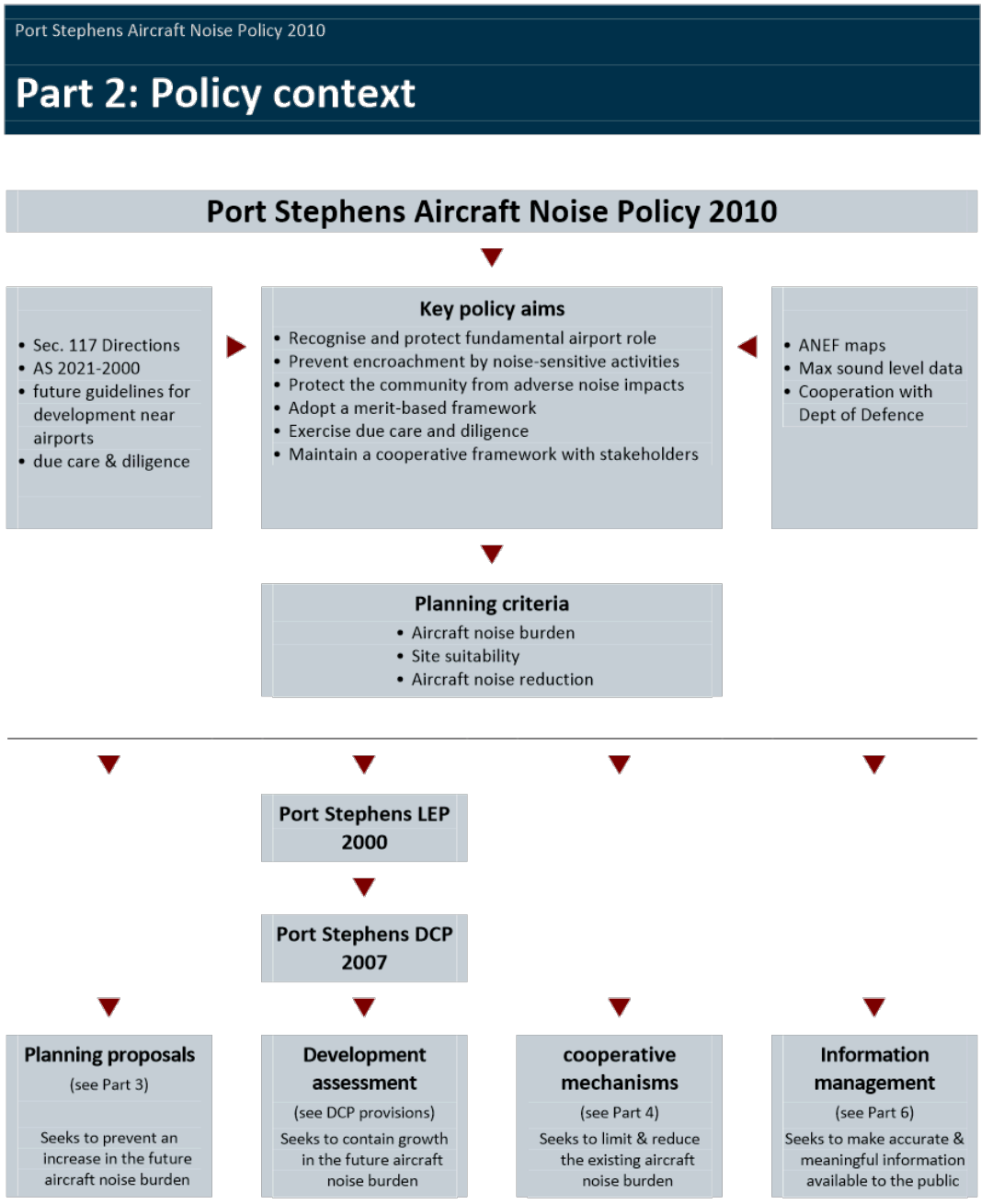


Figure 2: Aircraft noise policy framework

Part 3: Planning proposals

3.1 Role of planning proposals

A planning proposal refers to a proposal to alter the planning controls that operate under the *Port Stephens Local Environmental Plan*. Planning proposals may relate to a broad strategic review of urban structure and settlement pattern within the Port Stephens area, a process commonly referred to as 'strategic planning'. Alternatively, they may involve consideration of a change of zoning for a specific land parcel, typically in response to a landowner's request. This latter type is commonly referred to as a 'rezoning request' or 'spot rezoning'.

Planning proposals usually cannot be used as a tool for reducing the *existing* aircraft noise burden. This is because the planning legislation allows the continued operation of 'existing uses' and other permitted land uses. However, they are of particular value in preventing an increase in the *future* aircraft noise burden. That is, planning proposals can be used to promote a future settlement pattern that, relative to the current situation, does not increase the number of people adversely affected by aircraft noise.

3.2 Statutory requirements

Under the (NSW) *Environmental Planning and Assessment Act 1979*, a planning proposal must include documentation setting out the intended effect of the proposal and its justification. It must also be consistent with the *Lower Hunter Regional Strategy*, and any relevant section 117 Directions issued by the Minister for Planning. Alternatively, it must provide suitable justification to support any inconsistency.

Section 117 Direction 3.5, 'Development near Licensed Aerodromes' (dated 1 July 2009) applies to any planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. It includes the objective:

to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

3.3 Strategic approach

Protecting the long-term operation of RAAF Williamtown-Newcastle Airport, whilst also protecting the community from unacceptable aircraft noise impacts, requires a strategy that prevents encroachment of noise-sensitive development into incompatible noise-exposed locations. In some cases there is likely to be conflicts between this strategy and landowners' aspirations for rezoning of land for urban purposes. These conflicts should be resolved in favour of the overriding priority and importance of RAAF Williamtown-Newcastle Airport.

The Aircraft Noise Planning Area (refer to section 2.4) provides the spatial overlay within which planning proposals require detailed scrutiny. Planning proposals within that area need to be assessed in terms of the essential planning criteria identified in section 2.5:

- aircraft noise burden
- site suitability
- aircraft noise reduction.

Site suitability in terms of the acceptability criteria under AS 2021-2000 and ANEF contours are a key consideration. However, this approach can have limitations when applied to military airports, due to the very high maximum sound levels - $L(A)_{max}$ - that can be produced by combat aircraft. In some locations, compliance with aircraft noise reduction levels specified by AS 2021-2000 may not be possible or practicable within ANEF contours that define 'acceptable' and 'conditionally acceptable' locations. This issue needs to be carefully addressed.

Planning proposals outside the Aircraft Noise Planning Area may also require scrutiny. This is because it is based on medium-term noise forecasts (currently 2025), yet planning proposals may initiate land use changes well beyond that planning horizon. Therefore, any foreseeable long-term changes that might have aircraft noise impacts over a wider area should also be considered (for example, changes to aircraft types, flight paths or volume of traffic). This should be considered by way of suitable consultation with the airport operator.

Part 3: Planning proposals

3.4 Principles

Where the principles apply

The following principles apply to planning proposals in respect of land that is:

- within the Aircraft Noise Planning Area, or
- within 2 kilometres of the Aircraft Noise Planning Area which has the potential to increase residential densities or other noise sensitive land uses;
- where the consent authority has been advised by Department of Defence that aircraft noise has the potential to adversely affect future development.

Aircraft noise burden

- A. A planning proposal should not result in an increase in the future aircraft noise burden. That is, it should not permit any intensification of development within the Aircraft Noise Planning Area that would significantly increase the number of people or dwellings adversely affected by aircraft noise.

Site suitability

- B. In its preparation of broad settlement strategies for the Port Stephens area, the Council should give preference to land uses in the vicinity of RAAF Williamtown-Newcastle Airport that:
- will be compatible with the future long-term operation and growth of that facility
 - have a mutually beneficial relationship with activities undertaken within that facility
 - do not rely on aircraft noise reduction to achieve compatibility.
- C. A planning proposal should permit new development in a manner that is generally consistent with the Building Site Acceptability Criteria in AS 2021-2000. For example, a planning proposal should not:
- rezone land for residential purposes where the ANEF level exceeds 25
 - increase residential densities in areas where the ANEF level exceeds 25
 - rezone land for schools, hospitals, churches and theatres where the ANEF exceeds 20
 - rezone land for hotels, motels, offices or public buildings where the ANEF exceeds 30.

- D. However, a planning proposal should not be supported if there is evidence that it would not be 'possible' or 'practicable' for development permitted under the proposal to meet the level of aircraft noise reduction specified by AS 2021-2000. Such decisions should have regard to an acoustic study prepared by a noise control expert to establish the predicted maximum sound level $[L(A)_{max}]$ for the site in accordance with AS 2021-2000 and level of Aircraft Noise Reduction (ANR) required.
- E. For the purposes of satisfying "D" above Council will have regard for the predicted maximum sound level $[L(A)_{max}]$, as may be provided to Council from time to time by the Department of Defence to assist Council in its planning.

Aircraft noise reduction

- F. A planning proposal should not lessen existing requirements for aircraft noise reduction that apply under the *Port Stephens Local Environmental Plan 2000*.

Inconsistency with principles

- G. A planning proposal that is inconsistent with any of the above principles should not be prepared unless:
- it is justified by a planning strategy that considers the objectives of this Policy
 - meets requirements under Section 117 Direction 'Development near Licensed Aerodromes'.
 - the Council is satisfied that to do so would be both reasonable and in the public interest.

Consultation

- H. When preparing a planning proposal relating to land:
- within the Aircraft Noise Planning Area, or
 - within 2 kilometres of the Aircraft Noise Planning Area,

the Council should consult with the Department of Defence and any stakeholder having a particular interest in the issue of aircraft noise.

Part 4: Cooperative mechanisms

4.1 Extent of the additional burden

The Public Environment Report for the introduction of the Joint Strike Fighter (Department of Defence, 2009) includes considerable information about the likely noise impacts of the new military aircraft on the existing community, including consideration of likely health, social and economic consequences. As it was prepared as part of the process in promulgating ANEF2025 it references ANEC levels, there being a number of conceptual ANEC maps prepared as part of that process. It should be noted the ANEC concept maps differ from the final ANEF maps on which acceptability is determined under the AS2021-2000

Figure 3 below, which is derived from the Public Environment Report, indicates that almost 3,500 existing lots are located within the area generally equivalent to the Aircraft Noise Planning Area, and that over 1,500 of these are located in areas classed as 'unacceptable' for dwellings under AS 2021-2000 (that is, with an ANEC value exceeding 25).

Of these, 312 lots occur within areas with an ANEC value exceeding 30. Such lots are likely to experience severe noise impacts. The actual extent of impacts would need to be assessed in more detail by reference to other measures of aircraft noise, such as maximum sound levels - $L(A)_{max}$, as this is a critical determinant of the amount of aircraft noise reduction needed, and its practicality.

The extent to which these lots are used for residential or other purposes, or are vacant land, is not known. This and other information would need to be obtained in order to determine the likely extent.

Figure 3 Number of lots within Australian Noise Exposure Concept contours for Joint Strike Fighter Base Case

ANEC	Number of lots	Cumulative lots
55-60	2	2
50-55	10	12
45-50	5	17
40-45	24	41
35-40	42	83
30-35	229	312
25-30	1224	1536
20-25	1937	3473

Source: derived from Dept of Defence (2009), Table 6-14, p. 109.

Note: Australian Noise Exposure Concepts depict possible noise exposure levels based on a predetermined set of assumptions about airport use and operation.

Note: Section 4.1 is based upon the Public Environment Report for the introduction of the Joint Strike Fighter (Department of Defence 2009). This section is effectively superseded following the promulgation of 2025 ANEF of 10th August 2011.

4.2 Promoting cooperation

Defence and airport operations are regulated at the Commonwealth level, whilst land use planning is undertaken at the local and regional levels. Because of this division of responsibilities, cooperative mechanisms can help to promote mutually satisfactory outcomes for all interested stakeholders. These include the Department of Defence, Port Stephens Council, NSW Department of Planning and local community interest groups.

- Members of the Council, acting as community leaders, can play an active role in advocating the case for programs including possible amelioration for the community to parliamentary members and Ministers.
- Studies should be undertaken to more fully document the extent to which existing development is subject to unacceptable levels of aircraft noise. These should be undertaken cooperatively by the Council and the Department of Defence.

Ideally a cooperative framework should be maintained in which all stakeholders can:

- appreciate the strategic importance of the airport and its operational requirements
- appreciate the impacts that aircraft noise has on the local community, and the measures that might be needed to resolve those impacts
- ensure the local community burdened to the minimum extent possible from aircraft noise for the Department of Defence to undertake operations
- contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

Port Stephens Aircraft Noise Policy 2010

Part 4: Cooperative mechanisms

4.3 Model programs

The Sydney and Adelaide Noise Amelioration Programs, which are now completed, are generally considered the best practice approach in Australia. Being civil airports, these programs were funded by an industry levy, and have brought about significant improvements for noise sensitive buildings in high noise exposure zones. Funding for the upgrading of existing housing was set at a maximum of \$57,000 per dwelling.

The approach taken was to provide amelioration at the following thresholds:

Threshold	Land use	Amelioration provided
>25 ANEI	Public buildings	Aircraft noise reduction
>30 ANEI	Dwellings	Aircraft noise reduction by: <ul style="list-style-type: none"> • 35 db(A) - sleeping areas • 30 dB(A) - living areas
>40 ANEI	Dwellings	Voluntary acquisition of property

Note: Australian Noise Exposure Index (ANEI) is based on data for a previous year where the exact numbers and types of aircraft which used the airport are known.

Subject to appropriate justification, the Council should work with the Department of Defence and the community to frame an appropriate amelioration program based on the above model.

- provide opportunities for all interested stakeholders to contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

4.4 Consultative Committee

To promote the objectives of this Policy in cooperation with the Department of Defence, RAAF, the community and other stakeholders, the Council form a Consultative Committee - the Port Stephens Aircraft Noise Reference Panel - or sub-committee of the existing Airport Consultative Committee):

- provide an interface between the community and the operators of the RAAF Base and Newcastle Airport
- provide a forum for dialogue and feedback regarding the effects of aircraft operations on the local community, particularly in relation to minimising noise impacts
- promote sharing of relevant information, such as that relating to aircraft noise, planning proposals, development trends, noise complaints and so forth

Part 5: Noise information

5.1 Planning certificates

Planning certificates—advice under s.149(2)

D. The following aircraft noise information should be included on planning certificates as prescribed advice under section 149(2):

Where the property is within the Aircraft Noise Planning Area, a statement should be made to the effect that:

- the land is subject to aircraft noise related development controls under the *Port Stephens LEP 2000* and Part B15 of the *Port Stephens DCP 2007*
- relevant principles are set out in the *Port Stephens Aircraft Noise Policy 2010*.

Note: This disclosure relates to the matter as to whether or not the council has adopted a policy to restrict the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation or any other risk. (Item 7 of Schedule 4, EP&A Regulation 2000).

Planning certificates—advice under s.149(5)

E. The following aircraft noise information should be included on planning certificates as additional advice [section 149(5)]:

Where the property is not located within the Aircraft Noise Planning Area, a statement should be made to the effect that:

- the land is not located within the Aircraft Noise Planning Area under the *Port Stephens LEP 2000*
- no inference should be made that the land is not subject to aircraft noise—it merely indicates that the level of aircraft noise exposure present on the land is below the threshold adopted for planning purposes
- the land is likely to be affected by some level of aircraft noise, which may cause some persons serious annoyance from time to time, particularly those with a higher sensitivity to noise
- persons with particular noise requirements may need to consider aircraft noise reduction measures for the site.

Where the property is located within the Aircraft Noise Planning Area, a statement should be made to the effect that:

- the land is located within the Aircraft Noise Planning Area under the *Port Stephens LEP 2000*
- this indicates that the level of aircraft noise exposure present on the land is above the threshold adopted for planning purposes
- the likely extent of aircraft noise exposure for the land is shown on Australian Noise Exposure Forecast maps which can be inspected at the office of the Council or on the Department of Defence internet site
- Australian Noise Exposure Forecasts are used for planning purposes in determining the suitability of land for particular purposes (refer to *Port Stephens Aircraft Noise Policy 2010*)
- Australian Noise Exposure Forecasts do not give an indication of ‘decibel’ sound levels likely to be experienced at the site, and that information on this may be available at the office of the Council
- the land is likely to be affected by aircraft noise that may cause some persons serious annoyance.

Where the land is the subject of aircraft noise related requirements or conditions under a development consent, a statement should be provided to the effect that:

- aircraft noise related requirements or conditions were imposed under a development consent (give details of consent number)
- the consent may be inspected at the office of the Council
- closure of windows and doors is required in order to achieve the benefits of noise control measures
- applicants should consider the need for independent professional advice as to any supplementary aircraft noise reduction measures that might be needed to meet the applicant’s particular needs or requirements.

5.2 Aircraft noise community information strategy

G. In collaboration with the Department of Defence, the Council investigate preparing and implementing a community information strategy to provide meaningful aircraft noise information to the community. Such information would be readily interpreted by non-experts, and would be based on communication

Port Stephens Aircraft Noise Policy 2010

Part 5: Noise information

concepts rather than technical parameters. Information may include noise data received from Defence.

The overall aim should be to enable people to make more informed decisions about the noise environment likely to be experienced at particular locations, and how that environment might be compatible or incompatible with their needs or objectives. The strategy could also address possible alternative delivery media. Such approaches have been discussed in the following publications:

- Department of the Environment and Heritage and Department of Transport and Regional Services (2003). *Guidance Material for Selecting and Providing Aircraft Noise Information*. DEH & DOTARS, Canberra.
- Department of Transport and Regional Services (2000). *Expanding Ways to Describe and Assess Aircraft Noise*. DOTARS, Canberra.

Part 6: Reference material

6.1 Glossary

Acceptability

What is acceptable is ultimately a value judgement that reflects community norms and expectations, as well as the level of available resources. AS 2021-2000 provides guidance as to acceptable aircraft noise outcomes, but wider public interest considerations and the particular circumstances of the case may also need to be considered.

Acoustic study

A study undertaken by a noise control expert that describes the noise conditions present at a site and identifies aircraft noise reduction measures required to achieve an acceptable noise environment. The study will also address related issues such as likely cost and practicability. Its purpose is to provide an adequate factual basis for planning and development decisions.

Aircraft noise burden

The total number of dwellings or people that are exposed to unacceptable aircraft noise. Ideally, this burden should be reduced, or failing that, should not be permitted to increase. Two components can be distinguished, each requiring different policy responses:

- the *existing aircraft noise burden*—housing and other development that is already in existence
- the *future aircraft noise burden*—housing and other development that is yet to be built.

Aircraft noise information

Information that describes existing or predicted future aircraft noise conditions, or that enables the interpretation of such information.

Aircraft Noise Planning Area

The area of land subject to aircraft noise related development controls. It comprises all properties that are wholly or partly within the ANEF 20 contour on 'relevant ANEF maps' and includes land that is within ANEF contours of 20 and greater.

Aircraft noise reduction

The reduction of indoor noise levels by the application of suitable measures to the design, construction or modification of buildings (for example, building mass, noise insulation or double glazing). The currently recognised standard for aircraft noise reduction is specified by Part 3 of AS 2021—2000.

Australian Noise Exposure Forecast (ANEF)

A single integrated measure of predicted future exposure to aircraft noise that aims to reflect the average

community responses. It takes into account a wide variety of factors, such as noise intensity, duration and tonal qualities, as well as type of aircraft, frequency of flights and time of day. Forecasts are shown by contour lines on ANEF maps, and assist decisions regarding the suitability of development according to its sensitivity to aircraft noise.

AS 2021—2000

Australian Standard AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction. This is a nationally recognised standard for development affected by aircraft noise.

the Council

Port Stephens Council

dB (decibels)

A logarithmic scale unit used to measure sound pressure levels. A sound level levels as high as 130 -140 dB can be felt as pain.

dB(A) (decibels on the A-weighted scale)

Decibels measured using a particular weighting scale that reflects the sensitivity of the human ear across the audible frequency range.

Department of Defence

The Commonwealth agency responsible for administering Australia's defence services.

Development

The use of land, the subdivision of land, the erection of a building, the carrying out of a work, the demolition of a building or work, and certain other regulated activities.

Development control plan (DCP)

A type of plan prepared under the *Environmental Planning and Assessment Act 1979*. DCPs provide more detail than a local environmental plan, and must be considered when development applications are determined.

Local environmental plan (LEP)

A type of planning instrument prepared under the *Environmental Planning and Assessment Act 1979*. LEPs provide the broad local framework for development assessment, including objectives, urban structure, land use controls, approval criteria, and other matters.

Maximum sound level - L(A)_{max}

A measure of aircraft noise, being the highest instantaneous sound pressure level measured at a site during a single aircraft flight. It provides some indication of interference with speech, listening to television, sleeping or other common activities, but does not give any information about how long this level will last or how frequently it will occur.

Port Stephens Aircraft Noise Policy 2010

Part 6: Reference material

Noise

The subjective response to sound, particularly any loud, annoying or unwanted sound. Psychological responses to sound are affected by a wide variety of factors. As these responses vary from person to person, there is no single universal measure of noise.

Planning certificate

A certificate issued under section 149 of the *Environmental Planning and Assessment Act 1979* that provides information about planning and related matters for a specified parcel of land. Under conveyancing laws a planning certificate containing basic information must be attached to any contract for the sale of land.

Planning proposal

Proposals that involve the preparation of plans relating to the future use and development of land. They include both broad strategic reviews and the rezoning of individual properties..

Principle

A rule of conduct or action that is applied when implementing a policy. The principles set out in this Policy serve to guide how decisions should be made.

RAAF

Royal Australian Air Force.

RAAF Williamtown-Newcastle Airport

The interrelated complex of defence, air transport and support facilities comprising RAAF Base Williamtown, Newcastle Airport and the Salt Ash Air Weapons Range.

Relevant ANEF maps

Refers to the most recent ANEF map, and any earlier ANEF map that remains relevant to present or future circumstances. ANEF maps for RAAF Williamtown-Newcastle Airport are published by the Department of Defence, and can be inspected at the office of the Council.

Site suitability

Refers to the acceptability of proposed development at a particular site, having regard to actual or forecast aircraft noise conditions at that site, and the sensitivity of that development to those conditions. The currently recognised standard for site suitability is specified by Table 2.1 in AS 2021-2000.

Sound

A pressure disturbance that travels through air. Sound is a physical phenomenon that can be objectively measured (see decibels). However, the way in which people perceive and react to sound is entirely subjective (see noise).

6.2 Relevant publications

Airservices Australia (1999). *The Australian Noise Exposure Forecast System and Associated Land Use Compatibility Advice for Areas in the Vicinity of Airports*. Airservices Australia, Canberra.

Department of Defence (2009). *Operation of the JSF Aircraft as New Air Combat Capability (NACC) at RAAF Base Williamtown and Salt Ash Air Weapons Range Public Environment Report*. Report prepared by Sinclair Knight Merz.

Department of Defence (2009). *RAAF Base Williamtown & Saltash Air Weapons Range 2025 ANEF Summary Report*. Report prepared by GHD Pty Ltd.

Department of Infrastructure, Transport, Regional Development and Local Government (2009). *Safeguards for airports and the communities around them*. Discussion Paper. DITRDLG, Canberra.

Department of Infrastructure, Transport, Regional Development and Local Government (2009). *National Aviation Policy White Paper*. Chapter 14: Minimising the impact of aircraft noise.

Department of the Environment and Heritage and Department of Transport and Regional Services (2003). *Guidance Material for Selecting and Providing Aircraft Noise Information*. DEH & DOTARS, Canberra.

Department of Transport and Regional Services (2000). *Expanding Ways to Describe and Assess Aircraft Noise*. DOTARS, Canberra.

Department of Transport and Regional Services (2003). *Going Beyond Noise Contours: Local Approaches to Land Use Planning Around Smaller Australian Airports*. DOTARS, Canberra.

Newcastle Airport Ltd (2007). *Newcastle Airport Masterplan*. NAL, Williamtown NSW.

NSW Minister for Planning (2009). *Direction 3.5: Development near Licensed Aerodromes*. Made under section 117 of the Environmental Planning and Assessment Act 1979, and dated 1 July 2009.

Queensland Government (2002). *State Planning Policy 1/02 Guideline: Development in the Vicinity of Certain Airports and Aviation Facilities*. Dept of Local Government and Planning, Brisbane.

Queensland Government (2002). *State Planning Policy 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities*. Dept of Local Government and Planning, Brisbane.

Part 6: Reference material

Standards Australia (2000). *Australian Standard AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction*. Standards Australia, Homebush NSW.

WA Planning Commission (2004). *Aircraft Noise Insulation for Residential Development in the Vicinity of Perth Airport*. WAPC, Perth.

WA Planning Commission (2004). *Statement of Planning Policy No. 5.1: Land use Planning in the Vicinity of Perth Airport*. WAPC, Perth.

Appendix 1: RAAF Base Williamtown & Salt Ash Weapons Range 2025 ANEF map

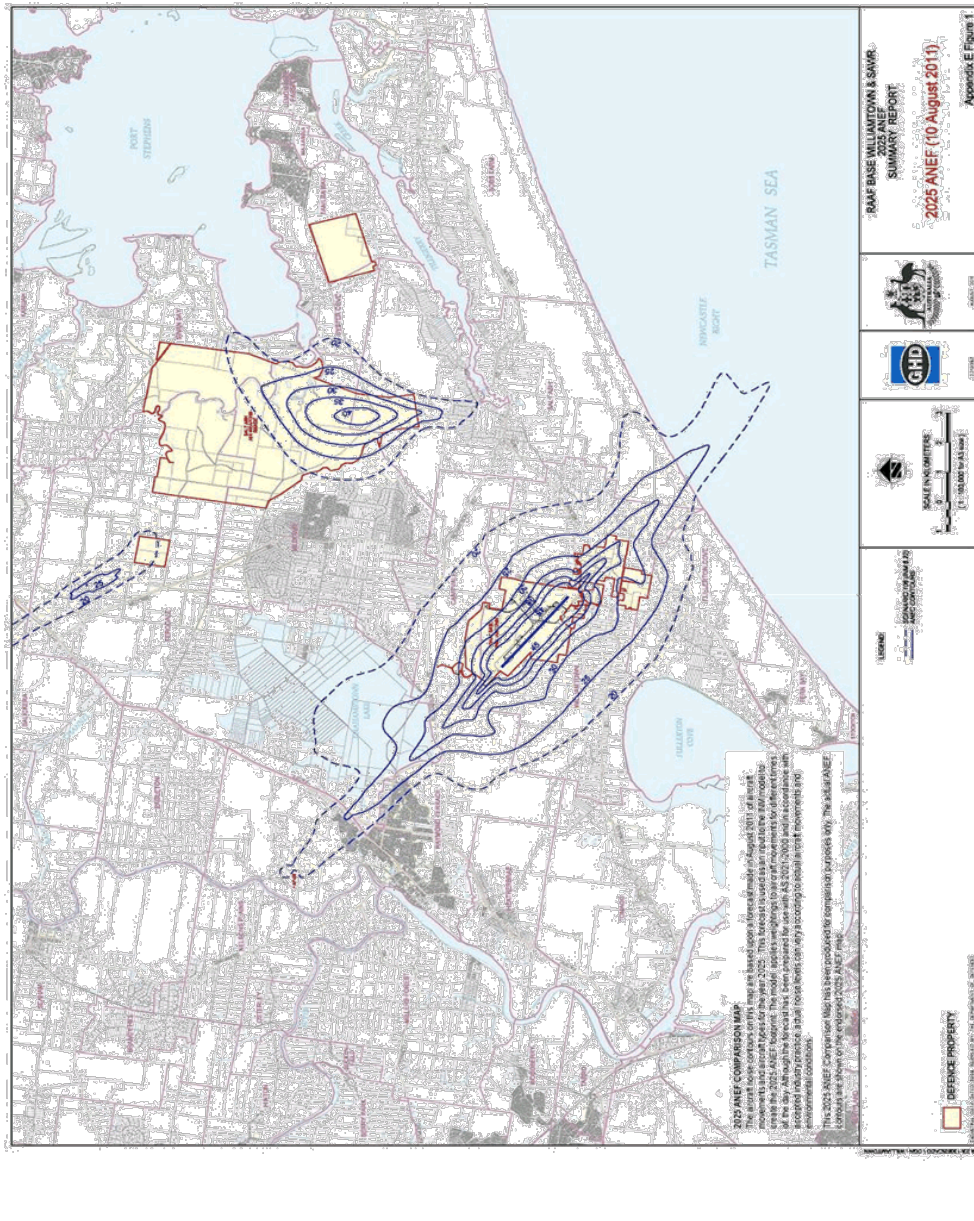
Appendix 2: RAAF Base Williamtown & Salt Ash Weapons Range 2012 ANEF map

Appendix 3: Aircraft Noise Planning Area

Port Stephens Aircraft Noise Policy 2010

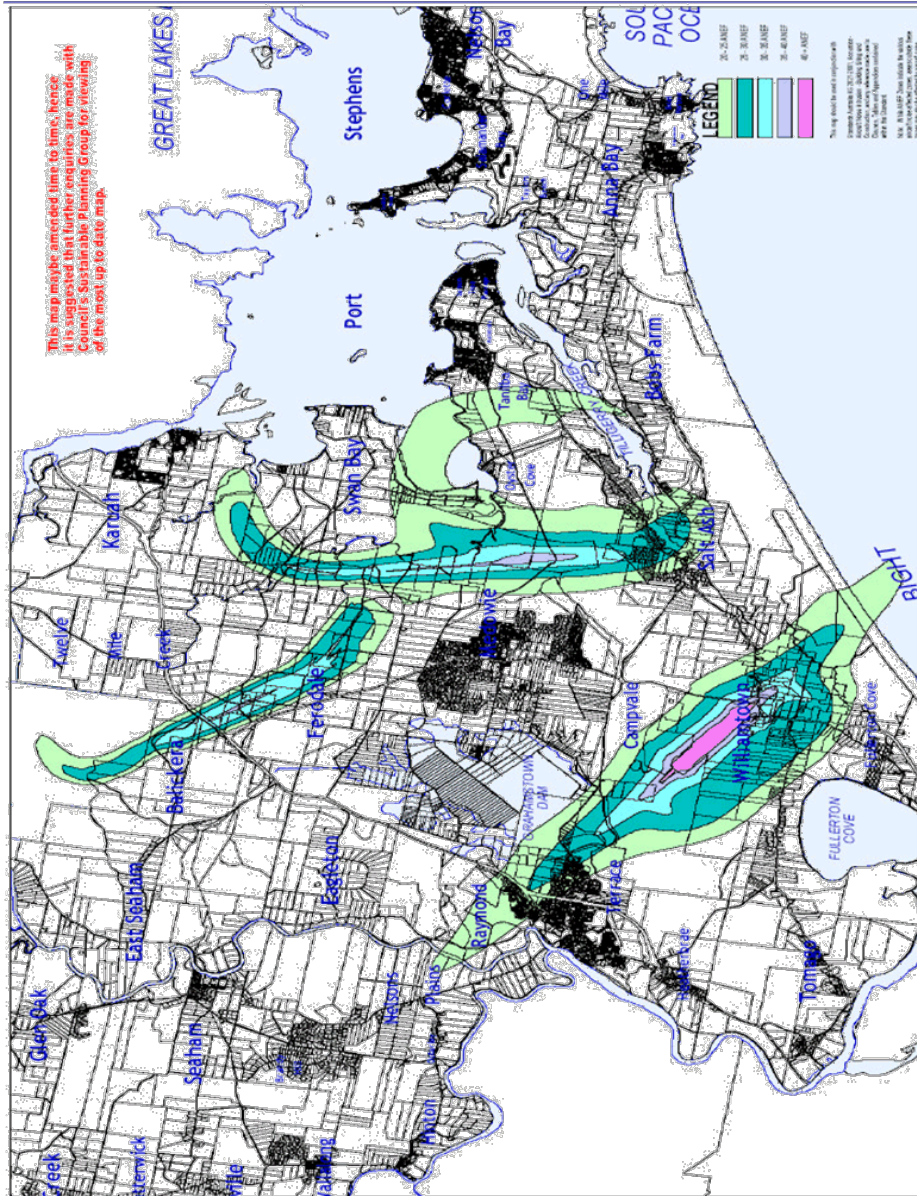
Part 6: Reference material

Appendix 1: RAAF Base Williamtown & Salt Ash Weapons Range 2025 ANEF map



Part 6: Reference material

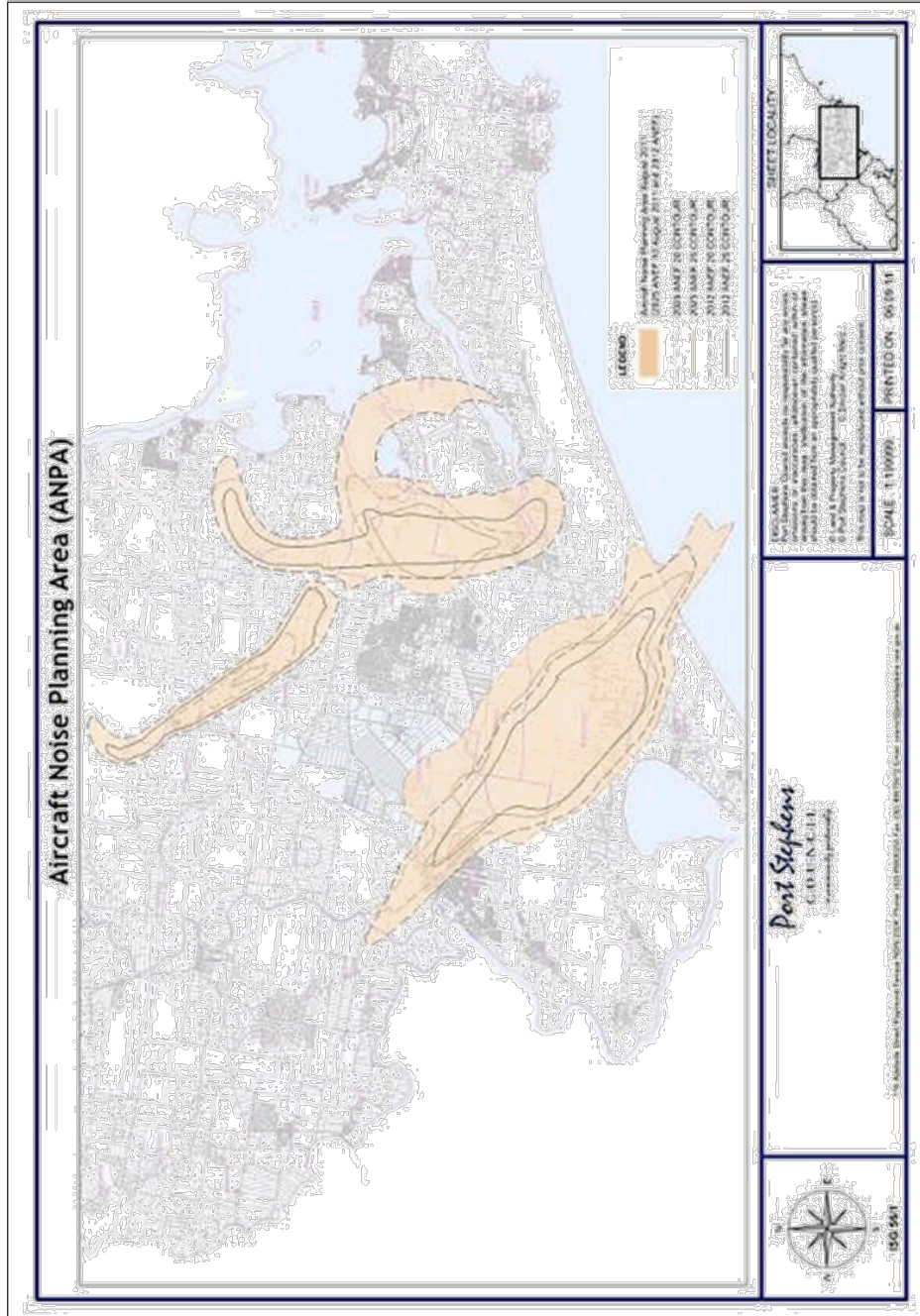
Appendix 2: RAAF Base Williamstown & Salt Ash Weapons Range 2012 ANEF map



Port Stephens Aircraft Noise Policy 2010

Part 6: Reference material

Appendix 3: Aircraft Noise Planning Area



ITEM NO. 8

**FILE NO: 17/31775
RM8 REF NO: PSC2017-00015**

INFORMATION PAPERS

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 28 February 2017.

No:	Report Title	Page:
1	Cash and Investments held as at 31 January 2017	246

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Steve Tucker Councillor Chris Doohan That the recommendation be adopted.
--	---

048	Councillor Paul Le Mottee Councillor John Morello It was resolved that Council move out of Committee of the Whole.
------------	--

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
MOTION**

049	Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 28 February 2017. ----- No: Report Title
------------	---

MINUTES ORDINARY COUNCIL - 28 FEBRUARY 2017	
--	--

	1	Cash and Investments held as at 31 January 2017
--	---	---

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 17/19775
RM8 REF NO: PSC2006-6531**

CASH AND INVESTMENTS HELD AS AT 31 JANUARY 2017

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 January 2017.

ATTACHMENTS

- 1) Cash and investments held at 31 January 2017.
- 2) Monthly cash and investments balance January 2016 to January 2017.
- 3) Monthly Australian Term Deposit Index January 2016 to January 2017.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS HELD AT 31 JANUARY 2017.

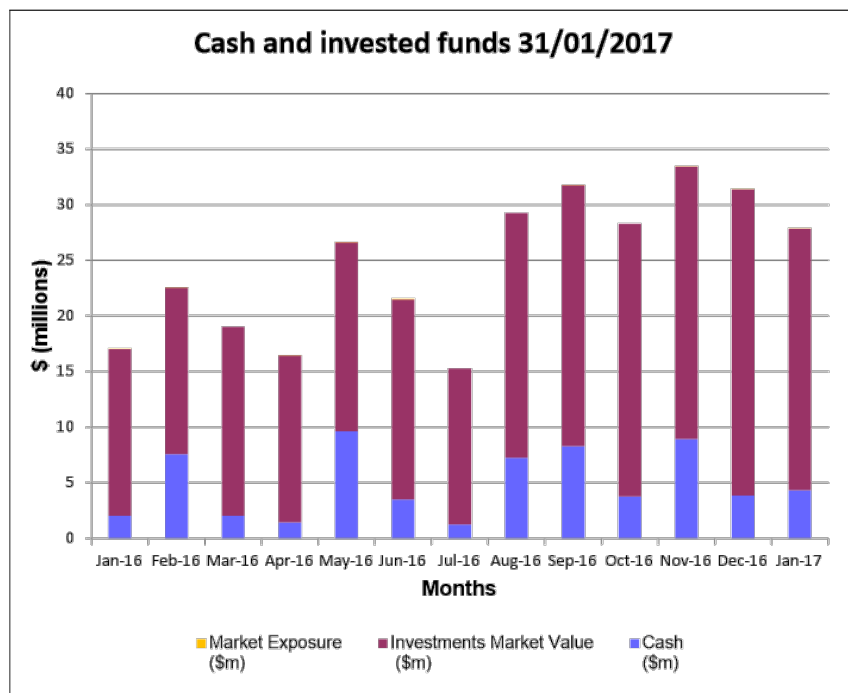
CASH AND INVESTMENTS HELD AS AT 31 JANUARY 2017

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
ANZ	ANZ	AA-	TD	2.70%	161	8-Feb-17	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.71%	126	22-Feb-17	2,000,000	2,000,000
AMP BANK	CURVE	A+	TD	2.75%	174	8-Mar-17	1,500,000	1,500,000
BANANA COAST CREDIT UNION	CURVE	NR	TD	2.75%	112	8-Mar-17	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.61%	154	22-Mar-17	1,000,000	1,000,000
ANZ	ANZ	AA-	TD	2.60%	98	22-Mar-17	2,000,000	2,000,000
HUNTER UNITED EMPLOYEES CU	RIM	NR	TD	2.90%	181	5-Apr-17	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.69%	112	5-Apr-17	2,000,000	2,000,000
BANK OF QUEENSLAND	BOQ	A-	TD	2.75%	168	19-Apr-17	2,000,000	2,000,000
ME BANK	ME BANK	BBB+	TD	2.85%	133	3-May-17	2,000,000	2,000,000
AMP BANK	FARQUHARSON	A+	TD	3.00%	364	17-May-17	2,000,000	2,000,000
BANK OF QUEENSLAND	BOQ	A+	TD	2.80%	182	14-Jun-17	2,000,000	2,000,000
POLICE CREDIT UNION LTD (SA)	FARQUHARSON	NR	TD	2.85%	182	12-Jul-17	1,000,000	1,000,000
SUB TOTAL (\$)							22,500,000	22,500,000
OTHER INVESTMENTS								
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	1,007,477
SUB TOTAL (\$)							1,017,877	1,007,477
INVESTMENTS TOTAL (\$)							23,517,877	23,507,477
CASH AT BANK (\$)							4,346,029	4,346,029
TOTAL CASH AND INVESTMENTS (\$)							27,863,906	27,853,506
CASH AT BANK INTEREST RATE				1.90%				
BBSW FOR PREVIOUS 3 MONTHS				1.82%				
AVG. INVESTMENT RATE OF RETURN				2.64%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								

**ITEM 1 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE
JANUARY 2016 TO JANUARY 2017.**

CASH AND INVESTMENTS BALANCE

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Jan-16	2.043	14.989	0.029	17.061
Feb-16	7.589	14.989	0.029	22.607
Mar-16	2.038	16.984	0.034	19.055
Apr-16	1.469	14.990	0.028	16.487
May-16	9.650	16.990	0.028	26.668
Jun-16	3.526	17.990	0.028	21.544
Jul-16	1.277	13.998	0.020	15.294
Aug-16	7.269	21.998	0.020	29.287
Sep-16	8.289	23.498	0.020	31.807
Oct-16	3.786	24.503	0.015	28.304
Nov-16	8.940	24.506	0.012	33.458
Dec-16	3.875	27.507	0.010	31.393
Jan-17	4.346	23.507	0.010	27.864

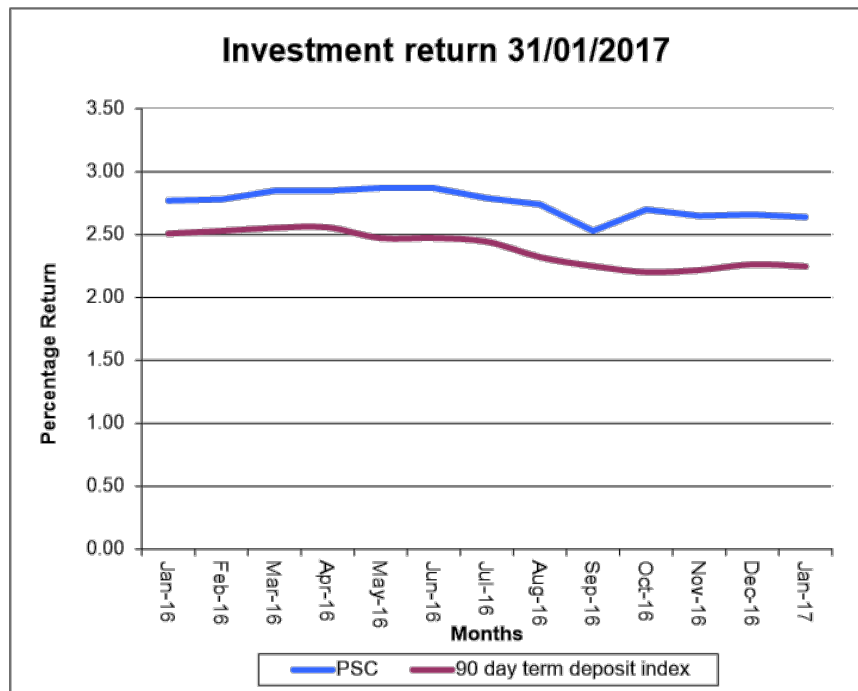


*market exposure is the difference between the face value of an investment and its current market value.

ITEM 1 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX JANUARY 2016 TO JANUARY 2017.

AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

Date	90 day term deposit index	PSC
Jan-16	2.5089	2.77
Feb-16	2.5293	2.78
Mar-16	2.5539	2.85
Apr-16	2.5578	2.85
May-16	2.4730	2.87
Jun-16	2.4727	2.87
Jul-16	2.4442	2.79
Aug-16	2.3210	2.74
Sep-16	2.2495	2.53
Oct-16	2.2025	2.70
Nov-16	2.2183	2.65
Dec-16	2.2637	2.66
Jan-17	2.2474	2.64



NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 17/6987

RM8 REF NO: PSC2016-00031

SPLASH PAD - BOOMERANG PARK, RAYMOND TERRACE

COUNCILLOR: PETER KAFER

THAT COUNCIL:

- 1) Call upon the General Manager to install a Splash Pad in Boomerang Park adjacent to and part of the current playground for the benefit of everyone.

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
MOTION**

	<p>Councillor Peter Kafer Councillor Steve Tucker</p> <p>That Council call upon the General Manager to install a Splash Pad in Boomerang Park adjacent to and part of the current playground for the benefit of everyone.</p>
--	--

AMENDMENT

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
MOTION**

050	<p>Mayor Bruce MacKenzie Councillor Ken Jordan</p> <p>It was resolved that the Notice of Motion be deferred to allow the General Manager to provide a feasibility report on the installation of a splash pad in Boomerang Park.</p>
------------	--

The amendment on being put became the Motion, which was put and carried.

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

The purpose of this report is to provide information on the potential development of a splash pad adjacent to the recently constructed playground at Boomerang Park. This information has been instigated by a Notice of Motion. The justification provided in support of the project relates to the recent high temperatures experienced and resulting decline in use of the Boomerang Park playground facilities.

It is to be noted that the adopted Boomerang Park Plan of Management and Landscape Masterplan does not feature a splash pad development. It is considered that should this Notice of Motion be supported, Council could be satisfied that the aims, objectives and intent of the proposed development would be generally consistent with the adopted Plan of Management. The implementation of a splash pad would be considered consistent with the development of active and passive recreation opportunities and no formal amendment to the adopted plan of management would be required.

As this proposed project is not a Council sanctioned project in Council's Community Strategic Plan, Long Term Financial Plan or 10 Year Capital Works Program, no detailed planning has been undertaken. To include the splash pad project in the Council's 10 Year Capital Works Program would require Councillors to agree that this project is a priority and adequate funding would need to be allocated.

MERGER PROPOSAL IMPLICATIONS

There are no known merger implications.

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 17/7128

RM8 REF NO: PSC2016-00031

PETANQUE RINK IN BOOMERANG PARK, RAYMOND TERRACE

COUNCILLOR: PETER KAFER

THAT COUNCIL:

- 1) Call upon the General Manager to look at building of a Petanque Rink in Boomerang Park, Raymond Terrace.

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
MOTION**

051	Councillor Peter Kafer Councillor Steve Tucker It was resolved that Council call upon the General Manager to look at building of a Petanque Rink in Boomerang Park, Raymond Terrace.
------------	--

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

The purpose of this report is to provide information on the potential development of a petanque rink at Boomerang Park. This information has been instigated by a Notice of Motion.

It is to be noted that the adopted Boomerang Park Plan of Management and Landscape Masterplan does not feature a petanque rink. It is considered that should this Notice of Motion be supported, Council could be satisfied that the aims, objectives and intent of the proposed development would be generally consistent with the adopted plan of management. The implementation of a petanque rink would be considered consistent with the development of outdoor recreational facilities and no formal amendment to the adopted plan of management would be required.

As this proposed project is not a Council sanctioned project in Council's Community Strategic Plan, Long Term Financial Plan or 10 Year Capital Works Program, no detailed planning has been undertaken. To include the petanque rink project in the

MINUTES ORDINARY COUNCIL - 28 FEBRUARY 2017

Council's 10 Year Capital Works Program would require Councillors to agree that this project is a priority and adequate funding would need to be allocated.

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: 17/7608

RM8 REF NO: PSC2008-1575

INVESTIGATE FINANCIAL ASSISTANCE FOR BUSINESS OWNERS IN RAYMOND TERRACE

COUNCILLOR: PETER KAFER

THAT COUNCIL:

- 1) Call upon the General Manager to investigate a financial assistance program for business owners in Raymond Terrace who look at beautifying the shopfronts of their premises.

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
MOTION**

	<p>Councillor Peter Kafer Councillor Chris Doohan</p> <p>That Council call upon the General Manager to investigate a financial assistance program for business owners in Raymond Terrace who look at beautifying the shopfronts of their premises.</p>
--	--

The Motion on being put was lost.

BACKGROUND REPORT OF: DAVID ROWLAND – STRATEGY AND ENVIRONMENT SECTION MANAGER

BACKGROUND

Council plays a leadership role as a major employer and enabler to support economic growth. This includes Council utilising investment tools, such as business levies, as seed funding that can assist local business organisations to promote and advance local business activity.

The Economic Development Unit of Council administers the grant funding associated with the Special Rate Variation, which has in the past been used to support business initiatives and activities undertaken by local Trader Associations.

The Raymond Terrace Chamber of Commerce ceased operating during 2015 which removed a potential means for local businesses in the area to submit business activity initiatives to Council that could be potentially supported by these funds. It is worth noting that Council Officers are meeting with West Ward Councillors in early 2017 to discuss options around this matter in further detail.

Council Officers have made preliminary investigations into funding options that could potentially fund the proposed program, as detailed below:

- Rate Rebate: Initial investigations indicate that there are no legislative provisions which would allow Council to offer a rate rebate for this purpose therefore other options would need to be considered.
- Special Rate Variation: In 2008, the Minister for Local Government granted to Port Stephens Council a special rate variation to the business category of rates to be applied for economic development within the LGA.

A more detailed review of these options and others will be undertaken should this Notice of Motion be endorsed.

It is proposed that the Economic Development Unit investigate a financial assistance program for business owners in Raymond Terrace who look at beautifying shopfronts in the Raymond Terrace town centre. This investigation will:

- Examine funding options including the use of the Special Rate Variation, Ward Funds and or other options to potentially fund the initiative.
- Evaluate the value, project scope, guidelines and timing of the potential program.

MERGER PROPOSAL IMPLICATIONS

There are no foreseeable merger implications arising from this Notice of Motion.

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 4

FILE NO: 17/35509

RM8 REF NO: PSC2005-3642

REQUEST TO ALLOCATE FUNDING TO UNDERTAKE URGENT REPAIRS AT THE ANNA BAY SKATE PARK, ROBINSON RESERVE, ANNA BAY

COUNCILLOR: SALLY DOVER

THAT COUNCIL:

- 1) Allocate funding to undertake urgent repairs at the Anna Bay Skate Park.
-

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
MOTION**

	Councillor Sally Dover Councillor Chris Doohan That Council allocate funding to undertake urgent repairs at the Anna Bay Skate Park.
--	--

AMENDMENT

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
MOTION**

052	Councillor John Nell Councillor Paul Le Mottee It was resolved that the General Manager be requested to report back to Council on state of the Anna Bay Skate Park.
------------	---

The amendment on being put became the Motion, which was put and carried.

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

The purpose of this report is to provide information in response to a Notice of Motion request to allocate funding for Anna Bay Skate Park. The justification provided in support of the request relates to a public safety risk with concrete cracking, damage

from motor vehicles and the disjoining of ramps within the skate park. Site photographs have been provided (**ATTACHMENT 1**).

Council's Strategic Asset Management Plan has denoted that this skate park is in poor condition and requires major repairs or replacement.

A full replacement of the skate park is included on Council's Works Plus Plan and hence has no funding allocated to the project. As the skate park forms part of the nominated Birubi Point Aboriginal Place the full replacement is on hold until the masterplan for the Birubi Point Aboriginal Place is completed.

Until such time that the Birubi Point Aboriginal Place is completed, major works are required to address the immediate defects of the skate park. This targeted upgrade work is recommended and the estimated cost of these works is approximately \$20,000. It is noted that with the ground movement and poor concrete engineering used during initial construction, the skate park will continue to deteriorate and create greater safety hazards to users.

The key public safety and maintenance issues are noted as:

1. A significant gap along the shared pathway. The potential treatment of the hazard would be to lay log and cradles along this area which would act as a barrier for motor vehicles and would also provide for casual seating.
2. The ramp component in the southern corner has been hit by a motor vehicle and substantial concrete movement exists. The potential treatment of the hazard would be to remove this component and the surrounding concrete, before carrying out mulching and planting of this area as a garden.
3. The box component in the centre of the park is subject to concrete cracking and disjoint from the slab beneath. The potential treatment of the hazard would be to remove the box and investigate replacement using a spare component from the Raymond Terrace skate park (once the new Boomerang Park skate park has been completed).
4. Significant concrete cracking is evident through the centre of the skate park. The potential treatment of this hazard would be to cut and remove 600mm wide concrete strip sections and replace the cement.

These works are not a Council sanctioned project in Council's Community Strategic Plan, Long Term Financial Plan or 10 Year Capital Works Program. To complete these works would require Councillors to agree that this project is a priority and adequate funding would need to be allocated.

ATTACHMENTS

- 1) Attachment 1 - Site Photographs.









ITEM 4 - ATTACHMENT 1 ATTACHMENT 1 - SITE PHOTOGRAPHS.



ITEM 4 - ATTACHMENT 1 ATTACHMENT 1 - SITE PHOTOGRAPHS.



NOTICE OF MOTION

ITEM NO. 5

FILE NO: 17/35582

RM8 REF NO: PSC2016-00350

25M INDOOR HEATED SWIMMING POOL AT TOMAREE AQUATIC CENTRE

**COUNCILLOR: SALLY DOVER
JOHN NELL**

THAT COUNCIL:

- 1) Prepare a report on the feasibility of a 25m indoor heated swimming pool at the Tomaree Aquatic Centre.

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
MOTION**

053	Councillor John Nell Councillor Sally Dover It was resolved that Council prepare a report on the feasibility of a 25m indoor heated swimming pool at the Tomaree Aquatic Centre.
------------	--

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

The purpose of this report is to provide information in response to a Notice of Motion requesting a report on the feasibility of a 25m indoor heated swimming pool at the Tomaree Aquatic Centre.

This matter has previously been examined and discussed by Council as part of the management contract of Council's aquatic facilities in August 2015 (**ATTACHMENT 1**). The previous reporting related to capital investment in Council's aquatic centre facilities and what rate of return could be expected to repay any capital expenditure such as an indoor heated pool. The report found that capital investment in an indoor heated pool at the Tomaree Aquatic Centre would not produce a positive recovery of capital expenses over a 20 year period.

An indoor heated swimming pool at the Tomaree Aquatic Centre is not a Council adopted project in Council's Community Strategic Plan, Long Term Financial Plan or 10 Year Capital Works Program. To include this project in Council's 10 Year Capital Works Program would require Councillors to agree that this project is a priority and adequate funding would need to be allocated.

It should be noted that Council has allocated \$400,000 funding within the 2016-2017 and 2017-2018 Works Programs for the construction of a splash pad project at the Tomaree Aquatic Centre. The tender process for this project has been completed with the detailed design to commence in the near future. Construction is planned for the pool closure period over the winter months.

ATTACHMENTS

- 1) Memo to Councillors August 2015.



PORT STEPHENS
COUNCIL

Memorandum

To: All Councillors
From: Steven Bernasconi, Community Services Section Manager
Date: 4 August 2015
File No: T10-2015
Subject: Port Stephens Council Aquatic and Leisure Centres Tender

When considering the business paper item relating to the Aquatic and Leisure Centre Tender (T10-2015) the following points are offered as clarification to the capital investment options:

1. The objective of the tender process was to determine "if" and "what" the market was prepared to invest in the development of our aquatic centres.
2. Based on five (5) years of reliable actual usage data the tender sought management prices based on:
 - a) Business as usual management only;
 - b) Council investing \$5.5M on creating an indoor program pool at Tomaree and a four court indoor sports facility at Lakeside; and
 - c) Whatever proposal funded by the tenderer that would decrease the operating loss and increase the programs to the customer.
3. Four (4) submissions were received. Two (2) were rejected early for not being competitive on non-price attributes.
4. Of the two (2) prospective tenders both offered reductions in operating price (compared to their "management only" price) if Council invested \$5.5M in capital investment. The reason these prices have not been recommended is that the investment of \$5.5M if made today, would only return somewhere between 35% and 63% return on investment after twenty (20) years under the one contractor. This option was rejected by the tender panel as being too risky given the contract timeframe, the large investment required early in the contract and the low return on investment.
5. Of the two (2) prospective tenders only one (1) offered their own capital investment proposal. This offer came with a modest reduction in operating price compared to their "management only" price. The capital investment proposed was:
 - a) Tomaree – inflatable equipment, outdoor trampoline park and outdoor putt-putt golf course; and
 - b) Lakeside – outdoor trampoline park and outdoor exercise equipment.
6. This option required a 20 year contract, expansion of the grounds at Tomaree and the sub-leasing of land at Tomaree for the management of the putt-putt golf course.

ITEM 5 - ATTACHMENT 1 MEMO TO COUNCILLORS AUGUST 2015.

This option was rejected by the tender panel as being too risky given the contract timeframe, the potential 'fad' nature of some of the proposals and the potential to trigger a competitive advantage over an existing putt-putt golf course provider.

7. What this process has shown us is that:
 - a) The main players in the aquatic industry market do not have much capital to invest;
 - b) There is a growth in the number of players in the market, but the gap in quality between the most established and newly established is wide;
 - c) Any capital investment in bricks and mortar will have a significant Community Service Obligation cost compared to any return on investment.
8. The recommendation to continue with a management only contract will deliver:
 - a) No radical change to the customer experience;
 - b) The same level of cost to the ratepayer (i.e. – the operational subsidy will stay on the same trend).
9. Over the next two (2) years we will firm up capital investment options and how they can be funded.

Councillors have queried the status of the "aquatic committee". Such a committee has existed in various forms in the past but has not been in place for at least five (5) years. The last iteration was an "advisory panel" that was set up by previous Mayor Bob Westbury. This panel had a Councillor from each Ward and the Mayor. It was supported by staff. It was set up to assist staff in delivering a renewed contract at that point in time. Since the new contract was put in place five (5) years ago, it has ceased to meet. If Councillors have a desire for such a committee then it can be set up in a relatively quick timeframe. It is suggested that its focus would be on assisting staff in developing investment options for the leisure and aquatic centres as per point 9 above.

Steven Bernasconi
Community Services Section Manager

Ext: 162

Communication method

- Post on myPort
 - Post on PSC website
 - Memo to section managers
 - Presentation to SLT
 - Snapshot article
 - All staff memo from General Manager
 - 2 way conversation with Councillors
 - Councillors weekly PS newsletter
 - Report to Council
 - Media release
 - Other
-

NOTICE OF MOTION

ITEM NO. 6

FILE NO: 17/35699

RM8 REF NO: PSC2005-2535

REQUEST FOR FOOTPATH FROM JAMES PATERSON DRIVE TO GORDON CLOSE ANNA BAY

COUNCILLOR: SALLY DOVER

THAT COUNCIL:

- 1) Build a footpath from James Paterson Drive to Gordon Close along Gan Gan Road Anna Bay.

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
MOTION**

054	Councillor Sally Dover Mayor Bruce MacKenzie It was resolved that Council include the construction of a footpath from James Paterson Drive to Gordon Close along Gan Gan Road Anna Bay in Council's Forward Works Program.
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BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

The purpose of this report is to provide information in regard to the Notice of Motion to "Build a footpath from James Paterson Drive to Gordon Close along Gan Gan Road Anna Bay".

The adopted Pathways Plan has denoted that the proposed path is part of Council's future shared pathway network. The proposed pathway between James Paterson Drive to Gordon Close is approximately 1.1km long and 2.4m wide would formally connect the township of Anna Bay to the residential villages on Nelson Bay Road. A desktop estimate has been undertaken and the proposed pathway would cost in the order of \$380,000.

At present the proposed pathway is not funded or on the Council's 10 Year Capital Works Program. To include the proposed pathway in the Council's 10 Year Capital Works Program would require Councillors to agree that this project is a priority and allocate funds.

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 7

FILE NO: 17/37301

RM8 REF NO: PSC2011-02312V3

INSTALLATION OF WATER REFILL STATIONS FROM CONROY PARK TO LITTLE BEACH

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) Prepare a feasibility report on the installation of water refill stations along the Nelson Bay Rotary Club Exercise Trail from Conroy Park Corlette to Little Beach NSW.

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
MOTION**

055	Councillor John Nell Councillor Steve Tucker It was resolved that Council prepare a feasibility report on the installation of water refill stations along the Nelson Bay Rotary Club Exercise Trail from Conroy Park Corlette to Little Beach NSW.
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BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

The purpose of this report is to provide information in response to the Notice of Motion.

A water refill station is a unit that provides fresh drinking water that can be placed at locations along walking trails. Examples of typical water refill stations are shown in **(ATTACHMENT 1)**. Units are either permanent or portable and need to be connected to a tap.

At present there are no water refill stations proposed in the Strategic Asset Management Plan and the 10 Year Capital Works Program. For Council staff to pursue a feasibility study would require Council to adopt this Notice of Motion.

ATTACHMENTS

- 1) Examples of Water Refill Stations.



There being no further business the meeting closed at 8.18pm.