

MINUTES – 25 OCTOBER 2022



PORT STEPHENS C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 25 October 2022, commencing at 6:20pm.

PRESENT:

In Person

Mayor Ryan Palmer
Cr Leah Anderson
Cr Giacomo Arnott
Cr Matthew Bailey
Cr Peter Kafer
Cr Steve Tucker
Cr Jason Wells
General Manager
Acting Corporate Services Group Manager
Development Services Group Manager
Facilities and Services Group Manager
Governance Section Manager

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

285	<p>Councillor Leah Anderson Councillor Giacomo Arnott</p> <p>It was resolved that Council grant leave of absence for Cr Steve Tucker for Council meetings to be held on 8 and 22 November 2022.</p> <p>Note: Cr Chris Doohan, Cr Glen Dunkley and Cr Peter Francis were previously granted leave of absence for 25 October 2022.</p>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

	<p>Mayor Ryan Palmer declared a less than significant non-pecuniary conflict of interest in Item 4. The nature of the interest is Mayor Palmer has used the services of the owner's consultant, EJE and the Le Mottee Group, as a consultant for personal business matters. The conflict is of no benefit to Mayor Palmer personally and is a purchase of service. To be transparent, Mayor Palmer has declared the interest and it has no bearing on his ability to make a decision on this item.</p> <p>Cr Matthew Bailey declared a less than significant non-pecuniary conflict of interest in Item 4. The nature of the interest is Cr Bailey has used the Le Mottee Group as a consultant for personal matters. The conflict is of no benefit to Cr Bailey personally. To be transparent, Cr Bailey declared such an interest as it has no bearing on his decision.</p>
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286	<p>Councillor Leah Anderson Councillor Matthew Bailey</p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 11 October 2022 be confirmed.</p>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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DECLARATION OF INTERESTS

ORDINARY COUNCIL - 25 OCTOBER 2022



Declaration of Interest form

Agenda item No. 4

Report title DA 1085 Lemon Tree Passageway incl. Tennis Bay

Mayor/Councillor DAFLEY declared a

Tick the relevant response:

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

in this item. The nature of the interest is _____

I HAVE USED THE LEMON TREE GROUP
AS A CONSULTANT FOR PERSONAL MATTERS.

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

THE CONFLICT IS OF NO BENEFIT TO ME PERSONALLY
TO BE TRANSPARENT IVE DECLARED ~~THE~~ SUCH
AN INTEREST AS IT HAS NO BEARING ON MY DECISION.

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

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

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

Mayor/Councillor left the Council meeting at _____ pm.

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

ORDINARY COUNCIL - 25 OCTOBER 2022



Declaration of Interest form

Agenda item No. 4.

Report title DA 16-2021-921-1 Seniors Housing 1085 Lemon Tree

Mayor/Councillor Ryan Palmer declared a Passage Rd Tanilba Bay

Tick the relevant response:

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

in this item. The nature of the interest is that I have used the services of the owners consultants, EJE + Le Mottee Group, as consultants for personal business matters.

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

The conflict is of no benefit to me personally and ~~the~~ is a purchase of a service. To be transparent I have declared the interest and it has no bearing on my ability to make
OFFICE USE ONLY: (Committee of the Whole may not be applicable at all a decision on the item meetings.)

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

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

Mayor/Councillor left the Council meeting at _____ pm.

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

MOTIONS TO CLOSE

ITEM NO. 1

**FILE NO: 22/256753
EDRMS NO: PSC2018-01103**

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (b) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **879 Swan Bay Road, Swan Bay**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - discussion in relation to the personal hardship of a resident or ratepayer.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

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

287	<p>Councillor Peter Kafer Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (b) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely 879 Swan Bay Road, Swan Bay.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• discussion in relation to the personal hardship of a resident or ratepayer.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

COUNCIL REPORTS

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

288	Councillor Peter Kafer Mayor Ryan Palmer It was resolved that Item 4 be brought forward and dealt with prior to Item 1.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 4

**FILE NO: 22/132861
EDRMS NO: 16-2021-921-1**

**DEVELOPMENT APPLICATION 16-2021-921-1 - SENIORS HOUSING – 38
SINGLE STOREY SELF-CONTAINED DWELLINGS WITH COMMUNAL
FACILITIES - 1085 LEMON TREE PASSAGE ROAD, TANILBA BAY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2021-921-1 for Seniors Housing – 38 single storey self-contained dwellings with communal facilities at 1085 Lemon Tree Passage Road, Tanilba Bay (Lot: 452 DP: 1181515) subject to the conditions contained in **(ATTACHMENT 1)**.

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

289	Councillor Steve Tucker Councillor Giacomo Arnott It was resolved that Council approve Development Application DA No. 16-2021-921-1 for Seniors Housing – 38 single storey self-contained dwellings with communal facilities at 1085 Lemon Tree Passage Road, Tanilba Bay (Lot: 452 DP: 1181515) subject to the conditions contained in
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(ATTACHMENT 1) and the following additional/amended conditions be included:

- a) Amend 5.0(8) to add a point (b) which says "Additional landscaping works - The landscaping plans for a hedge on the Lemon Tree Passage side of the development will be taken to have a hedge across the entire side, at a height that is sufficient to screen the development visually, and provide noise reduction for residents along that frontage.
- b) Add 5.0(16) which says "Acoustic design verification for houses on the north-eastern corner must be completed which are at risk of elevated noise levels from nearby noise emitting uses, to a level that complies with relevant noise guidelines. A report prepared by a verified acoustic consultant certifying the design has been constructed to the relevant noise guidelines prior to an occupation certificate being supplied."
- c) Add 5.0(17) which says "Electric Vehicle Charging - Installation of no less than one Electric Vehicle charging station in the parking area adjacent to the bowling green and the community building"
- d) Add 6.0(8) which says "Electric Vehicle Charging - Any electric vehicle charging stations installed on site must be maintained by the owner/manager in perpetuity."
- e) Amend 2.0(7) to add a point (d) which says "A shared path is to be constructed continuously from the site driveway connection on Yallimbah Ave, to the eastern vehicular access of the neighbouring site (5 Reliance Blvd Tanilba Bay, Tilligerry RSL)".
- f) Council encourages the proponent, and believes it would be of benefit to the broader Port Stephens community if the proponent:
 - Installed solar panels on site to reduce grid consumption as much as possible.
 - Installed batteries to capture excess solar production and reduce reliance on the energy grid.

The mover and seconder included items a) to f) requested by Cr Arnott and Cr Wells.

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to present Development Application (DA) 16-2021-921-1 for Seniors Housing comprising 38 single storey self-contained dwellings with communal facilities to Council for determination.

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

Subject Land:	1085 Lemon Tree Passage Road, Tanilba Bay (Lot 452 DP 1181515)
Total Area:	15,350m ²
Zoning:	RE2 Private Recreation
Submissions:	2
Key Issues:	The key issues identified throughout the assessment of the DA relate to permissibility, flooding and character.

The DA has been reported in accordance with Council's 'Planning Matters to be Reported to Council Policy' as it has been called up by Councillors Giacomo Arnott, Leah Anderson and Jason Wells. **(ATTACHMENT 2)**.

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

Proposal

The application seeks consent for the construction of 38 single storey self-contained dwellings for seniors housing, communal facilities and associated site works.

The dwellings are comprised of 34 x 2 bedroom dwellings and 4 x 3 bedroom dwellings. All dwellings are proposed to be provided with a single car garage, private open space, bathroom, laundry and open plan living and dining.

The communal facility includes an outdoor pool, bowling green, dining and barbeque areas. Vehicular access to the site is proposed to be provided from Yallimbah Avenue. Each dwelling will be accessed via a private driveway from the internal road.

Site Description and History

The site has a relatively flat topography and is vacant of any structures and currently comprises largely maintained grassland with some minor trees and shrubs located on the sites boundaries and in the north areas. The site is surrounded by a mixture of land uses including the Tilligerry RSL, residential and rural lands.

The site previously formed part of the lot to the east, which contains the Tilligerry RSL. A DA for a boundary adjustment created the subject lot in 2012.

Key Issues

The key issues identified throughout the assessment of the DA relate to permissibility, flooding and built form character.

A detailed assessment of the DA is contained within the Planners Assessment Report (**ATTACHMENT 4**).

Permissibility

The site is zoned RE2 Private Recreation Zone in accordance with the Port Stephens Local Environmental Plan (PSLEP) 2013. The proposed development is permissible through the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Living SEPP) as outlined below.

Section 4 of the Seniors Living SEPP outlines land to which the policy applies. It states that the policy applies to land within New South Wales (NSW) that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if -

(a) development for the purpose of any of the following is permitted on the land -

- (i) dwelling-houses,
- (ii) residential flat buildings,
- (iii) hospitals,
- (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or

(b) the land is being used for the purposes of an existing registered club.

Health services facilities are permissible with consent in the RE2 Private Recreation zone. Hospitals are a type of health services facility and therefore are a permissible land use. Accordingly, the Seniors Living SEPP is applicable to the proposal.

The applicant initially lodged a Site Compatibility Certificate (SCC) application with the NSW Department of Planning and Environment (DPE) who subsequently requested that the SCC application be withdrawn as DPE considered the subject land, which is zoned RE2 Private Recreation, can be considered, in the circumstances, to be land zoned primarily for urban purposes given the zone's objectives, permitted land uses and its geographical features. In this situation, a SCC was not required under the Seniors Living SEPP given the land is not used for the purposes of an existing registered club and therefore cannot rely on clause 4(1)(b) of the SEPP, which would require a SCC.

Based on this advice from DPE, the proposed development is therefore considered permissible in accordance with the Seniors Living SEPP, being land zoned primarily for urban purposes.

Flooding

The DA is located on land mapped within the Flood Planning Area. The flood hazard category on the site is low hazard flood fringe to the north and low hazard flood storage to the south. Chapter B5 of the Port Stephens Development Control Plan (PSDCP) requires that development for any residential accommodation must have a finished floor level (FFL) that meets the flood planning level (FPL). The FPL relevant to the land is 8.7m AHD. In order to achieve a FFL for each dwelling of 8.7m AHD, the site is required to be filled.

Given the site is a flood storage area and filling is required, a Flood Impact Assessment (FIA) was prepared, which assessed potential flood impacts of the proposed fill. The assessment found that the filling required would result in negligible impacts to flood velocities. However, the assessment noted that filling the site would result in an increase to the flood levels on adjacent land. The offsite flood impacts can however be mitigated through the enlargement of a box culvert drain under Lemon Tree Passage Road. Council's Development Engineer concluded that the enlargement of the box culvert would reduce the local flood levels to less than the existing situation now. The culvert upgrades have been included as a recommended condition of consent.

On these grounds, the DA is considered to be acceptable from a flooding perspective.

Built Form Character

The proposed development is considered compatible with the surrounding land uses and consistent with the character of the area in that:

- The proposed dwellings are consistent with the bulk, scale and built form of surrounding development, in that each dwelling is single storey, which is consistent with the built form within the locality. The height of the dwellings are below the 9m maximum LEP height limit when measured from existing ground level.
- The community facility building is also below the 9m height limit and has been located within the north-western corner of the site where a vegetation buffer exists between the building and the street to ensure the building will not dominate the streetscape. The proposed development will activate a currently vacant unused site, which will positively contribute to the streetscape.
- Neighbourhood amenity is maintained as the setbacks proposed are generally consistent with the requirements of the PSDCP, the height of buildings are below the LEP height limits and there will be no adverse overshadowing or privacy encroachments resulting from the proposed development.
- Appropriate landscape treatment and screening is proposed along the site boundaries to reduce the visual bulk of the boundary fencing and retaining walls.

- Existing vegetation has been retained where possible along the site boundaries to provide a visual buffer to the development, as well as providing privacy for surrounding land uses and future residents.
- The proposed development has appropriately taken into consideration existing, approved and future uses within the vicinity of the site, in particular the Tilligerry RSL, which is located adjacent the site to the east. The design responded to the surrounding land uses by providing each dwelling with appropriate setbacks from the shared boundaries, in addition to providing landscaping and 1.8m lapped timber fencing to ensure amenity and noise impacts are limited from the adjoining RSL.

Conclusion

As detailed in the Planners Assessment Report (**ATTACHMENT 4**), the DA is considered to be consistent with the aims and objectives of the relevant environmental planning instruments and applicable Council policies. There will be no adverse impact to the natural or built environment or existing amenity of the area.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	Yes		Should Council determine to approve the DA, s.7.11 development contributions would be applicable and would be levied in accordance with conditions of consent. A monetary contribution of \$361,712 is payable to Council.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is consistent with the relevant planning instruments including the Environmental Planning and Assessment Act 1979 (EP&A Act), State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Port Stephens Local Environmental Plan 2013 (PSLEP) and the Port Stephens Development Control Plan 2014 (DCP 2014).

A detailed assessment against these environmental planning instruments is contained within the assessment report contained at **(ATTACHMENT 4)**.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
If the DA is approved, there is a risk that the determination of the DA may be challenged by a third party in the Land and Environment Court.	Low	Accept the recommendation.	Yes
If the DA is refused, there is a risk that the determination of the DA may be challenged by the applicant in the Land and Environment Court.	Medium	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Impacts

The proposed development will provide for additional seniors housing in the locality to service the needs of the community and satisfy the housing demand of the ageing population. The construction of the proposed development will provide employment opportunities in the locality and support the local building and development industries. This will have direct monetary input to the local economy and the increased number of residents in the locality will provide ongoing economic input through daily living activities.

There are no anticipated adverse social or economic impacts as a result of the proposed development.

Built Environment

The proposed development has been designed to comprise a single storey built form that is compatible with surrounding development in the area. The development will provide an attractive landscaped street frontage to Lemon Tree Passage Road and Yallimbah Avenue, creating an improved streetscape condition.

The proposed development has incorporated landscaping treatment throughout the site and along boundaries to improve the visual quality of the development. It is considered that the proposed development aligns with the character and built form of the area.

Natural Environment

The proposed development includes appropriate water quantity and quality control devices to reduce the impact of the development on the natural environment, particularly the adjacent basin. The existing site is clear of any significant natural habitat or native vegetation and there are no anticipated adverse impacts on the natural environment from the proposed development.

CONSULTATION

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

Internal

Consultation was undertaken with Council's Development Engineering, Natural Systems, Waste Management, Development Contributions, Building Surveying and Environment Health teams. The referral comments from these officers have been considered as part of the Planners Assessment Report (**ATTACHMENT 4**). The internal referral officers supported the DA, subject to the recommended conditions of consent (**ATTACHMENT 1**).

External

Consultation was undertaken with Ausgrid who raised no significant objection to the DA. The comments provided by the external agencies are discussed within the Planners Assessment Report (**ATTACHMENT 4**).

Public exhibition

The DA was advertised and notified in accordance with the requirements of the Port Stephens Council Community Engagement Strategy. The application was exhibited for a period of 14 days from 9 November 2021 to 23 November 2021. On receipt of amended plans, the application was re-notified for a period of 14 days from 15 September 2022 to 29 September 2022.

During the initial notification period, 1 submission was received objecting to the proposal and 1 submission was received supporting the proposal. No submissions were received on re-notification of the application.

A detailed assessment of the submissions is outlined within the Planners Assessment Report (**ATTACHMENT 4**).

OPTIONS

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

ATTACHMENTS

- 1) Recommended Conditions of Consent.
- 2) Call to Council form.
- 3) Locality Plan.
- 4) Planners Assessment Report. (Provided under separate cover)

COUNCILLORS ROOM

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

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

TABLED DOCUMENTS

Nil.



Recommended Conditions of Consent

1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **Approved plans and supporting documentation** – Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title.	Drawn By.	Dated.
DA01	B	Site/Site Analysis Plan	Eje Architecture	06/09/2022
DA02	B	Community Centre Floor Plan	Eje Architecture	06/09/2022
DA03	B	Community Centre Pool Plan	Eje Architecture	06/09/2022
DA05	B	Community Centre Elevation – Sheet 1/2	Eje Architecture	06/09/2022
DA06	B	Community Centre Elevation – Sheet 2/2	Eje Architecture	06/09/2022
DA07	B	Schedule of materials – community centre	Eje Architecture	06/09/2022
DA08	B	Villa 3 Bed Unit – Typical Floor Plan	Eje Architecture	06/09/2022
DA09	B	3 Bed Villa – Elevations	Eje Architecture	06/09/2022
DA10	B	Schedule of Materials – 3 Bed Villas	Eje Architecture	06/09/2022
DA11	B	2 Bed Unit – Typical Floor Plan	Eje Architecture	06/09/2022
DA12	B	2 Bed Unit – Elevation Option 1	Eje Architecture	06/09/2022

PORT STEPHENS COUNCIL

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Port Stephens NSW 2224

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ITEM 4 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



DA13	B	2 Bed Unit – Elevation Option 2	Eje Architecture	06/09/2022
DA14	B	Schedule of Materials – 2 Bed Option 1	Eje Architecture	06/09/2022
DA15	B	Schedule of Materials – 2 Bed Option 2	Eje Architecture	06/09/2022
DA22	B	Erosion and Sediment control Plan	Eje Architecture	31/08/2022
L01	F	Site Plan	Terras Landscape Architects	02/09/2022
L02	F	Fencing Plan	Terras Landscape Architects	02/09/2022
L03	F	Feature Trees	Terras Landscape Architects	02/09/2022
L04	F	Community Facility	Terras Landscape Architects	02/09/2022
L05	F	Entry	Terras Landscape Architects	02/09/2022
L06	F	Typical lot Layout	Terras Landscape Architects	02/09/2022
L07	F	Plant species	Terras Landscape Architects	02/09/2022
L08	F	Plant Species	Terras Landscape Architects	02/09/2022
8218 SW-Sheet 01 of 03	E	Stormwater layout plan	Le Mottee Group	July 2022
8218 SW-Sheet 02 of 03	E	Stormwater details	Le Mottee Group	July 2022
8218 SW-Sheet 03 of 03	E	Stormwater treatment train details	Le Mottee Group	July 2022

ITEM 4 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

- (2) **Building Code of Australia** – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (3) **Excavation for residential building works** – If the approved development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation; and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing that condition not applying, and a copy of that written consent is provided to the PCA prior to the excavation commencing.

- (4) **Sign on building** – Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the Principal Certifying Authority for the work, the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.

The sign must be maintained while the work is being carried out and is to be removed when the work is completed.

- (5) **Tree removal/pruning** – The trees identified for removal on the landscape 'Site Plan', drawing number L01, revision F, prepared by Terras Landscape Architects, dated 2 September 2022, and on 'Figure 1-1: Vegetation to be removed' in the 'Assessment Of Vegetation To Be Removed', prepared by Firebird ecoSultants, dated 1 December 2021, are approved for removal except for those trees located outside of the sites boundaries along the eastern boundary.
- (6) **Outdoor lighting** - All lighting must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.
- (7) **Design quality of development** - The approved design (including an element or detail of that design) or materials finish or colours of the building must not be

ITEM 4 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



changed so as to affect the internal layout or external appearance of the building without the approval of Council.

- (8) **Protect existing vegetation and natural landscape features** - Approval to remove existing vegetation for removal is not to occur until the issue of the Construction Certificate.

No vegetation or natural landscape features other than that authorised for removal, pruning by this Consent must be disturbed, damaged or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval.

- (9) **Retaining Walls** – All retaining walls proposed must be located within the sites boundaries.

2.0 – Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Civil engineering plans** – Civil engineering plans prepared by a qualified Engineer, indicating drainage, roads, access ways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, must be prepared in accordance with the approved plans and Council’s Infrastructure Specifications. The plans are to include the following:
 - a) Updated drawings to include additional cross-drainage under Lemon Tree Passage Road to augment the existing 1200mm x 450mm box culvert in the form of 900m x 450 box culvert located at the same invert level. The design is to be detailed in a Roads Act Application.
 - b) Provide pit/pipe drainage to the rear of each dwelling such that the area drains by pipeline to the dwelling rain garden with the roof drainage leaving the water tank.
 - c) Drainage structures to be designed and detailed (including pipe sizes and levels) on the drawings showing how the outlets from the raingardens drain to the kerb, then flow along the road to be collected by the kerb, directed to kerb inlet pits then discharge into the on site detention tank as per DRAINS modelling submitted with the Development Application.
 - d) All roof guttering and pipework to be sized to cater for 1% AEP event. Size pipework to limit extent of flooding in front yards by conveying it effectively to the on site detention tank.

Details demonstrating compliance must be provided to and endorsed by Council the Certifying Authority.

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

- (2) **Stormwater/drainage plans** – Detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council's

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Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council).

Details demonstrating compliance must be provided to the Certifying Authority.

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

- (3) **Works on Public Infrastructure Application** – Prior to the issue of a Construction Certificate, a 'Works on Public Infrastructure' application must be submitted to Council for the following:
- a) To conduct a survey/investigation of the existing basin to ensure the basin fully caters for the additional flows from the development without causing issues to neighbouring property due to increased levels up to 1%AEP.
 - b) Augmentation/remediation works to be determined from the investigation and applied for under a "works on Public Infrastructure" application to Council for proposed works.
 - c) Augmentation of the existing outlet from 300 diameter to 450 to be considered as an augmentation else perimeter remediation for any increase in level.
 - d) Proposed works associated with discharging stormwater from the development site to the existing basin.

Note: All public infrastructure works are to be undertaken at no cost to Council.

- (4) **Potential acid sulfate soils** - A geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Potential Acid Sulfate Soils (ASS). Should ASS be encountered within the zone of works, an ASS Management Plan is to be prepared by a suitably qualified Geotechnical Engineer and submitted to the Certifying Authority.

The recommendations and/or mitigation measures contained within the ASS Management Plan must be complied with during works.

- (5) **Stormwater system Operation and Maintenance Procedure Plan** – An Operation and Maintenance Plan for the stormwater system must be prepared by a qualified engineer detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal.

Details demonstrating compliance must be provided to the Certifying Authority.

- (6) **Erosion and sediment control plan**– Before the issue of a construction certificate the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:
- Council's development control plan,
 - the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the BlueBook), and
 - the 'Do it Right On-Site, Soil and Water Management for the Construction

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Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

- (7) **Roads Act Approval** – For construction/reconstruction of Council infrastructure, including vehicular crossings. Footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138B of the Roads Act 1993. The following information must be provided to Council as Roads Authority with the Roads Act application:
- a) The existing footpath(s) along Coweambah Way, Pershing Place and President Wilson Walk between the development site and 53 President Wilson Walk, Tanilba Bay are to be made continuous with an overall average gradient of no more than 1:14.
 - b) Plans with an additional cross-drainage under Lemon Tree Passage Road to augment the existing 1200mm x 450mm box culvert in the form of 900m x 450 box culvert located at the same invert level as recommended in the Flood Impact Assessment prepared by Torrent Consulting dated 12 March 2022.
 - c) Driveway connection to public road.

Note: The above works are to be constructed at no cost to Council.

- (8) **Car parking details** – Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans, which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of AS 2890 Parking Facilities- Off- Street Carparking and Council's development control plan.
- (9) **Construction site management plan** - Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:
- a) location and materials for protective fencing and hoardings to the perimeter on the site
 - b) provisions for public safety
 - c) pedestrian and vehicular site access points and construction activity zones
 - d) details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
 - e) protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
 - f) details of any bulk earthworks to be carried out

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- g) location of site storage areas and sheds
- h) equipment used to carry out all works
- i) a garbage container with a tight-fitting lid
- j) dust, noise and vibration control measures
- k) location of temporary toilets.

The applicant must ensure a copy of the approved construction sitemanagement plan is kept on-site at all times during construction.

- (10) **Section 7.11 Development contributions** – A monetary contribution is to be paid to Council for the provision of 37 additional dwellings, pursuant to Section 7.11 of the *Environmental Planning & Assessment Act 1979* and the Port Stephens Local Infrastructure Contributions Plan 2020 towards the provision of the following public facilities:

Facility	Per Lot/Dwelling	Total \$
Civic Administration – Plan Management	\$240	\$8,880
Civic Administration – Works Depot	\$626	\$23,162
Town Centre Upgrades	\$1,685	\$62,345
Public Open Space, Parks and Reserves	\$1,128	\$41,736
Sports & Leisure Facilities	\$1,421	\$52,577
Cultural & Community Facilities	\$218	\$8,066
Road Works	\$1,593	\$58,941
Medowie Traffic & Transport	\$1,569	\$58,053
Shared Paths	\$249	\$9,213
Bus Facilities	\$16	\$592
Flood & Drainage	\$882	\$32,634
Kings Hill Urban Release Area	\$149	\$5,513
	TOTAL	\$361,712

Payment of the above amount must apply to Development Applications as follows:

- a) Prior to issue of the Construction Certificate.

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

- (11) **Long service levy** – In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any works that cost \$25,000 or more.

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- (12) **Structural engineer's certificate** – A certificate must be prepared by a qualified Structural Engineer certifying that the building design is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy, impact and loading from debris up to and including the future 1% Annual Exceedance Probability (AEP) event.

Details demonstrating compliance must be provided to the Certifying Authority.

- (13) **Free flow of water** - The location and design of the proposed doors must allow free access and escape of floodwaters without causing damage to the building. Details demonstrating compliance must be provided to the Certifying Authority.

- (14) **Flood Risk Management Plan** – A Flood Risk Management Plan prepared by a suitably qualified Engineer must be provided to the Certifying Authority demonstrating compliance with the following:

- a) The design must show that the proposed development is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact and loading from debris up to and including the 1% Annual Exceedance Probability (AEP) event.
- b) Certification that the proposed development/ building flood refuge is capable of withstanding the force of any flood waters experienced up to the Probable Maximum Flood Event (PMF).
- c) Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property
- d) Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces.

- (15) **Retaining walls** – All retaining walls within 1m of a boundary must be designed and certified by a suitably qualified Structural Engineer.

Details demonstrating compliance must be provided to the Certifying Authority.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of Principal Certifying Authority appointment** – The Principal Certifier for this development must give notice must be given to the consent authority and Council, where the Council is not the consent authority, at least two days prior to subdivision and/or building works commencing in accordance with Section 6.6 (2) (a) of the Environmental Planning and Assessment Act 1979 and Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:

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- a) a description of the work to be carried out;
- b) the address of the land on which the work is to be carried out;
- c) the Registered number and date of issue of the relevant development consent;
- d) the name and address of the Principal Certifier and the person who appointed the principal certifier;
- e) if the principal certifier is a registered certifier
 - i) the certifier's registration number, and
 - ii) a statement signed by the registered certifier to the effect that the certifier consents to being appointed as principal certifier, and
 - iii) a telephone number on which the certifier may be contacted for business purposes.

The notice must be lodged on the NSW planning portal.

- (2) **Notice commencement of work** – Notice must be given to Council and the Principal Certifier, if not the Council, of the person's intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:

- a) the name and address of the person;
- b) a description of the work to be carried out;
- c) the address of the land on which the work is to be carried out;
- d) the Registered numbers and date of issue of the development consent and construction certificate;
- e) a statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before the work commences have been satisfied; and
- f) the date on which the work is intended to commence.

The notice must be lodged on the NSW planning portal.

- (3) **Signs on site** – A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

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Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

- (4) **Construction Certificate Required** – In accordance with the provisions of Section 6.7 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and
 - c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Site is to be secured** – The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (6) **Erosion and sediment controls in place** – Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
- (7) **All weather access** – A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.
- No materials, waste or the like are to be stored on the all-weather access at any time.
- (8) **Rubbish generated from the development** – Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.
- No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.
- (9) **Protection of trees /existing street trees** – Protection of trees to be retained must be in accordance with AS490 'Protection of Trees on Development Sites' and the following:
- a) No existing nature strip(s), street tree(s), tree guard(s), protective bollard(s), garden bed surrounds or root barrier installation(s) must be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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- (10) **Public liability insurance** – The owner or contractor must take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works.

Evidence of this Policy must be provided to Council and the Certifying Authority.

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Implementation of BASIX commitments** - While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.
- (2) **Shoring and adequacy of adjoining property (if applicable)**- If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —
- a) Protect and support the building, structure or work from possible damage from the excavation, and
 - b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- (3) **Hours of work** – The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00am to 5.00pm on Monday to Saturday

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

- (4) **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.

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The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.

- (5) **Compliance with the Building Code of Australia** – Building work must be carried out in accordance with the requirements of the Building Code of Australia.

- (6) **Excavations and backfilling** – All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:

- a) preserve and protect the building from damage; and
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact “Dial Before You Dig” prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- (7) **Construction Management Plan implementation** - All construction management procedures and systems identified in the approved Construction Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining properties and natural systems.

- (8) **Stormwater disposal** – Following the installation of any roof, collected stormwater runoff from the structure must be:

- a) Connected to an approved stormwater quality improvement device such as an infiltrating raingarden in accordance with Council's Standard Drawing S161 (or latest revision of this drawing). Where an infiltration garden is installed, it is to be located in the landscaped area(s) with an overflow pipe connected to the existing drainage easement/system.

- (9) **Placement of fill** - Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.

Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.

- (10) **Unexpected finds contingency (general)** – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble,

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asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (11) **Soil, erosion, sediment and water management** – All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.
- (12) **Offensive noise, dust, odour and vibration** – All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.
- (13) **Construction noise** – While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.
- (14) **Delivery register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered.
 This register must be made available to Council officers on request and be provided to the Council at the completion of the development.
- (15) **Cut and fill (if applicable)** – While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
 - (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
 All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.
- (16) **Uncovering relics or Aboriginal objects** - While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal

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object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

- (17) **Finished floor level** - The finished floor level of the site must be a minimum level of Reduced Level 8.7 metres Australian Height Datum in accordance with the approved plans.

A survey report prepared by a Registered Surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, must be provided to Principal Certifying Authority prior to the development proceeding beyond floor level stage.

- (18) **Tree protection (if relevant)** – All trees to be retained must be protected in accordance with AS4970 ‘Protection of Trees on Development Sites’ for the duration of construction.

5.0 - Prior to Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Survey Certificate** – A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.
- (2) **Footpath crossing construction** – The footpath upgrades and driveways must be constructed to the satisfaction of Council in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.

Note: A Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of such works.

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- (3) **Services** – Evidence is to be provided to Council demonstrating that the following reticulated services are available to each lot:

- a) Electricity;
- b) Water;
- c) Sewer; and
- d) Gas (where available).

Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.

- (4) **Stormwater/drainage works** – All stormwater and drainage works required to be undertaken in accordance with this consent must be completed.

The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.

- (5) **Repair of infrastructure** – Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

- (6) **Completion of Public Works** - All approved road, footpath and drainage works, including vehicle crossings, must have been completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.

- (7) **Works as Executed Plans and any other documentary evidence** - Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- (a) All stormwater drainage systems and storage systems

The principal certifier must provide a copy of the plans to Council with the occupation certificate.

- (8) **Completion of landscape and tree works** – Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with *AS 4373-2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

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- (9) **Loading/unloading facilities** – Loading/unloading facilities must be constructed in accordance with the approved plans. The extent of the loading bay must be permanently marked on the pavement surface.

- (10) **Hunter Water Corporation approval** - A Section 50 Application under the Hunter Water Act 1991 must be lodged with Hunter Water Corporation (HWC) and details of the Notice of Compliance from HWC must be provided to the Certifying Authority.

- (11) **Flood design measures** – Evidence of certification demonstrating that the following flood related design precautions have been adhered to in the design must be submitted to the Principal Certifying Authority:
 - a) In sewerred areas some plumbing fixtures may be located below the Flood Planning Level (FPL). Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge;
 - b) All materials stored at the site and capable of causing harm to the environment must be stored at a level not less than the FPL or suitable bunding must be placed around such materials to a minimum of the FPL;
 - c) All building materials, equipment, ducting, etc., below the FPL must be flood compatible and ducting must be provided with openings for drainage and cleaning;
 - d) All main power supply, heating and air conditioning service installations, including meters must be located above the FPL. All electrical equipment installed below the FPL must be capable of disconnection by a single plug from the power supply;
 - e) All electrical wiring below the FPL must be suitable for continuous submergence in water. All conduits below the FPL must be self-draining. Earth core leakage systems or safety switches are to be installed;
 - f) Wherever possible, the premises must be designed to ensure that plant, equipment, storage tanks or other fixtures or fittings liable to damage by floods are located above the FPL or be moveable to levels above the FPL. Should this not have the ability to occur, they shall be suitable for submergence in water and securely anchored to overcome buoyancy and movement. All storage tanks must be vented to an elevation above the FPL.

- (12) **Protection and certification of electrical services** – All power points, fittings, electrical connections and the incoming meter box are to be located above the Flood Planning Level (FPL) which is 8.7m AHD.
 Switches, light fittings and power points may be located below the FPL provided they are capable of being isolated by a single Residual Current Device (RCD) protected switch that is located above the FPL. Certification of these works are to be provided to the Principal Certifying Authority.

- (13) **Flood Risk Management Plan** – A Certificate of Compliance prepared by a suitably qualified Flood engineer must be provided to the Principal Certifying Authority stating that all aspects of the Flood Risk Management Plan have been completed and/or implemented in accordance with the approved Plan.

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- (14) **Restriction on title – SEPP Seniors** – A restriction as to user must be Registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919 limiting the use of any accommodation on the property to seniors housing as defined under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- (15) **Design verification for SEPP Seniors** – A design verification and access audit from a qualified Access Consultant must be submitted to the Principal Certifying Authority certifying that the development has been constructed in accordance with the provisions of Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and this consent.

6.0 – Ongoing Use

The following conditions of consent are operational conditions applying to the development.

- (1) **Maneuvering of vehicles** – All vehicles must enter and exit the site in a forward direction.
- (2) **Removal of graffiti** – The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (3) **Parking areas to be kept clear** – At all times, the loading, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.
- (4) **Residential air conditioning units** – During occupation and ongoing use of the building, the applicant must ensure all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa at the boundary adjacent to any habitable room of an adjoining residential premises.
- (5) **Maintenance of landscaping** – Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.
- If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.
- (6) **Waste management and collection** – Waste management and collection is to be organised with a private contractor.
- (7) **Compliance with SEPP - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

At all times, occupation of the residential units is restricted to:

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- a) Seniors being people aged 55 years; or
- b) People who have a disability being people of any age who, as a result of an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full or active life; or
- c) People who live within the same household with seniors or people who have a disability; or
- d) Staff employed to assist in the administration of and provision of services to Seniors housing.

Advice Note(s):

- (1) **'Dial Before you Dig'** – Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables.
- (2) **Dividing fences** – The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.
- (3) **Disability Discrimination Act** – The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act.
- (4) **Flood information is subject to change** – You are advised that flood information is subject to change if more accurate data becomes available to Council. It is the responsibility of the applicant to use the most up-to-date flood information. Prior to applying for a construction certificate, Council should be contacted to verify the currency of the flood information.
- (5) **Flood Emergency Response Plan** – It is the Applicants responsibility to ensure the Flood Emergency Response Plan notes that the mezzanine floor does not provide safe flood refuge during a Probable Maximum Flood event.
- (6) **Works near/adjoining electricity network assets** – There are underground electricity network assets adjacent to the proposed development in Lemon Tree Passage Road. Any works undertaken adjacent to Ausgrid assets must be

ITEM 4 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



undertaken with care in accordance with Ausgrid Network Standard Document NS 156 – Work Near or Around Underground Cables

- (7) **Flood Evacuation Plan** – A flood evacuation plan indicating that permanent, fail-safe, maintenance free measures are incorporated in the development to ensure that timely, orderly and safe evacuation of people and potential pollutant material from the buildings on-site should a flood occur. Details demonstrating compliance must be provided to the Certifying Authority with the Construction Certificate application.

- (8) **Responsibility for damage for tree removal/pruning** – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.



CALL TO COUNCIL FORM DEVELOPMENT APPLICATION

Development application (DA) call to Council request:	
<p>I/We (Mayor/Councillor/s) <u>Arnott, Wells and Anderson</u> request that DA number <u>16-2021-921-1</u> for DA description <u>Seniors Housing - 38 single storey self contained dwellings</u> located at _____ be reported to Council for determination.</p>	
Reason:	
Public interest	
Declaration of Interest:	
<p>I/We have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this DA on my part or an associated person.</p> <p>I/We (Mayor/Councillor/s) _____ have a conflict of interest:</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p> <p>If yes, please provide the nature of the interest and reasons why further action should be taken to bring this DA to Council:</p>	
<p>Signed: Cr Arnott <small>Please sign or type name & attached to an email.</small></p>	<p>Date: <u>7/1/2022</u> <small>Click here to enter a date.</small></p>
<p>Signed: Cr Anderson <small>Please sign or forward supporting email.</small></p>	<p>Date: <u>7/1/2022</u> <small>Click here to enter a date.</small></p>
<p>Signed: Cr Wells <small>Please sign or forward supporting email.</small></p>	<p>Date: <u>7/1/2022</u> <small>Click here to enter a date.</small></p>



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800285 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

Councillor Steve Tucker left the meeting at 6:50pm.

ITEM NO. 1

**FILE NO: 22/254564
EDRMS NO: PSC2017-00180**

SPECIAL RATE VARIATION - REVISED INTEGRATED PLANNING AND REPORTING DOCUMENTS - RATE RISE OPTIONS ENGAGEMENT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the Independent Financial Analysis 2022 – Consolidated Reports from UNE Emeritus Professor Brian Dollery and Professor Joseph Drew (**ATTACHMENT 1**).
- 2) Adopt the Integrated Planning and Reporting documents, being the Delivery Program 2022 to 2026 incorporating the Operational Plan 2023 to 2024, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2023 to 2033 and Strategic Asset Management Plan 2023 to 2033) revised for a Special Rate Variation.
- 3) Apply to the Independent Pricing and Regulatory Tribunal under Section 508 of the Local Government Act for a Special Rate Variation, to be a permanent increase that will be retained within the rate base with financial sustainability being the key purpose of the application.
- 4) Subject to an approval of a Special Rate Variation endorse the inclusion of the proposed additional affordability measures into the Debt Recovery & Hardship Policy.

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

	<p>Councillor Leah Anderson Councillor Jason Wells</p> <p>That Council:</p> <ol style="list-style-type: none">1) Receive and note the Independent Financial Analysis 2022 – Consolidated Reports from UNE Emeritus Professor Brian Dollery and Professor Joseph Drew (ATTACHMENT 1).2) Receive and note the community submissions and responses in relation to the Draft 2023 to 2033 Integrated Planning and Reporting documents revised for a Special Rate Variation (ATTACHMENT 3).3) Receive and note outcomes of the community engagement provided in the Rate Rise Options Engagement Report (ATTACHMENT 4).
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MINUTES ORDINARY COUNCIL - 25 OCTOBER 2022

	<ol style="list-style-type: none">4) Note the recommendations relating to amendments to the 2023 to 2033 Integrated Planning and Reporting documents revised for a Special Rate Variation (ATTACHMENT 5).5) Adopt the Integrated Planning and Reporting documents, being the Delivery Program 2022 to 2026 incorporating the Operational Plan 2023 to 2024, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2023 to 2033 and Strategic Asset Management Plan 2023 to 2033) revised for a Special Rate Variation with amendments provided in (ATTACHMENT 5).6) Apply to the Independent Pricing and Regulatory Tribunal under Section 508(2) of the Local Government Act for a 2023-2024 Special Rate Variation of 26%, to be a permanent increase that will be retained within the rate base with financial sustainability being the key purpose of the application.7) Subject to the approval of a Special Rate Variation endorse the inclusion of the proposed additional affordability measures into the Debt Recovery & Hardship Policy to further support ratepayers should a Special Rate Variation be approved.
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Councillor Steve Tucker returned to the meeting at 6:55pm.

Councillor Matthew Bailey left the meeting at 6:55pm.

Councillor Matthew Bailey returned to the meeting at 6:56pm.

ORDINARY COUNCIL MEETING - 25 OCTOBER 2022 AMENDMENT

290	<p>Councillor Leah Anderson Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Deferred Item 1 until the Council meeting of 8 November 2022 to allow the Mayor and Councillors to read all of the 138 written submissions, and 264 online survey comments from the community, and the additional information provided in the Supplementary Report received on 24 October 2022.2) Request that the Mayor and Councillors have a Two way conversation during the next 2 weeks before the next council meeting to discuss the community feedback and additional information provided by Council, and discuss ways to move forward with the rate rise options and our written intention to IPART.
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Councillor Peter Kafer left the meeting at 6:57pm.

Councillor Peter Kafer returned to the meeting at 7:01pm.

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

Those against the Motion: Crs Giacomo Arnott and Peter Kafer.

The motion was carried.

BACKGROUND

The purpose of this report is to provide Council with information on the Rate Rise Options public exhibition period along with the additional community engagement undertaken for the Draft 2023-2033 Integrated Planning and Reporting documents revised for a Special Rate Variation (SRV) with the key purpose of financial sustainability.

Financial sustainability and a small 1% surplus budget target have always been a key focus of Council. Combining factors such as the Long Term Financial Plan (LTFP) predicting financial strain on the organisation in 2022 due to rising legislative costs, the financial impacts of the state-mandated lockdowns for the COVID-19 pandemic, and numerous weather events have highlighted Council's reliance on non-rate revenue. These factors have further emphasized the organisation's vulnerability to external shocks given Council's relatively low rate base.

At its meeting in October 2021, Council acknowledged the ongoing impacts on its financial sustainability outlook and endorsed the Financial Sustainability and Prosperity Fund (later renamed Resilience Fund) to set key directions for ongoing financial sustainability. Based on the current LTFP projections Council will see consecutive deficits for the next 10 years and will be considered unsustainable if no corrective action is taken.

Council engaged Professor Dollery and Professor Drew through the University of New England (UNE) for an independent assessment, in which Council opted to forgo traditional commercial consultants as the Professors are widely accepted by the sector as independent voices with a level of depth and insight beyond standard practices within the local government sector. The reports recognised the effects taken by the organisation over the past few years in delivering services valued by the community under relatively low rate income compared to other councils of the same size and nature, but considered that such an ongoing approach could not be sustained. Numerous recommendations were made and have since been implemented, one that is now for consideration by the Council is a Special Rate Variation (**ATTACHMENT 1**).

At the Council meeting on 28 June 2022, Council adopted its 2022-2032 Long Term Financial Plan (Minute No. 160) (**ATTACHMENT 2**) which projected a 10 year \$80 million dollar operating shortfall. Along with the LTFP, Council endorsed the Financial

Sustainability Report and a detailed engagement program, named Our Funded Future (Minute No. 161) (**ATTACHMENT 2**), to discuss financial sustainability with the community and seek feedback on a number of options.

In July/August 2022, Council undertook extensive community engagement that included 5 different options for a Special Rate Variation, ranging from 26% to 45% cumulative. This was alongside options for increasing fees and charges, reducing service delivery, selling underperforming assets, removal of the residential paid parking exemption and continuing efforts to seek grant funding.

Council considered the community feedback from the Our Funded Future engagement at its meeting at the end of August 2022 and resolved to endorse the development of revised IP&R documents. These documents include 2 Special Rate Variation scenarios, the base scenario of reducing services, inclusion of a one-off 5% increase in fees and charges, continued efforts in seeking grant funding and the continued investigation with community consultation of selling underperforming assets. It was decided that any net profits from the sale of underperforming assets were to be placed in the Resilience Fund. Council also sought to exclude the removal of the residential paid parking exemption option from being further considered.

Through the engagement, it was clear the support for having a financially sustainable Council was high, as was the desire for enhanced services in particular areas of roads maintenance, waterways and drainage, protecting our natural environment and looking after our public space. These priorities are consistent with the outcomes of Council's Integrated Engagement Program undertaken over the past 2 years. This includes decreases in community satisfaction for road maintenance activities through Council's annual satisfaction survey through to 2022.

Following the Council meeting on 13 September 2022, Council endorsed the following:

- Draft Delivery Program 2022 to 2026 and Operational Plan 2023 to 2024, revised for a proposed SRV.
- Resourcing Strategy 2023 to 2033 incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2023 to 2033, and Strategic Asset Management Plan 2023 to 2033 revised for a proposed SRV.
- Noting and incorporating the proposed additional affordability measures held within the IP&R documents.
- Place the IP&R documents on public exhibition for a period of 28 days.
- The revised Rate Rise Options engagement plan.

The plans modelled 3 scenarios for community consultation:

- **Base Scenario** – 2.5% state imposed rate cap assumption.
- **Single Year Scenario** – a 26% increase for a single year, being 2023-2024 only.
- **Independent Recommendation Scenario** - a cumulative increase of 34.92%, being a 10.5% increase for 3 consecutive years 2023-2024 to 2025-2026.

Through the IP&R documentation both SRV scenarios show the increased income raised by an SRV would be used to eliminate forecasted shortfalls, covering the rising costs associated with delivering planned services to our community over the next 10 years. Where additional funds are generated Council proposed to increase funding into community priorities being road maintenance, condition of public spaces, and protecting our waterways and natural environment.

Four proposed additional affordability measures were included in the IP&R documents to be considered as part of the proposed Special Rate Variation in order to mitigate the impact of a special rate increase on those ratepayers who may experience financial stress. These measures included both pensioners and non-pensioner ratepayers. Subject to an approval of a Special Rate Variation these additional affordability measures will be incorporated into Council's existing Debt Recovery and Hardship Policy.

RATE CAP ANNOUNCEMENT

During the public exhibition period, IPART announced the 2023-2024 financial rate cap amount set at 3.7%. In addition, Port Stephens has been recognised as a population growth area and can apply an additional 0.7% - taking the total rate increase to 4.4%. As the 4.4% for the 2023-2024 financial year is greater than the modelled and exhibited 2.5% rate cap that IPART had instructed Council to use, the Rate Rise Options website, fact sheets and FAQs were updated to reflect this change, as well as additional communication about the change.

Whilst the 4.4% rate cap assists with Council's financial sustainability it still does not meet the anticipated Consumer Price Index or inflation factor that IPART have been reported to estimate to be 5.3% for the next financial year. IPART have also indicated that Councils should continue to forward project rate capping increases of only 2.5% for the next 10 years.

PUBLIC EXHIBITION AND SUBMISSIONS

The IP&R documents were on public exhibition from Wednesday 14 September 2022 until Wednesday 12 October 2022.

During the public exhibition period, numerous submissions were received. Key issues have been summarised and recommended changes to the documents, where deemed appropriate from the community submissions/engagement or administrative corrections, have been considered. For privacy and consistency reasons, full submissions have not been made publicly available.

A full listing of summarised submissions and responses will be provided by a supplementary report before the Council meeting of 25 October 2022.

RATE RISE OPTIONS ENGAGEMENT

Phase 2 - Rate Rise Options engagement was revised to incorporate feedback on the engagement process and methods gained in Phase 0 and 1, known as Our Funded Future. The engagement period ran concurrently with the public exhibition period being 14 September 2022 until 12 October 2022.

The engagement was extensive and aimed to continue to increase the community's awareness of Council's financial situation and its journey to date, and further discuss the community's views on the streamlined preferred options.

A comprehensive report of all communications and engagement methods with outcomes will be provided by a supplementary report before the Council meeting of 25 October 2022.

Council has considered all feedback gained through this extensive engagement process. Council value the time and effort taken by community members in participating in the process and providing their feedback and submissions. Council has and continues to investigate and implement a range of alternative measures to address financial sustainability prior to coming to the decision to apply for a SRV. The critical issue for the future is to safeguard Council's long-term financial sustainability and to ensure generations to come are well placed to both benefit from and enjoy living a great lifestyle in a treasured environment.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

The costs for the public exhibition, community engagement, and the development of an application to IPART have been absorbed by Council's operational budget.

If a Special Rate Variation was approved by IPART in May 2023, Council's subsequent IP&R documentation will reflect Council's strategic intent and new income streams.

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

MINUTES ORDINARY COUNCIL - 25 OCTOBER 2022

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to undertake integrated planning and reporting activities in accordance with the Local Government Act, Local Government (General) Regulation 2021 (Local Government Regulation) and the NSW Government's Integrated Planning and Reporting Guidelines (IPR Guidelines) and Handbook (IPR Handbook) September 2021.

Under the Local Government Act 1993, councils may apply to IPART for a Special Rate Variation under Section 508 of the Act. IPART assesses these applications against criteria in guidelines set by the Office of Local Government.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council does not have adequate funding to ensure ongoing levels of operations without significant change in service levels.	High.	Adopt the recommendations. Apply to IPART for a Special Rate Variation.	Yes.
There is a risk that applying to IPART for a Special Rate Variation will be received poorly by some members of the community.	High.	Adopt the recommendations. Continued communication with the community on the purpose, need, and process of a Special Rate Variation application.	Yes.
There is a risk that failure to revise the Debt Recovery and Hardship Policy to include the additional affordability measures might demonstrate inadequate hardship assistance for individuals if an SRV was approved.	Medium.	Adopt the recommendations. Move to revise the Debt Recovery and Hardship Policy with proposed inclusions.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The plans have been developed in alignment with the principles of sustainability and social justice addressing social, economic, environmental, and governance factors (quadruple bottom line) through 4 interconnected focus areas: Our Community, Our Place, Our Environment, and Our Council.

The 4 focus areas provide a structure for planning in each of the documents, enabling Council to address key actions while aiming to holistically meet the community's vision of 'A great lifestyle in a treasured environment'.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Financial Services Section in collaboration with the Integrated Planning and Excellence team and the Communications and Engagement Section.

Internal

- Executive Team.
- Senior Leadership Team.
- Project Control Group – Financial Sustainability.
- Councillor workshops.

External

- Community Strategic Plan 2022 to 2032 – Adopted 28 June 2022.
- Long Term Financial Plan 2022 to 2032 – Adopted 28 June 2022.
- Delivery Program and Operational Plan 2022 to 2032 – Adopted 28 June 2022.
- Integrated Planning and Reporting Engagement Program.
- Our Funded Future Engagement Program Phase 0 and 1.
- Rate Rise Options Engagement Program Phase 2.
- Public exhibition period for the Draft IP&R documents revised for a Special Rate Variation.

OPTIONS

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

ATTACHMENTS

- 1) Consolidated Report - Independent Financial Analysis 2022. (Provided under separate cover)
- 2) Minute No. 160 & Minute No. 161 - 28 June 2022.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

ITEM NO. 1

**FILE NO: 22/145962
EDRMS NO: PSC2022-145962**

2022-2032 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2022-2023 FEES AND CHARGES

REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the community submissions received and responses in relation to the draft 2022 to 2032 Integrated Planning and Reporting documents and draft Fees and Charges 2022 to 2023 (**ATTACHMENT 1**).
- 2) Note the recommendations relating to changes to the Integrated Planning and Reporting documents, being the Community Strategic Plan 2022 to 2032, Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032) and the Fees and Charges 2022 to 2023 (**ATTACHMENT 2**).
- 3) Adopt the Integrated Planning and Report documents, being the Community Strategic Plan 2022 to 2032, Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032) and the Fees and Charges 2022 to 2023 with amendments as provided in (**ATTACHMENT 2**).
- 4) Make the rates and charges for 2022 to 2023 in accordance with (**ATTACHMENT 3**).

**ORDINARY COUNCIL MEETING - 28 JUNE 2022
MOTION**

160	Councillor Leah Anderson Councillor Chris Doohan It was resolved that Council: 1) Receive and note the community submissions received and responses in relation to the draft 2022 to 2032 Integrated Planning and Reporting documents and draft Fees and Charges 2022 to 2023 (ATTACHMENT 1).
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MINUTES ORDINARY COUNCIL - 28 JUNE 2022

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|--|---|
| | <p>2) Note the recommendations relating to changes to the Integrated Planning and Reporting documents, being the Community Strategic Plan 2022 to 2032, Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032) and the Fees and Charges 2022 to 2023 (ATTACHMENT 2).</p> <p>3) Adopt the Integrated Planning and Report documents, being the Community Strategic Plan 2022 to 2032, Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032) and the Fees and Charges 2022 to 2023 with amendments as provided in (ATTACHMENT 2).</p> <p>4) Make the rates and charges for 2022 to 2023 in accordance with (ATTACHMENT 3).</p> |
|--|---|

Councillor Jason Wells left the meeting at 5:34pm.
Councillor Jason Wells returned to the meeting at 5:34pm.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide Council with information on the community submissions received during the public exhibition period and changes proposed to the Integrated Planning and Reporting documents and Fees and Charges for 2022 to 2023, along with making the rates and charges for 2022 to 2023.

Why these documents are necessary

The Integrated Planning and Reporting documents consist of the Community Strategic Plan 2022 to 2032, Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032). The Fees and Charges 2022 to 2023 are also a key resource.

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

The 2022 to 2023 financial year is the first year of the next Integrated Planning and Reporting cycle, with all councils required to review and endorse a 10 year Community Strategic Plan prior to 30 June 2022 following the local government election. The Community Strategic Plan (the Plan) is the highest level of strategic planning that a council will prepare on behalf of its community, with Council playing a custodial role in collating the Plan and engaging with the community on priorities and aspirations for the next 10 years.

Many community priorities are beyond Council's sphere of control, involving partnerships and advocacy with many other government departments, private enterprises, agencies and the community. Establishing community priorities is critical in informing what services, facilities and programs Council should sustainably deliver and how we assign and balance our resourcing to support delivery while balancing affordability.

Our Delivery Program outlines a 4 year program that Council commits to delivering within the resources available. It translates the Plan's goals into clear activities and actions. Our Operational Plan is Council's annual action plan which contributes to our 4 year Delivery Program. It outlines what Council proposes to deliver in 2022 to 2023 along with which area of Council is responsible for delivery. The Operational Plan includes the Statement of Revenue Policy and Statement of Waste Management and is implemented with a supporting annual budget to fund the necessary work.

Our Resourcing Strategy enables us to implement these plans with the appropriate human, capital and asset resources. It consists of 3 interrelated plans; the Long Term Financial Plan, Strategic Asset Management Plan and Workforce Management Strategy which provide more detail on the financial, asset and workforce matters that Council is responsible for.

Council, also in accordance with the Local Government Act 1993 and other applicable legislation, charges and recovers approved fees and charges for any services it provides as contained within its schedule of fees and charges. As with the Delivery Program, Operational Plan and Resourcing Strategy, Council cannot implement these fees, actions, works or budget until they have been on public exhibition, submissions considered and adopted by Council.

Additional Special Variation

The Independent Pricing and Regulatory Tribunal (IPART) has approved Council's application for a one-off additional special variation. This will see the less than anticipated 2022-2023 rate peg lift from 1.3% back to the instructed figure of 2.5% and is reflected in the Schedule of Rates and Charges 2022 to 2023 (**ATTACHMENT 3**). This outcome will assist in delivering planned services to the community and closing the financial sustainability gap that is being driven by the implications of the COVID-19 pandemic and recent weather events.

The proposed rates and charges reflect those included in the amended Statement of Revenue Policy which will be included in the revised Operational Plan 2022 to 2023

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

as outlined in **(ATTACHMENT 2)**. Legislation requires the rates to be calculated using 1 July 2019 base date land values.

COVID-19 and other Natural Disasters

As was the case last year, Council developed and prepared the Integrated Planning and Reporting documents at a point in time. Like all organisations, communities and individuals we have and continue to adjust our thinking and planning to respond to COVID-19 and other natural disasters.

These documents were prepared in times of increased uncertainty which are subject to change as we adapt, revise and re-baseline our work programs as circumstances evolve.

Public Exhibition and Submissions

During the public exhibition period 12 submissions were received with a summary of submissions outlined in **(ATTACHMENT 1)** and recommended changes to the documents, where deemed appropriate from community submissions or administrative corrections detailed within **(ATTACHMENT 2)**.

Further detail on the public submissions and exhibition process is outlined under the consultation section of this paper.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

The Independent Pricing and Regulatory Tribunal (IPART) has set the rate peg for Port Stephens Council for 2022 to 2023 at 2.5%. The outstanding rates and charges interest rate will be the maximum rate as determined by the Minister for Local Government.

Rates and charges income must be collected in a timely manner to ensure cash flow to fund Council operations.

At the time of drafting the Long Term Financial Plan as part of the Resourcing Strategy a Consumer Price Index (CPI) of 3.5% had been assumed. During the public exhibition period, the ABS released a new CPI figure of 5.1%. The Materials and Contracts assumption has now been updated to 5.1% to reflect this change, resulting in a flow-on effect on the long-term financial outlook. These changes are reflected in the amendments to the Resourcing Strategy **(ATTACHMENT 2)**. The cost of printing the revised documents can be substantial. For this reason, a limited amount of copies will be produced (following Council adoption of the proposed

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

amendments) for inspection at Council Libraries and Administration Building. The documents will also be available on Council's website.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to undertake integrated planning and report activities in accordance with the Local Government Act, Local Government (General) Regulation 2021 (Local Government Regulation) and the NSW Government's Integrated Planning and Reporting Guidelines (IPR Guidelines) and Handbook (IPR Handbook) September 2021. Sections 402 to 406 and 608 to 610 of the Local Government Act outline the specific requirements for developing the IPR documents and Fees and Charges.

In summary, under this legislation and guidelines Council is required to:

- Engage with the community and review the Community Strategic Plan before 30 June following the Council election.
- Prepare a long-term strategy (Resourcing Strategy which includes the Long Term Financial Plan, Workforce Management Strategy and Strategic Asset Management Plan) for the provision of resources required to perform its functions.
- Establish a new Delivery Program after the Council election to cover the principal activities of the Council for the 4-year period commencing on 1 July following the election.
- Have its Operational Plan adopted before the beginning of each financial year and detail the activities to be engaged in by the Council during the year as part of the Delivery Program covering that year.
- Set its Fees and Charges prior to 1 July 2022, and make the rates prior to 1 August 2022.
- Publicly exhibit all of the IPR documents and Fees and Charges for a period of at least 28 days, considering submissions prior to adoption of the final documents.

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's IPR documents and Fees and Charges may not comply with legislation leading to a loss of Council's reputation.	Low	Staff cross reference legislative requirements of the documents with the Office of Local Government requirements as best as possible.	Yes
There is a risk that Council does not have an understanding of community priorities.	Low	The Community Strategic Plan has been reviewed and revised based on integrated engagement over the past 20 months.	Yes
There is a risk that Council does not have the resources to meet its Delivery Program and annual Operational Plan.	Medium	Staff continue to realistically plan and investigate resourcing opportunities as outlined in the Delivery Program and Resourcing Strategy. Financial sustainability continues to remain a key focus for Council.	Yes
There is a risk that the Operational Plan and Resourcing Strategy (containing the Long Term Financial Plan) which include the budget for 2022 to 2023 is not adopted in the timeframe required to implement the budget and raise Rates and Charges from 1 July 2023.	High	Adopt the recommendations.	Yes
There is a risk that failure to make and serve the Rate Notices by 1 August 2022 will defer the due date for the first instalment payment to 30 November 2022 adversely affecting cash flow.	High	Council will make Rates and serve Notice before 1 August 2022.	Yes

MINUTES ORDINARY COUNCIL - 28 JUNE 2022**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

As required by the Local Government Act, the Integrated Planning and Reporting documents and the Fees and Charges 2022 to 2023 were developed and reviewed in accordance with the principles of equity, social justice and sustainability. The Plan has been developed in alignment with these principles addressing social, economic, environmental and governance factors (quadruple bottom line) through 4 interconnected focus areas: Our Community, Our Place, Our Environment and Our Council. The 4 focus areas provide a structure for planning in each of the documents, enabling Council to address key actions while aiming to holistically meet the community's vision of 'A great lifestyle in a treasured environment'.

Rates and charges income is necessary for Council to deliver the services outlined in the Delivery Program and the Operational Plan.

CONSULTATION

Consultation with internal and external stakeholders has been undertaken in accordance with Council's Community Engagement Strategy to develop the final documents. This has included:

Internal

- Input on key priorities from Councillors was sought at a workshop in February 2022.
- The draft documents were developed in consultation with the Senior Leadership Team and discussed as part of a workshop with the Combined Leadership Team.
- A cross Council project team was established to guide the development and integration of various facets of the IPR documents from community engagement to finance, workforce to assets. This team will continue to monitor the progress of the documents following their formal adoption by Council.
- Responsible officers from across Council have reviewed the Fees and Charges.
- Proposed changes to the final documents have been discussed with the Executive Team, relevant Section Managers and staff, which has included detailed input from the sections responsible for Finance, Assets and Strategy & Environment.

External

Council has an integrated approach to engaging with the community, engaging on a number of fronts since 2020 to help inform the review of the Plan and associated documents. Over the past 20 months, Council have been talking with and listening to our community on various projects and plans to understand the aspirations and priorities of Port Stephens. Council has taken a phased approach, delving deeper into what we have heard to make sure we clearly understand what the community is looking for in the future. This has been through:

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

Phase 1 – Broad engagement, base data collection:

- Liveability Index Survey: conducted September to December 2020. 3700 surveys were completed on community values and priorities.
- Youth Strategy: adopted November 2020. 450 people were involved in an 18 month consultation phase.
- Our Incredible Place Strategy: adopted 24 November 2020. 327 people were involved in a 12-month consultation phase.
- Coastal Management Program Stage 2: completed November 2020. 3 webinars were conducted with 208 views.
- Wellbeing Strategy Engagement: conducted over April to May 2021. 177 survey responses received and 48 workshop attendances.
- Community Satisfaction Survey 2021: conducted over May to June 2021. 2187 survey responses received.
- Economic Development Strategy: adopted 26 October 2021. 286 survey responses were received and 12 key partner consultations occurred.
- End of Term Report 2017 to 2021: updated the community on how we were progressing with achieving the 2018-2028 Community Strategic Plan. Noted by Council in October 2021.

Phase 2 – Targeted engagement, deeper dive:

- Targeted place workshops: conducted over September to December 2021. 224 expressions of interest, 12 workshops, 191 workshop attendances.

Phase 3 – Community check in:

- Community Strategic Plan check-in: conducted from 28 February to 14 March 2022 involving a pre-recorded video, Facebook live event, online survey and photo competition:
 - promoted via 4 Social media posts.
 - the Facebook live event reached 4,500 people with 115 comments and 174 reactions.
 - the pre-recorded video received 113 views.
 - the online survey received 59 survey responses.
 - the photo competition received 23 entries.

Phase 4 – Public Exhibition:

Occurred from 28 April 2022 until 5pm on Thursday 26 May 2022.

Exhibition of the documents and opportunities to make a submission were promoted on Council's website, social media and in the local paper. Hard copies of the documents were also made available at the Administration Building and Council's Libraries, with submissions able to be made via mail or email.

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

Council received 12 community submissions with nearly half being from residents and the other half from organisations.

We value the time and effort taken by community members in reviewing the documents and providing submissions. As some of the submissions were lengthy, not every point raised has been listed, with key issues summarised as shown in **(ATTACHMENT 1)**. Contact will be made with applicants to close the loop on queries raised in their submission.

Councillors have been provided with a full set of un-redacted submissions available in the Councillors Room for their consideration. For privacy and consistency reasons, full submissions have not publicly been made available.

Submissions have been reviewed by the Executive Team, relevant Section Managers and staff for key issues. Submissions topics ranged from the need for a performing arts/museum facility through to the importance of providing/planning for shade in reducing skin cancer. A number of recurring topics that occurred in the submissions were relating to:

- Capital Works: timing, cost and prioritisation.
- Place Planning Engagement: need for further engagement.
- Community Strategic Plan Indicators: Liveability Index is good for community perception, although real/tangible measures of success are also needed.
- Our Environment (Focus Area): more delineation between action by Council on carbon neutrality/climate change concerning Council facilities and also efforts to assist the community on these matters.

Recommended changes to the documents, where deemed appropriate from community submissions or administrative corrections are detailed within **(ATTACHMENT 2)**.

OPTIONS

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

ATTACHMENTS

- 1) Summary of submissions.
- 2) Recommended changes to the Integrated Planning and Reporting documents.
- 3) Rates and Charges 2022 to 2023.

COUNCILLORS ROOM

- 1) Copy of submissions.

ITEM 1 - ATTACHMENT 2 MINUTE NO. 160 & MINUTE NO. 161 - 28 JUNE 2022.

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

ITEM NO. 2

**FILE NO: 22/152740
EDRMS NO: PSC2017-00180**

FINANCIAL SUSTAINABILITY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note and endorse this report.
- 2) Commence an engagement process to discuss the financial sustainability of the Council over the next 10 years with the community, including but not limited to the prospect of submitting a Special Rate Variation to the Independent Pricing and Regulatory Tribunal (IPART) for consideration for the 2023-2024 financial year.
- 3) Note and endorse the attached Communications and Engagement Plan – Our Funded Future (**ATTACHMENT 3**).

ORDINARY COUNCIL MEETING - 28 JUNE 2022

MOTION

161	<p>Councillor Leah Anderson Councillor Matthew Bailey</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Note and endorse this report.2) Commence an engagement process to discuss the financial sustainability of the Council over the next 10 years with the community, including but not limited to the prospect of submitting a Special Rate Variation to the Independent Pricing and Regulatory Tribunal (IPART) for consideration for the 2023-2024 financial year.3) Note and endorse the Communications and Engagement Plan – Our Funded Future (ATTACHMENT 3).4) The following be included as part of the community engagement:<ol style="list-style-type: none">a) The additional information being all of the items that the councillors brought to the table throughout the past few months of finance committee meetings (Supplementary information)b) That the parcels of land identified for potential sale be made transparent to the community, along with an explanation of how long this will take to have them re-zoned and what potential revenue we could achieve from the sales.
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MINUTES ORDINARY COUNCIL - 28 JUNE 2022

- | | |
|--|---|
| | c) When we anticipate the return of Airport Dividends and how they will be used to build a Prosperity Fund (and why) and not relied upon to fund our day to day operations in terms of this budget. |
|--|---|

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

Those against the Motion: Crs Giacomo Arnott and Peter Francis.

The motion was carried.

BACKGROUND

One of the key resourcing strategies to be developed by Council each year is the Long Term Financial Plan, which forecasts the financial position of the Council over a 10 year time frame. The Long Term Financial Plan from as early as 2018-2019 was highlighting that from the 2022 financial year the Council would be facing some very difficult financial pressures. These were largely centred around the ongoing State imposed rate capping regime, where successive rate increases were limited to levels less than prevailing consumer price indexes and local government cost indices.

Legislative changes to costs such as superannuation contributions together with a difficult workers compensation insurance market added financial pressure to the organisation. Already faced with some difficult economic decisions to be made from the 2022 financial year onwards, the organisation was then shocked by the impacts of mandates resulting from the COVID-19 pandemic and a number of natural disasters affecting the Port Stephens local government area.

For 2 consecutive years, the ramifications of imposed lockdowns saw an \$8 million deterioration to the operating bottom line.

While this placed an economic strain on the organisation, Council was mindful of its civic leadership role, joining other levels of Government to ensure that the economy could be stimulated to lessen the overall impact to residents and ratepayers. On one hand, Council had to display prudent fiscal management, yet on the other it had a civic duty to assist with the stimulus of the economy. This to a greater degree for the Port Stephens local government area that is so reliant on the tourism and associated industries.

Port Stephens Council has operated on a very tight fiscal basis for a number of years. Previous policy decisions of Council have meant that ratepayers have historically enjoyed the lowest rate level of any of our contemporaries in the Hunter region, or other comparable councils as shown by the Office of Local Government categorisation. The rate level for Port Stephens in the residential category is typically up to 35 per cent less than our neighbouring Councils.

To ensure this low rate level was maintained, a strategy was deployed to develop a reliance on maximising commercial or 'own source' revenue. Council has proved

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

successful in managing 5 holiday parks, some on behalf of the Crown, but some in an outright capacity. Council as co-owner of the Newcastle Airport has also enjoyed the substantial increases in activity from that facility over the past number of years. These 2 business activities have been able to successfully supplement revenue streams to Council and thus reduce the overall quantum of financial reliance on rate revenue.

With the State mandated lockdowns introduced during the COVID-19 pandemic severely impacting both of these activities, holiday parks and the airport were unable to produce income. The dividend received from the airport activities, previously \$2 million per year, has yet to be reinstated and it is not certain to what level it will return.

In addition to the financial stressors from the lockdowns, Council also faced a significant natural disaster in March 2021. Some access was granted to disaster relief funds, however Council is required to incur the costs up front and can wait up to 3 years to seek even partial reimbursement. Works from this natural disaster are still being carried out and can be expected to continue for some time.

While the 2020-2021 financial year was forecast to have an operating deficit of over \$4.4 million, a number of measures were taken to mitigate this. Ultimately these measures proved effective and the financial result for the year was a modest surplus of \$583,000.

TABLE ONE

	Surplus \$	Deficit \$
Original budget		(4,311,000)
September 2020 review		(692,000)
December 2020 review		(1,000)
March 2021 review	315,000	
June 2021 review	583,000	

Financial forecasting for the 2021-2022 financial year started with a small underlying surplus of \$66,000 and with the advent of the second State mandated lockdown was forecast to be a deficit of \$2.5 million for the financial year.

TABLE TWO

	Surplus \$	Deficit \$
Original budget	66,000	
September 2021 review		(2,370,000)
December 2021 review		(974,000)
March 2022 review	147,000	

In order to return budgets to an underlying surplus a number of austerity measures have been implemented over previous years. Recruitment was effectively frozen and only positions regarded as essential or critical were actively recruited. Management

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

of staff costs were critically examined, with \$1 million cut directly from employment budgets. Discretionary spending, already curtailed from previous years was cut and a number of services had to be reduced. The effect of reduced revenue streams and limited funds has seen the level of responsiveness to community expectations decline. Clearly such an approach can only be sustained for the short term and is not considered a viable long term solution.

Given the current financial projections (**ATTACHMENT 2**) these measures will need to be continued into the 2022-2023 financial year. In short, the community can expect no relief from the current issues being faced with Council's capacity to continue to deliver current services, such as asset maintenance, being severely impacted.

As part of the ongoing discussions around financial sustainability, Council endorsed an ongoing financial strategy (**ATTACHMENT 1**) designed around 6 key fundamentals being:

- Avoiding shocks.
- Attaining underlying surplus.
- Refining approach to funding significant infrastructure projects and initiatives.
- Increasing income.
- Reviewing and adjust services.
- Increasing advocacy and partnerships.

With a new Council being elected in December 2021 and the need to further address Council's financial sustainability, the Council agreed to meet to workshop the financial strategic direction for the next 10 years. Meeting on a fortnightly basis, a number of initiatives were examined and include:

- Potential to make a special variation to rate capping to the Independent Pricing and Regulatory Tribunal (IPART).
- An increase in non-statutory fees & charges for 2022 – 2023 to 10%, creating an additional \$400,000 in income.
- Implementation of paid tourist parking to Birubi, One Mile, Fingal Bay, Shoal Bay and Nelson Bay, creating an additional \$750,000 per annum in income.
- Identification of surplus land assets for potential sale. A number of sites have been identified and will be reported to Council in the short term, with the sale process taking up to 24-36 months.

The current Long Term Financial Plan (**ATTACHMENT 2**) has factored income producing strategies recently undertaken by Council such as increasing fees and charges and additional smart parking income. In spite of these initiatives, Council is facing 10 years of consecutive operating deficits. It is unable to achieve an underlying surplus target in any year of the plan. This means Council for the entirety of the plan will be facing severe financial pressure, will not handle any future external shocks and cash flow management is in critical condition. Ultimately, Council will have to examine and reduce service level provisions and assets will be subject to heavy deterioration, without further intervention.

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

The financial position of the Council is not predicted to improve at any stage over the 10 year life of the plan, with deficits that will continue to grow, reaching more than \$14 million by the end of the plan.

While the original Long Term Financial Plan was on public exhibition the overall state of the economy continued to deteriorate with reasonable predictions of consumer price increases (CPI) over the next 3 years to be in excess of 5 percent. Our original model made allowance for a CPI movement of 3 to 4 per cent. This additional CPI projection effectively adds another \$1 million to the organisations cost structure and increases the deficit to over \$1 million for next year alone.

In this climate of financial difficulty, it was considered prudent to seek an independent evaluation of the organisations financial health. To this end a number of reports were commissioned and Professors Dollery and Drew were retained to provide the advice. This advice was commissioned in September 2021 and the 4 reports were delivered in February 2022. The reports included:

- Financial Sustainability.
- Efficiency.
- Capacity to Pay.
- Debt Capacity.

The reports were workshopped with Council by Professor Drew in March 2022 and essentially highlighted the findings that Council was not financially sustainable. The reports recognised the effects taken by the organisation over the past few years in providing for operations, but considered that such an ongoing approach or outcome could not be sustained. A number of specific recommendations were put forward and these were further workshopped with the Council throughout April to June 2022.

The major recommendations from this review to ensure financial sustainability were to increase fees and charges and make an application for a Special Rate Variation (SRV). More specifically, it was recommended to increase rates up to 10% per annum for 3 years to achieve financial sustainability. The review also recommended other initiatives such as a review of rates structure, which will continue to be examined.

Through workshops with Councillors a broad range of ideas to enhance Council's financial position were identified including:

- 2 items concerning avoiding shocks, specifically strategies relating to debt management and modelling.
- 5 items around attaining an underlying surplus, including a review of certain functions to reduce costs.
- 4 items on our approach to infrastructure, no specific savings identified.
- 9 items on increasing income, potential \$100,000 per year from additional developer contributions to fund infrastructure, and a potential \$100,000 from additional own source revenue opportunities.
- 10 further items on increasing income, around increasing rates and consideration

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

- of a special rate variation application.
- 11 items on adjusting service levels and community expectations, generally around deferring discretionary funding levels, which will need to continue.
- 14 items on community engagement and discussing our financial position with the community.

While a detailed review of each item is to be completed, it is apparent that the direct increases in revenue or reductions in expenditure is likely to only net an improvement of \$250,000 per annum. While this is significant, it would provide only part of a solution to financial sustainability. Further work will be completed on these actions.

It is therefore considered imperative that a dialogue with the community commences around Council's financial sustainability. A Communications and Engagement Plan (**ATTACHMENT 3**) has been developed for Council's endorsement. The initial phases are to commence in July 2022, combining a mix of face to face and digital conversations and consultations. While the engagement process is about clearly communicating the current financial position and implications of current projections, a conversation about possible rate increases needs to take place. The engagement data will then be used by Council to make an informed decision as to the path forward.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

Council will continue to implement strategies, initiatives and plans to achieve the financial key directions as adopted in October 2021 (**ATTACHMENT 1**). The proposed engagement with the community will need to examine a range of options for Council to meet the goal of financial sustainability.

For financial sustainability into the future it is considered critical that:

- An underlying surplus is achieved for resilience and ability to reinvest into asset maintenance.
- Reserves for natural disaster response and grants attraction are established.
- Continue to develop the Prosperity Fund, renamed Resilience Fund, to provide alternate funding opportunities for significant initiatives, such as reinvestment, asset improvements or significant community infrastructure.

In anticipation of the community engagement phase commencing (**ATTACHMENT 3**) a number of different scenarios have been modelled. These options will form the basis of engagement with the community on Council's financial sustainability.

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

The cost of the engagement process (**ATTACHMENT 3**) can be met within existing budgets.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council does not have adequate funding to ensure ongoing operations without a significant change in service levels.	High.	Adopt the recommendations. Commence community engagement process on financial sustainability.	Yes.
There is a risk of engaging negative outcomes from the community regarding poor financial position and a potential rate increase.	High.	Adopt the recommendations. Clear and concise data driven communication and engagement on the reasoning, purpose, need and impact for financial sustainability measures.	Yes.
There is a risk that Council will face an increasingly uncertain long term financial outlook that will affect ongoing financial sustainability.	High.	Adopt the recommendations.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The continued attainment and enhancement of financial sustainability is central to Council's ability to continue to deliver services valued by the community in the best possible way.

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

CONSULTATION

Consultation with key stakeholders has been undertaken by the Financial Services Section.

Internal

- Executive Team.
- Senior Leadership Team.
- Project Control Group – Financial Sustainability.
- Councillor workshops.

External

- Community Strategic Plan 2022-2032.
- Long Term Financial Plan 2022-2032.
- Delivery Program and Operational Plan 2022-2032.

OPTIONS

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

ATTACHMENTS

- 1) Financial Sustainability and Prosperity Fund - 26 October 2021.
- 2) Base Scenario.
- 3) Communications and Engagement Plan - Our Funded Future.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

**FILE NO: 22/233962
EDRMS NO: PSC2017-00180**

PRESENT ANNUAL FINANCIAL STATEMENTS 2021-2022

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the 2021-2022 Annual Financial Statements (**ATTACHMENT 1**) and accept the Auditor's reports, as submitted by the Audit Office of New South Wales.
- 2) Place the 2021-2022 Annual Financial Statements on public exhibition, with submissions accepted until 5pm on 1 November 2022 in accordance with relevant legislation.

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

291	<p>Councillor Leah Anderson Councillor Matthew Bailey</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt the 2021-2022 Annual Financial Statements (ATTACHMENT 1) and accept the Auditor's reports, as submitted by the Audit Office of New South Wales.2) Place the 2021-2022 Annual Financial Statements on public exhibition, with submissions accepted until 5pm on 1 November 2022 in accordance with relevant legislation.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to advise Council that the 2021-2022 Annual Financial Statements have been prepared in accordance with Australian Accounting

MINUTES ORDINARY COUNCIL - 25 OCTOBER 2022

Standards, the Local Government Act 1993 and associated regulations and the Local Government Code of Accounting Practice.

The 2021-2022 Annual Financial Statements have been reviewed by Council's Auditors (The Audit Office of NSW) and the Audit Committee. This report is to formally present Council's Annual Financial Statements for the year ended 30 June 2022, together with the Auditor's Report, to the public in accordance with Sections 418 and 419 of the Local Government Act 1993.

Included with the 2021-2022 Annual Financial Statements is a Holiday Parks and Investment Property Report, which shows the financial result for all holiday parks operated by Council, together with the financial result for Council's investment property portfolio and the Newcastle Airport.

It is noteworthy that initial forecasts of the financial result for the 2021-2022 financial year were forecasting an estimated \$4 million deficit. The actual result is a \$500k surplus, which speaks to the commitment of Council staff in efforts to reduce expenditure and implement financial sustainability measures internally. This result demonstrates Council's ability in implementing meaningful strategies to ensure Council meets its financial targets in the short term.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no known legal or policy implications. The risk implications are listed in the table below.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the Annual Financial Statements will not be adopted by Council and contravene legislation.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Completion of the 2021-2022 Annual Financial reports provides Council with the information needed to facilitate prudent financial management decision making which will have a positive impact on the community.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Financial Services Section.

The 2021-2022 Annual Financial Statements, including the Auditor’s reports, have been circulated separately to the Mayor and Councillors for their information and a two-way conversation held to discuss the reports.

Internal

- Executive Team.
- Senior Leadership Team.
- Audit Committee.

External

The Audit Office of New South Wales.

Public notice of the presentation of the audited 2021-2022 Annual Financial Statements was advertised on Council’s website from 18 October 2022 with copies of the Annual Financial Statements made available on Council's website.

Submissions from the public on the audited 2021-2022 Annual Financial Statements will be accepted for 7 days after the Council meeting, from 26 October 2022 to 1 November 2022 inclusive, in accordance with relevant legislation.

OPTIONS

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

ATTACHMENTS

- 1) 2021-2022 Annual Financial Statements. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 22/199959
EDRMS NO: 16-2007-15-6**

DEVELOPMENT APPLICATION 16-2007-15-6 FOR A S4.55(1A) MODIFICATION TO AN APPROVED CARAVAN PARK AT 16 TROTTER ROAD, BOBS FARM

REPORT OF: KATE DRINAN - DEVELOPMENT AND COMPLIANCE SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application (DA) No: 16-2007-15-6 for a S4.55(1A) modification to an approved Caravan Park at 16 Trotter Road, Bobs Farm (Lot: 2 DP 954600) subject to the conditions contained in **(ATTACHMENT 1)**.

ORDINARY COUNCIL MEETING - 25 OCTOBER 2022

	The General Manager requested that Item 3 be withdrawn. Item 3 was withdrawn with the consent of the Chair.
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BACKGROUND

The purpose of this report is to present Development Application (DA) 16-2007-15-6 for a S4.55(1A) modification to an approved Caravan Park at 16 Trotter Road, Bobs Farm to Council for determination.

A summary of the application and property is provided below:

Subject Land:	16 Trotter Road, Bobs Farm (Lot 2 DP 954600)
Total Area:	8.09ha
Zoning:	RU2 Rural Landscape
Submissions:	2
Key Issues:	Amendments to internal layout, staging and managing environment impacts

The modification application has been reported to Council as it seeks to delete a condition that was imposed by the Council at its 26 October 2021 meeting. Specifically, the following additional condition was imposed by Council:

“Prior to the issue of any Construction Certificate, the Concept masterplan, dwg. 240060-DA-001-E, Version Q, prepared by ADW Johnson and dated 2/09/2021 is to

be amended to remove sites 104, 112, 113 and 114 from the area outside the development footprint approved under DA 16-2007-15-3.”

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

Proposal

The modification application seeks to modify the caravan park approved under DA 16-2007-15-5, which was determined by Council at its 26 October 2021 meeting. The modification seeks to amend conditions of consent and the approved plans. The amendments sought are as follows:

- Deletion of condition 1.1 of the consent, which required the plans to be updated to remove sites 104, 112, 113 and 114.
- Internal layout changes including the relocation of the north-western perimeter road and relocation of the stormwater basin situated in the north-western corner of the development area.
- Adjustment to the road alignment to widen the corridor for koala passage between the dam to facilitate koala habitat retention.
- Reduction of the approved yield by 2 sites as a result of adjustments to the location and dimensions of various long term sites within the development footprint, resulting in a total of 111 long term sites and the maintenance of 2 short term sites (113 sites in total).
- Ecological restoration of areas under the Vegetation Management Plan.
- Modifications to conditions 75 and 90, which relate to swimming pool access and mosquito management.
- Other minor amendments and adjustments as outlined within the Planners Assessment Report **(ATTACHMENT 3)**.

Site Description and History

The subject site is legally identified as Lot 2 DP 954600, is rectangular in shape and with an area of approximately 8.09ha. The site contains a large dam, which was created as a result of historic sand mining activities. The site previously contained 2 dwellings and a farm shed, which have recently been demolished. The site contains areas of vegetation, which are mapped as containing preferred koala habitat and endangered ecological communities.

The site is zoned RU2 Rural Landscape and rural residences are located to the west and east. To the south is an approved caravan park, comprising 196 long term sites, known as the Sunrise over 55s lifestyle community. A wetland is located to the north and north east of the site.

The original DA was approved in 2008 for 156 sites including 81 long-term sites and 75 short-term sites. The DA has been subject to a number of modifications since its original approval.

Key Issues

The key issues identified during assessment relate to the environmental impacts. A detailed assessment of the DA is contained within the Planners Assessment Report **(ATTACHMENT 3)**.

Environmental Impacts

The previous modification application (DA 16-2007-15-5) sought to remove an additional 0.48ha of native vegetation, including 6 koala feed trees. The tree removal was assessed and supported by Council officers subject to conditions of consent including the planting of 80 compensatory preferred koala feed trees at the rear of the site. To improve the koala corridor to the north of the development, Condition 1.1 was added to the consent during the 26 October 2021 Council meeting, which required that sites 104, 112, 113 and 114 be removed.

Following determination of the application, post approval consultation was undertaken between the applicant, interest groups and Council officers to identify opportunities to increase the separation between the development areas and the dam to the north-west to facilitate improved koala movement.

In order to achieve the widening of the koala corridor, this modification seeks to amend the approved design by relocating the north-western perimeter road, relocating the stormwater basin that was situated in the north-western corner of the development area and an adjustment to the road alignment. The amended design also results in the retention of an additional koala tree.

The modified plans were assessed by Council's Environmental Planner who supported the amendments subject to new and modified conditions. The new conditions recommended by Council's Environmental Planner require the salvaging of preferred koala feed tree saplings from the development site for planting elsewhere and the retention of preferred koala feed trees within the location of the two short term sites where possible.

Concern was raised in the submissions regarding the installation of koala friendly fencing. In response, Condition 62B has been amended to provide clarity on the fencing type to be used on the site. The new and amended conditions recommended for endorsement have been outlined in the conditions of consent in **(ATTACHMENT 1)**.

The modification application also seeks to remove Condition 1.1, which required the removal of sites 104, 112, 113 and 114 from the area outside the development footprint approved under DA 16-2007-15-3. This condition is proposed to be removed

to reflect the proposed amendments to the site layout and improved retention of koala habitat areas under this modification.

Conclusion

It is considered that the proposed modification results in improved environmental impacts and is therefore supported by Council staff, subject to the recommended conditions of consent in **(ATTACHMENT 1)**.

Overall, the land use will remain unchanged as previously approved (caravan park), and the development will continue to provide both long term and 2 short term sites.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes		As a result of the reduction of approved yield by 2 sites under the application, the applicable developer contributions have reduced from \$596,242 to \$570,862 (subject to CPI increases).
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The modification application is consistent with the relevant planning instruments including the Environmental Planning and Assessment Act 1979 (EP&A Act), Port Stephens Local Environmental Plan 2013 (PSLEP) and the Port Stephens Development Control Plan 2014 (DCP 2014). A detailed assessment against these environmental planning instruments is contained within the Planners Assessment Report contained at **(ATTACHMENT 3)**.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
If the DA is approved, there is a risk that the determination of the DA may be challenged by a third party in the Land and Environment Court through a judicial review.	Low	Accept the recommendation.	Yes
If the DA is refused, there is a risk that the determination of the DA may be challenged by the applicant in the Land and Environment Court.	Medium	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Impacts

The proposed modification provide long term sites for residency, which will have ongoing positive impacts on the local economy and contribute to housing supply.

Built Environment

The proposed modification will not cause harm to the existing character of the area. The proposed amendments to the entry signage are considered minor in nature and appropriate in identifying the site. The signage is compatible with the surrounding landscape.

Natural Environment

The proposed modification will result in habitat connectivity between the development area and the dam resulting in improved environmental outcomes. The new and modified recommended conditions require salvaging of existing saplings on the site for replanting, the retention of koala feed trees within the short terms sites where possible and clarity regarding the use of koala friendly fencing.

CONSULTATION

Consultation with key stakeholders, including external agencies and internal referral officers has been undertaken for the purposes of the assessment of the application. Consultation with the public occurred through the notification process.

Public exhibition

The application was notified in accordance with Councils Community Engagement Strategy from 26 May 2022 until 9 June 2022. During this period 2 submissions were received.

A detailed response to the submissions is outlined within the Planners Assessment Report (**ATTACHMENT 3**).

OPTIONS

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

ATTACHMENTS

- 1) Recommended Conditions of Consent.
- 2) Locality Plan.
- 3) Planners Assessment Report. (Provided under separate cover)

COUNCILLORS ROOM

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

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

TABLED DOCUMENTS

Nil.

**RECOMMENDED CONDITIONS OF CONSENT**

1. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
 - 1.1 CONDITION DELETED UNDER DA 16-2007-15-6.
2. CONDITION DELETED UNDER DA16-2007-15-5.
3. Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
4. The development application has not been assessed against the provisions of the Building Code of Australia. A Section 96 application under the Environmental Planning & Assessment Act 1979 will be required if design amendments are necessary to comply with the provisions of the Building Code of Australia.
5. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.
6. Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
7. A garbage storage area is to be provided, designed and constructed so as to conceal its contents from view from public places and adjacent properties and is to be integrated into the landscaping scheme. The storage area shall be located so as to be readily accessible from within the site, and serviceable by the waste collector from the adjoining road.
8. A Construction Management Plan shall be submitted and approved by Council, prior to commencement of any work. The construction management plan shall specify operational details to minimise any potential impact to adjoining properties. The construction management plan should include but not limited to the following information:- Construction techniques, noise and vibration management, storage of equipment and building materials, hours of work:, primary route for truck movements, etc.
- 9A. The caravan park shall be constructed and operated in accordance with the requirements of the Local Government Regulations (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005,

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excluding any objection approved in accordance with Section 82 of the Local Government Act 1993.

10. Submit full details prior to commencement of any work showing compliance with the Regulation are to be provided to Council in regard to the following:
- a. Size of the dwelling sites and camp sites (Clause 85);
 - b. Setbacks of Community Buildings (Clause 88);
 - c. Setbacks of sites from roads and boundaries (clause 89);
 - d. Widths of entrance roads and forecourt (clause 92);
 - e. Construction of the amenities Block (clause 110);
 - f. Proximity of the sites from Amenities Block (Clause III) Note: The large vehicle sites shall be classified as short term sites;
 - g. Fire hydrants (Clause 128);
 - h. Fire Hose Reels (Clause 129);
 - i. Provision of a common soil waste dump point (Clause 102); and
 - j. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2001).

- 11A. The Flood Planning Level for this development is 3.2 metres AHD. Flood Compatible Building Materials are listed in the attached Schedule.

Habitable room for the purposes of this clause includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, sunroom, bathroom, laundry and water closet.

The following design precautions must be adhered to:

- a. The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level. In sewered areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge;
- b. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods;
- c. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible;
- d. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level;
- e. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed;
- f. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
- g. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous



- submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level;
- h. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning;
- i. Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level;
- j. Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level; and
- k. THIS CONDITION DELETED UNDER DA16-2007-15-3.

12C. **Prior to the issue of any Construction Certificate or commencement of use** of the relevant stage, whichever occurs first, a monetary contribution is to be paid to Council pursuant to section 4.17(1) of the *Environmental Planning and Assessment Act 1979*, Section 7.11 of the *Environmental Planning and Assessment Act 1979*, and Council's Section 94 Contribution Plan towards the provision of the following public facilities:

Stage One

40 LONG TERM SITES		
Facility	Per lot/dwelling	Total
Civic Administration	\$178.00	\$7,120.00
Public Open Space, Parks and Reserves	\$968.00	\$38,720.00
Sports and Leisure Facilities	\$2,281.00	\$91,240.00
Cultural and Community Facilities	\$1,147.00	\$45,880.00
Road Works	\$432.00	\$17,280.00
Fire & Emergency Services	\$70.00	\$2,800.00
	Total	\$203,040.00

Stage Two

28 LONG TERM SITES		
Facility	Per lot/dwelling	Total
Civic Administration	\$178.00	\$4,984.00
Public Open Space, Parks and Reserves	\$968.00	\$27,104.00
Sports and Leisure Facilities	\$2,281.00	\$63,868.00
Cultural and Community Facilities	\$1,147.00	\$32,116.00
Road Works	\$432.00	\$12,096.00
Fire & Emergency Services	\$70.00	\$1,960.00



	Total	\$142,128.00
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Stage Three

43 LONG TERM SITES		
Facility	Per lot/dwelling	Total
Civic Administration	\$178.00	\$7,654.00
Public Open Space, Parks and Reserves	\$968.00	\$41,624.00
Sports and Leisure Facilities	\$2,281.00	\$98,083.00
Cultural and Community Facilities	\$1,147.00	\$49,321.00
Road Works	\$432.00	\$18,576.00
Fire & Emergency Services	\$70.00	\$3,010.00
	Total	\$218,268.00

2 SHORT TERM SITES		
Facility	Per lot/dwelling	Total
Civic Administration	\$178.00	\$356.00
Public Open Space, Parks and Reserves	\$968.00	\$1,936.00
Sports and Leisure Facilities	\$2,281.00	\$4,562.00
Cultural and Community Facilities	\$0.00	\$0.00
Road Works	\$216.00	\$432.00
Fire & Emergency Services	\$70.00	\$140.00
	Total	\$7,426.00

Note: The amount of contribution payable under this condition has been calculated at the time of determination and in accordance with the Port Stephens Section 94 Contributions Plan. The contribution amount is valid for twelve months from the consent date. Should payment take place after twelve months the contribution shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

13. The construction site adjoins a public reserve. The following activities are not permitted to take place on or over the public reserve at any time during construction:
 - a. Access to the public reserve;
 - b. Use of the reserve by vehicles or machinery;
 - c. Storage of site sheds, building materials, cleared vegetation, rubbish etc; or
 - d. Any tree pruning, lopping or removal.

ITEM 3 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

14. Lighting of the site shall be consistent with the approved Lighting Layout. This lighting shall be operational prior to the issue of any Occupation Certificate.
15. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
16. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
17. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:
 - a. Monday to Friday, 7am to 6pm;
 - b. Saturday, 8am to 1pm; and
 - c. No construction work to take place on Sunday or Public Holidays.When the construction site is in operation the LIO level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.
18. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
19. Where the proposed development incorporates pile-driving activities for a period of 5 days or more (consecutive or non-consecutive combined total), prior to the commencement of works associated with piling system the applicant/beneficiary of the consent shall undertake the following actions:
 - a. An appropriately qualified Acoustic Engineer shall prepare a report on File No: 16-2007-15-1 the impact on adjoining properties in relation to anticipated noise and vibration with reference to compliance with British Standard 6472 - 1996 Guide to evaluation of human exposure to vibration in buildings (1Hz to 80 Hz);
 - b. Where the anticipated impacts exceed the prescribed performance standards of the noted Standard the consultant shall make recommendations on the method of minimising the noted impacts to meet the performance standards; and
 - c. For pile driving activities with a duration in excess of 5 days as noted above the applicant/beneficiary of the consent shall engage an Acoustic Engineer to undertake monitoring of the pile driving to verify the identified performance standards noted are not exceeded. Details to be forwarded to Principal Certifying Authority.
20. Pile driving shall only be carried out between the hours of 8.00am - 3.30pm Monday to Friday excluding public holidays.

ITEM 3 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



21. Development incorporating pile-driving activities for a period of less than five (5) days be that consecutive and a total combined throughout the construction process, shall comply with the provision of British Standard 6472- 1996.
22. The applicant or the person who is the beneficiary of the development consent incorporating pile-driving activities shall, prior to commencement of work prepare and submit for approval of a Construction Management Plan incorporating notification provisions for the pile-driving activities with practical measures taken to notify all adjoining property occupants of the commencement date and period of pile-driving works.

The notification shall be forwarded a minimum of 2 days prior to the commencement of works.
23. Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.
24. No construction or demolition work shall obstruct pedestrian or vehicular traffic in a public place, a hoarding or fence must be erected between the construction site and the public place.
25. Approved toilet accommodation for all tradespersons on the building site is to be provided from the time work commences until the building is complete. The toilet shall not be placed on the road reserve, without separate approval from Council.
26. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. **Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.**
27. CONDITION DELETED UNDER DA 16-2007-15-6.
28. Construction details for retaining walls greater than 600mm in height shall be submitted and approved by the Principal Certifying Authority prior to commencement of works associated with the retaining wall All retaining walls in excess of 1m shall designed by a Practicing Structural Engineer.

Where retaining walls exceed 1m in height and located within 500mm of a site boundary, they shall be constructed of masonry material.

It is recommended to construct the retaining walls prior to the commencement of any other work, while the area is readily accessible and to prevent any movement of soil and/or potential damage to adjoining properties.
29. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with AS2601-2001 and WorkCover Authority requirements.

ITEM 3 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

30. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment, the person undertaking the excavation must preserve and protect the building from damage, which may involve underpinning and supporting the building in an approved manner.

The adjoining property owner shall be given 7 days notice before excavating below the level of the base of the footings of a building on an adjoining allotment of land. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, allotment of land includes a public road and any other public place.

31. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

Note: Erosion and sediment control measures prepared in accordance with the Erosion and Sediment Control Regional Policy and Code of Practice or Managing Urban Stormwater - Soils and Construction produced by Landcom 2004, need to be maintained at all times. A copy of Landcom 2004 bluebook may be purchased by calling (02) 98418600.

32. CONDITION DELETED UNDER DA 16-2007-15-5.

33. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

34. A "KEEP PORT STEPHENS WATERWAYS POLLUTION FREE" sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens Council.

35. Prior to the commencement of work, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.

36. All stockpiled materials shall be retained within the property boundaries. Stockpiles of topsoil, sand, aggregate, spoil or other materials shall be stored clear of the all weather vehicle access and drainage lines.

37. CONDITION DELETED UNDER DA 16-2007-15-5.

38. CONDITION DELETED UNDER DA 16-2007-15-5.

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ITEM 3 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

39. The Principal Certifying Authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the Principal Certifying Authority issues an occupation certificate.

NOTE: If an accredited certifier approves occupation of a dwelling the accredited certifier is to immediately notify Council in writing.

40. Prior to occupying the approved dwelling(s), contact Council's Land Information Section on 49800357 to obtain the correct house numbering.
- 41A. Demolition of the existing dwelling is to be carried out in accordance with Australian Standard AS 2601 'The demolition of Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility.

Any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility.

Evidence is to be provided to the Certifying Authority demonstrating that asbestos waste has been disposed of in accordance with this condition.

- 41.1 The development is to be carried out in accordance with the recommendations of the Aboriginal Heritage Due Diligence Assessment, prepared by McCardle Cultural heritage, report no. J20096 DD and dated 16 February 2021.
- 41.2 The temporary community building must be made available for use by residents at the commencement of Stage 1 of the development and remain available for use until an occupation certificate has been issued for the permanent community building within Stage 3.

Following the issue of an occupation certificate for the permanent community building, the temporary community building is to be decommissioned and the site utilised as a long term site.

- 41.3 The pond indicated on the Concept masterplan, dwg. 240060-DA-001-E, Version Q, prepared by ADW Johnson and dated 2/09/2021 is not to be used for recreational purposes such as swimming or fishing.

Suitable signposting is to be installed to indicate the use limitations of the pond.

- 41.4 Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.



Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

Provision of Services

- 42A. **Prior to the issue of an Occupation Certificate or the commencement of use of the relevant stage, whichever occurs first, a section 50 certificate or other evidence from Hunter Water Corporation is to be provided that demonstrates water and sewer services have been adequately provided to the relevant stage of the development.**
- 42.1 Prior to the commencement of use of each stage, an on-site sewage management system shall be installed in accordance with an approval issued under Section 68 of the *Local Government Act 1993* to service the relevant stage, and an approval to operate the system shall be obtained.
- 43. Prior to the commencement of any work, the applicant shall provide written evidence from Hunter Water to Council demonstrating that all necessary pre-construction approvals have been granted from Hunter Water Corporation for the connection of water and sewer to the development.
- 44. Prior the commencement of any work written evidence must be submitted to Council from Telstra Australia and Energy Australia confirming that satisfactory arrangements have been made for the provision of their respective services to the development.
- 45. The submission of documentary evidence from Energy Australia that satisfactory arrangements have been made for the provision of grid based electricity supply to the development, prior to the occupation of any component of the development.

Operational Conditions

- 46. A register shall be kept by the owner or proprietors to record the occupancies and shall be available at any time for inspection by an authorised officer of Council.
- 47B. The caravan park is approved for a maximum number of 117 long term sites and 2 short term sites. The caravan park shall be constructed and operated in accordance with the requirements of the Local Government Regulations (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, excluding any objection approved in accordance with Section 82 of the Local Government Act 1993.

Prior to operation, the applicant shall obtain separate approval to operate a caravan park under Section 68 of the Local Government Act.
- 48A. ~~CONDITION DELETED UNDER DA 16-2007-15-5.~~
- 49A. **Immediately following the commencement of use of stage 1, a temporary bus service consisting of a chartered bus or the like with a minimum of 12 seats, is to be engaged which services the site at least two times per week. The service must**



connect to both the Salamander Bay Shopping Centre and the Nelson Bay CBD. The service must be available to all permanent residents of the development.

Immediately following the commencement of use of stage 3, the chartered service is to be replaced with a permanent on-site bus service that is maintained for the life of the development. The permanent bus service shall:

- a. Travel a route that includes the Anna Bay CBD, Salamander Shopping Centre and the Nelson Bay CBD;
- b. Be available to all permanent residents at no cost; and
- c. Operate in and out of the commercial centres at least once a day (Monday to Saturday inclusive).

50. The Community Hall, Pool, BBQ area and tennis courts shall be accessible and available to permanent residents, to the extent that they are made available to short term occupants (ie. tourists).
51. THIS CONDITION DELETED UNDER DA16-2007-15-3
52. The caravan park or camping ground must be designed, constructed, maintained and operated in accordance with the relevant requirements of Subdivisions 1-8 of Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
53. A person must not be permitted to stay in a moveable dwelling that occupies a short-term site or camp site for a total of more than 150 days in any 12 month period, unless the moveable vehicle is a holiday van and the person is the owner of that holiday van.
54. The owner of a holiday van that occupies a short term site or camp site must not be permitted to stay in the holiday van for a total of more than 180 days in any 12 month period.
55. The occupancy restrictions shall be incorporated into a Management Agreement for the Tourist Facility. A copy of the Management Agreement shall be provided to Council prior to the issue of the occupation certificate.
- 55.1. All doors and windows along the northern, southern and eastern facades of the workshop/mens shed are to remain closed when shed is in use.
- 55.2. The workshop/mens shed is only to operate between the hours of 8:00am – 6:00pm, 7 days a week. Tools and machinery should not be operated every day or for long continuous periods.

Landscaping and Fencing Conditions

- 56C. Landscaping shall be carried out in accordance with the approved Landscape Plan prepared by Mara Consulting and dated 19 July 2022 (Job No.: 2112, Revision I, Sheet L100 to L110). The landscape designer must provide a compliance certificate to the Principal Certifying Authority certifying that the landscaping has been carried out in accordance with the approved plan and as amended by conditions of consent,



prior to the issue of any Occupation Certificate. Where Council is not the Principal Certifying Authority, a copy of the certificate must be provided for Council's records.

57. The area contained in the front setback facing Trotter Road is to be landscaped and kept clear of vehicles and materials at all times (excludes parking areas shown on the approved site plan).
- 58C. Plantings and fencing is to be carried out in accordance with the Landscape Plan prepared by Mara Consulting and dated 19 July 2022 (Job No: 2112, Revision I, Sheet L100 to L110) and the conditions of consent.
59. THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 60B. The approved landscape plan prepared by Mara Consulting and dated 19 July 2022 (Drawing Number: 2112, Revision I, Sheet L100 to L110), is to be amended to include the following:
- a. Additional hedge planting on along the southern (front) boundary, with a species that reaches a minimum mature height of 1.5 metres.

The amended plans are to be submitted to Council for approval, **prior to the issue of any Construction Certificate.**

61. CONDITION DELETED UNDER DA 16-2007-5-5.
- 62B. Fencing must not compromise the potential for safe movement of koalas across the site. The fencing as shown in the approved landscape plan can be installed along the southern boundary (frontage to Trotters Road), along the western boundary in line with Lots 3 – 11, and along the eastern boundary alongside the stormwater basin. This fencing must be rural timber style fencing as identified on Sheet L-108 of the approved landscaping plan prepared by Mara Consulting, dated 19 July 2022. The remainder of the site must use koala friendly fencing, including:
- a. open post and rail or post and wire fencing (no barbed wire on the bottom strand) and must be a minimum of 200 mm above ground level that would allow koalas to move underneath; or
 - b. a koala friendly alternative as agreed in consultation with Council's Natural Systems team.
63. Lighting on the site is to be designed in accordance with Australian Standard 4282-1997 - Control of the obtrusive effects of outdoor lighting. Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.



Flora and Faunal Environmental Conditions

63.1A Construction of the development must comply with the recommendations of the 'Biodiversity Assessment' Version 2, prepared by MJD Environmental, dated March 2021 detailed as follows:

- a. Demarcate subject site boundary with visible flicker tape of temporary fencing to ensure no impacts occur to retained vegetation adjacent to the site.
- b. All contractors will be specifically advised of the designated work area.
- c. All construction vehicles/machinery are to use the designated access from main roads. Speeds will be limited to reduce the potential of fauna strike and to reduce dust generation;
- d. Prior to the commencement of any vegetation removal, a preclearance survey will be conducted by the Project Ecologist to identify any areas containing significant habitat features. During the pre-clearance survey, any significant habitat features or trees that are known to have resident fauna present and all hollow-bearing trees will be:
 - i. Marked around the trunk of the tree at approximately 1.5 metres high with a 'H' marked several sides of the trunk using fluorescent spray marking paint; and/ or
 - ii. Marked with highly visible flagging tape.
- e. Tree removal is to be strictly limited to the subject site.
- f. Any mulch generated from the removal of vegetation on Site is to be reused on Site.
- g. Felled trees must be stockpiled and processed within marked clearing boundaries.
- h. Any fauna is handled appropriately, including the relocation of any arboreal mammals in accordance with PSC Technical Specification – Vegetation (PSC 2014);

Natural hollows of a suitable size and configuration should be salvaged and reinstalled in retained areas of vegetation in the Subject Site where possible to provide ongoing arboreal habitat opportunities for local fauna PSC Technical Specification - Nest Boxes (PSC 2014).

63.2 All hollows identified during the pre-clearance survey shall be replaced with nest boxes (built to a standard consistent with the PSC Technical Specification - Nest Boxes (PSC 2014) at a ratio of 1:1.

Nest boxes must be installed within retained native vegetation on site prior to the removal of any hollow bearing trees.

64B. The following vegetation within the subject site as identified on 'Figure 4: Vegetation' of the 'Biodiversity Assessment' Version 2, prepared by MJD Environmental, dated March 2021 is approved for removal / pruning:

- a. Non-native/ Plantings Vegetation
- b. Grassland/Pasture

ITEM 3 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



Vegetation type MU 34: Coastal Sand Wallum Woodland (Disturbed) is approved for removal / pruning with the exception of Tree Number 1 and the tree identified as MU 34 located directly to the east of the Dam adjacent to MU 40 - Swamp Oak Rushland Forest, as identified in 'Attachment 1: Eucalyptus tereticornis Locations' in the '20111 – RFI Response – Ecology 16 Trotters Road, Bobs Farm', prepared by MJD Environmental, dated 11 May 2021.

- 65B. A minimum of eighty (80) mature koala feed trees, (i.e. Eucalyptus tereticornis, Eucalyptus robusta or Eucalyptus parramattensis), and any salvagable saplings from the development site shall be planted within the 100 m coastal wetland buffer area.
- All mature compensatory plantings are to have a minimum pot size of 200L.
- Documentary evidence of koala feed tree planting must be provided to and approved by Council prior to the issue of any Occupation Certificate.
- 66A. Nest boxes as shown on 'Figure 5: Existing Nest Box Locations' in the 'Biodiversity Assessment' Version 2, prepared by MJD Environmental, dated March 2021 that have been installed within trees approved to be removed must be relocated by a suitably qualified ecologist and be placed within trees along the north eastern boundary of the dam and retained vegetation in the northeast of site.
67. THIS CONDITION DELETED UNDER DA16-2007-15-3.
68. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM may require an EPA licence for use as a landfill. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited. Council will insist on the removal of any prohibited material.
- 69A. A geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Potential Acid Sulfate Soils (ASS). Should ASS be encountered within the zone of works, an ASS Management Plan is to be prepared by a suitably qualified Geotechnical Engineer and submitted to the Certifying Authority, **prior to the issue of any Construction Certificate.**
- The recommendations and/or mitigation measures contained within the ASS Management Plan must be complied with during works.
70. Low downward lighting shall be used on site to prevent an unreasonable impact on native fauna.
- 71A. A Vegetation Management Plan shall be prepared and approved by Council's Natural Systems team. The approved plan shall be implemented to manage and maintain the open space area in the northern portion of the property, i.e. the wetland buffer area. This management plan shall include a planting plan in accordance with Condition



65B, and prescribe bush regeneration methods and techniques to ensure that the area is effectively managed in perpetuity.

72. No domestic dogs or cats are to be permitted on the subject site. Appropriate signage indicating this restriction shall be installed at the front entrance and/or front office detailing this restriction prior to the issue of any Occupation Certificate. The sign shall detail that this restriction is in place for the protection of native wildlife. This sign shall be maintained in perpetuity.

72.1A The removal of existing vegetation is not to occur until the issue of the Construction Certificate.

No vegetation or natural landscape features other than that authorised for removal / pruning by this Consent must be disturbed, damaged or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval.

All approved landscaping works are to be maintained in perpetuity. Where landscape plantings or koala feed tree plantings die, replacement plantings of the same species are to be implemented.

72.2 The Eucalyptus tereticornis trees within the location of the two short term sites shall be retained where possible. Any excavations associated with construction of the adjacent road shall be undertaken under the supervision and guidance of an Australian Qualification Framework Level 5 Arborist.

72.3 **Vegetation Management Plan** - Monitoring reports in accordance with the approved Vegetation Management Plan must be prepared and submitted to Council.

72.4 **Maintenance of Nest Boxes** - All installed Nest Boxes must be maintained for a period of 5 years.

If any nest box is damaged, it is to be replaced.

Swimming Pool conditions

73. Details of the construction of the proposed swimming pool shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

74. The pool fencing shall be a material that prevents the access of koalas into this area, to reduce the potential of drowning.

75. CONDITION DELETED UNDER DA 16-2007-15-6.

76. The construction of the swimming pool shall comply with the Swimming Pools Act and also the NSW Health Public Swimming Pool and Spa Pool guidelines (June 1996). The guidelines prescribed facilities required for public pools along with disinfection requirements.



77. Details of the Construction of the proposed swimming pool shall be forward to the Principal Certifying Authority prior to the issue of the Construction Certificate.
78. The swimming pool is to be fully enclosed with fencing and gates to comply with the Swimming Pool Act 1992 and Regulations.
79. All backwash/pool waste water is to be piped/drained to the sewer of the Hunter Water Corporation in accordance with the requirements of the Hunter Water Corporation.
80. A durable resuscitation instruction chart is to be displayed in a prominent position in the pool at all times.
81. Where a common boundary fence forms part of the pool enclosure, maintenance and effectiveness of the fence is the responsibility of the pool owner, whilst ever the pool exists.
82. Pool plant and equipment shall be sited or enclosed in a sound absorbing enclosure to minimise any potential offensive noise impacts to adjoining neighbours as defined under the Protection of the Environment Operations Act 1997.
83. The swimming pool surrounds and/or paving is to be constructed in a manner so as to ensure water from the pool overflow does not discharge onto the neighbouring properties.
84. Where there is possible access from a window in any residential building to the swimming pool, access is to be restricted by:
 - a. The bottom of the lowest opening panel of the window must (when measured in the closed position) be at least 1.2 metres above finished floor level; and
 - b. There must not be any footholds wider than ten (10) millimetres between the bottom of the lowest opening panel of the window and any point within 1.1 metres below the bottom of that panel.

This does not apply to a child safe window or to a window that is totally enclosed by a child-safe grill.

Note: Child safe means a window being of substantial construction and being so fixed (by means of a keyed locking device or other child resistant device) that it has no opening through which it is possible to pass a standard test bar.
85. THIS CONDITION DELETED UDER DA16-2007-15-3
86. THIS CONDITION DELETED UNDER DA16-2007-15-3
87. THIS CONDITION DELETED UNDER DA16-2007-15-3

Bushfire Conditions

88. THIS CONDITION DELETED UNDER DA16-2007-15-3



89. An emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plan for implementation by the occupants in the event of a required evacuation. The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

Mosquito Management

- 90A. Mosquito Management shall be performed in accordance with the details submitted with the application dated 26 September 2007. Management techniques shall include:
- A Public Education Display, being a notification of a community notice board or sandwich board type warning sign displayed at peak mosquito periods, as well as printed fact sheets detailing effective personal prevention techniques.
 - CONDITION DELETED UNDER DA 16-2007-15-6.
 - Methods to minimise water holding areas on the property (please note that no works are authorised in protected wetland areas without approvals from the relevant authorities).
 - The preparation of an on-site manual/ management plan that involves the continual assessment of the vulnerability of occupants to exposure and the potential duration and seasonality of exposure. This document shall also contain a planning and management response (i.e. education, warnings, monitoring of on-site breeding etc.)

These measures shall be implemented prior to the issue of any Occupation Certificate.

91. All dwellings and buildings must be equipped with effective screens on all windows, doors and openings, to reduce the potential for mosquito borne disease. All screens must be installed prior to the issue of any Occupation Certificate.
92. Any rainwater tanks and fabricated water storage structures must be equipped with effective screens on all openings, to reduce the potential for mosquito borne disease.

Disability Conditions

93. The proposed development shall be provided with access and facilities for the disabled in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia. Details of such access and facilities shall be submitted to the Prescribed Certifying Authority with the Application for a Construction Certificate for the buildings.
94. A continuous and accessible path of travel, designed in accordance with Australian Standard 1428.1 shall be provided to and within any building on the site. This accessway shall provide access to all required facilities.
95. External access to the building required to be accessible must be in accordance with the Building Code of Australia Part D and Australian Standard 1428.1, and must be provided:



- a. From the allotment boundary at the main points of entry;
- b. From any accessible car parking space on the allotment;
- c. From any adjacent and associated accessible building on the allotment; and
- d. Through the principal public entrance.

Details shall be provided demonstrating compliance with these requirements prior to the release of the Construction Certificate.

The minimum number of accessible car parking spaces shall be provide in accordance with the Building Code of Australia Section D Subsection 3.5 and designed in accordance with Australian Standard 2890.1

Access and facilities for the disabled provided in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia. These shall be maintained for the life of the development by existing or future owners.

96. The minimum number of accessible car parking spaces shall be provide in accordance with the Building Code of Australia Section D Subsection 3.5 and designed in accordance with Australian Standard 2890.1. Details shall be provided prior to the release of the Construction Certificate.

Environmental Health Conditions

97. The construction of the kiosk shall comply with the National Food Premises Code.
98. Food preparation, storage and service areas are to be designed and constructed to comply with AS4674-2004 for the construction & fit out of food premises.

Where Council is nominated as the Principal Certifying Authority, Council's Food Surveillance Officer shall be given 48 hours' notice to inspect the premise for compliance under AS4674-2004 for the construction & fit out of food premises before operating the business.

Where Council is not nominated as the Principal Certifying Authority, submit certification from an appropriate qualified person confirming compliance with AS4674-2004 for the construction & fit out of food premises before the issue of the occupation certificate.

Note: The business needs to be registered with Council so it can be added to the inspection program.
- 98.1 The maintenance shed/work shop must be constructed in accordance with the recommendations of the Noise Assessment prepared by Spectrum Acoustics dated July 2022, project no. 212220R.

Signage Conditions

99. The advertising structures shall comply with Council's signage requirements under the Local Environmental Plan and Port Stephens Development Control Plan 2007. No advertisement shall be displayed without the consent of Council, unless the advertisement does not require approval under Council policy.

ITEM 3 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

100. Flashing illuminated signage is not permitted. Illuminated signs must be fitted with an automatic timing device to extinguish the illumination between the hours of 10.00pm and 7.00am.
101. Any exempt advertisements shall relate to the approved development or premises situated on that land. The advertisement must be maintained in a presentable and satisfactory state of repair.
102. No signage is permitted within any Council or RTA Road Reserve.

Fire Safety Conditions

103. A fire safety schedule pursuant to Section 168 of the Environmental Planning & Assessment Amendment Regulation 2000 must be attached to the construction certificate, which specifies the fire safety measures that should be implemented in the building premises.
104. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, if Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
105. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
 - a. The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b. That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

Stormwater Conditions

- 105.1. Prior to the issue of a Construction Certificate, the stormwater management plan must be updated in accordance with the approved architectural plans and the Stormwater Management Plan – Addendum #1 letter prepared by Torque Project dated 13 May 2022.
- 106C. Detailed stormwater drainage plans, DRAINS model and MUSIC model must be prepared by a qualified Engineer in accordance with the approved Stormwater Management Plan, Issue B, prepared by ADW Johnson and dated 4 June 2021 and the Stormwater Management Plan – Addendum #1 letter prepared by Torque Project dated 13 May 2022, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council). The detailed plans must also include the following information in order to comply with the PSC DCP:



- a. Additional onsite infiltration to reduce the volume and discharge of stormwater leaving the site to reduce impacts to the downstream wetland. The plans must demonstrate how the quantity of water and means of discharge is managed to mimic the existing environment and not concentrate flows.
- b. The drainage strategy must incorporate the external catchment contributing runoff through this development. A catchment plan must be submitted at CC stage which includes the external catchment which contributes runoff and allowance must be made within the internal drainage system to incorporate the runoff from the external catchment.
- c. Detailed basin cross sections and long sections and comprehensive DRAINS and MUSIC models are to be submitted at CC stage to reflect the approved strategy. These models must comprehensively reflect the proposed design.
- d. The bio-retention basin design must be informed by a groundwater assessment to consider rises in groundwater level.

Details demonstrating compliance must be provided to the Certifying Authority, **Prior to the issue of a Construction Certificate for Each Stage.**

107. CONDITION DELETED UNDER DA16-2007-15-3

Traffic and Road Conditions

108. THIS CONDITION DELETED UNDER DA16-2007-15-3.

107. THIS CONDITION DELETED UNDER DA16-2007-15-3.

110. THIS CONDITION DELETED UNDER DA16-2007-15-3.

111. The vehicle driveway from the roadway to the property boundary incorporating the gutter crossing shall be constructed in accordance with the options shown on **Council's Standard Dwg No. S123.**

112. A concrete dish crossing shall be constructed within the table drain in accordance with **Council's Standard Drawing No. S106.** Driveway grades shall be adjusted, if practical, to achieve this, or where driveway grades do not permit a dish crossing, provide a pipe (minimum 375mm diameter) for small catchments, 5.0m long, at a minimum distance of 2.0 m from the edge of the roadway, ensuring an adequate grade within the drain. Gravel backfill and concrete headwalls shall be placed as indicated on **Council's Standard Drawing No. S107.**

113. The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.

114. Submission of Works- As-Executed plans and report prepared and certified by a suitability qualified drainage engineer confirming all drainage works (volume, discharge, levels, location, etc) are built in accordance with conditions of consent and the approved plan. Minor variations in height can be certified providing they are clearly identified in the report and the engineer certifies that the overland flow paths are not altered, discharge rates are not increased, and no additional negative effects



are imparted on any dwellings or property. Minor variations can only be certified where it can be demonstrated that the ease of maintenance and monitoring of the system has not been negatively affected.

The documents shall be submitted to, and accepted by the Certifying Authority, prior to issue of the occupation certificate.

115. Works associated with the approved plans and specifications shall not commence until:
- a. A Construction Certificate has been issued, and
 - b. The Principal Certifying Authority has been nominated, and
 - c. Council has received two days notice of the commencement date.
- 116A. All civil engineering works for each stage shall be carried out in accordance with the Construction Certificate and Council's Subdivision & Development Code, to the satisfaction of Council or the Certifying Authority prior to the issue of any Occupation Certificate or the commencement of use of the land in the relevant stage.
- 117A. All civil engineering works associated with the Roads Act Approval shall be carried out to the satisfaction of Council as the Roads Authority (with a letter of practical completion issued) prior to issue of any Occupation Certificate or the commencement of use of the land. All works associated with the Roads Act Approval shall be at no cost to Council.
118. Works associated with the Roads Act Approval are subject to:
- a. Inspection by Council;
 - b. Testing by a registered NATA Laboratory and
 - c. Approval by Council at each construction stage as determined by Council.
- 119A. The developer is to provide the following plans and/or CAD files:
- a. Road construction plans in CAD form prior to commencement of road works; and
 - b. Works-as-executed drawings and CAD files of all engineering works prior to the issue of any Occupation Certificate or the use of the land.
- The data is to be supplied as ACAD or DXF to the requirements of Council's Civil Asset Engineer.
120. THE CONDITION DELETED UNDER DA16-2007-15-3.
121. A pedestrian footpath and connections shall be provided for the development, from the access to the development to the bus stop on Nelson Bay Road.
122. Provision for one (1) car parking space shall be made for every temporary and permanent site. This space shall not be located on the internal road network.
- 123B. Car parking is to be provided in accordance with Concept masterplan, dwg. 240060-DA-001-E, Version Q, prepared by ADW Johnson and dated 2/09/2021. These spaces shall be separately accessible, clearly line-marked, clearly signposted and

ITEM 3 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

adequately paved and drained in accordance with the Port Stephens Development Control Plan. Car parking must be provided prior to the issue of the occupation certificate or commencement of the use of the land in the relevant stage.

124. Prior to the commencement of use, Trotter Road is to be upgraded to Council's Rural access class road (currently 6 metre sealed carriageway 1 x 10₆ ESAs) across the frontage of the development to the intersection of Trotter Road and Nelson Bay Road.
125. THIS CONDITION DELETED UNDER DA16-2007-15-3.
126. THIS CONDITION DELETED UNDER DA16-2007-15-3.
127. Engineering details in accordance with Council's Subdivision & Development Code of proposed road and drainage works shall be submitted to Council for approval prior to issue of the Construction Certificate.
128. All works as listed as conditions of development consent, which are located in public roads are subject to approval under section 138 of the Roads Act 1993. Engineering details in accordance with Council's File No: 16-2007-15-1 Subdivision and Development Code, of such works shall be submitted with a Roads Act application form and then approved by Council prior to approval to commence these works and prior to issue of the Construction Certificates. The following items are also required to be approved by Council prior to approval being granted to commence works:
- a. Traffic control plans in accordance with the Roads and Traffic Authority - Traffic Control at Worksites Manual;
 - b. Payment of fees and bonds (same Principle Certifying Authority fees, inspection fees and maintenance bonds as relevant to subdivisions); and
 - c. Contractors public liability insurances to a minimum value of \$1 0 million dollars.
- 129A. The following fees and/or bonds are to be paid as part of this consent:
- a. Construction certificate/plan approval fee, prior to approval of construction certificate or plans;
 - b. PCA/inspection fee, prior to approval of construction certificate or plans;
 - c. Long Service Levy, prior to issue of construction certificate (verification of payment is required if paid directly to Long Service Board);
 - d. Maintenance Bond, prior to commencement of the use; and
- The rates are as listed in Council's fees and charges. Contact Council's Subdivision Engineer prior to payment.
130. All works required to be completed in accordance with the Roads Act approval shall be completed prior to the occupation of any component of the development.

APPROVED PLAN CONDITIONS AND EXTERNAL AGENCY APPROVALS

- 131A. The development is to be carried out in accordance with the General Terms of Approval Issued by the following agencies:

ITEM 3 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



- a. NSW Rural Fire Service - Bushfire Safety Authority (Reference Number DA-2007-00971-S4.55-1) dated 20 May 2021.
- b. Natural Resource Access Regulator – General Terms of Approval (Reference Number S961135700) dated 3 June 2021.

132B. The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in red by Council on the approved plans:

Plan/Doc.Title	Plan Ref. No	Sheet.	Date	Drawn By
Concept Masterplan	240060-DA-002-F, Version F	1 Sheet	6 July 2022	ADW Johnson
Landscape Plans (9 sheets)	Rev I	L-100 – L110	19 July 2022	Mara Consulting
Temporary Clubhouse siting	Issue A	01	5 March 2021	MB
Ground Floor Plan (Temporary Clubhouse)	20L000AA Rev A	1 of 8	25 January 2021	Ingenia
Community Building Plans (7 sheets)	21-0008 Issue B	DA-A1-0-02, DA-A1-2-01, DA-A1-2-02, DA-A1-6-01, DA-A2-1-01, DA-A2-1-02	2 March 2021	Arqus Design
Maintenance Shed	Issue A	01	5 March 2021	Ingenia Lifestyle

Document Title	Prepared by	Date
Stormwater Management Plan (Issue B)	ADW Johnson	4 June 2021
Stormwater Management Plan – Addendum #1 letter	Torque Project	13 May 2022

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there



is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

ADVICES

The following general information is provided to assist you with the preparation and prompt processing of your Construction Certificate where such application is made to Council.

- A) Plans in respect of an application for a Construction Certificate must be submitted to the Hunter Water Corporation for checking & stamping prior to application for the Construction Certificate being made.
- B) In the case of residential building work, prior to commencement of work submit to Council or a private certifying authority a copy of the contract of insurance under Part 6 of the Home Building Act 1989 (specific for the building work the subject of this approval) and builders licence details. (Or alternatively present to Council a copy of an Owner Builders Permit issued by the Department of Fair Trading.)
- C) If the value of the work is \$25,000 or more, you will need to pay a levy to the Long Service Corporation prior to issue of the construction certificate. You can either pay the Long Service Levy Corporation direct and show us your receipt OR you can pay us and we'll send your money to them.

Note: Owner builders can ask for a reduction in the levy. For more details contact the Long Service Corporation, Locked Bag 3000, CCDS, Lisarow 2252, phone 131441.

- D) Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- E) This approval relates to Development Consent only and does not infer any approval to commence excavations or building works upon the land. A Construction Certificate should be obtained prior to works commencing.
- F) An agreement should be formed between the owners and the NSW Department of Environment and Conservation to eradicate and take measures to control weeds along the common property boundary.
- G) The developer should note that vehicular access in and out of Trotter Road from Nelson Bay Road may be restricted to left in/left out only as a result of the future upgrade along this section of Nelson Bay Road.
- H) This consent has been issued based on the development being connected to an existing sewerage treatment system, and that the proposed development would be located a minimum distance from the SEPP 14 wetland. If either of these assumptions were to be amended, then a new opinion should be sought from the Department of Planning, as to whether the proposal would be considered as a Major Project pursuant to State Environmental Planning Policy (Major Projects) 2005.



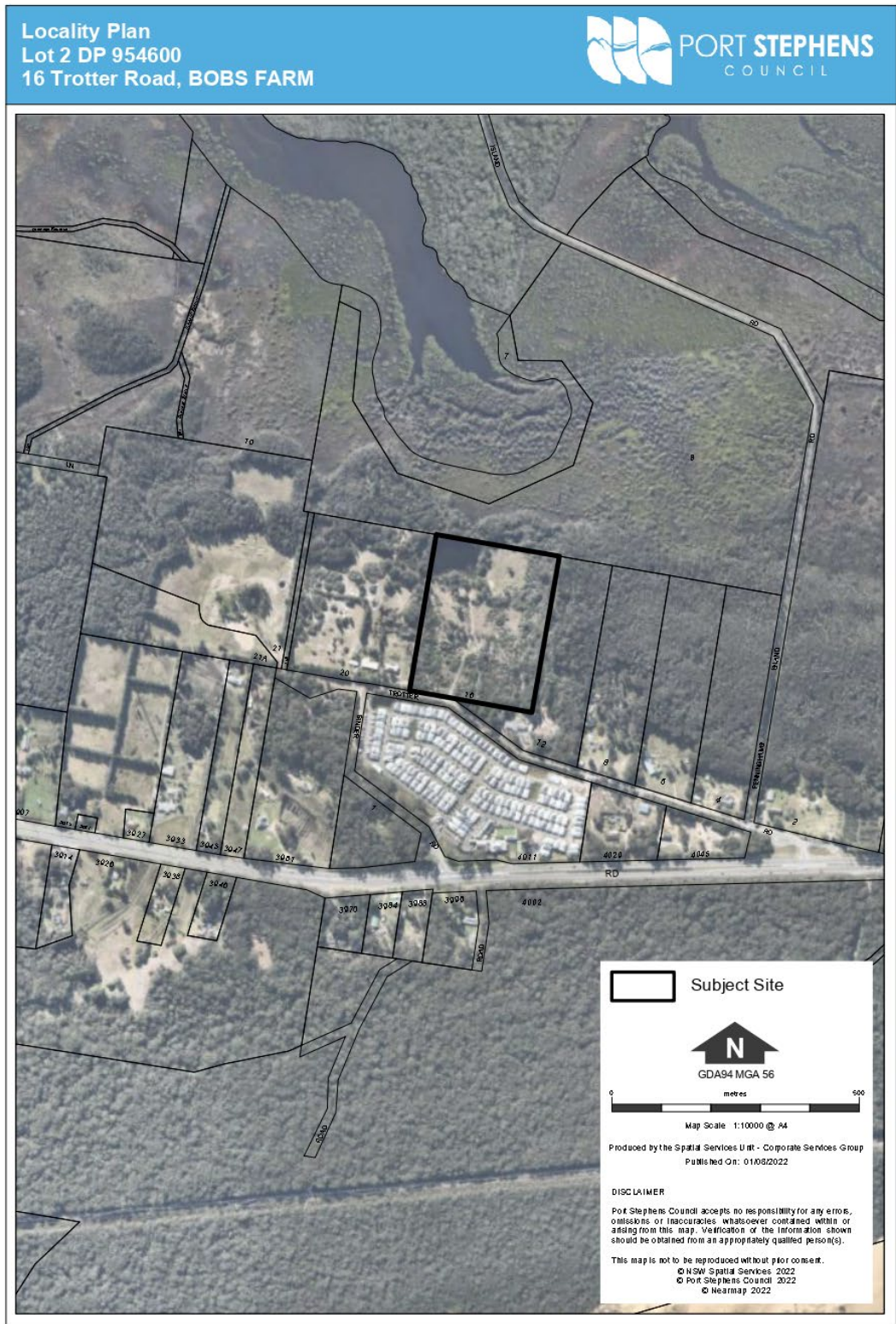
- I) Council's Development Control Plan PS 2 Parking and Traffic Guidelines, requires that the car parking spaces have the following dimensions where:

	Length	Width
A parking space has a wall or obstruction on one side	5.5m	2.8m
A parking space is enclosed on both sides	5.5m	3.0m
A parking space is parallel to kerb	6.0m	2.6m
A parking space is unobstructed on both sides	5.5m	2.6m

The turning area required for 900 parking is 6.7m to 7.0m. Where the required turning area is not available, Council may be approached to approve a reduction where wider car spaces are provided.

- J) The consent shall be sought and obtained prior to any change of use of the premises.
- K) Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work shall cease and the National Parks and Wildlife Service shall be consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- L) The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- M) The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. This applies particularly to new buildings or significant building alterations. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act. Further information about disabled access obligations can be found at the Human Rights and Equal Opportunities Commission website www.hreoc.gov.au
- N) Consideration should be given to the following enhanced access and facilities provisions for the proposed development:
- I. Australian Standard 1428.2 Design for access and mobility - Enhanced and additional requirements - buildings and facilities; and
 - II. Australian Standard 1428.4 Design for access and mobility - Tactile ground surface indicators for the orientation of people with vision impairment
- O) There are electricity network assets adjacent to the proposed development in Trotter Road. Any works undertaken adjacent to Ausgrid asset must be undertaken with care in accordance with Ausgrid Network Standard Document NS 156 – Work Near or Around Underground Cables.

ITEM 3 - ATTACHMENT 2 LOCALITY PLAN.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800253 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

ITEM NO. 5

**FILE NO: 22/241614
EDRMS NO: PSC2021-00558**

DRAFT MEDOWIE PLACE PLAN

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the Medowie Place Plan Engagement Report (**ATTACHMENT 1**).
 - 2) Endorse the draft Medowie Place Plan (**ATTACHMENT 2**) for exhibition for a period of 28 days.
-

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

292	<p>Councillor Jason Wells Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Note the Medowie Place Plan Engagement Report (ATTACHMENT 1).2) Endorse the draft Medowie Place Plan (ATTACHMENT 2) for exhibition for a period of 28 days.
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Councillor Giacomo Arnott left the meeting at 7:13pm.
Councillor Giacomo Arnott returned to the meeting at 7:16pm.
Councillor Leah Anderson left the meeting at 7:16pm.
Councillor Leah Anderson returned to the meeting at 7:19pm.

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement to exhibit the draft Medowie Place Plan (**ATTACHMENT 2**) for a period of 28 days.

Place plans are a new way of planning for the growth of the unique towns and villages across Port Stephens. Place plans provide a local filter on the Port Stephens Community Strategic Plan and other strategic documents, and create place specific actions that improve the liveability and wellbeing of our communities. Actions in place plans guide the way we plan for future land use, invest in new infrastructure, attract investment, and activate our streets.

The draft Medowie Place Plan aims to strengthen community values and priorities that are performing well and promotes opportunities for those that require improvement. A series of workshops, surveys, and meetings with community members, businesses, schools, landholders and community groups explored the priorities and ideas for Medowie in more detail (**ATTACHMENT 1**).

The draft Medowie Place Plan responds to these priorities and ideas by including:

- A structure plan, which identifies opportunities for future rezoning of land for employment and conservation purposes. The plan does not identify any land for residential development in addition to that already identified in the Medowie Planning Strategy (MPS).
- Potential infrastructure projects programmed for the next 5 years, such as additional shared paths, playground replacements, park furniture, and the replacement of facilities and amenities at Yulong Oval.
- A place activation plan, which includes ideas for future community activities and events.
- A concept plan for the town centre expansion site at 38 Ferodale Road, Medowie. This concept plan provides an indication of how the site can accommodate a range of residential, commercial, recreational, and environmental opportunities to improve the town centre. The concept plan will be refined through further consultation and master-planning of the site.
- A range of actions that can be undertaken by the community, businesses, Port Stephens Council, and other key stakeholders.

The draft place plan aims to deliver a vibrant town centre to cater for the needs of the Medowie community. Actions from the plan seek to engage and involve the community and local businesses in activities that build on Medowie's strengths and make it an even better place to live, work and play. The place plan allows for an integrated recreation precinct within the town centre site. This area could include elements such as a playground, interactive sculptural pieces, skate park facilities, event spaces and nature play opportunities. The more detailed planning and design of this space would be subject to further master planning and community engagement activities.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

Medowie Planning Strategy

The draft Medowie Place Plan provides further context to the MPS by identifying additional opportunities for employment and conservation purposes. No new areas are identified for residential use beyond the extent of the endorsed MPS.

If adopted, the place plan would be considered in conjunction with the MPS. Where there are any inconsistencies between the place plan and the MPS, the Medowie Place Plan would prevail. Planning proposals seeking to rezone land in Medowie need to address the requirements of the MPS, in addition to other relevant state and local plans and legislative requirements.

Port Stephens Local Environmental Plan 2013 (LEP)

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

Port Stephens Development Control Plan 2014

The draft Medowie Place Plan was developed with consideration to the Development Control Plan (DCP). If adopted, an action to develop a site specific DCP for the town

centre would be enacted. This actions intent is to ensure that the future development of the Medowie town centre is managed within the intent of the draft Medowie Place Plan and MPS.

Any new DCP chapter would include the existing shopping precinct and the town centre expansion site. The DCP would set out the future character of the town centre, including creating a natural setting and a high degree of connectivity. Objectives would include achieving a shady and green town centre, with buildings designed to sit within a natural setting.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the draft Medowie Place Plan does not meet community expectations.	Low	<p>Adopt the recommendation to release the draft Medowie Place Plan for exhibition to seek community feedback.</p> <p>Extensive community engagement during the exhibition period will assist Council to understand community expectations and identify possible changes to be made to the draft place plan.</p>	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social

Place plans aim to enhance the liveability of places in Port Stephens to improve community wellbeing. They respond to the community's values and aspirations. Place plans enable a collaborative approach between residents, business and Council to deliver great place outcomes. The draft Medowie Place Plan contains actions to inspire community involvement in creating a better place through conservation, beautification, connectivity and activation.

Economic

As Medowie continues to grow, new residents will look for new business opportunities and jobs close to home. Consolidating and improving the town centre as the focus for commercial activity is a key focus of the draft Medowie Place Plan. A vibrant and interesting local centre, with an active and involved business community drives economic activity. Actions led by local businesses and supported by Council and the community leads to improved economic outcomes for Medowie.

Environmental

Medowie residents place a high value on the natural environment and the draft Medowie Place Plan aims to protect and celebrate this important asset. The draft plan recognises that key habitat corridors need to be maintained, strengthened, and where possible, rehabilitated. This includes improving the north-south corridor through the town centre. The draft Medowie Place Plan identifies a number of opportunities for conservation projects and the improvement of habitat corridors.

CONSULTATION

Internal

The draft Medowie Place Plan has been prepared in consultation with the relevant sections in the Development Services Group, Facilities and Services Group, and Corporate Services Group.

External

The Strategic Planning and Community Engagement teams have worked extensively with the Medowie community to prepare a draft Place Plan that accurately reflects the community's values and aspirations. The engagement activities included:

- A Liveability Index survey and Town Centre survey.
- A series of workshops with community groups, local businesses and children from Medowie schools.
- A series of meetings with key stakeholders including Hunter Water Corporation and landholders within the town centre.
- A specific workshop with community interest groups and local businesses about the town centre expansion site.
- A return survey of the draft actions and town centre concept plan with the workshop participants.

The Medowie Place Plan Engagement Report (**ATTACHMENT 1**) provides detailed information about the outcomes of this consultation.

If endorsed, the draft Medowie Place Plan will be exhibited for a period of 28 days with integrated engagement activities including an online community survey, on-site drop in sessions and activation activities.

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

OPTIONS

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

ATTACHMENTS

- 1) Medowie Plan Plan Engagement Report. (Provided under separate cover)
- 2) Draft Medowie Place Plan. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6

FILE NO: 22/265500
EDRMS NO: PSC2018-03515

**TEMPORARY SUSPENSION OF PART OF THE ALCOHOL FREE ZONES (AFZS)
IN NELSON BAY**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the temporary suspension of part of the Nelson Bay Alcohol Free Zones (AFZ) (**ATTACHMENT 1**) during the Friday Flavours event on 11 November 2022, in accordance with section 645 of the Local Government Act 1993 (LG Act).
- 2) Should the events be unable to proceed on the 11 November, 2022, approve the temporary suspension of part of the Nelson Bay Alcohol Free Zone (**ATTACHMENT 1**) during Friday Flavours event on 18 November, 25 November, 2 December and 9 December 2022, respectively, in accordance with section 645 of the Local Government Act 1993.
- 3) Publicly notify the temporary suspension by publishing a notice on Council's website prior to the events for the purposes of satisfying section 645 (1) of the Local Government Act 1993.
- 4) Implement the requirements for signage in accordance with the Ministerial Guidelines Alcohol Free Zones 2009.

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

293	<p>Councillor Giacomo Arnott Councillor Matthew Bailey</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Approve the temporary suspension of part of the Nelson Bay Alcohol Free Zones (AFZ) (ATTACHMENT 1) during the Friday Flavours event on 11 November 2022, in accordance with section 645 of the Local Government Act 1993 (LG Act).2) Should the events be unable to proceed on the 11 November, 2022, approve the temporary suspension of part of the Nelson Bay Alcohol Free Zone (ATTACHMENT 1) during Friday Flavours event on 18 November, 25 November, 2 December and 9 December 2022,
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	<p>respectively, in accordance with section 645 of the Local Government Act 1993.</p> <p>3) Publicly notify the temporary suspension by publishing a notice on Council's website prior to the events for the purposes of satisfying section 645 (1) of the Local Government Act 1993.</p> <p>4) Implement the requirements for signage in accordance with the Ministerial Guidelines Alcohol Free Zones 2009.</p>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Steve Tucker and Jason Wells.

Those against the Motion: Cr Peter Kafer.

The motion was carried.

BACKGROUND

The purpose of this report is to gain the endorsement of Council to temporarily suspend part of the Nelson Bay Alcohol Free Zone (AFZ). The temporary suspension is to support the Friday Flavour event in Nelson Bay funded by the NSW Government's Cultural Tourism Accelerator fund.

It is proposed to temporarily suspend the Nelson Bay AFZ at Yacaaba Street between Magnus Street and Victoria Parade (**ATTACHMENT 1**) on 11 November 2022 from 12 noon to 10pm.

In the event of wet weather and the events are unable to proceed, it is proposed to temporarily suspend the Nelson Bay AFZ 18 November, 25 November, 2 December and 9 December 2022 from 12 noon to 10pm.

Under the Local Government Act 1993 (LG Act), Council may resolve to temporarily suspend a particular AFZ for purposes such as to accommodate short term community events.

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

The proposed suspension will not impact the term of the current Nelson Bay AFZ (4 years).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and Safe Place to Live	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

FINANCIAL/RESOURCE IMPLICATIONS

As the event organiser, the Vibrant Places Team in the Strategy and Environment Section will be responsible for the costs associated with meeting the public notice requirements and the amendments required to signage during the event.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$2000	Nelson Bay Smart Parking budget.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	Yes	\$3000	NSW Government's Cultural Tourism Accelerator fund.
Other	Yes		The event organiser will be charged by Council for all associated costs incurred by Council, including the temporary covers for AFZ signage.

LEGAL, POLICY AND RISK IMPLICATIONS

The existing AFZ restricts alcohol in the declared area 24 hours, 7 days a week. Council has the power to suspend the AFZ under section 645 of the LG Act for any reason, however the Guidelines specify that a suspension would not usually be appropriate for any period longer than 1 month, and generally would be of a much shorter duration (eg to accommodate a specific event). The proposed suspension is for less than one day in each AFZ.

The LG Act includes a requirement to give public notice in a manner that is likely to bring the notice to the attention of members of the public in the area as a whole or in a part of the area that includes the AFZ concerned. A notice will be published on Council's website.

The Guidelines require the existing alcohol restriction signage within the affected AFZ event area to be amended for the temporary suspended period and reinstated

following the event. The existing signs restricting alcohol use in the area will be covered over with a material bag during the event and uncovered following the event.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The temporary suspension of the AFZ will make a positive contribution to the liveability and well-being of those who live, work and visit Port Stephens through place-based events that showcase the arts and culture. The Friday Flavours event are consistent with the Our Incredible Places Strategy, as they will use public space to showcase innovative, temporary and permanent art which promotes our local identity.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategic Planning Unit.

Internal

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

External

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

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

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

OPTIONS

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

ATTACHMENTS

- 1) Nelson Bay Alcohol Free Zone.

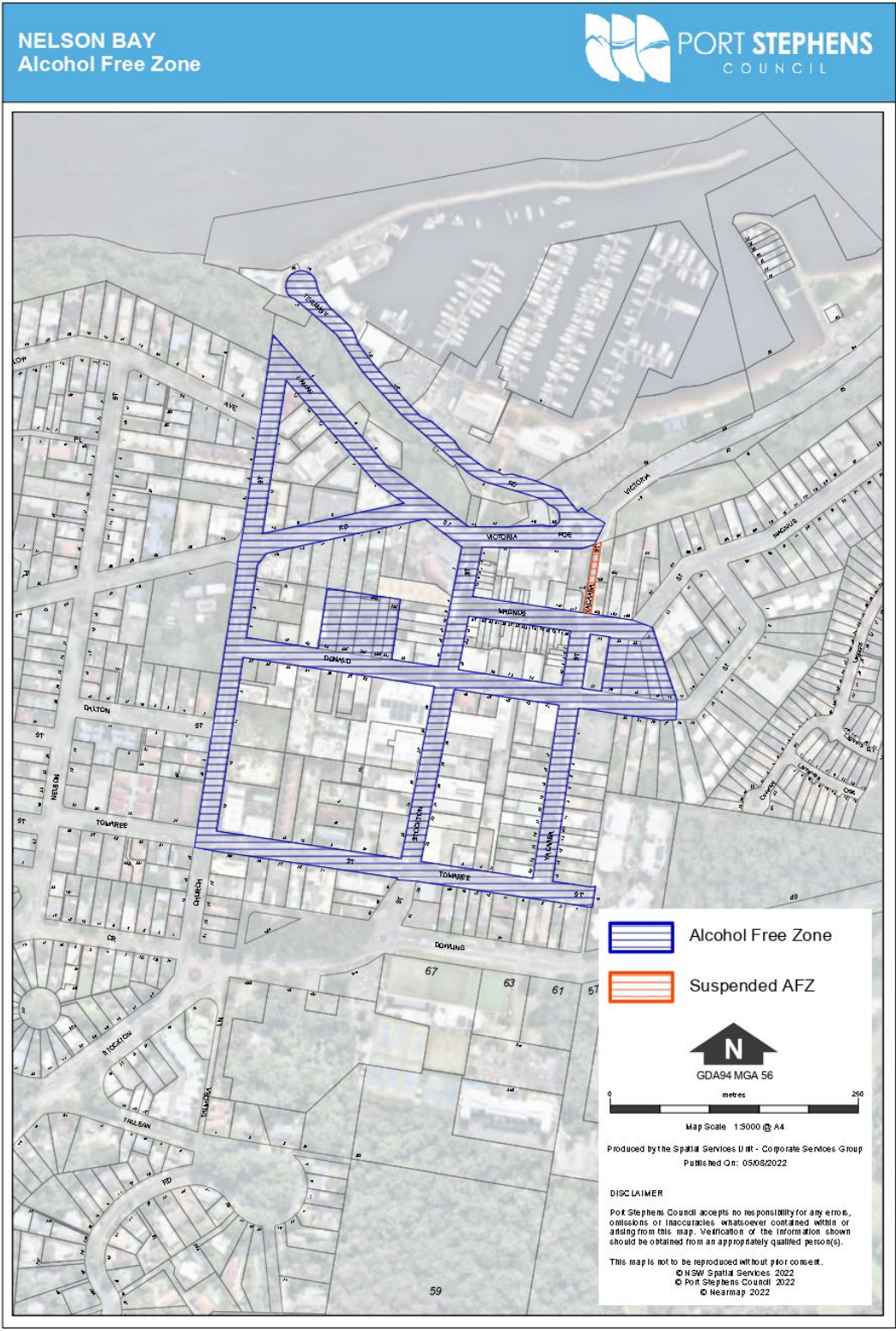
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 NELSON BAY ALCOHOL FREE ZONE.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800253 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

ITEM NO. 7

**FILE NO: 22/228308
EDRMS NO: PSC2008-2921**

POLICY REVIEW: TREE VANDALISM POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Tree Vandalism policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Tree Vandalism policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Tree Vandalism policy dated 8 December 2020, Minute No. 276 should no submissions be received.

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

294	<p>Councillor Jason Wells Councillor Leah Anderson</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Tree Vandalism policy shown at (ATTACHMENT 1).2) Place the revised Tree Vandalism policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.3) Revoke the Tree Vandalism policy dated 8 December 2020, Minute No. 276 should no submissions be received.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council’s endorsement of the revised Tree Vandalism policy (the policy) (**ATTACHMENT 1**) and place the policy on public exhibition.

The policy sets out a consistent approach for Council when responding to tree vandalism incidents on Council managed land in Port Stephens. It provides for a proportionate compliance and enforcement approach that responds to the significance of the vandalism event and the cost of remediation.

Tree vandalism incidents continue to occur in Port Stephens and are particularly apparent in the coastal zone and waterfront locations where urban land uses can put vegetation on Council managed land at risk.

Yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Ecosystem function	Develop and deliver a program for Council to implement environmental strategies and policies

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications arising from the review of this policy. No substantive changes are proposed to the way in which Council responds to incidences of tree vandalism, relative to the existing policy.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement for Council to have a tree vandalism policy position. The policy strengthens Council’s position through a consistent and sustainable approach to the planning, procurement and delivery of its services and assets.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of a policy the incidence of tree vandalism will increase.	Medium	Adopt the recommendations.	Yes
There is a risk that the absence of a policy will make Council's compliance and enforcement measures inconsistent.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The primary aim of the policy is to reduce the incidence of vandalism to public trees and vegetation on Council managed land across Port Stephens. Public trees are a valued public asset with the policy providing a strengthened position and approach to tree vandalism management. The policy provides protection of these assets, resulting in improved local amenity and the ongoing provision of the environmental services that these trees and vegetation provide, including habitat, shade, wind amelioration, and soil stabilisation.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Natural Systems team.

Consultation with a number of internal stakeholders was undertaken to ensure the revised policy was consistent with Council's existing policies and practices, specifically in the area of Enterprise Risk, Compliance, and Asset Management.

Internal

The following sections of Council were consulted on the revised policy and all feedback and comments have been incorporated into the revised policy:

- Governance
- Development and Compliance
- Public Domain and Services

The Executive Team were consulted to seek management endorsement.

External

In accordance with local government legislation the revised Tree Vandalism policy will go on public exhibition for a period of 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Tree Vandalism policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



Policy

FILE NO: PSC2008-2921
TITLE: TREE VANDALISM POLICY
OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

1.1 This policy sets out a consistent approach for Council when responding to tree vandalism incidents in Port Stephens. It includes a range of response measures which are collectively aimed at raising the public profile of the tree vandalism in the community in order to serve as effective deterrence measures.

2. CONTEXT/BACKGROUND:

2.1 Tree vandalism continues to be of concern in Port Stephens and is particularly apparent in coastal areas where development pressure as well as conflicts between water views and vegetation puts trees / vegetation on Council managed land at risk.

2.2 This vandalism has a significant and cumulative impact on Council assets and the environment. Impacts include reduced visual and community amenity, the loss of wind-breaks and erosion control in some locations, and the loss of wildlife habitat.

2.3 Such vandalism can also have substantial financial and human resource costs for Council including tree replacement costs, the cost of the investigation, rehabilitation and repair costs, and the cost of implementing potential punitive and/or deterrence measures.

3. SCOPE:

3.1 This policy applies to all instances of tree vandalism on Council managed land.

4. DEFINITIONS:

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

Tree vandalism	The intentional and unlawful destruction, damage or injury to trees and/or vegetation on Council managed land. Examples include poisoning, mowing, pruning, removal and ringbarking.
Council managed land	Any land that is under the care, control and management of Port Stephens Council.

Policy

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Policy



5. STATEMENT:

- 5.1 Council values trees and vegetation on Council managed land and the significant contribution they make to healthy ecosystems and the health and wellbeing of Port Stephens' residents.
- 5.2 Council is committed to maintaining the economic, cultural, environmental and social values of Port Stephens.
- 5.3 The identification and prosecution of perpetrators of public tree vandalism will be pursued by Council consistent with this policy, Council's Compliance Policy and **the** Council Prosecutions Policy.
- 5.4 Council will assess the impact (Low, Medium, or High) of the tree vandalism incident in accordance with the industry standard assessment retention value (Low, Medium, or High) of the vandalised tree in accordance with Port Stephens Council Tree Technical Specification which takes into account the following factors: significance of the tree; the tree's life cycle stage; the profile of the site; the tree's safe useful life expectancy; the environmental effects; the target where the tree could fall; damage caused; and the cost of remediation.
- 5.5 Council will develop and implement proportionate response measures to act as a deterrent to prevent further damage and to rehabilitate damaged areas.
- 5.6 Council will continue to promote the protection of trees and vegetation, and to encourage the reporting of vandalism.

6. RESPONSIBILITIES:

- 6.1 All members of the public have responsibility for complying with this policy.
- 6.2 Strategy and Environment have responsibility for monitoring, reviewing and providing advice on this policy.
- 6.3 Strategy and Environment have responsibility for undertaking compliance in accordance with Council's Compliance Policy.
- 6.4 Public Domain and Services have responsibility for undertaking and funding relevant response measures under this policy.

7. RELATED DOCUMENTS:

- 7.1 Compliance Policy
- 7.2 Council Prosecutions Policy
- 7.3 Environmental Legislative Requirements **Assessment** Procedure (EMS 3.0)

Policy

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Policy



- 7.4 Environmental Incident Procedure (EMS 4.0)
- 7.5 Environment Policy
- 7.6 Heritage Policy
- 7.7 Legal Management Directive
- 7.8 Tree Vandalism Management Directive
- 7.9 Environmental Planning & Assessment Act (EP&A) 1979
- 7.10 ~~Tree Vandalism Guidelines: Response measures for low, medium and high impact vandalism events~~ **Port Stephens Council Tree Technical Specifications.**

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2008-2921	EDRMS record No.	TBC
Audience	Councilors, staff and community		
Process owner	Strategy and Environment Section Manager		
Author	Natural Resources Systems Coordinator		
Review timeframe	23 years	Next review date	TBC
Adoption date	August 2018		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	August 2018	Natural Resources Coordinator	Reviewed the previous policy (Tree/Vegetation Vandalism Policy), included numbering to each paragraph and updated the version control. Substantial re-write of the policy which necessitates replacing the existing policy dated July 2014. Intent of existing policy remains unchanged.	246

Policy

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Policy



Version	Date	Author	Details	Minute No.
2	December 2020	Natural Resources Coordinator	1.1 – Deleted paragraph. 5.1 – Insert ‘healthy ecosystems’ delete environmental health. 5.1 – added ‘of Port Stephens’ residents’. 5.3 – Deletion of consistently. 5.5 – Insert ‘proportionate’, ‘deterrent’, to ‘rehabilitate’. 5.5 – Delete ‘deterrence, the rehabilitation of, and in accordance with the relevant guidelines’. 7.9 – Insert ‘Environmental Planning & Assessment Act (EPA&A) 1979’. 7.10 – Insert Tree Vandalism Guidelines: Response measures for low, medium and high impact vandalism events. Delete Appendix 1 – Tree Vandalism Guidelines: Response measures for low, medium and high impact vandalism events.	277
3	TBC	Natural Systems Coordinator	5.4 – Removed reference to assessment to industry standards and replaced with reference to Port Stephens Council Tree Technical Specification for tree value. 7.3 – Replaced reference to Environmental Legislative Requirements Procedure with Environmental Assessment Procedure. 7.10 – Replaced reference to Tree Vandalism Guidelines: Response measures for low, medium and high impact vandalism events with Port Stephens Council Tree Technical Specification. Changed author to reflect name change.	TBC

Policy

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ITEM NO. 8

**FILE NO: 22/232214
EDRMS NO: PSC2019-04770-006**

BOATING AND FISHING INFRASTRUCTURE PLAN

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

RECOMMENDATION IS THAT COUNCIL:

- 1)
 - 1) Endorse the draft Boating and Fishing Infrastructure Plan as shown at **(ATTACHMENT 1)**.
 - 2) Place the draft Boating and Fishing Infrastructure Plan on exhibition for a period of 28 days and should no submissions be received, the plan be adopted without a further report to Council.
-

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

295	<p>Councillor Giacomo Arnott Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the draft Boating and Fishing Infrastructure Plan as shown at (ATTACHMENT 1), subject to the following changes:<ol style="list-style-type: none">a) Fitzgerald Bridge Boat Ramp to be renamed 'Raymond Terrace Boat Ramp'.b) Raymond Terrace Boat Ramp to be reclassified to 'high' priority.2) Place the draft Boating and Fishing Infrastructure Plan on exhibition for a period of 28 days and should no submissions be received, the plan be adopted without a further report to Council.
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The mover and seconder amended the original motion to include items 1 a) and b).

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to endorse the draft Boating and Fishing Infrastructure Plan (the Plan) shown at **(ATTACHMENT 1)**.

Council provides and manages a network of infrastructure including boat ramps, wharfs, jetties, pontoons, dinghy storage and fish cleaning tables to support boating and fishing activities. Through the NSW Government's Boating Now program, Council received funding to prepare a plan to guide the provision and management of boating and fishing infrastructure.

The Plan was developed in three stages:

- Stage 1 – Baseline assessment including a review of existing facilities, research, demographics and participation.
- Stage 2 – Needs options analysis including community engagement and demand analysis.
- Stage 3 - Reporting including strategic recommendations and costed work plan.

The Plan recommends a facility hierarchy of Informal, Local, District and Regional facilities to assist in identifying and prioritising future works. This hierarchy has been developed with consideration to Council's Strategic Asset Management Plan, NSW Boat Ramp Facility Guidelines and frameworks adopted by other government organisations throughout NSW and Australia.

Once adopted, the recommendations of the Plan will be integrated into Council's planning and reporting framework and delivered as resources allow.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and Facilities	Plan civil and community infrastructure to support the community.

FINANCIAL/RESOURCE IMPLICATIONS

The Plan has been entirely funded by the NSW Government through the Boating Now Program. There are no additional financial or resource implications created by the Plan. The recommendations documented within the Plan have been drafted with consideration of the resources available to Council by way of staffing and funding. Any costs associated with public exhibition will be funded from existing budgets.

MINUTES ORDINARY COUNCIL - 25 OCTOBER 2022

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Costs associated with public exhibition are considered negligible and will be funded from existing budgets.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments to adopting the recommendations.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not meet the future boating and fishing needs of the community.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

The Plan identifies a planning framework that would enable Council to maximise the social, economic and environmental benefits of facilitating boating and fishing activities within Port Stephens. This would be achieved through implementing the following guiding principles:

- Maintain the current supply of boating and fishing infrastructure.
- Provide adequate support infrastructure (e.g. lighting, car parking, and toilets).
- Clear signage and wayfinding.
- Design facilities to be accessible where possible.
- Ensure facilities are safe to use.
- Use an evidence-based approach to guide investment.
- Ensure facilities are fit for purpose.
- Consider environmental impact and sustainability.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Assets Section between October 2021 and February 2022. A copy of the Engagement Report is included at **(ATTACHMENT 2)**.

Consultation included focus group meetings with internal and external stakeholders, online community survey, online user survey and social pinpoint mapping. The key findings identified through consultation included:

- The sustainability of boating and fishing is paramount.
- Improving access of existing facilities such as car park and pontoon upgrades is needed.
- The current provision of boat ramps is adequate.
- Improving boat access to river network is needed.
- More governance and enforcement is needed to make boating and fishing safer.

In accordance with local government legislation the draft Plan will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Draft Boating and Fishing Infrastructure Plan. (Provided under separate cover)
- 2) Engagement Report. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 9

**FILE NO: 22/265705
EDRMS NO: PSC2021-04206**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:-
 - a) Tilligerry Art Group – Mayoral fund - \$2000 donation towards automatic roller doors for the gallery.
 - b) Riding for the Disabled Association, Raymond Terrace & Lower Hunter Centre – Mayoral fund - \$400 donation towards skip bin hire for the Centre Clean up Day.
 - c) Salamander Bay Men’s Shed – Mayoral fund – \$2000 donation towards the Men’s Shed Building Fund.
 - d) Rivergum Kinship Carers Group, Grandparents as Parents Support Group – Cr Giacomo Arnott – Rapid Response - \$300 donation towards room hire for meetings.

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

296	<p>Councillor Jason Wells Councillor Leah Anderson</p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:-</p> <ol style="list-style-type: none">a) Tilligerry Art Group – Mayoral fund - \$2000 donation towards automatic roller doors for the gallery.b) Riding for the Disabled Association, Raymond Terrace & Lower Hunter Centre – Mayoral fund - \$400 donation towards skip bin hire for the Centre Clean up Day.c) Salamander Bay Men’s Shed – Mayoral fund – \$2000 donation towards the Men’s Shed Building Fund.d) Rivergum Kinship Carers Group, Grandparents as Parents Support Group – Cr Giacomo Arnott – Rapid Response - \$300 donation towards room hire for meetings.
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MINUTES ORDINARY COUNCIL - 25 OCTOBER 2022

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by the Mayor and or Councillors as deserving of public funding. The Grants and Donations Policy gives the Mayor and Councillors a wide discretion either to grant or to refuse any requests.

Council's Grants and Donations Policy provides the community, the Mayor and Councillors with a number of options when seeking financial assistance from Council. Those options being:

- 1) Mayoral Funds
- 2) Rapid Response
- 3) Community Financial Assistance Grants – (bi-annually)
- 4) Community Capacity Building

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act 1993. This would mean that the financial assistance would need to be included in the Operational Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

The requests for financial assistance are shown below:

MAYORAL FUNDS – Mayor Palmer

Tilligerry Art Group	Tilligerry Art Group was formed in 2003 by a small group of Tilligerry artists and crafts people who saw the need for a local network to provide encouragement and support.	\$2000	Donation towards automatic roller doors for gallery.
Riding for the Disabled Association – Raymond Terrace & Lower Hunter Centre	Riding for the Disabled is a voluntary, non-profit organisation which provides opportunities for anyone with a disability to enjoy safe, healthy,	\$400	Donation towards skip bin hire for Centre Clean Up Day.

MINUTES ORDINARY COUNCIL - 25 OCTOBER 2022

	therapeutic, horse-related activities in Australia.		
Salamander Bay Men's Shed	The Men's Shed supports men's health and wellbeing and helps men become valued and productive members of the community.	\$2000	Donation towards Men's Shed Building fund.

WARD FUNDS

Rivergum Kinship Carers Group, Grandparents as Parents Support Group	This group exists to help all kinship carers with support when they take family members' children into care.	\$300	Donation towards room hire costs.
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COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

To qualify for assistance under Section 356(1) of the Local Government Act 1993, the purpose must assist the Council in the exercise of its functions. Functions under the Act include the provision of community, culture, health, sport and recreation services and facilities.

The policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function, which it, the Council, would otherwise undertake.

- b) the funding will directly benefit the community of Port Stephens.
- c) applicants do not act for private gain.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the General Manager's Office.

Consultation has been undertaken with the key stakeholders to ensure budget requirements are met and approved.

OPTIONS

- 1) Accept the recommendation.
- 2) Vary the dollar amount before granting each or any request.
- 3) Decline to fund all the requests.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 10

FILE NO: 22/265691
EDRMS NO: PSC2022-02308**INFORMATION PAPERS**REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 25 October 2022.

No:	Report Title	Page:
1	September 2022 Cash and Investments	132
2	Annual Designated Persons Returns – Pecuniary Interest 1 July 2021 to 30 June 2022	135
3	Council Resolutions	138

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

297	Councillor Leah Anderson Councillor Matthew Bailey It was resolved that Council: 1) Receives and notes the Information Papers 1 and 3 listed below being presented to Council on 25 October 2022. 2) Defer the receipt and noting of the annual designated persons returns until the next Council meeting, and request the General Manager to provide unredacted copies of the returns to Councillors on the Councillor dashboard as soon as possible following this Council meeting.
	<hr/> No: Report Title 1 September 2022 Cash and Investments 2 Annual Designated Persons – Pecuniary Interest 1 July 2021 to 30 June 2022 3 Council Delegations

MINUTES ORDINARY COUNCIL - 25 OCTOBER 2022

The mover and seconder accepted changes to the motion from Cr Arnott to include item 2 in the motion.

Councillor Jason Wells left the meeting at 7:50pm.

Councillor Jason Wells returned to the meeting at 7:52pm.

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer and Jason Wells.

Those against the Motion: Mayor Ryan Palmer and Cr Steve Tucker.

INFORMATION PAPERS

ITEM NO. 1**FILE NO: 22/191735
EDRMS NO: PSC2007-00180****SEPTEMBER 2022 CASH AND INVESTMENTS****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 30 September 2022.

The invested funds are set aside for:

Unexpended grant funds	9,566,000	
Developer contributions	18,018,000	
Domestic waste	6,115,000	
Crown reserves	1,437,000	
Unexpended loan funds	5,186,000	
Fleet	2,062,000	
Information technology	1,212,000	
Asset rehabilitation	1,999,000	
Deposits, bonds	772,000	
Revenue	16,107,000	
Other	<u>1,801,000</u>	64,275,000

ATTACHMENTS

1) Cash and Investments - 30 September 2022.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS - 30 SEPTEMBER 2022.

Cash and Investments Held as at 30 September 2022

ISSUER	Broker	Rating*	Type	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
National Australia Bank	Curve	AA	TD	1.20%	181	11-Oct-22	1,000,000	1,000,000
Transport Mutual Credit Union Limited	Laminar	NR	TD	3.00%	29	14-Oct-22	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	2.86%	131	26-Oct-22	1,000,000	1,000,000
Arab Bank	Laminar	NR	TD	0.86%	369	8-Nov-22	1,000,000	1,000,000
Gateway Bank	Laminar	NR	TD	3.40%	62	8-Nov-22	1,000,000	1,000,000
Gateway Bank	Laminar	NR	TD	3.40%	75	21-Nov-22	1,000,000	1,000,000
Illawarra Credit Union	Laminar	NR	TD	2.92%	111	21-Nov-22	1,000,000	1,000,000
Australian Unity Bank	Laminar	BBB	TD	3.50%	159	14-Dec-22	1,000,000	1,000,000
Transport Mutual Credit Union Limited	Laminar	NR	TD	3.50%	99	15-Dec-22	1,000,000	1,000,000
Illawarra Credit Union	Laminar	NR	TD	3.10%	123	19-Dec-22	1,000,000	1,000,000
Mutual Bank	Curve	BBB^	TD	1.10%	397	3-Jan-23	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	1.57%	271	10-Jan-23	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	3.40%	169	24-Jan-23	1,000,000	1,000,000
Judo Bank	Laminar	BBB	TD	0.99%	368	31-Jan-23	470,000	470,000
Bank of Queensland	BOQ	BBB	TD	0.80%	382	14-Feb-23	955,000	955,000
Westpac	Westpac	AA	TD	0.95%	391	14-Mar-23	1,000,000	1,000,000
Australian Unity Bank	Laminar	BBB	TD	3.80%	257	22-Mar-23	1,000,000	1,000,000
Australian Unity Bank	Laminar	BBB	TD	3.80%	264	29-Mar-23	1,000,000	1,000,000
AMP Bank	IAM	BBB	TD	3.80%	230	12-Apr-23	1,000,000	1,000,000
AMP Bank	IAM	BBB	TD	3.80%	242	24-Apr-23	1,000,000	1,000,000
Judo Bank	Curve	BBB	TD	1.05%	425	26-Apr-23	650,000	650,000
Commonwealth Bank of Australia	CBA	AA	TD	3.17%	365	9-May-23	1,000,000	1,000,000
Westpac	Westpac	AA	TD	1.12%	454	16-May-23	1,000,000	1,000,000
Mutual Bank	Curve	BBB^	TD	1.25%	551	6-Jun-23	1,000,000	1,000,000
Bank of Queensland	BOQ	BBB	TD	3.40%	389	26-Jun-23	1,500,000	1,500,000
AMP Bank	Laminar	BBB	TD	4.20%	332	30-Jun-23	825,000	825,000
Macquarie Bank	Curve	A	TD	0.95%	487	4-Jul-23	1,000,000	1,000,000
Defence Bank	IAM	BBB	TD	4.38%	379	5-Jul-23	1,000,000	1,000,000
Illawarra Credit Union	Laminar	NR	TD	3.52%	403	11-Jul-23	1,000,000	1,000,000
Westpac	Westpac	AA	TD	1.30%	517	18-Jul-23	1,000,000	1,000,000
AMP Bank	IAM	BBB	TD	4.15%	340	24-Jul-23	1,000,000	1,000,000
Westpac	Westpac	AA	TD	3.28%	424	1-Aug-23	1,000,000	1,000,000
Mutual Bank	Curve	BBB^	TD	3.40%	438	14-Aug-23	1,000,000	1,000,000
AMP Bank	Laminar	BBB	TD	4.45%	382	15-Aug-23	1,000,000	1,000,000
AMP Bank	Laminar	BBB	TD	4.45%	384	21-Aug-23	825,000	825,000
AMP Bank	IAM	BBB	TD	4.25%	361	21-Aug-23	500,000	500,000
AMP Bank	Laminar	BBB	TD	4.25%	368	4-Sep-23	700,000	700,000
Australian Unity Bank	Curve	BBB	TD	3.40%	468	12-Sep-23	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	4.39%	467	27-Sep-23	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	4.41%	481	11-Oct-23	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	4.42%	495	25-Oct-23	1,000,000	1,000,000
Westpac	Westpac	AA	TD	1.48%	629	7-Nov-23	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	4.45%	524	23-Nov-23	1,000,000	1,000,000
ING Bank	ING	A	TD	4.22%	531	7-Dec-23	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	4.48%	552	21-Dec-23	1,000,000	1,000,000

ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS - 30 SEPTEMBER 2022.

Cash and Investments Held as at 30 September 2022

ISSUER	Broker	Rating*	Type	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
ING Bank	ING	A	TD	4.33%	559	4-Jan-24	1,000,000	1,000,000
ING Bank	ING	A	TD	4.35%	566	16-Jan-24	1,000,000	1,000,000
Westpac	Westpac	AA	TD	4.00%	532	22-Jan-24	1,000,000	1,000,000
Westpac	Westpac	AA	TD	4.00%	539	29-Jan-24	1,000,000	1,000,000
Westpac	Westpac	AA	TD	1.53%	732	30-Jan-24	1,000,000	1,000,000
Westpac	Westpac	AA	TD	1.53%	746	13-Feb-24	1,000,000	1,000,000
Westpac	Westpac	AA	TD	1.72%	741	27-Feb-24	1,000,000	1,000,000
Westpac	Westpac	AA	TD	4.30%	557	11-Mar-24	1,000,000	1,000,000
Bank of Queensland	BOQ	BBB	TD	2.60%	727	26-Mar-24	900,000	900,000
Suncorp	Suncorp	AA	TD	2.71%	735	8-Apr-24	1,000,000	1,000,000
Judo Bank	IAM	BBB	TD	3.35%	732	23-Apr-24	825,000	825,000
Judo Bank	IAM	BBB	TD	3.35%	746	7-May-24	825,000	825,000
Macquarie Bank	Curve	A	TD	4.41%	627	20-May-24	1,000,000	1,000,000
Macquarie Bank	Curve	A	TD	4.41%	649	11-Jun-24	1,000,000	1,000,000
Westpac	Westpac	AA	TD	4.35%	685	8-Jul-24	1,000,000	1,000,000
Westpac	Westpac	AA	TD	4.35%	692	15-Jul-24	1,000,000	1,000,000
Australian Military Bank	Curve	BBB	TD	4.40%	704	29-Jul-24	1,000,000	1,000,000
Total Term Deposits (\$)							59,975,000	59,975,000
Macquarie Bank	Laminar	A+	At Call	2.45%			825	825
Total Investments (\$)							59,975,825	59,975,825
Cash at Bank (\$)							4,298,740	4,298,740
Total Cash and Investments (\$)							64,274,564	64,274,564
Cash at Bank Interest Rate	2.45%							
3 month BBSW	2.76%							
Average Investment Rate of Return on TD's	3.16%							
TD = Term Deposit								
*Standard & Poors Long Term Rating								
^Mutual Bank received a BBB rating in September 2022, previously unrated								
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								
Tim Hazell								
Financial Services Section Manager								

ITEM NO. 2

**FILE NO: 22/257520
EDRMS NO: PSC2021-01880**

**ANNUAL DESIGNATED PERSONS RETURNS - PECUNIARY INTEREST 1 JULY
2021 TO 30 JUNE 2022**

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

BACKGROUND

The purpose of this report is to advise Council of designated persons who have submitted returns for the 2021 to 2022 period.

Mayor Ryan Palmer
Councillor Jaimie Abbott (former)
Councillor Leah Anderson
Councillor Giacomo Arnott
Councillor Matthew Bailey
Councillor Christopher Doohan
Councillor Glen Dunkley
Councillor Ken Jordan (former)
Councillor Peter Kafer
Councillor Paul Le Mottee (former)
Councillor John Nell (former)
Councillor Sarah Smith (former)
Councillor Steve Tucker
Councillor Jason Wells

Note: In accordance with clause 4.22(a) of the Code of Conduct, Councillor Peter Francis was not required to lodge a return for this period, as a return was made and lodged in the preceding 3 months of the period.

GENERAL MANAGER'S OFFICE

General Manager
Governance Section Manager
Legal Services Manager
Lawyer

CORPORATE SERVICES GROUP

Business Systems Support Section Manager
Commercial Investments Manager
Corporate Analyst
Financial Services Section Manager
Group Manager Corporate Services

Holiday Parks Section Manager
Marketing and Promotions Manager

DEVELOPMENT SERVICES GROUP

Building and Developer Relations Coordinator
Communication Section Manager
Development Assessment and Compliance Section Manager
Development Compliance Officer (2)
Development Planner (3)
Economic Development and Tourism Coordinator
Environmental Health and Compliance Coordinator
Environmental Health Officer (2)
Environmental Health Team Leader
Environmental Planner (2)
Group Manager Development Services
Health and Building Surveyor (4)
Natural Resources Coordinator
Planning and Developer Relations Coordinator
Principal Building Surveyor
Principal Strategic Planner
Ranger (4)
Ranger Team Leader and Compliance
Senior Building Surveyor (2)
Senior Development Planner (2)
Senior Environmental Health Officer
Senior Environmental Planner (1)
Senior Ranger
Senior Strategic Planner (2)
Senior Strategic Planner – Growth and Infrastructure
Strategic Planner (4)
Strategic Planning Coordinator
Strategy and Environment Section Manager
Vegetation Management Officer
Waste Compliance and Strategy Coordinator

FACILITIES & SERVICES GROUP MANAGER

Assets Section Manager
Capital Works Section Manager
Community Services Section Manager
Group Manager Facilities & Services
Public Domain and Services Manager

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Annual Designated Persons Returns – Pecuniary Interest 1 July 2021 to 30 June 2022.

ITEM NO. 3

**FILE NO: 22/265391
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS

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

BACKGROUND

The purpose of this report is to inform the Mayor and Councillors of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

ATTACHMENTS

- 1) Corporate Services Group Council resolutions.
- 2) Development Services Group Council resolutions.
- 3) Facilities & Services Group Council resolutions.
- 4) General Manager's Office Council resolutions.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES GROUP COUNCIL RESOLUTIONS.



Division: Corporate Services **Date From:** 27/08/2013
Committee: **Date To:** 11/10/2022
Officer:
Action Sheets Report **Printed: Wednesday, 12 October 2022**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2013	Pattison, Zoe	Campvale Drain	30/12/2022		
12 Oct 2022 Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	30/11/2022	12/10/2022	
1						22/273002
12 Oct 2022 Public Exhibition will commence once requested amendments are made and further clarification on the distribution of funds is resolved.						

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Pattison, Zoe	Newline Road, Raymond Terrace	30/06/2023		
2 199						20/288489
12 Oct 2022 Completion of the acquisition is subject to completion of the road works, as finished levels are required to inform the survey. The road works have been substantially delayed due to continued adverse weather conditions.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Pattison, Zoe	PROPOSED CLOSURE AND SALE OF PATHWAY IN BOAT HARBOUR	30/06/2023	14/04/2021	
2 090						21/96728
12 Oct 2022 Discussions continue to reach agreement on suitable compensation.						

ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES GROUP COUNCIL RESOLUTIONS.



Division: Corporate Services **Date From:** 27/08/2013
Committee: **Date To:** 11/10/2022
Officer:
Action Sheets Report **Printed: Wednesday, 12 October 2022**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/05/2021	Pattison, Zoe	Car parking in Shoal Bay	30/12/2022	12/05/2021	
1						21/123694
12 Oct 2022 Construction of the car park is subject to adoption of a Plan of Management for the land. The land has been added to the Plan of Management for the Shoal Bay Holiday Park, which is with Crown Lands for approval to exhibit. Once Crown Land approval is received the Plan of Management will be placed on public exhibition.						

ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP COUNCIL RESOLUTIONS.



Division: Development Services **Date From:** 14/09/2021
Committee: **Date To:** 11/10/2022
Officer:
Action Sheets Report **Printed: Wednesday, 12 October 2022**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report & Notice of Motion 1	Ordinary Council 13/09/2022	Drinan, Kate Peart, Steven	Anna Bay Resort Site - 74 - 84 Gan Gan Road, Anna Bay	31/10/2022	14/09/2022	22/251340
12 Oct 2022						
Compliance staff have contacted the liquidator and asked that they plant and maintain the required trees and ensure that graffiti is also removed and that this is also maintained. The liquidator has responded and in good faith appears to be willing to cooperate with Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 8	Ordinary Council 13/09/2022	Lamont, Brock Peart, Steven	Draft Local Infrastructure Contributions Plan 2020 – Amendment No. 2	16/12/2022	14/09/2022	22/251340
12 Oct 2022						
Port Stephens Local Infrastructure Contributions Plan - Amendment No. 2 is currently on public exhibition for a 28 day period, closing 5pm Thursday 13 October 2022. On completion of the public exhibition period a report will be drafted, and is due to be reported to Council on 13 December 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 5	Ordinary Council 13/09/2022	Drinan, Kate Peart, Steven	Development Application 16-2021-703-1 for a Residential Flat Building at 11 to 15 Church Street, Nelson Bay	30/11/2022	14/09/2022	22/251340
06 Oct 2022						
After a meeting with the Applicant, amended plans have been received. The Development Application will be reported to Council, once assessment has been finalised.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2	Ordinary Council 11/10/2022	Lamont, Brock Peart, Steven	Health Facilities	30/04/2023	12/10/2022	22/273002
12 Oct 2022						
The Strategy and Environment team have commenced investigations to identify opportunities to further support and advocate health facilities in Port Stephens LGA, including committees. Report expected to return to Council 11 April 2023.						

ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP COUNCIL RESOLUTIONS.



Division: Development Services **Date From:** 14/09/2021
Committee: **Date To:** 11/10/2022
Officer: **Printed:** Wednesday, 12 October 2022

Action Sheets Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/09/2022	Lamont, Brock	NSW Electric Vehicle Strategy	31/03/2023	28/09/2022	
1		Pearl, Steven				22/262103
12 Oct 2022						
Strategic Planning are engaging stakeholders to identify opportunities available to Council. Report expected to be presented to Council in March 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Gardner, Janelle	Newspaper Notices	13/12/2022	25/02/2022	
2		Pearl, Steven				22/57049
055						
12 Oct 2022						
Newspaper Notices – Report on hold awaiting staff currently finalising costings for alternate distribution, communication and development application notifications.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Lamont, Brock	Carbon Neutrality	31/03/2023	13/10/2021	
2		Pearl, Steven				21/274186
275						
12 Oct 2022						
The Natural Systems team have established baseline data and focus areas. Project Control Group is being established to enable an organisation wide approach, and further develop a roadmap and identify funding sources. Executive Team has been briefed, and workshop scheduled with the Senior Leadership team in November 2022. Report expected to return to Council 28 March 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/09/2021	Lamont, Brock	Port Stephens Waterway Strategy	29/12/2023	15/09/2021	
1		Pearl, Steven				21/252518
240						
12 Oct 2022						
The Strategic Planning Team has submitted grant applications for two projects under the Regional NSW - Business Case and Strategy Development Fund, with successful applications being announced in October 2022. Funding is being sought for consultants to prepare the Port Stephens Waterways Strategy. If the grant is awarded (\$93,750) the Waterways Strategy will be drafted.						

ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP COUNCIL RESOLUTIONS.



Division: Development Services **Date From:** 14/09/2021
Committee: **Date To:** 11/10/2022
Officer: **Printed:** Wednesday, 12 October 2022

Action Sheets Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/08/2022	Lamont, Brock	Annual Awards Policy	30/12/2022	24/08/2022	
3		Pearl, Steven				22/225860
12 Oct 2022						
Port Stephens Annual Awards policy has been amended to reflect the resolution per its meeting of 23 August 2022, Minute No. 230. The draft policy is due to return to Council on 8 November 2022 for endorsement before going on Public Exhibition for a 28 day period.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/08/2022	Lamont, Brock	Homelessness in Port Stephens	14/12/2022	24/08/2022	
1		Pearl, Steven				22/225860
12 Oct 2022						
Letter has been sent to the Premier, noting Council's resolution per its meeting of 23 August 2022. Letters to short term accommodation owners has been drafted to be posted in October 2022. Meetings with stakeholders have commenced to discuss and further identify the key objectives. Preparation of the report has commenced, and is due to be reported back to Council on 13 December 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/06/2022	Gardner, Janelle	Communications & Engagement Strategy	22/11/2022	16/06/2022	
8		Pearl, Steven				22/155619
12 Oct 2022						
Communications and Engagement Strategy – Submissions received from public exhibition are currently under review and will be reported to Council on 22 November 2022.						

ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES GROUP COUNCIL RESOLUTIONS.



Division: Facilities & Services **Date From:** 09/02/2021
Committee: **Date To:** 11/10/2022
Officer: **Printed:** Wednesday, 12 October 2022

Action Sheets Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Maretich, John	Review of Dog Off Lead Areas - Boat Harbour Beach	30/06/2023	27/05/2022	
4		Kable, Gregory				22/136825
12 Oct 2022						
Report was endorsed by Council at its meeting held 24 May 2022, Minute No. 133. A review will be carried out in 12 months as per the Council resolution.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Maretich, John	World Menstruation Hygiene Day	31/12/2022	27/05/2022	
1		Kable, Gregory				22/136825
12 Oct 2022						
A report will be presented to Council in November 2022 with an option to provide this service to the community.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/03/2022	Maretich, John	Identifying Potholes	30/11/2022	23/03/2022	
7 092		Kable, Gregory				22/81589
12 Oct 2022						
Report is to be presented to Council in November 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/04/2022	Maretich, John	Lakeside Leisure Centre	31/01/2023	28/04/2022	
2 114		Kable, Gregory				22/109684
12 Oct 2022						
Two way conversation with Councillors will occur in November 2022 to provide an update.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/07/2022	Maretich, John	Koala Signage	31/12/2022	13/07/2022	
1		Kable, Gregory				22/186061
12 Oct 2022						
Council staff have been in contact and are working with this group to facilitate appropriate signs on our road network.						

ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES GROUP COUNCIL RESOLUTIONS.



Division: Facilities & Services **Date From:** 09/02/2021
Committee: **Date To:** 11/10/2022
Officer: **Printed:** Wednesday, 12 October 2022

Action Sheets Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Matter Arising	Ordinary Council 11/10/2022	Maretich, John Kable, Gregory	William Street - urgent business from 11 October 2022 Council Meeting	31/12/2022		
12 Oct 2022 Council will design and install the requested traffic calming cushions as soon as possible. Other actions will occur immediately.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 11/10/2022	Maretich, John Kable, Gregory	Hunter Netball Infrastructure	31/01/2023	12/10/2022	22/273002
12 Oct 2022 Staff to write to Hunter Netball with a letter of support and endeavour to secure funding for the Centre of Excellence.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2	Ordinary Council 26/07/2022	Maretich, John Kable, Gregory	Smart Parking	31/12/2022	27/07/2022	22/199431
12 Oct 2022 Staff compiling details to report back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 4	Ordinary Council 27/09/2022	Maretich, John Kable, Gregory	Policy Review: Bus Shelter Policy	31/12/2022	28/09/2022	22/262103
12 Oct 2022 Endorsed by Council at 27 September 2022 meeting, Minute No. 262. Currently on Public Exhibition until 25 October 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 8 217	Ordinary Council 10/08/2021	Maretich, John Kable, Gregory	Kirrang Drive, Medowie Shared Pathway	31/12/2022	13/08/2021	21/218740
12 Oct 2022 Council staff will undertake further investigations into the financial requirements and options to accelerate the Kirrang Drive, Medowie pathway. Staff will report the outcomes back to Council with an option to stage the project.						

ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES GROUP COUNCIL RESOLUTIONS.



Division: Facilities & Services **Date From:** 09/02/2021
Committee: **Date To:** 11/10/2022
Officer: **Printed:** Wednesday, 12 October 2022

Action Sheets Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Raymond Terrace Seven Day Makeover	31/12/2022		
17 228		Kable, Gregory				21/218740
12 Oct 2022						
This will be discussed with the Councillors in the lead up to William St, Stage 2 which funded through the Streets of Shared Spaces grant. There is the possibility to incorporate a Business Boosters Program to create great business vibrancy in Raymond Terrace.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Maretich, John	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	30/12/2022		
2 012		Kable, Gregory				21/33235
12 Oct 2022						
The regional playground will be addressed in the Medowie Place Plan. A report will be prepared for Council as part of the Place Plan.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Agreement with Community Association DP270468 - Lagoons Estate, Nelson Bay	30/11/2022		
4 208		Kable, Gregory				21/218740
12 Oct 2022						
Council to enter agreement with the Community Association DP 270468 in accordance with the confidential terms as per Council report. Terms of the agreement still being discussed in alignment with the proposed engineering works.						

ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES GROUP COUNCIL RESOLUTIONS.



Division: Facilities & Services **Date From:** 09/02/2021
Committee: **Date To:** 11/10/2022
Officer: **Printed:** Wednesday, 12 October 2022

Action Sheets Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Gutsche, Tammy	Change to Lease Arrangements for Fingal Bay Surf Life Saving Club and Commercial Tenancies	30/12/2022	13/10/2021	
8 270		Kable, Gregory				21/274186
12 Oct 2022 Some delays have occurred due to external legal requests. Paperwork is still in the process of preparation.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Foreshore Reserves and Parking on Council Land	31/03/2023	14/02/2022	
5 030		Kable, Gregory				22/45826
12 Oct 2022 Report shall be provided back to Council in March 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Boomerang Park BBQs	30/11/2022	14/02/2022	
9 034		Kable, Gregory				22/45826
12 Oct 2022 Report shall be provided to Council on the proposal to increase facilities as per this NOM.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	POLICY REVIEW - CONTRIBUTION TO WORKS FOR KERB AND GUTTERING CONSTRUCTION POLICY	28/02/2023	14/02/2022	
6 018		Kable, Gregory				22/45826
12 Oct 2022 This action is still under investigation. Report to Council to be provided in December to align this policy with a proposed future hardship policy going to Council.						

ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES GROUP COUNCIL RESOLUTIONS.



Division: Facilities & Services **Date From:** 09/02/2021
Committee: **Date To:** 11/10/2022
Officer:
Printed: Wednesday, 12 October 2022
Action Sheets Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Medowie Library	31/03/2023	14/02/2022	
2027		Kable, Gregory				22/45826
12 Oct 2022 Investigation is still underway to determine viability as requested. Report to be provided in February 2023 as part of Council's review of services.						

ITEM 3 - ATTACHMENT 4 GENERAL MANAGER'S OFFICE COUNCIL RESOLUTIONS.



Action Sheets Report	Division: General Manager's Office	Date From: 27/09/2022
	Committee:	Date To: 11/10/2022
	Officer:	Printed: Wednesday, 12 October 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/09/2022	Wickham, Tony	Code of Conduct	31/10/2022	28/09/2022	
8						22/262103

12 Oct 2022

The Code of Conduct has been placed on public exhibition until 28 October 2022.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 22/260112

EDRMS NO: PSC2021-04195

PLANNING MATTERS REPORTED TO COUNCIL POLICY

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

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

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

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

MINUTES ORDINARY COUNCIL - 25 OCTOBER 2022

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

The motion was carried.

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

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

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

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

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 22/272031

EDRMS NO: PSC2021-04195

HOLIDAY VAN CONSULTATIVE COMMITTEE

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that the Holiday Van Consultative Committee was shut down by Council staff with no consultation or warning with or to Committee members or Holiday Van owners.
- 2) Notes that Holiday Van owners want the Committee to continue as it provides important information to Holiday Van owners, and gives Council an opportunity to hear concerns from owners in a structured, regular forum.
- 3) Requests the General Manager to take whatever action is necessary to reverse the decision to shut down the Committee.

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

299	<p>Councillor Giacomo Arnott Councillor Leah Anderson</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Notes that the Holiday Van Consultative Committee was shut down by Council staff with no consultation or warning with or to Committee members or Holiday Van owners.2) Notes that Holiday Van owners want the Committee to continue as it provides important information to Holiday Van owners, and gives Council an opportunity to hear concerns from owners in a structured, regular forum.3) Requests the General Manager to take whatever action is necessary to reverse the decision to shut down the Committee.
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MINUTES ORDINARY COUNCIL - 25 OCTOBER 2022

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

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

The motion was carried.

BACKGROUND REPORT OF: ZOE PATTISON – ACTING GROUP MANAGER CORPORATE SERVICES

BACKGROUND

The original purpose of the Holiday Van Consultative Committee (HVCC) was to provide a forum for open discussion and to act as an information channel between Holiday Van Owners and Park Management.

The HVCC was established in April 2014 and has evolved since that time. There are currently 4 members on the HVCC, 3 members are from Fingal Bay and 1 from Shoal Bay, the representative position for Halifax Holiday Park is currently vacant. There are currently 287 long term casual van sites across the Beachside Holiday Parks.

To ensure current practices are effective and in the spirit of continuous improvement, Council staff have reviewed a number of options and have decided, in line with legislation and the Terms of Reference, to disband the current HVCC.

This was communicated to the HVCC on 21 September 2022 with the rationale behind the decision. These days we have a dedicated Holiday Van administration officer, who has good relationships with members of the broader Holiday Van community, not just the previous HVCC representatives. As such, we are finding the Holiday Van owners come directly to staff if they have an issue to discuss rather than seeking advice from their previous HVCC representative.

The new practices are in response to the way the Holiday Van community, as a whole, is interacting with us. The disbandment of the HVCC is not a reflection of a reduction in the level of consultation. Instead, we are trying a more holistic and effective model in response to current circumstances.

Park Management is committed to providing clear and transparent communication with our Holiday Van community, particularly in relation to any new developments within our Holiday Parks, any changes planned for our Holiday Parks in the draft Plans of Management or any changes to the fee structures. We are doing this by email, our website and quarterly newsletters as well as conversations on an individual basis, if required.

There is no legal requirement for a HVCC. Specifically, the Holiday Parks (Long-term Casual Occupation) Act 2002 says:

- 1) A park owner may establish a Consultative Committee for the holiday park.

MINUTES ORDINARY COUNCIL - 25 OCTOBER 2022

- 2) The function of a Consultative Committee is to deal with issues raised by or on behalf of long-term casual occupants.
- 3) Any Consultative Committee must include representatives of long-term casual occupants.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

CONFIDENTIAL ITEMS

In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

ORDINARY COUNCIL MEETING – 25 OCTOBER 2022 MOTION

300	Councillor Steve Tucker Councillor Peter Kafer It was resolved that Council move into confidential session.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 1

**FILE NO: 22/228798
EDRMS NO: PSC2018-01103**

879 SWAN BAY ROAD, SWAN BAY

REPORT OF: ZOE PATTISON - ACTING GROUP MANAGER CORPORATE SERVICES

GROUP: CORPORATE SERVICES

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

301	<p>Councillor Steve Tucker Councillor Matthew Bailey</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Authorise payment of compensation as outlined in the body of this report.2) Authorise the General Manager to sign a Deed of Agreement and Release regarding the matters outlined in the body of this report.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Matthew Bailey and Steve Tucker.

Those against the Motion: Crs Giacomo Arnott, Peter Kafer, Jason Wells.

The motion was carried.

ORDINARY COUNCIL MEETING – 25 OCTOBER 2022

MOTION

302	Councillor Peter Kafer Councillor Steve Tucker It was resolved that Council move out of confidential session.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

There being no further business the meeting closed at 8:32pm.